

# School of Law

University of New England

## Newsletter

Edition 2 April-June 2015



## Welcome

Welcome to Marcelle Burns appointed as Indigenous Pre-Doctoral Fellow. Marcelle has come from Brisbane's Queensland University of Technology where she worked for seven years as a lecturer. She has worked in the field of Indigenous legal issues for over fifteen years, both as a legal practitioner and academic. She has trained and practiced as a mediator with the NSW Attorney-General's Department. As a Kamilaroi

woman Marcelle has a strong interest in Indigenous critical legal studies and social justice issues. Her research areas include Indigenous human rights, the Stolen Generations, native title and criminal law. She is a member of the National Indigenous Research and Knowledges Network.

Marcelle has a LLB (Hons)/BA from Southern Cross University and Graduate Diploma in Legal Practice from the College of Law.



*Marcelle Burns*

## Hitelai Polume-Kiele

Hitelai Polume who was undertaking a PhD in law here at UNE has been appointed as a Judge of the National Judicial Services of PNG. This is a clear reflection of the respect which she earned in her previous senior legal appointments in PNG. Hitelai noted that she decided to take up this role in order to contribute to the development of PNG. She is going to continue her PhD studies with Professor Paul Martin whilst undertaking her new role.



*Hitelai Polume-Kiele*

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*... and more*

**une**  
University of  
New England

**School  
of Law**

# Public Lecture

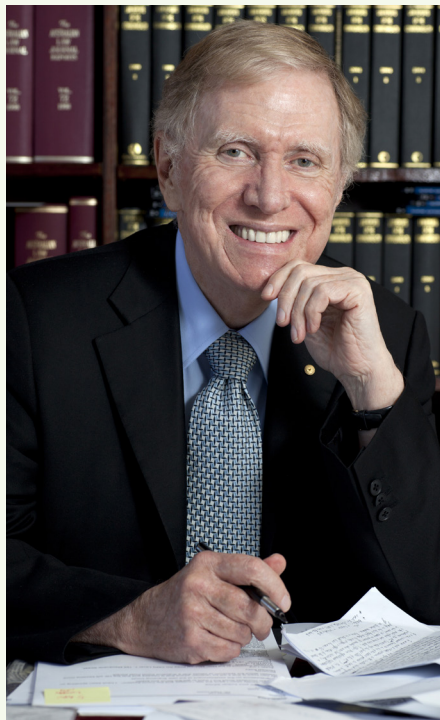
## The Honourable Michael Kirby AC CMG

Thursday 18 May 2015 the Honourable Michael Kirby AC CMG presented a public lecture to over 200 people in the Belshaw Lecture Theatre in the Economics, Business and Law Building on campus at UNE in Armidale.

The presentation was 'Whatever happened to the Aids Epidemic?'

Many people in Australia think that the AIDS epidemic, caused by the HIV virus, is over. No more horrifying photos on the front pages. Lots of news of powerful antiretroviral drugs. Self-congratulations that Australia responded effectively and set an example for the global community. Whilst there are some elements of these suppositions that are correct, dangerous features of the epidemic still remained to be dealt with and some are on the increase:

- The rise in infections in Australia after a period where the epidemic seemed to have plateaued.



*The Honourable Michael Kirby AC CMG*

- The apparent decline in self protection (condom use and safe sex) in the gay population.
- The appearance of growing ineffectiveness in the original antiretroviral drugs, requiring resort to new heavily patented drugs.

- The logjam in the moves for self protection in most developing countries and the failure to repeal laws that isolate gays, sex workers and drug users.
- The decline in contributions by developed countries, including Australia, to the International funding of essential drugs in poorer countries.
- The failure of the international community to reform the laws on pharmaceutical patents to make them more compatible with the human right to health.
- The ongoing failure to find a full cure to HIV or a safe vaccine to prevent its acquisition, despite high hopes and huge investments.
- The horrible laws being passed in many countries (Uganda, Nigeria, Russia) that isolate people at risk of HIV and heighten spread of the virus.
- Drawing on his current international work for UN AIDS, UNDP and the Global Fund, Michael Kirby will outline where we are at, and where we seem to be headed.

