Looking Beyond the Virtual Law Class: Podcasting the Vibe

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FACULTY OF LAW

TE WHARE WĀNANGA O TE ŪPOKO O TE IKA A MĀUI
VICTORIA
UNIVERSITY OF WELLINGTON

ALTA
2016
CONFERENCE

Programme

7-9 July 2016, Wellington, New Zealand

Advancing
Better government
Sustainable economies
Vibrant communities

Law's Role?

First in New Zealand for research quality

Latest PBRF evaluation

Victoria Faculty of Law welcomes you to this year's ALTA Conference in the heart of our capital city – Wellington

Below: Wellington City at dusk with harakeke pods in the foreground. These pods are the symbol for our conference. Details p63.

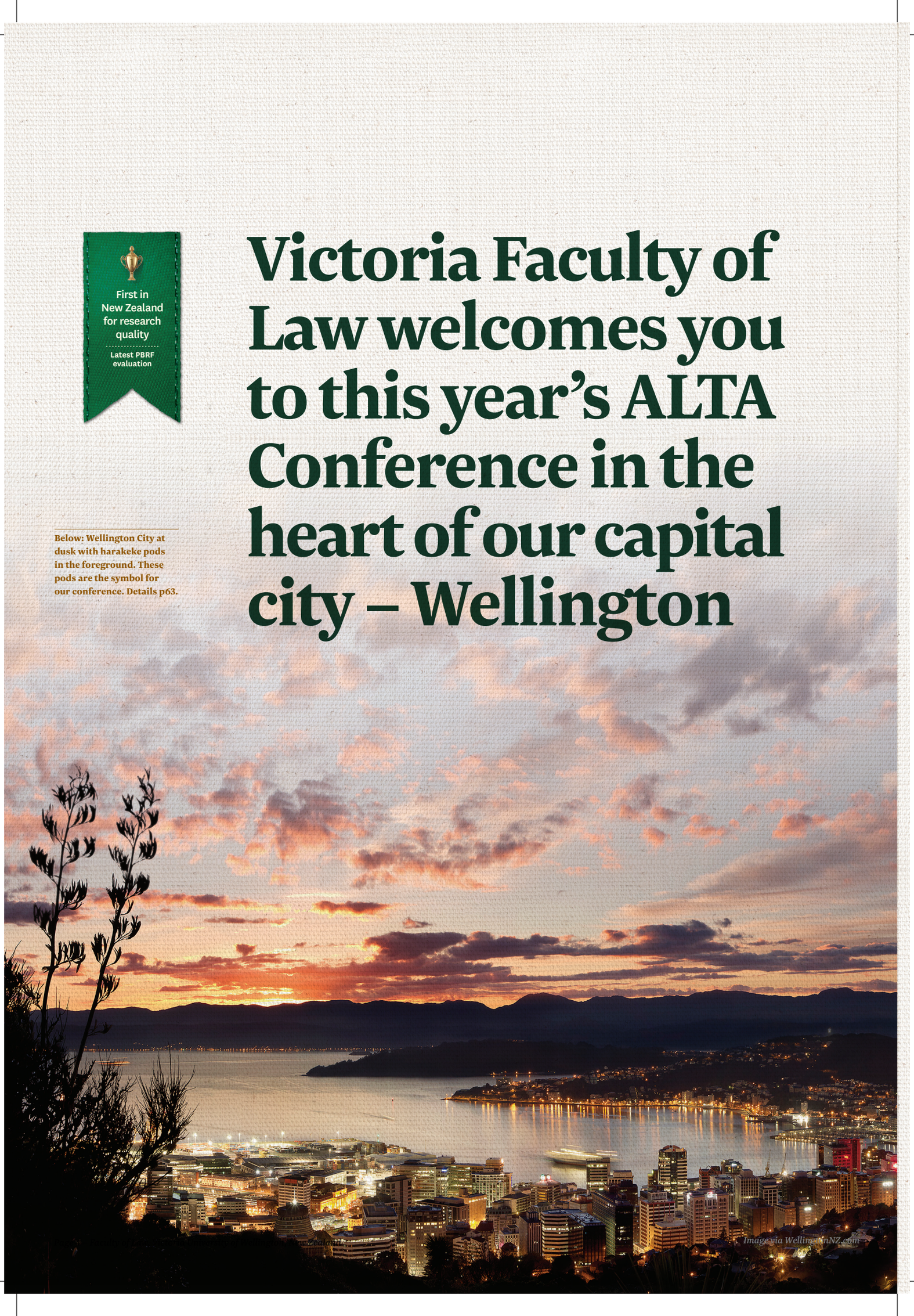


Image via WellingtonNZ.com

Tēnā koutou and welcome

As Pro Vice-Chancellor and Dean of Law at Victoria University of Wellington Faculty of Law, I warmly welcome you to the Australasian Law Teachers Association (ALTA) 2016 Conference.

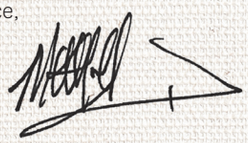
Victoria University of Wellington Faculty of Law is proud to host the annual conference of the Australasian Law Teachers Association (ALTA) in 2016.

Associate Professor Alberto Costi and his fellow ALTA conference organising committee members have done a fantastic job in developing the conference theme and ensuring that the programme of speakers and parallel discussion sessions opens up debate so we can all learn, challenge our ideas and perceptions, and help in shaping the future responsibly.

The theme of *Advancing Better Government, Sustainable Economies, Vibrant Communities: Law's Role?* is very much at the forefront of thinking at Victoria's Faculty of Law.

We are based in the heart of New Zealand's capital city, which you will see and experience through events at Parliament, the Old Government Buildings, the National Museum of New Zealand Te Papa Tongarewa and the waterfront, and addresses by the Attorney-General of New Zealand, Supreme Court Judges and leading scholars, among others.

Enjoy the conference,
Mark Hickford



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Conference theme

Advancing Better Government, Sustainable Economies, Vibrant Communities: Law's Role?

The 2016 ALTA Conference will bring together lawyers from Australasia and beyond and from the four sectors – academia, the public sector, non-governmental organisations and the private sector – at Victoria University of Wellington Faculty of Law on 7-9 July.

Together, we will explore the role of law in promoting good governance, strong and resilient economies mindful of the environment, as well as multicultural, diverse and thriving societies. We will also discuss the role law teachers and scholars should play in forming the next generation of graduates, practitioners, government officials and civil society advisers.

Challenging the role of law invites us to look at ourselves in the mirror: what represents a modern and diverse society, a strong and sustainable economy, a better government? What is the role of lawyers and legal scholars in building the future? Law teachers play a critical role in developing and empowering new graduates to play a responsible, meaningful and influential part in improving our societies. So do practitioners and legal advisers when taking new lawyers under their wings. It is also important for lawyers and scholars, whatever their areas of interest and specialisation, to ensure their research and work is purposeful and insightful and that they understand their activities fit within a wider picture. Shaping, developing and questioning law's role will be addressed from various viewpoints.

Alongside keynote plenary sessions with invited distinguished speakers and world-renowned experts sharing thoughts and insights, parallel sessions will enable us to hear established academics and emerging scholars present their work, and practitioners reflect on issues pertaining to the application of the law. The 30 parallel sessions are testament to the high quality paper and panel proposals received in response to the organising committee's public call. Some are organised around interest groups, enabling them to convene and reflect on particular current issues of relevance, others according to conference sub-themes with papers discussing various aspects of the overall theme. The five symposia are panels proposed and mostly organised by participants themselves on topics of relevance.

With over 100 speakers and many opportunities, including social events, to network in a collegial and friendly atmosphere, the programme promises a highly-engaging and thought-provoking conference!

Engage in the debate, and refresh your mind. Thank you for joining us!

Conference Sub-themes:

From the organisers

ALTA

The Australasian Law Teachers Association (ALTA) is a professional body representing the interests of legal scholars in Australia, New Zealand, Papua New Guinea and the Pacific Islands.

The purposes of ALTA are to further legal education in the region, encourage legal research and the publication of contributions to legal knowledge, and foster cooperation with professional legal associations, law reform agencies and other bodies in the work of law reform.

To become an ALTA member, please complete the Membership Form at www.alta.edu.au/join.aspx – if you have any queries, please contact the Administrator at admin@alta.edu.au.

Thank you for your ongoing support of the Association.

The host

Victoria University of Wellington Faculty of Law is at the heart of the legal, political and central business district of New Zealand's capital.

Steeped in the history of the country's law and policy-making, we offer a unique experience with lively interchange of ideas with government and the legal profession.

Conference Organising Committee

Anna Burtt
Anna Burnett
Alberto Costi
Mark Hickford
Rozina Khan
Dean Knight
Nessa Lynch
Paul Scott
Carol Sorenson
Māmari Stephens
Gordon Stewart
Josie Vidal

Wellington, 1858, New Zealand, by John Bunney. Purchased 1944. Te Papa (1944-0001-2)

Venue information

Parliament Buildings

Address: Molesworth Street, Wellington

All visitors to Parliament have to come through the Parliamentary Service security screening process. This process ensures that Parliament is a safe place for both staff and visitors.

If you require any assistance with the security screening process, please ask one of our Security Officers for assistance. If you have any specific concerns or questions about the security screening process, please contact the Group Manager Precinct Services on +64 4 817 6708.

Following the security screening process, please head towards the registration desk where you will be given your conference pack and lanyard.

Please wear your conference lanyard at all times to confirm you are a delegate at the conference.

Security assistance – Parliament
Please contact the Group Manager Precinct Services on +64 4 817 6708.

Internet Access – Parliament
Wi-Fi will be accessible during the conference. The Wi-Fi network to connect to is "Conference" and the password is "enterALTAC".

Health and Safety – Parliament
In the event of an emergency please follow the directions of the Security staff and Wardens or voice over instructions. In the event of an evacuation, leave by the nearest exit and go to the lawn in front of Parliament House. Contact for the Security Control Room is 04 817 7777.

Law School

Address: Victoria University of Wellington, Old Government Buildings, 55 Lambton Quay, Wellington

Internet Access – Law School
To connect to the Victoria Wi-Fi network please follow the following steps:

1. Connect to 'Victoria' Wi-Fi
2. Open a web browser and navigate to the internet
3. Upon redirection to the Victoria Wireless Portal page, press 'Don't have an account?'
4. Enter your email address and after reading the terms and conditions, tick the 'agree' box
5. Press 'Register', and then 'Sign On' to complete the sign in process.

Health and Safety
In the event of an emergency please follow the directions of the Campus Care staff and Wardens. In the event of an evacuation leave by the nearest exit and go to Bunny Street between the Law School and Rutherford House. Contact for the Campus Care Control Room is 04 463 9999.

Emergency Contact
Ambulance, Fire or Police 111 (when dialling from a University phone press 1 first).

Victoria University, Faculty of Law Map, Pipitea Campus

Transport

Wellington is excellently served by public transport. The main Lambton Interchange for buses is adjacent to Rutherford House. Full timetable information is available at www.metlink.org.nz. If you need a taxi, there are ranks on Lambton Quay – to your left as you exit the main gates of the Law School. To book a taxi call: Corporate Cabs 04 499 4649; or Wellington Combined Taxis 04 384 4444. If you are travelling in a large group, it is much more economical to book a shuttle through Super Shuttle on 0800 748885.

Dinner venues

The Thursday Welcome Reception / Buffet Dinner will be held at Foxglove, 33 Queens Wharf, a 10-minute walk from Victoria's Faculty of Law.

The Friday conference dinner will be held at the Museum of New Zealand Te Papa Tongarewa, 55 Cable Street. It is about a 20-minute walk from the Faculty of Law.

Welcome to a world-leading, capital city Faculty of Law

Victoria University of Wellington Faculty of Law Te Kauhanganui Tātai Ture plays an important role in the intellectual life of New Zealand and beyond.

Victoria University of Wellington, Faculty of Law
Te Kauhanganui Tātai Ture

Located in the Old Government Buildings in downtown Wellington and surrounded by the three branches of government, the Faculty is in the privileged position to inform thinking and lead debate on legal, policy and governance issues that affect all New Zealanders and global citizens.

With its Law School ranked first in New Zealand for research, the Faculty has a long established and internationally recognised reputation for excellence in legal scholarship and research. It is home to scholars of international standing and two key centres of excellence – the New Zealand Centre for Public Law and the New Zealand Centre of International Economic Law. The Faculty has two major research publications, the *Victoria University of Wellington Law Review* and the *New Zealand Journal of Public and International Law*.

We offer degrees at undergraduate and postgraduate levels, including research degrees. Our courses reflect our capital city status and our research strengths. These lie in public law, various areas of private law (intellectual property, contract, taxation, commercial, financial markets), criminal law and justice, international law, Indigenous rights and human rights, Māori law and comparative law.

