



Australian
National
University

Research Overview 2024

ANU LAW SCHOOL

ANU College of Law,
Governance and Policy

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Acknowledgement of Country

We acknowledge and celebrate the First Australians on whose traditional lands we live, meet and work, and whose cultures are among the oldest continuing cultures in human history.

Canberra's autumn colours. Photo: Adobe Stock.

Welcome

2024 was another year full of research highlights for the ANU Law School. From publications in the world's top university presses and leading journals to funding successes and public policy impact, we are delighted to offer this year's summary of the many achievements within our scholarly community.

We both embrace our origins as Australia's national law school and adopt a global outlook. Our well-known strengths in areas such as public and international law are increasingly complemented by expertise in new and emerging areas, including the regulation of financial technology, data protection law, law and psychology, medical law, media law and many others. A growing proportion of the Law School's research is interdisciplinary, for instance our colleagues' groundbreaking work on environmental law and policy.

Still, we retain our strengths in doctrinal, black-letter law—even as they come with the risk of having our colleagues lured away from us, as demonstrated by Professor James Stellios's appointment to the Federal Court. We are delighted for Justice Stellios and wish him every success in his important new role.

Our colleagues come from all continents and produce work of domestic and international relevance. Similar to the previous years, 2024 saw our academics cited in Australian and international courts, parliamentary reports, and invited to testify before legislatures and governments nationally and around the world. We take great pride in the Law School's contribution to public policy and shaping discourse about the law at the highest levels.

In this vein, we look forward to the new opportunities that open up as the Law School becomes part of the reformed ANU College of Law, Governance and Policy in 2025. Collaborating with colleagues across disciplinary boundaries while preserving the rigour of our legal research is central to our ethos, and we are confident that in the year to come we will build on the successes summarised in this 2024 Research Overview.

Associate Professor Ryan Goss
Head of School

Dr Anton Moiseienko
Research Director

ANU Law School
College of Law, Governance and Policy



Law building, ANU. Photo: ANU Law School website

Monographs

Dr Damian Clifford

Data Protection Law and Emotion



In April 2024 Dr Damian Clifford published his monograph, *Data Protection Law and Emotion*, with Oxford University Press. Dr Clifford's work provides an original law and emotions analysis of data protection law, using the development of Emotional Artificial Intelligence as a case study to analyse key issues.

Data protection law is often positioned as a regulatory solution to the risks posed by computational systems.

Nonetheless, despite the widespread adoption of data protection laws, some scholars question the ongoing utility and significance of this area of law. By utilising a law and emotional analysis, Dr Clifford explores the limits of these critiques and the overall significance of the framework.

In *Data Protection Law and Emotion*, Dr Clifford argues that the (in) effectiveness of these laws is often more difficult to discern than the critical literature would suggest.

Dr Clifford's work highlights the importance of understanding the role of emotion in decision-making in the analysis and reform of data protection law.

Original and insightful, *Data Protection Law and Emotion* offers a unique contribution to a contentious debate that will appeal to students and academics in data protection and privacy, policymakers, practitioners and regulators.

Dr Clifford's other research projects include a paper on the role of bans, paying critical attention to the recent adoption of the Artificial Intelligence Act in the European Union. Dr Clifford is also a co-coordinating editor of the Cambridge University Press Elements Series in Data Rights and Wrongs and will publish the first book in that series with several colleagues in 2025.

Dr Clifford is currently completing an ARC linkage grant (2023-2025).

Dr Jessica Hambly

Inside Asylum Appeals: Access, Participation and Procedure in Europe



Co-authored by Dr Jessica Hambly with Nick Gill, Nicole Hoellerer and Daniel Fisher, *Inside Asylum Appeals: Access, Participation and Procedure in Europe* is an in-depth examination of appeal hearings for people seeking asylum. It is the largest comparative project of its kind, drawing together over 850 appeal observations and deep ethnography, including interviews with lawyers, judges, claimants and others involved in the asylum process across Austria, Belgium, France, Germany, Greece, Italy and the United Kingdom. The book offers an interdisciplinary socio-legal perspective on the fragility of law and legal procedures.

In addition to the deep theoretical dive, *Inside Asylum Appeals* offers direct policy recommendations drawing from the best practices observed by the authors. The book is highly significant at a time where states are increasingly rolling back access to asylum and basic procedural guarantees. The authors provide a critical picture of the limitations of asylum appeals while also making practical interventions for improvements.

Since its publication, *Inside Asylum Appeals* is attracting global interest from scholars and policymakers as well as decision-makers and lawyers. The International Association of Refugee and Migration Law Judges will publish a piece on the book in their upcoming newsletter and the authors are currently working with tribunals in different countries to disseminate their findings. Dr Hambly has also written a commissioned report on Greek asylum appeals for researchers at the French national asylum court.

In 2024, Dr Hambly was awarded a college travel grant, enabling her to travel to Europe and give several invited presentations on topics relating to the book (e.g. 'local migration courts as transnational actors' and 'solidarity lawyering for migrants').

