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HoS Report

What's been
happening in the
School

Parramatta
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April Graduation



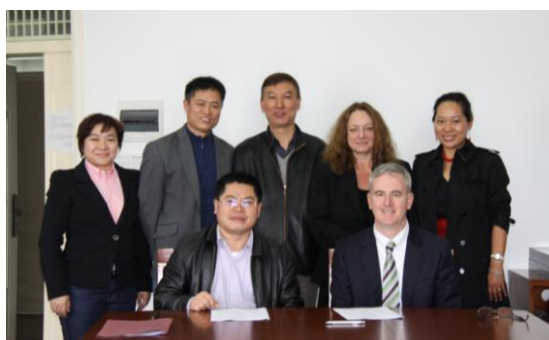
Head of School Report

Furthering the UNE School of Law's international links, Professor Michael Stuckey (Head of the School of Law) recently visited two eminent Law Schools in Taiwan and discussed collaborative relationship-building with their Deans.

Professor Stuckey visited the College of Law, National Chengchi University in Taipei and College of Law at National University of Kaohsiung. In Taipei, at the College of Law, National Chengchi University Professor Kuo (Dean), and in Kaohsiung Professor Chang (Dean), expressed great enthusiasm to join with the Law School at UNE in establishing exchanges of staff and students, as well as investigating opportunities to set up links between researchers.



**Professor
Michael Stuckey**
Head of School



What's been happening in the School

Up & Coming Events

May

- 3 UNE Open Day
- 6 Kirby Seminar
Professor
Frank Bates
- 8 Kirby Seminar
Professor
James Davis
- 15 School of Law
meeting

June

- 3 HSC Study Day
- 10 Queen's Birthday
Holiday

July

- 1 Trimester 2
commences

Mr Paul Akon

In May, Paul is to visit Shanghai University Law School to conduct a series of six lectures on Alternative Dispute Resolution.

Associate Professor Lillian Corbin

Associate Professor Lillian Corbin attended the Women Lawyers Association of NSW cocktail event 'Career Intentions Survey' during April. The event was held at the University and Schools Club of Sydney, Sydney.

Lillian has also been invited to speak at the Quality Teaching: Investing in the future Higher Education Conference. This conference will be held at the Holmesglen Institute, Melbourne from the 30th May until the 2nd June.

Dr Eric Ghosh

In May Dr Ghosh will be presenting the paper "Contextualism and moralism in Quentin Skinner's interpretation of republican liberty" at a workshop on the normative use of the republican political tradition at the European University Institute, in Florence, Italy. Pettit's and Skinner's interpretation of republican liberty has been highly influential in political and constitutional theory. The paper focuses on Skinner and argues that his interpretation departs from his methodological claims. It then reflects on the implications of that departure for the republican revival in political and constitutional theory. This paper will be one of several presented at a workshop at the Institute in entitled: "The normative use of history: The case of the republican political tradition."

Eric was also asked to deliver a comment on the invited paper by Jonathan Scott, "Pocock's wooden leg: the Anglophone Machiavelli revisited" at the conference "Machiavelli's Prince at 500" at the European University Institute, 8th and 9th May.

Dr Saurabh Jain

Dr Jain's doctoral thesis, titled "Effectiveness of the Beneficial Ownership Test in Conduit company Cases", has been published as a monograph by the International Bureau of Fiscal Documents (IBFD), Amsterdam. IBFD specialises in publications in Taxation and is one of the leading publishers in this field. His thesis is a critique of the policy behind the beneficial ownership test as a countermeasure against cases of improper use of double tax treaties. The book was released at the end of April.

Saurabh also presented a paper at the 25th Australasian Tax Teachers Association Conference (ATTA) that was held in Auckland from the 23rd January to the 25th January. The title of the paper was "Conduit Companies, Beneficial Ownership, and the Test of Substantive Business Activity in Claims for Relief under Double Tax Treaties".

Ms Karen Lee

Karen Lee presented a guest lecture on self-regulatory rulemaking in the Australian telecommunications sector on the 27th March at the Australian National University College of Law. The lecture formed part of the postgraduate course on regulation that the internationally acclaimed Regulatory Institutions Network (RegNet) of ANU offers to College of Law students. The guest lecture was at the invitation of RegNet and was based on research carried out for her PhD thesis, which Karen is currently completing.

