School of Law News

WELCOME FROM PROFESSOR NED AUGHTERSON, HEAD OF LAW SCHOOL

I extend a warm welcome to our new law students and an equally warm welcome back to our existing students. This is the Lunar Year of the Goat. The personality of the goat is calm, gentle, creative, thoughtful, amicable, persevering, frank and honest: all admirable qualities for any law student. Hopefully those qualities will be manifest in 2015. In any event, I wish you all an interesting, productive and rewarding year.

For the Law School a primary focus will be completion of the reaccreditation process and planning for introduction of the new and revised programs in 2016. Significantly, all of the degree programs will incorporate a greater focus on transnational law, including comparative law. With the growth of trade and other dealing between nations and the rapid expansion in the movement of people across national borders, there is an increasing need for legal practitioners to be familiar with other legal systems and laws. There is also a view that in many areas there is a need to find global solutions to legal problems. In any event, students benefit from insights into how other jurisdictions respond to legal problems. Consistent with that view, it is proposed to introduce transnational perspectives into all of the law units. The online facility enables the delivery of lectures from anywhere in the world and it is proposed that a legal scholar from another jurisdiction deliver at least one lecture in each unit. Additionally, Transnational Law and Comparative Legal Systems will be introduced as new core units.

As the year progresses, more will be said about the 2016 programs and the opportunities for students to transfer their enrolment to any new program if they wish to do so. It remains that all law degree programs at CDU will have professional accreditation.

Good luck with your studies.

2015 Roadshow

The School of Law lecturers are back on the road again and will be meeting students in Adelaide, Melbourne and Perth this semester! This is an opportunity for new students, as well as current students, to meet their lecturers in person and ask questions about law studies or law in general. The first half of the presentation will be aimed at new students and focus on studying law online, self-directed study skills and how to solve legal problems. The second half of the presentation will include information on how to research and write essays as well as addressing practical issues in the legal profession. This is also a chance to just have a chat with your lecturers and your colleagues.

Dr Jenny Ng will be in Perth on February 24, 2015.

Ken Parish will be in Melbourne on February 24, 2015.

Ros Vickers and Geoff James will be in Adelaide on February 26, 2015.
DANIAL KELLY EARNED HIS PHD

Associate Head of Law Danial Kelly graduated with a Doctor of Philosophy degree at CDU's most recent graduation ceremony in October. Danial's thesis was ‘Law from the earth, law from the demos and law from heaven: nature and intersections of authority of Madayin, Australian law and Christianity in Arnhem Land’.

The thesis focused on the Aboriginal legal system called Madayin in Arnhem Land, where normative pluralism exists between the three major normative systems present: Madayin, Australian law and Christianity. At times, an individual may breach a rule or norm of one system in order to follow another, raising the practical and philosophical question of which normative system should one follow? The thesis examines whether the Madayin normative system can be reconciled with the Australian legal system, and with Christianity, upon each system’s own terms. The primary conclusion drawn is that pluralism between Madayin and Australian law is consistent with the nature of authority of each of those systems whereas the pluralism that exists between Madayin and Christianity contains authoritative consistency from the Madayin perspective but not from the Christian perspective. A handful of articles have already been published out of the thesis and Danial is currently preparing the whole thesis for publication.

JULIETTE McINTYRE SELECTED AS INTERNATIONAL COURT REPORTER

In March 2015, the Oxford Reports on International Law will launch a new module: International Law in European Courts. The Oxford Reports is the most up-to-date source of international case law available and the new module, developed by the Leuven Centre for Global Governance Studies (KU Leuven) and Oxford University Press, will be the first database to provide expert commentary and analysis of case law of the Court of Justice of the European Union focusing on issues relating to public international law. Reporters are carefully selected, and all case reports are peer-reviewed by experts in the relevant area of international law.

