

# Research Bulletin

No. 50 September - October 2007

Welcome to the Research Bulletin for September and October.  
In this edition, you will find the latest information on staff publications, media appearances, and upcoming seminars and conferences.

## Journal Publications

**C Forrest**, 'Australian Maritime Law Update: 2006 - Part II' (2007) 39 (3) Journal of Maritime Law and Commerce 309-333

**C Forrest**, 'Australian Maritime Law Update: 2005' (2007) 38 (3) Journal of Maritime Law and Commerce 309-333

**R Grantham**, 'The Limited Liability of Company Directors' ([2007]) (Part 3) Lloyd's Maritime & Commercial Law Quarterly 362-391

**C Lawson**, 'Evolution of 'Inventive Step'-like Elements in Australian Patent Laws: Australian Intellectual Property Journal' (2007) 18 (3) Australian Intellectual Property Journal 130-148

**G Orr, S Murugesan**, 'Mandatory Secret Ballots Before Employee Industrial Action' (2007) 20 (3) Australian Journal of Labour Law

**A Schloenhardt, E Chan**, 'North Korean Refugees in China: Towards Durable Solutions' (2007) 19 (2) International Journal of Refugee Law 215-345

**T Walsh**, 'Poverty in Australia: Poverty and the Criminal Justice System' (2007) 32 (2) Alternative Law Journal

**M White**, 'Australian Maritime Law Update: 2006 - Part I' (2007) 38 (3) Journal of Maritime Law and Commerce 293-

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## Books and Book Chapters

**J Corrin**, Introduction to South Pacific Law (2nd edn Routledge-Cavendish, Oxford 2007)

**R Hinchy**, The Australian Legal System: History, Institutions and Method (forthcoming - 2008) (1st edn Pearson Longman, Sydney )

**P McDermott, R Hinchy (eds)**, Fundamental Company Legislation 2007 (1st edn Pearson Education Australia, Frenchs Forest, NSW 2007)

**S Ratnapala**, 'John Locke's Doctrine of the Separation of Powers - A Re-evaluation' in T Brooks (ed), Locke and Law, Philosophers and the Law Series (Ashgate Publishing, Aldershot, England 2007) 244-274

**K Weatherall**, 'Exportando Os Dispositivos Da 'US Digital Millennium Copyright Act' Por Meio De Acordos De Livre-comercio' in Edson Beas Rodrigues Jr and Fabricio Polido (ed), Propriedade Intelectual: Novos Paradigmas Internacionais, Conflitos E Desafios (Campus Juridico, 2007) 185-200

**K Weatherall**, 'The Impact of Copyright Treaties on Broadcast Policy' in Andrew T Kenyon (ed), TV Futures: Digital Television Policy in Australia (Melbourne University Press, Melbourne 2007) 242-273

## PhD Thesis

**C Cappa**, 'From Retribution to Reintegration? Drug Courts in Australia', (PhD, The University of Queensland 2007)

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## Conference Publications

**R Baird**, 'Australia's Response to Illegal Foreign Fishing: A Case of Winning the Battle but Losing the Law?', Faculty of Business, Economics and Law Research Conference 2007, UQ Staff and Graduates Club, The University of Queensland 17 September 2007

**R Baird**, 'Southern Ocean and Whaling', Whaling in the Southern Ocean: International and Regional Considerations for Australia and Japan, James and Mary Emelia Mayne Centre, The University of Queensland 29 August 2007

**S Derrington**, 'Commodity, Transport and Shipping Contracts', AMPLA National Conference, Gold Coast 10-13 October 2007

**N James**, 'Defining and Assessing Critical Legal Thinking Skills', Continuing Legal Education Association of Australasia Conference, Brisbane 18 October 2007

**N James**, 'The Art of Critical Legal Thinking', Australasian Law Teachers' Association Conference, Perth 25 September 2007

**N James**, 'What is Critical Legal Thinking?', Supreme Court Judges' Conference, Brisbane 17 August 2007

**Q Liu**, 'Election And Estoppel in the Doctrine of Anticipatory Breach', Faculty of Business, Economics and Law Research Conference 2007, UQ Staff and Graduates Club, The University of Queensland 17 September 2007

