

## ELIZABETH CRAWFORD SPENCER

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### ACADEMIC QUALIFICATIONS

**Doctor of Philosophy**, Bond University, Gold Coast (2008)

**Juris Doctor**, University of Arizona College of Law (1996)

**Master of Community & Regional Planning**, The University of Texas at Austin (1983)

**Bachelor of Science**, Trinity College, Hartford, Connecticut (1980)

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### HIGHER DEGREE IN LAW

Ph.D. awarded from Bond University for 'The Regulation of the Franchise Sector in Australia: A Contractual Analysis' (February 2008). The dissertation combines theory with practical objectives. Supervisors were Professor Mary Hiscock and Professor Laurence Boule, both from the Faculty of Law, Bond University.

Reviewers' comments:

*'... very well written and presented thesis which provides an original and valuable contribution to learning on the regulation of the franchise industry.'* Professor Clive Turner

*'...thoroughly researched, well informed and well written work. The writing style is very lucid and it flows convincingly.'* Professor Stephen Coronos

*'... a stimulating thesis that significantly challenges conventional wisdom in relation to the regulation of franchising. ... convincing and clearly articulated and well supported with examples. It will contribute significantly to the debate both in relation to the adequacy of regulation in the franchising field as well as more generally in relation to regulatory paradigms. It will also encourage greater efforts towards obtaining accurate information from the franchising sector and to this extent enhance the potential for future research in the field of franchising.'* Reviewer's name withheld

This thesis is available at the Bond University e-publications page:

<http://epublications.bond.edu.au/theses/spencer>

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### ACADEMIC & LEGAL EMPLOYMENT HISTORY

**Australian Catholic University Faculty of Law**, Sydney (January 2014 to present)

ASSOCIATE PROFESSOR

**Bond University School of Law**, Gold Coast, QLD (November 2000 to December 2014)

HONORARY ADJUNCT ASSOCIATE PROFESSOR (January 2014 to present)

ASSOCIATE PROFESSOR (May 2012 to December 2013)

ASSISTANT PROFESSOR (2003 to May 2012)

ADJUNCT LECTURER (2001 to 2003)

PROFESSIONAL RELATIONS AND GRADUATE PLACEMENT MANAGER (2000-2001)

**Kluwer Law International**, The Hague (1999-2000)

MANAGING EDITOR: *World Trade and Arbitration Materials & International Commercial Arbitration*

**Permanent Court of Arbitration, International Court of Justice**, The Hague (1999-2000)

EDITOR: *International Council of Commercial Arbitrators' Yearbook*

**Law Offices of Marjorie J. Stephens**, Dallas, Texas (1997)

JUNIOR ASSOCIATE IN ESTATE PLANNING

**Southern Methodist University School of Law**, Dallas, TX (1996-1997)

ASSISTANT DIRECTOR, OFFICE OF CAREER SERVICES

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## OTHER PROFESSIONAL EXPERIENCE

Previous experience as a principal of a consulting firm conducting financial analysis of real estate investment as well as project management roles in real estate and economic development adds depth to my interpretation of commercial law, provides useful insights to inform teaching in law and enhances my communication, management, and administrative skills.

### **Decision Systems, Denver Colorado (1986-1988)**

Principal of asset management consulting firm with Prudential Pension Fund as major client

### **The Denver Partnership, Denver Colorado (1985-1987)**

Project manager in planning stages of major redevelopment of Lower Downtown Denver, coordinating partnerships between private developers and local planning authorities.

### **Brady Development Corporation, Denver, Colorado (1983-1985)**

Project manager of \$10 million multi-family housing project. Other responsibilities included conducting feasibility studies and comprehensive financial analysis for \$80 million mixed-used development in downtown Denver.

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## PROFESSIONAL TRAINING & QUALIFICATIONS

Member Texas State Bar, License #24002984, admitted 1997.

Bond University Dispute Resolution Centre, Gold Coast, Mediator Training Course, 2002.

Harvard Law School Program for Lawyers, Cambridge, MA, Negotiation Training Course, 1999.

Interaction Associates, Denver Colorado, Advanced Facilitation Training Course, 1984.

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## PUBLICATIONS & RESEARCH

### Books and Chapters in Books

Elizabeth Spencer, Editor and author of introduction to, *Relational Rights and Responsibilities: Perspectives on Contractual Arrangements in Franchising*, Bond University Press, 2011.

Elizabeth Spencer, 'Consequences of the Interaction of Standard Form and Relational Contracting in Franchising', *Relational Rights and Responsibilities: Perspectives on Contractual Arrangements in Franchising*, Bond University Press, 2011.

Elizabeth Spencer, *The Regulation of Franchising in the New Global Economy*, Edward Elgar, 2010.

This book examines the theory and practice of regulation in the context of the franchise sector. It provides a detailed analysis of the theory and practice of regulation of the sector, and presents a global survey and comparative analysis of franchise regulation in 30 countries. The book received praise in the academic community as well as among practitioners:

*'Dr. Spencer has performed a valuable service to the international franchising community in writing this book. ... [her] comprehensive survey of franchise regulation globally and her conceptual analysis of the regulatory tools applied makes a very important contribution to the regulatory debate.'* Andrew Terry, Professor of Business Regulation, University of Sydney.

The book is *'refreshing'* in its approach, *'rather than merely examining the law as it is, [it] considers how it should be, something few other texts even attempt.'* The author *'argues strongly for proper rules to regulate franchising ... well-researched and convincing...the book is interesting and well-thought out.'* Queen Mary Journal of Intellectual Property, Vol.1 , No. 1.

*'It is heavy, not in weight, but in substance. It has use for the practitioner, but its real intrigue and significance lie in its discussion of franchise regulation throughout the world, both in terms of the practical and theoretical.'* Franchise Law Journal, Winter 2013.