## The Honourable Rob Stokes MP and Daniel Hill

The Honourable Rob Stokes MP, who is the NSW State Member for Pittwater and the NSW Minister for Planning, visited UNE on Thursday 7 May. Rob Stokes who spent some of his early career as a lecturer in law at Macquarie University, was invited to UNE to deliver the 2015 DH Drummond Memorial Lecture. Rob Stokes delivered an excellent lecture on his roles and responsibilities as Planning Minister and was also able to integrate the life of David Drummond into his oration.

Rob Stokes was accompanied by Mr Daniel Hill who is an alumnus of UNE Law School. Daniel Hill graduated from the University of New England in 2010. During his time at UNE Daniel lived on campus at Drummond and Smith College where

he served as an Academic Mentor. Whilst at UNE, Daniel was involved in a variety of extracurricular activities including the Drummond and Smith Law Society, on which he served as a President in his final year.

Together with his brother Tim, Daniel was instrumental in establishing the Drummond and Smith Law Society which in 2010 hosted the annual Law Ball in which The Hon Michael Kirby was the guest speaker. Daniel

completed a Bachelor of Laws and Bachelor of Business at UNE in 2010 and was admitted as a Solicitor in the Supreme Court of New South Wales in 2012. Daniel currently works as a Parliamentary Adviser for Rob Stokes.

Julia Werren, Paul Sattler, Megan Vine and Karen Lee, who are all fellows of Drummond and Smith College, attended the lecture and dinner afterwards.



## Native Vegetation regulation: Too important to fight about?

Whilst at UNE, Minister Stokes participated in a consultative workshop on the theme “Native Vegetation Regulation: Too important to fight about?” This full day meeting, convened by Professor Paul Martin and Dr Jacqueline Williams from the School of Law’s AgLaw Centre, was attended by farmers, government officials, environmentalists and other interested people from the North West of NSW. The participants engaged in a civilised discussion, intended to find ways in which the heated issues of native vegetation management might be better managed in the North West. Minister Stokes spent some time in discussion with the participants.



Whilst the day did involve discussion of issues that were sensitive and emotional for many of the participants, the process was universally considered to be both

a success and useful. Follow-up discussions are planned for around the time when the new Native Vegetation regulations are drafted.

## Kirby Seminars

**Dr Rick Sarre**

**The Top 10  
Initiatives to  
Reduce Crime  
and Disorder in  
Australia Today**



**23 April 2015**

For the most part, government ‘justice’ promises are narrowly focused, centred on lifting levels of intensive and intrusive policing (“we will put more police on the streets with zero tolerance for crime”), meting out heavier sentences (“we will rack ‘em and stack ‘em”) and placing less discretion in the hands of those charged with the responsibility of delivering sentences (“we promise mandatory sentencing for those convicted of certain offences”). In academic parlance, this has become known as the ‘law and order’ response.

At the same time, criminological researchers the world over are producing some excellent recommendations for reform. Some are implemented and others are ignored. Some work well and others struggle to get results. What is working? What could work better?

What have we not tried, but should? Drawing on the evidence from recent research, this talk will count down and present the presenter’s ‘top ten’ most affordable and workable law reform and justice initiatives that promise to reduce crime, violence and disorder in Australian society today. Come and find out what he has selected. Come and see whether these initiatives are the sorts of things that governments tout in their quest to establish their crime prevention credentials.

**Professor  
Warren Swain**

**Lord Mansfield:  
Man and Myth**

**8 May 2015**

More than two hundred years after his death, Lord Mansfield continues to fascinate. Ever since John Holliday produced his *A Life of William Late Earl of Mansfield in 1797*, a work described by Lord Campbell of all people as, ‘the worst specimen of biography to be found in any language’, a great deal has been written about him. The most recent addition to the genre appeared in just 2013. Traditional accounts of



Lord Mansfield stress his role in founding commercial law, his use of equity and his willingness to depart from precedent. This caricature of Lord Mansfield’s jurisprudence contains a kernel of truth. It amounts to a serious oversimplification. This seminar will investigate some of these established myths and consider some counter examples in order to create a more nuanced account of the legal life of the Chief Justice.