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## Book Reviews

- J Devereux**, 'Medical Law in New Zealand by P.D.G. Skegg and R. Paterson (Editors)' (2007) 26 (1) University of Queensland Law Journal 203-205
- H Douglas**, 'The First Women Lawyers: A Comparative Study of Gender and the Legal Professions by Mary Jane Mossman' (2007) 16 (1) Griffith Law Review 281-283
- H Douglas**, 'Criminal Law: Problems in Context by Mark Findlay' (2007) 26 (1) University of Queensland Law Journal 213-214
- R Grantham**, 'Regulatory and Enabling Approaches to Corporate Law Enforcement by Matthew Berkahn' (2007) 26 (1) University of Queensland Law Journal 209-212
- P McDermott**, 'Murder, Mutiny and the Military, British Court Martial Cases, 1940-1966 by Gerry Rubin' (2007) 26 (1) University of Queensland Law Journal 207-208
- S Ratnapala**, 'Review of 'Reviving the Invisible Hand: The Case for Classical Liberalism in the Twenty-first Century' by Deepak Lal' (2007) 12 (2) The Independent Review 285-290

## Casenotes

- S Derrington**, 'Transfield Philippines Inc v Pacific Hydro Ltd' (2007) 21 (2) Australian and New Zealand Maritime Law Journal 188-190

## Reference Entries

- C Forrest**, 'Pilots and Pilotage Law' in John B Hattendorf (ed), *The Oxford Encyclopedia of Maritime History* (Oxford University Press, New York 2007) 338-340 Volume 3

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## Media Appearances

- R Baird**, 'Finders Keepers (about Cash Buried in Back Yard)', ABC Radio, (30 August 2007)
- R Baird**, 'Whaling Implications for Australia', ABC Radio, (29 August 2007)
- G Orr**, 'Interview on Early Closure of Electoral Rolls', ABC News Radio, (9 October 2007)
- G Orr**, 'Interview on Regulation of Government Advertising', The Media Report, ABC Radio National, (13 September 2007)
- G Orr**, 'Interview on Government Advertising', Radio CC, (3 September 2007)
- G Orr**, 'Wire Programme: Interview on Campaign Finance Law - Rebroadcast on Affiliates', Australian Community Radio Network, (25 August 2007)
- G Orr**, 'Wire Programme, Interview on Campaign Finance Law', Australian Community Radio Network, (20 August 2007)
- G Orr**, 'Opinion Piece: Government Ads Free-for-All: Let's Plug the Holes', ABC News Online, (26 September 2007)
- G Orr**, 'Opinion Piece: Hanson Cashes in on Fame', The Courier Mail, (20 August 2007)
- G Orr**, 'Panel Discussion on Political Finance Regulation', Saturday Extra, ABC Radio National, (20 October 2007)

## Research Seminar Series

The 2007 Research Seminar Series semester two program is available on the Research Seminar Series website.

The site contains the list of speakers for 2007, with biographies, abstracts of presentations and lists of other publications. Please visit the site and note which presentations you would like to see throughout the year.

<http://www.law.uq.edu.au/2007-program>

You may also find details of each seminar every month on the Calendar of Events website.

[www.law.uq.edu.au/events](http://www.law.uq.edu.au/events)

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## Conferences & Seminars

This section will provide a list of upcoming conferences and seminars that law staff may wish to attend.

Names, dates and conference host will be provided in this section.  
If papers are being invited, this will be noted.  
Please use the links provided for further information.

### **The Supreme Court Library Committee and the Incorporated Council of Law Reporting invite you to attend: 9th November 2007**

Library SCQ an oration by the Hon BH McPherson CBE "Law Reporting in Queensland: Past and Future" and the book launch of Capturing law and history: One hundred years of Queensland Law Reporting by Helen Gregory.  
To be held in the Banco Court Level 2, Supreme Court Brisbane on Friday 9th November 2007 at 5:30pm  
Followed by light refreshments in the Rare Books Room Precinct  
RSVP 7th November 2007 to Aladin Rahemtula, Supreme Court Library  
Phone (07) 3247 9101 Email: [aladin@sclqld.org.au](mailto:aladin@sclqld.org.au)

### **Beach Safety and the Law National Summit 2007 Surfers Paradise Marriott Resort and Spa 8-9 November 2007**

Australians love the beach. With more than 80% of our population living along the coastline and approximately 55 million visits per year, beaches are a central part of the Australian lifestyle.

