



DLS Reported Research May 2018

Recent Publications

A1: Monograph / Book

Jane Kotzmann, *The Human Rights-Based Approach to Higher Education: Why Human Rights Norms Should Guide Higher Education Law and Policy* (Oxford University Press, 2018).

B1: Book Chapters

Dan Meagher: 'Legality' in Cheryl Saunders and Adrienne Stone (eds) *The Oxford Handbook of the Australian Constitution* (Oxford University Press, Oxford, Eng. 2018)

Gill North, 'Company Reporting of Environmental, Social and Gender Matters: Limitations, Barriers and Changing Paradigms' in Beate Sjøfjell and Irene Lynch Fannon (eds), *Creating Corporate Sustainability: Gender as an Agent For Change* (Cambridge University Press, Cambridge, 2018). A*

Matthew Lister 'The Rights of Families and Children at the Border', in *Philosophical Foundations of Children's and Family Law*, Elizabeth Brake and Lucinda Ferguson, eds., Oxford University Press

C1: Articles

PJ Badenhorst & **CN van Heerden** 'Ownership of historical mine dumps: Uncaptured no more?' 2018 (135) *South African Law Journal* 351-375.

Matthew Lister 'A Tax-Credit Approach to Addressing Brain Drain', *Saint Louis University Law Journal*

Reports

Gill North 'Inquiry into Social Impact Investment for Housing and Homelessness Outcomes' (May 2018) (with Kristy Muir et al). Commissioned by the Australian Housing and Urban Research Institute.

Secured Research Grants and Funding

Grants

Other Research Activities

Conference presentations

Felicity Gerry, 'Experiences of cases involving sexual offending – an international perspective' (Paper presented at the Faculty of Forensic & Legal Medicine Annual Conference, Royal College of Physicians, London, 12 May 2018).

Monica Hope and Karen Powell

'Cross the bridge when we come to it? The perils of shifting regulatory definitions in emerging markets: A comparative analysis of digital currency definitions in Australia and U.S Tax Law' International Conference on Tax Administration (hosted by UNSW) April, 2018.

Shiri Krebs (April-May 2018)

- "Should I Stay or Should I Die: The Impact of International Law and Institutions on Attitudes about Refugees" Cambridge International Law Journal 7th Annual Conference , Cambridge, 3/4/18 (blind peer-reviewed)
- "Facts, Alternative Facts, and International Law" ANU College of Law, Canberra, 19/4/18 (funded invitation)
- "Experimental Data on the Impact of Legal Investigations on Wartime Controversies" Australian and New-Zealand Society of International Law, 4th Annual International Peace and Security Conference, Brisbane, 27/4/18 (peer-reviewed)
- "What Do We Talk About When We Talk About Refugee Rights? 7th International Junior Faculty Forum, Melbourne Law school, 30/5/18 (peer-reviewed)

Other research presentations and seminars.

Felicity Gerry,

- 'A Call to Act to End FGM' (Presentation at Panel discussion at the Royal College of Midwives, London, 24 May 2018).

Matthew Lister presented the following research papers:

- "Democracy as a Feasibility Constraint on Immigration Policy", Feasibility and Immigration Workshop, sponsored by the Research School in Social Sciences and Department of Philosophy, Australian National University
- "Philosophical Foundations for Complementary Protection", presented at the Julius Stone Institute for Jurisprudence, University of Sydney Law School.

Dan Meagher

- 'Retrospective Law-Making in Australian Law', Commonwealth Association of Legislative Counsel (Pacific) Drafting Conference, Canberra, 6 April 2018

Other research presentations and seminars.

Amir Pichhadze presented guest lectures and research papers as follows (April-May 2018):

- "Delineating 'mixed supplies' in transfer pricing law: the need to cross-reference and transplant principles from consumption tax law." University of Michigan Law School's 2018 Junior Scholars' Conference (working paper) (14 April 2018)
- "Ongoing hurdles to the coordination of the Arm's Length Standard in transfer pricing: Addressing the Problem of Conflicting Approaches to Delineating the Controlled Transaction" IBFD's 2018 Postdoctoral International Tax Forum (PITF) (1 May 2018).

Karen E. Powell

- *U.S. Tax Expat Seminar: The Basics, the New Law and Filing Requirements*, hosted by Democrats Abroad Australia-Victoria, May 27, 2018 (Northcote, Vic).

Oscar Roos

- 'Are the *Kable* and *Kirk* Doctrines Legitimate Judicial Implications? Why *Parkin v James* (1905) was Wrong and Why it Matters', Comparative Centre of Constitutional Studies, Melbourne Law School, Tuesday, 15 May.

Research advocacy, appointments, invitations, meetings, memberships, nominations, peer review.

