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The UWA Law School has a distinguished record of legal research and scholarship extending over 80 years. Academics from the Law School have driven legal thought and debate in Western Australia and beyond, through a variety of fora including Australia's oldest continuously published University law review, the UWALR.

While the research and scholarship at the Law School have covered a number of fields over a great many years, a number of areas of strength stand out. The Law School is home to the Crime Research Centre, established with the support of the Western Australian Government over 20 years ago. The Crime Research Centre has undertaken detailed studies on crime and its causes over the past two decades, working closely with a number of State Government Departments and Agencies. In 2011, the Crime Research Centre was successful in securing a prestigious Future Fellowship from the Australian Research Council. The recipient of the Fellowship, Dr Hilde Tubex, has joined the Centre’s staff and is undertaking a project entitled “Reducing imprisonment rates in Australia: international experiences, marginal populations and a focus on the overrepresentation of Indigenous people”.

The Law School also has great strength in consumer law. In 2011, the Law School completed research into retail trading hours in Western Australia, with the final report, Assistant Professor Tracey Atkins, being released in 2012. The report recommended a liberalisation of trading hours, reflecting the experience in other Australian jurisdictions. In the months that followed the report, that liberalisation in trading hours is now being implemented.

Other areas of research strength include natural resources law, environmental law, international law, medical law, public law and intellectual property law, where multiple researchers are engaged. In addition, there are postgraduate students undertaking advanced work across the spectrum of legal sub-disciplines.

This report is a window into the fine research work being undertaken here at the UWA Law School. I hope it proves of interest to you.

Professor Stuart Kaye  
Dean, Faculty of Law
As someone who has only recently joined the Faculty I have been impressed by the strength and diversity of legal research at UWA. As a community of legal scholars the Faculty is committed to understanding and improving the operation of the law on a local, national and international level.

This report showcases some of the areas in which the Faculty is particularly strong, including consumer law, criminology, environmental and natural resources law, medical law and public law. It also demonstrates the diverse range of methodologies that the Faculty brings to the study of law, part of the Faculty’s commitment to using interdisciplinary scholarship to enrich our understanding of the legal system.

Much of the research summarised in this report can be categorised as fundamental research. For example, Professor Peter Handford discusses his study of how, in the 1840s, the law came to award compensation for death caused by negligence, whilst excluding damages for grief and distress. It is through such research that we come to understand the historical contingency of the law’s categories.

At the same time, the Faculty is committed to engaging directly with the content and administration of the law at the local, national and international level. For example, last year Assistant Professor Tracey Atkins of the Consumer Research Unit released a report into shop trading hours in Western Australia; Dr Hilde Tubex of the Crime Research Centre won a Future Fellowship from the Australian Research Council to look at ways of reducing imprisonment rates in Australia; and Associate Professor David Hodgkinson of the Centre for Mining, Energy and Natural Resources Law led an international team working on a draft convention for persons displaced by climate change.

Moving forward the challenge for the Faculty is to preserve and build on its intellectual strengths whilst also being receptive to the demands imposed by the Excellence in Research for Australia (ERA) Initiative. Under the guidance of our Dean, Professor Stuart Kaye, the Faculty has taken important strides towards strengthening its position for the next ERA, with 2011 seeing a significant increase in grant activity across the Faculty.

I would also like to take this opportunity to thank those members of Faculty staff who have provided invaluable support for research. Particular mention should be made of Dr Tim Pitman, the Faculty’s Research Development Adviser, who has been tireless in providing assistance with grant applications and of Jennifer Rhodes, who has done much of the work in preparing this report.

Finally I would like to thank my predecessor, Professor Michael Gillooly, who has found the time both to welcome me to the Faculty and to provide me with guidance as to the demands of the Associate Dean’s role.

Professor Robert Burrell  
Associate Dean (Research)  
Faculty of Law
Research spotlight: Environmental Law

What do water quality, Indigenous knowledge systems, the migratory patterns of sharks and international treaties for people displaced due to climate change all have in common? The answer is that these are just some of the topics that fascinate our environmental law researchers. Their projects highlight the diverse nature of human interactions with the natural environment and the increasing complexity of these intersections.