Juliette was selected as a Reporter in 2014, and has authored four case reports that will be published in the new module:

- Case T-115/94 Opel Austria v Council;
- Case C-285/12 – Diakite;
- Case C 301/08 Bogiatzi v Deutscher Luftpool and Others;
- Case C-63/09 Walz v Clickair SA.

HUMAN RIGHTS AWARD FOR JESWYNN YOGARATNAM

Jeswynn Yogaratnam won the Fitzgerald Diversity Award at the inaugural Northern Territory Human Rights Awards. The ceremony was held in Darwin on December 10, coinciding with the United Nations Day for Human Rights. As it turned out, Jeswynn had just completed meetings at the United Nations in New York and presented a human rights academic paper at the American University DC, when he heard the news.

"It is an acknowledgment and recognition of the many 'unsung and sung conspirators of rights' whom I have worked with and worked for in our journey in human rights."

"It is a collective achievement amid support, dissent, outrage and genuine concern for the 'rightscape' in Australia" he said.
The award recognises Jeswynn’s diverse involvement in NT community, asylum seeker, Indigenous and LGBTI human rights. The award was accepted on Jeswynn’s behalf by a Darwin resident, Vino Das, who was himself an asylum seeker who arrived in Australia by boat and was awarded the Pride Medal in NT last year for his work with the Darwin community.

FELICITY GERRY QC SPEAKS AT THE CILS CONFERENCE IN INDONESIA AND THE CPDP CONFERENCE IN BRUSSELS ON USING TECHNOLOGY TO COMBAT HUMAN TRAFFICKING

Felicity Gerry QC presented a paper at both the CILS Conference at the University of Indonesia in November 2014 and the CPDP Conference in Brussels in January 2015.

We traditionally think of organised crime in the context of fraud, money laundering and drug trafficking. Meanwhile there is a massive global trade in people, particularly women and girls. According to the United Nations Office on Drugs and Crime, the sectors most frequently associated with human trafficking are agriculture or horticulture, construction, garments and textiles under sweatshop conditions, catering and restaurants, domestic work, entertainment and the sex industry. Women and children are by far the main victims of sex trafficking. Human trafficking has been identified as a major transnational crime in the Asia-Pacific. It is often misunderstood due to concern over migration but trafficking is a booming and secretive industry based on modern slavery. With over 20 million people enslaved and over US$150.2 billion in profits, it has been called the crime of the 21st Century. The urgency with which this issue needs to be tackled nationally and transnationally has recently been fuelled by reports that profits are being used to fund terrorist activity. It makes cooperation between nations imperative but, in the panic over terrorists and paedophiles, it also requires us to keep a sense of balance.

With a review of projects including witness reporting apps in the UK, SIM cards in Bahrain, monitoring elephant poachers in Africa and crowd sourcing tech in Jakarta, the papers considered exploitation of people, international cooperation and how law and data can help to end a global slavery epidemic through creative use of technology, financial reporting, modern policing and corporate responsibility. This is a huge topic and the real question for lawyers is how to use technology & the law ethically to combat human trafficking. The issues cover crime prevention, crime investigation and crime prosecution but also engage human rights issues in relation to fair trials, freedom of information, freedom of expression and the right to private life.

In addition to appearing as Queen’s Counsel in England and Wales, Felicity was admitted to practice in the NT in December 2014. She recently reported on the draft Cyber Law for Cambodia for UNDP via ILRC of American Bar Association and would like to thank all CDU School of Law students who took part in that project.

DR JOE MCINTYRE HELPS LAUNCH NEW RESEARCH CENTRE

In December 2014, Dr Joe McIntyre was invited to participate in a workshop event to help launch a new research centre at University of Adelaide.