Inside Asylum Appeals is part of Dr Hambly's wider work around migration procedures and refugee determination processes, including her work on trauma-informed practice in migration proceedings. In 2024 she published an article on this topic in the *Refugee Survey Quarterly*, titled 'Plaintiff S99: Rewriting Refugee Law Through a Trauma-Informed Lens', part of the special issue on 'Rewriting Refugee Law' which was co-edited with ANU colleagues.

Dr Hambly has also delivered trainings to the Administrative Appeals Tribunal (now Administrative Review Tribunal) for the last two years on trauma-informed practice. She is also working with Legal Aid to extend the reach of trauma-informed training in the curriculum.

Consolidating her knowledge and expertise in asylum law, Dr Hambly recently obtained a Graduate Certificate in Global Mental Health and Trauma Recovery from Harvard Medical School.

Monographs

Associate Professor Faith Gordon

Children's Rights, 'Foreign Fighters', Counter-Terrorism: Children of Nowhere



Associate Professor Faith Gordon co-authored the book, *Children's Rights, 'Foreign Fighters', Counter-Terrorism: Children of Nowhere*, with Romyana van Ark and Devyani Prabhat. The book emphasises the vulnerability of children in situations of war, conflict and radicalisation.

Presenting innovative interdisciplinary work in the field, the book highlights how an increasingly high number of returning foreign fighters—and by proxy their children—are being refused re-entry to their country of primary citizenship, leading to a significant number of children trapped in conflict regions.

Incorporating data from a broad range of scholarship and empirical sources, the authors outline linkages between counter-terrorism knowledge, policy, and practice, as well as child rights and counter-terrorism law.

They argue that to foster the growth and development of children it is imperative to remove all stains of criminality and support their repatriation. Exploring issues of nationality rights and statelessness, the chapters examine the cancellation of citizenship as a strategy of preventative counter-terrorism, while dissecting relevant cases across Asia, Australia, Europe and North America.

This cutting-edge book is essential for academics in human rights, terrorism and security law, humanitarian law, public law, international child law, family law, and migration and citizenship. Its comparative and international coverage of child rights and counter-terror measures will also benefit national security and human rights practitioners.



Funding highlights



Dr Susan Bartie
Discovery Early Career Researcher Award
Australian Research Council, \$451,710

Susan received \$451,710 when she was awarded a Discovery Early Career Researcher Award from the Australian Research Council.

She is developing an unprecedented data set of Australian environmental lawyers over multiple generations that can be used by environmentalists, researchers and policy makers to better understand and engage with this important class of social reformers.

The major outputs for this project are a monograph, a short film as well as articles in leading law, socio-legal and history journals.



Dr Jason Chin
National Health and Medical Research Council (NHMRC), \$1.8 million

Dr Jason Chin has received a \$1.8 million NHMRC grant to facilitate and support a strong and independent patient voice in Australian health policy. This will be done through the co-design of an evidence-informed toolkit for governance of industry sponsorship. Dr Chin will work on this grant together with colleagues from the University of Sydney, Health Consumers NSW, The Mario Negri Institute of Pharmacological Research and the ANU.



Scott Chamberlain (Entrepreneurial Fellow)
Lex Automagica Project
Ripple's University Blockchain Research Initiative, \$200,000

Scott Chamberlain's Ripple grant was renewed for a further two years at US\$100,000 per year. His research asks whether and how blockchain, smart contracts, and AI can benefit society by automating legal relationships.



Associate Professor Emma Aisbett
Embedded emissions accounting frameworks to support net-zero trade (EEF4NZ)
The ARC Linkage Project

The ARC Linkage Project 'Embedded emissions accounting frameworks to support net-zero trade (EEF4NZ)' is led by Associate Professor Emma Aisbett. This collaborative and interdisciplinary project involves Chief Investigators from ANU Research School of Biology and Fenner School, as well as University of Sydney's School of Social and Political Sciences. 'Industry' partners for this project are the Australian Climate Change Authority, Clean Energy Regulatory, and Department of Foreign Affairs and Trade. The combined ARC and partner funding of \$380,000 has supported a Research Fellow position as well as the hiring of three of ANU Tuckwell Scholars as Project Officers. Academic outputs to date include an article in Climate Policy on 'Principles for embedded emissions accounting to support trade-related climate policy'. This project's findings have also found strong support in Australian Government and have led to further research consulting for Government as well as invited presentations in international inter-governmental fora aimed at supporting interoperability and consistency of embedded emissions accounting frameworks.

Activation within the ARC Industrial Transition Research Hub for Carbon Recycling and Utilization (ReCarb Hub). She also leads a project within the Hub on 'Frameworks to Support Trade in Embedded Carbon Products'. This interdisciplinary project has research partners in Chemical Engineering at Monash University and major industry partners including Woodside Petroleum and Wesfarmers. The combined \$380,000 funding from ARC and industry partners will be used to support a two-year Research Fellow position. The Fellow's research will focus on verification and certification of embedded emissions as well as enabling policy and market frameworks.