Associate Professor Alex Gardner, Madeleine Hartley and Lauren Butterly have joined forces with the National Centre for Groundwater Research and Training (NCGRT), jointly funded by the Australian Research Council and the National Water Commission. Alex also has an ongoing research interest with water quality law, a topic coming increasingly to the fore because of problems of diffuse source pollution not only in Western Australia, but also nationally and internationally. “To date, most of our attention in Australia has been on the quantity of water we have”, says Alex. “However, the issue of water quality is just as significant. We can’t afford to overlook it anymore.”

Alex and Madeleine are looking at sustainable ground water management practices across three case studies; the Gnangara Groundwater System north of Perth, the Namoi Valley in northern New South Wales, and ground water resources in Colorado, USA. For her part, Lauren is currently involved in
a three-year project, supported by Alex Gardner as well as the UWA Centre for Ecohydrology, which considers the sensitive issue of mine ‘dewatering’. Lauren is also providing research support for NCGRT colleagues at the Australian National University and their project on groundwater management in the Willunga Basin, South Australia.

Dr Erika Techera has recently joined the UWA Law School from Macquarie University. She teaches and researches on a range of international and comparative environmental law issues, including marine environmental governance and cultural heritage law and policy at global, regional and national levels. One topic that intrigues Erika is how law can assist in overcoming tensions between conservation and management of nature and natural resources. Erika is currently researching the legal protection of sharks and manta rays, whose migratory patterns extend throughout the Indian Ocean region. Australia can play an important part in influencing international marine environmental law and building legal capacity in the region. “Western Australia is leading the way in creating legal frameworks that protect marine life yet at the same time support ‘non-consumptive’ exploitation, such as tourism”, says Erika. “The challenge now is to work with other countries in the region to ensure their own environmental laws work in tandem with our own.”

David Hodgkinson is an Associate Professor in the Law School and also Special Counsel with Clayton Utz, a national Australian law firm; and a principal of The Hodgkinson Group, a consulting firm with advisors located around the world. David is the co-author of the book Global Climate Change: Australian Law and Policy and the general editor of Australian Climate Change Law and Policy. He is currently leading an international team working on a draft convention for persons displaced by climate change. “The effects of climate change may well result in the displacement of tens of millions of people due to, for example, rising sea levels, drought, and more frequent and severe storms”, explains David. “Our proposed treaty would provide adaptation assistance so that those likely to be displaced can either remain in their homes for as long as possible or move in a planned manner over time.”

These researchers have forged strong links with other researchers at The University of Western Australia, including those in the School of Indigenous Studies, the Centre for Ecohydrology, the Oceans Institute and the Centre for Rock Art Research and Management. These links, together with equally strong industry and government partnerships, are allowing our environmental law researchers to provide critical input into public policy, at the state and national level.
Sarah Murray
Constitutional Law, Public Law and less-adversarial justice
Sarah Murray is an Associate Professor in the Law School where she teaches Constitutional Law and researches in the areas of Public Law and Less-Adversarial Justice. Sarah is also the coordinator of the Faculty’s Juris Doctor Degree. Prior to commencing as an academic, Sarah completed a first class honours degree in Law and Arts and worked as both a commercial and mental health lawyer in Perth and Melbourne. She undertook her PhD at Monash University part-time under the supervision of Professor Arie Freiberg, Dr Becky Batagol and Professor Jeff Goldsworthy while working full time at the University of Western Australia. In 2011, Sarah completed her PhD on the role of less-adversarial justice in Australia. The quality of her research was recognised by her PhD receiving the Mollie Holman Doctoral Medal for Thesis Excellence at Monash University. Research forming part of her PhD was also awarded the 2010 National Mediation Conference Scholarship Prize.

