

Law School Publications 2024

Books

Bernard Cairns, *Australian civil procedure* (Lawbook Co, 13th ed, 2024)

Gino Dal Pont, *Confidentiality in litigation: Undertakings, privilege and open justice* (LexisNexis Butterworths, 2024)

Gino Dal Pont, *Lawyers' professional responsibility* (Thomson Reuters Australia Ltd, 8th ed, 2024)

Manon Simon, *Learning from weather modification law for the governance of regional solar radiation management* (Springer International, 2024)

Edited Books

Matthew Killingsworth and **Tim McCormack (eds)**, *Civility, barbarism and the evolution of international humanitarian law* (Cambridge University Press, 2024)

Tim McCormack and Narrelle Morris (eds), *Law reports of Australia's war crimes trials 1945-51: Volume I – Darwin, Morotai; Wewak and Labuan* (Brill Nijhoff: Leiden (2024)

Shirley V Scott, Tim Stephens and **Jeffrey McGee (eds)**, *Geopolitical change and the Antarctic Treaty System: Historical lessons, current challenges* (Springer, 2024)

Kay Wilson, **Yvette Maker**, Piers Gooding and Jamie Walvisch (eds), *The future of mental health, disability and criminal law* (Routledge, 2024)

Journal Articles

Amander T Clark, Mubeen Goolam, Jacob H Hanna, Katie Long, **Dianne Nicol**, Sophie Petropoulos, Mitinori Saitou, Patrick PL Tam and Hongmei Wang, 'Human developmental biology - A global perspective' (2024) 151 (17) *Development*

Ami Stott, Evanthia O Madelli, Tiffany Boughtwood, Kristen J Nowak, **Margaret Otlowski** and Jane Tiller, 'Health professionals contacting patients' relatives directly about genetic risk (with patient consent): Current clinical practice and perspectives' (2024) 33(4) *European Journal of Human Genetics* 476

Anja Hilkemeijer and **Cleo Hansen-Lohrey**, ‘The diverging approaches of two superior courts on “standing” and environmental organisations’ (2024) 38(7/8) *Australian Environment Review* 154

Becky Freeman, Matthew J Peters, Renee Bittoun, Richard Brightwell, DallasR English, David P Thomas, **Margaret Otlowski**, Nicholas A Zwar and Catherine Chamberlain, ‘National Health and Medical Research Council statement on electronic cigarettes: 2022 update’ (2024) 220(2) *The Medical Journal of Australia* 100

Brad Elphinstone, Jarrod Walshe, **Dianne Nicol and Mark Taylor**, ‘Towards a trusted genomics repository: Identifying commercialisation fears and preferred forms of governance across segments of the community’ (2024) 34(3) *Public Understanding of Science* 325

Brooke A Williams, Carla L Archibald, James Brazill-Boast, Michael J Drielsma, Rajesh Thapa, Jamie Love, Frankie HT Cho, Daniel Lunney, **James A Fitzsimons**, Md Sayed Iftekhhar, Jaramar Villarreal-Rosas, Sarah Bekessy, Scott Benitez Hetherington, Clive A Mcalpine, Linda J Beaumont, Jillian Thonell and Jonathan R Rhodes, ‘Optimal investments in private land conservation depend more on landholder preferences than climate change’ (2024) 19(12) *Environmental Research Letters* 124047

David Cantor, Bruce Burson, Brian Aycok, Nikolas Tan, Thekli Anastasiou, Emily Arnold-Fernandez, Carla Field, **Cleo Hansen-Lohrey**, Walter Kälin, Gillian Kane, Steve Miron, Malavika Rao, Beatriz Sánchez Mojica, Chiara Scissa, Sanjula Weerasinghe and **Tamara Wood**, ‘International protection, disasters and climate change’ (2024) 36(1-2) *International Journal of Refugee Law* 176

Deborah Gleeson, James Scheibner, Brigitte Frances Tenni, Belinda Townsend and **Dianne Nicol**, ‘Pandemic agreement must include levers to redirect pharmaceutical industry behaviour during pandemics: Comment on "more pain, more gain! The delivery of COVID-19 vaccines and the pharmaceutical industry's role in widening the access gap’ (2024) 13 *International Journal of Health Policy and Management* 8589

Dianne Nicol and Jane Nielsen, ‘Data ownership in genomic research consortia’ (2024) 11(2) *Journal of Law and the Biosciences* Isae024

Dianne Nicol, Jane Nielsen and Madeleine Archer, ‘Data access arrangements in genomic research consortia’ (2024) 14 *Scientific Reports*