Mr Cameron Moore

The Australian Department of Defence has asked Cameron Moore to provide material to assist in the Australian/Canadian discussions on the question of the Crown prerogative and military operations. This is the topic of Cameron's PhD thesis, which he is close to completing. It is also an issue under active debate in Canada. The Canadian delegation expressed strong interest in Cameron's work and, as a result, he will be liaising further with Canadian Forces legal officers on issues relating to the Crown prerogative and military operations.

Cameron participated in the judging for the National Forensic Science Camp final prosecution addresses from the Year 8 school students. The Committal Hearing was held on Saturday the 20th April and there were 12, five minutes presentations. The judges acted like the "magistrate" and made a judgment about the case.

This year Cameron conducted the UNE ANZAC Service. He also attended The Armidale High School (TAS) service and attended the TAS Dawn service on the 2nd May. TAS is unveiling an honour board for old boys who have served in post Vietnam conflicts and Cameron's name will be listed. Cameron has also been assisting in the organization of other names for the board.



Professor Mark Perry

During April Professor Mark Perry visited the Rajiv Gandhi School of Intellectual Property Law at IIT Kharagpur. The university is ranked as India's number one by Times Higher Education rankings for this year. He has been invited to take part in an India-wide project that will bring intellectual property concepts to Bachelor of Technology students, using the latest web based technologies. He met with the Dean, Dr Vibhute, holding fruitful discussions on the attractiveness of further collaborations and exchanges between our two law schools, and with Dr Dube who is driving the IP project there.



Following an invitation from the Office of the Gene Technology Regulator, Professor Perry addressed members of the OGTR and attendees from other associated offices on *Facing the Reality of Unapproved Engineered Genes (Adventitious Presence/Low Level Presence)*. Following his talk he was engaged in lengthy discussions around Australian and international approaches to new biotechnologies, and the problems facing the harmonisation of policy, legal and science in the area.

Mark visited China to foster relations with the Beijing Foreign Studies University Law School, China University of Political Science & Law, and Nankai University in Tianjin.

He delivered several lectures and seminars on the role of Intellectual Property Law in the international environment, as well as how IT and Biotechnology have had a strong influence on the development of IP.

He met with many students and faculty members at the three institutions.

He was highly impressed with the level of interest in Intellectual Property Law, as well as the gracious hospitality.



Dr Ottavio Quirico

In January Dr Ottavio Quirico delivered a presentation on "Kelsen and International Law" at the Federal University of Paraiba, João Pessoa, Brazil. The presentation aimed to outline a simplified view of the Kelsenian theory of law based on a two-step approach. First, Dr Quirico introduced the conditional structure of norms as the core of the Kelsenian interpretation of the law. Secondly, Dr Quirico developed a formal analysis of the conditional structure of norms in order to shed light on the Kelsenian view of the law and, more specifically, international law.



Associate Professor Brian Simpson

Associate Professor Brian Simpson presented two papers at the Socio-Legal Studies Association Annual Conference at University of York, UK, the first in the Gender, Sexuality and the Law Stream titled 'Gay Pride is a Swan in Sydney?' which looked at the extent to which footballers may be role models in advancing GLBTI rights particularly as they affect young people. His second paper was presented in the Information Technology Law and Cyberspace stream and was titled 'Tracking Children, Constructing Fear: GPS and the manufacture of safety' which examined the manner in which children's movement through urban space is now being regulated through the increased use of so-called mobile safety apps.

Associate Professor Simpson will be presenting a paper at the Annual Meeting of the US Law and Society Association to be held in Boston in June. His paper is titled 'Memorialising Childhood Abuse and Maltreatment: Viewing the Past in Changed Times' and discusses the manner in which current concerns about historical cases of child abuse lead to a collective memory that engages with various and at times contradictory anxieties and agendas about childhood and justice today. The title of the annual meeting this year is 'Power, Privilege and the Pursuit of Justice: Legal Challenges in Precarious Times' which appears to have a special resonance given recent events in Boston.

Brian has also been invited to participate in a workshop funded by the Academy of Social Sciences in Australia and to be held at La Trobe University in Melbourne on the 30th September 30 and the 1st October. Brian's paper will be on the role of religion in Australia in defining children's sexuality. The papers will be published in an edited volume and/or an issue of a Journal subsequent to the conference.