Sarah has a passion for constitutional law and is the Western Australian Convenor and a Council Member of the Australian Association of Constitutional Law. She has already an enviable publication record for someone so early in her career. Most recently, she has edited a collection entitled Constitutional Perspectives on an Australian Republic – Essays in Honour of Professor George Winterton (Federation Press, 2010) and was recently the guest editor for a special issue on Australian constitutional law. Sarah is co-organising a national conference later this year on the Western Australian constitution and papers from the event will be published in a special issue of the University of Western Australia Law Review.

Less-adversarial justice involves judges moving away from the adversarial style of procedures with which they have traditionally been associated. Her core research interests lie in exploring the way that judicial developments such as these can be accommodated in a constitutional sense and, and as she says, “exploring the boundaries that are placed on such reform by our constitutional architecture”. Sarah believes that we need to be clear about what limits our constitutional architecture imposes to ensure that we don’t overdraw these boundaries so as to “unwittingly inhibit reforms that can in fact be constitutionally aligned” and which may radically improve the operation of the justice system.

In the next few years, Sarah intends to undertake further comparative research in relation to less-adversarial justice as well as broadening her research within Australia on the relationship between legal change and constitutional compatibility.
Peter Handford
Torts

Winthrop Professor Peter Handford completed his PhD at Cambridge in 1975 and joined the UWA Law School in 1977. His PhD was entitled ‘Tort Liability for Intentional Mental Distress’ and formed the basis of his research passions to this date. Peter is currently Deputy Dean of the School of Law.

Peter’s major research interests lie in the field of torts, in particular liability for psychiatric injury, limitation of actions, and law reform. He also has a special interest in comparative law, both generally and in relation to torts in particular. Peter has published widely in each of these areas, including two editions of a treatise on tort liability for psychiatric damage, three editions of a book on limitation of actions law in Australia (each book being the first work to be written in its particular field), and many articles. His work on psychiatric injury has an international focus: the text covers the law in most common law jurisdictions; the first edition was reviewed by journals in England, Australia, Canada, the United States, New Zealand and South Africa, and has now been cited by the highest courts in England, Australia, South Africa and New Zealand and by other courts in England, Australia, Canada, South Africa, Ireland and Hong Kong. Each edition of this work contained a foreword by Lord Bingham of Cornhill, the senior presiding judge of the House of Lords (the highest court in the UK).

In addition to the particular field of psychiatric injury, Peter has a more general interest in torts, which has resulted in the publication of a large number of articles on a wide range of topics. Recently Peter has been concentrating on the expansion of negligence into the field of intentional injury. “I also enjoy exploring the historical aspects of particular areas of tort”, says Peter (see inset). “I have also researched in the areas of succession law and law reform and I have also written in a number of other areas, such as contract and conflict of laws”.

The impact of Peter’s scholarship, and his influence in his fields of expertise, have been recognised widely. He was the Director of Research of the Law Reform Commission of Western Australia from 1983 to 1998. He has acted as a consultant to the Law Council of Australia and continues to be regularly consulted by legal practitioners from across Australia on various limitation of actions issues. In 2009 and 2010 Peter gave expert evidence for an action currently before the Federal Court of New York, brought under the Aliens Tort Statute. Since 2003, Peter has been a member of a Working Party convened by the Attorney General of Western Australia to make recommendations about the reform of the law of succession in Western Australia.

Lord Campbell and the Fatal Accidents Acts

Before 1846, in cases of death caused by negligence, there was no way in which the relatives of the deceased could get any compensation. The ability to make a claim effectively died along with the deceased, meaning that relatives could receive no benefit or compensation. However, following the opening of the first passenger railway in 1830 – which ironically saw the first fatal railway accident when the local MP was killed during the opening ceremony by George Stephenson’s Rocket – the increase in railway accidents created pressure for reform of the law. Lord Campbell, a noted 19th century law reformer, was responsible for steering the Fatal Accidents Bill through Parliament. Six years later, as Chief Justice, he was a member of the court that confirmed that the right of action under the Act was limited to pecuniary losses, and did not extend to grief or distress.
Dr Hilde Tubex
Crime Research Centre

In 2011 the School of Law welcomed Dr Hilde Tubex, who was awarded a prestigious Australian Research Council Future Fellowship. The Fellowships aim to attract and retain the best and brightest mid-career researchers. Only a small number of such fellowships are awarded nationally and this award was a substantial coup for UWA, Dr Tubex and the Law School’s Crime Research Centre.

