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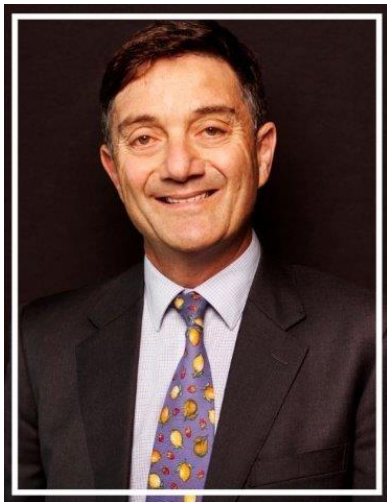


Law

INSIDE WESTERN LAW

News from Western Sydney Law School

Volume 2017: 1 (July/August)



Message from the Dean

I am delighted to introduce you to the very first edition of our bi-monthly newsletter *Inside Western Law*. This edition covers the activities in our School for July/August 2017.

I hope that you will find this edition both interesting and informative, and that it will enable you to learn about some of the exciting things that are happening at our Law School. Our goal is to strive for excellence in everything we do – in our teaching, in our research and in the way we engage with the local, national and international communities. We are already an impressive Law School and, with your help, we aim to make it even better. I hope that you will agree with me that our achievements and successes over the past two months outlined below demonstrate that we are moving in the right direction.

I would be very happy to hear from you at any time with your thoughts and suggestions about this newsletter and the activities in which we are engaged. I am particularly interested in working with our friends and supporters to develop further initiatives to meet the ambitious goals we have set for ourselves. We warmly welcome your continued support of Western Sydney Law School, and hope that you will find ways to actively engage with my wonderful colleagues and our great students.

I hope you enjoy looking *Inside Western Law*. Thank you!

Steven Freeland
Dean, School of Law and Professor of International Law

Western Sydney University Open Day 27 August 2017

We have just had a fantastic Open Day (Sunday 27 August). The weather was perfect and there was great deal of excitement among the thousands of visitors to our Rydalmere campus. We fielded many enquiries at the Law 'booth' from potential students, and their families and friends, most of whom were interested in studying Law at Western Sydney Law School. The Dean, Professor Steven Freeland, also

spoke on 'Why Study Law at Western Sydney Law School' to packed lecture theatres, and our current students did a great job in presenting a mock Bail Application in our moot court - many thanks to Mitchell McMartin, Amy Shao, Keegan Willingham, Ben Wilson and Christ Barker.

I would like to thank my academic and professional colleagues who took the time to come out and speak to the many budding Western Sydney Law students.

Good News/Appointments/Awards - Staff

A/Professor Daud Hassan was invited by the Intergovernmental Oceanographic Commission (IOC) of UNESCO to attend a LEARN Governance Working Group Meeting in New York in June. He has been invited to attend a follow-up working group meeting in La-Serena, Chile in September.

Professor Donna Craig has been appointed as an expert to a UNESCO project on Comparative Legal Analysis of Protected Areas including Biosphere Reserves and World Heritage Sites, and will be keynote speaker and participant in a forthcoming workshop to improve international and Indonesian legal governance of the tropical rainforest heritage of Sumatra. Donna has also been honoured by the International Union for the Conservation of Nature (UCN) as the winner of the 2017 Distinguished Environmental Law Education Award in the Senior Category.

Professor Michael Adams has been appointed as a Special Counsel with local law firm Coleman Grieg, a significant Parramatta-based firm that has been a wonderful supporter of Western Sydney Law School over the years.

Dr Patrick Foong successfully completed an online course offered by Harvard Law School – 'Bioethics: The Law, Medicine, and Ethics of Reproductive Technologies and Genetics'. He will incorporate his expertise gained from this course within his bioethics course taught to our LLB students.

Professor Steven Freeland has been appointed as an Associate Member at the Centre for Research in Air and Space Law, McGill University, Canada.

Professor Steven Freeland was appointed as a member of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) EOLSS Sub-Committee on 'The Science of Space', based in Paris. This Committee, comprised of 13 people from around the world, is tasked with developing a strategy for the development of publicly available resources for all levels of international society, focusing on the complex connections among all the myriad aspects from the natural and social sciences. Further details can be found at <http://www.eolss.net/>

Professor Steven Freeland was appointed by the Federal Minister for Industry, Innovation and Science, The Hon, Arthur Sinodinos AO, to be part of a Government Expert Reference Group (ERG) to review Australia's space industry capabilities and report on the appropriate ways forward to maximise the opportunities for the country. The Terms of Reference and scope of activities of the ERG, are set out in the [Minister's press release](#).