We have a tradition of fostering strong global links in teaching, research and offering programmes of national significance and international quality.

Our diverse and expert group of distinguished law scholars themselves hold degrees from world-leading universities. Our research-active teachers are involved in law reform initiatives, and in teaching and research fora locally, nationally and internationally. Their work is widely published, both in New Zealand and globally.

The Faculty of Law has a privileged location in New Zealand's largest and grandest wooden building. Built in 1876 to house New Zealand's new central government, the Old Government Buildings were designed to resemble an Italian stone palace. The Old Government Buildings have been restored by the Department of Conservation (DoC), which manages and cares for them as a publically accessible historic reserve. For a few years, the Old Government Buildings also housed the offices of the Supreme Court, formally established in 2004, while its current purpose-built home was being constructed in its immediate vicinity (officially opening in 2010).

Conference programme

Australasian Law Teachers Association (ALTA) Conference 2016
Wellington, New Zealand, 7-9 July 2016

Thursday 7 July 2016			
Time	Title	Details	Location
10.00-10.50	**Registration** and Tea / Coffee		Parliament Buildings (Grand Hall)
11.00-11.15	**Mihi Whakatau** (Māori Welcome)		Parliament Buildings (Banquet Hall, Beehive)
11.15-12.45	**Opening Remarks** Welcome by ALTA President and Victoria University of Wellington (VUW) Pro Vice-Chancellor and Dean of Law Professor Mark Hickford and ALTA 2016 Conference Organising Committee Chair Associate Professor Alberto Costi (VUW)		
	Opening Address The Honourable Christopher Finlayson QC (Attorney-General of New Zealand)	Page 15	
	Plenary Session I **Advancing Better Government** Chair and Commentator: Professor Mark Hickford (Pro Vice-Chancellor and Dean of Law, VUW) Speaker: Professor Sheryl Lightfoot (University of British Columbia)	Page 15	
12.45-13.45	Lunch		Parliament Buildings (Grand Hall)
14.00-15.30	**Parallel Sessions 1A-1F** Parallel sessions / Interest group meetings	Page 10	Old Government Buildings (VUW Law School)
15.30-16.00	Afternoon Tea – Sponsored by LexisNexis (Common Room)		
16.00-17.30	**Parallel Sessions 2A-2F** Parallel sessions / Interest group meetings	Page 11	
17.45-18.45	**Plenary Session II** **Inspirational Voices** Chair: ALTA Honorary Secretary Emeritus Professor David Barker AM (University of Technology Sydney) Panellists: The Right Honourable Sir Geoffrey Palmer KCMG QC (Distinguished Fellow, VUW) The Right Honourable Dame Sian Elias GNZM PC QC (Chief Justice, Supreme Court of New Zealand)	Page 15	Old Government Buildings (Lecture Theatre 1, VUW Law School)
19.00-22.00	**Welcome Reception / Buffet Dinner**		Foxglove Bar & Kitchen (33 Queens Wharf, Wellington)

Friday 8 July 2016

8.20-8.50		**Registration** and Tea / Coffee		Parliament Buildings (Grand Hall)
9.00-10.40		**Plenary Session III** **The Academic Endeavour** Chair and Commentator: Dean and Professor Stephen Bottomley (Australian National University College of Law and Chair of the General Executive of ALTA) Speakers: Dean and Professor Lorne Sossin (Osgoode Hall Law School, York University) The Honourable Dame Susan Glazebrook DNZM (Justice, Supreme Court of New Zealand) The Right Honourable Sir Kenneth Keith ONZ KBE QC (Professor Emeritus, VUW)	Page 16	Parliament Buildings (Banquet Hall, Beehive)
10.40-11.05		Morning Tea – Sponsored by Oxford University Press		Parliament Buildings (Grand Hall)
11.15-12.45		**Parallel Sessions 3A-3F** Parallel sessions / Interest group meetings	Page 12	Old Government Buildings (VUW Law School)
12.45-14.00		Lunch – Sponsored by Thompson Reuters (Common Room)		
		ALTA AGM (Lecture Theatre 1)		
14.00-15.30		**Parallel Sessions 4A-4F** Parallel sessions / Interest group meetings	Page 13	
15.30-16.00		Afternoon Tea – Sponsored by Cambridge University Press (Common Room)		
16.00-17.30		**Parallel Keynote Sessions** **Sustainable Economies** Chair and Commentator: Professor Susy Frankel (VUW and New Zealand Centre of International Economic Law) Speakers: Mr Charles Finny (Saunders Unsworth) Professor Jane Kelsey (University of Auckland) **Vibrant Communities** Chair and Commentator: Mr Hone Harawira (Former Member of the New Zealand Parliament for Te Tai Tokerau) Speakers: Professor Irene Watson (University of South Australia) Professor Jacinta Ruru (University of Otago)	Page 18	Old Government Buildings (Lecture Theatres 1 & 2, VUW Law School)
19.30 for 20.00		**Reception/Conference Dinner** Private access to exhibition *'Gallipoli: The scale of our war'*		Museum of New Zealand Te Papa Tongarewa (Foyer)

Saturday 9 July 2016				
8.45-9.15		Arrival and Tea / Coffee (Common Room)		Old Government Buildings (VUW Law School)
9.15-10.45		**Parallel Sessions 5A-5F** Parallel sessions / Interest group meetings	Page 14	
10.45-11.15		Morning Tea – Sponsored by The Federation Press (Common Room)		
11.15-12.30		**Plenary Session IV** **Public Voices** Chair: Dr Dean Knight (VUW and New Zealand Centre for Public Law) Moderator: Mr Wallace Chapman (Radio and Television Host and MC) Panellists: Ms Melissa Castan (Monash University) Professor Andrew Geddis (University of Otago) Mr Morgan Godfery (Political Commentator) Professor Jane Kelsey (University of Auckland)	Page 19	Old Government Buildings (Lecture Theatre 1, VUW Law School)
12.30-12.40		**Closing Remarks** ALTA 2016 Conference Organising Committee Chair Associate Professor Alberto Costi (VUW) Lunch to Go	Page 20	

Parallel sessions

1

Thursday 7 July 14:00 – 15:30
Old Government Buildings (VUW Law School)

Thursday 7 July 2016					**14:00 – 15:30**
1A **Nurturing our Future through Environmental Law** (Environmental Law Interest Group) GBG07	1B **Governance, Integrity and Accountability** (Constitutional Law Interest Group) (1/2) GBLT1	1C Symposium Panel: **Legal Pluralism in the South Pacific: Implications for Legal Education and Jurisprudence** GBLT2	1D **Rethinking Competition Law?** (Competition and Consumer Law Interest Group) (1/2) GB117	1E **Addressing the Complexities of Law, Teaching and Research** (Legal Research and Communication Interest Group) GBLT3	1F Symposium Panel: **Challenges in Privacy Law** GBLT4
Convenor and Chair **Jacquie Svenson** (University of Newcastle)	Chair **Philip Joseph** (University of Canterbury)	Chair **Tony Angelo** (Victoria University of Wellington)	Chair **Gordon Anderson** (Victoria University of Wellington)	Chair **Rick Sarre** (University of South Australia)	Chair **Nicole Moreham** (Victoria University of Wellington)
Jacquie **Svenson** (University of Newcastle) *The Power of Placement: Law Students and Public Interest Environmental Casework* Richard M **Fisher** (Open Polytechnic of New Zealand) *The Nexus between Environmental Law Education and Better Government in New Zealand, and a Special Place for Distance in its Delivery* Estair **Van Wagner** (Victoria University of Wellington) *Placing Complexity: Place-Based Teaching and Learning as a Tool for Grappling with Complex Legal Issues*	Sascha **Mueller** (University of Canterbury) *The Greater Christchurch Regeneration Bill: Governmental Integrity during Non-Emergency Times* Joan **Squelch** (University of Notre Dame Australia) *When Is Accepting and Failing to Disclose Prohibited Gifts 'Serious Misconduct' but not 'Corruption'? Lessons for Law Students in Accountable Governance* Robin **Woellner** (University of New South Wales and James Cook University) and Julie **Zetler** (Macquarie University) *Electronic Patient Records* – MyHealth: *Deconstructing the 'Royle Review' Recommendations and Government Governance Responses*	Jennifer **Corrin** (University of Queensland) Tamasailau **Suaalii-Sauni** (Victoria University of Wellington) Helena **Kaho** (University of Auckland)	Brenda **Marshall** (Bond University) *Misuse of Market Power in Australia: Should Section 46 of the Competition and Consumer Act Be Amended?* Paul G **Scott** (Victoria University of Wellington) *Legitimate Business Rationale: What Does It Mean?*	Chris **Dent** (Murdoch University) *A New Taxonomy for Research Methods in Law* Mary **Wyburn** (University of Sydney) *Increasing Legal Complexity for Higher Education Institution Researchers* Olivia **Rundle** and Brendan **Gogarty** (University of Tasmania) *Legal Collaboration: Unpacking the Threshold Learning Outcome for Law (TLO 5(b)) in the Complexity of Modern Legal Practice and Legal Education*	Nicole **Moreham** (Victoria University of Wellington) *The New Zealand Tort of Intrusion into Seclusion: How Should It Develop?* Ursula **Cheer** (University of Canterbury) *Some Thoughts on* PJS *and Where Privacy Might Be Going* Gehan **Gunasekara** (University of Auckland) *Privacy through Consumer Law: The Federal Trade Commission Experience in the United States*

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Parallel sessions

2

Thursday 7 July 16:00 – 17:30
Old Government Buildings (VUW Law School)

Thursday 7 July 2016					**16:00 – 17:30**
2A **Tax Law: Contributing Today for Tomorrow's Needs** (Revenue Law Interest Group) GBG07	2B **Issues in Public Law** (Constitutional Law Interest Group) (2/2) GBLT1	2C Symposium Panel: **Legal Remedies for West Papua: Environment and Human Rights** GBLT2	2D **Consumer Law: Why Does it Matter?** (Competition and Consumer Law Interest Group) (2/2) GB117	2E **Law Schools: Evolution and Law's Role** (Legal History Interest Group) GBLT3	2F **Intellectual Property in Evolution** (Intellectual Property Interest Group) GBLT4
Convenor and Chair **Robin Woellner** (University of New South Wales and James Cook University)	Chair **Sascha Mueller** (University of Canterbury)	Chair **Catherine Iorns** (Victoria University of Wellington)	Chair **Kate Tokeley** (Victoria University of Wellington)	Chair **Grant Morris** (Victoria University of Wellington)	Chair **Graeme Austin** (Victoria University of Wellington)
John **Taylor** (University of New South Wales) *Towards a More Sustainable Income Tax Base for Australia* Robin **Woellner** (University of New South Wales and James Cook University) and Julie **Zetler** (Macquarie University) *'Once More into the Breach' – The Burden of Proof in Tax Appeals against Default Assessments* John **Prebble** (Victoria University of Wellington) *The Capital / Revenue Distinction of Income Tax Law Analysed from Perspectives of Hans Kelsen*	Joel **Colón-Ríos** (Victoria University of Wellington) *Deliberative Democracy and the Doctrine of Unconstitutional Constitutional Amendments* Carwyn **Jones** (Victoria University of Wellington) and Craig **Linkhorn** (Crown Law Office, New Zealand) *'All the Rights and Privileges of British Subjects': Māori and Citizenship in Aotearoa New Zealand* John **Hopkins** (University of Canterbury) *This Is the World Calling: The Use of Overseas Case Law in New Zealand's Constitutional Jurisprudence*	Catherine **Iorns** (Victoria University of Wellington) *Legal Remedies for Abuses of Human Rights and the Environment in West Papua* Valmaine **Toki** (University of Waikato) *Decolonisation and West Papua* Pala **Molisa** (Victoria University of Wellington) *Building a Movement for West Papua: Steps Taken and Lessons Learnt*	Alexandra **Sims** (University of Auckland) *An Evaluation of the Effectiveness of the Unfair Contract Terms Law in New Zealand* Matthew **Berkahn** and Lindsay **Trotman** (Massey University) *Misleading or Deceptive Conduct: Some Current Issues* Susan **Carter** and Patty **Kamvounias** (University of Sydney) *Better Government and Clarity in the Law: Do the Inherent Ambiguities in the Australian Consumer Law Matter?*	David **Barker** (University of Technology Sydney and Macquarie University) *70 Years of ALTA in the Furtherance of Legal Education in Australasia and of the Work and Interests of University Law Schools* Cheryl **Green** (University of Waikato) *Law's Role in Law Schools* Stephen **Colbran**, Anthony **Gilding** and Scott **Beattie** (Central Queensland University) *Massive Open Online Courses (MOOCs) – A Mirage in the Australian Regulatory Environment* Jill **Jones** and Lesley **Francey** (Manukau Institute of Technology) *Role of Law Teachers in Raising Awareness of the Implications of Insecure Work for Both Academic Freedom and Good Faith Bargaining*	S Che **Ekaratne** (University of Canterbury) *The Role of Law with Regard to Unauthorised Surveillance-Related Activities in New Zealand* Jonathan **Barrett** (Victoria University of Wellington) *Time to Look Again? Copyright and Freedom of Panorama* Chris **Dent** (Murdoch University) *Patents since the 16th Century: The Evolving Processes as a Form of 'Punctuated Equilibrium'*

