Welcome to the first edition of the CDU Law School e-newsletter. It has been brought to life through the initiative and industry of Felicity Gerry and sustained through the contributions of other Law School staff members. We are looking forward to a positive and productive year, imbued with a touch of excitement. The process for reaccreditation of the CDU law degrees will be undertaken during 2014, which provides an opportunity to review all that we do and all that we offer as a Law School. It includes a process of self-reflection as well as consultation with all stakeholders. The latter, of course, includes our students. We are confident that it will lead to an even better degree program and one that includes greater emphasis on international and transnational issues. Not only is it the case that increasingly we are exposed to the laws of other countries through trade or other dealings, also today Australian lawyers quite commonly work in or deal with the laws of other countries. International perspectives further assist in reevaluating our own laws and legal processes. We also wish to reach out more to our external students. To that end, in the week prior to the commencement of semester a number of Law School staff will visit several Australian cities in order to interact first hand with our students and, in particular, to guide our new students through the preliminaries for the study of law at CDU. I wish everyone a happy and rewarding 2014.

LAW SCHOOL ROADSHOW

Roadshow

Meet your lecturers at the Law School Roadshow in the week commencing 24th February 2014:

- Tues 25 Adelaide and Melbourne
- Thurs 27 Brisbane and Perth
- Fri 28 Sydney

Full Details / Venues have been announced on Law Central

The program will be:

5.30 – 7.00 Focus on beginning students:
- Welcome and introductory comments
- Studying online (Learnline, Collaborate, School web page, Library resources)
- Legal problem solving
- Self-directed study skills
- Questions and answers

7.00 – 8.30 Open to all
- Researching and writing law essays
- Becoming a practitioner – handling ‘unusual’ cases, clients and judges
- The future of legal education and the profession
- Advice and comment from past students
- Closing comments

Send your NEWS for the Law School e-newsletter by email to Felicity Gerry.
felicity.gerry@cdu.edu.au
In the remote Aboriginal community of Maningrida in the NT the Burnawarra mediation and customary law group continue to work with CDU law lecturer Danial Kelly on having their mediation, diversion and community justice efforts recognised by the broader criminal justice and government systems. Indeed a number of CDU law students have helped the Burnawarra by researching and drafting various documents for them. Discussion with NT Police reached a new high recently when one of the Burnawarra leaders, Mr. Ben Baru Pascoe, met with NT Police Commissioner John McRoberts APM to discuss community justice issues and future collaboration. Commissioner McRoberts accepted an invitation from Mr. Pascoe to visit the community of Maningrida soon for further talks.


An intensive unit on Indonesian Law was taught in semester 3 (January 2014) at CDU by a team of law academics from Universitas Gadjah Mada (UGM), Indonesia. The UGM lecturers were Irna Nurhayati, Sandra Dini Febri Aristya and Rangga Dachlan. The unit began by examining the broad historical context of Indonesia then focused on the development of its legal system from pre- to post-colonial times. A range of areas of law were covered such as constitutional law and criminal law as were more systemic issues such as law enforcement and corruption. A total of 140 students enrolled in the unit, the majority of whom took the unit in the online mode. A large amount of positive feedback on the unit was sent from students to Danial Kelly who coordinated the unit.

Lecturers on Indonesian Law outside the NT Supreme Court in Darwin
OIL AND GAS LAW

An extremely popular topic, this summer intensive unit was a broad introduction to the basic points of the legal regime that applies to the oil and gas industry in Australia. The main focal topics were an examination of the law and policy related to the exploration and production of petroleum; a review of offshore and onshore petroleum activities in Australia; the basis of petroleum regulation, critical areas for exploration and development, and their associated legal issues; the relationship between the Commonwealth and states and territories relevant to the industry; the regulatory structure of licensing and permitting; commercial arrangements between explorers and producers; environmental regulation; and safety regulation. Lecturer Geoff James delivered learning content in live interactive seminars at Casuarina for both internal students in person and simultaneously on-line via the Collaborate Classroom for external students. The course was a great success which ended on reflections on the future legal challenges that are likely to arise from the current intensive development of the key petroleum provinces in Australia and the rise of new industry practices and major market shifts. Similar dynamic summer intensives are planned for 2014.