Dianne Nicol, Margaret Otlowski, Keeley Reade, Natalie Thorne and Clara Gaff, ‘Moving genomics into the clinic: Platforms for implementing clinical genomic data-sharing in ways that address ethical, legal and social implications’ (2024) 31 *Journal of Law and Medicine* 258

Didu S Kariyawasam, Joanne Scarfe, Christian Meagher, Michelle A Farrar, Kaustav Bhattacharya, Stacy M Carter, Ainsley J Newson, **Margaret Otlowski**, Jo Watson, Nicole Millis and Sarah Norris, 'Integrating ethics and equity with economics and effectiveness for newborn screening in the genomic age: A qualitative study protocol of stakeholder perspectives' (2024) 19(3) *Plos One* e0299336

Gino Dal Pont, "Professional Misconduct" at Common Law – Is There such a Thing as "Professional Misconduct?" (March 2024) 98(3) *Law Institute Journal* 53

Gino Dal Pont, 'Concepts of "Misconduct"' (May 2024) 98(5) *Law Institute Journal* 50

James A Fitzsimons and Brent Mitchell, 'Research priorities for privately protected areas' (2024) 5 *Frontiers in Conservation Science* 1340887

James A Fitzsimons, Fiona Valesini, Simon Branigan and Boze Hancock, 'Continental-scale shellfish reef restoration in Australia' (2024) 3 *Npj Ocean Sustainability* 62

James A Fitzsimons, Sue Stolton, Nigel Dudley and Brent Mitchell, 'Clarifying "long-term" for protected areas and other effective area-based conservation measures (OECMs): why only 25 years of "intent" does not qualify' (2024) 30 *Parks* 89

James A Fitzsimons, Sue Stolton and Miquel Rafa, 'Editorial: Advances in privately protected areas' (2024) 5 *Frontiers in Conservation Science* 1441046

James A Fitzsimons, Thalie Partridge and Rebecca Keen, 'Other effective area-based conservation measures (OECMs) in Australia: Key considerations for assessment and implementation' (2024) 4 *Conservation* 176

Jane Nielsen and Dianne Nicol, 'Data Ownership in Genomic Research Consortia' (2024) 11(2) *Journal of Law and the Biosciences*

Jane M Tiller, Ami Stott, Keri Finlay, Tiffany Boughtwood, Evanthia O Madelli, Ari Horton, Ingrid Winship, Kristen Nowak and **Margaret Otlowski**, 'Direct notification by health professionals of relatives at-risk of genetic conditions (with patient consent): Views of the Australian public' (2024) 32(1) *European Journal of Human Genetics* 98

Jane Tiller, Andrew Bakshi, Grace Dowling, Louise Keogh, Aideen McInerney-Leo, Kristine Barlow-Stewart, Tiffany Boughtwood, Penny Gleeson, Martin B Delatycki, Ingrid Winship, **Margaret Otlowski**, Paul Lacaze, 'Community concerns about genetic discrimination in life insurance persist in Australia: A survey of consumers offered genetic testing' (2024) 32(3) *European Journal of Human Genetics* 286

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Jarrold Walshe, Brad Elphinstone, **Dianne Nicol and Mark Taylor**, 'A systematic literature review of the "commercialisation effect" on public attitudes towards biobank and genomic data repositories' (2024) 33(5) *Public Understanding of Science* 548

Jennifer Boocock, Jan McDonald and Phillipa C McCormack, 'Public health: A forgotten piece of the adaptation law puzzle' (2024) 6 *Frontiers in Climate* 1355793

Jeremy Prichard, Richard Wortley, Paul Watters, **Caroline Spiranovic** and Joel Scanlan, 'The effect of therapeutic and deterrent messages on Internet users attempting to access "barely legal" pornography' (2024) 155 *Child Abuse and Neglect* 106955

John Kenny, Michael Bird, Jill Blackmore, Robyn Brandenburg, **Dianne Nicol**, Kurt Seemann, Bing Wang, Trevor Wilmschurst, 'Putting a stake in the ground: The development of a professional ethical framework for Australian academics' (2024) *Higher Education*

Justine Bell-James, Rose Foster, Nicole Shumway, Catherine E Lovelock, Jaramar Villarreal-Rosas, Christopher J Brown, Dominic A Andradi-Brown, Megan I Saunders, Nathan J Waltham and **James A Fitzsimons**, 'The Global Biodiversity Framework's ecosystem restoration target requires more clarity and careful legal interpretation' (2024) 8 *Nature Ecology and Evolution* 840