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Parallel sessions

3

Friday 8 July 11:15 – 12:45
Old Government Buildings (VUW Law School)

Friday 8 July 2016					**11:15 – 12:45**
3A **Challenging Company Law Concepts** (Company Law Interest Group) GBG07	3B **Conceptualising South Pacific Law** (South Pacific Legal Studies Interest Group) (1/2) GBLT1	3C **Planning, Land, Tenure and Rent: Risks and Implementation Challenges** (Property Law Interest Group) GBLT2	3D **Legal Challenges of Technological Innovations** (Law and Computers Interest Group) GB117	3E **Developing Lawyers: Why and How?** (Legal Education Interest Group) (1/2) GBLT3	3F **Fostering Humanity by Various Means** (International Law Interest Group) GBLT4
Acting Convenor and Chair **Helen Anderson** (University of Melbourne)	Chair **Tony Angelo** (Victoria University of Wellington)	Chair **Mark Bennett** (Victoria University of Wellington)	Convenor and Chair **Alexandra Sims** (University of Auckland)	Chair **David McLauchlan** (Victoria University of Wellington)	Chair **Vernon Rive** (Auckland University of Technology)
Helen **Anderson** (University of Melbourne) *Sunlight as the Disinfectant for Phoenix Activity* David **Parker** and Angelo **Veljanovski** (Victoria University, Melbourne) *Crowdfunding / Crowdsourcing: What Is It, What Is Proposed and How Does It Fit in with Company Law?* John David **Horsley** and M Daud **Ahmed** (Manukau Institute of Technology) *The Limited Liability Company in the 21st Century: In Search of a New Paradigm* Robin **Bowley** (University of Technology Sydney) *Addressing the Challenges that Students Face in Learning Business Concepts in Corporate Law*	Don **Paterson** (University of the South Pacific) *The Constitutionality of Custom Land Dealings in Vanuatu* Guy **Powles** (Monash University) *The Head of State and the Legislature: The Power of Veto in Pacific Island States and the Case of Tonga* Jennifer **Corrin** (University of Queensland) *Exploring the Deep: Looking for Strong Legal Pluralism in the South Pacific*	Amy **McInerney** (Griffith University) *Planning – A Risky Business?* Mark **Bennett** (Victoria University of Wellington) *Achieving Security of Tenure in Private Residential Tenancies for Generation Rent* Thomas **Gibbons** (McCaw Lewis Lawyers) *The End of Units: Perspectives on Cancellation of Unit Plans*	Mike **French** (Auckland University of Technology) Dixon v R – *What a Load of Hogwarts!* Scott **Beattie** (Central Queensland University) *The Wickedness of the Mob: Regulatory Networks Turn Ugly* Tania **Leiman** and Kimberley **Bilsborow** (Flinders University) *Artificial Intelligence, Robotics and Autonomous Vehicles – Equipping Lawyers for a Fast Changing World* Benjamin **Liu** (University of Auckland) *Machine Learning and the Future of Law*	Lynne **Taylor**, Ursula **Cheer**, Natalie **Baird**, John **Caldwell** and Debra **Wilson** (University of Canterbury) *The Making of Lawyers: Expectations and Experiences of Second Year New Zealand Law Students* Kate **Galloway** (Bond University), Mary **Heath** (Flinders University), Alex **Steel** (University of New South Wales), Anne **Hewitt** (University of Adelaide), Mark **Israel** (University of Western Australia) and Natalie **Skead** (University of Western Australia) *A Thinking, Reading, Problem-Solving Nexus: The Smart Casual Approach*	Mary **Keyes** (Griffith University) *Internationalising Family Law* Netta **Goussac** (Pacific Regional Delegation, International Committee of the Red Cross) *Humanity through Knowledge: The Role of Academia in Generating Respect for International Humanitarian Law* Kevin **Riordan** (Harbour Chambers) *The Precautionary Principle of International Humanitarian Law – How Can the Duty to Take 'Constant Care' Be Enforced?*

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Parallel sessions

4

Friday 8 July 14:00 – 15:30
Old Government Buildings (VUW Law School)

Friday 8 July 2016					**14:00 – 15:30**
4A Symposium Panel: **Ten Years On – The Legacy of the Collapse of New Zealand's Finance Company Sector** GBG07	4B **South Pacific Law in Practice** (South Pacific Legal Studies Interest Group) (2/2) GBLT1	4C **Criminal Law: Where to?** (Criminal Law Interest Group) GBLT2	4D **Tort and Contract: Preparing for the Future** (Tort and Contract Interest Group) GB117	4E **Recent Developments in Legal Education** (Legal Education Interest Group) (2/2) GBLT3	4F Symposium Panel: **Teaching Law for the Environment** GBLT4
Chair **Chris Holland** (Buddle Findlay)	Acting Convenor and Chair **Jennifer Corrin** (University of Queensland)	Chair **Nessa Lynch** (Victoria University of Wellington)	Convenor and Chair **Kylie Burns** (Griffith University)	Chair **Rick Sarre** (University of South Australia)	Chair **Celia Haden** (Environmental Protection Authority, New Zealand)
Victoria **Stace** (Victoria University of Wellington) Trish **Keeper** (Victoria University of Wellington) Thomas **Gibbons** (McCaw Lewis Lawyers) Michael **Webb** (Princes Chambers)	Sofia **Shah** (University of the South Pacific) *Factors that Affect Award of General Damages – Pacific Approach* Anita **Jowitt** (University of the South Pacific) *Evolution in Pacific Contract Law: Consistency, Irrationality or the Evolution of Authentic Local Common Law?* Seán Patrick **Donlan** (University of the South Pacific) *Stranger in a Strange Land: Reflections on Legal Study at the University of the South Pacific*	Robin **Palmer** (University of Canterbury) *'If You Could Read my Mind': An Overview of the Emerging Science of Forensic Brain-Scan Analysis (FBSA, aka Brain Fingerprinting), and its Possible Future Application in Legal Procedures in Australasia* Zoe Margaret **McCoy** (University of Canterbury) *The Power of Courts in New Zealand to Reinstate Prosecutions: A Comparison of the Case of* Osborne v Worksafe NZ, *and the Hong Kong Case* D v Director of Public Prosecutions Brianna **Chesser** (Australian Catholic University) *The Problem-Based Learning Curriculum, a 'Flipped Classroom' and the Teaching of the Criminal Law: The Results of a Pilot Study*	Hanna **Wilberg** (University of Auckland) *Complexity at the Faultline between Private and Public Law: Dealing with Public Authority Discretion* David **McLauchlan** (Victoria University of Wellington) *Mitigated Loss or Collateral Benefit?* Francine **Rochford** (La Trobe University) *Environmental Justice and the Possibilities of Tort Law*	David **Barker** (University of Technology Sydney and Macquarie University) *The Swinging Sixties and Beyond – The Influence of the Second Wave University Law Schools on the Development of Australian Legal Education* Deborah **Ankor** and Tania **Leiman** (Flinders University) *Disrupting Legal Education? Flinders Law School's New Online Problem Based Learning (PBL) JD Initiative* Michael **Spisto** (Victoria University, Melbourne) and Christine **Lee** (Federation University Australia) *Virtual Classrooms Are Here to Stay – A Tale of the Inevitable*	Catherine **Iorns** (Victoria University of Wellington) *Three Types of Innovations in Teaching Environmental Law* Vernon **Rive** (Auckland University of Technology) *Digital Technology in Environmental Law Teaching* Nathan **Ross** (Victoria University of Wellington) *A Deep Knowledge Lacuna: Expanding the Training / Doctrine Debate*

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Parallel sessions

5

Saturday 9 July 9:15 – 10:45
Old Government Buildings (VUW Law School)

Saturday 9 July 2016					**9:15 – 10:45**
5A **Business Law, Equity and Trusts in Practice** (Equity and Trusts Interest Group) GBG07	5B **Comparative Law: Influences and Transitions** (Comparative and Asian Law Interest Group) GBLT1	5C **Fostering Vibrant Communities: Reconciling Tradition, Diversity and Globalisation** GBLT2	5D **Dispute Resolution in Practice: Lawyers' Role?** (Dispute Resolution Interest Group) GB117	5E **Fostering Ethics and Skills** (Clinical Legal Education and Practical Legal Training Interest Group) GBLT3	5F Symposium Panel: **Legal Education Active Learning Research Network (LEARN)** GBLT4
Chair **Matteo Solinas** (Victoria University of Wellington)	Chair **John Hopkins** (University of Canterbury)	Chair **Michael Spisto** (Victoria University, Melbourne)	Convenor and Chair **Marilyn Scott** (University of Technology Sydney)	Chair **Gordon Stewart** (Victoria University of Wellington)	Chair **Kylie Burns** (Griffith University)
Mike **French** (Auckland University of Technology) Clayton v Clayton – *Shams and Illusions* Trish **Keeper** (Victoria University of Wellington) *The Competing Objectives of Personal Insolvency and Pension Savings Laws: An Analysis of* Trustees Executors Ltd v The Official Assignee	Jane **Fu** (Deakin University) *Reforming China's Population Policies and the Rule of Law* Roman **Tomasic** and Ping **Xiong** (University of South Australia) *Mapping the Legal Landscape of Chinese Government-Controlled Companies in Australia* Monique **Egli Costi** (New Zealand Centre of International Economic Law) and Alberto **Costi** (Victoria University of Wellington) *Finding Common Ground across Jurisdictions: The Formation and Implementation of International Financial Regulation*	Rick **Sarre** (University of South Australia) *Religious Vilification Laws* Christine **Lee** (Federation University Australia) and Michael **Spisto** (Victoria University, Melbourne) *Sustainable Vibrant Ethnic Communities* Nessa **Lynch** (Victoria University of Wellington) *Judicial Innovations in the District Court of New Zealand – Addressing Inequality and Over-Representation*	Grant **Morris** (Victoria University of Wellington) *Lawyers as Gatekeepers in Commercial Mediation* Susan **Douglas** (University of the Sunshine Coast) *Constructions of Reflective Practice in Dispute Resolution* Narelle **Bedford** (Bond University), Kylie **Fletcher-Johnson** (Bond University) and Justin **Toohey** (Administrative Appeals Tribunal, Australia) *Designing Skills Exercises to Advance Law Student Understanding of Better Client Outcomes and Better Government* Petra **Butler** (Victoria University of Wellington) *International Dispute Resolution in and for Small States*	Anita **Jowitt** (University of the South Pacific) *Advancing Better Government through Teaching Students Practical Policy Engagement* Monica **Taylor** (University of Queensland) *Law & Development – Ethical Considerations for Law Schools* Su **Robertson** and Abdul Rahman Mohamed **Saleh** (Victoria University, Melbourne) *Integrating Externships into the Academic LLB: The Victoria Law School Approach to Clinical Legal Education*	Melissa **Castan** (Monash University) and Kate **Galloway** (Bond University) *Looking Beyond the Virtual Law Class: Podcasting the Vibe* Tammy **Johnson** (Bond University) *Using Online Story Circles to Improve Collaboration and Student Engagement* Melissa **de Zwart** (University of Adelaide) *Lessons from Massive Learning: Using Massive Open Online Courses (MOOCs) in on Campus Courses* Kylie **Burns**, Mary **Keyes**, Joanne **Stagg-Taylor**, Kathryn **van Doore** and Therese **Wilson** (Griffith University) *Active Learning in Law by Flipping the Classroom: An Enquiry into Effectiveness and Engagement*

