



## DLS Reported Research May-July 2017

### Recent Publications

#### A1: Monograph

**M. Ehteshamul (Tanim) Bari**, *States of Emergency and the Law: The Experience of Bangladesh* (Routledge, 2017).

#### B1: Book Chapters

##### **Jean du Plessis**

(with Nel de Koker) 'Analyses, perspectives and jurisdictional overview' in Du Plessis and Nel de Koker (eds), *Disqualification of Company Directors: A Comparative Analysis of the Law in the UK, Australia, South Africa, the US and Germany* (Routledge, Oxford and New York, 2017) at 1-31;

(with Andreas Rhuemkorf) 'The United Kingdom' in Jean du Plessis and Jeanne Nel de Koker (eds), *Disqualification of Company Directors: A Comparative Analysis of the Law in the UK, Australia, South Africa, the US and Germany* (Routledge, Oxford and New York, 2017) at 32-68;

(with Tess Blackie) 'Australia', in Du Plessis and Nel de Koker (eds), *Disqualification of Company Directors: A Comparative Analysis of the Law in the UK, Australia, South Africa, the US and Germany* (Routledge, Oxford and New York, 2017) at 69-111;

(with Neels Kilian and Jeanne Nel de Koker) 'South Africa', in Du Plessis and Nel de Koker (eds), *Disqualification of Company Directors: A Comparative Analysis of the Law in the UK, Australia, South Africa, the US and Germany* (Routledge, Oxford and New York, 2017) at 112-154.

##### **Gill North**

'Corporate Sustainability Practices and Regulation: Existing Frameworks & Best Practice Proposals' in Jean Du Plessis and Chee Keong Low (eds), *Corporate Governance Codes for the 21st Century* (Springer International Publishing, Switzerland, 2017).

**Gabrielle Wolf**

'Regulation of Health Professionals' in Anne-Maree Farrell, John Devereux, Isabel Karpin and Penelope Weller (eds), *Health Law: Frameworks and Context* (Cambridge University Press, 2017) 73.

**C1: Articles****Jean du Plessis**

(with Piet Delport) 'Delinquent Directors' And 'Directors under Probation': A Unique South African Approach Regarding Disqualification of Company Directors' (2017) 134 *South African Law Journal* 274;

(with Jim Mathiopoulos and Katrina Hogan) 'Whistleblowing Reforms: A Critical Analysis of the Current Law and the New "Bells and Whistles" Proposed' (2017) 35 *Company and Securities Law Journal* 261.

**Samantha Hepburn**

'Public Resource Ownership and Community Engagement in a Modern Energy Landscape' (2017) 34 *Pace Environmental Law Review* 379.

**Shiri Krebs**

'The Legalization of Truth in International Fact-Finding,' (2017) 18(1) *Chicago Journal of International Law* 83.

**Marilyn McMahon**

(with P McGorrery) 'A Fair 'Hearing': Earwitness Identifications and Voice Identification Parades' (2017) 21(3) *International Journal of Evidence and Proof* 262.

**Danuta Mendelson**

(with P Casanovas and M Poblet) 'A Linked Democracy Approach to Regulate Public Health Data' (2017) 7 *Health and Technology* 1;

(with P Casanovas, L de Koker and D Watts) 'Regulation of Big Data: Perspectives on Strategy, Policy, Law, and Privacy' (2017) 7 *Health and Technology* 1.

**Gill North**

'Small Amount Credit Contract Reforms: Will the Affordability Cap Achieve Its Intended Objectives Without Unintended Adverse Consequences?' (2017) 32 *Australian Journal of Corporate Law* 1.

**David Tan**

'Precedent, Rules and the Standard Picture' (2016) 41 *Australian Journal of Legal Philosophy* 81.