Associate Professor Emma Aisbett is Project Lead for 'Certification and verification to enable a successful low-carbon transition for heavy industry' within the Heavy Industry Low Carbon Transition Cooperative Research Centre (HILT CRC). The \$406,000 budget supports Research Fellow Dr. Hina Aslam to continue work initiated under her Andre Hoffman Fellowship which linked the World Economic Forum and the ANU Law School. This interdisciplinary project is being undertaken in collaboration with researchers in Chemical Engineering from Curtin University and its industry partners include Fortescue Metals Group, Grange Resources, BlueScope Steel, Worely, and Emirates Global Aluminium. The ANU Law School team will work with their industry and research partners to inform Australian heavy industry's engagement with the emerging regulatory and market regimes based on embedded emissions accounting.

Funding highlights



Dr Rebekah McWhirter
Genomic Data Sharing: Issues in Law, Research Ethics and Society
 Australian Research Council, Discovery Project, 2018-2024 (\$614,454)

Led by Distinguished Professor Emerita Dianne Nicol and involving collaborators from the Centre for Law and Genetics at UTAS, this project aims to provide recommendations for best practice regulation and governance of genomic data sharing in Australia. Developing more effective and efficient regulation of genomic data sharing promotes public trust and encourages broader data sharing, facilitating scientific progress and delivery of precision medicine.

Returning Raw Genomic Data: Patient Autonomy or Legal Minefield?
 Medical Research Future Fund, Genomic Health Futures Mission, 2020-2024 (\$403,096)

Involving collaborators from UTAS, University of Sydney, and the Zero Childhood Cancer Program, this project is led by Professor Jane Nielsen and investigates the adequacy of the Australian legal framework with respect to the return of raw genomic data to patients and research participants. It is producing a set of recommendations and best practice protocols, derived from doctrinal analysis and qualitative research with stakeholders.

Pathways to Benefit for Indigenous Australians in Genomic Medicine
 Medical Research Future Fund, Genomic Health Futures Mission, 2022-26 (\$5 million)

Led by Professor Alex Brown (ANU National Centre for Indigenous Genomics) and involving 48 chief investigators across Australia, this project establishes a national Indigenous genomics network to build and extend Indigenous leadership in genomic research, precision healthcare, data sciences, and ethical, legal and social implications of genomics. It aims to deliver benefit from genomic applications, and ultimately reduce inequity among Australia's First Peoples.

Ethical Governance for Clinical and Genomic Data
 Medical Research Future Fund, Genomic Health Futures Mission, 2022-26 (\$5 million)

This consortium, led by Professor Ainsley Newson (University of Sydney), brings together 43 chief investigators to address key emerging ethical, legal and social issues in clinical and genomic dataset governance. This project is developing, testing and preparing for implementation a national genomic data governance framework. The framework reflects current and emerging technologies, accounts for diversity in genomic data, and aims to integrate emerging data sharing practices, such as Indigenous data sovereignty, patient-led approaches, and open science.



The Australian National University signage, Acton campus

Scholar spotlights

Associate Professor Emma Aisbett

Emma Aisbett is an Associate Professor at the ANU Law School and Associate Director (Research) for the University's Zero-Carbon Energy for the Asia-Pacific initiative. She is interested in how we can reform the international trade and investment regime to be compatible with sustainability.

"Currently - my focus is on trade-related climate policies. Importantly we want to design these policies in a way that supports clean trade, rather than creating a spaghetti bowl of non-tariff barriers that will distort global trade and stifle new green industries," says Associate Professor Aisbett

"Starting out as an environmental engineer, I became interested in the role of economic globalisation in driving unfair and unsustainable outcomes. I've always wanted to do work that helps to protect our beautiful planet."

Associate Professor Aisbett began her career at the University of California, Berkeley to do a PhD in economics, focussing on international economic law.

"After graduating UC Berkeley, I increasingly found myself collaborating with legal scholars and political scientists because I was interested not only in the economic effects of international law, but also how it is shaped, and how to make it better.

One of her research highlights of 2024 was close research collaboration with the Australian Government. This collaboration was facilitated by an ARC Linkage Project on Embedded Emissions Accounting Frameworks to Support Net Zero Trade, as well as a project with the Government's Guarantee of Origin team.



"We published our paper 'Principles for embedded emissions accounting to support trade-related climate policy in Climate Policy', and presented our work to global audiences including at WTO Trade & Environment Week, the OECD Virtual Pavillion at COP 29, and APEC's Committee on Trade and Investment."

In 2025, her team will expand its international engagement to promote interoperability in embedded emissions accounting frameworks.

"We will also expand our collaborations with Australian industry. We are leading the product certification project within the Heavy Industry Low Carbon Transition Cooperative Research Center (HILT CRC) as well as the Market Activation Theme within the ARC Industrial Transition Research Hub on Carbon Recycling and Utilization."

"I'm excited by the opportunity to use transdisciplinary, collaborative, cross-sectoral research to have impact on the evolution of our global trading system."