Kate Diesfeld, Kathryn Hollingsworth, **Nina (Christina) Hudson**, Stephen Tang and Mark Nolan, 'Introduction to the special issue on judicial and lawyer well-being and stress' (2024) 31(3) *Psychiatry Psychology and Law* 315

Kerryn Brent, Manon Simon and Jan McDonald, 'From informal to formal governance of solar radiation management' (2024) *Climate Policy* 1

Lyndsay Newett, **Rebekah McWhirter, Lisa Eckstein, Vanessa Warren and Dianne Nicol**, 'Australian attitudes towards waivers of consent within the context of genomic data sharing' (2024) 19 *Journal of Empirical Research on Human Research Ethics* 113

Mark Rothstein, Kelly Carty Zimmerer, Pamela Andanda, Thalia Arawi, Fabiana Arzuaga, Haidan Chen, Martine de Vries, Edward S Dove, Mohammed Ghaly, Ryoko Hatanaka, Aart C Hendriks, Mireya Castañeda Hernández, Calvin WL Ho, Yann Joly, Dorota Krekora-Zajac, Won Bok Lee, Titti Mattsson, Fruzsina Molnár-Gábor, Kakai Namalwa, Pilar Nicolás, **Jane Nielsen**, Obiajulu Nnamuchi, **Margaret Otlowski**, Nicole Palmour, Emmanuelle Rial-Sebbag, Gil Siegal, Jane M Wathuta, Ma'n Zawati and Bartha Knoppers, 'International scope of biomedical research ethics review' (2024) 385(6705) *Science* 145

Mengqi Hu, Dan Santos, Edilene Lopes, **Dianne Nicol**, Andreas Kurtz, Nancy Mah, Sabine Muller, Rachel A Ankeny and Christine Wells, 'Australian researchers ' perceptions and experiences with stem cell registration' (2024) 79 *Stem Cell Research* 103482

Natalie Stoeckl, Vanessa Adams, **Rachel Baird**, Anne Boothroyd, Robert Costanza, Darla Hatton MacDonald, Glenn Finau, Elizabeth A Fulton, Matthew A King, Ida Kubiszewski, Delphine Lannuzel, Elizabeth Leane, Jessica Melbourne-Thomas, Can Seng Ooi, Mala Raghavan, Valeria Senigaglia, Jing Tian and Satoshi Yamazaki, 'The value of Antarctic and Southern Ocean ecosystem services' (2024) 5 *Nature Reviews Earth and Environment* 153

Peter Lawrence, 'The International Court of Justice advisory opinion on climate change and future generations' (2024) 8(2) *Chinese Journal of Environmental Law* 284

Phillipa C McCormack, Afshin Akhtar-Khavari and **Benjamin J Richardson**, 'Transformation in the forest: The role for restoration in the transition away from native forestry in Australia' (2024) 32(7) *Restoration Ecology* e14240

Phillipa C McCormack, Rebecca K Miller and **Jan McDonald**, 'Prescribed burning on private land: reflections on recent law reform in Australia and California' (2024) 33 *International Journal of Wildland Fire* WF22213

Pratap Devarapalli, Seema Soni and Saurabh Yadav, 'A patinformatics perspective of tomato flu and coxsackie viruses' (2024) 3 *The Microbe* 100060

Rachel Baird and Natalie Stoeckl, 'Antarctica provides at least \$276 billion a year in economic benefits to the world, new research finds' (2024) *The Conversation*

Robin Banks, Alice Taylor and Beth Goldblatt, 'A lounge of one's own: Art, gender, discrimination and the law' (2024) 49(3) *Alternative Law Journal* 234

S Price, N McKillop, Joel Scanlan, S Rayment-McHugh, L Christensen and **Jeremy Prichard**, 'A review of digital interventions as secondary prevention measures to combat online child sexual abuse perpetration' (2024) 33(7) *Journal of Child Sexual Abuse* 869

Tatiane Yanes, Jane Tiller, Casey Haining, Courtney Wallingford, **Margaret Otlowski**, Louise Keogh, Aideen McInerney-Leo and Paul Lacaze, 'Future implications of polygenic risk scores for life insurance underwriting' (2024) 9:25 *Npj Genomic Medicine*

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Tim McCormack, 'The 2023 Annual Kirby International Law Lecture: The International Criminal Court and global criminal justice: Are we making progress?' (2024) 42 *Australian Yearbook of International Law* 1