Details page 52

Keynote and invited speakers

In order of presentation

		Name	Biography	
Opening address		**The Honourable Christopher Finlayson** QC (Attorney-General of New Zealand)	Christopher Finlayson is Attorney-General, Minister for Treaty of Waitangi Negotiations, Minister in Charge of the New Zealand Security Intelligence Service, Minister Responsible for the GCSB (Government Communications Security Bureau) and Associate Minister for Māori Development. He entered Parliament in 2005 as a National Party List Member of Parliament. Following the 2008 election, he assumed the roles of Attorney-General, Minister for Treaty of Waitangi Negotiations and Minister for Arts, Culture and Heritage in the John Key led Government. He became the Associate Minister of Māori Affairs after the 2011 election. Before entering Parliament, he was a lawyer and represented clients in all of New Zealand's courts and	tribunals, including nine appearances in the Privy Council. He practised law in Wellington for 25 years, where he was a partner at Bell Gully from 1990-2002 and thereafter a barrister sole. For many years, he maintained his links to academic life through part-time teaching at Victoria University of Wellington Faculty of Law. He continues to sit on the Rules Committee of the High Court, which regulates court procedures in New Zealand. He served on the board of Creative New Zealand for six years and chaired the Arts Board from 1998-2001. He was also a Trustee of the New Zealand Symphony Orchestra Foundation and a number of other arts organisations.
Plenary session I Advancing Better Government Chair and Commentator		**Professor Mark Hickford** (Pro Vice-Chancellor and Dean of Law, VUW)	Mark Hickford was appointed as Pro Vice-Chancellor and Dean of Law in 2015. In his role, he is responsible for the Faculty of Law's academic programme, ensuring the Faculty maintains and grows its excellent international reputation – in line with the University's strategic goals. He provides leadership to the Faculty of Law in continuing to lead legal thinking on local, national and global challenges. Professor Hickford is a leading Wellington public and Māori law issues specialist who has held a range of senior management and leadership roles in the public and private sectors, including being in the Prime Minister's Policy Advisory Group in the Department of the Prime Minister and Cabinet. He spent eight years as a Crown Counsel at the Crown Law Office, specialising in public law, the Treaty of Waitangi, Crown-Māori relations and natural resources law. During his time in legal practice, he has appeared in the ordinary courts and before specialist jurisdictions such as the Environment Court,	the Māori Land Court and the Waitangi Tribunal. In addition, he worked on a number of Treaty settlement negotiations while in the service of the Crown. With an extensive research and publishing record, Professor Hickford has published on aboriginal title and customary rights, issues related to the Treaty of Waitangi and the history of New Zealand's constitution and laws. His recent book is *Lords of the Land: Indigenous Property Rights and the Jurisprudence of Empire*, published through Oxford University Press in Great Britain and the United States in 2011. Professor Hickford has held visiting positions at Nuffield College, University of Oxford, as well as the New Zealand Centre for Public Law at Victoria University of Wellington. He has been a member of the former Legislation Advisory Committee. Professor Hickford graduated from the University of Auckland with a Bachelor of Arts and a Bachelor of Laws with Honours and holds a Doctorate in Law from the University of Oxford.
Speaker		**Professor Sheryl Lightfoot** (University of British Columbia) *Thinking Outside the Box: The Transformative Potential of Indigenous Rights*	Sheryl Lightfoot (PhD Minnesota) is Canada Research Chair in Global Indigenous Rights and Politics at the University of British Columbia, where she holds a joint academic appointment in First Nations and Indigenous Studies within the Institute for Critical Indigenous Studies as well as in International Relations in the Department of Political Science. She is Anishinaabe, a citizen of the Lake Superior Band of Ojibwe. She came to her academic career with fifteen years' prior volunteer and contract experience with a number of American Indian tribes and community-based organisations in the	Minneapolis-St. Paul area of the United States, including nine years as Chair of the Board of the American Indian Policy Center, a research and advocacy group. Specialising in Indigenous rights and politics, especially at the global and transnational levels, she is the author of *Global Indigenous Politics: A Subtle Revolution*, which was published earlier this year by Routledge Press. She is currently engaged in a major multi-national comparative study of state apologies to Indigenous peoples that examines the delivery of apologies as well as their political and policy context.
Plenary session II Inspirational Voices Panel Reflections on Legal Education and the Legal Profession Chair		**Professor David Barker** AM (Emeritus Professor, University of Technology Sydney)	David Barker is Emeritus Professor of Law at University of Technology Sydney (UTS) and a full-time PhD Student at Macquarie University. He is the Honorary Secretary of ALTA, and Secretary and Foundation Fellow of the Australian Academy of Law. He has held many other positions, including Secretary, Chair and President of ALTA, former Chair of the Council of Australian Law Deans (CALD), Member of the New South Wales Legal	Profession Admission Board, Editor of *ALTA Research Series*, *Legal Education Digest* and *Cavendish Essential Law Series* and Co-Editor *Law Asia*. He is a former Dean, Law Faculties of UTS and University of Westminster (United Kingdom), and Past President of the City of Sydney Law Society. 2016 will mark the 27th successive year he has presented one or more papers at an ALTA Conference.

		Name	Biography	
Panellist		**The Right Honourable Sir Geoffrey Palmer** KCMG QC (Distinguished Fellow, VUW)	Sir Geoffrey Palmer QC was admitted as a solicitor in 1965 and to the Bar in 1966 and practised in Wellington with O'Flynn and Christie before taking up a British Commonwealth Fellowship to the University of Chicago where he graduated JD cum laude in 1967. He was a Law Professor in the United States and New Zealand for some years before entering politics as the Member of Parliament for Christchurch Central in 1979. In Parliament, he held the offices of Attorney-General, Minister of Justice, Leader of the House, Deputy Prime Minister and Prime Minister. He was Minister for the Environment from 1987-1990. He holds four honorary doctorates.	On leaving politics in 1990, he was a Law Professor at the University of Iowa and Victoria University of Wellington. In 1994, he became a Foundation Partner of Chen & Palmer Public Law Specialists where he remained until 2005, when he was appointed President of the Law Commission, a position he occupied until 2010. During that period, he also chaired the Legislation Advisory Committee. He has appeared extensively in the superior courts, including the Privy Council. He has written extensively on the parliamentary reform and the legislative process.
Panellist		**The Right Honourable Dame Sian Elias** GNZM PC QC (Chief Justice, Supreme Court of New Zealand)	The Right Honourable Dame Elias is the 12th Chief Justice of New Zealand and the first woman to be appointed to that office. She graduated from Auckland University with an LLB Honours Degree in 1970 and was admitted to the New Zealand Bar the same year. She studied at Stanford University, from which she graduated in 1972 with a Master's Degree in Law. Following her return to New Zealand, Dame Sian worked first as a solicitor and then as a barrister in Auckland. In 1984-1989 she was a member of the Law Commission, working particularly on the reform of company law. In 1988, Dame Sian was appointed a Queen's Counsel. She appeared in a number of significant cases, including cases concerning the Treaty of	Waitangi. She was awarded a Commemorative Medal in 1990 in recognition of services to the legal profession. In 1995, Dame Sian was appointed Judge of the High Court in Auckland. On 17 May 1999, she was appointed Chief Justice of New Zealand and was made a Dame Grand Companion of the New Zealand Order of Merit. The Chief Justice was appointed a Privy Councillor in 1999 and first sat on the Privy Council in 2001. When in 2003 the Supreme Court Act established a final Court of Appeal in New Zealand, the Chief Justice became the Head of the new Supreme Court. That Court began sitting in July 2004.
Plenary session III The Academic Endeavour Chair and Commentator		**Professor Stephen Bottomley** (Dean of Law, Australian National University)	Professor Stephen Bottomley is Dean of the ANU College of Law at the Australian National University, and is the current Chair of the General Executive of the Australasian Law Teachers Association. He is a Fellow of the Australian Academy of Law. His teaching record covers postgraduate and undergraduate courses in corporate and takeovers law; and corporate governance. His primary research interests are corporate law, with a particular focus on corporate governance,	accountability in the private and public sectors, and the regulatory and legislative process. He is the author of *The Constitutional Corporation*: *Rethinking Corporate Governance* (2007), and co-author of *Law in Context* (4th ed, 2012), *Corporations Law in Australia* (2nd ed, 2002), and *Directing the Top 500 - Corporate Governance and Accountability in Australian Companies* (1993). He is also co-editor of, and contributor to, *Commercial Law and Human Rights* (2002), and *Interpreting Statutes* (2005).

		Name	Biography	
Speaker		**Professor Lorne Sossin** (Dean of Law, Osgoode Hall Law School, York University) *Legal Research as Experiential Education; Law School as Social Innovation*	Lorne Sossin (BA (McGill), MA (Exeter), PhD (Toronto), LLB (Osgoode), LLM, JSD (Columbia), of the Bar of Ontario) is a Professor and Dean of Osgoode Hall Law School, at York University and, since 2015, York's Presidential Advisor on Community Engagement. Prior to this appointment in 2010, Professor Sossin was a Professor with the Faculty of Law at the University of Toronto (2002-2010). He is a former Associate Dean of the University of Toronto (2004-2007) and served as the inaugural Director of the Centre for the Legal Profession (2008-2010). His teaching interests span administrative and constitutional law, the regulation of professions, civil litigation, public policy and the judicial process. In 2012 and 2013, Dean Sossin was chosen by *Canadian Lawyer* as one of the 25 Most Influential Lawyers in Canada. Dean Sossin is also the recipient of the 2012 David Mundell Medal for excellence in Legal Writing. Dean Sossin was a law clerk to former Chief Justice Antonio Lamer of the Supreme Court of Canada, a former Associate in Law at Columbia Law School and a former litigation lawyer with the firm of Borden & Elliot (now Borden Ladner Gervais). He holds doctorates from the University of Toronto in Political Science and from Columbia University in Law. Dean Sossin has published numerous books, journal articles, reviews and essays, including *Administrative Law in Context* (2nd ed, Emond Montgomery, Toronto, 2013) (co-edited with Colleen Flood); *Middle Income Access to Justice* (University of Toronto Press, Toronto, 2012) (co-edited with Tony Duggan and Michael Trebilcock); *Boundaries of Judicial Review: The Law of Justiciability in Canada* (2nd ed, Carswell, Toronto, 2012); *The Future of Judicial Independence* (Irwin, Toronto, 2010) (co-edited with Adam Dodek); *Civil Litigation* (Irwin, Toronto, 2010) (co-authored with Janet Walker); and *Parliamentary Democracy in Crisis* (University of Toronto Press, Toronto, 2009) (co-edited with Peter Russell). Dean Sossin served as Research Director for the Law Society of Upper Canada's Task Force on the Independence of the Bar, and has written commissioned papers for the Gomery Inquiry, the Ipperwash Inquiry, the Goudge Inquiry, the Canadian Judicial Council, the Privy Council Office, and the Office of the Privacy Commissioner. He also serves on the Boards of the Osgoode Society, the Canadian Institute for the Administration of Justice, the Law Commission of Ontario, and is Vice Chair of the Ontario Health Professions Appeal and Review Board and Health Services Appeal and Review Board. Dean Sossin served as Interim Integrity Commissioner for the City of Toronto in 2008-2009, and is currently the Open Meeting Investigator for the City of Toronto. In July 2015, Dean Sossin became Chair of the Board of the Developmental Disability Service Agency, Reena.
Speaker		**The Honourable Dame Susan Glazebrook** DNZM (Justice, Supreme Court of New Zealand) *Academics and the Supreme Court*	Justice Susan Glazebrook is a judge of the Supreme Court of New Zealand. She was appointed to that Court in August 2012 after serving ten years as a Court of Appeal judge and two years as a High Court judge. Before her elevation to the Bench, Justice Glazebrook was a partner at a national law firm and served on a number of commercial boards and government advisory committees. She has a particular interest in the Asia/Pacific region and in 1998 was the President of the Inter-Pacific Bar Association, an organisation of business lawyers in the region. From 2002 to 2010, she was a member of the Advisory Council of Jurists for the Asia-Pacific Forum of National Human Rights Institutions. She chaired the New Zealand Institute of Judicial Studies from 2007 to 2012 and is currently a Vice President of the International Association of Women Judges. In 2014, Justice Glazebrook was awarded the DNZM (Dame Companion of the New Zealand Order of Merit) for services to the Judiciary.
Speaker		**The Right Honourable Sir Kenneth Keith** ONZ KBE QC (Professor Emeritus, VUW) *The Academic Endeavour: 1956-2016*	Sir Kenneth Keith was for many years a member of the Faculty of Law of the Victoria University of Wellington, to which he has now returned. Later, he was a member and president of the New Zealand Law Commission, a judge of the Court of Appeal and Supreme Court of New Zealand and a judge of the International Court of Justice in The Hague.	He was also a member of the Legal Division of the Department of External Affairs and the United Nations Secretariat in New York, a Judge of Appeal in various Pacific countries, a member of the Judicial Committee of the Privy Council in London and an international arbitrator.

