



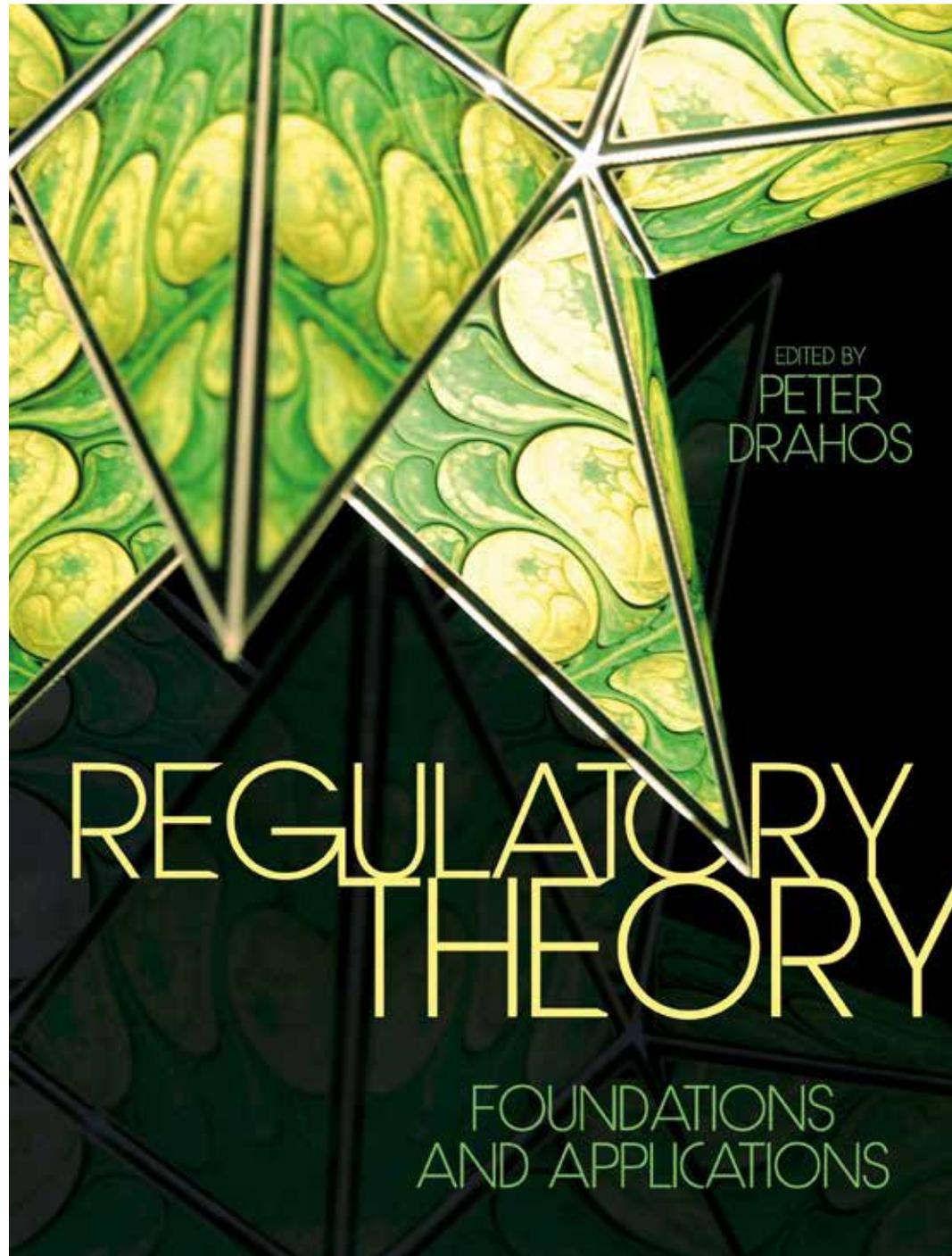
Australian
National
University



SCHOOL OF REGULATION AND GLOBAL
GOVERNANCE (REGNET)
2017 ANNUAL REPORT

ANU College of
Asia & the Pacific

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MESSAGE FROM THE DIRECTOR



Welcome to the School of Regulation and Global Governance (RegNet).

