Welcome to the 2nd Edition of SLJ Research.

Our first issue, published in late 2017, celebrated a year of research success; growing publication outputs, the launch of a keynote lecture in legal theory and critique, visiting judge and artist in residence programs, and a monthly research seminar series. As 2018 draws to a close, these key benchmarks continue to flourish, while new programs and events unroll.

This year, I can report on a busy list of research activities that are testament to a rich research culture in the SLJ, one that plays to our enduring strengths: a scholarly tradition that is critical, theoretical, cultural, progressive, and deeply imbued with an ethos of social and environmental justice. Film screenings, book readings, keynote conference papers, monthly research seminars, quality publication outputs, grants success, traditional and non-traditional research impacts, symposia, In Conversation events, Thursday Night Live provocations at the Quad - it has been a full year.

Importantly, as well as engaging researchers and students within the School, we have engaged with community, staging events both on-campus and off, and in the region and beyond - projecting an outwards-facing reputation of the SLJ as a vibrant place of critical legal thinking and inter-disciplinarity.

Thanks for taking the time to read this second edition of SLJ Research and please feel free to join us at our final research event of 2018, the Greta Bird Lecture on 29th November. We look forward to seeing you there!

Kind regards,

Associate Professor
John Page
Deputy Head of School
(Research)

The School is pleased to confirm that Professor Katherine Biber will be giving the 2nd Annual Greta Bird Lecture in Legal Theory and Critique on 29 November in the Fountain Room at Lismore City Hall. Named after founding faculty member and critical feminist and race scholar, Adjunct Professor Greta Bird, the series was launched last year by Professor Michele Bratcher Goodwin from the University of California, Irvine.

Professor Biber, from the Law School at the University of Technology Sydney, is a legal scholar, criminologist and cultural historian. Her paper, ‘The Afterlife of Criminal Evidence’ reflects a compelling and highly acclaimed research interest in the laws of evidence and criminal procedure, and the role of documentation, visual culture and particularly photography in the law. Katherine’s most recent monograph is In Crime’s Archive: The Cultural Afterlife of Evidence (Routledge, 2018).

Bookings can be made at 2018-greta-bird-lecture.eventbrite.com.au.
Law and the Humanities Artist in Residence
Daryl Dellora

During May, celebrated Australian filmmaker, documentarian, author, and director Daryl Dellora was the SLJ's Law and Humanities Artist in Residence for 2018. [filmartmedia.com/about-us/daryl-dellora/](filmartmedia.com/about-us/daryl-dellora/)

Melbourne-based, Daryl is well known for documenting the lives of leading figures in 20th century Australia, from eminent High Court justices to famous architects. Recently, Daryl was the screen director of the Australian film, The Dressmaker. Away from film, Daryl is an author of a biography of Mr. Michael Kirby AO QC.

Across two Thursday evenings, screenings of Mr. Neal is Entitled to be an Agitator (exploring the life and career of 1970s Attorney-General and High Court Justice Lionel Murphy) and Michael Kirby: Don't Forget the Justice Bit were held.

Pictured are scenes from the packed crowd enjoying the Kirby documentary held in the Events Space at the Lismore Regional Gallery. A Q&A, led by SLJ Dean, Professor William MacNeil, followed the documentary.

"Just a quick note to say how much I enjoyed being a part of your artist in residence program. It was a great opportunity for me to meet you and many of your wonderful colleagues and students. I felt the Lismore Regional Art Gallery event went exceptionally well, as did the screening on campus, with really thoughtful and engaging questions ... on both occasions. I was delighted to chat with audience members and hear their stories and get their feedback."

(Daryl Dellora, 23 May, 2018)
Thursday Night Live – Standing Up for Standing Rock

Continuing the theme of community engagement, the SLJ’s Associate Professor John Page (as moderator) and Dr. Cristy Clark, together with Gnibi College’s Dr. Shawn Wilson, and local community activist and Lismore City Councillor Elly Bird, joined a full-house Thursday Night Live panel that looked at the diverse implications of protest and drew parallels between Standing Rock and the Bentley Blockade.