Dr Jason Chin

Dr Jason Chin is a Senior Lecturer at the ANU Law School. His primary research interest is in studying the science underlying legal decisions and trying to improve that science. He believes this is an important area of research because unreliable science is a major driver of wrongful convictions, including the recent acquittal of Kathleen Folbigg.

Dr Chin became interested in this field from his PhD in Social Psychology from the University of British Columbia.

"Psychology experienced a reproducibility crisis while I was a student, where we learned that many well accepted findings are false or misleading. This led me to wonder whether the same could apply to the science that appears in courts," says Dr Chin.

In 2024 Dr Chin's research highlights included receiving an Ideas Grant (valued at \$1,846,156 AUD) with the National Health and Medical Research Council. Titled *A stronger voice for Australian patients and health consumers: toolkit for independence*, this piece is co-authored with Barbara Mintzes (lead), Lisa Parker, Kellia Chiu, Judith Mackson, Anthony Brown, and Cinzia Colombo.

"This project is significant to my work because it is a large project in which I will collaborate with healthcare researchers to provide more autonomy for patients in demanding more transparent, evidence based medical advice."

In addition, Dr Chin also published 'A plan for systematic reviews for high-need areas in forensic science' in *Forensic Science International: Synergy*. Co-written with Anna-Maria Arabia, Merryn McKinnon, Matthew J Page and Rachel A Searston, this piece lays out a plan for improving evidence in courts using systematic review methods. Dr Chin also co-edited *Rethinking science communication in courts*, a special issue in *Forensic Science International: Synergy*, bringing together an international collection of researchers in forensic science, law, research synthesis, psychology, metaresearch and criminology.



Alongside Nicholas A. Coles, Elizabeth R Tenney, Jack C Friedrich, Rose E O'Dea and Alex O Holcombe, Dr Chin published the editorial, 'Team scientists should normalize disagreement', in *Science*.

"Big team science is increasingly used to answer scientific questions. But with bigger groups, it's less likely that all scientists agree on the team. Therefore, we advocate for scientists to transparently represent what they agree with on a paper and what they don't."

In 2025, Dr Chin is working to create the first fully transparent and systematic reviews for forensic science.

Scholar spotlights

Dr Rebekah McWhirter

Dr Rebekah McWhirter is a senior lecturer in health and medical law at the ANU Law School. Her work relates to health law and how law can be used to support health. In 2024, her projects mostly focussed on the regulation of genomic data and samples, and on the regulation of research.

Beginning her career in medical research, Dr McWhirter became fascinated in figuring out the legal and ethical issues affecting research than in the original research questions.

“A big turning point for me was working on a genomic project with Aboriginal women living in remote communities and realising how poorly the research systems protected their interests. I started working with a lovely team at the Centre for Law and Genetics at University of Tasmania and then it snowballed from there,” says Dr McWhirter.

“I really enjoy working with scientists and clinicians to develop approaches that result in better outcomes for patients and participants, both in terms of their health and protecting their rights and interests.”

For Dr McWhirter, 2024 was a good year for data collection. She is currently part of two large national consortia relating to genomics. The first is designing a governance framework for genomic data in Australia, and her team has been analysing interview data to identify regulatory gaps and pain points.

The second is focused on improving access and equity in Indigenous genomics, and her team at the ANU National Centre for Indigenous Genomics is building on focus group data from diverse communities and a forthcoming survey to develop governance frameworks for data and samples that better protect the interests of Indigenous patients and participants.



Looking ahead to 2025, Dr McWhirter is excited to finish up a project examining potential legal mechanisms for giving effect to Indigenous Data Sovereignty principles in genomics.

She is also planning a workshop with Dr Lisa Eckstein to share their findings on methods for improving the quality and consistency of decision-making by ethics committees, as well as building a network of people interested in the regulation of research.

Professor Pauline Ridge

Professor Pauline Ridge is a private lawyer, specialising in the law of equity, restitution law and contract law. She has written extensively on third party liability for breach of trust and fiduciary duty. She is also a law and religion scholar, specialising in religious charity and not-for-profit law.

An internationally recognised private law scholar, Professor Ridge was motivated to specialise in this area as she studied law “during an exciting period for equity lawyers”.

“A series of High Court equity decisions profoundly changed the standards for commercial and other dealings in Australia, and I loved how the Court drew on the equitable concepts of good conscience and fiduciary loyalty to fashion the modern doctrines. I also appreciate the principled and fact-specific nature of equity’s judicial method,” says Professor Ridge.

“I became interested in the intersection of private law and religious freedom through the equitable doctrine of spiritual undue influence. And eventually that led me to explore the ways in which religious groups finance their activities, and religious charity and not-for-profit law.”

For Professor Ridge, several projects came to fruition in 2024. Two of her co-authored articles were accepted by the Melbourne University Law Review, concerning the liability of fiduciaries and their knowing assistants, and the equitable unconscionable dealing doctrine, respectively, and another co-authored article on unconscionable dealing was published in the Journal of Equity.