**Associate  
Professor  
Pauline Ridge**

**Participatory  
Liability  
and Finn’s  
‘Australian Equity’**

**29 May 2015**

The Hon. Paul Finn was a Professor of Law at the Australian National University and then served on the Federal Court of Australia from 1995 to 2012. His academic and judicial work ranges across private law and public law, but he is particularly renowned for his understanding of equitable principle and equitable judicial method. The first objective of this paper is to identify the distinctive features



denoting excellence – ‘hallmarks’ – of Australian equity (principle and method) that Paul Finn has espoused in his extra-judicial writing.

Equitable participatory liability has not yet been comprehensively considered by the High Court of Australia. The law is commonly formulated in terms of the ‘two limbs of *Barnes v Addy*’ (knowing receipt of misappropriated trust property and knowing assistance in a dishonest and fraudulent breach of trust), but this formulation fails to explain the diverse circumstances in which liability might apply and the principles that should guide the determination of liability. The second objective of this paper is to consider and critically evaluate the embodiment of Finn’s hallmarks of Australian equity in the Federal Court’s decision in *Grimaldi v Chameleon Mining NL (No 2)* [2012] FCAFC 6 (Finn, Stone and Perram JJ) concerning equitable participatory liability.

The third objective of the paper is to speculate upon how the High Court might embrace Finn’s vision of ‘Australian equity’ in any future case concerning the development of equitable participatory liability.

**Maria  
Marquès i  
Banqué**

**The Protection  
of the  
Environment  
Through  
Criminal Law in the EU**

**15 June**

The concern about the inadequacy of the existing systems of penalties in a scenario of increasing offences with extended effects beyond the borders of the States in which the offences were committed, led the European Union to pass a Directive in 2008 that obliged Member States to provide for criminal penalties in their national legislation in respect of serious infringements of provisions of European Law on the protection of the environment.



The seminar aims to expose the main contents of the Directive to show those areas that the EU considers that deserve more attention, as well as to analyse the overall capability of the Criminal Law to be effective in this field, taking into consideration the specific nature of the Directives in the EU Law and, from the Spanish experience, the limits that Criminal Law faces in this area when it comes to apply the law in courts.

**Dr Eric  
Descheemaeker**

**The Australian  
Origins of the  
English Defence  
of Responsible  
Publication  
in the Law of  
Defamation**

**26 June 2015**

Possibly the most significant development in the law of defamation over the last quarter of a century, across the whole common-law world, has been the recognition of a defence of responsible publication on matter of public interest. In England it was carved out in the case of *Reynolds v Times Newspapers Ltd* in 1998 and then put on a statutory footing in the Defamation Act 2013 (UK). Besides its practical importance in terms of protecting the freedom of the press, its theoretical significance lies primarily in the fact that it signals the taking over by an essentially negligence standard of large swathes of the law of defamation: while dominant in tort law generally, negligence had historically been almost completely alien to a cause of action controlled by malice.

This presentation will explore the roots of the idea that a defendant should escape liability if he reasonably believed the defamatory matter to be true. These can be traced to developments that occurred in New South Wales in the early 20th century, and would ultimately lead to a worldwide shift of paradigm in the law of defamation a century later.



**Dr Kylie Burns**

**Judicial Use of  
‘Common Sense’  
and Judicial  
Cognition:  
Nudging  
Judging?**

**30 June 2015**

Judges are like other human beings. They use their common sense, their ‘common understanding’, their ‘contemporary knowledge’ of society and the ‘expectations of the community’, as part of their decision-making. The role of ‘common sense’ and ‘common understanding’ in judicial reasoning is well recognised. Many legal principles require judicial application of these forms of knowledge - the reasonable man (person?) in tort law; the extent of self-control of the ordinary ‘person’ when provoked in criminal law; the evaluation of the credit-worthiness of a witness late to complain of sexual abuse; the meaning of ‘sex’ in birth registration legislation; the ‘best interest’ of the child in family law. However, like the rest of us, judges are human decision-makers unconsciously impacted by cognitive limitations. Their factual assumptions may be influenced by their own cultural worldviews. Judicial use of ‘common sense’ can be the vehicle through which error, and discrimination enters the law. This paper examines how judges use ‘common sense’ in their judicial reasoning, how judging might be seen as a cognitive process with the consequent potential impact of heuristics, biases and cognitive illusions on judicial construction of ‘common sense’, and discusses whether judges can be ‘nudged’ to overcome the limitations of ‘common sense’ reasoning. The paper argues that while ‘common sense’ and ‘common understandings’ will always be an inevitable part of judicial decision-making (as they are for human decision-making), more attention is required to overcome the limitations of ‘common sense’ judging.