Geoff James is a native of the NT. Indeed he was the first University graduate from the NT’s post-World War 2 primary and secondary education system. After becoming a lawyer in 1967, he privately practiced general law as an amalgam (solicitor and barrister) in Darwin for 40 years. During that period there was a short absence in the United States whilst employed by McGraw Hill as an editor of legal profession publications. In 2007 he joined CDU’s staff as a law lecturer. Geoff’s much varied and active professional life can be condensed to these points: In the early years he did jury trials as Defence with some prosecution work. In later years he focused more on the very broad needs of the law abiding public in a small community. The middle decades of his professional life were spiced with controversial litigation including the Ranger Uranium Injunction case, the Oenpelli roads case, the Timor Gun-running case and the Mudginberri Abattoirs case (all of which made national headlines). His last decade in the profession focused on Trade Practices and Administrative law punctuated by 2 significant constitutional cases. The case of which he is most proud involved declaratory relief in respect of the unlawful imprisonment of a legal practitioner ordered by a Stipendiary Magistrate.

POLICE TRAINING BY GEORGIA MCMASTER AND FELICITY GERRY

In its usual collegiate spirit the School of Law assisted the Northern Territory Police College with training their investigators. On 21 November 2013, 20 police officers participating in the Investigators Course attended at the university to do court training. Each police officer was required to give evidence in the moot court, based on scenarios they were involved in during the course. Georgia acted as the Prosecutor, Felicity acted as Defence Counsel, and Senior Sergeant Stuart Davis was the magistrate. By the end of the session, the police were much more mindful about giving evidence in a forthright manner, and not falling into any cunning traps laid by the defence (of which there were a few!) This sort of training is invaluable to police officers, who are now considered “professional witnesses” under the national evidence law regime.

Georgia McMaster lectures in Evidence, Criminal Law and Practical Advocacy at CDU as well as being a regular guest lecturer at the NT Police College. She is also a barrister at the NT Bar specialising in criminal law, mental health and medical tribunal matters. Felicity Gerry lectures in Criminal Law, torts and practical advocacy. She has nearly 20 years’ experience at the Bar in the UK and has designed and delivered numerous training events to police, prosecutors and defence advocates. She specializes in the treatment of vulnerable witnesses and defendants and has recently been appointed to the Vulnerable Witness Management Committee of the UK Advocacy Training Council which develops toolkits for advocates. In addition to being a barrister and an academic, Felicity is also an experienced broadcaster with many appearances on television and radio.
REVIEW OF THE 2010 DOMESTIC VIOLENCE LAW IN TIMOR-LESTE

The Asian Journal of Comparative Law has published Jeswynn Yogaratnam’s Review of the 2010 Domestic Violence Law in Timor-Leste. The observations and analysis in the article are based on Mr. Yogaratnam’s findings during and after an AusAID gender violence project in Timor-Leste (2009–2011). The AusAID project was conducted together with Dr. Suzanne Belton and the Judicial System Monitoring Programme (JSMP) of Timor-Leste. On 7 July 2010, the Timor-Leste Government promulgated Law No. 7/2010 as the new state law on domestic violence. This was part of a constitutional promise to uphold principles of universality and equality; to ensure equality of men and women; to improve access to justice; and to comply with international law obligations. Importantly, the new law is also an attempt to advance community awareness on women’s rights and change attitudes and behaviours concerning domestic violence victims. The paper examines the legal framework of the new domestic violence law and the impact on the stakeholders in delivering the legal obligation to promote women and child security in Timor-Leste. Inherent in this discussion is the question of whether the new law can reform the traditional justice system, change community behaviour and meet the competing challenges of cultural relativism in each district of Timor-Leste.

Jeswynn Yogaratnam holds an LLB (Hons) and LLM(Tax). His academic tenure is with Charles Darwin University where he is the principal lecturer in Human Rights Law, Corporations Law and Contract Law. He is also currently a PhD scholar at the Australian National University researching in the area of asylum seekers and human security. In 2009 his research team secured an AusAID grant to work on improving access to justice for women in gender violence in Timor-Leste. In 2010 he was awarded the Australasian Law Teachers Award for Outstanding Early Career Academic in Research. Jeswynn was appointed in 2012 as a Hearing Commissioner with the Northern Territory Anti-Discrimination Commission. He was also recently invited by the Kuala Lumpur Bar Committee to present a CPD session on the ‘Failed Australia-Malaysian Asylum Solution’

STAFF NEWS

WELCOME TO ROBERT JADRIJEVIC

Welcome to Robert Jadrijevic as Faculty Online Resources Developer (LEBA). Robert started with the OLT Learnline Development and Training team in 2013, and assisted the ITMS department and now is the Faculty eLearning Support (LEBA) for the office of learning and teaching (OLT) at Charles Darwin University. Within his role he is assisting with staff professional development and deployment of e-learning resources for online teaching.

