



# Open Hand

## FROM THE DIRECTOR

A few weeks ago I received an email from a student, saying *'I am passionate about social justice, and wish to work to improve the status of women. However, I am struggling to see how the law can achieve more subtle social reform, for example break social biases that perpetrate gender inequality'*.

It is indeed a struggle to see how law can achieve social change, and there is not much in a conventional law school curriculum that offers an answer. In fact, the conventional law school curriculum is a large part of the struggle. Mere doctrinal knowledge serves only to sustain and replicate the inequitable power relations that are entrenched in and by law; law presents as needing change itself more than as an active mechanism for change.

When I spoke to the student about her struggle, I suggested she could see law as merely a tool, an option, which will be useful at times, not useful at others, and often not as useful as lawyers think it is.

In a similar vein I was speaking recently to a young psychologist who was thinking about studying law 'so I can be a human rights advocate'. I suggested that he might skip the law, and be a human rights advocate anyway. While lawyers have certain skills, those skills are neither unique to lawyers nor essential to human rights advocacy. Many more human rights advocates in the world are not lawyers than are.

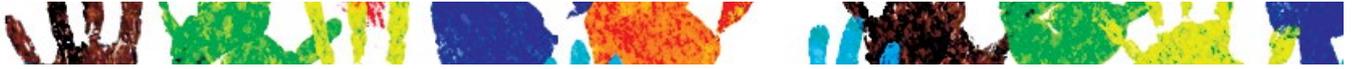
Studying law is a struggle for many at the best of times; seeing a point to it is harder still. One of the reasons we offer law reform and social justice activities such as those described below is to open up to students the possibilities for pursuing justice through law, and to use those opportunities to reflect on law's potential and limitations.

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

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> [facebook.com/pages/ANU-Law-Reform-and-Social-Justice/488124584558320](https://facebook.com/pages/ANU-Law-Reform-and-Social-Justice/488124584558320)





## EVENTS



In September, LRSJ hosted a screening of the documentary **Blackfish**, a film that has proven both controversial and influential in the campaign to release orcas from captivity. This event was followed by a Q&A with **Dr Bidda Jones**, Chief Scientist at RSPCA Australia, and **Professor Paul McGreevy**, Faculty of Veterinary Science at the University of Sydney, chaired by Professor Simon Rice.



In October, LRSJ hosted a public conversation between the **Hon. Gareth Evans** and **Professor Simon Rice**. The Hon. Gareth Evans is the Chancellor of the ANU and a former minister under the Hawke and Keating governments. He is acknowledged as an influential

thinker on the 'responsibility to protect' principle and continues to work on conflict prevention and resolution, arms control and nuclear disarmament.



To continue with the theme of raising discussions about the importance of nuclear disarmament, LRSJ hosted a screening of the documentary **The Man Who Saved the World**, about the crucial decision that

Stanislav Petrov made in 1983, following his gut feeling to convince the Soviet armed forces that an alarm on their nuclear early warning centre was false and did not merit retaliation. After the screening Professor Simon Rice chaired a Q&A with **Associate Professor Tilman Ruff AM**, the Founding Chair of the International Campaign to Abolish Nuclear Weapons and Co-President of the Nobel Peace Laureate International Physicians for the Prevention of Nuclear War, and **Dr Sue Wareham OAM**, the Vice-President and ACT Coordinator of the Medical Association for Prevention of War (Australia).

Videos of the public conversation with Gareth Evans, and the Q&A with Tilman Ruff and Sue Wareham, are available at:

> [law.anu.edu.au/lrsj/events](http://law.anu.edu.au/lrsj/events).

## STUDENTS' LAW REFORM ACHIEVEMENTS

### Medical use of cannabis

Nick Christodoulou was an LRSJ intern over summer 2014/15. His chosen project was to investigate the legal context within which the ACT could legislate for the medical use of cannabis.