For the past 100 years volunteer surf lifesavers have guarded the beaches - providing education, prevention and rescue services for the public. Recognising this century of commitment, 2007 has been designated the national Year of the Surf Lifesaver by the Commonwealth Government.

While Australian surf lifesavers are an international icon associated with the beach, there are many other stakeholders from all levels of government, the legal industry and the business sector that share critical legal roles and responsibilities for safety on our beaches.

The Queensland Law Society is proud to join Surf Life Saving Australia and the QUT Faculty of Law to convene the inaugural National Summit on Beach Safety and the Law. The Summit will examine existing law as it applies to topics of public liability, tourism, the roles and responsibilities of local government councils and other statutory authorities, developers and those charged with protecting beach users - our volunteer lifesavers and salaried lifeguards. Expert legal speakers and panelists will summarise the law as it stands and challenge us with future initiatives to safeguard our beaches and beach users.

**For further details see: [www.beachsafety.qut.edu.au](http://www.beachsafety.qut.edu.au)**

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## Conferences & Seminars

### **Second International Symposium on the Law of Remedies Advancing the Common Law of Remedies: Praxis and Pedagogy throughout the Commonwealth 16 November 2007**

New Zealand, Canadian and Australian common law has traditionally been influenced by developments in the United Kingdom, and to a lesser extent, legal developments of that other great common law bastion, the United States of America. That picture has changed significantly over the last two decades as the legal practices of these Commonwealth countries has matured. There is now significant inter-connectivity between these nations which has generated much legal discourse.

Traditional legal discourse focuses upon rights, primarily aimed at creating a cohesive normative structure embodied in the rule of law. The law of remedies deals with the practical actualization of rights; in turn, often shaping the content of the normative rights being asserted.

This Remedies Symposium is designed to explore the intersection of remedies and rights in domestic legal systems, but its frame of reference is distinctly transnational. It asks whether it is now appropriate to speak of a new understanding of the common law: a common law that traces its historical roots back to Anglo legal traditions, but which builds upon shared political and social beliefs, and the mutual respect to be accorded the jurisprudence of all mature Commonwealth legal systems. This Symposium will appeal to lawyers, academics, judges, and policy makers who wish to delve more deeply into how remedial issues shape rights, and to those desiring to understand emerging remedial issues across Commonwealth jurisdictions. Leading specialists from Australia, Canada, New Zealand, the United Kingdom and the United States of America, have been invited to write and contribute to one of the five themes outlined on the "Conference Details" webpage. These papers will be made available to registrants prior to the conference, the aim being to allow a dialogue and discussion between panelists and registrants.

Web: <http://www.uwindsor.ca/law/remedies>

### **International Symposium on Business Research University of Western Sydney 29-30 November 2007**

For full details see: <http://www.uws.edu.au/about/acadorg/colleges/business>

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## Conferences & Seminars

**Second International (Pre-Olympics) Conference on Legal, Security and Privacy Issues in IT (LSPI)**  
**Beijing, China**  
**December 5 - 7 2007**

The conference is organised by the International Association of IT Lawyers (IAITL), Tsinghua University and the Communications University of China in cooperation with China's five top law universities.

**Call for Papers.** Industries and Academics may submit a research paper or make an oral presentation. The latter requires a 100 word-abstract. All the academic papers for presentation will be published in the book, *Cyberlaw and Security* (ISBN: 87-991385-4-9 & 87-991385-5-7), and nominated to 16 of the sponsoring international journals.

**University Presentation.** A growing number of Chinese are seeking further international education in various countries. The conference organisers invite universities to join the University Exhibition which will be conducted in conjunction with the LSPI Conference.. The LSPI Conference also offers an opportunity for established foreign programmes of study to be presented by senior representatives from those universities present at the conference.

