

This issue....

HoS Report

News

AgLaw Centre

Kirby Seminars

Occasional
Seminars



Head of School Report

In July **Professor Michael Stuckey** delivered a paper entitled 'The study of English national history by Sir Francis Palgrave: the original use of the national records in an imaginative historical narrative' at the 21st British Legal History Conference in Glasgow (UK).

In September Professor Michael Stuckey delivered a paper entitled 'Celtic and Anglo-Saxon racial distribution in Britain: the (recent) DNA evidence and its significance' at the Sydney Celtic Studies Society Seminar at the University of Sydney.



Professor
Michael Stuckey
Head of School

The School of Law hosted a visit from distinguished Professors Li and Hu from Shanghai University Law School: 29th – 30th July 2013. The visit provided an excellent opportunity for the partners to further advance their collaborative plans in research and student exchange.



School of Law News

Mr Paul Akon visited Shanghai University for a week.

Shanghai University was established in 1996. It has a 40 hectare fenced flat campus with magnificent landscaping. It has a large manmade lake complete with fountains and fish. There are lots of push bikes – understandably. There are also (very) many sporting facilities on campus - particularly tennis, basketball (indoor and outdoor), and netball courts. There is also a full size all-weather athletic track.



There are about 40,000 students on campus many of whom are post graduates. There is no distance education program. In the Shanghai University Law School, there are around 500 undergraduates and around 600 post graduates

Paul delivered a series of six lectures to primarily postgraduate - English speaking - law students. He covered topics from a theoretical and skills perspective. He included such topics as:

- Listening and Negotiation from a Western perspective
- Comparing Mediation in China with the West
- Comparing Arbitration in China with the West
- ADR 'Hybrids' – Recent developments in the West of different successful ADR models

While in Shanghai, Paul stayed at the very comfortable 140 room Shanghai University campus hotel.

Dr Eric Ghosh has organised a special workshop at the International Legal Philosophy Conference that will be held in the last week in July in Belo Horizonte, Brazil. The workshop is concerned with the relationship between democracy and constitutionalism. At the workshop, he will present a paper on new approaches to democratising constitutionalism.

Dr Saurabh Jain was awarded a Dean's award for Doctoral Achievement 2012 for his PhD thesis entitled *Effectiveness of the Beneficial Ownership Test in Conduit Company Cases*. Victoria Business School, Victoria University of Wellington has established the award to recognise excellence in the quality of research and writing of its doctoral thesis each year. The awarded was presented to Dr Jain at a ceremony on 13 May 2013 in Wellington.



Miss Lisa King attended both Moodlemoot 2013, and 'Transforming Assessment in a Digital Era' conferences held in Melbourne during July and August. At Moodlemoot 2013, current educational approaches such as 'flipping the classroom' and electronic badges were a major focus. The concept of 'Flipping the classroom' involves recording of lectures or short chunks of learning via vodcast/podcast for students, aiming to free up time for online tutorials or online activities including peer-assessment, adobe connect sessions or online animation scenarios with a debriefing component. Electronic badges are underpinned by achievement based learning philosophy. The badges display in the students profile and demonstrate skills, modules, activities they have successfully obtained. This is often reflected in online games, for example. Badges are comparative to a 'top student' status online, and appeal to those competitively natured. Moodlemoot also discussed a new version of Moodle inclusive of Moodle 2.5.

The 'Transforming Assessment in a Digital Era' conference considered various approaches to assessment design in a distance education market. There was major emphasis on using assessment scaffolding from course content to create an authentic learning experience for students. This can be completed through peer and self-assessment, using e-portfolios and reflective learning. These approaches are often how MOOCs assess large amounts of students from various geographic locations. Other interesting concepts considered how assessment feedback could be incorporated into dual units, for example, from Property Law I to Property Law II. There was also a focus on providing efficient and immediate feedback to students using quizzes and online marking.

Dr Amanda Kennedy visited China and Taiwan in September, on behalf of the School, where she visited:

- Nankai University (Tianjin)
- Beijing Foreign Studies University (Beijing)
- Peking University (Beijing)
- National Cheng Chi University (Taipei)
- Shanghai University of Finance and Economics
- Shanghai University
- Wuhan University



During these visits Dr Kennedy met with staff to discuss further collaborative opportunities, including student exchange between institutions. Dr Kennedy also presented at several institutions preliminary findings from her ARC funded research on managing natural resource related conflict, focusing particularly on coal mining and coal seam gas extraction. With China's growing interest in shale gas and coal seam gas exploration, there was much interest in Dr Kennedy's research and in discussing how the Australian legal system had managed the challenges arising.