In 2024 Professor Ridge also finalised a chapter for the Oxford Handbook of Comparative Trust Law on the liabilities of external parties to a trust (and presented that paper to a conference in Canada).

She made a submission to the Productivity Commission on basic religious charities and was cited in the Commission’s final report, Future Foundations for Giving.



“For me the icing on the cake in 2024 was being the joint winner of the award for Best Journal Article, Australian Legal Research Awards, for my Law Quarterly Review article, ‘Undue Influence and Religion’”.

“That article was challenging and took a long time to write. It integrated contentious doctrinal debates in private law with freedom of religion issues in English and Australian law. Essentially, it asks whether someone who makes a large gift to their religious leader or religious group should ever be permitted to recover the gift if they later change their mind? I hope it will be useful for lawyers, regulators and religious groups.”

Looking ahead to 2025, Professor Ridge is writing a paper on whether equity can fill a legislative gap in ACT law, invalidating a trust for ‘mixed’ charitable and non-charitable purposes. She will also continue working on a project that focusses on the legal regulation of religious financing practices.

Research articles



CONSTITUTIONAL LAW

Understanding the impact of colonial socialism in Australian constitutionalism

Professor Will Bateman authored an article, 'Federalising Socialism Without Doctrine', published in *Federal Law Review*.



PUBLIC LAW

Social media platforms as performing regulatory functions

Associate Professor Stephen Thomson authored an article, 'Into the Quagmire: Social Media as Regulators and the Limits of Judicial Review', published in *Public Law*.

How administrative law can better promote sustainable public health outcomes

Associate Professor Steven Thomson authored an article, 'Administrative Law as a Determinant of Public Health', published in *Canadian Journal of Public Health*.



ENVIRONMENTAL LAW

The relationship between environmental law and its broader context

Dr Susan Bartie co-authored an article with Meredith Hagger, 'Bringing the Idea of the Environment to Law: A Comparative Study of Early Environmental Law Textbooks', published in *Legal Studies*.

How lawyers can address climate change

Professor Vivien Holmes authored an article, 'Ethical Lawyering in the Anthropocene', published in *Legal Ethics*.

Working towards a climate-resilient future

Professor Rebecca Monson co-authored an article with Dr John Handmer and Thomas Schinko, 'Addressing the diversity of loss and damage in PICTs to foster a just transition towards a climate-resilient future', published in *Climate and Development*.



Hot air balloon over Commonwealth Bridge, Canberra. Photo: Adobe Stock.

Research articles



LAW AND SCIENCE

Tackling challenging questions

Dr Jason Chin co-authored an article with Nicholas Coles, Elizabeth Tenney, Jack Friedrich, Rose O'Dea and Alex Holcombe 'Team scientists should normalize disagreement', published in *Science*.



INTERNATIONAL LAW

Impacts of Australia's border restrictions

Professor Kate Ogg authored an article, 'Broken Bonds: How COVID-19 Border Restrictions Transformed Experiences and Conceptualisations of Citizenship', published in the *Journal of Law and Society*.

Impact of territorial disputes in the South China Sea

Professor Donald Rothwell co-authored an article with Alison Cook, 'Territorial Disputes and Deep-Sea Mining in the South China Sea', published in the *Melbourne Journal of International Law*.

Examining the international and constitutional legal status of island territories

Professor Donald Rothwell co-authored an article with Harry Hobbs, 'Towards a Legal Era for Islands: The International and Constitutional Status of Island Territories', published in the *International and Comparative Law Quarterly*.

Australian/New Zealand law of the sea relations

Professor Donald Rothwell authored an article, 'Bilateral Law of the Sea Neighbors: Australia and New Zealand's Partnership and McDorman's North American Rivals', published in *Ocean Development and International Law*.



PEACE AND CONFLICT

Power-sharing constitutions

Professor Ron Levy co-authored an article with Ian O'Flynn, 'Veto, deadlock and deliberative umpiring: Toward a proportionality doctrine for power-sharing constitutions', published in *Global Constitutionalism*.



HUMAN RIGHTS LAW AND POLICY

Targeted sanctions across the US, UK, EU and Australia

Dr Anton Moiseienko authored an article, 'The Sins of the Fathers: Targeted Sanctions Against Family Members of Primary Targets', published in the *Modern Law Review*.

Trauma-informed refugee law

Dr Jessica Hambly co-authored an article with Neeraja Sanmuanathan, 'Plaintiff S99: Rewriting Refugee Law Through a Trauma-Informed Lens', published in *Refugee Survey Quarterly* as part of a special issue she co-edited.



INDIGENOUS PEOPLES AND LAW

Indigenous rights to environment

Associate Professor Jonathan Liljeblad authored an article, 'Sea Peoples & Marine Plastic Pollution in Southeast Asia: An International Human Rights Approach in Support of Indigenous Rights to Environment', published in the *UCLA Journal of International Law and Foreign Affairs*.