The shifting political and economic sands that prevail throughout the world provide an important window of opportunity to collectively change the status quo towards a society where communities are able to live with dignity, in good health and in balance with nature. Rebalancing the global system depends on a collective vision, the agency of concerned citizens, and the ability to reimagine the use of regulatory powers. In a hyper-connected world, there are many partners who can work together to create hope and change; this is what we care about at RegNet. We are a group of scholars and practitioners united by our concerns for social justice, environmental sustainability and human wellbeing through questions of regulation and governance. We come from many disciplines including anthropology, criminology, international relations, law, political science, psychology, public health, public policy, and sociology. Researching or studying at RegNet is an opportunity to think big, ask important social questions, broaden horizons and make connections.

2017 was another successful year for RegNet. We won four highly competitive Australian Research Council (ARC) grants and two grants from the Department of Foreign Affairs and Trade (DFAT), amongst other awards. Three of our PhD students were awarded Australian Government Endeavour scholarships to enrich their research by spending time at an acclaimed university overseas.

Fourteen of RegNet's existing projects are supported through funding from the Australian Research Council and the National Health and Medical Research Council. This year also saw the continuation of our exciting collaborative projects with DFAT on law and justice in the Philippines, and overcoming sorcery accusation related violence in Papua New Guinea. We also commenced a new project with DFAT on negotiating and reforming investment treaties in the Asia Pacific region. We always welcome new opportunities to collaborate with government, business and non-governmental organisations – please do get in touch.

This year we were proud to publish our landmark book *Regulatory theory: Foundations and applications* and were joined by around 100 scholars and practitioners to launch the publication, along with a symposium touching on many of the key ideas in the book and an ABC Radio National Big Ideas panel discussion.

The book was born out of a desire to make RegNet's work on regulation and governance accessible to students, as well as to regulatory practitioners and scholars across the world. Law and sociology scholars, criminologists, economists, political scientists and public health theorists, amongst others, will find it a comprehensive interdisciplinary resource on the themes of regulation, governance and globalisation.

Another exciting activity during the year was the showcasing of our interdisciplinary outlook with our popular weekly seminar series, and particularly with our flagship event Governance and the Power of Fear which brought together researchers and practitioners to explore the positive and negative manifestations of fear and reflect on the strengths and weaknesses of a range of regulatory and governance approaches.

In 2017 we significantly expanded our educational offering. RegNet has a long-running PhD program which has been hugely successful and generated many accomplished academics and practitioners. Building upon this success, we are delighted to be offering two postgraduate degrees starting in 2018: the Master of Criminology, Justice and Regulation and the Master of Public Policy in Regulation, both of which are taught in collaboration with experts from across ANU.

People come from all over the world to study and undertake research at RegNet. Our students will benefit from exposure to our many visiting scholars from renowned universities, and from visiting practitioners working in key government agencies, NGOs and civil society groups in Australia and the Asia Pacific region.

Our 2017 Annual Report also takes a quick tour through the enormous contributions our staff and students have made to the public debate around key policy and regulatory issues here in Australia, the Asia Pacific region and elsewhere.

Thank you for your ongoing interest in the work of RegNet.

A handwritten signature in black ink, which appears to read "Sharon Friel". The signature is fluid and cursive.

Professor Sharon Friel

Director, School of Regulation and Global Governance (RegNet)

ABOUT REGNET

The School of Regulation and Global Governance (RegNet) undertakes interdisciplinary research and education in governance and regulation associated with major social, health and environmental issues. Our work is based on principles of social justice, sustainability and human wellbeing.