Dr Tristan Taylor

Dr Taylor presented the following paper "Mass-enslavement in Caesar's Gallic Conquest: A Case Study" at the Classical Association Conference, Reading, UK, in April. Abstract below.

Mass-violence and mass-deportation, or 'ethnic cleansing', were an ugly feature of some 20th century conflicts (eg, Kiernan 2007). Plutarch reports that in his Gallic conquest, Caesar killed 1 million Gauls and enslaved a further million (*Caes.* 15). While the figures may be doubted (Westermann 1955), they do raise the question as to the link between mass-violence and mass-enslavement or deportation in Caesar's Gallic conquest. Caesar's *Bellum Gallicum* is an interesting work to examine in this regard, written as it is by an actual participant in events with a keen eye to his own public self-representation. This paper will argue that, although Caesar himself places in the mouth of Vercingetorix that enslavement of a civilian population is the usual outcome of conquest (*BG* 7.14), it is only infrequently that enslavement of very large numbers of non-combatants is reported, such as the Aduatuci (*BG* 2.33), Veneti (*BG* 3.17) and Alesia (*BG* 7.89). Caesar's usual strategy is, rather than enslaving the conquered, to secure their *deditio*. Further, some reports appear to be exaggeration, such as the looting of Cenabum (*BG* 7.11), which a year later was able to host a Roman army (*BG* 8.6). As with episodes of mass-violence, such as the destruction of the Usipetes and Tencteri (*BG* 4.14-15), the Eburones (*BG* 6.34) and Avaricum (*BG* 7.28), mass-enslavement appears to be utilized by Caesar as an exemplary measure, to punish and deter (Hopkins 1978). Further, mass-enslavement did not always lead to depopulation, as some slaves appear to have been sold within Gaul itself (*BG* 2.33 and Westermann 1955), and Gauls possessed other Gauls as slaves (eg, *BG* 5.45 and 7.20).

Therefore, while mass-violence and mass-enslavement can be linked in the exercise of Roman imperialism, it was far from what we might term 'ethnic cleansing'.

Tristan has been successful in his application for a UNE Partnerships' Career Development Award. This award is worth \$10,000.00 and will go towards his continuing research on genocide in antiquity. There was a large field of highly competitive submissions and the final ranking took considerable deliberation by the Panel.

Ms Fran Wright

Fran Wright presented a paper at the Socio-Legal Studies Association Annual Conference at the University of York, United Kingdom in the Criminal Law and Criminal Justice stream titled 'Criminal responsibility and dopamine-agonist induced impulse control disorders.' Her paper examined the connection between dopamine-agonist use (often prescribed to lessen the symptoms of Parkinson's Disease but which may have certain side-effects such as compulsive gambling and hyper-sexuality) and criminal liability.



Pictured above: Ms Fran Wright and Associate Professor Brian Simpson at the Socio-Legal Studies Association Annual Conference at University of York, United Kingdom.

Mr Pongsit Aroonratanakul (a new PhD Student to the School)

Pongsit Aroonratanakul a law lecturer from the School of Law, Sukhothai Thammathirat Open University (STOU) Bangkok, Thailand - is the first overseas PhD candidate in the School of Law here at UNE to be a recipient of a International Postgraduate Research Scholarship (UNE IPRS) & University of New England Research Award (UNERA).

Miss Wellett Potter

Miss Wellett Potter, a Master of Laws (Research) student with the School completed an article for the Deakin Law Review, 'Music Mash-Ups: The Current Australian Copyright Implications, Moral Rights and Fair Dealing in the Remix Era' (2012) 17(2) 349.

Introducing Parramatta Campus...

Tuesday the 2nd April, Professor Michael Stuckey, The Head of the School of Law (UNE), and Ms Lisa King, Law Educational Innovation Officer, travelled to Sydney to view the new Parramatta campus. The Parramatta campus is situated on Church St, Parramatta, and is a great place for our Sydney students to connect, learn, and study together! The campus combines new technology, with smart interior design, aimed at providing a comfortable place to study and meet with fellow students. Some of the facilities that are available in Parramatta include:

- video conferencing facilities to connect lecturers and other students;
- study nooks;
- meeting rooms for group based learning; and
- ipad tables for research and study purposes.