**Gabrielle Wolf**

'Compelling Safety: Reforming Australian Treating Doctors' Mandatory Reporting Obligations' (2017) 39(2) *Sydney Law Review* 199;

(With Mirko Bagaric and Nick Fischer) 'Bringing Sentencing Law Into the 21st Century: Closing the Gap Between Practice and Knowledge by Introducing Expertise into Sentencing Law' (2017) 45(3) *Hofstra Law Review* 785;

'Monitoring a "Menace": Peer Review and the Regulation of Substance-Addicted Doctors, 1933-48' (2017) 24(3) *Journal of Law and Medicine* 597.

**Shu Zhang**

(with Weihuan Zhou) 'Anti-Dumping and China's Implementation of WTO Rulings' (2017) 230 *The China Quarterly* 512;

'China's approach in Drafting the Investor-State Arbitration Clause: A Review from the 'Belt and Road' Regions' Perspective' (2017) *Chinese Journal of Comparative Law*.

## Secured Research Grants and Funding

### Grants

**Gill North**

Australian Housing & Urban Research Institute: "Supporting vulnerable households to achieve their housing goals: the role of impact investment" Total \$500,000 Allocated to Gill: approx. \$9,000

## Other Research Activities

### Conference Presentations

**M. Ehteshamul (Tanim) Bari,**

Title: 'The Deletion of the Chapter on the "Non-Party Care-taker" Government from the Constitution of Bangladesh and the Subsequent One-Sided General Election in 2014: Addressing the Necessity to Prevent Bangladesh's Lapse into Tyranny'  
Conference: International Conference on Law and Society held 20-23 June (Mexico City, Mexico).

**Samantha Hepburn**

Title: "What are the Most Critical Policy Shortfalls for the Energy Landscape and How can they be Addressed?"

Conference: The Australian Energy Week held 23 June (Pullman Hotel, Melbourne CBD);

Title: Identifying Energy Legislation and Policies Across Jurisdiction and Identifying Opportunities to Create Efficiencies'

Conference: The Australian Energy Week held 23 June (Pullman Hotel, Melbourne CBD).

**Gill North**

Title: 'Corporate Sustainability Risk Management & Reporting In Australia And New Zealand: Where Are We And What Could We Do Better?'

Conference: Corporate Sustainability & the Long term Interests of the Company Symposium 2017 held 1-2 June (Auckland University, Auckland New Zealand).

**Amir Pichhadze**

Title: Delineating the Contractual Terms in Transfer Pricing: the Ongoing Need for Supplementary Guidance post-BEPS

Conference: The 8<sup>th</sup> Queensland Tax Researcher's Symposium held 3 July 2017 (QUT, Brisbane);

Title: Teaching for practice: the need to alert about the role of the CISG in international tax (revenue) law

Conference: The 2017 Australasian Law Teachers Association Annual Conference held 7 July 2018 (University of South Australia, Adelaide).

**Oscar Roos (paper co-authored by David Tan)**

Title: An Originalist Interpretation of Art 23(2) of the ICCPR Which Encompasses a Right To Marry a Person of the Same Sex

Conference: Australian Society of Legal Philosophy held from 14-16 July 2017 (University of Auckland, Auckland).

**Gabrielle Wolf**

Title: Hartnett, Epstein, Van der Hope: Regulating Unconventional Doctors

Conference: Australian and New Zealand Society of the History of Medicine 15<sup>th</sup> Biennial Conference, Health, Medicine and Society: Challenge and Change held 12 July 2017 (Melbourne).

**Editorial Roles and Further Editions of Previously Published Works****Jean du Plessis**

(with Low) (eds), *Corporate Governance Codes for the 21<sup>st</sup> Century*, Springer Verlag, Switzerland (2017);

Et al *German Corporate Governance in International and European Context*, Springer Verlag, Switzerland (3<sup>rd</sup> edn, 2017).

## Fellowship

### Marilyn McMahon

Victorian Parliamentary Library Fellowship (2017) for the project No Bail, More Jail? Using Strategic Risk Assessment to Break the Nexus Between Restrictive Bail Practices and An Increased Remand Population.