**Career Fair.** Access to trusted legal partners is a vital component of foreign investment and business decisions. The LSPI Conference will provide an opportunity for law firms and companies to meet with some of China's ablest lawyers and business advisors.

Further information about the LSPI Conference is available at <http://www.lspi.net>

**William Blackstone and his Commentaries**  
**Adelaide, 14-15 December 2007**

An international multidisciplinary symposium on the life, thought and influence of Sir William Blackstone (1723-1780), author of the highly influential Commentaries on the Laws of England, in association with the Law School, School of History and Politics, and Centre for British Studies of the University of Adelaide, 14-15 December 2007.

Confirmed speakers include Norma Aubertin-Potter (All Souls College, Oxford), Michael Hoeflich (University of Kansas), Thea K Huntley (Princeton University) Emily Kadens (University of Texas at Austin), John Langbein (Yale Law School), Carol Matthews (University of Adelaide), Tim Stretton (St Mary's University, Halifax).

For full details of speakers and topics, and to download a registration form, please visit <http://www.hss.adelaide.edu.au/historypolitics/conferences/Blackstone>

Concessional (early-bird) registration is open until 1 October. As space is limited, early registration is advised.

For further information please contact either Wilfrid Prest ([wilfrid.prest@adelaide.edu.au](mailto:wilfrid.prest@adelaide.edu.au); ph. 08 8303 5883 / 8536 8364 / 0403 660 308) or Julie McMahon ([julie.mcmahon@adelaide.edu.au](mailto:julie.mcmahon@adelaide.edu.au); ph 8303 5032

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### E-LEARNING SYMPOSIUM

RMIT University, Melbourne, 9-11 December 2007 <http://www.LearningSymposium.com>

This Symposium will bring together educators from all sectors (teachers, principals, teacher educators and researchers) to explore new directions in e-learning. Main speakers at the Symposium will include leading thinkers and in the field of e-learning, as well as numerous paper, colloquium and workshop presentations. Key questions will be addressed about the nature of learning using digital media and tools:

- \* What is the impact of the new information and communications technologies on learners? What do they already know? What do they need to know? What is the role of education or formal learning?
- \* How can existing teaching practices and learning content be mapped onto the digital environment? Or should they?
- \* How can the digital environment be used to create new and more powerful forms of learning?
- \* When do we know it's working? Evaluating digital, multimedia and online learning environments.

The Symposium will have both a research and a practice focus:

- \* Research and theory: what technologies? what pedagogies? what works?
- \* Practices: a marketplace in which teachers showcase their best work and e-learning developers demonstrate their applications.

Presenters may choose to submit written papers for publication before or after the Symposium in the fully refereed International Journal of Learning. If you are unable to attend the Symposium in person, virtual registrations are also available which allow you to submit a paper for refereeing and possible publication in the journal, as well as access to the electronic version of the Symposium proceedings.

This Symposium is associated with the International Conference on Learning. The fifteenth annual Learning Conference is to be held at the University of Illinois, Chicago, Illinois, USA, 3-6 June 2008 .

Details may be found at <http://www.LearningConference.com>

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## Call for Journal Papers

### Further Call for Submissions James Cook University Law Review 2007

The James Cook University Law Review is a peer-reviewed journal that aims to encourage critical, conceptual and contextual analysis of legal interests. It values articles on any legal topic including articles that incorporate a discussion of regional topics in a national and international context.

The JCULR Editorial Committee is currently inviting the submission of original articles, case notes, book reviews and comments to the James Cook University Law Review (Vol 14, 2007). Only previously unpublished material that has not been submitted for consideration by another journal will be accepted. The deadline for submission has been extended to 30 November 2007 with an anticipated date of publication in early 2008. Submissions should follow the Advice for Contributors guidelines. In brief:

- Articles should be between 5000 and 8000 words.
- Book reviews and review essays should be between 2000 and 5000 words.
- Case notes should be no longer than 3000 words.
- Style should follow the Melbourne University Law Review Association Inc's Australian Guide to Legal Citation (2nd ed, 2002). The Guide is available online at <http://mulr.law.unimelb.edu.au/aglc.asp>

Submissions and biographical details should be sent as email attachments to [Law.Review@jcu.edu.au](mailto:Law.Review@jcu.edu.au).