We test and develop theory, provide rigorous qualitative and quantitative empirical evidence on important issues, and proactively engage in the public and policy debates in Australia, the Asia Pacific region and internationally. We currently work in the following thematic areas:

Climate, energy and the environment



This cluster has four broad regulatory and governance research themes: 1) identifying obstacles and options for effective energy governance, including credible networked governance strategies through which key state and non-state actors might achieve a transition to a low carbon economy; 2) analysing state and private governance mechanisms for mitigating climate change including the role of transnational activist networks, norm entrepreneurs and market and investor-targeted strategies; 3) examining the opportunities and constraints of the green economy in transforming infrastructure and urban development and reducing their negative impact on the environment; and 4) exploring creative regulatory solutions to transnational environmental problems such as threats to biodiversity.

Society, safety and health



This cluster has five research themes: 1) policy processes and the social determinants of health inequities; 2) governance for health equity; 3) food systems, nutrition and climate change; 4) work, health and safety; 5) regulation and governance of health care systems.

Law, justice and human rights



RegNet is one of world's leading centres for socio-legal research. This cluster aims to lead the development of transformative ideas in the fields of criminology and restorative justice; human rights and international law; legal pluralism; peacebuilding; the regulatory dimensions of international and domestic law; and rule of law. Our work is interdisciplinary and our new theoretical insights are empirically grounded, with a particular emphasis on Asia and the Pacific, the Middle East, and Australia. We share a concern for social equity and advancing sound policy proposals for socio-legal change.

Trade, investment and intellectual property



The work in this cluster looks at the impacts of trade, investment and intellectual property regimes on the regulatory sovereignty and capacity of states, and the consequences that flow from those impacts. Research areas include the role of these regimes in regulatory globalisation; the influence of non-state actors upon these regimes; the institutional capacity of developing countries to meet globalised regulatory standards; the consequences of these regimes for state regulation of health and health equity; the growth in international investment arbitration and its effects on state policy and regulation.

YEAR IN REVIEW



Research

In 2017, RegNet published its new book *Regulatory theory: Foundations and applications* (ANU Press). It introduces the central issues of regulatory theory in an accessible way. The book is already making a real impact, with more than 25,000 downloads from 148 countries in 2017.

This year saw the continuation of our exciting collaborative projects with the Department of Foreign Affairs and Trade (DFAT) on law and justice in the Philippines, and overcoming sorcery accusation related violence in Papua New Guinea. We also commenced a new project with DFAT on negotiating and reforming investment treaties in the Asia Pacific region.

2017 was another successful year for winning research grants. Major grants included two ARC DECRA awards, two ARC Discovery Awards, and one ANU Futures Scheme Award.

Looking forward to 2018

RegNet is driven by interdisciplinarity. In 2018 we look forward to forging new ideas and research collaborations inspired by our new colleagues and partners. We will also welcome an unprecedented number of students into our community, many of whom join us as established practitioners.

We are excited about another year of our vibrant visiting scholars program, which brings in enviable expertise from renowned universities, governments and NGOs all over the world.

Education

Our graduating PhD scholar this year is our colleague, Associate Professor Anthea Roberts, whose thesis was acclaimed by her examiners and reviewers and is now published as *Is International Law International?* (Oxford University Press, 2017).

Three of our PhD students won Endeavour scholarships from the Australian Government to undertake study and research abroad.

Looking forward to 2018

2018 marks the beginning of RegNet's new Master degree programs.

We are delighted to launch the Master of Criminology, Justice and Regulation, which aims to be a world-leading program with an Asia Pacific focus. It draws on the pioneering work of RegNet scholars in criminology, cyber crime, restorative justice, conflict, peacebuilding and regulation.

Our second new degree is the Master of Public Policy in Regulation, offered in collaboration with the Crawford School of Public Policy. This degree focuses on national and international regulation in areas including international investment law, trade policy, intellectual property rights, and health and health equity.

We look forward to welcoming all our new students, including a new cohort of four PhD students, two of whom are recipients of ANU scholarships.



Engagement

2017 provided another exciting program of events to showcase our research to external stakeholders and promote collaboration with policymakers and practitioners.