The event coincided with photojournalist Angus Mordant’s exhibition at the gallery - ‘Standing Rock’- images that captured the iconic protests against the Dakota Access Pipeline in Sioux territory in North Dakota, USA.

Dominion – bringing emerging legal issues to the heart of community

On 12 June, the SLJ hosted a screening of the confronting Australian documentary Dominion dominionmovement.com - again using the community-friendly Events Space at the Lismore Regional Gallery.

Dominion uses drone and undercover footage to raise questions, as its website describes, ‘about the morality and validity of our dominion over the animal kingdom.’

The screening, again attended by a large crowd from all walks of the region, was followed by a lively panel discussion, exploring emerging issues in animal law, corporate transparency, privacy, and public protest.

Moderated by Professor William MacNeil, Dean of Law and Head, School of Law and Justice at SCU, the panel included Vice-Chancellor Professor Adam Shoemaker, the SLJ’s Dr. Cristy Clark, and environmental lawyer (and 2018 Kirby Lecturer) Ms. Sue Higginson.

21st Annual Michael Kirby Lecture

On Friday 27 July, the SLJ’s Annual Kirby Lecture was held at the Gold Coast. This year’s speaker was SLJ alumnus and former CEO and Principal Solicitor of the NSW Environmental Defender’s Office, Ms. Sue Higginson. Sue’s compelling paper, ‘The Lawfare Problem: A Case for an Environmental Rule of Law’ explored the critical role of public interest environmental litigation in protecting the environment and upholding the rule of law.

The 2018 Lecture was historic, in that for the first time, a distinguished graduate of the SLJ joined the ranks of Kirby lecturers, a list that began with the series’ patron, Mr. Kirby himself, and includes other national figures such as former Justice Margaret McMurdo of the Queensland Court of Appeal, former Human Rights Commissioner Gillian Triggs, and former Prime Minister Malcolm Turnbull.
Research Seminar Series

The SLJ’s Research Seminar Series was launched last year: its objective to enhance the research culture of the SLJ by welcoming leading scholars from Australia and overseas, and showcasing the exciting research of our own leading colleagues in the School. Details of the full 2018 program are available from the Research page at scu.edu.au/law.

It is worth re-visiting our full program to underscore the impressive range of speakers who presented at our Lismore and Gold Coast campuses and the diversity of topics covered.

The year began with visiting Professor Renata Salecl from the Faculty of Law at the University of Ljubljana and Birkbeck College, London, who spoke provocatively to ‘Ignorance in Times of Post-Truth’. In February, UK legal historian, Dr. Gregory Durston provided a lively overview of the little known ‘Admiralty Sessions Court in the years 1535-1834’.

In April, Dean of the SLJ, Professor William MacNeil gave us a preview of his paper based on the 1944 film classic, Laura, ‘Waldo’s Beautiful Things: Possessing and Possession in Laura’, including excerpts from the film in their full black and white cinematographic glory.

In May, leading Australian property theorist, Associate Professor Nicole Graham from Sydney Law School, also gave us a first glimpse of her upcoming work ‘Property and Proportionality’. This was followed by distinguished tort scholar, Professor Mark Lunney, and his discursive journey through ‘Tort’s place in Australian history: different views, different stories’ - part of his book of the same name published this year by Cambridge University Press.

In July, the SLJ’s Dr. Cristy Clark transported us to the contemporary water crises in Michigan, with ‘Race, austerity and water justice in the US: Fighting for the human right to water in Detroit and Flint’.

Dr. Ed Mussawir from Griffith Law School added his theoretical heft to the series in early August with a delightful presentation that reached back to Roman jurisprudence, ‘Several bees or a full swarm?’

Dr. Olga Jurasz, from the Open University, UK, added an international law perspective to the series later in the same month with ‘Feminist engagements with fragmented international law: the case of jus post bellum’. And continuing the global theme, our last international visitor for the series was Dr. Julien Etxabe, from the University of Helsinki, whose paper in early October explored ‘The Travelling and the Troubled Language of Human Rights’.