Named by [bluemaumau.org](http://bluemaumau.org) as one of 'Six Books Every Franchise Regulator and Lawmaker Should Read'.

### Refereed journal articles

Spencer, Elizabeth and Cantatore, Francina, 'Models of Franchising for Social Enterprise' (2015) 23 *Journal of Marketing Channels* 23 (1-2).

Spencer, Elizabeth and Cantatore, Francina, 'Strategies for Intellectual Property Protection in the Third Sector' (2015) *Third Sector Review* , Vol 21 No 2.

Spencer, Elizabeth, 'Revising the Role of Contract in Development Cooperation' (2015) *Law and Development Review*, 8(1) 147 – 186

Spencer, Elizabeth and Cantatore, Francina, 'Intellectual Property Rights Management in Small and Medium Size Social Enterprise in Australia', (2015) *Intellectual Property Quarterly* 182 (4) 328- 341.

Spencer, Elizabeth, 'Deriving Meaning for "Social Franchising" from Commercial Franchising and Social Enterprise' (2015) *Journal of Marketing Channels*, 22 (3) 163-174.

Spencer, Elizabeth and Cantatore, Francina, 'Yours, Mine, and Ours: The Development, Management and Protection of Intellectual Property in Third Sector Enterprise' (2014) *Intellectual Property Quarterly* 181 (3) 210-226.

Spencer, Elizabeth, 'The Applicability of Unfair Contract Terms Legislation to Franchise Contracts' (2013) *University of Western Australia Law Journal* 37 (1) 156-175.

Spencer, Elizabeth, 'An Exploration of the Legal Meaning of Franchising' (2013) *Journal of Marketing Channels*, 20 (1) 25-51.

Spencer, Elizabeth, 'Potential Enhancements for Business Performance through Franchising: The Case of Coffee in Vietnam' (2011) *Asian Business Lawyer* 7 (1) 51-74.

Spencer, Elizabeth, 'The Interaction of Standard Form and Relational Contracting in Franchising' (2009) *Franchise Law Journal* 29 (1) 31-39.

Spencer, Elizabeth, 'Reconceiving the Regulation of the Franchise Sector' (2008) *Macquarie Law Journal*, Volume 8, 103-124.

Spencer, Elizabeth, 'The Efficacy of Disclosure in the Regulation of the Franchise Sector' (2008) 22 (4) *International Review of Applied Economics*, 509-525. Available at <<http://www.informaworld.com/smpp/content~content=a793857242~db=all>>.

### **Government submissions and testimony**

Spencer, Elizabeth and Young, Simon, Submission to the Inquiry into the Franchising Code of Conduct (Wein Review), March 2013. **Cited 32 times** in final report at <http://www.innovation.gov.au/smallbusiness/codesofconduct/pages/2013-review-of-the-franchising-code-of-conduct.aspx>

Spencer, Elizabeth and Weinert, Kim, Submission to Treasury on ACNC Governance Standards and Financial Reporting Regulations, February 2012.

Spencer, Elizabeth, Submission to the Parliamentary Joint Committee on Corporations and Financial Services Inquiry into the Franchising Code of Conduct, Options Paper, July 2009.

Spencer, Elizabeth, Submission to Treasury on Unfair Contract Terms in the Australian Consumer Law, 2009.

Spencer, Elizabeth, Submission to the Ministry of Economic Development Review of Franchising Regulation, Wellington, New Zealand, November 2008.

Spencer, Elizabeth, Testimony before the Parliamentary Joint Committee on Corporations and Financial Services Inquiry into the Franchising Code of Conduct. Available at <<http://www.aph.gov.au/hansard/joint/commttee/J11376.pdf>>.

Spencer, Elizabeth, Submission to the Parliamentary Joint Committee on Corporations and Financial Services Inquiry into the Franchising Code of Conduct, September 2008 available at <[http://www.aph.gov.au/Senate/committee/corporations\\_ctte/franchising/submissions/sub39.pdf](http://www.aph.gov.au/Senate/committee/corporations_ctte/franchising/submissions/sub39.pdf)> **Cited 25 times** in final report at [http://www.aph.gov.au/senate/committee/corporations\\_ctte/franchising/report/report.pdf](http://www.aph.gov.au/senate/committee/corporations_ctte/franchising/report/report.pdf)

Spencer, Elizabeth, Testimony before the South Australia Franchises Inquiry. Available at <http://www.parliament.sa.gov.au/Committees/Pages/Committees.aspx?CTId=5&CId=173>

Spencer, Elizabeth, 'An Evaluation of the Efficacy of the Regulation of Franchising in Australia' Submitted to the South Australia Franchises Inquiry, December 2007. My testimony and submission were **cited 61 times** in final report, with particular emphasis on analysis of the synergistic effects of the standard form and relational nature of the contract on contractual discretion, which exposes the weaker party to greater risks of opportunistic behaviour and increases uncertainty in the relationship as well as the incidence of conflict. Report at <http://www.bluemaumau.org/files/SAReportFranchises.pdf>

Spencer, Elizabeth, 'An Evaluation of the Efficacy of the Regulation of Franchising in Australia' Submitted to the Inquiry into the Operation of Franchise Businesses in Western Australia, December 2007.

Spencer, Elizabeth, Submission to the Minister for Small Business on the efficacy of disclosure in the regulation of the franchise sector in Australia, 2006.

### **Other publications**

Spencer, Elizabeth, 'Navigating the Dispute Resolution Menu, Part Two', *Franchising*, May/June (2004), Vol 17, No 3.

Spencer, Elizabeth, 'Navigating the Dispute Resolution Menu, Part One', *Franchising*, March/April (2004), Vol 17, No 2.

Spencer, Elizabeth, 'Making the Most of the Franchise Agreement', *Franchising*, January/February (2004), Vol 17, No 1.