LAW AND FINANCE

Interplay between law and technological advancements

Dr Alvin Hoi-Chun Hung authored an article, 'Legal Consciousness and the Crypto Phenomenon: Property Ideologies, Innovation, and Potential Ramifications on Financial System Stability', published in the *International Journal of Law in Context*.

Historical adaptability of property law

Dr Alvin Hoi-Chun Hung authored an article, 'Evolution of Intangible Property to Crypto-Assets: Legal Pragmatism in Anglo-American Common Law and Chinese Civil Law', published in the *Chinese Journal of Comparative Law*.

Monetary financing

Professor Will Bateman co-authored an article with Jens van 't Klooster, 'The dysfunctional taboo: monetary financing at the Bank of England, the Federal Reserve, and the European Central Bank', published in the *Review of International Political Economy*.

Research articles



PRIVATE LAW

Technological changes to corporate insolvency law

Associate Professor Akshaya Kamalnath authored an article, 'The future of corporate insolvency law: A review of technology and AI-powered changes', published in the *International Insolvency Review*.



LAW, GOVERNANCE AND DEVELOPMENT

The role of law in the world

Professor Rebecca Monson authored an article, 'Let it Fall, Let it Break: When Should We Refuse to Repair?', published in *Legalities*.



EVIDENCE LAW

Systematic reviews in forensic science

Dr Jason Chin co-authored an article, 'A plan for systematic reviews for high-need areas in forensic science', published in *Forensic Science International: Synergy*.



CRIMINAL LAW

Understanding crime-based sanctions

Dr Anton Moiseienko authored an article, 'Crime and Sanctions: Beyond Sanctions as a Foreign Policy Tool', published in the *German Law Journal*.



LAW AND RELIGION

Relationship between the self and the state

Associate Professor Joshua Neoh authored an article, 'Kierkegaard and Hobbes on the State of Nature', published in the *American Journal of Jurisprudence*.

Other publications

By Peaceful Means: International Adjudication and Arbitration

Associate Professor Esmé Shirlow co-edited *By Peaceful Means: International Adjudication and Arbitration* (Oxford University Press, 2024), providing authoritative commentary from a diverse set of scholars and practitioners on international dispute settlement and its possible future trajectories.

Administrative Tribunals in the Common Law World

Associate Professor Stephen Thomson and Professor Greg Weeks co-edited a book with Matthew Groves, *Administrative Tribunals in the Common Law World* (Hart, 2024), the first edited book of its kind to examine tribunals across the common law world. It brings together key international scholars to discuss current and future challenges.

Administrative Law: A Very Short Introduction

Associate Professor Stephen Thomson authored a book, *Administrative Law: A Very Short Introduction* (Oxford University Press, forthcoming early 2025).

Rewriting Refugee Law

Dr Jessica Hambly, Dr Eve Lester, Professor Kate Ogg and Associate Professor Matthew Zagor co-edited a special issue of *Refugee Survey Quarterly* on 'Rewriting Refugee Law'.

Law and Social Credit: An Introduction

Dr Clement Chen co-edited a peer-reviewed special issue, 'Law and Social Credit: An Introduction', published in *The China Review*, investigating the multifaceted relationship between law as a traditional form of regulation and social credit in China.

'Constitutional Amendment in Myanmar: Constitutional Change and the Trajectory of Political Transition'

Associate Professor Jonathan Liljeblad wrote a book chapter, 'Constitutional Amendment in Myanmar: Constitutional Change and the Trajectory of Political Transition', which was published in *Asian Comparative Constitutional Law, Volume 2* (Bloomsbury, 2024).

'Planning for Climate Mobility: developing a relational approach to planned community relocation in Solomon Islands'

Professor Rebecca Monson co-wrote a book chapter, 'Planning for Climate Mobility: developing a relational approach to planned community relocation in Solomon Islands', which was published in *De Gruyter Handbook of Climate Migration and Climate Mobility Justice* (De Gruyter, 2024).

Awards and accolades

Judge of the Federal Court of Australia

Professor James Stellios, former Head of the ANU Law School, was appointed a Judge of the Federal Court of Australia on 19 December 2024.

2024 Australian Legal Research Awards Prize

Professor Pauline Ridge received the prize for best article in the 2024 Australian Legal Research Awards for 'Equitable Undue Influence and Religion', published in the *Law Quarterly Review*.

The judging panel for ALRA is drawn from law faculties around Australia, and this award is a testament to the broad impact of Professor Ridge's work.

Institute of Advanced Legal Studies

Associate Professor Faith Gordon was appointed Senior Associate Research Fellow at the Institute of Advanced Legal Studies, London.

American Society of International Law Prize

Associate Professor Esmé Shirlow was awarded the American Society of International Law's Certificate of Merit for her edited collection *The Vienna Convention on the Law of Treaties in Investor-State Disputes: History, Evolution and Future* (Wolters Kluwer, 2022), co-edited with Kiran Nasir Gore. The selection committee described the book in the following terms:

"This book provides an authoritative – indeed, the authoritative – guide to the role of the Vienna Convention on the Law of Treaties in the resolution of disputes between states and foreign investors. Its twenty-eight contributors provide a highly diverse range of perspectives from scholars and practitioners active in the field. They address issues arising at every stage from the creation to the termination of investment treaties, with especially detailed attention to important questions of interpretation and to emerging challenges.