Dr Tubex’s project is titled: “Reducing imprisonment rates in Australia: international experiences, marginal populations and a focus on the overrepresentation of Indigenous people.” It aims to explore the relevance of international experience in dealing with increasing prison numbers and their validity for the Australian situation. A specific focus is on the imprisonment of minorities and marginalised groups, and will offer solutions to the problem of hyper-incarceration of the Indigenous people. This study will not only enhance the recognition of the distinctive contribution the Australian example can make to an area of scholarship that is of recognised international importance, in Dr Tubex’s own words, “it will bring the latest criminological thinking to bear on the analysis of our unique situation and offer a fresh perspective on problems of crime control that are proving resistant to resolution”. The expected outcome is to identify ways to reduce the prison population, most particularly the over-representation of Indigenous people.

“Having the opportunity to use my European experience in the Australian context is a very exciting challenge!”

Before moving to WA in 2007, Hilde Tubex had been employed as a lecturer and researcher at the Department of Criminology at the Free University of Brussels (Belgium) for 15 years. Her fields of expertise are mainly in penological research, especially in international comparative studies. In a series of research projects she worked on such topics as long-term imprisonment, parole, restorative justice, violence in prisons, sex offenders and the organisation and evaluation of welfare and treatment services for prisoners. She was appointed as a scientific expert to the Council of Europe and has been working on a regular basis for them as an expert advisor in the development of recommendations to the Council of Ministers. Further, she was involved in several of their projects for the improvement of penal practice in Central and Eastern Europe. She was also employed on a part time basis as an advisor on penal policy to the Belgian Minister of Justice. Additionally she was a substitute assessor on the Belgian Parole Board, and a member of the Central Inspectorate of Prisons.

Since commencing her work in August, Dr Tubex’s research has already reaped significant rewards. Her initial findings have been widely communicated to researchers and policy makers both internationally and in Australia. They have generated such interest that Dr Tubex has convened a two-day international conference in Perth in early 2013, which has attracted registrations from leading international penologists and criminologists. The intention of the conference will be to bring diverse expertise and knowledge together to build a broader model for explaining prison populations and evolutions over time at different places. A second aim is to discuss how transferable these theoretical models might be to other jurisdictions, such as new settler communities with substantial Indigenous populations as Australia.
because the thought of doing a PhD was initially daunting, given he had not undertaken tertiary studies for 13 years. Completing units helped Simon build confidence and gave him the opportunity to acquire knowledge in a variety of legal specialties. Furthermore, the coursework aspects helped Simon to identify a thesis topic that was not only of personal interest, but had direct application and relevance to Western Australia’s booming mining and gas operations. It is anticipated that shale gas development (and therefore the nature of its regulation) will become a growing issue in Australia, especially Western Australia, as the state is estimated to hold the world’s fifth-largest reserves of shale gas.

The quality of Simon’s work was recognised at an early stage, as he was awarded the prestigious Jean Rogerson Postgraduate Scholarship. Simon will complete his SJD in 2013.
Renae Barker
Law and religion

Renae is undertaking PhD studies and is supervised by Dr Daniel Stepiak. She discovered her love for researching law and religion topics as an undergraduate at Murdoch University. Her first foray into law and religion was a paper she wrote concerning the Priest Penitent Privilege, which protects communication between, for example, a priest and a parishioner. Renae then expanded her paper into a larger research project which was published in Murdoch University’s E-Law journal in 2006. “Suddenly I was hooked”, says Renae. In January 2008 she took the plunge and started her PhD in the area of Law and Religion.