We collaborated with DFAT to launch the Law and Justice Development Community of Practice to bring together practitioners engaged in regional and international law and justice initiatives across Australia.

We were joined by over 100 people to launch the RegNet book *Regulatory theory: Foundations and applications*, including many representatives of regulatory agencies, Federal and State governments.

Continuing from the inaugural RegNet Conversations series from last year, this year RegNet hosted four panels on fear and its use and abuse in regulation.

We were delighted that Christian Downie was awarded the Vice Chancellor's Media Award for Improving the Quality of Public Debate, and Anthea Roberts became a DFAT Legal Fellow.

Looking forward to 2018

We have an exciting program of events scheduled for 2018. [Sign up to our mailing list](#) to be the first to hear about upcoming events and the latest news and research.

Get in touch if you would like some expert advice or to propose a research or policy collaboration.

People

In 2017 we welcomed Ashley Schram as a Research Fellow and Convenor of the new Master of Public Policy in Regulation, RegNet alumnus Christian Downie as a Fellow and Higher Degree Research Convenor, and Belinda Townsend as a Research Fellow.

We were pleased to welcome Virginia Marshall as the first scholar to be appointed under the ANU Indigenous Australian Postdoctoral Fellowships Program, and we were delighted to welcome Matthew Hoffman as Honorary Professor.

In mid-2017, long-standing RegNetter Peter Drahos left with a bang after launching the landmark RegNet book *Regulatory Theory* which he edited. We are delighted to continue our relationship with him as an Emeritus Professor.

Last but not least, we were thrilled to welcome the Cybercrime Observatory and its researchers to the corridors of RegNet. Roderic Broadhurst, Professor of Criminology, joined us to lead the new team as Director of the Observatory.

Looking forward to 2018

In 2018 we will be appointing a new Professor as well as a criminologist to teach into and convene our Master of Criminology, Justice and Regulation.

RESEARCH

LAW, JUSTICE AND HUMAN RIGHTS

FEATURED PROJECT



The Philippines Project

Director: Dr Imelda Deinla

Funding body: Department of Foreign Affairs and Trade

The Philippines project is a policy-engaged initiative to stimulate research collaboration between academics and policymakers on the Philippines.

The project aims to support studies that provide salient policy input to economic, political and governance challenges in the Philippines.

It also endeavours to provide a venue among scholars and practitioners for mutual learning and to share experiences, by:

- building strong bilateral linkages between Australian and Filipino researchers and officials
- fostering policy dialogue between the Philippines and Australia
- supporting innovative research on inclusive economic growth, trade, politics, and governance in the Philippines

Imelda Deinla, *DevPolicy Blog*, 20 Sep – [Rebuilding education and peace in Mindanao](#)

Imelda Deinla and Rory MacNeil, *The Diplomat*, 24 August – [What is Australia's stake in Philippine chaos?](#)

SOCIETY, SAFETY AND HEALTH

FEATURED PROJECT



NHMRC Centre for Research Excellence in the Social Determinants of Health Equity

Director: Professor Sharon Friel **Researchers:** Dr Ashley Schram, Dr Belinda Townsend

Funding body: National Health and Medical Research Council

Key partners: Flinders University, University of Ottawa, University of Sydney, University College London, University of Oxford, Simon Fraser University and University of New South Wales.

Many Australians will live shorter lives than others not because of their genetics or the lifestyle choices they make but rather because of the conditions in which they live and the opportunities they have to lead a healthy life. There is increasing concern among politicians, policy makers and the Australian public about the growing financial, social and health inequities in a country that prides itself on having a 'fair go'.

The goal of the Centre is to provide evidence on how to navigate political and policy processes more effectively in order to operationalise the social determinants of health and health inequity. It will do this in four thematic areas: macroeconomics and infrastructure, land use and urban environments, health systems, and Aboriginal people.