The series ended on October 19th with ARC Future Fellow, Professor Heather Douglas from the University of Queensland, who gave us an early public presentation from her just-ended Future Fellowship research, ‘Using Law and Leaving Violence: Women’s Voices’.

SLJ Judge in Residence
Nicholas Hasluck QC
Former WA Supreme Court Justice

The SLJ’s Judge in Residence for 2018 was former WA Supreme Court Justice Nicholas Hasluck QC. Mr Hasluck was hosted at our Gold Coast and Lismore campuses in the week starting 14 May, as part of a full program of events coordinated by Professor Bee Chen Goh.

As well as being a distinguished jurist, Mr. Hasluck has an equally distinguished career as a novelist and author of what he describes as ‘moral thriller genre and satire.’ While on campus, Mr. Hasluck gave selected readings to the SLJ’s Legal Theory Reading Group (led by Dr. Alessandro Pelizzon), was a guest lecturer in an online collaborate class in the core LLB unit ‘Philosophy of Law’, met students at a SCULA function at the Gold Coast, and was special guest at a breakfast function of the Gold Coast and District Law Society.
Research Highlights

The Lawful Forest

The landmark 2017 High Court decision of *Brown v State of Tasmania* formed the catalyst for the journal article ‘Of protest, the commons, and customary public rights: an ancient tale of the lawful forest’, co-authored by the SLJ’s Dr. Cristy Clark and Assoc. Prof. John Page.

Accepted for publication in March 2019 in one of Australia’s leading law reviews, the *University of New South Wales Law Journal* it was described by reviewers as ‘one of the most interesting and engaging pieces I have read for a long time on a topic that is seldom tackled at this fundamental level. I regard it as a unique and valuable contribution to the literature. There is nothing like it currently available.’ The paper explores the contested space of protest, public property, and ancient custom dating back to the Forest Charter of 1217.

Clark and Page’s Lawful Forest was presented at the Association of Law, Property and Society’s annual conference in Maastricht, The Netherlands in May. It will also form part of a Critical Property Narratives of Climate Change

The narratives of climate change have been the focus of Dr. Nicole Rogers’ scholarship in 2018. In January, Dr. Rogers secured a book contract with Routledge on this topic, and in July, as symposium co-founder, she co-organised a pioneering inter-disciplinary and cross institutional symposium at the University of Newcastle, the Narratives of Climate Change.

The symposium weaved together narratives of climate science, climate activism, climate justice and climate storytelling, with speakers from diverse areas including science, law, architecture, visual arts, creative writing and journalism.

In addition, Nicole was invited to contribute to a collection of essays engaging with the work of leading environmental ethicist Prof. J Ronald Engel in *The Future of Global Environmental Ethics* (Edward Elgar, forthcoming 2018), and her journal article ‘Beyond Reason: Activism and Law in a Time of Climate Change’ will shortly appear in the Michigan State University’s *Journal for the Study of Radicalism*.
Dr. Cristy Clark’s reputation as a leading international scholar of the human right to water was further highlighted in 2018 with three related publications, and late news in October, that she along with a team from Deakin University, were successful in obtaining external grant funding for a project that investigates water quality and lead contamination levels in remote communities.


In impact outside academia, Cristy regularly writes for The Conversation. Her article ‘#MeToo exposes legal failures but trial by Twitter isn’t one of them’ had over 11,000 hits, and led to an interview on ABC Radio’s State-wide Weekends. Cristy is also the current monthly environment columnist for Eureka Street, and is a co-founder and co-convener of the Feminist Writers Festival in Melbourne and Sydney.

Professor Bee Chen Goh and Dr. Rohan Price received good news in March, being successful in obtaining internal seed funding for their project ‘Food Security in China: An Investigation into the Regulatory Framework in Organics’. Partnered with the Faculty of Law at Shandong University, and the Van Horne Institute in Canada, the duo have met with stakeholders in organic certification and regulation, and visited organic food sites in Shanghai and Hong Kong. Bee Chen and Rohan are presently working with City U HK Press on an edited book arising from the project.