As to why she chose religion, Renae explains: “It’s because of my personal background. My father trained for the ministry during my late childhood and teenage years. As a result I was exposed to the inner workings of the church and was given a good grounding in early church history as my father talked through his studies with me.” Far from being an esoteric subject, Renae has discovered that religion impacts, and is impacted by legal fields, including evidence, trusts, constitutional law, marriage and divorce and many more. Yet despite this breadth of interaction, Renae discovered that relatively little legal research had been done in this area. “The more I looked for information the more I realised that it wasn’t there and I figured, why don’t I be the person who fills the gap?” says Renae. “So I took the plunge and started my PhD.”

Renae’s thesis focuses on the relationship between the State and religion in Australia’s 200 plus year history. She started with the question: What are the major questions/controversies in law and religion today? And decided that the most fruitful areas of exploration were: education (Chaplains in schools), discrimination (the treatment of Muslims) and finance (tax exemptions for religious organisations). Being as she a history buff, Renae’s research also considers the major law and religion issues in the early Australian colonies, also along the same themes. “I find it funny that we are essentially having the same conversation today as we were having 200 years ago” laughs Renae. “In some cases we appear to have learnt nothing from the errors of the past, in others we have come full circle while in others there has been a gradual change over time. I am still researching and trying to answer this question. I have many of the pieces but I am still trying to put it all together to make one jigsaw puzzle.”

With only 12 months left on her PhD, Renae is already beginning to look at her next project. From polygamy to corporate structures of religious organisations to the motivations of ordained clergy who become politicians there are many unexplored areas in the study of law and religion. Renae is also looking forward to passing on the knowledge she has gained in her research. “The Law School has already given me the opportunity to teach in an elective Law and Religion unit for the LLB. For me, teaching is the completion of the circle of research. Passing on new knowledge brings research to its fullest expression and begins the circle again, as students ask questions I don’t yet know the answer to. These are the best kinds of questions because they give me a reason to seek new knowledge and start the research cycle all over again.”
The year 2011 was a successful one for the Crime Research Centre in terms of grant success, publications, and growth in postgraduate research students. A significant success for the Centre was the Australian Research Council Future Fellowship awarded to Dr Hilde Tubex, which is featured in this report.

In 2011, two ARC Discovery projects were completed and led to a number of journal publications and reports. The first of these was entitled Challenges, possibilities and future directions: a national assessment of Australia’s children’s courts. Nationally, the project attracted $580,000 in funds with a team of investigators in each State and Territory. Dr Joe Clare and Associate Professor Mike Clare were chief investigators in Western Australia assisted by Dr Caroline Spiranovic. The project examined the contemporary status of, and challenges faced by, Australia’s Children’s Courts in both child welfare and criminal jurisdictions. In Western Australia, in-depth face-to-face interviews were conducted with the President as well as 11 Magistrates from the Children’s Court of Western Australia. Focus groups were conducted with 62 key stakeholders from key agencies and organizations in Western Australia to ascertain their views. A comprehensive report was produced which summarised the findings from the Western Australian component and was launched by the President of the Children’s Court Judge Denis Reynolds in November 2011. Key findings were also presented at the annual conference of the Australian and New Zealand Society of Criminology in Geelong in September 2011. A book chapter is currently being drafted which will summarise key findings from Western Australia and will form part of an edited collection of chapters from each State and Territory.

The second Discovery Project, Sentencing and public confidence: public perceptions and the role of the public in sentencing practice and policy, attracted over $540,000 nationally from the Australian Research Council and additional funding from the Victorian Sentencing Advisory Council. Chief Investigators were Dr David Indermaur from the Centre with others (Roberts, Mackenzie, Broadhurst, Stobbs, and Warner) from Curtin University of Technology, Bond University, Australian National University, Queensland University of Technology and the University of Tasmania. Dr Caroline Spiranovic provided research assistance to this project on a part-time basis. Project outcomes included a set of journal papers, book chapters and conference presentations in 2011.