Schram A, Baum F, Fisher M, Harris P, Friel S, Freeman T, *The Conversation*, 21 June - [The NBN and Australia's digital divide](#)

Baum F, Friel S, *BMJ Open* - [Politics, policies and processes: a multidisciplinary and multi-methods research program on policies on the social determinants of health inequity in Australia](#)

CLIMATE, ENERGY AND THE ENVIRONMENT

FEATURED PROJECT



Regulation and governance for the sustainable management of non-urban groundwater

Principal researcher: Dr Darren Sinclair

Funding body: Australian Research Council

This project examines the successes and failures of groundwater regulation and governance in Australia and California.

It provides practical options to reshape and enhance groundwater regulation and governance through complementary combinations of policy instruments within the context of a market-based approach used within Australia.

This will enhance our ability to sustainably manage groundwater into the future, both within existing and new agricultural regions.

Darren Sinclair, *ABC AM Radio*, 17 May - [Urgent need to rethink national water law and governance](#)

Darren Sinclair et al, 17 Apr - [Submission to the Productivity Commission's inquiry into the reform of Australia's water resources sector](#)

TRADE, INVESTMENT AND INTELLECTUAL PROPERTY

FEATURED PROJECT



Reframing the investment treaty system

Principal researcher: Dr Anthea Roberts

When Philip Morris brought an international arbitral claim against Australia challenging the Tobacco Plain Packaging Act, most Australians had not heard of investment treaties or investment treaty arbitration.

However, this claim was based on a bilateral investment treaty between Australia and Hong Kong that is not unique. In fact, there are more than 3,500 Bilateral Investment Treaties and Free Trade Agreements with investment chapters in existence throughout the world.

Investment protection is also a key feature of many of the new mega-regional trade agreements that are being negotiated, including the TPP, RCEP and TTIP.

A key element of this project is to examine mechanisms within existing and future investment treaties and public international law that permit states to re-engage with the investment treaty system in order to better protect their interpretive rights as treaty parties and their regulatory autonomy as host states.

Anthea Roberts, *EJIL: Talk!*, 15 June – [The shifting landscape of investor-state arbitration](#)

Anthea Roberts, *EJIL: Talk!*, 19 May – [A turning of the tide against Investor-State Dispute Settlement?](#)

EDUCATION



EDUCATION

PROGRAMS OFFERED IN 2018

Master of Criminology, Justice and Regulation



This unique Masters degree by coursework applies regulation and governance insights to combat criminal threats to economic well-being, social equity and cohesion, environmental sustainability and national security.

The program is distinguished by its interdisciplinary outlook, Asia Pacific orientation, stimulating curriculum, master classes with distinguished practitioners, internships, global networks and multiple career pathways.

The research thesis at the core of the Advanced program is an opportunity to carry out an extended piece of independent, supervised research that has salience for your professional career, or that can be a pathway to the RegNet PhD.

Master of Criminology, Justice and Regulation (Advanced)



The program is designed to lead into, or progress, careers in regulatory policy and the management of illegal activity in Australia and the Asia Pacific region in organisations such as: Commonwealth Attorney-General's Department; Australian Federal Police; state justice departments; policy units in government; state policing and corrections; NGOs delivering law and justice reforms in development; international organisations tasked with peacekeeping and peacebuilding.

Master of Public Policy in Regulation



The development and implementation of public policy involves a complex mix of different actors, institutions and regulatory tools. Policy is often simultaneously domestic and global; an international trade agreement ratified in Geneva can affect the business model of local farmers in Tasmania or the health of consumers in Jakarta.

This program explores a range of regulatory approaches that stakeholders at the national and international levels use to pursue domestic and international agendas. You will have the opportunity to explore topical issues in regulation including trade and investment, intellectual property, restorative justice and health inequity.

Master of Philosophy



An MPhil can be a pathway to the RegNet PhD, or it can be an opportunity to apply regulation and governance insights to explore a problem that interests you in the fields of social justice, sustainability and wellbeing.

The program takes between one and two years of full-time research to complete. It can also be completed as a part-time degree. This award is delivered principally on the basis of a research thesis comprising of original written work, most typically limited to 60,000 words.