Professor Goh will also visit Thailand in November to learn more about its importance to China in bilateral organic trade, as well as visiting Chiang Mai University Law Faculty, where she will explore the potential of recruiting a capacity-building doctoral candidate on organic regulation. Bee Chen will also be presenting to an international conference in Bangkok in November.

In other research news, Professor Goh, along with colleagues from Bond University, has secured an international book contract with Springer for a festschrift on Emeritus Professor Mary Hiscock.


Anatomy of a Riot has been described by a reviewer in the South China Morning Post as ‘a terrific read, written with passion’, while Violence and Emancipation in Colonial Ideology was described in its peer review as ‘a work of argumentative strength and forthright originality. The author has succeeded in bringing to the fore the importance of colonial ideology … to South East Asia. I can think of few texts that do this for the region.’

Rohan will be a guest of the City University of Hong Kong in November to host a dinner for Hong Kong’s academic historians.

Pictured below is Rohan at the Malaysian National Archive along with Ms Hemalatha Ramasami, Head of Reference and Access (on the right) and Ms Suhan Mat Tehor, Archivist (left). “We had a great discussion about digitisation, researchers photographing documents as well as archive acquisition and preservation issues”, Rohan reported. “I also managed to dig up some useful documents on the legality of KMT branches in regional areas in the colonial era”.

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In publication news, Prof. MacNeil’s ‘Machiavellian fantasy and the game of laws: rex, sex and lex in George RR Martin’s A Song of Ice and Fire’ was published in *Envisioning Legality: Law, Culture and Representation* (Routledge, 2018), and his closing plenary paper from LSAANZ 2016, has been accepted for publication in Australia’s foremost socio-legal journal, the *Griffith Law Review*.

Dr. Alessandro Pelizzon’s profile as a significant international figure in ecological jurisprudence was affirmed by his invitation to attend the 10th Anniversary celebration of the Ecuadorian Constitution (the first to recognise the rights of nature) in September in Quito, Ecuador.

His co-authored paper ‘Can You Hear the Rivers Sing? Legal personhood, Ontology and the Nitty-Gritty of Governance’ likewise continues his scholarly focus on the rights of nature. Co-written by the SLJ’s Dr. Cristy Clark, Assoc. Prof. John Page and former colleague Dr. Nia Emmanouil, this lyrically titled journal article will be published in late 2018 in the University of California Berkley’s *Ecology Law Quarterly*. Alex has also been invited to be a co-author of a new ‘Earth Law’ text to be published by the Earth Law Centre in 2019.

Assoc. Professor Jennifer Nielsen’s scholarship in 2018 focused on her passion to promote Indigenous cultural competency in legal education. Working in collaboration with Marcelle Burns, (Project Leader Indigenous Cultural Competency for Legal Academics Program, UNE) and Prof. Simon Young (USQ/ UWA), she co-authored the article ‘The Difficulties of Communication Encountered by Indigenous Peoples: Moving Beyond Indigenous Deficit in the Model Rules for Legal Practitioners’. This paper was presented at the 2018 Australasian Law Teachers Association Conference, held in July at Curtin University, WA, and is currently under consideration for a forthcoming special edition of the *Legal Education Review*, along with a second co-authored article, ‘Dealing with the “wicked” problem of race and the law: a critical journey for students (and academics)’.

Assoc. Professor Nielsen also contributed a chapter, ‘The Problem with Research’, to a forthcoming collection titled *Feminism, Postfeminism and Legal Theory: Beyond the Gendered Subject*, edited by Drs Anne MacDuff and Dorota Gozdecka (ANU), (Routledge, 2019). That chapter explores the opportunities postfeminist methods might open to decentre Western perspectives and engage pluralistic conceptions, capable of more meaningful, respectful, and productive dialogues with diverse local and Indigenous voices and knowledges. In addition, Jennifer’s new co-authored book, *Learning Law*, was published in April by Cambridge University Press, while the fifth edition of the successful title co-authored with Dr. Rohan Price, *Principles of Employment Law* (Thomson Reuters) was released in September.

