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Macquarie Law School Higher Degree by Research
'Making Tomorrow Better'
Annual Conference 2024

Conference Report



(**YOU**)^{US}
60 YEARS
Est. 1964

*Celebrating our pioneering past, our thriving present
and our ambitious future. **YOU** to the power of us*

Table of Contents

Macquarie Law School HDR ‘Making Tomorrow Better’ Annual Conference 2024	1
Overview.....	3
Welcom Address.....	4
Research Cluster 1: Voice, Access and Law Reform	5
Research Cluster 2: Corporate Citizenship and Integrity.....	6
Research Cluster 3: Sustainability and the Energy Transformation.....	7
Resarch Cluster 4: Law and Society in Asia and the Pacific.....	8
Research Cluster 5: Technology in the Public Interest.....	9
Concluding Remarks	10
Awards	10
Conclusion.....	10



HDR Annual Conference speakers, commentators and Macquarie Law School colleagues

Overview

The Macquarie Law School Higher Degree by Research 'Making Tomorrow Better' Annual Conference was held on 6th September 2024. The Conference offered an invaluable opportunity to showcase the research capabilities of Macquarie Law School's HDR candidates and recent graduates and facilitate networking and promote wider research and industry engagement.

Fifteen HDR candidates, including both Doctor of Philosophy (PhD) and Master of Research (MRes) candidates, presented their cutting-edge research on a diverse array of research topics. HDR candidate presentations were enriched by generous and insightful commentary provided by fifteen external commentators, possessing a wealth of academic and industry experience.

For the first time, our conference was curated in a 'flipped format' whereby external academic or industry stakeholders were selected in a collaborative process with candidates and their supervisors to provide commentary on each presentation delivered. The purpose of this 'flipped format' is twofold. First, the new format sparked new collaborations between our emerging HDR researchers and external stakeholders. Secondly, our externally engaged format created an important 'living lab' for students to digest feedback and answer questions beyond their supervisory team.

The theme of the Conference was 'Making Tomorrow Better' - a celebration of Macquarie University's 60th Anniversary in alignment with the five research clusters of Macquarie Law School:



Voice, Access and Law Reform

Using law reform to empower marginalised communities and improve access to justice



Corporate Citizenship and Integrity

Interdisciplinary research to improve corporate integrity and mitigate abuse of financial systems



Sustainability and the Energy Transformation

Addressing challenges from fossil fuel burning and resulting climate change and energy transition



Law and Society in Asia and the Pacific

Applying an interdisciplinary lens to the law, legal institutions and societal developments



Technology in the Public Interest

Investigating how to regulate new technologies to advance the public good

The event was organised by the HDR Conference Committee: Nischala McDonnell, Tatiana de Campos Aranovich and Rosie Cole, led by Dr Madeline Taylor, Director of Research Training, Macquarie Law School.

Welcome Address

The Conference was opened by Dean of Macquarie Law School, **Professor Lise Barry**. Professor Barry celebrated the HDR Conference ‘Making Tomorrow Better’ theme as a representation of Macquarie Law School’s contribution of transformative research to the broader community. Her opening remarks reflected the growth of Macquarie Law School since establishment in 1972, and shared our collective successes are facilitated by its founding ethos; innovation, collaboration, curiosity, shared learning and a spirit of service.

Macquarie Law School’s commitment to community and research excellence is captured in the opening of the Michael Kirby Building in March 2024. Named in honour of the Honourable Dr. Michael Kirby AC CMG, this state-of-art building is designed to inspire and enable the highest calibre of legal research and education, as well as facilitate partnerships and broad community opportunities.

Professor Barry also underscored the importance of Macquarie Law School’s values in her heartfelt acknowledgement of the custodianship of the Wallumattagal clan of the Dharug Nation. Collaboration and empowerment are key to building positive and sustainable partnerships at Macquarie Law School.



Professor Lise Barry



Professor Sarah Sorial

Professor Sarah Sorial, Associate Dean, Research Training and Performance, Faculty of Arts, emphasised Macquarie Law School as a pioneer of cutting-edge socio-legal research that champions creative, transformative solutions to the global legal landscape. Professor Sorial highlighted the key role of graduate researchers towards “making tomorrow better”, and the strength of collaboration and supervision within the Macquarie Law School HDR community. A key take-home message shared by Professor Sorial was our responsibility to ignite hope and always remember we are empowered to write our own futures through our research contributions to society and the planet.



Research Cluster 1: Voice, Access and Law Reform

The Conference commenced with three candidates presenting their research focused on using law reform to empower marginalised communities and improve access to justice.