The new Public Law & Policy Research Unit aims to contribute an independent scholarly voice on issues of public law and policy vital to Australia’s future. It will provide expert analysis on government law and policy initiatives and judicial decisions and contribute to public debate through formulating its own law reform proposals. The Unit was launched at a special workshop and event held in Adelaide in early December. Dr McIntyre, who has worked closely with many of the academics involved, was invited to participate in the workshop.
**DR JENNY NG DISCUSSES INTERNET PRIVACY ISSUES AT A GLOBAL FORUM.**

Privacy proposal was a ‘long time coming’
The tabling of a series of privacy law recommendations in Federal Parliament could lead to better online privacy protection for Australians. Charles Darwin University Law lecturer Dr Jenny Ng said the recommendations contained in a report by the Australian Law Reform Commission were the first step towards developing legislation that would give online users the ability to take legal action over serious invasions of privacy.

The report, titled “Serious Invasions of Privacy in the Digital Era”, was tabled in Parliament in September.

Dr Ng was one of seven ambassadors at the recent Australian Internet Governance Forum (auIGF) in Melbourne where she chaired a discussion on “The Emerging Tort of Privacy”, which highlighted the benefits to Australia of legislation that addressed privacy rights issues. Dr Ng said current legislation, known as the Privacy Act 1988, offered limited protection for personal information and did not include the right to legally enforce privacy.

“These new recommendations would complement the limited protection for personal information provided by the Privacy Act 1988,” she said.

“This has been a long time coming; there is a gap in the common law protection of the right to privacy, which has existed for quite a while.

“The newly proposed law of serious invasions to privacy would enable Australians to sue over privacy breaches.”

Dr Ng said individuals would not be able to act on minor privacy breaches because the proposed laws would apply only to “serious” invasions of privacy.

“An example of a serious invasion of privacy would be if a social media company gave away information of ordinary Australian residents to third parties without consent,” she said.

The auIGF event aimed to help shape the future of Australia’s internet laws by discussing internet-related issues and exchanging ideas on best practices. It was held as a precursor to the United Nations’ global Internet Governance Forum in Istanbul, Turkey.

auIGF ambassadors contributed to the outcomes of discussions at the Australian event and reported on the outcomes from the Turkey event.

Written by: Katie Weiss

**THE “JUDGES’ SERIES” LECTURES ARE NOW ONLINE**

In 2014 the School of Law started “The Judges’ lecture series” where each month, an Australian judge will be invited to give a lecture to CDU students on a topical legal issue. We had many distinguished guests throughout the year and the lectures were so popular that we are now publishing them on YouTube for everyone to view. Videos from the series will be published at the beginning of each month. However this month we are publishing two lectures:

**Justice Graham Hiley of the Supreme Court of the Northern Territory** - “Native Title and Aboriginal Land Rights”

**Justice Jenny Blokland of the Supreme Court of the Northern Territory** - “How Australian Courts deal with International Law when it arises in domestic law settings”

Please note the Judges’ Lecture series 2015 begins again in April.

**Harvard Law Faculty and Refugee and Immigration Clinic Presentation: The Caseload Bill and the CPCF case**

In December 2014 Jeswynn Yogaratnam was invited by the Harvard Law Refugee and Immigration Clinic in Boston to speak about the treatment of irregular maritime arrivals in Australia. In particular, the focus was on the legal issues, at the time, in relation to the ongoing High Court case in CPCF v Minister for Immigration and Border Protection [2015] HCA 1 (CPCF case) and the Migration and Maritime Powers Legislation Amendment (Resolving the
Asylum Legacy Caseload) Bill 2014 (Caseload Bill).

The Caseload Bill and CPCF case were initiated primarily in response to the interdiction of a vessel with 157 Sri Lankan Tamil asylum seekers and their detention for 27 days on the high seas in the contiguous zone. The Caseload Bill validates interdictions and detention on the high seas. The CPCF case, inter alia, examined the exercise of powers by maritime officers to interdict, detain and possibly transfer suspected irregular maritime asylum arrivals on the high sea to another place. This was the first time the High Court had to consider the exercise of such powers under the Maritime Powers Act 2013 (Cth) (MPA).