# Individual Staff Achievements, Certificates, Prizes and Promotions

## 2015 UNE Awards for Teaching Excellence

Congratulations to **Associate Professor Lillian Corbin and Associate Professor Amanda Kennedy** who have recently been awarded UNE Awards for Teaching Excellence for Outstanding Contributions to Student Learning. Lillian received the citation for 'designing learning environments that inspire and motivate law students to engage, reflect and evaluate what it means to be an ethical lawyer in society', whilst Amanda received her citation for 'innovation in place-conscious legal education to better prepare students for employment in rural and regional legal practice'.

We are very lucky in the School of Law to have such inspirational lecturers.

### Mrs Lisa Bugden

Congratulations to Lisa Bugden, the School's Education Innovation Officer, on graduating with a Master of Educational specialising in Educational Technologies from Monash University



### Dr Eric Ghosh

**Dr Ghosh** has returned from long-service leave this trimester. While on leave, he spent February in India and gave papers at two elite Indian law schools which our School of Law is developing ties with. They were at the Rajiv Gandhi School of Intellectual Property, Indian Institute of Technology, Kharagpur, West Bengal, and at Jindal Global Law School, National Capital Region of Delhi. The photo is from the latter, where the paper was delivered to academics at their Centre of Public Law and Jurisprudence. The papers adapted for the Indian context a keynote address delivered last November at an international conference on democracy and constitutionalism held in Belo Horizonte, Brazil. The papers were entitled: 'Judicial reference to consensual community values – Pointing toward constitutional juries?'

### Big Ideas forum: "Does every child need a mother and a father?"

The Duval College Senior Common Room hosted a Q&A style forum on 19 May incorporating a mix of students, lecturers, and people 'in the know' discussing the big ideas important to us all. Michelle Edgely from the School of Law was invited to moderate this event.

Questions and comments from the audience were strongly encouraged and a live twitter feed was the feature of the event [#Duvalbigideas](#) so that off campus students could also participate in the event.

### Professor Paul Martin, Professor Mark Perry and Dr Mark Shephard

Paul, Mark and Mark met up with the Australian Seed Bank Partnership Steering Committee by Melbourne Royal Botanic Gardens. They discussed potential collaborations on furthering the understanding of potential 'value' in seeds from alternative perspectives, and the issues that arise in seed bank management.



### Professor Mark Perry

has recently been elected as a Deputy Chair of the Academic Board. For those of you who are not familiar with the structures of universities, the Academic Board is the principal academic body of the University. It furthers and coordinates the work of the Faculties and other academic units, encourages scholarship and research, and advises the Vice-Chancellor and Council on matters relating to teaching, scholarship and research within the University.



### Dr Same Varayudej

Dr Varayudej was a visiting fellow at the Faculty of Law, Thammasat University (TU), Bangkok, conducting his Special Studies Program (SSP) projects between 1 December 2014 and 30 May 2015. As part of his research projects, he wrote an article on 'The Constitutionalism and Judicialisation of Politics in Thailand', focusing on critical analysis of the concept of contemporary constitutionalism and its relationship with the concept of judicialisation of politics. He also presented a paper on 'Challenges and Prospects for Constitutionalism, the Rule of

Law and Democracy in Thailand' at the International Conference on 'Constitutionalism, the Rule of Law and Democratic Governance – Challenges and Prospects in Comparative Perspectives', co-hosted by the UNE School of Law, the TU Faculty of Law and the German-Southeast Asian Centre of Excellence in Public Policy and Governance (CPG). The Conference, for which Dr Varayudej was an organiser, was successfully held on 1-2 April 2015 at the TU Faculty of Law. Among conference participants were the counsellors from Australian and German embassies.