In 2011 total funding of $49,788 was obtained from the University (Research Development Award) and also the WA Department of Corrective
Services for a project entitled Long-term follow-up of re-arrests in the Western Australia population of sex offenders: Implications for Dangerous Sex Offender legislation. Under the Dangerous Sexual Offenders Act 2006 (Western Australia) actuarial prediction tools may be used to assess a sex offender’s likelihood of re-offending and indefinite periods of further detention or community supervision may be imposed on the basis of risk assessment findings. The project investigates whether actuarial risk assessment tools are cross-culturally valid as well as whether indefinite periods of further detention or community supervision warranted on the basis of empirical evidence. In particular, the project is examining the predictive validity of the Static-99 (a commonly used actuarial tool) and will produce Western Australian norms with which to interpret scores on the instrument for Western Australian sex offenders.

A project on elder abuse in partnership with Advocare attracted $51,219 over two years from Lotterywest and a report was completed in 2011. The research provided an estimate of the extent to which elder abuse is occurring in Western Australia and is designed to inform elder abuse prevention practices for a number of local agencies. The results of the research will assist key agencies working with elder abuse to improve their responses to the issues and to address perceived gaps in the current processes.

Two further projects on the impact of CCTV cameras on crime and fear of crime were continuing during the year as well as a project to evaluate the effectiveness of three diversion programs of illicit substance users from courts. These programs are administered by the Drug and Alcohol Office and the project was funded by that body. The CCTV projects were funded by the WA Office of Crime Prevention and the City of Armadale. Reports from these projects are expected to be completed in 2012.

The number of postgraduate research students linked to the Centre grew to eight in 2011, the highest on record. There were two new postgraduate commencements in 2011, following three new PhDs in 2010. One PhD thesis was submitted for examination late in the year. Students are supervised by CRC staff (Drs Morgan, Indermaur, Tubex and Spiranovic) and co-supervision occurs for some of these students with other areas of the Law School, and with other University schools, including Psychiatry and Clinical Neurosciences, and Social Work.

Visitors to the Centre in 2012 included Professor Rob White from the University of Tasmania, Emeritus Professor Anne Worrall, from Keele University, Professor Harry Blagg now at Plymouth University, Professor Thomas Crofts from the University of Sydney and Dr Brian Steels from Murdoch University. Emeritus Professor Worrall is an Honorary Research Fellow at the Centre and was appointed by the University as a ‘Professor at Large’ between 2008 and 2010. In 2011 she presented the annual Grace Vaughan Memorial Lecture at the university entitled From Symbolic Mother to Public Protector: women working in corrective services.

Centre staff continued to present papers at national and international conferences, including the Australian and New Zealand Society of Criminology annual conference held in Geelong in 2011. They also are represented on key criminal justice committees and advisory groups such as the National Crime Statistics Advisory Group (Professor Frank Morgan chairs this group), grant advisers to the Criminology Research Council (Professor David Indermaur) and the Management Committee of the Australian and New Zealand Society of Criminology (Professor Frank Morgan stepped down in 2011 and Professor Hilde Tubex became the representative for Western Australia). Professor Morgan is also an assistant editor for the Australian and New Zealand Journal of Criminology.
Consumer Research Unit

The Consumer Research Unit (CRU) undertakes research that leads to a greater understanding of consumer markets, consumer protection frameworks and consumer rights. CRU was established in 2011 as an independent unit within the Faculty of Law and has the continuing support of the Western Australian Department of Commerce. Eight, basic consumer rights inform the research undertaken by CRU:

- The right to satisfaction of basic needs
- The right to safety
- The right to be informed
- The right to choose
- The right to be heard
- The right to redress
- The right to consumer education
- The right to a healthy environment

Key personnel

CRU is headed by Associate Professor *Eileen Webb*. Eileen conducts research in three broad categories. First, her research on consumer rights and real property transactions has a particular focus on housing and tenancy law. Second, her research on vulnerable consumers pays particular attention to issues confronting senior consumers. Finally, her research on the nature and definition of a ‘consumer’ explores, for example, whether the traditional notion of a consumer should be extended to include small businesses.