Publications

Nikki Bromberger published an interesting and topical article, 'Paying for Risky Decisions: Civil Liability of Non-Vaccinators' (2017) 24/3 *Journal of Law and Medicine* 662.

Dr June Wang has had an excellent piece on China's anti-corruption efforts published in [the Conversation](#).

Dr Sue Field was a member of the Advisory Committee in respect of the recently released (14 June) report by the Australian Law Reform Commission entitled '[Elder Abuse – A National Legal Response](#)' (ALRC Report 131). In addition, one of our undergraduate students, Christina Alkhamisi, participated in this project as a Legal Intern.

Dr Patrick Foong published a fascinating article in his area of research relating to stem cells, 'Is Human Embryonic Stem Cell (HESC) Research Still Necessary Today?' (2017) *Asian Bioethics Review* 1-12 (DOI 10.1007/s41649-017-0010-3).

Ingrid Mathews published an opinion piece in Independent Australia entitled 'Dutton's Austasi – Turnbull's worst decision yet'.

One of our PhD candidates, Simon Levett, published an excellent piece in The Conversation entitled '[Journalists in war zones tread a fine line between safety and freedom of speech](#)'

Dr Luke Beck has published a piece in [The Conversation](#) on blasphemy, which gave rise to several additional media interviews. Luke also published a piece in [The Conversation](#) calling for an end to official prayers in Federal Parliament.

Professor Michael Blissenden published an article entitled 'Law teaching in an ever changing world: are we on the right track?: some reflections and a case study from Western Sydney University', (2017) 48:4 *The University of the Pacific Law Review* 875-886.

Professor Steven Freeland published a book chapter entitled 'Risk, Uncertainty and the International Legal Regulation of Outer Space', in Monika Ambrus, Rosemary Rayfuse and Wouter Werner (eds), *Risk and the Regulation of Uncertainty in International Law*, 77-96 (2017 Oxford University Press).

Professor Steven Freeland published the Chinese translation of his book chapter (with Ram Jakhu), 'Article II – Outer Space Treaty', in Stephan Hobe, Bernhard Schmitt-Tedd and Kai-Uwe Schrogl (eds), *Cologne Commentary on Space Law*, 77-107 (2017 BMV, Berlin).

Professor Steven Freeland co-authored a piece in [The Conversation](#) on the 50 year anniversary of the 1967 Outer Space Treaty and the need to supplement it with additional rules to meet the challenges posed by the rapid development of space-related technology.

Professor Michael Adams published an article entitled 'Board diversity and corporate governance: Lessons from Australia' (2017) 22:1 *Coventry Law Journal* 1 – 8

Bill Madden, one of our Adjunct Fellows and a sessional academic (and partner of law firm Carroll & O'Dea) launched the 3rd edition of his co-authored book *Australian Medical Liability*, published by LexisNexis.

Research

A/Professor Alpina Roy has been accepted to work as part of the research team for a \$200,000 UrbanGrowth NSW research project on open spaces, in collaboration with colleagues at UTS and our own Western Sydney University Institute for Culture and Society.

Dr Patrick Foong travelled to Boston to give a poster presentation 'Regulating Stem Cell Research and Treatments: Closing the Gap' at the International Society for Stem Cell Research, which was attended by over 4000 delegates.

Dr Luke Beck appeared before the Joint Standing Committee on Foreign Affairs, Defence and Trade's *Inquiry Into the Status of the Human Right to Freedom of Religion or Belief* in relation to the scope and purpose of s 116 of the Australian Constitution in protecting religious freedom.

Dr Luke Beck presented a paper entitled 'Unconscious Comparativism: American Establishment Clause Jurisprudence in Papua New Guinea' at the International Society of Public Law Conference, University of Copenhagen.

Dr Beatriz Garcia De Oliveira spoke at the 15th Annual Colloquium of the IUCN Academy of Environmental Law, held in the Philippines. Her presentation was entitled 'The Rule of Law and the Fight against Illegal Logging'.