There is a special blog dedicated in Thammasat University Library giving detailed information on this Conference as well as a highlight of the book on Comparative Constitutionalism: Eighty-Two Years of Constitutional Reform and Democratic Development in Thailand, edited by Dr Same Varayudej and Professor Jürgen Bröhmer. Please follow the web address below:

<http://main.library.tu.ac.th/km/?p=12262>



# LAW480 Moots

## Melbourne Moot Court Sitings



Melbourne Moot Court Sitings: Rob Belcher and Tracy Lieschke appeared for the respondent in one of the Melbourne sittings of the Moot Court. They are standing in front of the Federal Court of Australia Court 8A bench after they completed their moot.

## Sydney Moot Court Sitings



Helen Hatzianeou, Gerard Kell, Greg Rohan and Lan Pham who all participated in the LAW480 Moot Court sessions in Sydney.

## Armidale Moot Court Sitings



Mr Paul Akon and Dr Cameron Moore from the School of Law with students Christian Marchant and Ashleigh Schiemer. Christian and Ashleigh appeared for the respondent in the moot whilst Paul and Cameron acted as the judges.

## The Australian Centre for Agriculture and Law (AgLaw)

On 25 and 26 June a meeting was held in Bonn, Germany, hosted by the IUCN Environmental Law Centre. Lawyers from Australia, Brazil, Costa Rica, Nigeria, South Africa, USA, France, Argentina and Singapore were brought together to consider the next stage of a major project being led by Professor Paul Martin from the AgLaw centre at UNE. Experts from other disciplines represented within the IUCN also participated. The meeting considered the fundamentals of effectiveness, and possible directions for new research and practice.

That project involves the development and implementation

of a methodology for objective evaluation of the effectiveness of environmental laws. The method has now been applied to evaluate laws in Australia, Brazil, China, South Africa and New Zealand. Further projects are underway applying the method to different environmental law issues. It is expected that by September the method and the case studies trialling its use will be published by the IUCN. At the IUCN Academy of Environmental Law Colloquium in Jakarta a meeting of the Academy, the World Commission on Environment Law, and the Environmental Law Centre will map out a strategy for research

and practice improvement targeted towards tangible improvements in the effectiveness of environmental law.

The work on evaluation led by Professor Martin will be the foundation for new directions in empirical investigation of the law as an environmental governance instrument. At the Academy meeting in Jakarta, a book on effective implementation of environmental law edited by Professor Martin and Associate Professor Kennedy will be launched as part of this larger endeavour.



## Dr Jacqueline Williams

A recent report undertaken by the Ag Law Centre in conjunction with Tamar Valley TFGA farmers and Tamar NRM shows farmers in that region contribute up to \$8 million a year of their own money to natural resource management outcomes.

**Jan Davis** writes on how balancing economic growth with sustainability fuels Tassie farming furore by: Jan Davis, Mercury, July 08, 2015 12:00am.

***An independent report into environmental contributions of Tamar Valley farmers casts a broader shadow over the ability of the nation's farmers to keep contributing GDP growth within ranges predicted by federal governments.***

"Tamar Valley TFGA Farmers: Public Good NRM Contributions 2011-2012" was released last month. It was done by Jacky Williams, of the Australian Centre for Agriculture and Law at the University of New England, in collaboration with the Tamar Valley branch of the Tasmanian Farmers and Graziers Association and Tamar Natural Resources Management.

Farmers are expected to contribute to growing the economy while undertaking public good natural resource management at their own cost.

Australia is considered one of the world's most efficient farm producers, yet the report questions whether farming in Australia can be sustained with so little public support.

Dr Williams said the argument is not to justify subsidies. Instead, it highlights a need for urban and rural Australia to more equitably share costs and benefits of maintaining environmental assets and services that benefit the broader community.

The results of the Tamar Valley farmers' survey are consistent with data collected for on-farm NRM activities for the northern Tasmania and in Australia more generally.

# Farmers' \$8m land care lauded

By MICHELLE WISBEY

A NEW report has put an \$8 million price tag on the environmental contribution that Tamar Valley farmers make to their land.

Produced in collaboration with the Tamar Valley branch of the Tasmanian Farmers and Graziers Association and Tamar Natural Resource Management, the independent report looked into the environmental and economic benefits of work that was performed by landowners.

Tamar Valley branch chairman Ian Sauer said the report was about recognising the financial contribution farmers made through weed management, fencing, re-vegetation and other farming practices.