Joanna Mitchell, a first-year PhD candidate, presented on *Litigating for Change: Child Rights Strategic Litigation in Australia*. Joanna's research addresses the role of child rights strategic litigation in advancing children's rights and access to justice in Australian law. Joanna noted the ever-increasing role children play as activists to promote and better their enjoyment of rights towards making tomorrow better. **Jacinta Lewin**, Principal Lawyer, Maurice Blackburn Lawyers, highlighted the timely nature of Joanna's research and the critical need for a framework to empower children's rights and access to justice.

Asanka Edirisnghe, a final-year PhD candidate, presented on *Did the River Gods Depart When the Europeans Arrived? Restoring Relationality in River Protection in Sri Lanka*. Asanka's research considers how legal personhood and rights of rivers can be integrated into Sri Lanka's existing river protection legal framework to revive relationality with rivers. Asanka's research aims to furnish guidance to Sri Lankan law and policymakers, evaluating the relevance of these two concepts in safeguarding rivers and proposing strategies for their integration within the current legal framework. **A/Prof Michelle Lim**, Yong Pung How School of Law, Singapore Management University, noted the strength in Asanka's research in facilitating dialogue between law and nature and the instrumental interplay between nature as a resource and its relationality.

Amrithnath Sreedevi Babu, a final-year PhD candidate, presented on *Farmer as a Consumer of Seeds: An Indian Perspective*. Amrithnath's research explores the inadequacies of remediation for farmers, as consumers, within the *Seeds Act 1966* (India). Amrithnath's research analyses the handful of cases where farmers, as consumers, have challenged the failure of seed performance guaranteed by seed companies and dealers. **Dr Kamalesh Adhikari**, Queensland Alliance for Agriculture and Food Innovation, University of Queensland, noted that Amrithnath's research touches upon global issues and noted potential synergies with compensatory regimes under the *Protection of Plant Varieties and Farmers' Rights Act 2001* (India).



Joanna Mitchell

Asanka Edirisnghe

Amrithnath Sreedevi Babu

Research Cluster 2: Corporate Citizenship and Integrity

Research Cluster 2 comprised four candidates presenting their research focused on property reform, human rights and commercial banking, anti-money laundering and the legal profession and access to remedy for human rights abuse.

Thomas Gibbons, a final year PhD candidate, presented on *Hybrid Property Forms – Beginnings and Endings*. Thomas's research focuses on hybrid property forms in New Zealand and how they influence and constitute private communities. **Allison Benson**, Principal, Kerin Benson Lawyers, observed that property is primarily about people, expressed appreciation for Thomas's work, and highlighted the fundamental impact these arrangements have on all our lives.

Lorena Bisignano, an MRes candidate, presented on *Commercial Banking: Illuminating the Blind Spot of Business and Human Rights*. Lorena's research investigates the extent to which business and human rights frameworks, as well as banking sector self-regulation, are able to effectively govern commercial banking. **A/Prof Radha Ivory**, Senior Lecturer, University of Queensland, highlighted that the business and human rights framework primarily relies on a new regulatory governance approach to address the issue of human rights abuses by business actors.

Isabelle Nicolas, an MRes candidate, presented on *A Privileged Profession? Challenging Regulatory Exclusion for Legal Professionals in the Fight Against Money Laundering in Australia*. Isabelle observed that legal professionals, given the pivotal role they play in advising and overseeing transactions, are vulnerable to exploitation by criminals seeking to grow their operations and conceal their wealth. **Valerie Griswold**, Director, Legal Regulation, Law Society of New South Wales, underscored that the Law Council of Australia collaborates with the States to offer the government their recommended opinions and strategies.

Pushkar Anand, a second year PhD candidate presented on *Access to Remedy for Human Rights Abuse: An Inquiry into the role of International Investment Law*. Pushkar's research delved into how international investment law, specifically investor state arbitration, undermines the remedy for potential human rights abuse by foreign investors. **A/Prof Jonathan Bonnitcha**, Faculty of Law and Justice, University of NSW, emphasised that the primary goal of investment treaties and ISDS is to uphold the rights of foreign investors and they do not offer significant opportunities for community participation.