Robert has worked within the Information Technology Field for the last 14+ years with fortune 500 companies down south as well as I.T. business in the Northern Territory. He is an active member of the NT Emergency Services and the St. John’s Ambulance, Darwin division.
School of Law News and Events

SACRED SITES
In August 2013, the court of Summary Jurisdiction gave judgement in the first contested prosecution for desecration of a sacred site. The defendant company OM (Manganese) Ltd contested two charges of desecration of a Sacred Site contrary to section 35 of the Northern Territory Sacred Sites Act. Both offences were alleged to have occurred at the Bootu Creek Mine Site at the Masai Pit between March and September 2011 and involved the same sacred site. There was no dispute that the geological feature (known in English as “Two Women Sitting Down”) is a Sacred Site. Ros Vickers’ case note on Aboriginal Areas Protection Authority v OM (Manganese) Ltd [2013] NTMC 19 has been published in the Australian Environment Review and can be located on LexisNexis case note (2013) 28 (1).


ENVIRONMENTAL LAW WORKSHOP
Ros is also organising an environmental law workshop series in Darwin on behalf of CDU School of Law in conjunction with the Environment Defenders Office Northern Territory. The series will feature interesting panel discussions presenting environmental legal issues from a variety of viewpoints throughout the year.

Look out for details in the next newsletter

INDONESIAN STUDY OPPORTUNITY
Semester 1 study in Indonesia
In the beginning of February 2014 the School of Law won a bid for funding in the Pilot Round of the Commonwealth’s New Colombo Plan. The Colombo Plan aims to lift knowledge of the Indo Pacific region and strengthen individual and institutional relationships in the region. The pilot destinations are Hong Kong, Indonesia, Japan and Singapore.

Under the funding arrangements, in the first semester of 2014 the Law School will invite and fund eligible students enrolled in one or more of the units International Law, Human Rights Law and Intellectual Property Law to travel to Indonesia for approximately 2 weeks to attend a series of seminars relevant to those units. Participating students will also have the opportunity to interact with staff and students at either Universitas Indonesia or Universitas Gadjah Mada. Students will then complete their assignment in the relevant unit on a topic relating to issues addressed during their visit.

To be eligible, a student must be an Australian citizen and between the ages of 18 and 28 at the time of the commencement of the visit. If you think you might be interested, please send an email to either jeswynn.yogaratnam@cdu.edu.au or david.price@cdu.edu.au

It is hoped that similar opportunities will be available in later semesters.
DR JENNY NG INNOVATES IN MOOTING - INNOVATION@CDU GRANT

An Innovation@CDU Grant was won by Dr. Jenny Ng in 2013 to develop an online moot court which uses the Pedagogy-Space-Technology (PST) Framework (Radcliffe, 2009). Dr. Jenny Ng was the Project Leader of this grant project. This project completed successfully in November 2013 and was presented in a presentation hosted by the Vice-Chancellor in December 2013. Jenny also made a presentation in the Blackboard Conference in Melbourne in August 2013.

A moot court simulates a hearing that is conducted in real court rooms. The PST framework was used in developing the online moot court as it provides for a more systemic manner in achieving the right balance between pedagogy, space and technology in designing and evaluating new learning spaces. This is a more balanced approach as many new facilities have begun its implementation with pedagogical intent, but the end product of the actual spaces often reflect technological, architectural, or operational considerations (Radcliffe, 2009).

The grant project brings the virtual and physical worlds together to ensure that internal and external students are able to moot in a moot court online as well as the collaborate rooms (smart rooms) and aims to ascertain the effectiveness of an online moot court. It also provides insights into what needs to be done to create an effective online mooting program in terms of pedagogy, space and technology.