Associate Professor *Aviva Freilich’s* research covers definitional issues in relation to the concept of consumer, consumer rights in post-sale transactions and the plight of seniors as consumers in particular in relation to housing. Aviva has been involved in consultancies for the Small Business Development Corporation, conducted seminars for the WA Law Society on consumer themes and is a member of the Management Committee of the Consumer Credit Legal Service of WA.

Assistant Professor *Tracey Atkins* teaches Consumer and Contract law at The University of Western Australia and has previously taught law at the University of Notre Dame. Her research interests are in the area of consumer law, contract law, alternative dispute resolution, access to justice as well as the social and economic policy context of the law.

Tracey began her career working in Victorian Community Legal Centres and managed a number of centres as well as coordinating legal centre funding and program delivery while working at Victoria Legal Aid.
Telecommunications scams affecting humanitarian migrants
Graduate Law student, Alicia Snyders and Associate Professor Eileen Webb, with the assistance of the Edmund Rice Centre, Mirrabooka, undertook research concerning alleged instances of misconduct engaged in by some telecommunications companies towards migrants and humanitarian entrants in Perth. The objectives of the research were to identify practices utilised by telecommunications corporations and their representatives that may contravene inter alia Australian consumer and telecommunications laws. The research commenced in 2011 and will be completed in December 2012.

Security of tenure for the ageing population in Western Australia and Alberta – Is the law keeping pace with housing and accommodation issues affecting seniors?
This project, funded through a UWA internal grant scheme, involves joint research between the CRU and the Department of Human Ecology at the University of Alberta, Canada under the auspices of Stage 2 of the World Universities Network project – The Global Social Initiative on Ageing. The research will catalogue, review and assess the effectiveness of housing and accommodation laws affecting Seniors in Western Australia and Alberta, two very similar jurisdictions in terms of society, economy and the legal system. It is anticipated the initial research will lead to a larger study of Australian and Canadian laws relevant to Seniors’ housing and accommodation choices. The research commenced in December 2011 and will be completed in June 2013.

Key research in 2011
Shop trading hours in Western Australia
In December 2011, Assistant Professor Tracey Atkins of the CRU released a report, which analysed shop trading hours in Western Australia. The comprehensive report analysed previous research on shop trading hours, the historical and current regulation of shop trading hours in Western Australia, and the way in which shop trading hours are regulated in other Australian jurisdictions. The report also analysed the social and economic impact of deregulating shop trading hours in Western Australia. Professor Atkins said the report concluded the long-term consumer interest was best served by the deregulation of shop trading hours. “Consumers show a clear preference for the ability to shop outside of those hours historically allowed by government regulation,” she said. “In each jurisdiction that has undertaken shop trading hours reform, roughly equally divided consumer sentiment for deregulation pre-reform changes to overwhelming support post-reform.” Professor Atkins said the experience in deregulating shop trading hours in other states has been largely positive and has resulted in benefits to consumers and growth in the retail sector. On the whole, concerns expressed by opponents of shop trading hours deregulation did not eventuate following shop trading hours reform. The report was sent to the WA Government with the anticipation that it would be acted upon in 2012.
2011 Research publications

**Books**

Burton, K., Crofts, T., Tarrant, S. Principles of Criminal Law in Queensland and Western Australia

Buti, A. Brothers: Justice Corruption and the Mickelbergs

Carruthers, P.J., Mascher, S.L., Skead, N.K. Property and Sustainability Selected Essays

Handford, P.R. Limitation of Actions The Laws of Australia

Hodgson, D.C. Intervening Causation Law Common Law, Civil Law and Comparative Law Perspectives

Kaye, S. Maritime Claims in the Indian and Pacific Oceans

Kaye, S., Bautista, L. The Naval Protection of Shipping in the 21st Century: An Australian Perspective


Tilbury, M., Gillooly, M.J., Bant, E., Witzleb, N. Remedies Commentary and Materials

**Book Chapters**


Blakeney, M.L. Criminal Enforcement of IPRs. Nourriture de l’esprit Festschrift fur Dieter Stauder [Nourishment of the Spirit]