## Media Coverage

### Neera Bhatia

The Conversation: Three ways the Charlie Gard case could affect future end-of-life cases globally (25 July 2017);

TV interview, ABC News at noon with Ros Childs: Charlie Gard Case (25 July 2017)

<https://twitter.com/abcnews/status/889720857248940032>;

Radio interview with Cathy Bell, ABC News Radio: Charlie Gard Case (25 July 2017)

[http://mpegmedia.abc.net.au/newsradio/audio/201707/r1726057\\_26950565.mp3](http://mpegmedia.abc.net.au/newsradio/audio/201707/r1726057_26950565.mp3);

Radio interview (live) with Simon Launder, ABC South East News Radio: Charlie Gard Case: the role of social media (28 July 2017).

### Samantha Hepburn

Radio Adelaide 101.5 Breakfast Show: 'The Economics of Coal' (8 June 2017)

<http://radioadelaide.org.au/2017/06/08/the-economics-of-the-adani-coal-mine/>;

The Conversation: Adani Gives itself the Greenlight But That Doesn't Change the Economics of Coal (17 June 2017)

<https://theconversation.com/adani-gives-itself-the-green-light-but-that-doesnt-change-the-economics-of-coal-78912>.

This piece was republished in The Huffington Post:

<http://www.huffingtonpost.com.au/bloggers/samantha-hepburn/>;

Radio National Interview, Sunday Roundtable with Judith Sloan (Economist Columnist with The Australian and Alison Rowe, CEO of The Moreland Energy Foundation): "The Implications of the Finkel Report for the Energy Landscape" ( 18 June 2017)

<http://www.abc.net.au/radionational/programs/sundayextra/sunday-roundtable/8625506>.

**Nicole Siller**

Lawyers Weekly: 'Criminal lawyer urges government to refrain from introducing Modern Slavery Act' (12 June 2017)

<https://www.lawyersweekly.com.au/biglaw/21278-criminal-lawyer-urges-govt-to-refrain-from-introducing-modern-slavery-act>;

The New Daily: 'Slave labour rampant: Australian consumers betrayed by gaps in law (26 June 2017)

<http://thenewdaily.com.au/money/work/2017/06/26/modern-slavery-act/>.

**Gabrielle Wolf**

ABC Radio National (621) 'Books and Arts' program (17 July 2017).

### Research Invitations, Meetings and Submissions

**Sonia Allan**

Invited as a prescribed person with knowledge in the area of the law relating to assisted reproduction and surrogacy to advise the Attorney General (SA) in preparing the draft parameters and suitable requirements to be contained in the State Framework for Altruistic Surrogacy under the *Family Relationships Act 1975* (SA), which will then be presented for public consultation.

Attended a meeting in Geneva on 2 July 2017 as a Committee Member of the International Fertility Federation Society (IFFS), Surveillance Project, which is a major ongoing research project in which the Committee Members survey and report on laws, policy and practice around the world regarding assisted reproduction tri-annually. The next report will be published in 2019.

**Neera Bhatia** has been invited as a legal expert to join the 'Clinical Ethics Committee' at the Melbourne City Mission Palliative Care Organisation. The service aims to enhance quality of life by providing specialist, interdisciplinary health care and practical support for people living with a terminal condition and their families and carers including the management of complex symptoms, loss, grief and bereavement.

**Samantha Hepburn** made a submission to the Senate Economic References Committee on the Governance and Operation of the Northern Australia Infrastructure Facility in July 2017.

**Nicole Siller's** submission to a parliamentary inquiry into establishing a Modern Slavery Act in Australia was published by the Joint Standing Committee on Foreign Affairs, Defence and Trade in May 2017.