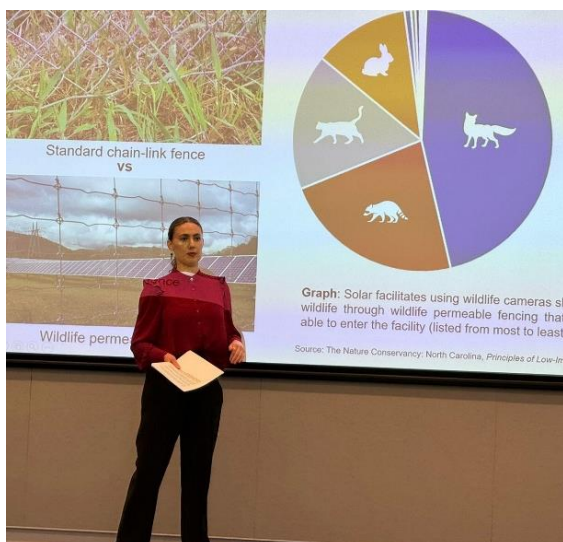
Pushkar Anand

Research Cluster 3: Sustainability and the Energy Transformation

Research Cluster 3 comprised three PhD candidates presenting their research focused on addressing challenges from fossil fuel burning and resulting climate change and energy transition.

Miaomiao Yin, a final year PhD Courtelles candidate, presented on *Governing climate change in Antarctica: The Interaction of the Antarctic Treaty System with global environmental regimes*. Miaomiao's research focuses on the interaction of the Antarctic Treaty System with global environmental regimes. **Professor Tony Press**, Institute for Marine and Antarctic Studies, University of Tasmania, emphasised the criticality of Miaomiao's research and noted the importance of integration of Antarctic Treaty System obligations on state parties through international forums such as the United Nations Framework Convention on Climate Change.

Jordie Pettit, a first-year PhD candidate, presented on *The role of "hubs" in regulating renewable hydrogen*. Jordie's research contends that hydrogen hubs, valleys and co-located infrastructure have the potential to more effectively regulate hydrogen production. Jordie's research focuses on comparative functional analysis of the Australian and Dutch policy of regionalisation to jumpstart their respective hydrogen economies. **Dr Cameron Kelly**, General Counsel: Legal, Governance and Secretariat, Australian Renewable Energy Agency, emphasised the need for globalised, collaborative approaches to hydrogen production, in particular information sharing.



Nischala McDonnell

Nischala McDonnell, a first-year PhD candidate, presented on *International ecovoltaics and the transition towards nature positive planning*. Nischala's research emphasised the importance of integrating biodiversity into energy transition planning, warning that focusing solely on decarbonisation without restoring nature could lead to unsustainable pathways and negative consequences for humanity. **Matt Floro**, Principal Lawyer, Johnson Legal, reinforced the importance of nature-positive planning, and commended the research for demonstrating how its benefits for both energy transition and biodiversity can support the establishment of social contracts.

Research Cluster 4: Law and Society in Asia and the Pacific

Research Cluster 4 comprised of two candidates considering the intersection of law and society in Papua New Guinea and Laos.

Steven Kavanagh, an MRes candidate, presented on *Striking Gold: Navigating Regulatory Compliance in Papua New Guinea's Mining Sector*. Steven's research evaluates the effectiveness of mining regulation in Papua New Guinea is promoting economic development, environmental protection, and social equity. **Associate Professor Nick Bainton**, RegNet, Australian National University, emphasised the importance of regulatory effectiveness, noting that regulation should embed the interests of various stakeholders, including the state, community, and corporations.

Rosemary Cole, a first year PhD candidate, presented on *Advancing Off-Grid Electrification in the Lao People's Democratic Republic: Energy Justice through Frontline Community Engagement in Solar Energy Mini-Grids*. Rosemary's research focuses on frontline communities, being communities hosting or impacted by energy development, and explores how-off grid electrification policy and regulation engages with and considers frontline community perspectives. **Adriaan van de Merwe**, Special Counsel – New Energy, Hamilton Locke, concurred with Rosemary and emphasised that similar issues exist in jurisdictions where there is a significant focus on power exports and little concern for empowering the local community or providing access to electricity.



Steven Kavanagh



Adriaan van de Merwe and Jason Ford

Research Cluster 5: Technology in the Public Interest

Research Cluster 5 comprised three PhD candidates presenting their research focused on investigating the regulation of new technologies to advance the public good.

Suman Podder, a final-year PhD candidate, presented on *Reimagining Compliance as Competitive Advantage for FinTech*. Suman's research focuses on developing an effective regulatory framework for FinTech that calibrates data privacy and innovation in the context of Open Banking. **A/Prof Yin Liao**, Department of Applied Finance, Macquarie University, highlighted the global lack of uniform regulatory standards for data privacy and AI, suggesting a comparative analysis of different countries' frameworks, such as Europe's 2018 regulations, to assess their effectiveness and adaptability, ultimately benefiting both industry and the general public.