Dr. Jenny Ng was assisted by Alison Reedy throughout the project, whilst Ken Gibson assisted in installing the audio technology systems for the project. Associate Professor Laurence Tamatea assisted in advising on some pedagogical aspects of the project. Associate Professor Deborah West assisted in matters regarding the collaborate rooms (smart rooms) in CDU. Jenny wishes to thank them for their assistance. She also thanks her students who participated in the moot exercises for providing valuable feedback on the technology that was being used.

Dr. Jenny Ng is a lawyer and lecturer whose expertise is in the areas of IP/IT Law. She has published an international monograph in IP/IT Law. Her main research areas are in IP/IT Law and Teaching & Learning. She has also published in other IP related areas such as Sports Law, etc. She has taught both Australian Law and English Law in Australia, Hong Kong and Malaysia for several years. Her doctoral research in domain names has won a research paper prize in a leading Australian University and an Australian grant. In 2012 she published her doctoral thesis as a monograph with Routledge, Taylor & Francis (UK). She has conducted research extensively in academia and in practice. She has more than 10 years of research experience, having conducted research in academia / universities, an overseas top tier law firm, the courts and barristers chambers.

MEDIA NEWS

To hear Felicity Gerry on 105.7 ABC Darwin Radio on the topic of female genital mutilation (FGM) on the 6th of February 2014 which was international day for zero tolerance to FGM Google: Female Genital Mutilation is not an easy thing to talk about which is probably what makes it such an important conversation to have.

To read her joint article in the UK Guardian on the same topic Google:

10 reasons why UK FGM law has failed – and 10 ways to improve it: Female genital mutilation has been a crime in the UK for 29 years. There are 65,000 girls at risk. There have been no prosecutions

In addition to other topics; Felicity is currently researching international failure to comply with obligations to protect women and girls in the context of FGM.
FUNDED SCHOLARSHIP OPPORTUNITY IN GERMANY FOR STUDENTS

July 19th – August 16th, 2014, the University of Marburg will host its 16th International Summer University (ISU). Whereas the general focus of the program will remain on the Near and Middle East and Peace and Conflict, this year’s academic program will cover a much broader range of perspectives on this tantalizing topic.

Within their exchange agreement with CDU they are offering one tuition-free ISU place to CDU students.

The programme includes modules on Europe and the Middle East in transition including business / politics / culture studies and international relations as well as language instruction and a trip to France.

This is what the scholarship covers:

- one academic module which comprises two seminars and one supplement course
- one German language course
- accommodation,
- a meal subsidy (EUR 50),
- the cultural program with day trips during the weekends and evening lectures,
- a health, accident and personal liability insurance for the duration of the program

Additional expenses are incurred through:

- travel expenses
- meals and beverages
- personal spending
- refundable deposit for room (EUR 100)
- refundable deposit for a cafeteria debit card of EUR 5

The School of Law would like to encourage 2nd year undergraduate students to apply

The deadline to submit applications is the 15 March 2014! Please contact David Price (david.price@cdu.edu.au)

Look out on Law Central for any news relating to scholarships or short-term overseas study opportunities

---

**David Price** is Associate Professor in the School of Law. He holds degrees in international relations, industrial history, Chinese, as well as in law, and has been awarded professional fellowships in management and business. His major areas of academic research and teaching are intellectual property law, public international law, and international trade law. He has a particular interest in intellectual property protection regimes in the Middle East and other developing regions, and the impact of bilateral trade agreements on intellectual property protection regimes. A former army officer and career professional in senior university management, he has worked, consulted, and researched in institutions in Australia, UK, Europe, South Africa, and the Middle East. He is a Visiting Professor in the International Law program at Universitas Gadjah Mada (UGM), Jogjakarta, Indonesia. David has mentored the UGM mootng teams at the Willem C Vis International Mooting Competitions, and has judged in the LAW ASIA International Mooting Competitions in recent years.