The growing disquiet by refugee advocates in the CPCF case and the Caseload Bill stemmed from the concern that Australia was allegedly in breach of its international refugee law obligations. This is because interdicting, detaining and possible transfer of the asylum seekers to another place without screening for refugee status determination may breach the non-refoulement principle in Art 33 of the Refugee Convention 1951 (Convention). Simply, under Article 33 there is an obligation not to refoule persons seeking refugee protection to a place where they may face persecution or threat of persecution.

On 15 December 2014 the Caseload Bill received Royal Assent and the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014 (Caseload Act) became effective 16 December 2014. While the High Court in the CPCF case did not have to consider the Caseload Act (no retrospective effect), on 28 January 2015, the High Court ruled with a narrow majority (4:3) that the interdiction and detention were lawful under the MPA. The majority decision, in favour of the Commonwealth, limits Australia’s domestic protection obligations to prospective irregular maritime arrivals. However this does not limit Australia’s international refugee law and international human rights law obligations.

In their joint dissenting judgment, Hayne and Bell JJ cautioned the exercise of power of maritime officers without regard to safety of the individuals but fell short of recognising the need for the MPA to be applied consistently with the Convention. The judges echoed the majority and found it unnecessary to consider whether the Refugee Convention obligations were relevant to the construction of the MPA. Hence the decision in CPCF must not be read as the High Court’s affirmation on the lawfulness of interdictions, detention and transfers of irregular maritime arrivals under international law. The decision was in fact a class act on statutory interpretation of the MPA, at most.

Consequently, the question that arises is whether there was a need for the legislative response via the Caseload Act. Was it necessary and proportionate for Parliament to apply a sledge hammer approach to nail the public policy issue on irregular maritime arrivals? No, because it is evident from the CPCF case that the courts can apply existing provisions within the MPA to decide the matter. There was no need for Parliament to flake, chip and create unsightly cracks in the domestic refugee protection wall by applying a Thor like sledge-hammer smash to the Migration Act 1958 and crack the application of international law protection obligations when dealing with suspected irregular maritime arrivals on the high seas. The Caseload Act is a double-barrelled reminder of the excesses of executive hegemony for so-called border protection, territorial sovereignty and public interest concerns. Hence it was unsurprising that the Senate Legal and Constitutional Affairs and Legislative Committee found the Caseload Bill to contain some of the most “extraordinary provisions that the government believes are necessary to deal with the asylum caseload legacy”.

A final observation, the Caseload Act is an epitome of parliamentary supremacy at its worst against powerless and vulnerable individuals. The CPCF case is a demonstration of separation of powers with the rule of law being Janus-faced when dealing with asylum seekers. What can we do? Wait for the descent of Dworkin’s judge Hercules while our complementary action strengthens public education in local communities.

DR JOE MCINTYRE PRESENTS AT PUBLIC LAW CONFERENCE IN CAMBRIDGE

The School of Law is pleased to report that one of our newest appointments, Dr Joe McIntyre, recently presented a paper at the inaugural Public Law Conference at the University of Cambridge. The conference was not only an opportunity for Dr McIntyre to present his research to leading academics, but it helped to fly the flag for CDU internationally, confirming – once again – that we are engaged in innovative research of global significance.
In September 2014, the University of Cambridge held a major international conference on Public Law. The Public Law series of biennial conferences is becoming the preeminent forum for the discussion of Public Law matters in the common law world. The theme for this year’s Public Law Conference was Process and Substance in Public Law. The conference was attended by over 200 participants – academics, judges and practitioners – drawn from a wide variety of common law and other jurisdictions, including Australia, Canada, Hong Kong, Italy, Ireland, Japan, the Netherlands, New Zealand, Singapore, South Africa, the United Kingdom and the United States. In all, nearly 60 speakers, drawn from a wide range of common law jurisdictions, gave papers at the conference, in both plenary and parallel panel sessions.