		Name	Biography	
Parallel session Sustainable Economies Chair and Commentator		**Professor Susy Frankel** (VUW and Director, New Zealand Centre of International Economic Law)	Susy Frankel is Professor of Law and Director of the New Zealand Centre of International Economic Law at Victoria University of Wellington, New Zealand. She is also Chair of the Copyright Tribunal (New Zealand). She is President of the International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP). In 2013-2014, she was a Senior Fulbright Scholar and Senior Hauser Global Research Fellow at New York University Law School. She has been a visiting Professor at the University of Haifa, University of Iowa, University of Western Ontario and Fellow of Clare Hall and visitor to the Centre for Intellectual Property and Information Law, University of Cambridge (United Kingdom). She has published widely on the nexus between international intellectual property and trade law,	and particularly focusing on international treaty interpretation and the protection of traditional knowledge. Susy's research extends to regulatory theory and particularly the impacts of international trade on regulatory autonomy over knowledge assets and innovation. She was Project Leader of the New Zealand Law Foundation Regulatory Reform Project (funded to NZ$2million) from 2011-2013. She was specialist intellectual property adviser to the Waitangi Tribunal on the Wai 262 claim. Susy qualified as Barrister and Solicitor of the High Court of New Zealand in 1988 and as a Solicitor of England & Wales in 1991, and has practised law in both jurisdictions.
Speaker		**Charles Finny** (Partner, Saunders Unsworth) *Law, Open Economies and Economic Development*	Charles Finny is a partner in the Wellington based Government Relations practice Saunders Unsworth. He acts for a range of clients on the infrastructure, education and international trade space. He is Chair of Education New Zealand and is on the Boards of New Zealand Trade and Enterprise, the New Zealand Film Commission, and Woolyarns Ltd. He served for eight years on the Victoria University of Wellington Council. In his spare time, he tries to be as active as possible in the international trade space. This has included	the negotiation of free trade agreements (Charles negotiated two generations of CER (Closer Economic Relations Agreement between New Zealand and Australia), the Singapore, Taiwan FTAs (Free Trade Agreements) and was lead negotiator for the early part of the China FTA negotiation). Charles is a regular media commentator on international trade issues and participates in a number of academic seminars and Track Two Dialogues each year in New Zealand and overseas, speaking on international trade topics.
Speaker		**Professor Jane Kelsey** (University of Auckland) *The End of the 'End of History' and Prospects for a Post-Neoliberal Paradigm*	Jane Kelsey is a Professor at the Faculty of Law at the University of Auckland, where she specialises in international economic regulation and law and policy. A critical scholar, her recent research and publications have centred on the Trans-Pacific Partnership (TPP) Agreement and other mega-regional agreements,	and on a progressive transformation from financialised capitalism and the neoliberal regime in the context of financial crises (*The FIRE Economy. New Zealand's Reckoning*, published in 2015 by Bridget Williams Books).
Parallel session Vibrant Communities Chair and Commentator		**Hone Harawira** (Former Member of the New Zealand Parliament for Te Tai Tokerau)	Hone Pani Tamati Waka Nene Harawira is a Māori Activist. He is also the leader of the MANA Movement. He joined Ngā Tamatoa in the early 1970s, got arrested at Bastion Point, led the He Taua Fight against Racism, led the Waitangi Action Committee campaign for Treaty rights, led the Patu Squad during the Springbok Tour and called Bishop Tutu as his witness … and won! Hone led the Kawariki through the 1980s, unveiled the Tino Rangatiratanga flag in 1990, met Nelson Mandela in 1995, and led the Foreshore & Seabed March in 2004. He has also visited the New People's Army in the Philippines, attended the International Indian Treaty Council, helped stop the bombing of	Kaho'olawe, and participated in numerous Indigenous gatherings around the world. Hone entered Parliament in 2005, where he led the campaign to make Aotearoa Smokefree by 2025, the Feed the Kids campaign and a campaign to support Aboriginal land rights. Hone has wide tribal connections throughout Tai Tokerau. His mother is Ngāti Hau, Ngāti Wai, Ngāti Hine and Ngāpuhi, and his father is from Aupouri, Ngāpuhi and Ngāti Whatua. Hone's wife Hilda is from Ngāti Whatua and Te Rarawa. They have seven children, six mokopuna and two mokomoko. They live in the far north, where Hone is back working for his people.

		Name	Biography	
Speaker		**Professor Irene Watson** (University of South Australia) *Reflections on: Indigenous Laws, Epistemologies, Society and the State, in the Making of Vibrant Communities*	Irene Watson belongs to the Tanganekald and Meintangk First Nations Peoples. Their country includes the Coorong and the South East of South Australia. She has worked as a legal practitioner and also been a member of the Aboriginal Legal Rights Movement SA from 1973-2005. As an academic, she has taught at all three South Australian universities. She continues to work as an advocate for First Nations Peoples.	Prior to taking up her position at the University of South Australia in 2008, she was a Research Fellow with the University of Sydney Law School. She was awarded an ARC (Australian Research Council) Indigenous Discovery Award commencing in 2013. The ARC fellowship enabled her to work on the project titled: "Indigenous Knowledge: Law, Society and the State".
Speaker		**Professor Jacinta Ruru** (University of Otago) *Thriving Communities/ Thriving Indigenous Laws: The Hope for Aotearoa New Zealand*	Jacinta Ruru is Professor at the Faculty of Law of the University of Otago. She teaches first year law and upper level courses in Māori Land Law and Law and Indigenous Peoples, and is the Director of Otago's Te Ihaka: Building Māori Leaders in Law Programme (launched 2015). Joining Associate Professor Tracey McIntosh, Jacinta is the new co-Director of Ngā Pae o te Māramatanga, New Zealand's Māori Centre of Research Excellence with a national and international reputation for expertise and innovation in transformative Māori focused multidisciplinary research. Jacinta's more than 90 publications focus on exploring Indigenous peoples' legal rights to own, manage and govern land and water including national	parks and minerals in Aotearoa New Zealand, Canada, United States, Australia and the Scandinavian countries. She has led, or co-led, several national and international research projects, including on the Common Law doctrine of discovery, Indigenous peoples' rights to freshwater and multidisciplinary understandings of landscapes. She writes for several legal publishers, including *Adams' Land Transfer,* and *The New Zealand Legal System: Structures and Processes,* and edits the Brookers *Māori Legislation Handbook*. One of her major new collaborative works is co-editing with Justice Joe Williams a Māori law treatise entitled *Te Akinga: The Māori Dimension of New Zealand Law* (to be published by Thomson Reuters and partly funded by a generous New Zealand Law Foundation grant).
Plenary session IV Public Voices Panel Role and Experience of Speaking About Law and Civics in Public Discourse Chair		**Dr Dean Knight** (VUW and Director, New Zealand Centre for Public Law)	Dean Knight specialises in public law, with scholarly interests across a wide range of topics in constitutional and administrative law. Areas of particular emphasis in his work include judicial review of administrative action, local government and democracy, and constitutional reform. In addition, he maintains an interest in gay and lesbian legal issues, particularly various human rights issues and reforms in this area. Dean graduated from Victoria with LLB(Hons) and BCA degrees, rejoining the Faculty of Law as an academic in 2005 after a number of years in practice in with an Australasian law firm (specialising in litigation, public law and local government). He has completed a PhD at London School of Economics	and Political Science ("Vigilance and Restraint in the Common Law of Judicial Review: Scope, Grounds, Intensity, Context) and an LLM by thesis at the University of British Columbia ("Estoppel (Principles?) in Public Law: The Substantive Protection of Legitimate Expectations"). Dean is one of the directors of the New Zealand Centre for Public Law, a member of Victoria's "Advancing Better Government" steering group, and an executive committee member of the Law and Society Association of Australia and New Zealand, as well serving on the editorial committee of the *New Zealand Journal of Public and International Law*.
Moderator		**Wallace Chapman** (Radio and Television Host and MC)	Wallace Chapman is a radio and television host and MC. Starting out in student radio 95bFM in Auckland, he moved to KiwiFM as breakfast host and then talkback for several years on Radio Live. For the last two and half years, Chapman has presented *Sunday Mornings* on Radio New Zealand National – the highest rating weekend radio show in New Zealand.	Since 2008, Chapman has also hosted the "pub politics" TV show *Back Benches* on PRIME (a sort of *Top Gear* of politics said *The New Zealand Herald*). His interests are wide – from politics and governance, to environmental policy, international relations, as well as style and culture.

		Name	Biography	
Panellist		**Melissa Castan** (Monash University)	Melissa Castan is a Senior Lecturer in the Law Faculty, Monash University. She is also a Deputy Director of the Castan Centre for Human Rights Law, and the National Editor for the *Alternative Law Journal*. She teaches, researches and publishes in the areas of	legal education, constitutional law, and Indigenous legal issues. Her work is available at https://melissacastan.wordpress.com/ and she can be followed on twitter at @mscastan.
Panellist		**Professor Andrew Geddis** (University of Otago)	Andrew Geddis studied law and political studies at Otago University before obtaining an LLM from Harvard Law School. He has taught at the Otago Law Faculty since 2000, being appointed as Professor in 2011. Andrew currently teaches Public Law, Law and the Democratic Process, and Bills of Rights: Theory and Practice. His research interests lie in the field of public law, rights jurisprudence and democratic	theory, with a particular focus on the legal regulation of elections. Andrew is a member of the New Zealand Legislation Design and Advisory Committee External Expert Subcommittee. He is also a prolific media commentator on legal matters and blogs frequently at pundit.co.nz.
Panellist		**Morgan Godfery** (Political Commentator)	Morgan Godfery is a writer and trade unionist based in Wellington. He is the editor of *The Interregnum*, published by Bridget Williams Books in 2016, and an online columnist for *Overland Literary Journal*, a book reviewer for Fairfax and an op-ed contributor to *The Guardian*. Morgan also appears on radio and television as a political commentator and has authored several	academic chapters and journal articles on Māori politics. He graduated in law from Victoria University of Wellington in 2015 and is a strategic advisor at First Union, the second-largest private sector trade union in New Zealand. Morgan is addicted to social media and tweets at @MorganGodfery.
Panellist		**Professor Jane Kelsey** (University of Auckland)	Jane Kelsey is a Professor at the Faculty of Law at the University of Auckland, where she specialises in international economic regulation and law and policy. A critical scholar, her recent research and publications have centred on the Trans-Pacific Partnership (TPP) Agreement and other mega-regional agreements, and	on a progressive transformation from financialised capitalism and the neoliberal regime in the context of financial crises (*The FIRE Economy. New Zealand's Reckoning*, published in 2015 by Bridget Williams Books).
Closing remarks		**Associate Professor Alberto Costi** (VUW and ALTA 2016 Conference Organising Committee Chair)	Alberto Costi is an Associate Professor at the Faculty of Law, Victoria University of Wellington. Alberto's main teaching and research interests are in public international law, with specialisations in the law of armed conflict, international criminal law, international human rights law and international environmental law, and in comparative law and European Union law. In all those areas, he has published extensively, presented papers at numerous international conferences, commented in the media and appeared before parliamentary committees. He has also advised a number of governments and other bodies on international law and European Union law issues. He is currently working on a major	research project on the legal implications of climate change on statehood for atoll nations and potential responsibilities for New Zealand. The research is generously funded by the New Zealand Law Foundation. Alberto is a Faculty Member of the Audiovisual Library of International Law of the United Nations and a member of the New Zealand International Humanitarian Law Committee. He serves as the Secretary-General of the International Law Association New Zealand Branch and the Vice-President of the New Zealand Association for Comparative Law. In 2015-2016, Alberto sits on the General Executive of ALTA.