Spencer, Elizabeth, 'Charlatans and Rogues or Just Another Dysfunctional Family?: Part 2', *ADR Bulletin*, (2003), Vol 6, No 6.

Spencer, Elizabeth, 'Charlatans and Rogues or Just Another Dysfunctional Family?: Part 1', *ADR Bulletin*, (2003), Vol 6, No 5.

### **Papers presented at refereed academic conferences**

Spencer, Elizabeth and Cantatore, Francina, 'Intellectual property rights management in small and medium sized social enterprise in Australia', Sydney International Business Conference, University of Western Sydney, April 2015.

Spencer, Elizabeth and Cantatore, Francina, 'Intellectual Property Management in the Third Sector', 12th Biennial Australian and New Zealand Third Sector Research Conference, November 2014. (Abstract available at <http://www.thirdsectorresearch2014.com/abstracts.html>)

Spencer, Elizabeth, 'Managing Intellectual Property in the Third Sector', Humanitarian Innovation Conference, Oxford, July 2014.

Spencer, Elizabeth, 'Revising the Role of Contract in Development Cooperation' Australasian Aid and International Development Policy Workshop, February 2014, Australian National University, Canberra.

Spencer, Elizabeth, 'A Legal Approach to Classifying Social Franchising', 4th EMES International Research Conference on Social Enterprise, July 1-4 2013, Liege, Belgium.

Spencer, Elizabeth, 'Models of Franchising for Social Enterprise: Social franchising, Micro-franchising, and Social-investment franchising' in the proceedings of the 27th Annual International Society of Franchising Conference, March 13-16, 2013 Beijing Normal University, Zhuhai (BNUZ) Zhuhai, Guangdong Province, China.

Spencer, Elizabeth, 'Yours, Mine, and Ours: Franchising as a Means of Enhancing the Value of Intellectual Capital for Third Sector Organizations', in the proceedings of the 10<sup>th</sup> Annual International Society for Third Sector Research, Siena, Italy, July 2012. (Abstract available at <http://www.istr.org/?SienaAbstracts>).

Spencer, Elizabeth, 'What's in a Name? Definitional Issues in Franchising', in the proceedings of the 26<sup>th</sup> Annual International Society of Franchising Conference, Ft Lauderdale, Florida, May 2012.

Spencer, Elizabeth, 'Delivering educational programs in the 21<sup>st</sup> century: is franchising the answer?' (Paper presented at the Bond University Faculty of Law Centre for Commercial Law Teaching and Learning Roundtable, Hanoi, Vietnam, February 2011).

Spencer, Elizabeth, 'Franchising for better branding and marketing' (Paper presented at the Third Annual Vietnam Conference on Corporate Governance of the Bond University Faculty of Law Centre for Commercial Law, Ho Chi Minh City and Hanoi, Vietnam, February 2011).

Spencer, Elizabeth, 'Modelling the governance of franchising' (Paper presented at the Third Annual Vietnam Conference on Corporate Governance of the Bond University Faculty of Law Centre for Commercial Law, Ho Chi Minh City and Hanoi, Vietnam, February 2011).

Spencer, Elizabeth, 'Relationship Laws for Franchising: A Global Survey', in the proceedings of the 24th Annual International Society of Franchising Conference, Sydney, Australia, June 2010 (Abstract available at <http://www.huizenga.nova.edu/ExecEd/ISOF/ISoFPapers.cfm>).

Spencer, Elizabeth, 'Does India Need Franchise Specific Regulation?' (Paper presented at 2010 LawAsia Conference, New Delhi, November 2010).

Spencer, Elizabeth, 'All for One and One for All: Franchise Trade Associations' Roles in the Governance of the Franchise Relationship', in the proceedings of the 23<sup>rd</sup> Annual International Society of Franchising Conference, San Diego, February 2009 (Abstract available at <http://www.huizenga.nova.edu/ExecEd/ISOF/ISoFPapers.cfm>).

Spencer, Elizabeth, 'The Importance of Franchising as a Governance Model to Promote Successful Enterprise in Vietnam' (Paper presented at the Second Annual Vietnam Conference on Corporate Governance of the Bond University Faculty of Law Centre for Commercial Law, Ho Chi Minh City and Hanoi, Vietnam, September 2009).

Spencer, Elizabeth, 'Confessions of a Problem-Based Teacher' (Paper presented at the Second Annual Vietnam Conference on Corporate Governance of the Bond University Faculty of Law Centre for Commercial Law, Hanoi, Vietnam, September 2009).

Spencer, Elizabeth, 'Franchising & Governance: Competition and Cooperation' (Paper presented at 2009 LawAsia Conference, Ho Chi Minh City, November 2009).

Spencer, Elizabeth, 'Effective Disclosure in the Regulation of Franchising', in the proceedings of the 22<sup>nd</sup> Annual International Society of Franchising Conference, St Malo, France, June 2008 (Abstract available at <http://www.huizenga.nova.edu/ExecEd/ISOF/ISoFPapers.cfm>)

Spencer, Elizabeth, 'Balance of Power, Certainty and Discretion in Franchise Relationships: An Analysis of Contractual Terms', in the proceedings of the 22<sup>nd</sup> Annual International Society of

Franchising Conference, St Malo, France, June 2008 (Abstract available at <http://www.huizenga.nova.edu/ExecEd/ISOF/ISoFPapers.cfm>).

Spencer, Elizabeth, 'A Theoretical Analysis of the Effectiveness of Disclosure in the Regulation of Franchising in Australia' (Presented at the Macquarie University Division of Law Research Seminar Series 2007, *A Place at the Table: Regulation Reconceived*.)

Spencer, Elizabeth, 'Standard Form and Relational Aspects of Franchise Contracts' in the proceedings of the International Society of Franchising 20th Annual Conference, Palm Springs, 2006 (Abstract available at <http://www.huizenga.nova.edu/ExecEd/ISOF/ISoFPapers.cfm>).

