



DLS Reported Research July 2020

Recent Publications

Books

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Book Chapters

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C1: Articles

David Tan, "Impairment and State Immunity" (2020) 31 *Public Law Review* 58-74

Lisa Burton Crawford and **Dan Meagher**, 'Statutory Precedents Under the "Modern Approach" to Statutory Interpretation" (2020) 42 *Sydney Law Review* 209

Lang Thai, "Reconsideration of the 'Good Faith' Requirement in Statutory Derivative Actions in Australia" (2020) 37 *Company and Securities Law Journal* 403-425

Daniel Goldsworthy, "The Future of Legal Education in the Twenty First Century" (2020) 41(1) *Adelaide Law Review* 243

Joseph Home, Andrew Rowland, **Felicity Gerry**, Charlotte Proudman and Kimberley Walton, 'A review of the law surrounding female genital mutilation protection orders' (2020) 28(7) *British Journal of Midwifery* 418

Felicity Gerry and Jennifer Keene-McCann, 'Human rights and the rule of power in COVID-19 times in Victoria' (2020) 167 *Victorian Bar News* 54

Tamsin Paige, "Zombies as an Allegory for Terrorism: Understanding the Social Impact of Post-9/11 Security Theatre and the Existential Threat of Terrorism through the Work of Mira Grant" *Law & Literature* (2020), DOI: 10.1080/1535685X.2020.1776001

Karen Powell, “Preventing Pension Double Taxation: The Treatment of Australian Superannuation Guarantee under the Existing Australia-US Tax Treaty” (2020) 49(1) *Australian Tax Review* 32-55

Matthew Groves, “Reforming Judicial Review in Tasmania” (2020) 39(1) *University of Tasmania Law Review* 1-32

Other Research Activities

Conference and seminar presentations

Felicity Gerry and JC Weliamuna. ‘The Rule of Law and Human Rights: Corruption v Human Rights – Another story on public finance’ (Webinar, International Commission of Jurists Victoria, 9 July 2020)

Felicity Gerry, ‘Modern Slavery & Human Trafficking in Australia, with Professor Felicity Gerry, QC (Webinar, Australian Law Librarians Association, Deakin University 16 July 2020)

Felicity Gerry, ‘Protecting Rights in the Pandemic Seminar Series: The Victorian COVID-19 Omnibus Legislation and Lost Opportunities’ (Webinar, Monash University Law School, 22 July 2020)

Felicity Gerry, ‘The Presumption of Innocence and Complicity - ‘Let him have it’ and ‘Come on let’s go’ (Experts Workshop, Melbourne Law School, 24 July 2020)

Rajiv Menon, **Felicity Gerry**, Patrick Williams, Gloria Morrison and Thalia Maragh,, ‘Joint Enterprise: A relic of the British Empire & how the Black Lives Matter movement presents an opportunity to revisit the substantial injustice test’ (Webinar, Garden Court Chambers, 28 July 2020)

Monica Hope delivered the 4th and final seminar for Deakin staff relating to ‘tax time deductions: general expenses and working from home during COVID-19’. These seminars ran during May-July and had attendance of around 100 per event.

<https://wiki.deakin.edu.au/pages/viewpage.action?spaceKey=staff&title=Financial>

Media appearances

Other publications and research related activities

Bruce Chen was conferred his PhD at Monash University. Bruce’s thesis examined statutory interpretation pursuant to the principle of legality and the *Charter of Human Rights and Responsibilities Act 2006* (Vic). The former is the common law presumption that Parliament does not intend to interfere with fundamental common law rights or freedoms, and the latter is Victoria’s statutory bill of human rights. Following the High Court decision of *Momcilovic v The Queen*, interpretation using s 32(1) of the Charter has

been equated with the principle of legality. However, Bruce's thesis found that while there are some similarities, there are also significant differences or potential differences between these two interpretive mechanisms. In addition, they have not had the same impact on statutory interpretation outcomes. The thesis concluded with a call for the courts to reconsider and clarify the issue.

Samantha Hepburn Expert Review of proposed 'community' indicators for forthcoming 2021 State of the Marine and Coast Report for the Marine and Coastal Council Science Panel. (https://www.marineandcoasts.vic.gov.au/_data/assets/pdf_file/0021/330519/Final-Transition-Plan_August-2018.pdf)

On 27 July 2020 DLS hosted a webinar on "The Best Interests of the Corporation and the Best Interests of Stakeholders: Are we entering a new era of Codetermination and Employee Democracy after the COVID-19 crisis?" **Jean du Plessis** gave the keynote presentation, and there were commentaries from Professor Mervyn King (former judge of the South African Supreme Court), Professor Charlotte Villiers (University of Bristol Law School) and Associate Professor Umakanth Varottil (National University of Singapore). **Ben Saunders** chaired the event.

Tamsin Paige, 'Let's Talk About [Sociology], Baby ... Let's Talk About All the Good Things and the Bad Things That May Be' *Opinio Juris* (17 July 2020), <http://opiniojuris.org/2020/07/17/lets-talk-about-sociology-baby-lets-talk-about-all-the-good-things-and-the-bad-things-that-may-be/>

Samantha Hepburn, Submission to the Inquiry into the destruction of 46,000 year old caves at the Juukan Gorge in the Pilbara region of Western Australia (30 pages) Available: https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Northern_Australia/CavesatJuukanGorge

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