Whilst at Beijing Foreign Studies University, she was also able to further plans for a joint conference to be held in 2014 on 'Food Security, Environment and the Law', in Beijing in May.

Professor Mark Lunney has been invited to lead a team of researchers (from the University of Sydney, University of Technology Sydney and Griffith University) in an international research collaboration looking at the links between the law of tort and criminal law. The project, headed by Dr Matthew Dyson of Cambridge University, will hold a preliminary meeting in Cambridge in September this year with a major conference in April 2014. The project will consider a number of common law and civil law jurisdictions and will result in an edited collection of essays.'

Mark was an invited speaker at the Law History Culture: Reading Sources Symposium at the Faculty of Law, University of Technology Sydney on 26 July. Professor Lunney presented a paper, 'Sources and Sauces: The Intellectual and Contextual Dimensions of the History of Private Law'.

Professor Lunney visited China in September. He was an invited presenter at the 1st Academic Conference of the World Tort Law Society held at the Volga Manor in Harbin, Heilongjiang province, China, September 14-17. Professor Lunney is the only Australian member of the Society. The World Tort Law Society is a joint initiative of the Center for Civil and Comparative Law at Renmin University (China), the Institute for European Tort Law (Vienna) and the American Law Institute, and the conference was organised jointly by Renmin and Heilongjiang Universities. Other delegates included academics from Oxford University, University of Paris II, New York University and Kyoto University. The Chinese organisers expressed their wish that conference delegates would present lectures at Renmin University, Heilongjiang University and Sichuan University in the future.

Professor Lunney visited a number of other Chinese law schools, giving guest lectures on tort and consumer protection law at China University of Political Science and Law (Beijing), Nankai University Law School (Tianjin), Shanghai University Law School and Shanghai University of Finance and Economics Law School (Shanghai) as well as meeting with the Dean of the Law School at Beijing Foreign Studies University. As a result of his visit, Professor Lunney has been invited to lecture in the future at the law schools he visited as well as receiving invitations to visit East China University of Politics and Law and Shandong University.

In August, **Dr Imtiaz Omar and Dr Ottavio Quirico** visited the Federal University of Paraiba (UFPB), João Pessoa, Brazil.

Dr Omar established professional relationships with members of the Law Faculty and delivered a guest lecture on 'Constitutionalism in the Common Law World: Trends and Issues', which was very well received.



Dr Quirico further strengthened professional relationships with members of the Law Faculty at UFPB. He developed long-term joint research projects and attended, inter alia, a Conference on 'Direitos Humanos - Human Rights'. At the Conference, Dr Quirico delivered a presentation on 'A proteção dos direitos humanos no sistema europeu - Human Rights Protection in Europe', comparing the European and Inter-American human rights protection systems. The participants included the International Court of Justice, Inter-American Court of Human Rights, Inter-American Commission on Human Rights, and Supreme Court of Brazil.

Dr Quirico also developed professional relationships with members of the João Pessoa University Centre (UNIPE), where he delivered a lecture on 'A Importância da Teoria do Direito: Conceitos Jurídicos Fundamentais - The Importance of Legal Theory: Fundamental Legal Concepts'. The lecture aimed to illustrate simplified fundamental legal concepts, especially through deontic logic as presented by W.N. Hohfeld, N. Bobbio, H.L.A. Hart, H. Kelsen, and G. Kalinowski. The lecture was attended by around two hundred people and very well received.

As part of his visiting appointment to ANU, **Mr Cameron Moore** recently presented guest lectures on behalf of the Australian Centre for Military Law and Security. He spoke on internal security and humanitarian assistance to the Advanced Military Operations Law course. He also presented on the Constitution and the Australian Defence Force, as well as the role of the legal officer, to the Military Administrative Law course.

Dr Kelly Purser (PhD graduate) and **Professor Eilis Magner** travelled to Amsterdam to jointly deliver a paper entitled 'A therapeutic approach to assessing legal capacity in Australia' at the 33rd international congress of law and mental health. The paper, co-authored by Purser, Magner and Professor Jeanne Madison, drawn from the work done for Kelly's thesis, was well received.

Mr Paul Sattler has contributed a series of chapters in the upcoming 'Eburn and Hayes: Criminal Law and procedure in New South Wales' book that is due to be published in October 2013.