Spencer, Elizabeth, 'The Efficacy of Disclosure in the Regulation of the Franchise Sector in Australia' (Paper presented at the Third Meeting of the European Network on the Economics of the Firm (ENEF), GREDEG, CNRS and University of Nice Sophia-Antipolis, 7 September, 2006).

Spencer, Elizabeth, 'Regulating Franchising in Australia' in the proceedings of the International Society of Franchising 19th Annual Conference, University of Westminster, London, 2005 (Abstract available at <http://www.huizenga.nova.edu/ExecEd/ISOF/ISoFPapers.cfm>).

### **Research-related conference organisation**

Co-chair with Professor Lorelle Frazer, Griffith University, and Associate Professor Jenny Buchan, UNSW, of the 24<sup>th</sup> Annual International Society of Franchising Conference, Sydney 2010. This was the third time in the history of the Society that the annual conference was held outside the United States. The conference in Australia enhanced the goodwill of the host universities, Bond, Griffith and the University of New South Wales.

Convenor and Co-Chair of the Bond University Faculty of Law and The School of Business Law and Taxation in the Australian School of Business at the University of New South Wales Franchise Law Colloquium, 21 November 2008. This event, the first of its kind in Australia, was conceived, organized and carried out by myself with Professor Andrew Terry. Leading practitioners and academics from throughout Australia and from the US included Professor Stephen Coronos of QUT School of Law; Warren Pengilly, former commissioner of the ACCC and special counsel to Deacons; Penny Ward, partner with Baker and McKenzie and Head of the International Franchise Association Legal Section; and Rupert Barkoff and Andrew Selden, partners with Briggs Morgan and Kilpatrick Stockton, respectively, and authors of *Fundamentals of Franchising*, now in its 2nd edition.

*'It was a great success largely due to your hard work and planning...The speakers all had the right level of expertise to generate some spirited debate and it was a good mix of academics and practitioners.'* Professor Stephen Coronos, Queensland University of Technology.

*'I thoroughly enjoyed the colloquium and the opportunity to interact with knowledgeable people in such a concentrated, focused environment. Communication about the event, social events and facilities...were all organized in a highly professional manner.'* Heather Forrest, Australian Catholic University.

*'It was a really worthwhile exercise.... I appreciate it was a big job to organize it...but it would be great if you could do it again.'* Penny Ward, Partner, Baker and McKenzie.

### **Participation in professional presentations, conferences & continuing professional development**

Panelist, 'Unfair contracts and beyond – regulating contracts and behaviour in franchising', Franchise Council of Australia National Franchise Convention, Gold Coast, 8 October 2015

Chair of Panel Session, The Australian 'National Interest' in the Asian Century: Trade, Investment and Security, Bond University, September 2013.

Co-Chair, Trends, Opportunities and Challenges-Financing, Legislation and Regulation in Developing Economy, at Annual Conference on Entrepreneurial 'Micro-Small-Medium Enterprise' and Agro Business Management for Developing Economies, August 2013, Abuja, Nigeria.

Bond University Research Seminar – *How to get published*, July 2013.

Panelist: 'How recommended changes to the Franchising Code of Conduct could affect your network', Griffith University Asia-Pacific Centre for Franchising Excellence Franchise Management Forum 2013.

Guest speaker, ANZ Private Franchisor Insights Round Table, ANZ Private Banking, Sydney, May 2011.

Presenter, 'The Regulation of Franchising: A Global Survey of Franchise-Specific Legislation', ACCC Franchising Consultative Panel on Franchise Regulation, October 2010.

Presenter, 'A Global Survey of Franchise Regulation', Franchise Council of Australia National Conference Legal Symposium, Gold Coast, October

Presenter, 'Good Faith in Franchise Agreements', Franchise Council of Australia National Conference Legal Symposium, Perth, October 2009.

Served on legal and research panels (by invitation) at the Franchise Council of Australia (FCA) National Conference, Sydney, September 2008.

### **A sample of other conferences attended**

Australian Council for International Development (ACFID) Development Futures Conference, Sydney, November 2013.

SASE States in Crisis, June 2013, University of Milan.

'The Rise of BRICS: Changing Paradigms for the Global Political Economy?' The Tim Fischer Centre for Global Trade and Finance, August 2012.

The 2011 NFP Conference: Governance, Funding & Financial Management of NFPs, Wellington, NZ.

The American Bar Association Section of International Law, 'Cross-Border Collaboration, Convergence and Conflict' on the Internationalization of Domestic Law and Its Consequences, February 2010, Sydney, Australia.

The ABA Forum on Franchising Convention, Toronto, Canada, October 2009.

### **Editorial commitments and memberships**

Member, Editorial Review Board, *Journal of Marketing Channels*.

Referee, *QUT Law and Justice Journal*, 2011.

Bond University Faculty of Law Commercial Law Centre.

Former fellow of the Tim Fischer Centre for Global Trade and Finance, 2010 to 2013.

### **Professional consultation & collaboration**

January 2014, Yangon, Myanmar: Worked with academics and professionals from the National Technical Institute for the Deaf at Rochester Institute of Technology (USA) and the Chinese University of Hong Kong in a project supported by the Nippon Foundation to improve the skills and competencies of professionals in deaf education in Myanmar.

2009-2012: Consultant to Pod Legal, Brisbane and Melbourne, in commercial matters, particularly the provision of franchise law information and services aimed toward development of franchise systems and helping franchisees as consumers and small business investors.

2012: Regulatory theory chapter of *The Regulation of Franchising in the New Global Economy* used as a seminal text for colloquium on regulation reform convened by Rupert Barkoff, Partner, Kilpatrick Townsend & Stockton, Atlanta.

