



# Open Hand

## FROM THE DIRECTOR

### **A place for social justice in legal education?**

I have been thinking about the ways we can understand 'social justice' in law, principally for a book chapter I am writing on clinical legal education.

Social justice is a widely used term, usually undefined and at times contested, meaning different things to different people; Hayek notoriously dismissed it as having no meaning whatsoever. Across disciplines such as nursing, public health, law and economics, its generally accepted meaning is a state of fairness and equity; but of course ideas of what is fair will play out differently for different disciplines and in different circumstances.

The term 'social justice' has a long history, associated, for example, with the teaching of the Roman Catholic Church since the early 19th century, and with the organised labour movement since later in the same century. More recently, especially after Rawls's seminal *A Theory of Justice*, a general, contemporary, idea of social justice usually entails the provision to all people of basic human needs, equal enjoyment of human rights, and some redistribution of resources to maximise the position of the worst off. This idea of social justice is well illustrated in Australia by its association with aspirations for Australia's indigenous peoples.

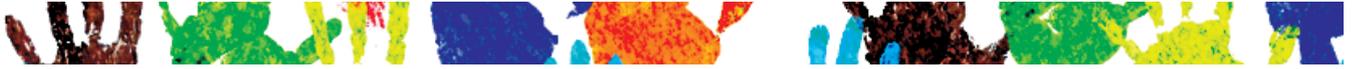
How does law relate to social justice? Research across different disciplines suggests that for lawyers in particular, social justice signifies empowerment of under-represented minority groups, a just ordering of society, and a process of remedying of oppression. Questions, then, are the extent to which the relationship between law, disempowerment and oppression is, and ought be, addressed in a legal education curriculum. Are these questions that are addressed only in specialist, elective courses, or do they have a place in the core curriculum?

**Simon Rice, Director of Law Reform and Social Justice**

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## SOCIAL STUDENT PROJECTS

### Global Corporate Power

By the end of semester one, the Global Corporate Power project had completed their research into the power players of the consumer electronics, hotels and motels, mining and automotive industries. In semester two, twenty students were involved with the project, including ten new members. Half the team has been working on compiling a document which will provide information on the project, its methodology and how students have been involved. The other half of the team has been researching the power players of the pharmaceuticals and fossil fuels industries.

### Apparel Retail Industry

Today, the modern apparel retail industry is largely dominated by what has been termed 'fast fashion' companies. Leading the way in this form of apparel retail is Spanish giant Inditex Group. Although operating in only 88 countries, Inditex dominates the industry with over 6 400 stores worldwide. What is surprising is that within the apparel retail industry, there is in fact no company that is truly global in nature, in the sense of operating in 150 countries or more. Instead, the global presence of corporations in the apparel retail industry appears to be more dependent on the total number of stores corporations have in the major geographical markets of the world than on the number of countries it has operations in.

Written by: Abigail Tang En-Ping

**Team leader in 2014:** Jola Olender

**Faculty advisor:** Dr Kath Hall

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W [law.anu.edu.au/lrsj/global-corporate-power-project](http://law.anu.edu.au/lrsj/global-corporate-power-project)

### Community Legal Education

In semester one, the Community Legal Education team developed two new lesson plans for CLE sessions in high schools, to add to the lesson plan on police powers. After gathering feedback from schools visited last year on what topics in law young people wanted to know more about, the team created lesson plans on employment law, and on law relating to sex, drugs and alcohol. At the start of semester two, LRSJ invited CLE training expert Professor Jeff Giddings of Griffith University to workshop the lesson plans with the team and to provide valuable guidance to many who were new to working in CLE.

The project had a very successful second semester. The project expanded has its program to cover additional schools, and delivered CLE lessons to Gold Creek School, Trinity Christian School and Marist College Canberra. The team



*CLE project students at Gold Creek School.*

developed and produced flyers for the employment law class plan to consolidate the lesson for the high school students.

**Team leaders in 2014:** Lara Strelnikow & Alexander Ferguson

**Faculty advisor:** Prof Simon Rice, Prof Paul Maharg, Dr Mark Nolan & Pauline Thai

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### Police Integrity

During second semester, the Police Integrity project team has been compiling its research into a report which provides a comprehensive account of the mechanisms governing police accountability in every jurisdiction in Australia. The report will be published on the project website, and provides a basis for more detailed research next year.