The chapters are uniformly remarkable for their depth, clarity, and readability. Worthy of special note are the editors' introductions not only to the book as a whole, but also to each part of the volume, which frame the contributions and integrate them into a lively conversation with one another in a way that could be a model for many other edited works. All in all, the book provides an extraordinarily rich and engaging exploration of the issues at the intersection of investor-state disputes and the law of treaties."

Public policy impact

The Victorian County Court

Dr Jelena Gligorijevic's published research on privacy was quoted at length and adopted in the Victorian County Court, as a key basis for that Court's recognition of a standalone common law tort of interference with privacy (*Waller v Barrett (pseudonyms)* [2024] VCC 962, [259], [301], [315]).

European Court of Human Rights

Associate Professor Ryan Goss's research was cited by the European Court of Human Rights in *Snijders v The Netherlands* (February 2024); *WR v Netherlands* (August 2024); and *Souroullas Kay & Zannettos v Cyprus* (November 2024).

Parliamentary Testimony on International Law

Professor Donald Rothwell made multiple parliamentary submissions and testified as witness in the inquiry by the Joint Standing Committee on Treaties, Agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (September 2024) and inquiry by the Joint Standing Committee on Treaties into AUKUS treaties (October 2024). His submissions were referred to in the final reports in these and several other inquiries.

Sanctions Testimony in Europe and Australia

Dr Anton Moiseienko testified before the Legal Committee of the Parliamentary Assembly of the Council of Europe (PACE) on the confiscation of assets frozen under sanctions in February 2024, with his analysis adopted in the Committee's final report. He also testified on before the Australian Senate's Foreign Affairs, Defence and Trade Committee on the Australian sanctions regime in November 2024.

Senate Standing Committees on Environment and Communications

Associate Professor Emma Aisbett, on behalf of the ANU Zero-Carbon Energy for the Asia-Pacific (ZCEAP) grand challenge initiative, provided a submission to help inform the Senate Standing Committees on Environment and Communications on the Inquiry into the Future Made in Australia (Guarantee of Origin) Bill 2024 and related bills.

Administrative Review Tribunal Training

Dr Jessica Hambly has delivered training on trauma-informed practice for the Administrative Review Tribunal.

Events

FEBRUARY

Visitors Seminar: Sustainability in the Boardroom: A View from the UK

This presentation drew on research conducted by Professor Esser, Professor Iain MacNeil and Dr Kasia C-Ladna during the last five years with a focus on their empirical work on non-financial and strategic reporting requirements applicable in the UK, workforce engagement as well as a proposed ESG entity model.

Reimagining Migrant and Refugee Justice – Launch and Panel Discussion

The ANU Law Reform and Social Justice program launched a Special Issue of the *Refugee Survey Quarterly* and the Reimagining Migrant Justice project which explores lived experiences in refugee and migrant decision-making.

Talk: Associate Professor Mary Liston

In this talk Associate Professor Mary Liston (University of British Columbia) give a brief comparison of Australia/Canada/New Zealand and how the three branches of government, in their own way, advance/hinder progress in Indigenous relations.

Genocide and the International Court of Justice: Recent Developments

Hosted by the Centre for International and Public Law, this forum outlined the legal proceedings in two significant decisions handed down by the International Court of Justice, and assessed the legal issues arising from them.

MARCH

Corporations, diversity and the law: a panel discussion

The Hon Justice Janine Pritchard JA, Associate Professor Akshaya Kamalnath and Professor Michelle Ryan in conversation on why diversity matters in corporations and in the law, and strategies for achieving it.

Events

MARCH

Visitors Seminar: Obfuscating Fragile Narratives and 'Restorying' Constitutional Pluralism in Canada and Australia

In her talk Professor Kiera Ladner (a distinguished Vice-Chancellor Visiting Fellow) offered valuable insights into the intricate dynamics of constitutional pluralism.

Visitors Seminar: Timber Capitalism: The Journey of Industrial Logging Across Tropical Forests in the Post-World War II Era

In her talk Negar Mansouri (a distinguished Kathleen Fitzpatrick Visiting Fellow) explored valuable insights into the global impact of industrialisation on environmental sustainability.

The Genocide Convention and the ICJ: Further developments

This webinar discussed unfolding developments of four recent cases in the International Court of Justice.

APRIL

50 years of Statutory Interpretation

An event to celebrate the 10th edition of *Statutory Interpretation in Australia* (Lexis Nexis, 2024), the most cited text on Australian law.

MAY

Visitors Seminar: The Logic and Limits of Chinese Bankruptcy Law

Delivered by the visiting scholar, Ding Jun Toh, a PhD candidate at SMU Law, this seminar discussed the logic and limits of Chinese Bankruptcy Law.