Blakeney, M.L. Intellectual Property (IP) Issues and International Treaties Related to Genetic Resources. Agrobiodiversity in Malaysia II: Conservation and Sustainable Utilization

Carruthers, P.J., Mascher, S.L., Skead, N.K. Property and Sustainability in Context. Property and Sustainability Selected Essays

Cullen, H. The EU and Human Trafficking: Framing a Regional Response to a Global Emergency. The European Union and Global Emergencies A Law and Policy Analysis

Indermaur, D.W., Roberts, L.D. Punitiveness in Australia: Current Status, Trends and Strategic Responses. Punitivity International Developments


Morgan, F.H., Clare, J.P. The distribution of crime over populations, space and time Crime and Justice: A Guide to Criminology


Olivier, M.P., Govindjee, A. Social Protection Lessons from SADC for the Global South. South – South Cooperation Africa on the Centre Stage

Skead, N.K. Unexplained Wealth: Indefeasibility and Proceeds of Crime Legislation in Australia. Property and Sustainability Selected Essays

Techera, E. Ensuring the Viability of Cultural Heritage: The Role of International Heritage Law for Pacific Island States. Island Futures Conservation and Development Across the Asia-Pacific Region


Witzleb, N., Skead, N.K. Mapping and Embedding Graduate Attributes Across the Curriculum. Excellence and Innovation in Legal Education

**Journal Articles**

Blake, M. Doctors Liability for Homicide under the WA Criminal Code: Defining the Role of Defences. THE UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW

Blakeney, M. Recent developments in intellectual property and power in the private sector related to food and agriculture. FOOD POLICY

Blakeney, M.L. Protecting traditional knowledge and expressions of culture in the Pacific. QUEEN MARY JOURNAL OF INTELLECTUAL PROPERTY

Blakeney, M.L. Geographical Indications and the Marketing of Agricultural Products: Mauritius - a Case Study. INTERNATIONAL TRADE LAW AND REGULATION

Blakeney, M.L. Intellectual Property Aspects of GM Agriculture (Part II). BIO-SCIENCE LAW REVIEW


Buti, A. The Man and the Judge: Judicial Biographies and Sir Ronald Wilson. ADELAIDE LAW REVIEW

Carne, G. Abolitionist or relativist?: Australia’s Legislative and International Responses To Its International Human Rights Death Penalty Abolition Obligations. UNIVERSITY OF WESTERN SYDNEY LAW REVIEW

Carne, G. Beyond Terrorism: Enlarging the National Security Footprint Through the Telecommunications Interception and Intelligence Services Legislation Amendment Act 2011 (Cth). FLINDERS LAW JOURNAL

Carroll, R.O., Witzleb, N. ‘It’s Not Just About the Money’ – Enhancing the Vindicatory Effect of Private Law Remedies. MONASH UNIVERSITY LAW REVIEW

Carruthers, P.J., Mascher, S.L. The Story of Water Management in Australia: Balancing Public and Private Property Rights to Achieve a Sustainable Future. PROPERTY LAW REVIEW

Carruthers, P.J., Skead, N.K. 150 years on: The Torrens compensation provisions in the ‘last resort’ jurisdictions. AUSTRALIAN PROPERTY LAW JOURNAL

Cullen, H. Does the ILO Have a Distinctive Role in the International Legal Protection of Child Soldiers? HUMAN RIGHTS & INTERNATIONAL LEGAL DISCOURSE

De Vietri, R., Darmananda, K. Impartiality and the Issue of Repeat Arbitrators: A Reply to Sloufi. JOURNAL OF INTERNATIONAL ARBITRATION


Goudkamp, J. Insanity as a Tort Defence. OXFORD JOURNAL OF LEGAL STUDIES

Govindjee, A., Olivier, M.P., Dupper, O. Activation in the Context of the Unemployment Insurance System in South Africa. STELLENBOSCH LAW REVIEW

Griggs, L., Freilich, A.Y., Webb, E.A. Challenging the notion of a consumer: Time for change. COMPETITION AND CONSUMER LAW JOURNAL

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