Chapters

Abbey MacDonald, Annalise Rees, Jan Hogan and **Benjamin J Richardson**, “‘Becoming ecological” for nature conservation: Insights from two museums in the island state of lutruwita / Tasmania, Australia’ in Patricia Osler, Boyd White and Anita Sinner (eds), *Propositions for museum education: International art educators in conversation* (Intellect, 2024)

Emille Boulot and Joshua Sterlin, ‘Ecological restoration at three Australian regulatory sites: Opportunities for a law beyond the human?’ in G Garver (ed), *Ecological law in practice: Case studies for a transformative approach* (Routledge, 2024)

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Jane Nielsen, Dianne Nicol and Cameron Stewart, ‘The Australian “Valley of Death”? Australian Research and Patenting Practices in Bioprinting and Genome Editing’ in E Derclaye (ed), *Research Handbook on Empirical Studies in IP Law* (Edward Elgar, 2023) 47

Jeannie Paterson and **Yvette Maker**, ‘Consumer protection law and AI’ in Ernest Lim and Phillip Morgan (eds), *The Cambridge Handbook of Private Law and Artificial Intelligence* (Cambridge University Press, 2024) 113

Jeffrey McGee, David Edmiston and Marcus Haward, ‘Classical geopolitics and Antarctica’ in Shirley V Scott, Tim Stephens, and **Jeffrey McGee** (eds), *Geopolitical change and the Antarctic Treaty System: Historical lessons, current challenges* (Springer Polar Sciences, Springer, 2024) 251

Jeffrey McGee, David Edmiston, Marcus Haward, ‘Non-militarisation of Antarctica: Geopolitical foundations and challenges’ in Shirely V Scott, Tim Stephens and **Jeffrey McGee** (eds), *Geopolitical change and the Antarctic Treaty System: Historical lessons, current challenges* (Springer Polar Sciences, Springer 2024)

Kate Warner, ‘Criminal justice then and now’ in Trischa Mann (ed), *Enduring courts in changing times: Celebrating the 2024 bicentenaries of the Supreme Courts of New South Wales and Tasmania*, Sydney, Australian Academy of Law (Ingram Spark, 2024) 187

Kay Wilson, **Yvette Maker**, Piers Gooding and Jamie Walvisch, ‘What is the future of mental health, disability and criminal law?’ in Kay Wilson, **Yvette Maker**, Piers Gooding and Jamie Walvisch (eds), *The future of mental health, disability and criminal law* (Routledge, 2024) 1

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Olivia Rundle, ‘Assessing parenting payment applications by parents’ individual circumstances, not their relationship status’ in Becky Batagol, Jamie Walvisch, Kate Seear and Heli Askola (eds), *The Feminist Legislation Project* (Routledge, 2024)

Piers Gooding and **Yvette Maker**, ‘The digital turn in mental health and disability law: Actuarial traditions and AI futures of risk assessment from a human rights perspective’ in Kay Wilson, **Yvette Maker**, Piers Gooding and Jamie Walvisch (eds), *The future of mental health, disability and criminal law* (Routledge, 2024) 244

Pratap Devarapalli and Dara Ajay, ‘The impact of 3D bioprinting innovation on IP ecosystem and patent law: An Indian and US perspective’ in K Singh, N Chongtham, R Trikha, M Bhardwaj and S Kaur (eds), *Science, Technology and Innovation Ecosystem: An Indian and Global Perspective* (Springer, Singapore 2024) 197

Rachel Baird, ‘The CAMLR Convention and IUU Fishing’ in Shirley V Scott, Tim Stephens, and **Jeffrey McGee** (eds), in *Geopolitical change and the Antarctic Treaty System: Historical lessons, current challenges* (Springer, 2024) 71

Shirley V Scott, Tim Stephens and **Jeffrey McGee**, ‘The Antarctic treaty system in the context of geopolitical, technological and environmental change’ in Shirley V Scott, Tim Stephens and **Jeffrey McGee** (eds), *Geopolitical change and the Antarctic Treaty System: Historical lessons, current challenges* (Springer Polar Sciences, Springer 2024)

Tim McCormack, Siobhain Galea and Dan Westbury, ‘Limits to the scope of humanity as a constraint on the conduct of war’ in Matt Killingsworth and Tim McCormack (eds), *Civility, barbarism and the evolution of international humanitarian law* (Cambridge University Press, 2024) 85