September 2008 to October 2009: Consultant to French Commercial Lawyers, Southport, QLD.

September 2008: Consultant to Competitive Foods Australia P/L.

Contributor to the American Bar Association Forum on Franchising listserv.

Contributor to BlueMauMau.com and other US services and inquiries regarding franchise law and practice in Australia.

### **Higher-degree research supervision**

2014 served as examiner of PhD dissertation of Nurhidayah binti Abdullah, 'An Empirical Analysis of Good Faith in Contractual Performance: The Australian Experience', University of Sydney.

Served in 2014 on confirmation panel for PhD Candidate at Australian Catholic University, Rawan Al-Tamimi, 'Intellectual Property and Development in Palestine: Reform and Policy'.

Served in 2011 on Doctor of Management Expert Panel for PhD Candidate at the University of Maryland, Benjamin C. Litalien.

Served in May 2011 as examiner of Macquarie dissertation, 'The Role of the Board of Commissioners in Creating Good Governance of Indonesia's State-Owned Enterprises' by Miko Kamal for the degree of PhD

Served as external assessor of Dr Heather Forrest's application for promotion to Senior Lecturer (Level C – Academic) at the University of New England (August 2010).

Supervisor in 2010 of Warren Tapp, SJD Candidate, Bond University, Gold Coast, Australia. Proposed title of dissertation: '*A new legal structure for Not-for-profit entities in Australia*'.

Co-supervisor (with Professor Andrew Terry) from 2009 to 2011 of Yun Zhang, PhD Candidate, School of Business Law and Taxation, Australian School of Business, University of New South Wales, Sydney, Australia. Title of dissertation: '*Redressing the information imbalance of franchising relationship: disclosure regulations and China's experience*' completed 2011.

Served on Review Panel (with Professors Steven Corones and William Dixon) in 2009 for PhD candidate, Jenny Buchan.

### **Research grants**

Co-researcher (with Francina Cantatore) 2013 Bond University Vice-Chancellor's Grant for 'The management of intellectual property in small and medium third sector enterprises in Australia'

and the Pacific region.’ This research has resulted in one published article, another article in progress, and a planned external grant application.

Principal researcher 2012 Bond University Vice-Chancellor’s Grant for ‘The Evolving Legal Landscape of Cross-Border Grant Procurement.’ This has resulted in two conference presentations, a completed paper still to be published, collaboration on a book chapter, and collaboration on a grant application for further research.

Awarded Bond University Faculty of Law Research Grants in the years 2006-2010, all resulting in journal articles and conference papers.

Recipient of 2008 Bond University Vice-Chancellor’s Grant for ‘The Roles of Trade Associations in Regulatory Process: A Case Study of the Franchise Sector.’ This research formed the basis of a conference presentation published in the proceedings of the 23<sup>rd</sup> Annual International Society of Franchising Conference, San Diego, February 2009. It also provides a foundation for further research into the roles of trade associations in the governance of commercial enterprise.

### **Research program**

My research integrates several themes:

**Contracts and Governance:** I am interested in contractual relationships as frameworks for governance, particularly in the context of rapid and significant technological developments in contract formation and interpretation. My exploration of the regulation of contracts as both tools and objects of governance has implications in other disciplines and in law for contracts, dispute resolution, competition law, consumer law, intellectual property and employment.

**Third sector governance:** In recent years I have channelled my interest in contractual relationships in the direction of the governance of third sector relationships. I have been collaborating with colleagues in Australia and overseas on two research projects, one on the treatment of non-profit entities in competition law, the other an investigation of the strategic management of intellectual property in the non-profit sector.

**Development cooperation and the regulation of civil society organizations:** The third theme in my research integrates concepts of contracting and governance in commercial contexts with those of third sector governance. To ensure access to secure financial resources and so the survival of third sector initiatives by local NGOs in developing countries, legal structures and contractual arrangements must be designed to meet the dynamic and complex conditions of funding and collaboration, while at the same time respecting and reinforcing the evolving mission and brand of the enterprise. I have surveyed legal structures and contractual arrangements among third sector organizations in developing countries to assess the extent to which legal agreements are shaped by exigencies of funding, and to evaluate how these legal arrangements may impact upon processes of capacity-building among local NGOs. This work has resulted in one published article, while empirical research in contracting in development cooperation channels is ongoing.

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## LEARNING & TEACHING

### Subjects Taught

I have a solid record of course coordination across a diversity of subjects, with extensive experience in course design and development of law subjects for business students. I have tutored, designed, coordinated and/or lectured in:

- Australian Legal System
- Business Associations
- Business Law
- Constitutional Law
- Contemporary Issues in Law and Society
- Contract Law
- False or Misleading Conduct and the Economic Torts
- Franchising and Small Business
- Intensive Executive MBA Business Law
- Introduction to the Australian Legal System
- Introduction to the Law of Cross-Border Transactions
- The Law of Commercial Entities
- Topics in Australian Law (for Japanese students)
- Tort Law

### Student and peer evaluation of teaching

My ability as a teacher is evidenced in part by student evaluation results included as an addendum to this document, which illustrate student satisfaction with my teaching in relation to structure, content, interactive teaching style, feedback and assessment. Peer evaluations also reflect a high level of teaching performance.

### Legal skills education

Laws 104 - Intensive skills training for first year law students at ACU in legal research and writing. Business Associations at Bond University incorporated an interviewing skills component, client-interviewing problems (similar to a case study), with assessment of students' performance in 20-minute mock client-interviewing sessions.

### Teaching conferences and education

- Law Capstone Experience Forum at Queensland University of Technology (2012)
- Bond University Faculty of Law Centre for Commercial Law Teaching and Learning Roundtable, Hanoi, Vietnam (2011)
- International Society of Franchising conference in San Diego panel on franchising education (2009)
- Participated in the production of *Beyond Awareness*, a video on teaching international students.