All submissions published in the journal will be peer reviewed and articles will be reviewed by at least two anonymous referees.

### Asia Pacific Journal of Environmental Law (APJEL) Australian Centre for Environmental Law Faculty of Law, University of Sydney

Concerned with all aspects of international, regional and national environmental law in the Asia Pacific, APJEL is relevant to academics, students and practitioners of environmental law throughout the region.

It seeks to be a forum for scholarly and practical debate about contemporary environmental law issues through the publication of articles, notes, commentaries and book reviews.

The Journal accepts article submissions of between 8,000 – 10,000 words, though longer articles will be published occasionally. Notes and Commentaries may be up to 4,000 words. An abstract of no more than 200 words should accompany articles only. A list of key-words should be included with the abstract.

Email co-editors, [rosemaryl@law.usyd.edu.au](mailto:rosemaryl@law.usyd.edu.au) or [nicolaf@law.usyd.edu.au](mailto:nicolaf@law.usyd.edu.au)

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## Call for Journal Papers

### **The Journal of Law, Information and Science General Issue: Volume 25 no. 1 & no. 2**

The Journal of Law, Information and Science is being relaunched as a journal specialising not only in information technology and law, but also the broader field of the relationship between law and science, including but not limited to law and genetics and law and biotechnology.

The relaunched journal is now accepting articles, papers and reviews for publication in one or if possible two issues.

Submissions are due by the end of the year.

Contributions may be submitted as email attachments to the editor, Michael Stokes, at the Law School, University of Tasmania, (Michael.Stokes@utas.edu.au)

### **University of Tasmania Law Review General Issue: Volume 25 no. 2**

The Editors of the University of Tasmania Law Review invite the submission of articles to be published in the October/ November 2007.

All articles appearing in the University of Tasmania Law Review are refereed by two suitably qualified academics from separate universities. The process takes approximately two months.

The University of Tasmania does not require exclusive submission. Articles should be between 4000 - 10000 words and be on topics relevant to academics and lawyers.

Articles should follow the Australian Guide to Legal Citation, 1998, Melbourne: Melbourne University Law Review Association, available from:

<http://www.law.unimelb.edu.au/mulr/aglc.htm>

Manuscripts may be submitted and enquiries for intending contributors, as well as general enquiries regarding the Review, should be sent to Breeana Forde and Lionel Nichols (law.review@utas.edu.au).

### **Original Ideas in Law and Jurisprudence 2nd Title in Monograph Series**

Sandstone Academic Press are seeking original ideas for a 2nd title in a new law monograph series, 'Original Ideas in Law and Jurisprudence'.

Articles should be interesting, provocative, challenging, in thesis or manuscript format.

The first title of the monograph series "The False Promise of Pay for Performance: Embracing a Positive Model of the Company Executive" was published last year.

Queries about the "Original Ideas in Law and Jurisprudence" should be emailed to the Editor, Dr James McConvill

([mail@sandstonepress.net](mailto:mail@sandstonepress.net)).

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## Call for Journal Papers

### The University of Pennsylvania Journal of Law and Social Change

The University of Pennsylvania Journal of Law and Social Change seeks submissions for upcoming issues.

JLASC is a collectively run student journal dedicated to progressive politics and bringing together activism, legal practice, social science and philosophy.

JLASC welcomes critical scholarship from practitioners, professors, students, activists and others interested in addressing issues of social justice.

Submissions may be sent via direct mail or e-mail (preferred) to:

Journal of Law and Social Change  
University of Pennsylvania Law School  
3400 Chestnut Street  
Philadelphia, PA 19104  
Email: [jlasc@law.upenn.edu](mailto:jlasc@law.upenn.edu)

### The Oxford University Commonwealth Law Journal

The Oxford University Commonwealth Law Journal invites faculty members, research fellows and other legal specialists to submit their work for publication in the Oxford University Commonwealth Law Journal.

The journal publishes material on both private and public law topics. Some pieces are explicitly comparative in orientation, while others concern a single jurisdiction only. All pieces published in the OUCLJ are selected on the basis that they are likely to be of interest to a larger Commonwealth audience.