Photo: Tim Grainger

Nick's research paper proposed a legal model whereby cannabis could be cultivated, prescribed by doctors and used by patients in the ACT and identified obstacles that the ACT will need to overcome before legislative amendments authorising medicinal cannabis can be made. Nick reformulated his research paper into a submission to an inquiry

into the medical use of cannabis being conducted by the ACT Legislative Assembly's Standing Committee on Health, Ageing, Community and Social Services. He was invited to give evidence to that inquiry, and his research was widely reported in the news media.

The committee reported in August 2015, referring extensively to Nick's research which was reflected in the committee's recommendation that 'if the ACT acts ... on a medicinal cannabis scheme it needs to address the regulatory concerns raised in this report'.

Nick has since published a version of his LRSJ internship paper: Nicholas Christodoulou, 'Law reform: Medicinal cannabis: A pipe dream?' (2015) 40(3) *Alternative Law Journal*, 204.

> [altlj.org/publications/current-issue/product/933-medicinal-cannabis-a-pipe-dream](http://altlj.org/publications/current-issue/product/933-medicinal-cannabis-a-pipe-dream)

### Abortion clinic protest exclusion zone

Stefanie Schweiger was an LRSJ intern in 2014. She researched and wrote a research paper: 'Get Your Rosaries Off My Ovaries: A Proposal For Exclusion Zone Legislation Around Abortion Service Providers In The Australian Capital Territory'.

The research paper proposed the introduction of exclusion zones around abortion clinics. Stefanie argued that under the Australian Constitution it is permissible to burden the political communication of anti-abortion protesters in order to achieve civil, accessible and rational discourse, and that under the ACT Human Rights Act an exclusion zone is a proportionate limit on the rights of anti-abortion protesters in order to protect the dignity, privacy and security of persons accessing an abortion clinic.



Stefanie Schweiger; Tim Bavinton Executive Director at Sexual Health and Family Planning; Shane Rattenbury MLA; Angela Carnovale, Health Promotion Office at Women's Centre for Health Matters, at the ACT Legislative Assembly.

Working on her research paper, Stefanie became known as somebody with expertise in this area. Womens' rights groups suggested to ACT Greens MLA, Mr Shane Rattenbury, that Stefanie work with his office work to draft a Bill that balances the human rights of women accessing termination services with the protesters' rights to freedom of speech and association.

On 29 October 2015 the Health (Patient Privacy) Amendment Bill 2015 was passed unanimously by the Legislative Assembly.

## LRSJ research: conference presentations

In 2010, one of our first social justice projects was the Prison Issues project, which is still going strong and expanding.

The project was conceived by ANU College of Law tutor and higher degree research student, Jeremy Boland, who was at the time the Official Visitor to ACT's gaol, the Alexander Machonochie Centre.

In November 2015, Jeremy, with current Faculty adviser to the project Associate Professor Mark Nolan, and LRSJ Director Professor Simon Rice, presented a paper to the *Justice Connections 4* conference, reporting on the development of the project and the significant benefits that accrue to both students and inmates.

Their paper will be published in 2016 in a special edition of the open access journal *Laws*.

At the same conference, ANU JD graduate and former LRSJ team leader, Benjamin Smith, gave a paper on research he has done into mechanisms for police accountability, arising out of his work with our Police Integrity Project.

## STUDENT SOCIAL JUSTICE PROJECTS

### Global Corporate Power

The Global Corporate Power Project has researched the size, geographical spread and regulation of global corporations in the banking, insurance, food and beverage, military technology, mining, hotel, pharmaceuticals, automotive and consumer electronics industries.

Project members have now published the research online with the Social Science Research Network (SSRN):

> [papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2675705](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2675705)

In 2016 the Project will expand its activities to investigate, monitor and report on broader issues of corporate accountability in areas of human rights, labour, the environment and corruption.

#### More information

E [lrsj@anu.edu.au](mailto:lrsj@anu.edu.au)

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

## Community Legal Education



The CLE team at Gold Creek School (Nishadee Perera, Grace Soutter, Lara Strelnikow, Abbey Seckerson)

This year the Community Legal Education team continued to deliver legal information at schools in the local community on issues that are of everyday importance to high school students.