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## SERVICE CONTRIBUTIONS

**Australian Catholic University Faculty of Law**, January 2016 to present  
Law Faculty Research Coordinator.

**Australian Catholic University Faculty of Law**, January 2016 to present  
Probations Committee.

**Australian Catholic University Faculty of Law**, February 2015 to present  
Sydney Campus Coordinating Committee.

**Australian Catholic University Faculty of Law**, March 2014 to present  
Academic Promotions Committee.

**Australian Catholic University Performing Arts Festival**, 11-13 April 2014.

**Bond University Law Clinic**, July 2013 to December 2013.

Initiated collaboration with the legal community on the Gold Coast to establish a successful pro bono clinic for small business and third sector enterprise.

**Bond University Core Curriculum Review Committee**, January to June 2013.

Served by invitation on the Bond University Core Curriculum Committee, which undertook an intensive review process of the current Core subjects and generated a proposal for a revised Core Curriculum.

**Bond University Exclusions (Appeals) Committee**, January 2013 to December 2013.

**Bond University Academic Misconduct Panel**, 2011, 2012.

### **Graduate placement, alumni and professional relations**

Past experience in graduate placement and alumni and professional relations as well as prior business experience have been useful in supporting university development activities. I have been involved in alumni development and have put forward initiatives in both marketing and alumni relations.

**Bond University Law Experience**, 2005 to 2010.

Served as faculty coordinator of Law Experience, one of Bond University Faculty of Law's important recruitment tools.

### **Bond University Headstart Day and Blue Sky Lecture Series**

Participated in marketing initiatives such as the Headstart Day and the Blue Sky Lecture Series. Headstart Day is a campus-wide event at Bond held twice yearly at which I have lectured on several occasions. The Blue Sky Lectures are available to collegiate schools throughout Australia. Vice-Chancellor Robert Stable congratulated the Bond marketing team on arranging these lectures and wrote, *'Liz Spencer is excellent and I have no doubt that her visit will be highly successful.'* Marketing Officer, Vanessa Lea wrote, *'Thank you for being involved in the Blue Sky Lecture program again this year - your lecture topics are certainly the most popular amongst local and interstate schools. ...Your lectures delivered in Perth last year to three of our top collegiate private schools (represented) a tremendous opportunity to showcase the quality of our Bond Law academic staff. The feedback from*

*teachers was so encouraging, and I know many would like to be involved in the program again this year. ... Thanks again for all your support, and I look forward to working with you in 2012.'*

**Bond University Teaching and Learning Group, 2005-2011.**

Served for several years on the Teaching and Learning Group of the Law Faculty, working on a full range of teaching and learning issues, including audits by the Australian Universities Quality Agency, and embedding graduate attributes into the law school curriculum.

**Bond University Research Management Group, 2006-2012.**

Served on the Research Interest Group (as it was then called) of the Law Faculty and in May 2008 I served as Acting Director. Provided assistance in facilitating supervisory relationships for higher-degree candidates.

**Bond University Law Faculty China Program, 2006.**

Part of the first Bond Law Faculty team to escort law students on a study trip to Beijing and Shanghai. This annual trip has become an important part of Bond Law Faculty's international focus.

**Service-oriented publications**

Spencer, Elizabeth, 'Lies and Deception in Family Relationships', New South Wales Law Society Legal Eagle (2008).

Spencer, Elizabeth, 'Starbucks vs Subway', New South Wales Law Society Legal Eagle (2007).

**Bond Politik**

Faculty advisor to newly formed student in interest group, Bond Politik, which aimed to engender greater interest and participation in politics and government by students of all political persuasions. (2011 to 2013).

**Bond University Academic Staff Association** - Executive Committee, 2009-2010.

**Bond University Women's Network** board member, 2006-2008.

**Bond University Scholarship Interviews**

Participated annually (from 2006-2013) in interview process for scholarship candidates.

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## **SERVICE TO THE COMMUNITY**

### **Domestic violence work and training**

I have worked with local groups and individuals in support of women who are or have been victims of domestic violence. In 2013 attended the following workshops:

- Creating a Safe Community workshop on sexism and its links with violence against women, challenging sexism and Mentors in Violence Prevention (MVP) November 2013.
- Stop Sexual Violence by the Gold Coast Centre against Sexual Violence Inc. December 2013.

### **Franchise Council of Australia**

Judge of the Franchise Council of Australia's Franchisor of the Year Award. Awarded Certificate of Appreciation at the Franchise Council of Australia for ongoing contributions to that organization's Franchisor of the Year Award, 2011.

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## **LANGUAGES**

First language: English  
Fluent in French

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## **PERSONAL INTERESTS**

Hiking, gardening, literature, wood working, design.

I am in the final stages of becoming certified as a yoga teacher and trainer. I believe that my personal practice of yoga and meditation enables me to function more effectively both personally and professionally, as well as to be of better service to my community.

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## **REFEREES**

A list of referees is available upon request.

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## ADDENDUM

### TEACHING EVALUATIONS (past 5 years)

Course Title & Level	Semester taught	Form of teaching	TEVAL x/7 (mean)	Other information, e.g. new course, new material
<b>False or Misleading Conduct and the Economic Torts (UG)</b> Australian Catholic University	Sem 2 2015	Lecture Workshop Tutorial	4.4/5	This was a new course for which I designed and prepared all materials and conducted all lectures, workshops, and tutorials.
<b>Tort Law</b>				
<b>Australian Legal System</b>				
<b>Contract Law</b>				
<b>Business Law (UG &amp; PG)</b> Bond University	111 123	Lecture Tutorial Lecture Tutorial	6.1/7 6.0/7 6.0/7 6.0/7	This course is a required for all business students. The classes are large and diverse and sometimes consist of a significant percentage of non-native English speakers.
<b>Contemporary Issues in Law &amp; Society (UG)</b> Bond University	102 112	Lecture Tutorial Lecture Tutorial	6.2/7 6.2/7 4.1/5 4.1/5	A survey of basic legal philosophy with a focus on application to current local and global issues. Improvement is evidenced in both lecture and tutorial performance.
<b>Introduction to Cross-Border Transactions (UG)</b> Bond University	101 111	Seminar Seminar	6.4/7 5.0/7	A new course, which I designed and delivered, now ongoing and taught by others in some semesters.
<b>Franchising Law (UG &amp; PG)</b> Bond University	102	Seminar	5.8/7	First full-semester tertiary course in Franchising Law in Australia. I designed the curriculum for 082, refined in subsequent semesters.