"By doing a sample of 6 per cent of the farmers in the Tamar Valley, they contribute \$500,000 a year of their own money to natural resource management outcomes," Mr Sauer said.

"If you extrapolate that out to 100

per cent of the farmers, which we didn't survey, it's \$8 million.

"It was amazing when the Tamar Valley branch started getting these figures - even the farmers were amazed."

Mr Sauer said the report, undertaken by Dr Jacky Williams, of the Australian Centre for Agriculture and Law, found that these investments remained almost invisible to governments and members of the community.

"It's about all the work that farmers do on their farms, like landcare work, that goes completely unrecognised," he said.

"There's a public benefit to it, it's preserving patches of bush, it's fencing off streams to get better water quality and increasing biodiversity."

"This is what farmers want to do - they don't have to do it but they do."

Mr Sauer said that there was a need for policy reforms to support the rural communities who were managing the Australian landscape.

Farmers manage most of the landscape on behalf of all Australians. Research by the Australian Bureau of Statistics estimates they invest at least \$3 billion annually in natural resource management, and \$314 million annually in water-related management.

This is backed up by ABS work which found, in 2011-2012, about 32 per cent of agricultural businesses reported they set aside land for conservation or protection purposes, with a total of 8.4 million hectares identified.

Farmers revegetated nearly 70 million hectares, with main purposes being for livestock production

(54 per cent crop to pasture), environmental purposes (44 per cent native vegetation) and plantation for harvest (1 per cent).

Vegetation management was done on 68.9 million hectares of agricultural land, with the aim of reducing grazing pressure to protect or regenerate vegetation on about 64 per cent of this area.

Weed management was done on about 14.7 million hectares. Fencing off or excluding stock was done on about 3.8 million hectares, with soil improvement being done on 3.7 million hectares of agricultural land.

This is further evidence to show farmers are the largest investors

in “public good” natural resource management in Australia. Yet, despite these significant stewardship-related contributions, the investments are invisible to governments and communities.

Everyone agrees farmers have a duty of care to ensure their activities do not unnecessarily impact on the natural environment.

However, when community expectations are so high farmers can’t make a living off their land, things have got out of hand. We used to hear a lot about the triple bottom line — balancing economic, social and environmental concerns. Most Tasmanian farmers do that on a daily basis.

In fact, farmers manage 80 per cent of privately owned land in Tasmania and are without doubt the state’s biggest private investors in environmental activities.

However, they are expected to do more and more conservation that carries with it considerable cost. Yet, as this report confirms, too often they spend large amounts of money and time for environmental outcomes where the benefit is to the wider community. This makes no business sense.

This report is further evidence that the current approach to quantifying these investments does not adequately recognise farmers’ investments and contributions to “public good” natural resource management.

There is urgent need for all levels of government to implement policy reforms in natural resource governance to recognise the contributions.

New rural and urban partnerships are required to underpin a different approach to rural landscape

governance that support sustainable farms and more equitably distribute costs and benefits of the public good outcomes.

We need to find balance between agricultural development and environmental expectations.

In a highly competitive environment, farmers cannot bear a disproportionate share of the cost of protecting and maintaining the natural environment.

Jan Davis is a former chief executive of the TFGA. These are her personal views.

[www.themercury.com.au/news/opinion/jan-davis-writes-of-how-balancing-economic-growth-with-sustainability-fuels-tassie-farming-furore/story-fnj4f64i-1227433368071](http://www.themercury.com.au/news/opinion/jan-davis-writes-of-how-balancing-economic-growth-with-sustainability-fuels-tassie-farming-furore/story-fnj4f64i-1227433368071)

## Invasive Animals CRC research team

The Invasive Animals CRC research team focusing on “institutional impediments to effective community action” met at Stanthorpe to discuss the next stage of the research. That will investigate institutional issues affecting community led action in the peri-urban areas around Sydney and Brisbane. In particular the research will look at issues affecting the control of feral dogs and wild deer, both of which are increasingly difficult problems.