Dr Hadeel Al-Alosi presented a talk entitled 'The (potential) criminalisation of comics/manga as child abuse material' at a Crime and Justice in Asia and the Global South Conference in Cairns.

Professor Michael Head gave a public lecture at the University of Newcastle Law School entitled 'Government attempts to block legal challenges to executive power: From the Tampa refugees to the Adani coal mine'.

Whilst on sabbatical during Autumn Semester, Dr John Azzi participated as a panel member in an inaugural conference entitled *Public Finance and Tax Measures for the Cultural Heritage*, held at the IBFD in Amsterdam.

Liesel Spencer presented a paper entitled 'Place based income management legislation in Bankstown, NSW: entrenching food insecurity and social exclusion' to the Institute of Australian Geographers Conference 2017 at the University of Queensland.

Dr Thilla Rajaretnam has been invited by the UN Special Rapporteur on the Right to Privacy at the Office of the UN High Commissioner for Human Rights to attend the workshop conference in late September in Hong Kong. Immediately prior to that workshop, she will be presenting a paper at the Asia-Pacific Privacy Scholars Network Conference also in Hong Kong.

In a decision handed down on 30 June 2017, Deputy President Hennessey agreed with Dr Lucy Robinson's argument that a security bond of .4% of the value of the estate (payable annually to a Scottish insurance company and imposed upon almost 4,000 protected estates in NSW) was ultra vires.

Professor Steven Freeland has been invited by the Daimler and Benz Foundation and the University of Cologne to give a key-note speech in Germany next March at a symposium addressing 'International Legal Aspects of the Exploitation of Natural Resources'. This symposium will be the focus of the 2018 'Ladenburg Discourse', a highly recognised international conference sponsored by the D&B Foundation every year.

Professor Steven Freeland gave a speech at the Sydney Observatory as part of National Science Week on the wonders of space law and the challenges for future regulation that arise due to rapid advances in space-related technology.

Professor Steven Freeland has been invited to give a key-note address at a 2019 conference entitled 'Too much litigation' to be held at the International Institute for the Sociology of Law in Onati, Basque Country, Spain.

Dr Thilla Rajaretnam gave an in-house School seminar presentation entitled 'Australian's Data Security and Breach Notification Law: Is it a dream or a nightmare for Corporations?'

Professor Michael Adams, Professor Michael Blissenden, Grace Borsellino and Dr Thilla Rajaretnam all gave presentations at the 2017 Australiasian Law Teachers Association (ALTA) Conference. Michael Adams presented a keynote address entitled 'The impact of technology in teaching law and research over the last 20 years', Grace presented on 'Teaching technology in corporate law for engagement', Thilla presented on 'Cyber security: Australian business rethink their data governance practices and cyber security strategies' and Michael Blissenden presented on 'The NSW Law Society has recently released a report FLIP - the future of law and innovation in the profession'.



Engagement

Simon Kozlina gave a presentation at the 'Festival of Provocative Ideas' at St Mary's Senior High School. His presentation was entitled 'How Can I Change the Law?'

Sue Field has been busily engaged in a number of media interviews and as an expert speaker in Elder Law, including as an

invited panel member at NSW Law and Justice Foundation 50th Anniversary Research Seminar; invited speaker Geriatricians/social workers, Campbelltown Hospital; invited speaker, Palliative Care/Geriatricians Braeside Hospital; and invited speaker SWSPHN.

Dr Masud Haque organised and coordinated a very thought-provoking seminar for the Bangladesh Studies Circle, attended by the High Commissioner of Bangladesh, on 'National Prosecution of International Crimes: The Example of the International Crimes Tribunal of Bangladesh'

Professor Steven Freeland gave the opening speech about 'The Mechanisms of International Criminal Justice: The Role of National Tribunals' at the Bangladesh Studies Circle seminar mentioned above.

Sandy Noakes delivered a presentation 'Why Study law at WSU?' to an event organised by WSU's Office of Widening Participation. The purpose of the event was to encourage the participation in higher education of people newly arrived in Australia, and in particular to encourage participation at WSU. Most of the attendees were there on behalf of their children, who are current high school students, but some of the participants were also interested in entering tertiary study themselves. Sandy was ably assisted by 1st year WSU law student, Ali Gulzari, who is a Pakistani-born Afghani refugee who arrived in Australia a few years ago as an unaccompanied minor. Ali attended Holroyd High School, and transferred here from an arts degree at UNSW at the beginning of this year. Ali spoke very engagingly about his own path to Australia and into University, and also described in very glowing terms the support he has received from WSU, in particular the law school, since arriving here at the start of the year.

