



Open Hand

FROM THE DIRECTOR

I was recently a discussant for a panel at the Justice Connections conference at the University of Canberra. The panellists gave papers on the inadequacy of legal responses to workplace bullying, on the persistence of pregnancy discrimination in employment, and on the undervalued role of women as arbitrators.

The panellists told a story that resonates with current Australian politics and policy, a story of disempowered people who are bullied, of women who are pregnant, and of women discriminated against in commerce.

In each case, the obligation to redress the power imbalance, to remedy the harm, and to claim the right to dignity, rests with the victim; the onus is on the bullied to take on the bully, on the worker to take on the boss, on the professional to take on the market.

And, I wondered, why not? We are on the cusp of the age of non-entitlement. If the Senate allows, responsibility for care, support and community will move even closer to the individual, as it has been moving steadily since Margaret Thatcher commenced war on society.

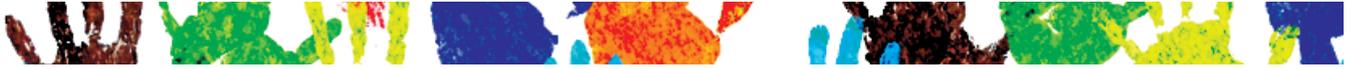
The panellists told a story of harm and loss that is increasingly less cared for; the response is no longer one of shared social responsibility, but of individual responsibility. Bullied? Discriminated against? Marginalised? It's your concern, not ours. In this new age the bullied are as thin skinned as those offended by racist language, pregnant women are as demanding of entitlements as the young unemployed, and female professionals ought make use of all the freedom and formal equality of the market.

But the panellists' stories had an added dimension: lawyers are, if they choose to be, champions of rights holders and advocates for the oppressed. Law and lawyers need not necessarily be servants of the masters and the market; they can make room for people to push back, and to make claims for rights, self-respect and dignity.

I came back from the conference to my desk to mark papers, but with the panellists' stories in my mind. As I assessed how much my students had learnt this semester, I was reminded of the importance of what, and how, we teach. Only if our teaching tells such stories will lawyers – our graduates – take on the necessary role of challenging privilege, balancing power, and protecting the vulnerable.

Simon Rice, Director of Law Reform and Social Justice





CURRENT STUDENT PROJECTS

Global Corporate Power

The Global Corporate Power Project has continued working on developing a database of global and transnational corporations in different industries, with support from ANU faculty adviser Kath Hall. This semester, research pairs have looked at mining corporations, hotels and motels, consumer electronics, automotive, fossil fuels and pharmaceuticals. A highlight has been working on a collaborative article for the ANU Law Students' Society *Peppercorn*. We are also putting together documents for each industry that will be available online in the near future. Here are some interesting trends three research pairs have found:

Mining Industry

It is commonly thought that the mining industry is a 'Man's World'. Our research into the world's most powerful mining corporations has done little to disprove this. The top ten corporations had an average of 16% female directors on their Board; the worst have 1/13 and 0/7. Further, no top 10 mining corporation had a female director in a high executive position, such as Chairman or Vice-Chairman, in the parent company.

Jessica Tagg and Hanna Kaci

Consumer Electronics Industry

Despite being so developed, Australia heavily relies on consumer electronics companies in America and China to import products. There are no major Australia-based consumer electronic corporations. A few corporations hold the majority share of the Australian market and have subsidiaries and stockists Australia-wide, indicating the demand for consumer electronics in Australia.

Zoe Champtaloup and Natasha Walker

Hotels and Motels Industry

Our research into the hotel industry has proved to be a constant surprise as to the dominance of several key groups. The largest hotel firms in the world have upwards of 650,000 rooms, with the top six controlling around 50% of the world's hotel supply. The scale in North America alone is notable, with just over half the hotel rooms in the world – five times the number in China, the next largest nation per number of rooms. There has also been marked growth in the number of hotels worldwide, with an increase of more than 100% in the sub-total of the top 20 since 1998.

Ryan Cushen and Neil Murthi

More information

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W law.anu.edu.au/Irsj/global-corporate-power-project

Community Legal Education

Can the police actually kick me out of a public space?

The CLE Project helps equip teenagers with answers to 'common' interactions with the police like this. CLE identifies the knowledge gaps in school children and bridges this gap through utilising the research capabilities of law students in designing and delivering legal education sessions in ACT schools. It can be surprising how teenagers' understanding the law can be quite different from what the law actually is.

CLE has brought together law students from a range of year groups, meeting on weekdays and weekends to work on developing programs, with support and direction from ANU faculty advisers including Simon Rice, Paul Maharg and Mark Nolan. This year we are developing two new programs on employment law and sex drugs and alcohol, with delivery to ACT schools in Semester Two. We are also looking to develop materials which can be distributed, such as a pamphlet on employment law so that when we leave the classroom, the learning can continue.

The CLE program is seeking new members for Semester Two.

More information

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Police Integrity

Semester One was all about foundation building for the Police Integrity Project. The arduous task of finding a team, defining the scope and building a solid base of knowledge from which to proceed has taken up most of the semester.

With a committed and highly competent group of researchers now assembled, we are approaching publication of our first report, which will provide a comprehensive, if not definitive, account of the mechanisms governing police accountability in every jurisdiction in Australia.

Where to from here? Critical and comparative analyses, alternative approaches, lowered thresholds, extended jurisdictions, mandatory reporting and tabling are directions we are looking at.