Parramatta campus officially opened on Friday the 19th April and the day was celebrated with a Street Party in Church Street, Parramatta, followed by a graduation ceremony for some of UNE's Sydney students.

2013 IUCN Academy of Environmental Law Annual Colloquium

In late June the University of New England School of Law will be co-hosting a major international environmental law event in Hamilton New Zealand. In partnership with the University of Waikato, we will be hosting around 160 environmental law professors, researchers and doctoral students. The theme is He Tapuwae: *footprints left on the land*. This symbolizes the human journey into new territory. This Colloquium will focus on emerging themes of international, comparative and domestic environmental law.

Environmental Law Symposium

An exciting opportunity to strengthen environmental law collegial links with Australia and New Zealand.

30 June – 6 July 2013

University of New England — Armidale, NSW

Registrations close Friday 7 June 2013



The Australian Centre for Agriculture and Law (AgLaw)

Professor Paul Martin from the Australian Centre for Agriculture and Law is leading a major research program on community-led action in natural resource management for the Invasive Animals CRC. This continues a number of projects targeting reform of institutional arrangements for Rural Natural Resource Governance. This program will operate over 5 years, with a total value exceeding \$5 million. The Centre is also completing a national in-depth survey of invasive's control, which compliments recent work on institutional arrangements for weed management.

Between the 10th and 12th of April the "facilitating effective community action" research team met at the University of New England to identify the specific areas of contribution to front-line action that could be made by the team, and the types of significant research outputs that could be achieved. The photograph is of the core research team which includes doctoral students, colleagues from within UNE, from Griffith University, Penn State University, and various government departments from different states.

The centre is continuing its ARC Linkage grant research into the next generation of rural natural resource governance arrangements, and investigation into natural resources conflict. Jacqueline Williams is leading in-depth research into the efficiency of administrative arrangements, in New South Wales and Tasmania. Amanda Kennedy is carrying out in-depth investigation in Pennsylvania, looking at comparative issues of the role of law in natural resources conflict.

All of these projects reflect the unique commitment of the research team within the centre to exploring how effective legal and institutional arrangements can be created. The goal is to achieve significant sustainability improvement in ways that are more efficient than through traditional 'command and control' or reliance on market instruments. Our approach is ambitious, and requires that our researchers to truly embrace transdisciplinary approaches.

As a result the Centre is increasingly being approached by senior public servants and leaders from the non-government sector to provide expert advice on institutional and legal reform. This is because we are able to provide realistic law and policy advice, which takes into account broader considerations of effectiveness and efficiency.





The photograph above is of some members of the research team and key collaborators for the "Facilitating Effective Community Action" research program for the Invasive Animals CRC. This program is being led by Paul Martin from the Australian Centre for Agriculture and Law, with team members from other parts of the University of New England, Penn State University, and Griffith University; in partnership with organisations in 3 states including DPIPW in Tasmania, New South Wales DPI and the Queensland Murray Darling Committee.

This is a substantial research program which will be conducted over the next 4 years. Recently one of the doctoral graduates of the law school, Elodie LeGal, was appointed to a postdoctoral position with this program. One of the key elements of research is to identify new legal and institutional arrangements which are more effective and less burdensome for the community in taking action to control invasive animals.

The centre has also just completed a major study for the federal government, looking at the effectiveness of funded projects for the control of invasive animals. Among many findings that intensive research highlighted that the legal and institutional arrangements currently in place are a significant impediment to effectiveness.

It is planned that this major research program will result in reform proposals to address some of these inefficiencies.

Kirby Seminars

Professor Frank Bates

Professor Emeritus of Law, University of Newcastle

Monday, 6th May 2013 at 1.00pm

“Return, Return O Shulmite”: discharge of return orders in Australian child abduction law

Professor Jim Davis

Emeritus Professor, ANU College of Law

Wednesday, 8th May 2013 at 1.00pm

“Reform of Contract Law: Are the Courts not up to the task?”

Early in 2012, the then Commonwealth Attorney-General, Nicola Roxon, published a Discussion Paper entitled Improving Australia’s Law and Justice Framework, the purpose of which was to explore the scope for reforming Australian contract law. One of the “Drivers for Reform” was the simplification of contract law, and the removal of technicality.