Doctor of Philosophy (PhD)



In our doctoral program you will apply regulation and governance insights to solve critical problems that enhance the world's social justice, sustainability and wellbeing.

What sets us apart from other PhD programs internationally?

- An interdisciplinary outlook
- An Asia Pacific orientation
- Educational excellence and world-class supervisors
- Global networks of visitors, associates and practitioners
- Multiple career pathways
- Collegiality

[Find out more](#)

ALUMNA PROFILE



Suzanne Akila

Program studied at RegNet: PhD

Current job role: Assistant Director, International Legal Branch, Australian Department of Foreign Affairs and Trade

Year of graduation: 2016

Completing a PhD at RegNet was a stimulating, challenging and fulfilling experience. As an interdisciplinary school, RegNet offered an opportunity to engage with a range of disciplines and methods. Going beyond my field of law enriched my research and enabled me to test ideas in a much more holistic and robust way with people of different scholarly backgrounds. The RegNet environment was one of equality, where students were a genuine part of the research community. Another strength of the RegNet PhD was the training in methods and methodology which allowed students within the school to engage substantively in research ideas, build their research toolkit and make friends and connections.

I joined the PhD programme as a government practitioner as one of the inaugural scholars in the Sir Roland Wilson Foundation. This scholarship selects high-performing public servants to complete PhD research in areas of enduring national interest. Completing a PhD at RegNet gave me the opportunity to build expertise in a neglected area of international law and foreign policy, as well as develop wonderful personal and professional relationships across the ANU. My PhD looked at participation and the protection of citizens abroad in international law. After submitting my thesis in 2015, I returned to the Public Service in my current role as Assistant Director in the International Legal Branch at the Department of Foreign Affairs and Trade (DFAT).

This role involves providing advice to government on the development, practice and application of international law. It sits at the intersection of law, international relations policy and politics. I advise on a range of issues, including military operations, consular law and policy, international humanitarian law, treaty law and practice, cyber issues, and international security. DFAT recently launched the Diplomatic Academy, which I have also been involved in. I have been responsible for developing courses, as well as running roundtables, seminars and co-hosting guest speakers with the ANU.

ENGAGEMENT



ENGAGEMENT ACTIVITIES



**40 interviews,
press comments
or radio shows**



34 opinion pieces



**67 blogs or other
online articles**



**58 policy/
practitioner
meetings
or presentations**



**60 policy
submissions or
commissioned
policy
research reports**



**128 people joined
our network of
academics and
practitioners**



**8 collaborative
research projects
co-designed
with government
departments
or agencies**



**21 current
research projects
around the world
(with focus or
impact outside
Australia)**



**157 academic
presentations**



**25,000+
downloads
of RegNet
book from
148 countries**

GOVERNMENT AND PRACTITIONERS



RegNet researchers work on policy relevant projects in the Asia Pacific region and beyond. In Australia, our research currently spans the following commonwealth portfolios and their equivalents at the state and local level:

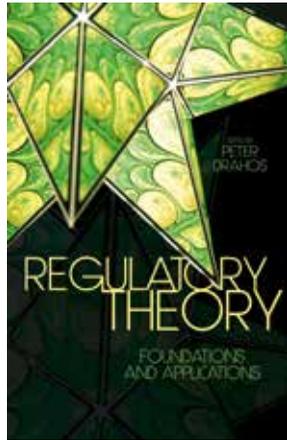
Attorney-General	Home Affairs (immigration and border protection)
Agriculture and Water Resources	Industry, Innovation and Science
Education and Training	Infrastructure and Regional Development
Environment and Energy	Jobs and Small Businesses
Foreign Affairs and Trade	Social Services
Health	Treasury