Tim Stephens and **Jeffrey McGee**, ‘Synthesis and lessons drawn’ in Shirley V Scott, Tim Stephens and Jeffrey McGee (eds), *Geopolitical change and the Antarctic Treaty System: Historical lessons, current challenges* (Springer Polar Sciences, Springer 2024)

Yann Joly, Edward Dove, Bartha Knoppers and **Dianne Nicol**, ‘The GA4GH regulatory and ethics work stream (REWS) at 10: An interdisciplinary, participative approach to international policy development in Genomics’ in Marcelo Corrales Compagnucci, Timo Minssen, Mark Fenwick, Mateo Aboy and Kathleen Liddell (eds), *The law and ethics of data sharing in health sciences* (Perspectives in Law, Business and Innovation) (Springer, 2024) 13

Reports

James A Fitzsimons, Sue Stolton, Nigel Dudley and Brent Mitchell, *Defining ‘long-term’ for protected areas and other effective area-based conservation measures (OECMs)*. Technical Note No 14. Gland, Switzerland: IUCN World Commission on Protected Areas (2024)

Joel Scanlan, **Jeremy Prichard**, Lauren Hall, Paul Watters and Richard Wortley, *reThink Chatbot Evaluation* (2024)

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Stan Stevens, Terence Hay-Edie, Carmen Miranda Larrea, Ameyali Ramos and Neema Pathak Broome, (eds) with contributions by Cristina Eghenter, **James A Fitzsimons**,

Irakli Goradze, Jeremy Ironside, Charlotte Mellis, Steven Nitah, Phillipine Parling, Giovannii Reyes and Glaiza Tabanao, *Recognising territories and areas conserved by Indigenous peoples and local communities (ICCAs) overlapped by protected areas*. IUCN WCPA Good Practice Guidelines No 34. Gland, Switzerland: IUCN (2024)

Tasmanian Law Reform Institute (Jemma Holt and Rebecca Bradfield), *An evaluation of the pre-recorded evidence scheme in Tasmania* (Research Paper No 7, 2024)

Tasmanian Law Reform Institute (Yvette Maker and Rebecca Bradfield), *Review of privacy laws in Tasmania* (Final Report No 33, May 2024)

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Tim McCormack, Indira Rosenthal, Susan Banks, **Robin Banks, Cleo Hansen-Lohrey, Tamara Wood, Taya Ketelaar-Jones**, Maggie Blanden, Wynne Russell, *Gender Persecution: Voices from Lutruwita* (2024, Outside the Box / Earth Arts Rights for MADRE)

Yvette Maker, *Expectations on the treatment of people deprived of their liberty in health and social care: Aged residential care, disability support and related services* Consultation Draft (Tasmanian National Preventive Mechanism, 2024)

Submissions

Anja Hilkemeijer and Emille Boulot, Submission on *Tasmanian Civil and Administrative Tribunal (Additional Jurisdictions) Bill 2024* (2024)

Anja Hilkemeijer, Jan McDonald, Cleo Hansen-Lohrey, Emille Boulot and Phillipa C McCormack, Submission on land use planning and approval amendment (*Development Assessment Panels*) Bill 2024 (2024)

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Manon Simon, Australian Forum for Climate Intervention Governance, Comments on NOAA's *Petition for Rulemaking: Maintaining Records and Submitting Reports on Weather Modification Activities* (NOAA-OAR-2024-0091) (2004)

Margaret Otlowski, Jane Nielsen, Dianne Nicol and Rebekah McWhirter Centre for Law and Genetics Submission to Treasury Consultation on the use of genetic testing results in life insurance underwriting (2024)

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Yvette Maker, Submission to the United Nations Working Group on discrimination against women and girls' Report on the gendered dimensions of care and support systems (2024)

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Emilie McDonnell, 'Externalisation as a Breach of the Good Faith Principle', *Externalizing Asylum*, *Externalizing Asylum* (Web page, undated) <<https://externalizingasylum.info/externalisation-as-a-breach-of-the-good-faith-principle/>>

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Kate Warner, 'Convicts to computers: Two hundred years of the Tasmanian Supreme Court' (2024) 71(2) *Tasmanian Historical Research Association, Paper and Proceedings* 72

Nina (Christina) Hudson, Rachel Moody, Heather McKay and Rae Kaspiew, *Understanding adult sexual assault matters: Insights from research and practice: An educational resource for the justice sector* (Practice guide) Australian Institute of Family Studies, December 2024 <<https://aifs.gov.au/resources/practice-guides/understanding-adult-sexual-assault-matters-insights-research-and-practice>>

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