Dr. Evgeny Guglyuvatty’s NTRO report into the indirect taxation of e-commerce and cryptocurrency transactions in Australia and Singapore was the culmination of a productive collaboration with academic colleagues in Russia, and external grants success from the Singapore Management University and the Tax Academy of Singapore - Centre for Excellence in Taxation. Evgeny is returning to Singapore in November to discuss the findings of this report.

Evgeny’s international profile as a researcher in carbon tax policy and climate change was also enhanced in 2018 by a presentation at the Russian International Taxation Week conference in Moscow in April.

Arguably, the SLJ’s most recognised activist-academic Aidan Ricketts likewise enjoyed research success in 2018. Outputs include ‘Roadside drug testing: incoherent policy or uncertainty by design’ in the *Alternative Law Journal*, and guest speaking roles at the Byron Writers Festival ‘Writing for social change’ and elsewhere across the region. Aidan is also a guest editor of a special themed edition of volume 19 of the *Southern Cross University Law Review*, ‘Non-Violent Non-Negotiable: Protest, People and Power’.

Away from themes of protest and activism, Aidan has also published on flexible learning in the Pacific, in the University of South Pacific’s celebration of 50 Years of Flexible Learning released in August.
Dr. Natalia Szablweska was selected to participate in the prestigious ARC Kathleen Fitzpatrick Fellowship Mentoring Scheme 2018-19 to be held at the University of Melbourne in December. This scheme is aimed at Australia’s outstanding early career female researchers in the humanities and social sciences - for a week-long mentoring program on research leadership and conducting best practice in research activity.

Natalia’s publication successes in 2018 likewise continue to add to her impressive record, with co-authored articles appearing in the Social Marketing Quarterly (‘Anti-Human Trafficking Campaigns: A systematic Review’), and the peace studies journal Global Change, Peace & Security (‘Sexual and gender-based violence: the case for transformative justice in Cambodia’). Natalia has had a single-authored chapter, ‘Human Trafficking in Australasia’ appear in The Routledge Handbook of Human Trafficking. In other outputs, Natalia’s research interest in modern slavery formed the basis of a submission to the NSW Parliament in June - as part of the Australian Lawyers for Human Rights submission to the Modern Slavery Bill.

Natalia will be spending 3 weeks in the UK in 2019, having been awarded an International Fellowship from the Open University. Natalia will also be a Special Editor of two upcoming themed editions of the Journal of Social Marketing.


Walking as a flexible practice can be used across disciplines: in visual art, as part of a writing practice, or as a way of engaging with place - public and private space – that has legal and political implications.

Drawing from the exhibition, “From Here to There: Australian Art and Walking”, an In Conversation event - with Mirror Sydney author Vanessa Berry, and Associate Professor John Page from the School of Law and Justice at SCU - explored the diverse ways in which walking engages and enriches our many relationships with place, people, environment, borders and boundaries.

Presented by Lismore Regional Gallery in conjunction with the School of Law & Justice.

Upcoming in 2019

The SLJ will be hosting three major conferences in 2019 at the Gold Coast Campus. The Law, Literature and the Humanities Association of Australasia and Australian & New Zealand Law & Society Association conferences will be held in December, while the Australasian Legal Academics Association (formerly ALTA) will be held in July. Each will welcome hundreds of colleagues from across Australia, New Zealand and further afield to the SLJ.

The last edition of the Southern Cross University Law Review (originating in 1997) will also be published in early 2019. Across 19 volumes, the Journal has lived up to its founding ideals – to encourage ‘progressive thinking within the field of law by publishing scholarship from a variety of critical perspectives and research methodologies.’ In 2020, the SCULR will be re-born as the new and exciting journal of record of the Law & Society Association of Australia & New Zealand. Watch this space!