Government and practitioner visitors in 2017

Dr Eliza Ahmed (Clinical Psychologist, Canberra)
 Mr Richard Braddock (Lexbridge Lawyers)
 Ms Amy Ferguson & Ms Sarah Ward (Foundation for Alcohol Research and Education)
 Dr Nathan Harris (Clinical Psychologist, Canberra)
 Mr Nick Helm (Clifford Chance law firm, Australia)
 Dr Seung-Hun Hong (Embassy of the Republic of Korea, Canberra)
 Dr Jenny Job (Director of Research and Evaluation, Safe Work Australia)
 Prof Paul Kelly (Chief Health Officer, ACT Government Health Directorate)
 Mr Sam Koim (senior legal investigator and policy maker, Papua New Guinea)
 Dr Michael McKenzie (Department of Foreign Affairs and Trade)
 Dr Louise Rawlings (Director, Safety Net & Award Policy, Australian Department of Employment)
 Dr Helene Shin (Department of Social Services)
 Mr Julian Slater (Assistant Commissioner, Australian Federal Police)
 Dr Philippa Smales (Australian Council for International Development)

EVENTS

21ST CENTURY REGULATION AND GOVERNANCE CHALLENGES



In June we were joined by over 100 people to launch the RegNet book *Regulatory theory: Foundations and applications*, including many representatives of regulatory agencies, ACT Government and Federal Government. As part of the event, ABC Radio National recorded a panel discussion on campus featuring several RegNet academics, plus Allan Asher, Former Chair of ACCC, and H.E. Anote Tong, Former President of Kiribati.

RegNet's new book establishes the foundations and applications of the RegNet approach to studying regulation and governance, based on principles of social justice, environmental sustainability and human wellbeing.

[Download the book for free](#)

Podcasts:

(available online)



[Regulating for the Public Good](#)

ABC Radio National 'Big Ideas' discussion panel



[Control, threat and deterrence](#)

John Braithwaite



[Regulation and human rights](#)

Hilary Charlesworth



[What makes people comply or defy?](#)

Valerie Braithwaite



[The globalisation of regulation](#)

Christian Downie



[When companies sue states](#)

Anthea Roberts



[Political, commercial and economic drivers of health](#)

Sharon Friel



[Reducing recidivism through restorative justice](#)

Miranda Forsyth



[Reflections from the Pacific](#)

H.E. Anote Tong, Former President of Kiribati

GOVERNANCE AND THE POWER OF FEAR



This series, which took place over four weeks in Nov-Dec, brought together regulatory scholars and practitioners to explore the positive and negative manifestations of fear and reflect on the strengths and weaknesses of a range of regulatory and governance approaches.

Each speaker also contributed a blog, all of which are available to read on our website.

Panels and blogs:

1. Fear in a rapidly changing world

Fear as an enabler and disabler of behavioural and social change

- **Valerie Braithwaite** [Pathways to managing regulatory fear](#)
- **Ibi Losoncz** [Migration and fear](#): Should governments regulate the values and identities of immigrants?
- **Miranda Forsyth** [Pathways through fear: regulating sorcery accusation related violence](#)
- **Rod Broadhurst** [Measuring Fear](#)

2. Fear not, Papa is here

How fear is exploited by authoritarianism and paternalism

- **Chris Houston** [Authoritarianism before and after the 15 July 2016 coup in Turkey](#)
- **Jon Altman** [Behavioural neoliberalism in the Australian outback](#): The quest to alter Indigenous subjectivity
- **Imelda Deinla** [Duterte and the insecurity of the Philippine middle class](#)

3. Misplaced and misused fear

How fear has been misused and misplaced to justify either regulation or inaction

- **Jeremy Youde** [Coughs that kill! Fear and global health](#)
- **Adam Henschke** [Fear, cyberspace and public policy - or, why I'm afraid of toothpaste](#)
- **Kate Henne** [Fear and social assistance: How wider social anxieties give way to personified fears](#)

4. Fear, fearlessness and environmental activism

The role of emotions in galvanising or inhibiting community action

- **Neil Gunningham** [Fear, fearlessness and environmental activism](#)
- **Annie Kia** [Beyond fear: Courage](#)
- **Hedda Ransan-Cooper** [Novel alliances in a divided town: Coal Seam Gas and fear in Narrabri](#)

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