Dr McIntyre, together with Lorne Neudorf of Thompson Rivers University (Canada), presented a comparative analysis of recent reforms to effective judicial review. The paper examined whether governments use procedural reforms to substantively interfere with the effective judicial review of administrative action, and asked whether proposed reforms are in reality an attempt by governments to avoid judicial scrutiny. The paper focused upon the issue of time limits in judicial review proceedings and utilised a comparative approach to understand similar developments in Canada and Australia. The comparative analysis also highlighted a dark side of the movement in the last decade towards judicial case management and the streamlining of cases, where courts have been made more vulnerable to reforms justified on (if not motivated by) economic efficiency grounds.

This paper argued that the willingness to assess substantive reforms more critically than procedural reforms has led to a complacency that can result in dangerous outcomes for the rule of law.

The CDU Indonesia Law Team were awarded the VC’s Award for Outstanding Contribution to Student Learning based on their work over the last 4 years with partner universities in Indonesia, in particular University Gadjah Mada (UGM), University Indonesia (UI) and University Udayana (UU). The recipients of the award were Jeswynn Yogaratnam, Dr Danial Kelly, Associate Professor David Price, Dina Widyaputri Kariodmedjo (UGM), Ida Bagus Wyasa Putra (UU) and Arie Affriansyah (UI).

The efforts of the award recipients have culminated in successful student mobility programs in Indonesia under the Department of Foreign Affairs and Trade’s New Colombo Plan – Student Mobility program (NCP). CDU School of Law was the first Law School in Australia to be awarded the NCP grant and this has paved the way for over 40 CDU law students to study in Indonesia. In addition, the award recipients have been actively involved in teaching law in Indonesia and intensive programs in Australia to augment the educational and collaborative research linkages between both jurisdictions. The VC’s Award is recognition of their dedication and willingness to work beyond their teaching commitments to create unique student learning opportunities in Australia and Indonesia.
CDU School of Law was proud to be represented by nine law students (4 external and 5 internal) as Ambassadors of the New Colombo Plan – Student Mobility Program (NCP) at University Indonesia (UI), Jakarta. This was the second batch of NCP Ambassadors to UI after the flagship program in 2014. During the two week visit from 8-20 February 2015 the students attended a short course on Transnational Organised Crime and were introduced to a host of national and international organisations – UNDOC, Ministry of Justice, Anti-Corruption Agency, Financial Intelligence Unit, Police HQ, the courts and many others.

This student mobility program is sponsored by the Department of Foreign Affairs and Trade. This initiative is part of CDU Law’s strategic direction in partnerships with higher education institutions in Indonesia. The aim of these programs is to inculcate cross-cultural and comparative law studies between Australia and Indonesia.

Sixteen CDU law students completed two week study courses in Indonesia as part of the Commonwealth New Colombo Programme at the end of 2014. Half of the students completed a course on Legal Pluralism at the University of Udayana in Bali. The other half completed a course on International Business Law at the University of Gadjah Mada at Yogyakarta. In addition to attending seminars and lectures, students also had the opportunity to visit a number of cultural sights and experience Indonesian culture and hospitality.

The Australian Human Rights Commissioner, Tim Wilson, was visiting the Northern Territory to hold public
forums on the topic. Mr Wilson also gave a special public lecture at CDU School of Law about his current activities as a Human Rights Commissioner. The event was well attended by members of the legal, business, and not-for-profit sector, which was organised by School of Law lecturer Jeswynn Yogaratnam.

DR JOE MCINTYRE HAS ARTICLE PUBLISHED IN PRESTIGIOUS INTERNATIONAL JOURNAL

In January, Dr Joe McIntyre had his article “Evaluating Judicial Performance Evaluation: A Conceptual Analysis” published in the prestigious Oñati Socio-Legal Series. The Oñati Socio-Legal Series is the flagship publication of the Instituto Internacional de Sociología Jurídica de Oñati (International Institute for the Sociology of Law) based in the Basque mountains of northern Spain. The Institute is the leading centre for the study of law and society, bringing together scholars from across the world for workshops and conferences. The field of law and society is broadly defined to include work which makes a significant contribution to the understanding and analysis of law as a set of social institutions, processes, practices or techniques, using any methodologies and approaches from the social sciences and humanities.