**Team leader in 2014:** Benjamin Smith

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### Ready 4 Recognition

In semester one, the Ready 4 Recognition team stepped up their community education sessions, and held roundtable discussions at Burgmann College at the ANU, as well as developing and delivering presentations for high school students at Dickson and Daramalan Colleges. In second semester the team collaborated with Oxfam ANU to host a panel discussion on Recognition and Reconciliation week, featuring Dr Ryan Goss (ANU constitutional law expert), Dr Asmi Wood (National Centre for Indigenous Studies), Tamika Townsend (Reconciliation Australia), Bhiemie Williamson (Australian Institute of Aboriginal and Torres Strait Islander Studies and affiliated with Recognise) and Julie Evans (ANTaR). The discussion had over 100 attendees in an unusually silent and rapt ANU Bar.

The team has continued to run community education sessions on constitutional recognition, and has been working on a video on Constitutional recognition with a grant from the ANU Postgraduate and Research Student Association's Student Extracurricular Enrichment Fund.

**Team leaders in 2014:** Karina Curry-Hyde & Deborah Mak  
**Faculty advisor:** Lauren Butterly

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## Human Rights

Students involved in the ACT Human Rights Act project continue to diligently monitor and summarise recent court and tribunal decisions relating to the *Human Rights Act 2004* (ACT) and uploading them to the online ACTHRA Portal freely accessible to anyone wishing to find out about human rights jurisprudence in the ACT. The Portal has also begun issuing bi-annual newsletters with updates on recent decisions, which are available to those who sign up to the mailing list on the Portal website.

> [acthra.anu.edu.au](http://acthra.anu.edu.au)

**Team leader in 2014:** Shan-Verne Liew

**Faculty advisors:** Dr Amelia Simpson, Anne Macduff, Kate Ogg, Kevin Boreham, Lauren Butterly, Molly O'Brien and Dr Ryan Goss

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## Prison Issues

2014 has been a year of firsts for the Legal Literacy Program visitors to the AMC.

For the first time in the history of the program, we were unexpectedly offered the chance to work in the women's section of the prison in semester one. We commenced the first of our six sessions the week after the ACT Human Rights Commission Audit of the experience of detention for women at the AMC was released:

> [hrc.act.gov.au/res/HRC%20Womens%20Audit%202014.pdf](http://hrc.act.gov.au/res/HRC%20Womens%20Audit%202014.pdf)

The team (Ronan Casey (team leader), Jemma Norris, Mallory Wankel, Roisin Carmody, Stefanie Schweiger, Tara Mulholland and Mark Nolan) offered sessions on law reform (euthanasia), international law, human rights law, discrimination law (including criminal records and spent convictions), and sentencing law (again utilising the engaging 'You Be the Judge' material from the Victorian Sentencing Advisory Council:

> [sentencingcouncil.vic.gov.au/you-be-the-judge](http://sentencingcouncil.vic.gov.au/you-be-the-judge)

We met and worked with a total of nine different women over the course of the program.

In semester two, for the first time the team (Roisin Carmody, Michael Fortson, Isabel Roper, Tristan McCall, Stephanie Corrish, and Mark Nolan) were offered the chance to teach the Legal Literacy Program as a compulsory session in the busy alcohol and other drugs rehabilitation program run in the Solaris Therapeutic Community by Karralika staff and plain clothed ACT Corrective Services staff.

> [solaris.act.gov.au/resources/uploads/Solaris/Solaris\\_Program\\_Information.pdf](http://solaris.act.gov.au/resources/uploads/Solaris/Solaris_Program_Information.pdf)

> [karralika.org.au](http://karralika.org.au)

This involved teaching in the actual Solaris cottage accommodation rather than the standard programs rooms elsewhere in the prison.

Take the virtual tour of that cottage:

> [solaris.act.gov.au](http://solaris.act.gov.au)

We worked with a total of 17 different men. At times it was obvious what level of commitment is required to manage abstinent life (one breach and you are out, usually) in a program-rich, communal, self-catered cottage environment such as the Solaris cottage. Detainees often enter the Solaris program 4–6 months before being paroled or before the end of a sentence. Topics taught included law reform (focusing on the one punch laws in NSW) and prisoner voting rights, torts (negligence and defamation), discrimination law (including age discrimination, criminal records and spent convictions), sentencing law, and human rights law (focusing on the Foreign Fighters Bill).