Professor Michael Blissenden has been engaged by the Tax Practitioners Board to provide expert advice on the appropriateness of the use of different methods of assessment items, for an approved provider of Australian Tax Law courses throughout Australia.

Professor [Steven Freeland](#) attended the Federal Government Expert Reference Group in Melbourne on 20 July, of which he is an appointed member (there are 9 members altogether). The ERG has a broad mandate as reflected in its Terms of Reference and will consult widely regarding a future national strategy for Australia to develop its space capability over the next decade.

Professor Steven Freeland has been engaged by the New Zealand Government over the past 18 months to assist in the drafting of that country's national laws relating to space activities, following the first test launch from New Zealand by Rocket Labs Inc. The law passed through Parliament and received Royal Assent in early August and, in accordance with its terms, will come into force on 21 December 2017. Professor Freeland continues to work with the New Zealand Government with respect to the drafting of the Regulations that relate to the Act. [Outer Space and High-Altitude Activities Act 2017](#) (No 219 of 2017, New Zealand)

Liesel Spencer was a guest lecturer at UTS Faculty of Law in a legal theory elective subject, 'Geographies of Law'. Liesel shared her expertise in intersections between legal geography, public health law, and urban food systems.

Jason Donnelly gave a lecture to a large audience of students from Western Sydney on the upcoming HSC Legal Studies examination. The lecture was aimed at assisting students from low-social economic backgrounds and attracted media attention from both [The Daily Telegraph](#) and [Fairfield Advance](#).

John Juriansz attended the International Negotiation Competition in Oslo, Norway. Having been a competitor more than 15 years ago and a coach of the Australian team in 2016, he was invited to be a Judge in 2017 and also presented an address entitled 'Interests Before Options: the Role of Legitimacy in Negotiations'.

Elen Seymour attended as a Foundation Member the Inaugural Meeting of the Tax Teachers Discussion Group, now re-named Australasian Tax Teachers Association - Value Added Teaching or ATTA-VAT. ATTA VAT is a forum for discussion on new (and old) perspectives on tax teaching.

Professor Steven Freeland was invited by the International Bar Association to deliver a key-note address at its annual conference in Sydney this October on 'Legal aspects relating to the use of satellites for farming and the environment'

Grace Borsellino organised a seminar involving experts from the Australian Securities and Investments Commission (ASIC). The guest speakers from ASIC were Antonious Nehme (Law School alumni), Kevin Foo, and Susan Donnelly. They discussed ASIC's powers, its Regulatory Toolkit, and a Directors Duties case study.



Media

Amongst several media appearances, Dr Hadeel Al-Alosi was interviewed on Channel 9 talking about digital domestic violence, and is extensively quoted in a newspaper [article](#).

Dr Hadeel Al-Alosi is a Technical Country Reporter (The Netherlands) for a report prepared by UNSW for the Information and Privacy Commission of New South Wales on 'Conditions [Enabling Open Data and Promoting a Data Sharing Culture 2017](#)'.

Jason Donnelly was interviewed for, and quoted in the Sydney Morning Herald in an article entitled '[Totally unwarranted and draconian: Lawyers condemn Peter Dutton 'power grab' on citizenship](#)'.

Liesel Spencer was interviewed on ABC Radio as an expert in urban agriculture and local government/planning law, speaking about the furore surrounding Sunshine Coast Council's destruction of fruit trees in the 'Urban Food Street' project in Buderim, Queensland.

Dr Luke Beck gave an interview in 9news.com.au about [religious freedom and the same-sex marriage debate](#). Luke was also interviewed on RN Radio on the same subject.

Professor Steven Freeland was interviewed on [ABC Radio](#) about space law and regulation, and the initiatives of the Government to reform Australia's national space laws and review the country's space industry capabilities over the coming 10-15 years.