Dr McIntyre’s current publication evolved from work he was invited to present to a conference on Judicial Performance Evaluation held in Spain in 2013. His article provides conceptual framework to analyse and evaluate systems for assessing judicial performance, employing a comparative approach to understand different techniques and mechanisms employed throughout the world. Extracts from this article were presented to the respected Law and Society Conference in Minneapolis, USA in May 2014. This article provides a theoretical basis for assessing complex systems of performance evaluation, addressing a major gap in the literature. It has already been ranked recently as one of the top ten most downloaded papers in its field.

ANOTHER SUCCESSFUL PUBLICATION BY CDU SCHOOL OF LAW STAFF

Felicity Gerry QC and Nadya Berova, the School of Law’s Legal Research and Development Officer, have co-authored a paper “The rule of law online: Treating data like the sale of goods: Lessons for the internet from OECD and CISG and sacking Google as the regulator” in one of the most prestigious technology law and practice journals - the Computer Law & Security Review. The article analyses the decision of the Court of Justice of the European Union (“CJEU”) Google Spain SL v Agencia Española de Protección de Datos (AEPD), better known as “the right to be forgotten”. The decision that requires Google to enforce a right to be forgotten has caused a furore and sets a dangerous precedent in internet regulation. It is setting up the search engine as a form of Internet Government and fracturing the balance between privacy and freedom of information in the connected world. In a world where we have become attuned to full exposure by routinely signing over access to information, privacy is no longer the issue - the real concern is control. This article also discusses the issues of whether we have a right to privacy anymore, who should be making decisions about what is available and where and how a global convention on access to information might be achieved.

The School of Law would like to congratulate Ros Vickers on being awarded one of the highly competitive Innovation@CDU-SA Grants valued at $10,000.

The money was used to support a pilot clinical legal program in the area of environmental law. The Clinical programme was launched last semester and was successfully run with the generous assistance of the Environmental Defenders Office of the Northern Territory Darwin through the environmental law elective unit in semester 2.

CDU ALUMNI HEADS NEW REFUGEE AND MIGRATION CLINICAL LEGAL PROGRAM

Kevin, with the two CDU students who will participate in this stream – Jasper Sugars and Tracy Hamilton (online)

The clinical legal program is expanding following the pilot the Environmental Clinical program last year. One of the 2015 streams will be refugee and migration law. It will be supervised by Kevin Kadirgamar, a Senior Lawyer at Ward Keller and a former School of Law student. The students (external and internal) will spend one day a week at Ward Keller doing various tasks including, client interviewing, preparing tribunal/court documents, engaging with the legal profession, assisting with legal research and experiencing the daily work and life of a lawyer. Kevin is one of the few lawyers/migration agents who offer pro bono services to asylum seekers in detention in Darwin.

This clinical program was initiated after training from Harvard Immigration and Refugee Clinic Assistant Director, Sabi Ardalan who visited the School of Law in August 2014.

The other clinical legal streams available this semester will be in the areas of environmental, civil and criminal law. All of this would not have been possible without the generous cooperation of the EDO, NAAJA, Ward Keller and Retta Dixon team. Ros Vickers, Jeswynn Yogaratnam, Felicity Gerry and Ken Parish have worked tirelessly for more than a year coordinating these placements in order to enhance the student learning experience at CDU, so a huge thank you to them all.

SCHOOL OF LAW PROUD TO HOST ACADEMICS FROM THE UNIVERSITY OF INDONESIA

On November 18, 2014 the School of Law hosted a group of distinguished academics from our partner university, the University of Indonesia.

The Dean of Law Professor Topo Santoso, Vice Chair of the Centre for International Law Studies Dr Arie Afrriansyah and Mr Hadi Rahmat Putra, Manager of Venture, Cooperation, and Alumni Relations, were in Darwin for a few short days. During their visit they discussed future collaborations between CDU and UI academics as well as the value and success of student program such as the New Colombo Program.