Again in 2014 we were most impressed by the knowledge, engagement, and legal curiosity of the AMC participants. Both of the 2014 visiting teams were enthusiastically received by the AMC learners and were praised for their professionalism, knowledge, accessible presentations and discussions, obvious preparation and open-minded and balanced facilitation of all discussion sessions. All AMC participants were touched by the concept of ANUCoL volunteer students from the LRSJ program selflessly giving their time and knowledge to AMC detainees. AMC and ACT Corrective Services staff again thanked the ANUCoL LRSJ program for working with AMC clients in 2014 in the way we do; all topped off for the participants by presentation of participation certificates from the ANU at the end of the program.

Applications to join the semester one 2015 visits team will open in the first few weeks of semester one 2015, so please monitor the LRSJ Facebook page.

*Mark Nolan (very proud and impressed Faculty Advisor)*

**Team leaders in 2014:** Ronan Casey & Roisin Carmody

**Faculty advisor:** Dr Mark Nolan

#### More information

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W [law.anu.edu.au/lrsj/prisonissuesproject](http://law.anu.edu.au/lrsj/prisonissuesproject)

## New Projects

LRSJ has three new student projects in the pipeline.

*An Innocence Project* team has been investigating different models for university student-led innocence projects, which work to overturn unjust convictions, and working on modelling one that could work at the ANU.

Another student is looking into a *Human Rights Communication* project, which will assist those wishing to make communications to the United Nations Human Rights Committee, and has met with lawyers experienced in the field to discuss the potential models and logistics of such a project.

LRSJ has also started an *InfoHub* project, which aims to be a web-based portal of plain-language legal information and research on topical issues written by law students. Teams of students have started researching, working with the Welfare Rights and Legal Centre, the Tenants Union ACT and the Women's Legal Centre to discuss their legal information needs. This project utilises what law students do best – researching and producing information on the law – and hones their communication skills.

## EVENTS

LRSJ events in semester one had a decidedly international flair with many of our guests hailing from overseas and discussing topics such as prisoner advocacy and terrorism in Northern Ireland and the death penalty and group trials during the final years of the apartheid regime in South Africa. We also screened the documentary film *Utopia*, which has drawn international attention to the continuing problems of Indigenous policy in Australia.

This semester, LRSJ continued to hold a variety of interesting events. We started off with a **commercial law and social justice** panel, held in conjunction with the Centre for Commercial Law at the ANU. The panel featured **Sophie Ryan**, CEO at Sony Foundation Australia, **Nick Kitchin** of Ken Cush & Associates and **Jeremy Boland** of the ACT Corrective Services. The panellists dispelled the myth that commercial law has no relevance to aspirations to make the world a better place, and showed that it has in fact formed an integral part of their careers in areas of social justice.



*The Hon. Michael Kirby speaking on North Korea*

**The Hon. Michael Kirby** delivered a lecture on Human Rights in North Korea in August, detailing the common law methodology behind the UN Commission of Inquiry on Human Rights' approach to fact-finding and making a passionate and reasoned argument as to why abuses of human rights by states must continue to be exposed.

The video and transcript of the speech is available at:

- > [law.anu.edu.au/events/lrsj/hon-michael-kirby-human-rights-north-korea](http://law.anu.edu.au/events/lrsj/hon-michael-kirby-human-rights-north-korea)



*Professor Simon Rice and Professor Larissa Behrendt from the *Innocence Betrayed* screening*

Our final event of the year was a screening of *Innocence Betrayed*, a feature length documentary about the murders of three Aboriginal children in the rural town of Bowraville, NSW, and the long aftermath of the unresolved cases as the families continue to fight for justice. Director of the film, **Professor Larissa Behrendt**, gave a Q&A afterwards.

The video is available at:

- > [law.anu.edu.au/events/lrsj/film-screening-innocence-betrayed](http://law.anu.edu.au/events/lrsj/film-screening-innocence-betrayed)

## LRSJ INTERNSHIPS

Each semester, and over summer, students in the course LAWS2220 *Law Internship* have the option of interning with LRSJ. So far this year, we have been very fortunate to have two enthusiastic and hard-working interns who have produced valuable research on law reform and social justice issues:

- > Stefanie Schweiger, 'Get Your Rosaries Off My Ovaries: A Proposal For Exclusion Zone Legislation Around Abortion Service Providers In The Australian Capital Territory'
- > Louisa Hermitage, 'Special Measures – What Place In The Australian Racial Discrimination Act?'

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*Compiled by LRSJ manager Justine Poon*