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### EXCERPTS FROM STUDENT COMMENTS & PEER REVIEWS OF TEACHING PERFORMANCE

I have always enjoyed excellent relationships with students, based on respect and care. I work diligently to ensure the best possible educational experience. Last year the first year law students at ACU North Sydney wanted to ensure that I and another lecturer would return for another year, and initiated a petition on change.org. I only became aware of this petition after the fact. The following message was one of many posted by a student; there were about 57 such messages.

*Professor Crawford-Spencer is the best lecturer we have seen with her teaching method encouraging us to go further than what is required!*

### **Emails from students at ACU**

I have had the good fortune to have received several emails of appreciation from students in North Sydney -the following is an example.

Tue 14/10/2014 3:00 PM

*Hi Liz*

*I just wanted to send you an e-mail to let you know exactly how much you are missed this Semester, not being involved in any Lectures, Tutorials, Workshops and/or Seminars for LAWS107 & LAWS108. I don't know if you realise how much the students really have missed your interaction and the support you provide us. I have especially notice this when you attend seminars held in the moot court with the students comments I have heard. We certainly do miss everything you bring to the table as a lecturer and the representative of the students, as coordinator. Your open door philosophy, even though you are in Melbourne two days of the week, is appreciated. Your ability to interact and identify with students is phenomenal and should be acknowledged. So in essence, I just want to let you know that you are a vital part of ACU in undertaking my Bachelor of Laws.*

*Cheers*

### **Excerpts from Student Evaluations at Australian Catholic University**

#### Laws 206 – False and Misleading Conduct and the Economic Torts , Semester 2 2014

*'Liz was highly professional and enthusiastic... Liz's enthusiasm and honesty was incredibly powerful and motivating as well as reassuring. Feedback on assignments was extremely helpful.'*

*'The best teacher I've had since starting my law degree. Explained concepts well and was likable.'*

*'Overall I thought her teaching methods were brilliant, and I would love to have Liz as a lecturer and tutor again in another laws subject.'*

*'Liz was a fantastic lecturer and tutor providing as much assistance as was required throughout the semester.'*

*'Liz created an engaging and insightful learning environment. Her enthusiasm made the unit really interesting. I would love to have Liz as a tutor/lecturer in further subject.'*

*'Dr. Crawford Spencer's approach to students is highly ethical. She never treats anyone badly and is happy to accept correction and criticism and works to allow us to participate in class... Her workshops are excellent- she engages us in activities and gets us to do different things every week. I highly recommend Dr. Crawford Spencer. I can say more great things about her but I will conclude that I hope to be taught by her in the future...'*

### **Excerpts from Student Evaluations at Bond University**

#### Franchising Law Seminar Semester 112

*'Very informed, friendly, well spoken and witty, articulate presenter who challenges and stimulates students on relevant, interesting topics...'*

#### Contemporary Issues in Law and Society Lecture Semester 112

*'Elizabeth Spencer has proved a worthy educator. I enjoy attending lectures as she is enthusiastic and keeps the class entertained.'*

*'Liz is a great lecturer...'*

*'I've really enjoyed this course—thank you!'*

*'Asks great questions, gets to the point!'*

*'Liz is very good. She always respect students and makes the subject fun.'*

#### Contemporary Issues in Law and Society Tutorial Semester 112

*'fantastic teacher; fun; explores key concept well and delves into interesting topics; takes what we say on board!!'*

*'Great teacher!'*

*'Liz challenges us to form our own opinions and think through relevant issues and concepts... Great subject and interesting topics'*

#### Business Law Tutorial Semester 111

*'She is very passionate and enthusiastic about the course which makes it a lot more interesting to learn about. She also asks a lot of questions to get students involved and makes sure everyone is understanding....This is a hard course with lots to memorize that Liz made it very interesting. I really enjoyed this subject and it was nice having her as lecturer and tutor.'*

*'She is nice and easy-going teacher, very experienced and professional at teaching.'*

*'Approachable, explains things in an easy-to-understand way... Encourages our own thoughts and encourages us to try to explain in our own terms/way.'*

#### Introduction to the Law of Cross-Border Transactions Seminar Semester 111

*'Liz makes concept simple and easy to understand—great lecturer.'*

*'Flexible, made it interesting...'*

*'Very approachable and welcoming vis-à-vis class participation/discussion and getting students to involve themselves.'*

#### Contemporary Issues in Law and Society Lecture Semester 102

*'Confidence and presentation ability is among the best... Very articulate/well spoken... Clearly explains each point.... Incredible subject is taught by an incredible lecture. One of my favorite subjects, and coming from outside law... Thank you Liz!'*

*'She seems to love teaching this subject selectors are always interesting and never just reading from slides.'*

*'Explains concepts clearly and in a number of different ways to enhance learning. She's very good at linking concepts in the course and is passionate about a lot of the topics which comes across.'*

#### Contemporary Issues in Law and Society Tutorial Semester 102

*'Clarity, consistency, knowledge, great delivery, makes the topic interesting. Approachable, nice temperament.'*

