# **DEAKIN UNIVERSITY**

# **SCHOOL OF LAW RESEARCH REPORT No 15**

# **8/08 /2013**

## RECENT PUBLICATIONS

**Congratulations to the authors of the following recent publications:**

**Antons, Christoph**, ‘Asian borderlands and the legal protection of traditional knowledge and traditional cultural expressions’, (2013) 47 (4) *Modern Asian studies* 1403-1433. <http://dro.deakin.edu.au/view/DU:30054576>

**Antons, Christoph &** Tomasic Roman, 'Introduction: Law Reform and Legal Change in East Asia', in: C. Antons and R. Tomasic, (2013) Law and Society in East Asia, Farnham, Surrey - Burlington, VT: Ashgate, pp. xi-xxxiii.

Godden, Lee, Rochford, Francine, Peel, Jacqueline, Caripis, Lisa and **Carter, Rachel,** ‘Law, governance and risk: deconstructing the public-private divide in climate change adaptation’ (2013) 36 (1) University of New South Wales Law Journal, 224-256. <http://dro.deakin.edu.au/view/DU:30054832>

**Hepburn**, **Samantha** ‘The Importance of the Federal Coal Seam Gas Water Trigger’ (2013) 28(6) *Australian Environment Review* 612.[http://dro.deakin.edu.au/view/DU:30054840](http://dro.deakin.edu.au/view/DU:30054840" \t "_blank)

## RESEARCH IMPACT

**Pieter Badenhorst**: The following articles by Pieter were referred to by the South African Constitutional Court in *AGRI SA v MINISTER FOR MINERALS AND ENERGY* 2013 (4) SA 1 (CC):

Badenhorst P, “Ownership of minerals in situ in South Africa: Australian darning to the rescue” (2010) 127 *South African Law Journal* 646.

Badenhorst & Mostert, “Revisiting the Transitional Arrangements of the Mineral and Petroleum Resources Development Act 28 of 2002 and the Constitutional Property Clause: An Analysis in Two Parts” (2003) 3 *Stellenbosch Law Review* 377.

**Christoph Antons**: attended a conference in Singapore on 'The Patent Declaration Project'; the meeting was by invitation only and organised by the Faculty of Law of the National University of Singapore and the Max Planck Institute for Intellectual Property and Competition Law, Munich. The aim of the patent declaration is to show up flexibilities in the WTO TRIPS agreement for the drafting of patent legislation.

**LAW SCHOOL RESEARCH SEMINAR SCHEDULE**

* 1. **Trimester 2**

1. **Martin Hardy**
2. ‘Update on Footballgate i.e. ASADA v Essendon & Cronulla’ (postponed: date to be advised)
3. **FRIDAY, 30 AUGUST**
4. **Ben Hayward**
5. **FRIDAY, 6 SEPTEMBER**
6. **Professor Sandeep Gopalan**
7. Dean, Newcastle University Law School

**FRIDAY 27 SEPTEMBER**

**Dr Andros Kapardis**

Author of *Psychology and the Criminal Law* (Cambridge University Press)

1. **Trimester 3**
2. **FRIDAY, 13 DECEMBER**
3. **Giuseppe Carabetta**
4. ‘Police and Industrial Relations’
5. **RESEARCH HUBS**
6. **TORTS, PERSONAL INJURY, JURISPRUDENCE, ECONOMICS, ETC RESEARCH HUB MEETING**
7. **Wednesday, 14 August 2013 at 12pm**
8. **Richard Polkinhorn**
9. A review of the operation of the Guardianship List of VCAT using the legal theory of virtue jurisprudence
   1. **GRANT SCHEMES**

**Geelong Region Innovation and Investment Fund (GRIIF)**

**Closing Date:** Not Stated

**Contact:** [hotline@ausindustry.gov.au](mailto:hotline@ausindustry.gov.au); Ph: 13 28 46

**Web Document Location:** [http://www.ausindustry.gov.au/programs/regional-](http://www.ausindustry.gov.au/programs/regional-innovation/GRIIF/Pages/default.aspx)

The Geelong Region Innovation and Investment Fund (GRIIF) is a $24.5 million competitive, merit-based grants program. Under the GRIIF, eligible projects will focus on encouraging new investment to create new or additional business capacity that results in sustainable jobs. The minimum grant will be $50,000.

The Geelong Region is defined as the five Local Government Areas of:

Greater Geelong; Queenscliffe; Surf Coast; Colac-Otway; Golden Plains

The Australian and Victorian Governments have established the GRIIF in response to the announcement by Ford Australia that it will cease its vehicle and engine manufacturing operations in Australia from October 2016. Funding over three financial years from 2013-14 to 2015-16 will be provided to the Geelong Region, as well as Melbourne’s North, in recognition of the economic and social impact of Ford Australia’s announcement on those communities.

The Australian Government will contribute $30 million; the Victorian Government $9 million; and Ford Australia $10 million. Of the total $49 million in funding, $24.5 million will be made available to the GRIIF and $24.5 million will be made available to the Melbourne’s North Innovation and Investment Fund.