## Seminars, Forums and Conferences Organised by DLS Staff

### Jean du Plessis and Gill North

On 3 May 2017, Deakin Law School and its Centre for Comparative Corporate Governance (CCC-G) hosted a Breakfast Seminar with Professor Mervyn King SC on the topic [“‘Changing times require changing approaches’: The CFO transforming into the Chief Value Officer”](#) ;

From 1-2 June 2017, Deakin Law School and its Centre for Comparative Corporate Governance (CCCG) co-hosted a symposium on [“Corporate Sustainability and the Long Term Interests of the Company with the University of Auckland Faculty of Law”](#) in Auckland, New Zealand;

On 15 June 2017, Deakin Law School and its Centre for Comparative Corporate Governance (CCCG) hosted a seminar on [Recent developments in directors' duties in Asia: Perspectives from India and Hong Kong](#) with Professor Umakanth Varottil (National University of Singapore) and Professor CK Low (Chinese University of Hong Kong).

## Upcoming Research Activities

### 2 August 2017

Guest Lecture by **The Honourable Justice Maxwell AC, President of the Victorian Court of Appeal** entitled: ‘Preventing Miscarriages of Justice: The Reliability of Forensic Evidence and the Role of the Trial Judge as Gatekeeper’ at the Deakin Waterfront Campus. Further information can be found on the DLS website: <http://www.deakin.edu.au/about-deakin/events/preventing-miscarriages-of-justice-the-reliability-of-forensic-evidence-and-the-role-of-the-trial-judge-as-gatekeeper>

### 3 August 2017

The Alfred Deakin Institute is please to present a public address by **Professor Willian E. Scheurman** entitled: ‘Constituent Power and Political Disobedience: From the European Enlightenment to the Global Present’ at 4:00pm. Venue is the BCC.

### 8 August 2017

Guest lecture by **Associate Professor Marko Milanovic** (Nottingham Law School) on his empirical work on local population reactions to ICTY decisions. (Do local communities think of these processes as no more than 'Victors' Justice'? at Deakin Downtown. Further information can be found at the following website: <https://www.eventbrite.com.au/e/seminar-by-marko-milanovic-on-international-criminal-courts-tickets-36341052065>

**8-9 August 2017**

Informa Australia will organise the **Annual Obstetric Malpractice Conference** at the Rendezvous Hotel in Melbourne in an effort to facilitate “constructive discussion and debate around the legal, ethical and medical issues surrounding conception, pregnancy and birth.”

**Sonia Allan** will present as an invited speaker. Further information can be found on the conference website: <https://www.informa.com.au/event/obstetric-malpractice-conference/>

**17 August 2017**

Guest Lecture by **The Honourable Justice Michael Kirby AC CMG**, entitled: ‘The treatment of Asylum Seekers and Refugees’ Further information can be found on the conference website:

<http://lawnewsroom.deakin.edu.au/articles/the-treatment-of-asylum-seekers-and-refugees>

**17 August 2017**

The Australian Institute will host the Accountability and the Law conference at the Parliament House in Canberra. Further information can be found on the conference website: [www.accountabilityconference.org.au](http://www.accountabilityconference.org.au).

**7 September 2017**

The 2017 Brookes Oration on *Trust, Reputation and Consumer Empowerment* will be delivered by **the Honourable Anna Bligh AC**, Chief Executive of the Australian Bankers' Association, former Premier of Queensland and one of Australia's most recognisable female leaders. Registration information can be found

at: <https://engage.deakin.edu.au/2017BrookesOration?erid=6323911&trid=71bcad82-ee35-4557-91ee-47213b245cec&efndnum=0000046506416>

**Other Matters:****DLS Seminars****10 August 2017**

DLS Seminar **Publishing with impact: managing online author profiles and DLS Works in Progress Round Table**. Join your fellow colleagues for a catered lunch and discussion about managing online author profiles. Linlin Zhao from the Library Research Services team will speak for 15 minutes about various online researcher profiles (e.g., Google Scholar, ORCID, ResearcherID, etc.) and how they can benefit you. Time permitting, it would be great if we could get to know what specific research is currently underway! Calendar invite to follow.

**31 August 2017**

DLS Seminar **Understanding Elements and the Research Expectation Model**. Join your fellow colleagues for a catered lunch and discussion about using Elements and understanding the current Research Expectation Model. Calendar invite to follow.