Teaching and Learning

Dr Anna Wallace from the Law Library advises that the Library has produced a [2-minute video](#) explaining the Library Study Smart service. The aim is to introduce students to the many resources that Library Study Smart provides to help them with their university studies

From 31 July Parramatta Library will be trialing a dedicated support desk, from 9:30am to 5pm, in the Study Smart zone at Parramatta South Library. Library staff will be available to help students to use scholarly information sources. This project is a pilot and is part of our goal to deliver the highest possible standard of service for students.

Francine Feld and John Juriansz organised an in-house seminar on online teaching methodologies, as part of our ongoing goal to offer the very best in teaching and learning structures for our students.

The School received confirmation from the Office of the Migration Agents Registration Authority (OMARA) – which lies within the Department of Immigration and Border Protection - that our proposal to offer a Graduate Diploma in Australian Migration Law has met all of the accreditation requirements set out by OMARA. We will look to offering that course for the first time in early 2018, with Jason Donnelly

coordinating a team of highly qualified instructors.

International

Dr June Wang organised a seminar 'When West Meets East' which brought together 25 Western Sydney Law students who will be undertaking the Unit 'Foundations of Chinese Law' at Southwest University of Political Science and Law, Chongqing, China in November/December 2017, with the 11 students from a number of Chinese Universities currently studying 'Introduction to Australian Legal System' with us. The conference discussed various cultural, language and other issues relating to cross-country study and was also attended by the Consul, Education Office from the Consulate-General of China based in Sydney



The School held a completion ceremony for ten Chinese students from South China Normal University, Southwest University of Political Science and Law, and Beijing University of Chinese Medicine (2 LLM students and 8 second year LLB students) who attended an 8 week Western Sydney Law School short program. As a part of this Program, they undertook more than 100 hours of classes, as well as field trips to the High Court in Canberra, the NSW Supreme Court, the State Correctional Centre, a number of law firms, the Family Court and Circuit Court Parramatta and State Parliament. The course was organised by Dr June Wang, who will be taking a group of our own students in November to Southwest University of Political Science and Law in Chongqing to study 'Foundations of Chinese Law'

Dr June Wang was successful in securing over \$200,000 in New Colombo Funding from the Australian Government to support WSU students seeking to undertake 'Foundations of Chinese Law' from 2018-2020. This is a fantastic result and allows the School to continue to assist our students as we offer them opportunities to study in China. Our sincere thanks also extend to Pro Vice-Chancellor (International) Linda Taylor and her team at the WSU International Office for greatly assisting us to achieve this fabulous outcome.

Professors Steven Freeland, Razeen Sappideen and Dr June Wang met with a delegation from The School of Law at Zhongnan University of Economics and Law (located in Wuhan, China) to discuss various possible forms of collaboration, involving PhD and other student exchanges, as well as research and teaching opportunities.



On 18 August, we held the Program Completion and Certificate Presentation Ceremony for the 43 Bangladeshi Judges and Judicial Officers that the School of Law, through its International Centre for Ocean Governance (ICOG), have been training over three separate judicial capacity courses (12 weeks, 4 weeks and 2 weeks). The participants were congratulated by the Vice-Chancellor Professor Barney Glover, Pro-Vice Chancellor Professor Yi-Chen Lan, and the Dean of the School of Law Professor Steven Freeland, and the Bangladesh delegation leader expressed how pleased the Judges were with the quality of the courses we provided. Apart from those already mentioned, sincere thanks go also to Pro Vice-Chancellor Linda Taylor and her team (particularly Stuart Farwell) for their tireless organisational and project management work in helping the School deliver these quality courses.

Good News - Students and Alumni

PhD Candidates

Our PhD candidates are a vital part of the future development of the Law School and they make a valuable contribution to the academic vibrancy of the School.

Emdad Haque and Fozle Khoda, have been advised that they have met the requirements to be awarded their PhD. They will receive their degree at our Graduation Ceremony in September. This is great news for both of them but also for all of us. We look forward to continuing our relationship with Emdad and Fozle for many years to come.

Simon Levett presented at the recent Conference of the Australian and New Zealand Society of International Law (ANZSIL) in Canberra. The theme of the conference was sustaining the international legal order in an era of rising nationalism. Simon spoke on his PhD the topic of the rights and responsibilities of journalists in armed conflict

Hesham Alkhalayleh recently gave a poster presentation on the importance of a 'definition' of school bullying at the 'No More Harm' conference in Brisbane. His presentation attracted a lot of interest and forms the basis of a book chapter he will be publishing soon.