Successful applicants will be required to provide a minimum cash commitment which at least matches the total amount of grant funding sought under the program. Applicants should note that proposals will not be favoured where they involve no sustained net increase in economic activity in Australia, or where new jobs in the Geelong Region are created at the expense of jobs elsewhere.

Information Sessions: AusIndustry will be delivering information sessions in August 2013. These sessions will outline the application process, covering eligibility requirements, the merit criteria, and the application and review process. View more details on the information sessions.

Information Sessions: Following the announcement by the Australian and Victorian Governments on 23 May 2013, the Geelong Region Innovation and Investment Fund is now open. AusIndustry will be delivering information sessions on this merit based grants program in August 2013.

Eligible projects will focus on encouraging new investment to create new or additional business capacity that results in sustainable jobs. Financial assistance will only be provided for up to 50 per cent of total eligible project expenditure of $100,000 or more.

Businesses considering investment leading directly to new sustainable jobs in the Geelong Region (the Local Government Areas of Greater Geelong, Queenscliffe, Golden Plains, Surf Coast and Colac-Otway) to assist the region to diversify its economic base are encouraged to attend.

The information sessions will outline the application process, covering eligibility requirements, the merit criteria, and the assessment process. Book now to secure your place at an information session.

Location: Geelong  
Time: 4pm start - 5:30pm  
Date and Registration: Thursday, 15 August 2013  
Venue: Geelong Conference Centre Eastern Park Gardens

Location: Geelong  
Time: 8:30am start - 10am  
Date and Registration: Friday, 16 August 2013  
Venue: Mercure Geelong Corner Gheringhap and Myers Streets

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| **Establishment of an Education, Research and Training Panel** | TS #482936 |

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| **Closing Date:** 23-Aug-2013 04:00 PM | | **Location:** AUSWIDE | | **Web Document Location:** <https://www.tenders.gov.au> | | |
| **Contact:** Enquiries GovDept Attorney-General's Department Carolyn Thompson [aemicommunication@ag.gov.au](mailto:aemicommunication@ag.gov.au) | | | |  | |  | | |
| **Contract No.** AEMI PSTC Panel RFT | | | | |
| The panel of educators, researchers and trainers will provide a range of educational products and services that will be utilised on an as required basis, by both the Australian Emergency Management Institute and the Protective Security Training College. This Tender consists of four requirement categories: 1. Research 2. Education Design and Development 3. Education Facilitation and Assessment, and 4. Education Evaluation. Each of these requirement categories are broken down into four service levels (higher education undergraduate, higher education post graduate, vocational undergraduate and vocational post graduate).  The panel is expected to commence on 1 October 2013 and conclude on 30 September 2016. There is an option to extend the term for two further periods of one year each. This information is subject to change and should be verified on the AusTender Website <https://www.tenders.gov.au>. | | | | |

**AUTONOMOUS SANCTIONS: HDR APPLICANTS AND ACADEMIC VISITORS**

In compliance with UN Security Council Resolutions, since 1 July 2011 the *Autonomous Sanctions Act 2011* (Cth) and the Autonomous Sanctions Regulations (Cth) 2011 have provided a framework that includes regulations designed to drive a strict liability regime under which Australian organisations (including universities) could be liable to severe penalties:

“… it is an offence to give information or a document to a Commonwealth entity, in connection with the administration of a sanction law, that is false or misleading in a material particular, either by virtue of the inclusion or exclusion of material in the information or document. The penalty upon conviction for this offence is: (a) for individuals: a maximum 10 years' imprisonment or a maximum fine of A$425,000; (b) for bodies corporate: a maximum fine of A$2,125,000.” *Autonomous Sanctions Act 2011* (Cth), s 17

**Note that educational/“training programs” could include research projects involving development and/or characterisation of various materials or familiarisation with certain instruments or techniques.**

**Countries subject to autonomous sanctions include:**

**Myanmar**

**Democratic People's Republic of Korea (North Korea)**

**Fiji**

**Iran (**Designated universities in Iran: Amir Kabir University (AKU); Shahid Beheshti University (SBU); Malek Ashtar University; Imam Hossein University (IHU); Petroleum University of Technology (The Petroleum Mineral University); The Research Institute of the Petroleum Industry

**Libya**

**Syria**

**Zimbabwe**

More information about Autonomous Sanctions is available from the Department of Foreign Affairs and Trade (DFAT) at <http://www.dfat.gov.au/un/unsc_sanctions/index.html>

**According to Deakin University’s policy:**

**‘The nominated principal supervisor must be involved in the special assessment of applications** from citizens of sanctioned countries whom they wish to support for an offer of candidature and/or scholarship. This assessment requires the supervisor to check lists of materials, equipment, software and technologies to ensure that none of those listed will be used in the research. The supervisor must also sign this assessment form. The form must be endorsed by the Head of School and the Faculty Pro Vice-Chancellor or his/her nominee.

There are three main principles to remember:

Failure to consider each case carefully **could have very serious consequences for the University and the signatories to this document**, including jail terms.

If in any doubt, **err on the side of caution** when providing information about potential risks.

The default position is to reject applications from sanctioned countries unless a case can be made for candidature on the basis of minimal risk of non-compliance.’