David is a member of the International Bar Association, and of LAW ASIA. He is also a member of the Board of the Northern Territory Council of Law Reporting, an editor of the Northern Territory Law Journal, and member of the Advisory Board of the Indonesia International Forum (IIF). David’s seminal work on intellectual property protection in the Middle East region, based on his doctoral research, was published by Routledge Cavendish (Taylor and Francis Group) in 2009. An Arabic edition of the work is under development. His latest book on Intellectual Property in Australia was published by LexisNexis Butterworths in late 2011."
Darryl Saunders and Ken Gibson receive CDU Vice Chancellor's Award in Learning and Teaching

Darryl Saunders and Ken Gibson were awarded the 2013 Vice Chancellor's Award in learning and teaching for their ground breaking development of online community learning in alternative dispute resolution putting online students at the centre of an innovative pedagogy designed to enhance the online teaching experience. They fought off stiff competition from the whole of the university and rightly deserve the award after 3 years dedicated to implementing a system which brings external students into the classroom in an interactive and advanced way genuinely supporting online teaching and learning.

Darryl Saunders has taught at several universities in Australia and New Zealand with a focus on Legal Education and Distance Education. He has taught in the areas of legal systems, legal history, agency law, criminal law, company law, constitutional law, insurance law, consumer rights, contract law, tort law, taxation, medical law, bioethics, law and visual arts, legal environment, jurisprudence, ethics, estate planning, family law and disputes resolution. Darryl has a particular interest and researches in the areas of Natural Justice, Bill of Rights, Mediation and Legal education.

Ken Gibson is Faculty eLearning Support (LEBA) for the office of learning and teaching (OLT) at Charles Darwin University. Ken has worked in an academic support role with Charles Darwin University for the past four years, working closely with academic teaching staff of the Schools of Law and Business, assisting with staff professional development and deployment of e-learning resources for online teaching. Ken came to Charles Darwin University after a long career in television broadcasting, having worked in all areas of television production for the Australian Broadcasting Corporation. Ken has worked for many award winning programs such as Four Corners, 730Report and ABCTV Documentaries. In March he will undertake volunteer teaching in video and audio production in West Timor.

Dili Conference

Common Issues, Common Solutions

On the 9th to the 12th of July 2014 the Law School will be hosting a conference in Dili, Timor Leste in association with the Northern Territory Bar Association

The theme of the conference will be “Common Issues: Common Solutions”. Hosted by Ned Aughterson, Head of Law School together with Alistair Wyvill SC, the programme is being convened by Danial Kelly, Jeswyn Yogaratnam, Ros Vickers and Felicity Gerry and will feature high profile speakers on:

Espionage
Resources
Child Protection
Domestic Violence
Human trafficking
The Environment and environmental impact
The rule of Law and Institutional Development

To express your interest in attending this conference email clerk@williamforster.com
STUDENT NEWS

CDU student Luxmy Chandran was one of six Australians selected to take part in a work experience program in London with international law firm, Herbert Smith Freehills. The program, offered by United Kingdom-based law firm Herbert Smith Freehills, gives exceptional students from Australian universities the opportunity to attend a four-week paid internship from 25 November – 20 December 2013.

CDU Bachelor of Laws (Honours)/Bachelor of Commerce (Accounting major) student Luxmy Chandran said she was very grateful to have been selected to take part.

“It was a grueling selection process, but having been chosen, it feels like all the hard work throughout my degree has paid off,” Luxmy said.

“It is wonderful to have the opportunity to work on deals and cases for some of the biggest organisations in the world, as well as work and train alongside some of the world's best lawyers.”

During the selection process, Luxmy was required to demonstrate an exemplary academic record, complete online tests, attend a face-to-face interview in Melbourne, and complete mock scenarios with partners posing as clients.

Congratulations also to law student Jenny Le Ray for being recently selected to represent Australia at the 2014 Asian Dragon Boat Championship in Macau in May. When not studying law at Charles Darwin University, Jennifer LeRay’s other passion is Dragon Boat Racing. Described as one of the fastest growing water sports in the World, it is also a sport of precision, technique, fitness and of course fun. With up to twenty paddlers at a time, a sweep and drummer, a dragon boater's success is as good as the teamwork he or she is a part of. Jennifer is a member of the Adelaide Phoenix Dragon Boat Club; a club which recently won Gold at the Australian Championships in 2013, securing a place at the World Club Crew Championships in Ravena Italy 2014. With a motto that ‘Anything is possible’ and a belief that consistency achieves results, Jennifer views Dragon Boat Racing as the perfect platform to develop fitness, teamwork and mental strength.