Visitors Seminar: The evolution of Transitional Justice: From post-authoritarian settings to established democracies

Presented by Caitlin Reiger, CEO of the Human Rights Law Centre and esteemed human rights lawyer, this seminar discussed the adaptation of transitional justice processes.

MAY

Visitors Seminar: Law and Politics of Religious Fraud Regulation: Mainland China, Taiwan and Hong Kong

Delivered by visiting scholar Professor Jianlin Chen, Associate Dean (International) of Melbourne Law School, this seminar discussed the legal tools used in China, Taiwan and Hong Kong to punish religious claims and practices considered false or fraudulent by the state.

JUNE

Visitors Seminar: Debt and Federalism: The Influence of Saskatchewan and Alberta in the 20th Century

This lecture, presented by Dr. Virginia Torrie, Estey Chair in Business Law at the University of Saskatchewan College of Law, traced changing conceptions of the federal bankruptcy and insolvency power through Canadian history, from the Great Depression to the mid-20th century.

JULY

The ICC, and the Hamas/Israel conflict

This public lecture considered the international law issues arising from the Prosecutor of the International Criminal Court's announcement that they are seeking arrest warrants for five persons associated with the Hamas/Israel conflict.

Visitors Seminar: Statelessness and the Risk of Genocide

This seminar by explored the critical link between statelessness and genocide and sheds light on how statelessness can render populations vulnerable to atrocity crimes.

The Past, Present, and Future of the Palestine Investigation at the ICC

This public lecture drew on Professor Kevin Heller's expertise and involvement in the Palestine investigation to inform us all about the process and what we can expect moving forward.

AUGUST

Visitors Seminar: The Rule of Law and Human Flourishing

Visiting Fellow Dr Michael Foran, lecturer in Public Law at the University of Glasgow, delivered a seminar that offered an alternative grounding of the rule of law within the ideal of custodianship.

EP Thompson at 100: History, Law, Politics

This seminar discussed the work of EP Thompson, one of the great British historians of the past century. His work reshaped our thinking about the relationship between law and society.

Events

AUGUST

Visitors Seminar: Pan-African Worldmaking, the ICC and the UN Security Council

Delivered by Visiting Fellow Dr Yassin Brunger, lecturer in Human Rights Law at Queen's University, Belfast, this seminar critically examined prevailing notions of justice as 'authored' by the ICC and the UN Security Council.

SEPTEMBER

Visitors Seminar: Corporate personality and economic nationalism in the postcolony

In this seminar André Dao (University of Melbourne) explored how the technique of corporate personality has been deployed in postcolonial states to manage first anti-colonial, and then developmental (economic) nationalisms.

OCTOBER

Visitors Seminar: The 'Nature' of Peoples' Institutions and International Law

In this seminar Dr Tim Lindgren (University of Amsterdam) explored the place of legal institutions organised by 'peoples' rather than States on the international arena, with a critical focus on the International Rights of Nature Tribunal.

Visitors Seminar: Transnational Social Security Law in the Digital Age: Can the law enable a grassroots politics of redistribution?

In this seminar Associate Professor Serena Natile (University of Warwick) discussed a conceptual and policy framework for transnational social security law, paying critical attention to the recent digitalisation of social security programmes.

OCTOBER

Phillipa Weeks Lecture 2024: The De-Collectivisation of Representation in Collective Bargaining in Australia

Delivered by Professor Shae McCrystal (University of Sydney Law School), this public lecture explored the gradual de-collectivisation of representation in collective bargaining.

Visitors Seminar: Constitutional Structure in Judicial Reasoning: Consensus in Constitutional and Supranational Contexts

This seminar, based on Dr Jaka Kukavica's (University of Ljubljana) doctoral thesis, explored the different structural contexts in which courts operate through the frame of consensus analysis.

NOVEMBER

Visitors Seminar: Climate migrants as the new stateless persons

Professor James Hathaway (University of Michigan) considered statelessness as a conceptually appropriate and politically wise framework when discussing persons forced to flee their homes due to climate change and natural disaster.

Structural Blind Spots: Why We Know So Little about Wrongful Convictions

In this public lecture Professor Barbara O'Brien drew on her legal practice and research, including editing the U.S. National Registry of Exonerations, to discuss why we know so little about wrongful convictions.

Visitors Seminar: Shadow directors and controlling stakeholders: A comparative law perspective

In this seminar Professor Xin (Sean) Tang (Tsinghua University School of Law) discussed the role of 'shadow directors' within the context of Chinese law.

The Annual Kirby Lecture in International Law: Claiming Queer Liberty

In this public lecture, Professor James Hathaway (University of Michigan Law School) discussed queer people's right to sexual liberty.

Visitors Seminar: Do Cryptocurrency Markets Bear Discipline? – Price Comovement and Market Downturns

In this seminar Eric Alston (University of Colorado) explored the relationship between market downturns and price comovement among cryptocurrency networks.

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