The team delivered lesson plans involving quizzes, debates, role plays and other interactive activities to Melba Copland Secondary School, Trinity Christian School, Gold Creek School and Campbell High School. This semester, the team adapted its lesson plans on Police Powers, Employment Law and Drugs for larger groups of students. We delivered the Employment Law lesson to a group of 12 students as well as to 130 students!

As a result of feedback from schools visited throughout the year, the team has begun to develop a lesson plan on the legal aspects of social media. We have also started work on a refugee law lesson plan in collaboration with the Red Cross. The CLE team is continuing to explore the possibility of further partnerships with local community organisations.

#### More information

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

### Human Rights

In 2016 the project continued to update and maintain the ACT Human Rights Act portal (ACTHRA). The team expanded the scope of the Hansard database, which provides excerpts of when the ACT Legislative Assembly and its committees have considered human rights issues. This has significantly increased the amount of information in the database and provides a snapshot of government discourse on human rights in the ACT.

As well, the team compiled a database of Explanatory Memoranda that contains notable consideration of reasonable limits on human rights under s 28 of the Human Rights Act.

Over summer, the team will continue working on case notes and uploading the data.

#### More Information

E [lrsj@anu.edu.au](mailto:lrsj@anu.edu.au)

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

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

## Ready 4 Recognition



*The R4R team brainstorms ideas for the video*

R4R have continued to run community legal education programs with the residential colleges at the ANU, as well as in schools and community centres.

The main focus this year has been the production of an educational video. The team has been working with eminent academics in both constitutional and Indigenous law in order to interview them for inclusion in the video; filming will start in Semester 1, 2016 and the team will be working over the summer in preparation for this.



### More information

E [lrsj@anu.edu.au](mailto:lrsj@anu.edu.au)

W [law.anu.edu.au/lrsj/ready-recognition](http://law.anu.edu.au/lrsj/ready-recognition)

## Prison Issues

ANU students continue to conduct legal literacy sessions at the Alexander Machonochie Centre under the organisation and guidance of faculty advisers Associate Professor Mark Nolan and Dr Anthony Hopkins.

The project has expanded and now has two teams visiting each semester, enabling more students to get involved in what is always a challenging and rewarding program. This semester, over 6 weeks, students presented and discussed with inmates issues of criminal law and sentencing, family law, negligence, sports law, and gang legislation.

One team worked with General Population inmates and the other with the Solaris unit, an intensive drug and alcohol rehabilitation program for inmates towards the end of their sentence.

### More information

E [lrsj@anu.edu.au](mailto:lrsj@anu.edu.au)

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

## InfoHub

The InfoHub project harnesses the keen interest that LRSJ and students have in using their legal research and writing skills to create plain-language legal information for the community.

This year it has continued to evolve organically, working with the Women's Legal Centre and Canberra Community Law.

The team has drafted several factsheets on topics proposed by both centres. The team peer review their research and drafting with each other to get this information ready to share with the community, and post it to the websites of the Global Corporate Power and Human Rights projects.

As well the team is working on opinion pieces in which students write commentary on current legal issues. The project is supported by faculty advisers including Olivia Gesini for family law.

### More information

E [lrsj@anu.edu.au](mailto:lrsj@anu.edu.au)

## LRSJ MEDIA TEAM

The LRSJ Media Team is responsible for the social media and online messaging of LRSJ activities. This includes promoting LRSJ events and activities through the Facebook page and coming up with strategies for how to optimise the impact of the work that our students and projects do.

## INTERNS

Our LRSJ interns this year were

### Alexie Ng

'Should Human Tissue be Property? An Overview of the Regulatory Framework and the Theoretical and Practical Feasibility of the Property Approach'.

### Louise Liu

'The use of Country of Origin Information in Refugee Status Determination: Critical Analysis of the Australian Context'.

> [law.anu.edu.au/lrsj/internships](http://law.anu.edu.au/lrsj/internships)

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*This newsletter was compiled by Justine Poon with contributions from student team leaders.*