*Dr Elodie LeGal, Post Doctoral Fellow, Invasive Animals CRC, Professor Daryl Low Choy (Head of Planning Discipline, Griffith University) and Vivek Nemane, PhD candidate.*

# The Search for Environmental Justice

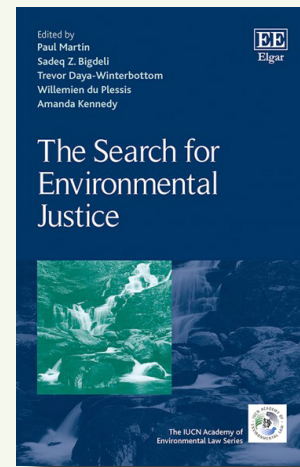
## The IUCN Academy of Environmental Law series

*Edited by Paul Martin, Professor, University of New England, Armidale NSW, Australia, Sadeq Z. Bigdeli, Senior Lecturer and Trevor Daya-Winterbottom, Senior Lecturer, University of Waikato, New Zealand, Willemien du Plessis, Professor, North-West University, South Africa and Amanda Kennedy, Associate Professor, University of New England, Armidale NSW, Australia*

This is an extended and remarkable excursus into the evolving concept of environmental justice. This key book provides an overview of the major developments in the theory and practice of environmental justice and illustrates the direction of the evolution of rights of nature. The work exposes the diverse meanings and practical uses of the concept of environmental justice in different jurisdictions, and their implications for the law, society and the environment.

The book draws together chapters from environmental law experts from a number of countries, including judges and academics, to deal with the conceptual and the

applied aspects of the search for environmental justice. The book spans the highly abstract through to the eminently practical aspects of this important topic.

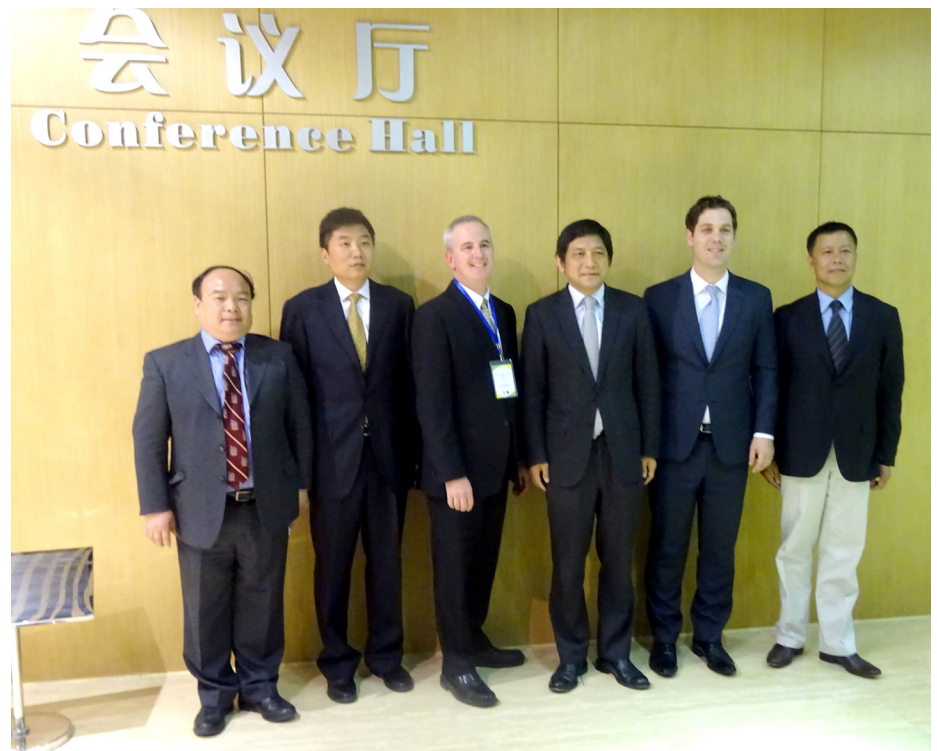


# Conferences conducted by or in conjunction with UNE

## Intellectual Property Facing the 21st Century: Flux in the Force, Beijing Foreign Studies University.

The School of Law co-hosted with the Beijing Foreign Studies University (BFSU) the Intellectual Property 2015 'IP Facing the 21st Century: Flux in the Force Law' Conference on Friday 22 May. Professor Perry, a conference organiser, presented a talk 'Patent Cartography: making discoveries about patents'. Following the conference will be a two day Moot Competition WANHUIDA-BFSU Intellectual Property Moot Court Competition. The two law students representing UNE in the competition were Andrea Veitch and Monicka Igras.