Tatiana de Campos Aranovich, a second-year PhD candidate, presented on Labelling Transparent and Explainable AI medical devices in Australia. The project aims to understand and propose parameters for defining AI, transparency, and explainability in guidelines on medical devices in Australia. For such, it employs doctrinal and comparative law methods, reviewing 78 policy documents and the academic literature, examining the Australian database on adverse events, and consulting TGA authorities. **Kirsten Fitzpatrick**, Manager, Policy Development Royal Australian and New Zealand College of Radiologists, noted the importance of international collaboration in managing AI, highlighting the current lack of real-world clinical data and suggesting that a global approach could help identify trends and predict their impact on the Australian medical AI community



Tatiana de Campos Aranovich



Yehua Zhang

Yehua Zhang, an MRes candidate, presented on *Embracing the Future of Human-Machine Integration: Determining the Degree of Human Creativity Necessary for AI-generated Images to Secure Copyright Protection*. Yehua's research explores what type and level of interaction between humans and AI constitute human creativity warranting copyright protection. **Associate Professor Runhua Wang**, University of Science and Technology, Beijing, noted the balance between public access to creative works and the concerns around AI-generated content, questioning whether AI outputs can be copyrighted and suggesting further analysis is needed on expanding copyright protection, particularly regarding digital replica.

Concluding Remarks

Director of Research Training at Macquarie Law School, and instrumental in championing the Conference and HDR candidate development, **Dr Madeline Taylor** provided closing remarks. Dr Taylor highlighted the strength and growth of the HDR community. She emphasised the key values of peer leadership, engaged collaboration, and producing world-ready research. Reflecting on the HDR journey, she noted how each candidate, from entry to graduation, contributes to the collective progress of the HDR community.



Dr Madeline Taylor

Dr Taylor remarked that the Conference, convened by HDR candidates, showcased peer leadership in action and highlighted the dynamic nature of collaboration across academia, industry, and policymakers. Dr Taylor underscored the evolving role of academics, especially in the post-COVID era, where adaptability and engagement with academic and industry colleagues is increasingly vital.

Dr Taylor encouraged the Macquarie Law School HDR community to embrace opportunities for skill-building, including through initiatives such as the Graduate Research Academy Postgraduate Research Framework. The Macquarie Law School HDR community's activities, such as monthly meetings and Yammer collaborations, foster both formal and informal learning, contributing to the strength and success of the Macquarie Law School HDR community.

Awards

The Best Presenter and Best Commentator awards were selected based on the votes provided by participants throughout the duration of the conference. The accolade for the Best Presenter was generously sponsored by Clayton Utz. Best Presenter was awarded to Rosie Cole, and Best Commentator awarded to A/Prof Michelle Lim of Yong Pung How School of Law, Singapore Management University.

Conclusion

The Macquarie Law School HDR Conference provided a valuable platform for HDR candidates to showcase their research and engage with academic and industry experts. The event fostered collaboration, networking, and knowledge exchange, reflecting Macquarie Law School's commitment to championing creative, transformative solutions to the global legal landscape. Presentations covered a wide range of topics, from law reform and corporate governance to sustainability and emerging technologies, highlighting the interdisciplinary nature of contemporary legal research. The Conference emphasised the importance of peer leadership, collaboration, industry engagement, and skill development within the HDR community, reinforcing the role of academic research in making tomorrow better.



MACQUARIE
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Macquarie University is a vibrant hub of intellectual thinkers, all working towards a brighter future for our communities and our planet.

A PLACE OF INSPIRATION

Macquarie is uniquely located in the heart of Australia's largest high-tech precinct, a thriving locale which is predicted to double in size in the next 20 years to become the fourth largest CBD in Australia.

Our campus spans 126 hectares, with open green space that gives our community the freedom to think and grow. We are home to fantastic facilities with excellent transport links to the city and suburbs, supported by an on-campus train station.

RENOWNED FOR EXCELLENCE

We are ranked among the top two per cent of universities in the world, and with a 5-star QS rating, we are renowned for producing graduates that are among the most sought after professionals in the world.

A PROUD TRADITION OF DISCOVERY

Our enviable research efforts are brought to life by renowned researchers whose audacious solutions to issues of global significance are benefiting the world we live in.

BUILDING SUCCESSFUL GRADUATES

Our pioneering approach to teaching and learning is built around a connected learning community: our students are considered partners and co-creators in their learning experience.

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