Abstracts and biographies

1A-1F

For Parallel Sessions 1A-1F
Time: Thursday 7 July 14:00 – 15:30

Name	Title	Abstract and Biography	
1A Jacquie Svenson	**The Power of Placement: Law Students and Public Interest Environmental Casework**	The University of Newcastle Legal Centre has year round placement students working on real public interest case files as part of their degree, alongside solicitors practising in real courts. Dedicated (albeit variously enthusiastic) teams of law students working on cases with a focus on public interest environmental law has given rise to a variety of opportunities to run cases that have had scope to change environmental law jurisprudence. The Newcastle Law School has also developed an approach in recent years of embedding real case file examples from the Legal Centre into the teaching of its "Priestley 11", using them in seminars, problem questions and exams. In the context of the 2016 conference theme of the relationship between public power, the state and its citizens, this paper will investigate the degree to which public interest environmental cases run with students at the Centre 2012-2016 affected environmental law for the good, and to	which extent its use in the traditional law courses enriched student experience and outcomes in doing so. **Biography** Jacquie Svenson is a Solicitor and Clinical Teacher at Newcastle Law School. She was admitted in 2002, and has a specialist practice at the University of Newcastle Legal Centre in public interest environmental law. Since admission, she has worked in the Planning & Environment Group of Mallesons (now King & Wood Mallesons), prosecutions at the New South Wales Environment Protection Authority, and as a solicitor and Senior Solicitor at the Environmental Defenders' Office. She has taught at the University of Newcastle since 2009, in environmental law since 2011. PARALLEL SESSION 1A, SEE PAGE 10
Richard M Fisher	**The Nexus between Environmental Law Education and Better Government in New Zealand, and a Special Place for Distance in its Delivery**	This paper explores the current status of environmental law education in New Zealand, in both LLB and non-LLB contexts. Its relevance to better government is shown by the strong connections between the Local Government Act 2002 and Resource Management Act 1991 (RMA) in government decision-making, and by the need for education engendered by the extent of current environmental reform and associated work streams in this area. Environmental law courses offered by universities and polytechnics were listed, and compared to current areas of practice. In addition, an analysis of enrolment information for two Level 6 environmental law courses taught by distance at the Open Polytechnic was undertaken, in order to reveal other study pathways. The results confirmed the value of environmental law education, and a close relationship with distance education as its preferred delivery platform. These and other advantages of distance delivery are discussed, suggesting that environmental law could	be in a strong position to "grasp the nettle" of more digital learning futures. **Biography** Richard M Fisher is a scientist with a BSc from Trent University, Ontario, and a PhD in Ecology from the University of Toronto. After completing postdoctoral fellowships at Oxford University and Massey University, he worked for five years as a University Research Fellow at Acadia University in Nova Scotia. Upon completing a three-year LLB at Dalhousie University, he articled at Blois Nickerson & Bryson in Halifax before moving to New Zealand. Since then, he has worked as an RMA solicitor in Auckland, and more recently at the Open Polytechnic in Lower Hutt, where he is a Senior Lecturer in the School of Science, Technology and Engineering. PARALLEL SESSION 1A, SEE PAGE 10
Estair Van Wagner	**Placing Complexity: Place-Based Teaching and Learning as a Tool for Grappling with Complex Legal Issues**	Land use issues are classic "wicked problems". They require legal actors to engage with complex social, political, economic and scientific dynamics and to mediate between contested values in the context of uncertainty and change. This paper will consider how the incorporation of place-based learning can be incorporated into legal education, particularly areas of land law, including property, resource management, environmental and natural resource law, as well as Indigenous law. It will specifically consider how place-based learning can help law students, and future lawyers and decision-makers, understand and engage with the complexity of disputes about environmental issues, land use and resource management. It will argue that the role of legal practices in shaping, translating and potentially obscuring claims about relationship with place should be foregrounded in legal education and demonstrate that place-based learning offers one potential means to do so. Legal education requires rethinking in the context of increasing environmental change and the current emphasis on resource development in Aotearoa New Zealand. Law schools have a role to play in ensuring that lawyers not only understand what is really at stake for the parties involved	in contentious land use disputes, but also the role they can play in overcoming the conceptual and analytical barriers that arise in complex legal disputes about land, place and development. In this way, future lawyers and decision-makers are equipped to engage directly with debates about how we create sustainable and just communities. **Biography** Estair Van Wagner joined the Victoria University of Wellington Faculty of Law in July 2015. Estair teaches both core and elective courses, including Property Law and Resource Management. Her research interests include resource management, natural resource decision-making, environmental governance, property law and theory, health law, feminist legal theory, and Indigenous law and the rights of Indigenous Peoples. She completed undergraduate and postgraduate studies in political science, law, and environmental studies at the University of Victoria, Osgoode Hall Law School and York University in Canada and is currently in the final stages of her Doctorate. PARALLEL SESSION 1A, SEE PAGE 10

Name	Title	Abstract and Biography	
1B Sascha Mueller	**The Greater Christchurch Regeneration Bill: Governmental Integrity during Non-Emergency Times**	After the devastating series of earthquakes in the Canterbury region starting in 2010, the New Zealand Parliament passed the Canterbury Earthquake Recovery Act 2011. The Act was meant to facilitate and expedite the recovery of the greater Christchurch area. To achieve this purpose, the Earthquake Minister and the Canterbury Earthquake Recovery Authority received extraordinary powers and the ability to judicially review their actions was vastly reduced. The extent of these powers has subsequently been criticised and their necessity questioned. In order to limit its impact, the Canterbury Earthquake Recovery Act contained a sunset clause and the Act expired in April 2016. As the recovery of Christchurch is far from finished, a new bill was presented before Parliament as the replacement of the Canterbury Earthquake Recovery Act. The Greater Christchurch Regeneration Act 2016 is meant to facilitate and expedite Christchurch's regeneration by clarifying the roles of central and local government. It also provides for continuing special powers of the responsible Minister and the new authority Regenerate Christchurch. The integrity of any democratic government relies on its adherence to democratic process and the rule of law. While special powers may be adequate to deal with the extraordinary requirements that the aftermath of an earthquake presents, they may not always be appropriate. The expedience and convenience of such powers must be proportionate to the reduction in processes and remedies they cause. By looking at the way the special powers under the Canterbury Earthquake Recovery Act have been used, the paper will assess whether they were necessary to achieve the Act's purpose, and whether the continuation of many of these special powers in the Greater Christchurch Regeneration Act are appropriate. **Biography** Sascha Mueller is a Senior Lecturer in Law at the University of Canterbury. His research interests cover mainly comparative constitutional law, with a focus on legislative processes. He is currently undertaking a PhD where he investigates the use of emergency rhetoric in order to normalise extraordinary powers in ordinary legislation. PARALLEL SESSION 1B, SEE PAGE 10
Joan Squelch	**When Is Accepting and Failing to Disclose Prohibited Gifts 'Serious Misconduct' but not 'Corruption'? Lessons for Law Students in Accountable Governance**	The "ultimate aim of administrative law is to achieve greater openness and accountability of running government" (Withnall and Evans *Administrative Law Study Guide* (LexisNexis Butterworths, 2010)). Students in administrative law study the fundamental principles of good government, including the rule of law, responsible and accountable government administration, the lawful exercise of administrative powers and the importance of maintaining high standards of professional behaviour in the public sector. They also learn about the role of investigative bodies such as the Corruption and Crime Commission of Western Australia (CCC) in improving "the integrity of the Western Australian public sector and helping public sector agencies to minimise and manage misconduct." Accountable, transparent and ethical governance in the public sector demands that public officers act with the utmost integrity, honesty and accountability. However, there are many examples of the lack of good governance and accountability in the public sector, including universities, that make for interesting case studies to critically examine failings in administrative conduct and accountability. For instance, in its final "Report on an Investigation into Acceptance and Disclosure of Gifts and Travel Contributions by the Lord Mayor of the City of Perth" (report), the CCC formed the opinion that the Lord Mayor had "signally failed in her duties as Lord Mayor." The CCC noted in the report that the Lord Mayor had engaged in "serious misconduct" in failing to disclose prohibited gifts but fell short of classifying it as corrupt conduct.	The report raises a number of challenging issues and questions concerning governance, especially in relation to the meaning of accountability in the absence of consequences, conflict of interest and the blurriness between "serious misconduct" and "corruption". Against this background, this paper will in Part I examine the investigative role of the CCC and the background issues concerning the report. Particular attention will be given to the imprecise meanings of "serious misconduct" and acting "corruptly" in the Corruption, Crime and Misconduct Act 2003 (WA). Part II will consider how this and similar matters can be used as a case study for law students to critically examine issues of governance, as noted above, within an administrative law framework so that they should be better prepared to promote good governance and themselves operate in accountable and ethical ways. **Biography** Dr Joan Squelch is a Professor of Law and Assistant Dean of Teaching and Learning in the School of Law at the University of Notre Dame Australia (Fremantle). She currently teaches Administrative Law and Constitutional Law. Her areas of research interest include higher education and the law, human rights in education, school governance and workplace bullying. PARALLEL SESSION 1B, SEE PAGE 10

Name	Title	Abstract and Biography	
Robin Woellner & Julie Zetler	**Electronic Patient Records – *MyHealth*: Deconstructing the 'Royle Review' Recommendations and Government Governance Responses**	The introduction of a shared electronic health record network in Australia has a long and complicated history, culminating in recent legislation that ensures consumer participation as well as Government's commitment and investment in the system. What started as political promises and commitment by successive governments – to maintain patient ownership of electronic patient records (EPR) governance processes – was challenged by the December 2013 "Royle Review" recommendations. This review dramatically shifted the paradigm of "consumer-centred" records by reducing the role of consumers to that of EPR "stewards" and elevated business, IT and professional stakeholders to major decision-makers in the governance process. The review also recommended renaming the system from PCEHR (Personally Controlled Electronic Health Records) to *MyHealth*, thus removing the "personally controlled" component. This paper argues that the "Royle Review" provides no solid, theoretical basis for its recommendations. It is also argued that these changes, adopted by Government, impact on patient rights such as privacy, security and ultimately democratic processes.	Biographies Professor Robin Woellner has published extensively in the area of taxation and commercial law, and is senior author of the successful textbook *Australian Taxation Law,* now in its 27th edition, and co-ordinates the ALTA Revenue Law Interest Group. Prior to his retirement, Professor Woellner held several senior academic positions and was Foundation Professor and Dean at the University of Western Sydney and then Pro-Vice-Chancellor (Law, Business and the Creative Arts) at James Cook University. He has taught a wide range of law subjects, been a member of several editorial panels for law journals, examined many postgraduate and doctoral theses, and is currently co-supervising two PhD students. Dr Julie Zetler is a Senior Lecturer in the Faculty of Business at Macquarie University and was awarded her Doctorate (on the intersection of IT and health law) from the University of Sydney in 2015. Dr Zetler has taught and published widely on a range of topics in taxation, health law, human resources and employment law at both undergraduate and postgraduate levels. PARALLEL SESSION 1B, SEE PAGE 10
1C **Symposium Panel**	**Legal Pluralism in the South Pacific: Implications for Legal Education and Jurisprudence**	It is now over 50 years since the Small Island states in the South Pacific began the move towards independence. During that time, they have been confronted by a complex legal pluralism, arising both from the process of colonisation and from the diversity of regional customs and culture. Although much lip service has been paid to local culture and traditional values, the dream of a South Pacific jurisprudence, which was expressed so eloquently in preambles to many new constitutions, has not translated into reality. This Panel session will explore this issue in two different, but overlapping contexts: legal education and legal practice. Three speakers will discuss the implications of legal pluralism for legal education and for law reform in the Pacific. The question of what Pacific Jurisprudence ought to be, and why, will be considered and strategies for promoting this concept on a national or regional basis explored. Biographies Jennifer Corrin is a Professor in the TC Beirne School of Law at the University of Queensland. She is an Australian Research Council Future Fellow, researching law reform and development in plural legal regimes, and is a partner investigator in the Legitimus research collaboration, funded by the Social Sciences and Humanities Research Council. Jennifer has published widely and is the co-author of *Introduction to South Pacific Law.* Her most recent publications include a second edition of *Civil Procedure and Courts in the South Pacific Law* (Intersentia, 2016, with David Bamford). Before joining the University of Queensland, Jennifer spent six years at the University of the South Pacific, having joined the Faculty after nine years in her own legal firm in Solomon Islands.	Dr Tamasailau Suaalii-Sauni is a Senior Lecturer in the Pacific Studies Programme and Director of the Samoan Studies Programme, Va'aomanū Pasifika Unit, Victoria University of Wellington, Aotearoa New Zealand. Her most recent publications include *Whispers and Vanities: Samoan indigenous knowledge and religion* (Huia Publishers Ltd, 2014, co-editor); *Su'esu'e Manogi: Searching for fragrance: Tui Atua Tupua Tamasese Ta'isi and the Samoan indigenous reference* (National University of Samoa, 2009, co-editor); and *Pacific Indigenous Dialogue on Faith, Reconciliation and Good Governance* (University of South Pacific, 2007, co-editor). She is the author of "'It's in your bones!': Samoan custom and discourses of certainty" in the *New Zealand Yearbook of Jurisprudence* (2010 & 2011, 12 & 13, 70-88) and has taught Pacific Jurisprudence as a Pacific Studies course since 2007. Helena Kaho joined the Faculty of Law, University of Auckland in 2015, having practised law in the Cook Islands. Helena teaches Law and Society, and two specialist elective courses: Pacific People in Aotearoa: Legal Peripheries; and South Pacific Legal Studies. Her research interests are youth justice, domestic violence and therapeutic jurisprudence. In particular, she is interested in exploring the ways in which New Zealand's court processes accommodate (or, in fact, fail to accommodate) different cultural needs. Her paper "The Family Group Conference: A Tongan Perspective" is currently being considered for publication. A further area of interest is legal education in New Zealand as it pertains to Pacific students, and she is now working on a project examining the Pasifika Youth Court. PARALLEL SESSION 1C, SEE PAGE 10