Hassan Faruk Al Imran represented the School with distinction in the University-wide 3-Minute Thesis (3MT) Competition. He spoke about his PhD research 'Interception of Refugees at Sea and International Law: Rohingya Perspectives'

Undergraduate Students

We pride ourselves on the quality of our undergraduate students, who continually respond positively to the challenging learning and teaching environment that we offer them.

Emma Bartley and Mitchell McMartin were awarded Deputy Vice-Chancellor (Academic) scholarships to attend a University Scholars Leadership Symposium at the United Nations in Thailand in August.

Sam Marsh has been commended by the Australian Law Students Association (ALSA) for her commitment to, and programs she has developed for Mature Aged Students in managing their well-being while studying law, including her work with the 'Wellbeing Post' that ALSA puts on its website at regular intervals.

Luke Hyland, wrote a piece in '[ATAR Notes](#)' about studying law at Western Sydney Law School. Western Sydney Law Students' Association, led by its President Tom Synnott and Vice-President (Careers and Education) Lakshmi Logathassan, organised an excellent careers seminar 'Careers at Gilbert and Tobin', which was presented by that firm's Managing Partner, and very close friend and supporter of the University, Danny Gilbert AM. This gave our students an excellent opportunity to understand the challenges and opportunities of working in a major law firm such as G&T. Our sincere thanks go to Danny Gilbert for making the time available to come to our campus to speak with our students.

Alumni

Western Sydney Law School has a rich cohort of over 5000 alumni, and we would be delighted to hear from them about their achievements and successes.

James Majarich recently won the Lawyers Weekly award as (one of two) best lawyers under 30 years of age in the Technology, Media and Telecommunications sector. James works at the leading law firm Minter Ellison.

Legal Update Corner

In each edition of *Inside Western Law*, we would like to give you a brief insight into a recent legal development of interest. Here, Professor of Corporate Law and Governance, Michael Adams, highlights some lessons to be learnt from a recent high-profile decision in the NSW Supreme Court, [Seven Network Ltd v Amber Harrison \[2017\] NSWSC 952](#) (17 July):

How can a simple contract case, in respect of confidentiality of a settlement agreement, reach so much media attention? [Seven Network Ltd v Harrison](#) is a case with many different aspects, but illustrates the power of social media and the general media in modern litigation. The facts relate to an executive assistant who used her corporate credit card without proper authorisation (she made personal purchases for goods, services and meals etc). Once discovered, the EA was moved to a different area of the company, while external auditors commenced a review of all credit card holders accounts. The alleged fraud was shown to be much bigger, but the EA disclosed that she had engaged in an affair with the company's CEO. A confidential settlement was agreed, including some payments and non-reimbursement of the credit card funds, in return for company equipment (mobile phone and other records), as well as confidentiality over all facts. In December 2016, Ms Harrison decided to disclose the affair and other issues via twitter and contacted a number of journalists. The former employer applied in February 2017 for an interim injunction (referred to by the media as a "gagging order"). A number of claims and counter-claims were made and three serious attempts at mediation were attempted. Ms Harrison's original lawyers stopped acting for the client, due to unpaid bills, and new lawyers, including senior counsel, were appointed.

Although Channel 7 brought the case in the NSW Supreme Court, a counter-action by the former employee under Fair Work Australia was commenced in the Federal Court in Melbourne. It was determined that the NSW case needed to be resolved and the cross-vesting legislation was applied. Shortly before the final injunctive hearing, Ms Harrison removed her lawyers and acted as a self-representing defendant. Justice Sackar of the NSW Supreme Court handed down a 90-paragraph judgment which focuses on the equitable relief of an injunction, and supported the original covenant (confidentiality agreement) between the parties. More significantly, he ordered that the plaintiff's costs (which range between \$250,000 to \$500,000) should be paid by Ms Harrison. The case from the media perspective sounds like a David and Goliath battle. In reality, if one removes the hyperbole of the media (and especially social media), the case is about equitable discretion and the provision of evidence in a simple litigation. It is a shame that the earlier mediation had not been successful as many people's lives were affected by these proceedings.

The next edition of *Inside Western Law* will come to you in early November. In the meantime, we look forward to hearing from you with any news that we should include in our newsletter.

Thank you for your ongoing interest and support of Western Sydney University and for looking *Inside Western Law*.