All submissions considered for publication are 'double-blind' refereed.

Contact : [ouclj@law.ox.ac.uk](mailto:ouclj@law.ox.ac.uk) or visit the website for further information:

<http://www.law.ox.ac.uk/ouclj/menu.html>

### Journal of Equity Volumes 2 and 3, 2007-8

The Journal of Equity invites contributions for Volumes 2 and 3, 2007-8.

The Journal of Equity is a refereed journal with a formal process of peer review.

The Journal publishes articles, notes, comments and reviews dealing with equity and topics that are related to or have implications for current themes in equity. Analytical, theoretical and empirical approaches are all welcome, as are contributions dealing and analysing recent developments or dealing with issues of policy and law reform.'

Please send contributions and correspondence to Eddy Guerreiro, Managing Editor, Books, Reports and Journals, LexisNexis, Locked Bag 2222, Chatswood Delivery Centre, Chatswood NSW 2067, Australia. Telephone: (02) 9422 2314, Email: [eddy.guerreiro@lexisnexis.com.au](mailto:eddy.guerreiro@lexisnexis.com.au)

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## Professional Development

### Graduate Certificate in Education (Higher Education) for University staff and PhD students

For more than ten years the School of Education has run a successful professional development program for university teachers. In 2007, the program will consist of four 2-unit courses, taken part-time over one or two years. It includes study modules on curriculum design, student learning, teaching methods, using information and communication technologies, student assessment, and evaluation of teaching and courses. Participants conduct a project designed to enhance their own teaching. Many participants have subsequently won teaching awards and become leaders in curriculum and assessment change in their Schools and the University. The program is supported by the UQ Staff Development Committee which currently provides a half-bursary to UQ Staff to offset the full fee of \$5,120 in 2007. The other half of the fee is usually covered by the staff member's school or faculty. For Australian PhD students enrolled at UQ, participation in the program has been encouraged by the Dean of Postgraduate Studies, whose approval is needed if the program is taken in conjunction with postgraduate research. A HECS fee is also applicable. In 2007, the University's fee calculator indicates the HECS fee is \$399.20 for each 2-unit course up-front or \$499.00 deferred. For international students, the fee is \$2,060.00 per 2-unit course.

#### Applications

Applications are now being sought for 2007. An application form and additional details can be found at:

<http://www.uq.edu.au/education/index.html?page=7720&pid=7720>

Each course has a quota and applications will be processed in order of receipt.

#### Enquiries

Enquiries about the Graduate Certificate in Education can be directed to the School of Education enquiries desk (phone: 3365 6550; email: [education@uq.edu.au](mailto:education@uq.edu.au))

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## Professional Development

### Media Awareness Training UQ TEDI

Media awareness training introduces senior UQ academics and general staff and PhD students to the media. It explains how the media operates, what journalists expect and how the University can develop good relationships with the media. It provides participants with the opportunity to practise skills necessary for media interviews.

This course will enable participants to:

1. Understand how the media operates;
2. Frame their communications and messages to maximise positive interactions with the media.

Register online at

<http://www.tedi.uq.edu.au/sdh/index.asp?ProgramType=&Program=PEWSM&course=WSMS02>

### Clayton Utz

The Clayton Utz Training Program offers practical, hands-on training workshops covering a wide range of today's legal and commercial issues. Our aim is to provide professional training directly relevant to your business needs.

All of our presenters are specialist lawyers which means they can provide insight into realistic problems and situations - invaluable experience to share with your organisation. We conduct professional training which complements our core business. We provide a highly personalised service and offer flexible training options. Our training focuses on hands-on workshoping and real-life problem solving.

Workshop topics include:

Banking and financial services law  
Compliance law  
Contract law  
Environmental law  
Government law  
Insurance law  
Managing Indigenous stakeholders  
Marketing law  
Negotiation skills  
Risk management  
Trade practices law  
Witness training  
Workplace relations law

Register online at

<http://www.claytonutz.com/training/controller.asp>

Tel: 1800 882 110

Email: [client.training@claytonutz.com](mailto:client.training@claytonutz.com)