Name	Title	Abstract and Biography	
1D Brenda Marshall	**Misuse of Market Power in Australia: Should Section 46 of the Competition and Consumer Act Be Amended?**	Possibly the most controversial recommendation within Australia's 2015 Competition Policy Review Final Report (Harper Report) relates to the misuse of market power provision in section 46 of the Competition and Consumer Act 2010 (Cth). Following intense scrutiny of its current wording, and wide-ranging consultation about the way in which key elements of the section (principally "purpose" and "take advantage") have been interpreted and applied, the Harper Report has proposed a complete reformulation of the provision. If enacted, the new section 46 would prohibit a corporation that has a substantial degree of power in a market from engaging in conduct which has the purpose, or would have or be likely to have the effect, of substantially lessening competition in that or any other market. Some stakeholders – including the Australian Competition and Consumer Commission, which has long voiced concerns about the difficulties of establishing a misuse of market power under the existing law – have welcomed the proposal. Others claim that radical change will serve only to heighten the risk and uncertainty associated with actions under section 46.	Where then does the balance lie? This paper addresses that question by analysing the ongoing debate around section 46 in the context of prevailing misgivings about the language in which it has been cast and critically evaluating the Harper Report's recommendations to reform section 46 by fundamentally refashioning the provision. **Biography** Professor Brenda Marshall is Deputy Dean and Associate Dean (Learning and Teaching) in the Faculty of Law at Bond University. She teaches and researches in the area of competition and consumer law, focusing on both domestic and international developments. Her publications address a variety of topics in this field, including cartel conduct, collective bargaining, access to essential infrastructure services, unconscionable dealing, consumer credit, and related themes. PARALLEL SESSION 1D, SEE PAGE 10
Paul G Scott	**Legitimate Business Rationale: What Does It Mean?**	In New Zealand and Australian competition law, if conduct has a legitimate business rationale, then that conduct will not be an illegal act of monopolisation. Legitimate business rationale derives from United States antitrust law and Supreme Court authority. Despite this, the concept is surprisingly underdeveloped. For example, is it tied to efficiency? Or are other factors such as increasing a firm's profits relevant? What role does economic analysis play in determining whether a business rationale is legitimate? The New Zealand Supreme Court has suggested the issue is essentially a commercial question. Economic analysis has little role to play.	The paper analyses the authority which established the concept. It concludes that, contrary to the New Zealand Supreme Court, economic analysis is necessary to determine the issue. Eschewing economic analysis will allow anticompetitive conduct to prevail. The paper emphasises how economics is at the heart of competition law and that ignoring or limiting it leads to an incoherent law. **Biography** Paul Scott is a Senior Lecturer at Victoria University of Wellington. He specialises in competition law. PARALLEL SESSION 1D, SEE PAGE 10
1E Chris Dent	**A New Taxonomy for Research Methods in Law**	The discussion of legal research methods has achieved a greater prominence in the literature than it had before. That said, there have been few attempts to provide a structured taxonomy for the range of methods that are in use. This paper offers an attempt to provide such a taxonomy. It includes three broad, conceptually different, "methods" and two "approaches" that can be used across at least two of the methods. The first method is the doctrinal method. This is the method that is taught to all law students. It is defined by its predominant focus on primary legal material (cases, legislation, etc) and on secondary material that also focuses on primary legal material. The second method can be referred to as the socio-legal method. This method considers the (broadly social) context within which the law operates – in most instances, critiquing law in the light of society. This may be simply the social context (including the gender context) or it could include the economic context. The use of empirical techniques to probe the context (with qualitative or quantitative techniques) of the law also falls into this category. The third method is the critical method. This method not only critiques the law, but it also involves a critique of the social and of the individuals that make up society. This method includes poststructuralist, postmodern feminist and postcolonial analysis and is driven by specific theories or theorists. The two approaches to legal research	are the historical and the comparative. Both of these can be used in conjunction with any of the three methods and so do not operate as methods in their own right. This taxonomy, therefore, includes most, if not all, of the methods described by other academics and provides a structure for the relationship between them. **Biography** Chris Dent has been an Associate Professor at Murdoch University School of Law since January 2015. Prior to that, he had, for ten years, a research-focused position at Melbourne Law School and the Intellectual Property Research Institute of Australia (IPRIA). Much of his work has focused on the history and theory of intellectual property. He also took advantage of the relative academic freedom to use a wide variety of research methods to examine the operation of the law. Before that, he carried out research into defamation law at the Centre for Media and Communications Law, which, in turn, was after doing work for the Law Reform Commission of Western Australia and the Victorian Law Reform Commission. His underlying critical approach was born while undertaking his PhD – an application of Foucault's archaeological method to a history of negligence decisions. PARALLEL SESSION 1E, SEE PAGE 10

Name	Title	Abstract and Biography	
Mary Wyburn	**Increasing Legal Complexity for Higher Education Institution Researchers**	Research in higher education institutions (HEI) has grown more complex. The subject matter of HEI research has become more complicated, extending into the digital and genetic spheres, as well as more frequently encompassing international elements. The way in which modern HEI research is conducted is also more complex. There are often teams of researchers across different disciplines and located in different countries, engaged in a project. The HEI may have a business partner funding the research with a view to commercialising its discoveries. Some projects may rely upon amateur researchers as part of crowdsourced data gathering. The administration of HEI research is also more complicated. Pressure to increase accountability means there is now considerable paperwork involved in obtaining and administering HEI research funding as well as in the reporting of research outputs. It also means there is closer ethical oversight of HEI research activities.	A more complex HEI research environment has brought with it an increasing range of legal issues. The paper examines several recent cases highlighting the more complicated legal framework in which HEI researchers now work. They include litigation about eligibility for a research fellowship, claims of failure to afford natural justice and breach of contract brought against a government grant funding body when funding was suspended in response to misconduct allegations being raised, as well as applications to access information from HEIs about their research activities, including ethics approval documentation. **Biography** Mary Wyburn teaches in the University of Sydney Business School. Her teaching and research include the areas of intellectual property law and insolvency law. PARALLEL SESSION 1E, SEE PAGE 10
Olivia Rundle & Brendan Gogarty	**Legal Collaboration: Unpacking the Threshold Learning Outcome for Law (TLO 5(b)) in the Complexity of Modern Legal Practice and Legal Education**	Collaboration has always played an important role in legal practice, and is increasingly seen as a fundamental skill for law graduates. The ability to "collaborate effectively" is now a Threshold Learning Outcome for Law (TLO5(b)), and a mandated component of the CALD Standards (Council of Australian Law Deans *The CALD Standards for Australian Law Schools,* as adopted on 17 November 2009 and amended to March 2013).However, there is a lack of understanding about what exactly constitutes legal collaboration, or what criteria indicate its effectiveness; much less strategies for the teaching and assessment of effective legal collaboration (Elizabeth Handsley *Good Practice Guide (Bachelor of Laws) Collaboration Skills, Threshold Learning Outcome 5* (Australian Teaching & Learning Council, Commonwealth of Australia, 2011). That is perhaps because lawyers, in fact, collaborate in a vast number of ways, with a wide range of people and professions; from intra-firm collaboration to inter-profession collaboration. Moreover, collaborative work is influenced and affected by a range of legal, professional, and practical influences; from the legal profession acts to the need to maintain short and long term professional reputation. Collectively this indicates that training law students to	collaborate effectively involves more than allocating "group work" tasks and leaving them to their own devices. This paper shares the authors' project to inform the embedding of TLO5(b) in the University of Tasmania LLB curriculum. The project includes review of literature, empirical data gathering from the legal profession about what constitutes legal collaboration, and external evaluation of collaboration skills teaching, development and assessment within the degree. The goal is to develop an explicit evidence based understanding of legal collaboration and to ensure that students are supported to develop this TLO effectively. **Biographies** Dr Rundle is a Senior Lecturer at the Faculty of Law, University of Tasmania. Dr Gogarty is a Lecturer at the Faculty of Law, University of Tasmania. PARALLEL SESSION 1E, SEE PAGE 10
1F **Symposium Panel**	**Challenges in Privacy Law**	Barely a day goes by when we do not hear about some new assault on individual privacy rights. This panel looks at the law's response to those privacy challenges in both common law and legislation. Three key jurisdictions will be examined – England and Wales, New Zealand and the United States	– highlighting areas of both convergence and divergence in international thinking on this very important subject. PARALLEL SESSION 1F, SEE PAGE 10

Name	Title	Abstract and Biography
Nicole Moreham	**The New Zealand Tort of Intrusion into Seclusion: How Should It Develop?**	This paper will examine the development of the nascent New Zealand privacy tort of intrusion into seclusion. It begins by identifying the conceptual basis for Anglo-Commonwealth understandings of privacy and explaining how the privacy interest can be divided into further interrelated sub-categories. The paper then considers which of these privacy sub-categories should come within the scope of the intrusion tort arguing that, in order to retain coherence (and although it has the potential to be applied more broadly), the intrusion tort should focus on protection of "physical" privacy interests. **Biography** Dr Nicole Moreham is an Associate Professor of Law at Victoria University of Wellington, specialising in the law of privacy. She is principal editor and contributor to leading English legal privacy work, *Tugendhat & Christie's The Law of Privacy and the Media* (3rd ed, Oxford University Press, 2016, 838pp) and has published numerous articles on the protection of privacy in England and Wales, New Zealand, and Europe. Dr Moreham joined the Law Faculty at Victoria University of Wellington in 2006. She was formerly a Fellow and Lecturer in Law at Gonville and Caius College, University of Cambridge. She also completed her Masters and PhD at Caius (the latter under the supervision of the late Tony Weir). Before leaving for Cambridge in 1998, she completed an Honours degree at the University of Canterbury and worked as judge's clerk at the New Zealand Court of Appeal. PARALLEL SESSION 1F, SEE PAGE 10
Ursula Cheer	**Some Thoughts on *PJS* and Where Privacy Might Be Going**	This paper will examine a recent United Kingdom privacy case where a married celebrity with children obtained an injunction which prevents the United Kingdom media from naming him as involved in a "threesome" romp. The case is *PJS v News Group Newspapers* [2016] EWCA Civ 393, and the injunction was granted to the plaintiff by the High Court to prevent the publication of the fact that he had been involved in extra-marital affairs, including a private tryst with two others. It was granted, in particular, to protect the children of the couple. The initial injunction was lifted by the Court of Appeal, but that decision was appealed to the Supreme Court, and the decision of that Court to leave the injunction in place raises many questions as to the future direction of privacy law. The paper will examine how the decision should be treated – is it just a case about how injunctions work or should work, or does it suggest more significant developments within the tort? How have media reacted to the decisions and what influence has this had and will it have on those developments? **Biography** Professor Ursula Cheer LLB (Cant), LLM (Camb), PhD (Cant), CMNZ. Ursula graduated with Honours from the University of Canterbury. In New Zealand, she has worked in private practice, and as a speech writer to the Minister of Justice, and a legal advisor to the Prime Minister. In the United Kingdom, she worked as a Legal Advisor to the Lord Chancellor in the Law Commission. Ursula is now a Professor specialising in media law at the University of Canterbury and is also Dean of the School of Law. She publishes widely in the areas of defamation and privacy and aspects of media law. PARALLEL SESSION 1F, SEE PAGE 10
Gehan Gunasekara	**Privacy Through Consumer Law: The Federal Trade Commission Experience in the United States**	The United States has led technological innovation in the Internet space. New business models and practices, including social networking and search engines, have proliferated based on the use of personal information. The adequacy of the United States regime governing data privacy in this new arena is, therefore, of relevance globally. This has largely relied on the Federal Trade Commission (FTC)'s enforcement of the prohibition against unfair or deceptive acts or practices in or affecting commerce. The paper examines the publicized settlements which have mostly resulted from actions brought by the FTC under this provision. It explores whether the conduct involved can be addressed by privacy principles such as those contained in the Privacy Act 1993 (NZ). Despite finding that the conduct can also be brought within these principles, the paper finds their application in some areas to be strained and argues for new principles, such as privacy by design or default, as well as a principle of strict liability to be introduced for "Trojan Horse" technologies. Finally, the paper recommends that proposals to reform the Act in New Zealand also address deceptive practices involving the use of privacy enhancing technologies (PETs) and privacy assurance services. **Biography** Gehan Gunasekara, BA LLB (Well), LLM (Auck), is an Associate Professor in the Department of Commercial Law at the University of Auckland Business School, specialising in the areas of franchising law and privacy law. He has published numerous articles on information privacy in New Zealand and overseas and is a contributor to the texts *Law in Business and Government in New Zealand* (2006) and *Law for Business* (2013). Gehan is a regular commentator in national media. He was a member of the Academic Reference Committee for the Review of Privacy by the New Zealand Law Commission advising it on reform of the Privacy Act 1993. His research on cross-border personal information flows has been cited by both the New Zealand and Australian Law Commissions as well as by the Canadian Privacy Commissioner. Gehan's current research focuses on developments surrounding binding corporate rules for companies transferring personal information from one country to another. Gehan is an enrolled Barrister and Solicitor of the High Court of New Zealand. PARALLEL SESSION 1F, SEE PAGE 10

