

DEAKIN LAW REVIEW

**VOLUME 18, NO 1
2013**

**Published in August 2013 by
SCHOOL OF LAW
DEAKIN UNIVERSITY
BURWOOD, VICTORIA 3125
AUSTRALIA**

**© 2013 Deakin University
and Contributors**

ABOUT THE DEAKIN LAW REVIEW

SUBMISSIONS

The *Deakin Law Review* is a leading Australian refereed law journal, published twice annually. Contributions of articles, case notes and book reviews for publication are welcome at any time. Contributions should be submitted electronically, in Word format, to the editors.

All submitted articles, case notes and book reviews are reviewed by at least one independent referee and the editorial committee. The *Deakin Law Review* ensures that each referee engaged is a recognised expert in the area of law(s) covered in the article.

STYLE GUIDE

The *Deakin Law Review* adheres to the third edition of the *Australian Guide to Legal Citation* (Melbourne University Law Review Association Inc, Melbourne) and submissions must conform to this Guide.

A Quick Reference Guide can be downloaded by visiting the ‘contributions’ section of the *Deakin Law Review* website at:

<<http://www.deakinlawreview.org.contribute.php>>, and then clicking on ‘Our Citation Requirements Sheet’.

SPONSORS



Allens Arthur Robinson



Clear Thinking

INFORMATION FOR SUBSCRIBERS

RATES:

The subscription rate of the Deakin Law Review is \$99 per annum (including GST).

ORDERING:

Subscriptions for Australia and elsewhere (except for North America) may be ordered from the Editors, Deakin Law Review, School of Law, Deakin University, Burwood, Victoria 3125, Australia.

For North America subscriptions, please contact: Gaunt, Inc, Gaunt Building, 3011 Gulf Drive, Holmes Beach, Florida, US 34217-2199

ISSN:

The ISSN for the Deakin Law Review is: 1 321-3660

DEAKIN LAW REVIEW

VOLUME 18 NO 1

Editors

Associate Professor Elizabeth Adeney
Dr Claudio Bozzi

Faculty Advisors

Professor Christoph Antons
Professor Mirko Bagaric
Professor Louis de Koker
Professor Jean du Plessis
Professor Danuta Mendelson

Editorial Board

Professor Janet Dine
Queen Mary, University of London, UK

Professor Ian Freckelton SC
Monash University, Australia

Professor Dan Hunter
New York University, US

Dr Maarit Jänträ-Jareborg
University of Uppsala, Sweden Professor

Maurice Mendelson QC
Blackstones Chambers, UK

Dr Chizu Nakajima
City University London, UK

Professor Barry Rider
Jesus College, University of Cambridge, UK

Professor Eltjo Schrage
University of Amsterdam, Netherlands

Professor Nicolas Terry
Indiana University, US

**Student Sub-
Editors**

Tess Blackie
Mark Cale
Charlotte Dent
Olivia Lukaitis
Hugh Davis Lyons
Tanith Margetson
Aaron Shrimpton
Molly Walsh
Hannah Wood

**Production
Editor**

Rachel Evans

Administration

Debbie Doherty

CONTENTS

Articles

Contractual Penalties in Australian Law after *Andrews*: An Opportunity Missed **1**
Anthony Gray

International Travel and Double Recovery **27**
Claudio Bozzi

Police Bargaining Disputes and Third-Party Intervention in Australia: Which Way Forward? **67**
Giuseppe Carabetta

Intellectual Property, Business and China: Taking a Stand **89**
Jane L Menzies, Lidia Xynas, Stuart Orr and Mona Chung

‘For the Union Makes Us ... Rich?’: Preventing Trade Union Corruption in Law after the Health Services Union Saga **127**
Joel Silver

‘Responsibility’ to Provide: Family Provision Claims in Victoria **159**
Samantha Renwick

Insights for Legal Reasoning from Studies of Literary Adaptation and Intertextuality **191**
George Raitt

Book Review

A Second Chance for Justice: The Prosecutions of Gabe Watson for the Death of Tina Thomas **207**
by Asher Flynn and Kate Fitz-Gibbon
Victoria Colvin