Our guests enjoyed a tour of CDU and did some sightseeing in Darwin with Dr David Price, Jeswynn Yogaratnam, Juliette McIntyre, Professor Ned Aughterson and Dr Daniel Kelly. The School of Law would like to thank the staff at the Indonesian Consulate in Darwin for their assistance in organising this visit.
Sex videos: Probative evidence in evaluating the credibility of LBGTIQ asylum seekers?

The American University College of Law hosted the 5th International Human Rights Education Conference in Washington DC from 4-6 December 2014. Jeswynn Yogaratnam was invited to speak in the session concerning vulnerable peoples’ rights. Jeswynn’s paper examined the use of heteronormative standards when assessing LGBTIQ asylum seeker claims. In particular, he made reference to the SZQYU v Minister for Immigration & Anor and SZQYV v Minister for Immigration & Anor [2012] FMCA 1114 case (SZQYU), where the Refugee Review Tribunal found two Bangladeshi men were not eligible for refugee status because they were not gay, as they had claimed. But this decision was overturned on appeal by Federal Magistrate Robert Cameron because the Tribunal failed to consider a collection of homemade porn shots. The Court found that the Tribunal’s failure to view sex tapes of the applicants which had been provided to it “amounted to a constructive failure to exercise jurisdiction and thus jurisdictional error”.

This decision by Magistrate Court is problematic as it attaches probative value to homemade sex videos when assessing the credibility of the claimant’s ‘gayness’ and homosexual relationship. This form of assessment of credibility was recently (2 December 2014) condemned by the Court of Justice of the European Union (CJEU) in A, B, C v. Staatssecretaris van Veiligheid en Justitie, C-148/13 to C-150/13 (ABC case). The CJEU disallowed inappropriate practices in evaluating the claims of asylum applicants claiming persecution based on their sexual orientation. The CJEU ruled that EU states credibility assessment methods must comply with the Charter of Fundamental Rights, particularly the rights to human dignity and to private and family life.

While the CJEU decision is not binding in Australia it sets a persuasive approach in dealing with future LGBTIQ claimants. The SZQYU case should not be the way forward in evaluating sexual orientation as it will create other assessment complications for those with gender identity claims. In SZQYU, a mental health social worker provided material evidence that the claimant was in fact gay and was in a homosexual relationship. Ironically this evidence was not probative enough without the sex tapes.

STUDENT NEWS

AURORA SCHOLARSHIP WINNER

Congratulations to CDU student Caitlin Marshall who was awarded an Aurora Scholarship. The Aurora Project offers Australia’s best opportunity for undergraduate law students to gain experience in the area of native title. This will be of high interest to anyone considering a future career related to social justice or Indigenous legal issues. CDU has had a number of law students undertake places in the Aurora Project but it is a competitive process. You can increase your chances of success by discussing your intention to apply with Danial Kelly beforehand. He can help you to structure your application and also act as referee.

The Aurora Project was established in 2006 as a result of a report into the professional development needs of lawyers at Native Title Representative Bodies. Over the years it has grown to encompass other projects in the broader area of Indigenous education and Indigenous affairs generally. Go to www.auroraproject.com.au

GRADUATION 2014

The School of Law would like to congratulate all our graduates and hope you will keep in touch. For those who missed it, here is the text of the graduation speech delivered by Genna Churches on behalf of students:
“Thank you

Good evening Chancellor, Vice Chancellor, academic staff, distinguished guests, ladies and gentlemen and graduates.

It is an immense honour to have been asked to give the graduate response.

Five years ago when I began this journey I never dreamed that I would have such a privilege bestowed upon me. However, if there is one thing the journey of higher education at Charles Darwin University has taught me, it is to expect the unexpected, to strive for the apparently unattainable and ultimately to work hard and be rewarded.