Sonia Allan:

- **Advocacy:** Sonia was asked to engage in research based advocacy on behalf of a donor-conceived person who is affected by significant health issues – in particular, liaising with the clinics involved, and raising the issues in writing with the relevant state Minister for Health.
- **Invitation/Expert Forum:** Sonia was invited by the South Australian Law Reform Institute to participate in an Expert Forum regarding Part 2B of the *Family Relationships Act 1975* (SA), to examine a suitable regulatory framework for surrogacy in South Australia. The forum was held at the University of Adelaide, 31 May 2018.
- **Meeting with Chief Justice of the Federal Circuit Court:** Sonia met with Chief Justice John Pascoe to discuss issues related to the regulation of surrogacy in Australia, developing model legislation, and the issues raised by international surrogacy agreements. 4 May 2018.
- **Nomination:** Sonia was nominated to the Australian Government Department of Health and the National Health and Medical Research Council as a candidate for the NHMRC Embryo Research Licensing Committee for the 2018-2021 triennium. This is a National Ministerial appointment, which is now under consideration by the Minister for Health.
- **Peer Review** Sonia was invited to peer review three research articles on health law matters for the Queensland University of Technology Law Journal; Medical Journal of Australia; and World Medical & Health Policy Journal, respectively.
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Amir Pichhadze (Visiting appointment)

- Has an appointment as a Visiting Scholar at the Max Planck Institute for Tax Law and Public Finance (Germany) examining issues in international tax law, particularly transfer pricing.

Matthew Lister

- **Guest Editor**, American Philosophical Association Newsletter on Hispanic/Latino Issues in Philosophy Vol. 17, No.2, (with Jose Jorge Mendoza)

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Danuta Mendelson and Shiri Krebs

- Are **research members** of Cyber Security Cooperative Research Centre (Cyber-CRC), launched in April 2018, which brings together Edith Cowan University, Adelaide University, Deakin University, Charles Sturt University, University of NSW, Queensland University of Technology, and Data61, seven industry partners, and nine Federal and State agencies, with the total budget of app \$135 million over seven years.
- Deakin, through its [Centre for Cyber Security Research and Innovation](#) (CSRI) will be the main lead for the Development of Next Generation Authentication Technologies Program; CSRI will be the deputy lead for the Security & Configuration Management of IoT Systems Program and the Platform and Architecture for Cyber Security as a Service Program.
- The legal aspects of the Programs will involve collaborating with mathematicians and software engineers on algorithms and underpinning theoretical principles and frameworks for privacy preserving data mining and analysis, and on creating tools for privacy-aware sharing of large-scale data in the IoT/smart city context.

Research submissions.

Media/Other publications

Articles

Samantha Hepburn: The Conversation: "Australia's Fuel Stockpile is Perilously Low and it May be Too Late for a Refill" Wednesday May 9, 2018; <https://theconversation.com/australias-fuel-stockpile-is-perilously-low-and-it-may-be-too-late-for-a-refill-96271>

- Note, the above article was republished in: ABC Online News; Gizmodo Australia, The Australian Tribune, Radio Australia ABC and is the subject of two further extensive interviews for ABC Regional, <http://www.radioaustralia.net.au/international/2018-05-09/australias-fuel-stockpile-is-perilously-low-so-why-arent-we-stocking-up/1755032>

Matthew Lister: "Dreamers' and Others: Immigration Protests, Enforcement, and Civil Disobedience" in the American Philosophical Association Newsletter on Hispanic/Latino Issues in Philosophy

Interviews

Gill North, 'Banking royal commission: Lax lending by banks could see our debt problem come crashing down' (with Therese Wilson), ABC News online (27 April 2018) at <http://www.abc.net.au/news/2018-04-27/banking-royal-commission-lending-practices-liar-loans-mortgages/9698776>

Interviews

Samantha Hepburn:

- **Radio National Interview:** Radio National Breakfast with Fran Kelly: “Should Landowners Share in Mining Revenue” Thursday May 3, 2018
<http://www.abc.net.au/radionational/programs/breakfast/should-landowners-share-in-mining-revenue/9722074>
- **Radio 5aa Interview (with Leon Byner):** Energy Security and the Fuel Crisis, Tuesday May 8, 2018 at 10.10am

Stuart Marsh, ‘Almost one million Australian households are experiencing mortgage stress’, Nine.com.au (4 May 2018) at [Nine.com.au - Almost one million Australian households are experiencing mortgage stress](http://www.nine.com.au/news/australia/almost-one-million-australian-households-are-experiencing-mortgage-stress)

Upcoming Research Activities

Jane Kotzman – Book launch date 17 July 6-8pm, with Professor John Tobin from Melbourne University speaking (Venue and details to be advised).

Shiri Krebs

- “Just The facts: Reimagining Wartime Investigations Concerning Attacks Against NGOs” Four Societies Conference, Tokyo, 2/6/18 (blind peer-reviewed, funded invitation, selected to represent the American Society of International Law.
- “The Impact of the Human Rights Discourse on Attitudes About Refugees and Asylum Seekers: Experimental Data” Law and Society Association Young Scholars Workshop, Toronto, 6/6/18 (peer-reviewed, partly funded)

... Please also keep an eye out for research seminars being presented throughout the year by Deakin colleagues and esteemed guests!