Dr Brian Simpson has had the following article published 'Challenging childhood, challenging children: Children's rights and sexting' (2013) 16 (5/6) Sexualities 690 – 709

Dr Simpson has also delivered the following invited paper 'Religion and the Construction of the Law of Childhood Sexuality in Australia' at the Australian Academy of Social Sciences in Australia Workshop Religion and sexual politics in post-secular Australia, La Trobe University, Melbourne 30 September – 1 October

Dr Simpson will be delivering a paper at Making Sense of Dying and Death Conference, Athens 7-9 November 2013 'Memorialising the Dead Child: Confronting the Meaning of Lost Childhood'.

Dr Tristan Taylor is currently at Yale University, USA as a visiting fellow in genocide studies at the Yale Genocide Studies Program, based in the MacMillan Center for International and Area Studies. Tristan shall be there until July 2014. Here is a photo on Old Campus, in front of Phelps Gate, home of the Classics Library.



The Australian Centre for Agriculture and Law (AgLaw)

Professor Paul Martin was invited to present a seminar at the UNESCO Centre for Water Law, Policy and Science at the University of Dundee, Scotland, September on 23rd 2013. The topic of the seminar was 'Water Governance: For every complex problem, there is a solution that is simple, neat, and wrong.'

The paper explored the usefulness of a focus on institutionalised conflict (rather than rational optimisation and markets, or social justice and regulation) as an approach to understanding and reshaping water policy. The paper drew upon a number of studies of water governance that have been conducted by the Australian Centre for Agriculture and Law. Examples from a number of countries, (but particularly Australia and the USA) were used.

The UNESCO Centre for Water Law, Policy and Science is a world-leading multi-disciplinary research centre focused upon water law and policy. During Prof Martin's visit a number of research collaborations were explored, including potential research on approaches to multi-disciplinary legal work and reform of institutional arrangements for community participation and the management of conflict over natural resources. One of the AgLaw Centre's PhD graduates, **Dr Michelle Lim**, is now working as a postgraduate researcher in water at the UNESCO Centre.

Dr Elodie LE GAL presented the following paper 'Re-imagining the Law for achieving sustainability? Why do it? How can we do it? What are some of the key institutional challenges?' at the 2013 IUCN Academy of Environmental Law Annual Colloquium, University of Waikato, Hamilton New Zealand (24-28 June 2013).

Elodie joined UNE in May 2013 for a 4 year postdoctoral research fellow position undertaking institutional research with the Invasive Animals CRC Program 4. This program is concerned with facilitating and supporting effective community action for the control of invasive animals and is headed by Prof Paul Martin. Elodie's research focus is on the institutional aspects associated with communities in relation to invasive animal management (e.g. transaction costs, legal impediments to invasive animal control). As part of an interdisciplinary team, she works closely with **Dr Patty Please** and **Dr Lyndal Thomson** on this research project.

In France, she worked both in the commercial and non-profit sectors in the field of international project development and ethnic communities' sustainable living project development. Since her arrival in Australia in 2007, she has been involved in various natural resource management (NRM) projects focusing on different theoretical and practical aspects of environmental sustainability. These include:

- conservation finance mechanisms,
- the use of e-technology professional development programs for farming and rural communities; an international aid training program for addressing the food crisis in Africa (with a focus on French-speaking Western African countries and small-scale water harvesting projects),
- Research projects for improving natural resource management (NRM) governance.

Kirby and Occasional Seminars

Kirby Seminars:

Associate Professor David Hamer

University of Sydney

‘The Correction of Wrongful Convictions: A Criminal Cases Review Commission for Australia’

Thursday, 5 September 2013 at 12.00pm

Mr Richard Owen

Deputy Head School of Law, Accounting and Finance. University of South Wales

‘Gathering the Excluded Voice: The TXT Inside/Outside Project’

Monday, 22 July 2013 at 2.00pm

Dr Thomas Margoni

Institute for Information Law (IViR), Faculty of Law, the University of Amsterdam

‘Liability of ISPs and the obligation to remove illegal content from the internet in the EU’

Wednesday, 10 July 2013 at 1.00pm

Occasional Seminars:

The Honourable Justice David Hammerschlag

Head of Commercial, Technology & Construction and Commercial Arbitration
Lists Equity Division, Supreme Court of NSW

‘A presentation and discussion on substantial commercial litigation’

Wednesday, 31 July 2013 at 2.30pm

Dr Xiaobo (Bob) Zhao

Assistant Professor of Shanghai University of Finance and Economics

‘The Making of Contaminated Land Law in China: Global Approaches vs Chinese Features’

29 August 2013 1.00pm

Mr Peter Hughes

‘Regulating Asylum Decision making in Australia’

Tuesday, 24 September 2013 11.00am