The academic staff at this University have taken us all on this journey. They have been our guides and mentors and plotted out an expected path for us. They have pointed out the pitfalls and hazards and given us the tools to be successful. They have inspired us, encouraged us, driven us on to become the best students we can and ultimately, directed us to the completion of our studies. We have been very fortunate to have such members of staff to support us. We owe them a great debt of gratitude, particularly when I look back at my earlier assignments and cringe to think that I even submitted them. Their patience must be extraordinary. We earnestly thank you for your efforts.

There is also something which is particularly special and unique about this University and that is its ability to embrace technology. To be able to undertake our degrees online has enabled many of us to take up the opportunity of higher education without being on campus. To bring higher education to a wider audience is something that must be commended and applauded. To those great and progressive minds who had the foresight to take this path, those of us who studied online thank you.

Of course, many, if not all of us here today have friends and family who have supported or, in my case, put up with our endless hours of study. I am sure my dear children have well and truly had enough of me telling them that ‘I’ll be finished with this in a minute’ only to come back two hours later with me still working away at the computer! Many of us have parents and partners who no doubt have an investment in our success here today. Be that a financial investment, an emotional investment or otherwise, I know I speak on behalf of all graduates in expressing our respect and thanks for making that investment.

There is one last group of people who need to be thanked. This University, within the law school at least, encourages students to form study groups and to have ‘study buddies’. As we all know, study at the best of times can be isolating and it is even more isolating when you cannot catch up with your fellow students at the cafe, or the library or the local pub as the case may be. So for many of us, study buddies have become more than just fellow students. For many of us study buddies have gone on to become our best friends. I hope these friendships formed in the dark depths of study will continue on beyond our associations at this University. A deep and heartfelt thanks to our study buddies.

Now that the ‘thankyous’ are out of the way, I’d like to make a comment on the future of the graduates here today. The world, including Australia, is facing a number of challenges — environmental, political, economic and societal challenges, all of which will require fresh thinking to be resolved. I firmly believe we have been given the skills and training to apply our minds to these problems and to become part of the solution.

With that in mind, I’d like to finish this graduate response with the obligatory inspirational quote. I searched for some time to find something which I felt summed up the story of our learning at Charles Darwin University and the next phase of our lives, contrasted with the challenges faced by society. I concluded that the most appropriate quote comes from Albert Einstein. He said ‘Learn from yesterday, live for today, hope for tomorrow. The important thing is not to stop questioning.’

My sincerest desire is that everyone here today goes forward, learning from yesterday, living for today, hoping for tomorrow and always, always questioning.

Thank you everyone and congratulations all!
Student Support

Liaison and Academic Support Librarians

Liaison Librarians can help you:

- Get ready for study
- Google like a Librarian
- Search Online information resources and the Internet
- Find academic quality information sources
- And help you understand referencing

Book into a class or contact us for one on one assistance:

Email: library-liaison@cdu.edu.au


Student Advocacy Officer

Advocates for Higher Education students in areas that impact the quality of their experience at CDU.

Free, confidential and independent support and timely advice

Struggling with issues you have been unable to resolve independently?

Phone: (08) 8946 7705
Email: advocacy@cdu.edu.au
Web: http://www.cdu.edu.au/cdusa/advocacy

Online Classroom
(powered by Collaborate Web Conferencing v12.5)

24/7 support Helpline
1800 559 347

Setup for Online Classroom; Knowledge Base
Introductory videos: Web Conferencing, Mobile Web Conferencing
Now supporting Android, Kindle Fire and iOS
Download "Blackboard Collaborate" FREE app from

Note: When you use Blackboard Collaborate Web Conferencing from your desktop/ laptop for the very first time, it will automatically update your computer. This update takes few minutes depending on the speed of your computer, Internet etc. We advise you to join your scheduled Online Classroom at least 10 ~ 15 minutes beforehand, to ensure this update happens in time.

Student Equity Services

http://www.cdu.edu.au/equity-services