In this Kirby Seminar, Emeritus Professor Jim Davis will seek to show, by reference principally to developments in the law relating to equitable estoppel, that the courts have already been engaged in the removal of technicality and the simplification of at least some aspects of contract law.

Open Day

UNE Open Day was held on the 3rd May with lots of activities for the future students to participate in. The School of Law stand had a lot of interest and many enquiries from students of all ages.

Thank you to everyone who assisted on the day, and a big thanks to Skye O’Dwyer and the Law Students’ Society who also helped answer questions and set up for the day.



Law Students' Society

A special thank you to the UNE Law Students' Society students in Armidale

The academic staff in the of School of Law especially wish to thank the focussed, hands-on, proactive and upbeat UNE Law Students' Society members for all of their diligent, consistent and tireless effort in assisting all law student at UNE, both internal and external.

The huge effort they made during the recent intensive schools was amazing and gratefully received by the external students and especially our unit coordinators. They organised pizza nights, a movie night here in the EBL building, provided home cooked (by themselves) morning and afternoon teas, lunches including cold meat, salads and bread rolls as well as barbeques. Their support was outstanding and appreciated by all those who attend. Their efforts to reach out to external students and make them feel like members of the law school community can have a profound impact on external students, who may otherwise feel alienated from the school.

The team have also helped the Law School with Orientation Week, Open Day and Graduation. Their experience as students, both internal and external, is invaluable when advising and informing prospective UNE students.

We especially thank:

Skye O'Dwyer (President)

Peter Martin (VP Social)

Morgan Jane (VP Education)

Tegan Rodgers (Treasurer)

Mark Jongebloed

Trish Norman

Peta Lisle (VP Externals)

Priscilla Taylor (Sponsorship Officer)

Jen Mitchell (IT Officer)

and all other members who have helped out with the various UNE events, intensive schools and marketing.

Thank you

April Autumn Graduation

Law's Graduation this year was held on the 12th April 2013.

We would like to congratulate the following law graduands:

PhD

Dr Kelly Purser
Dr Michelle Mei Ling Lim

LLM

James Heath
Brett Wilkin
Denise King

LLB Hons

Karen Beck
Benjamin Bradley
Dane Howard
James Johnston
Natasha Naude
Jason Townsend

GDLS

Clare Germaine
Matthew Gilfellow
Uchenna Nwauzu
Shannon Prentice
Pamila Wimalaratna

LLB 3yrs

Sophie Andrew
Tina Boccanfuso
Nicholas Boyle
Geoffrey Church
Katrina Clark
Geoffrey Cobain
Jayne Fell
Melanie Fuller
Christian Geisweid
Genevieve Gilmore
Sharyn Gist
Paul Goldsmith
Rebecca Harvey
Sheridan Hicks
Megan Hogan
Rachel Holland

LLB 3yrs

Joanna Karantzis
Geoffrey King
Juliannakneebone
Janine Linsley
Michael Loeser
Susan McMahon
Julia Monahan
Justin Moyes
Peter Murray
Craig Reeve
Michael Ryan
Natalie Savva
Maureen Scrivener
Sean Timings
Symon Uidam
Alexandra Whitney

LLB 4yrs

Suzanne Castellas
David Cumming
Fiona Finlayson
Rebecca Mouthaan
Jane Pfister

GradCertSust

Steven Hing

JD

Richard Gaisbauer
William Henningham
Dilan Oztel
Daniel Riley

BA/LLB

Benjamin Ackland
Jessica Allan
Christie Blake
Peter Cave
Kenneth Clift
William Eades
Anthony Frazer-Willis
Erin Garty
Nathan Hammond
Dane Howard
Emma Johnson
James Johnston
Naomi Lewis
Brooke McDonald
Lachlan McGill
Amanda O'rafferty
Sophie Perkins
Emily Pockett
Elizabeth Prior
Morgan Quaife
Victoria Renshaw
Holly Small
Jason Townsend
Rachael Trindall
Phillip West
Ashleigh Willoughby

BCrim/LLB

Bethany Ayers
Candice Chapman

BBus/LLB

Courtney Campbell
Allyson Chomley
Nicole Fogarty
Matthew Godman
Ruby Malmberg
Katie- Many
Ashley Moxey
Natasha Schumacher
Rachel Wilkie