The School of Law sponsored two UNE law students to participate in the Intellectual Property Moot Competition conducted by the Beijing Foreign Studies University.



This was a challenging task as the contestants are required to both find and apply China's legislation. Andrea Veitch and Monicka Baird participated well and were a credit to UNE. The certificates that Monicka Baird was awarded for the Outstanding Oralist Award when she represented UNE in the Intellectual Property Moot conducted by the Beijing Foreign Studies University.

While in China Associate Professor Lillian Corbin, Professor Michael Stuckey, Professor Mark Perry and Associate Professor Amanda Kennedy visited the Jilin Law School in China.

# Research Outcomes

Irene Watson and **Marcelle Burns**, 'Indigenous Knowledges: A Strategy for Indigenous Peoples Engagement in Higher Education', in Sally Varnham, Patty Kamvounias and Joan Squelch (eds) *Higher Education and the Law*, (Federation Press, Leichhardt, 2015).

**Greg Carne**, 'Re-Orientating Human Rights Meanings and Understandings?: Reviving and Revisiting Australian Human Rights Exceptionalism Through A Liberal Democratic Rights Agenda' (2015) 17 *Flinders Law Journal* 1-67.

## Higher Education and the Law

Sally Varnham, Patty Kamvounias and Joan Squelch (eds)

This book is the first in Australia dedicated to the legal environment of our universities. The law both drives and governs the evolution of Australia's strong and vibrant system of higher education. Here, experts explore a wide range of areas of topical and salient interest, providing a comprehensive resource for those both within and outside the sector, including managers, governors, academics, legal practitioners and all who have an interest in the impact of the law on its operations.

While their primary function today remains the provision of higher education and research, Australia's universities are now large commercial global corporations. Their operations involve the management of a diverse range of relationships, both internal and external, and the law plays a central role in these. *Higher Education and the Law* first considers the legal framework of the higher education sector and the relationships universities have externally, particularly with government – their governance, their funding and accountability, and their maintenance of high standards and quality. It then traverses many of the areas where the law has a significant impact on the relationships universities have with their students and their staff.

In a clear and readable style, the book covers matters from anti-discrimination and equal opportunity, transparency and due process in decision-making, employment and student matters, to property rights such as copyright and ownership of intellectual property. It focuses on those issues of the most practical relevance to today's higher education environment.

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## Our Students

### Sarah Hubbard

Sarah completed her Bachelor of Laws in 2014 and was soon after admitted as a solicitor. After that she worked at a Tamworth law firm but since then has decided to go back to work at the family farm in 'South Wandobah, Spring Ridge. Sarah has also returned to UNE as a distance student in order to complete a Diploma in Business.

Since Sarah returned home she has been increasingly engaged in the fight against the Shenhua Watermark coal project that has recently been "conditionally" approved by Federal Environment Minister Greg Hunt. Sarah amongst others has been working hard to change the perception of farmers in this region. The group are trying to highlight the reality that it is not only older farmers who will be adversely affected by the mine but also a new generation of younger farmers. In order to promote this idea and appeal to the younger demographic Sarah's group started a Facebook page called the Liverpool Plains Youth. They have been very successful in their endeavours and now have over 5,000 "likes" from across the world. If you would like to find out more about this cause please check out Sarah's facebook page.

**Is there a URL for her page?**



## School of Law Facebook Page



The School of Law has recently set up a Facebook page in order to share events and other School of Law information. Please 'like' the School of Law's Facebook page so that we can keep you updated about what is happening at the School of Law.

You will be able to access the page by either: typing the name of the page '**UNE School of Law**' in the Search box in the upper-right corner of any page on Facebook. From the results page, you will then need to select the 'Page's filter' in the left-side menu to show only 'Page' results. Click the 'Like' button next to the Page name and posts from 'UNE School of Law' will begin appearing on your news feed.

# Calling Law Alumni!

**The School of Law is very keen to publish accomplishments of alumni in the newsletter and is inviting submissions.**

**Please forward content to  
Law Social Media**

**[lawsocialmedia@une.edu.au](mailto:lawsocialmedia@une.edu.au)**

**<http://alumni.une.edu.au/>**



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