More information

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Ready 4 Recognition

The Ready 4 Recognition team has had a busy and exciting Semester One. We began by building a team and, for the first time, opened up involvement to non-law students. It was overwhelming to see the number of students keen to volunteer their time to the project.

We kicked off our CLE sessions with a round-table discussion at Burgmann College. As many of the participants were law students, also grappling in their coursework with the legal issues that we raised, the discussion was vibrant. It was great to see the level of engagement that the students had with constitutional recognition of Indigenous peoples.

This semester we widened the focus of our CLE sessions, and began to present to college students. As a result, much of the semester was spent developing an interactive presentation suitable for students aged between 16 and 18. Our team concentrated on developing a presentation that broke down legal issues in a way that was appropriate for college students with an emphasis on making voting exciting. We then spent a week presenting to multiple Year 11 and 12 classes at Daramalan College. It was wonderful to see the ease with which the students grasped these difficult legal concepts, and the lively classroom discussions that followed. Our team is looking forward to presenting at other schools in the coming months.

This semester we also welcomed a new academic adviser, Lauren Butterly, all the way from Western Australia! It has been great to have her on board. As always, we are grateful for the chance to work with both Lauren and Simon Rice on this project.

Next semester we plan to continue providing clear, concise and legally accurate information through CLE sessions to groups within the ANU community and beyond. We have just received a grant from ANU PARSA's Student Extracurricular Enrichment Fund to produce an educational video to further get the message out there. We are also looking at recreating some of our pamphlets and materials and adding further to our social media presence. It is great to see the public awareness building as we move closer toward a referendum, and we intend to ensure that this continues exponentially.

More information

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Human Rights

The ACTHRA Project continues to track the application of the *Human Rights Act* (ACT) through case law. Having completed summaries of several recent decisions, we are now in the process of compiling updates to the Portal's Hansard database, and implementing new ways to collect data which we hope will be useful for long-term planning of the database.

As new and notable activity relating to the *Human Rights Act* is becoming less frequent, we are expanding the ways in which our student contributors participate in the Portal's ongoing development. At the same time, we hope these new activities will intensify the experience for our volunteers participating in this database.

More information

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Prison Issues

This semester, the Prison Issues Project has had the exciting opportunity to deliver the program to the women detainees at the Alexander Maconochie Centre for the first time, under the guidance of faculty adviser Mark Nolan. Unfortunately some planning issues and a lockdown at the prison meant that we began the program several weeks later than we'd hoped, but it has so far been well received. A team of six students, made up of three new students and three who have been involved in the project in the past, along with faculty adviser Dr Mark Nolan, have made two visits to the prison to run legal information seminars focusing on making and changing the law. There are currently 10 detainees who have signed up to and are attending the seminars, and we intend to extend the duration of the program into the holidays or the beginning of next semester.

More information

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EVENTS

This year, LRSJ has held a number of successful events with distinguished speakers from across Australia and around the world. In February, President of Australian Lawyers for Human Rights, **John Southalan**, gave a presentation on an amicus brief in the High Court native title case of *WA v Brown*. We also heard from **Professor Marc Galanter** from the University of Wisconsin – one of the world’s leading thinkers on lawyers, justice and legal culture. In March, **Professor Gordon Anthony** of Queen’s University Belfast delivered a series of lectures and workshops on terrorism issues and cases and the peace process in Northern Ireland. In April, we screened the important documentary, *A Common Purpose*, examining a death penalty trial in apartheid South Africa, followed by a Q&A with **Professor Andrea Durbach**.



Professor Simon Rice and Professor Andrea Durbach from the A Common Purpose screening

We also screened *Utopia*, a recent documentary on the flaws of Indigenous policy in Australia, which has been a focal point of much reflection, debate and controversy on all sides of politics. In May, **Dr Warren Mundy** of the Productivity Commission presented on the draft report into access to justice and the legal system in Australia

Professor Gordon Anthony

Professor Gordon Anthony visited the ANU from Queen’s University Belfast to talk to students and staff about his work in prisoner advocacy in Northern Ireland, in particular concerning prisoners who were classified by the government as domestic



terrorists. He delivered two public lectures for the ANU community at large, and one student workshop for the Prison Issues Project team. All were well attended, and Professor Anthony was delighted with the level of engagement and assistance from the Law Reform for Social Justice team.

Utopia Screening

Law Reform and Social Justice were delighted with how many members of the community attended our screening of John Pilger’s *Utopia* and the Q&A session with Jon Altman, Tjanara Goreng Goreng and Asmi Wood that followed the film. A poignant Q&A session, chaired by Frank Gafa raised issues from Constitutional Recognition to a treaty, and what community members can do to work with Aboriginal and Torres Strait Islander people to raise awareness and achieve positive change. The event was attended by around 200 members from the ANU and wider ACT community.



Professor Jon Altman speaking at the Utopia Q&A

UPCOMING EVENTS

In the second half of the year, LRSJ will continue holding interesting events. On 12 August, LRSJ will jointly host a panel on **commercial law and social justice** with the Centre for Commercial Law at the ANU. On 19 August, **the Hon. Michael Kirby** will deliver a lecture on human rights in North Korea, based on his findings as Chair of the UN’s Commission of Inquiry on Human Rights. In semester two, we will also host **Professor Larissa Behrendt** and screen her documentary about the Bowraville murders, *Innocence Betrayed*.

Recordings of some of our events are available at our website:

> law.anu.edu.au/lrsj/events

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