*'Good getting to discussion going, fun.'*

*'Good at encouraging conversation in getting everybody thinking.'*

*'Always organized and good oral skills.'*

*'I found Liz Spencer to be a very friendly, approachable teacher. She encourages everyone to have input and say how they feel. The class were very structure with a clear outline as to what would be discussed. I found her teaching method enjoyable and made it easier to learn.'*

#### Business Law Lecture Semester 101

*'Way of teaching is excellent, explains methods clearly, lecture material is easy to understand... Teaching ability is excellent.'*

*'Humor, clarity of explanation, personal interest, depth of knowledge, openness, willingness to personally assist students. Approachability, enthusiasm...'*

*'Made the subject interesting and was always able to give clear and precise examples*

*'She makes the subject extremely interesting by referring to case studies and using humor. She knows the subject extremely well therefore can answer questions thoroughly and explain the topics well. Her speech and verbal manner is excellent. Easy to listen to and lectures are fun to attend and they are informative.'*

#### Franchising Law Seminar Semester 092

*'Renews my faith in teachers at Bond. Her love for teaching clearly shows.'*

*'I thought that the teacher's approach to teaching the subject was excellent.... I enjoyed the practical aspects of the subject as well as theoretical aspects Liz has coordinated a very interesting and exciting course, including various industry leaders as presenters. Liz is obviously very well respected within the franchising industry.'*

#### Contemporary Issues in Law and Society Tutorial Semester 082

*'Liz really helped everyone to express an opinion and to formulate one when some didn't know.'*

*'Very good communication skills and very easy to talk to.'*

*'She is a great person and teacher.'*

*'She uses lots of different methods of teaching in the lectures which makes it very interesting*

*'Everything Liz did was excellent.'*

#### Business Associations Semester 081

*'Makes people want to come to class.'*

#### Business Law Lecture Semester 061

*Particularly liked ' the relevance of the subject....should be in the core of the MBA.'*

*'Very good at explaining case law. Excellent lecturer, great in the tutorials.'*

*'She makes sure that every single one understands the subject...she is perfect.'*

*'Best teacher I have had so far.'*

#### **E-mails from students (unsolicited)**

##### Business Law Lecture/Tutorial Semester 123

*'Dear Liz,*

*I'm not really good at thanksgiving, but I want to express my highest appreciation for the work you've done last semester in our Business Law class. Nowadays, it's quite difficult to find a person putting his whole soul into something, moreover, into teaching other, most often, unwilling kids some not-that-easy material.*

*Your whole effort and the way of teaching had profound impact on my studies particularly. It wouldn't be an exaggeration to say that but for you I wouldn't get even half the understanding of the course. I wish there were more professors like you in my future studies and life in general.*

Thank you!' (Wed 20 Feb 2013)

'Dear Dr. Liz

*How are you? And how your family? I hope all of you fine and healthy, and let me to admit you that I really miss your teaching, I know this is life, but you taught me a lot of things and one of these is how I can challenge myself, and you gave the positive thinking to encourage myself not only for my study....Dr. Liz, it's my pleasure to know a person like you. You are so humble .  
My best regards to my best teacher ( Dr. Liz Spencer)' (2 Feb 2013)*

#### Introduction to the Law of Cross-Border Transactions Semester 072

*'One of the speakers said that Bond law school is the best in Australia, due to having the best professors... Thanks for teaching!!!'*

#### Franchising Law Seminar Semester 112

*'Thank you so much Liz... It means a lot coming from someone like yourself who I enjoy watching and learning from so much. I am so pleased you enjoyed what I have prepared. Your feedback motivates me more than you can now at the time that I needed most.'*

#### Contemporary issues Semester 102

*'I would just like to say I really enjoyed the subject and your teaching style. It's definitely in my top 5 so far. I thoroughly enjoyed our group and the tutorials. Bond needs more teachers/professors like you!'*

#### **Excerpt from unsolicited letter from a former student in Business Law Semester 042:**

*'I thought the way you taught the lecture was excellent, I especially like the way you encourage students to take part in this tutorial. From a student perspective it forces you to do your homework and understand or at least attempt the prescribed material. I appreciated your unpretentious disposition and teaching methods. In particular I enjoyed watching you formulating responses to class questions, this gave an invaluable insight into how lawyers think, and more importantly how intricate the law is and goes some way to explaining the methodology behind decisions etc.'*

#### **Peer Reviews**

##### Peer Review by Assistant Professor Maureen Klar, Contemporary Issues in Law and Society, 30 November 2008

*'Liz had an exceptionally thorough knowledge of the subject matter and her understanding of the topic came through in her very practical applications of philosophical concepts which also made the lecture material easy to understand...used role play very effectively...relaxing the class through her use of humour. Her enthusiasm for the topic also came through...the class engaged eagerly.'*

##### Peer review by Associate Professor Bobette Wolski, Business Law, Friday, 13 June 2003

*'You are poised and articulate... You did not refer to notes but focused instead on your audience. You project and maintain a high level of energy throughout your presentation.... You interacted with your students throughout the lecture by referring to students by name, by moving towards them, by asking questions, and by inviting in answering questions yourself. You were professional in your attitude, but also friendly and approachable.*

*The material covered in the lecture consisted of an appropriate blend of information, cases, definitions and examples (this was an excellent selection of material).*

*The real strength in your teaching lies in the clarity of your explanations, in particular, of case law. You were able to relate facts of cases in the rulings of the court in simple, easy to understand terms.... You actually made case law interesting.... You were able to answer all questions with a great deal of clarity.... You presented with energy and enthusiasm... You balanced openness to questions to give a structured and controlled teaching experience. The class appreciated your sense of humor. They enjoyed listening to many of the examples you provided... You are well organized and thoroughly prepared, professional and engaging in your manner.'*