Abstracts and biographies

2A-2F

For Parallel Sessions 2A-2F
Time: Thursday 7 July 16:00 – 17:30

Name	Title	Abstract and Biography	
2A John Taylor	**Towards a More Sustainable Income Tax Base for Australia**	Ageing populations, environmental crises and adapting to technological change have all placed strains on government services in developed countries like Australia. The maintenance, much less extension and improvement, of government services will call into question the sustainability of the revenue bases used to pay for them. This paper begins by comparing the existing Australian income tax base with a Haig, Simons, Carter comprehensive income tax base and notes the distortions in economic decision-making likely to be produced by the current Australian base. The paper then discusses threats to the sustainability of the Australian income tax arising from the narrowness of the base, consequent high tax rates, discriminatory treatments of foreign investors and offshore investment and the increasing mobility of capital and skilled labour. The paper then argues that reforms to the taxation of capital gains and the treatment of foreign investors and foreign source income in Australia's corporate-shareholder tax system would produce a more sustainable income tax base for Australia.	**Biography** Professor John Taylor is Head of the School of Taxation and Business Law at University of New South Wales Business School. John's research and teaching interests include: international taxation, taxation treaties, comparative taxation, taxation of business entities and capital gains taxation. John was Inaugural Honorary Research Fellow of the Taxation Institute of Australia, has been a consultant to the Department of the Treasury, and has been a Visiting Scholar at a range of prestigious international universities, including Harvard University, University of Cambridge and the University of British Columbia. John is currently co-Editor for the *eJournal of Tax Research*. PARALLEL SESSION 2A, SEE PAGE 11
Robin Woellner & Julie Zetler	**'Once More into the Breach' – The Burden of Proof in Tax Appeals against Default Assessments**	Under sections 14ZZK(b)(i) and 14ZZO(b)(i), a taxpayer challenging an Australian Taxation Office (ATO) income tax assessment in litigation before the Administrative Appeals Tribunal (AAT) or Federal Court bears the burden of proving that the ATO's assessment is excessive. This is a particularly onerous task in relation to a default assessment, because under section 167 of the Income Taxation Assessment Act 1936, if "… any person makes default in furnishing a return; or … the Commissioner is not satisfied with the return furnished … [then] the Commissioner may make an *assessment of the amount upon which in his or her judgment income tax ought to be levied*, and that amount shall be the taxable income of that person for the purpose of section 166" (emphasis added). Thus, the taxpayer must do more than merely show that the ATO made an error in the assessment process, and must establish positively the total amount of their taxable income, and that this amount is less than the amount assessed by the ATO. In the case of little Joe Rigoli, the taxpayer had failed to lodge personal and partnership tax returns for a number of years, and the ATO subsequently issued section 167 default assessments for those years. At the AAT hearing, Rigoli accepted the ATO's income figures, and only sought to challenge and increase the amount of certain deductions. Pagone J held that the taxpayer had failed to discharge the burden of proof, noting that to overturn a section 167 assessment, the taxpayer must establish positively "the amount upon which … income tax ought to [have been] levied". Little Joe showed admirable persistence – having failed in the AAT and before Pagone J in the Federal Court, Rigoli appealed to the Full Federal Court, arguing that (i) the AAT had wrongly excluded an expert report tendered by the ATO because it was not evidence led by the taxpayer, and (ii) that the AAT and Pagone J had each wrongly concluded that the expert report did not sufficiently establish Rigoli's actual taxable income. Unfortunately for the taxpayer, the Full Court ([2016] FCAFC 38) dismissed the taxpayer's appeal (with costs), and in doing so, reaffirmed a number of important principles in relation to challenging default assessments. It is not yet clear whether the taxpayer will seek special leave to appeal to the High Court of Australia. This paper examines the law in relation to default assessments, critiques the application of those general principles to the long-running Rigoli saga, and discusses the possibility of special leave being granted if an application were made to the High Court.	**Biographies** Professsor Robin Woellner has published extensively in the area of taxation and commercial law, and is senior author of the successful textbook *Australian Taxation Law,* now in its 27th edition, and co-ordinates the ALTA Revenue Law Interest Group. Prior to his retirement, Professor Woellner held several senior academic positions and was Foundation Professor and Dean at the University of Western Sydney and then Pro-Vice-Chancellor (Law, Business and the Creative Arts) at James Cook University. He has taught a wide range of law subjects, been a member of several editorial panels for law journals, examined many postgraduate and doctoral theses, and is currently co-supervising two PhD students. Dr Julie Zetler is a Senior Lecturer in the Faculty of Business at Macquarie University and was awarded her Doctorate (on the intersection of IT and health law) from the University of Sydney in 2015. Dr Zetler has taught and published widely on a range of topics in taxation, health law, human resources and employment law at both undergraduate and postgraduate levels. PARALLEL SESSION 2A, SEE PAGE 11

Name	Title	Abstract and Biography
John Prebble	**The Capital/ Revenue Distinction of Income Tax Law Analysed from Perspectives of Hans Kelsen**	Why is tax law especially complex? Why does it resist reform? Hans Kelsen, author of *Pure Theory of Law,* was arguably the leading legal philosopher of the Twentieth Century. Kelsen said little on the subject of income tax. Nevertheless, perspectives from Kelsen's work shed light on the reason for the notorious complexity of income tax law. Kelsen's insight that law comprises neither humans' interpretation of the will of God nor commands of a sovereign, but a hierarchy of norms in the canonical form of the syllogism, "If fact X exists then consequence Y ought to follow", is especially illuminating. For example, from Kelsen's perspective, the most basic distinction in income tax law, namely the rule that establishes the divide between capital and revenue, is so defective that the rule (if one can call it a rule) does not qualify as a rule of law at all. The reason is that the distinction between capital and revenue fails to observe the elemental distinction between "is" and "ought", which is as fundamental to law as it is to all human reasoning. There are two reasons: 1. Courts aver that the distinction between capital and revenue is a matter of law, not of fact. As a result, we can never establish fact X of Kelsen's syllogism as a matter of fact, but only as a fictional construction of law. 2. Intuitively appreciating the logical flaw revealed in reason 1, courts fall back on holding that the capital/ revenue distinction is a question of degree. But its own reasoning vitiates this holding. As Kelsen explained, "a graduation of an objective value is not possible because a behavior can only conform or not conform with an objectively valid norm, but cannot do so more or less" (Hans Kelsen *Pure Theory of Law* (Trans Max Knight, University of California Press, Berkeley, 1967, at 21). Had Kelsen given the same attention to income tax law as he did to constitutional law, policy-makers would have had a more acute understanding of the limitations of income tax law and might have adjusted legislation to take these limitations into account. **Biography** Professor John Prebble, BA, LLB (Hons) (Auckland); BCL (Oxon); JSD (Cornell); Inner Temple (London), LEANZF, has written or edited 12 books on tax and business law and has published over 200 articles in scholarly and professional journals. He is a former Trustee of the International Bureau of Fiscal Documentation, Amsterdam, and a member of the Editorial Boards of several scholarly journals. He has held research fellowships or visiting chairs at leading universities in the United Kingdom, Australia, Europe and the United States. In addition to Professor Prebble's appointment at Victoria University of Wellington, he is a Gastprofessor, Institut für Österreichisches und Internationales Steuerrecht, Wirtschaftsuniversität Wien and an Adjunct Professor of Law, Notre Dame University, Sydney, Australia. His research focuses on fundamental issues of income tax law, such as the capital/ revenue divide and form and substance, and on international taxation. He has pioneered the study of jurisprudential perspectives of taxation law, that is, applying the theories of legal philosophers to judicial reasoning in income tax cases. PARALLEL SESSION 2A, SEE PAGE 11
2B Joel Colón-Ríos	**Deliberative Democracy and the Doctrine of Unconstitutional Constitutional Amendments**	Much has been written lately about the doctrine of unconstitutional constitutional amendments. Briefly put, the doctrine holds that in any constitutional order, the bearer of the amending power is subject to certain implicit (substantive) limits. Judges should not only have the power to strike down constitutional amendments for procedural irregularities or attempted violations of eternity clauses, but also for substantive reasons that may have not been explicitly identified in the constitutional text. For the deliberative democrat, this doctrine may appear as a potential opportunity for promoting deliberation at the level of constitutional change. That is to say, when a court declares a constitutional amendment unconstitutional on the basis of its content, it could be seen as indicating that the proposed change is so fundamental that its adoption must take place through a special procedure that promotes instances of democratic deliberation that are more robust than those that would take place in an ordinary legislature. In this paper, the author will argue that while this is an attractive approach, it is not currently in operation in any jurisdiction where the doctrine of unconstitutional constitutional amendments has been adopted. In fact, in the absence of a truly deliberative and participatory constitutional re-making mechanism, the doctrine may have the arguably undemocratic result of giving judges or ordinary politicians the final word over what counts as acceptable constitutional content. **Biography** Joel Colón-Ríos is a Senior Lecturer at the Faculty of Law, Victoria University of Wellington. His research explores the relationship between constitutionalism and democracy from a theoretical and comparative perspective. Joel's current book project, *Constituent Power and the Law,* looks at the ways in which judges, government officials, jurists and citizens from various jurisdictions have made use, and use, the theory of constituent power to justify or challenge the legal validity of different exercises of political power. PARALLEL SESSION 2B, SEE PAGE 11

Name	Title	Abstract and Biography	
Carwyn Jones & Craig Linkhorn	**'All the Rights and Privileges of British Subjects': Māori and Citizenship in Aotearoa New Zealand**	Article 3 of the Treaty of Waitangi, signed by Māori leaders and the British Crown in 1840, stated that Māori would enjoy "all the rights and privileges of British subjects". This article of the Treaty is often described as the equality or citizenship clause. However, this new citizenship of a British colony was laid over the top of Māori forms of social organisation and understandings of nationhood and citizenship. Since 1840, New Zealand state law has struggled to come to terms with the pre-existing, indigenous forms of citizenship and over time has changed its approach to Māori citizenship to try to address this. State law has recognised Māori as citizens by virtue of being landowners, as individuals in their own right, and as members of tribal entities. This paper considers the nature of Māori citizenship today in the era of Treaty of Waitangi settlements and transitional justice and explores how this is informed by the history of Māori citizenship both before and after 1840. Biographies Carwyn Jones is a Senior Lecturer in the Faculty of Law at Victoria University of Wellington. He is of Ngāti Kahungunu and Te Aitanga-a-Māhaki descent. His primary research interests relate to the Treaty of Waitangi and indigenous legal traditions. Before joining the Faculty in 2006, Carwyn	worked in a number of different roles at the Waitangi Tribunal, Māori Land Court and the Office of Treaty Settlements. He is the author of *New Treaty, New Tradition – Reconciling New Zealand and Māori Law* (UBC Press, May 2016). Carwyn maintains a blog, Ahi-kā-roa, on legal issues affecting Māori and other indigenous peoples. Carwyn Jones and Craig Linkhorn are co-editors of the *Māori Law Review*. Craig Linkhorn is a manager responsible for a team of lawyers advising on Crown-Māori relationship issues within the Attorney-General's group at Crown Law. Recent cases where Craig has acted as counsel have involved charities, discrimination and remedies for historical breaches of the Treaty of Waitangi and its principles. In addition to delivering a range of seminars and papers, Craig has also contributed to research on indigenous peoples' rights through a visiting fellowship at the Australian National University's Centre for Aboriginal Economic Policy Research and as a participant writer in the Post Treaty Settlement Project to stimulate debate about what will happen after historical Treaty of Waitangi claims are settled in New Zealand. Carwyn Jones and Craig Linkhorn are co-editors of the *Māori Law Review*. PARALLEL SESSION 2B, SEE PAGE 11
John Hopkins	**This Is the World Calling: The Use of Overseas Case Law in New Zealand's Constitutional Jurisprudence**	New Zealand is often seen as an isolated state sitting as it does in the South Pacific Ocean, relatively far from other sites of major population density. While this is geographically correct, this paper suggests that at least in terms of its constitutional law, this image is somewhat unfair. Using a detailed qualitative analysis of judgments in both the Supreme Court and the Court of Appeal (in cases where it was the court of final decision), this paper argues that New Zealand is in fact highly receptive to overseas jurisdictions (although selective in such use), at least in the constitutional field. Comparing this finding with research compiled for an international project examining the use of overseas case law in the constitutional jurisprudence of supreme courts (of which this work was a part), the paper concludes that New Zealand is something of an outlier in its use of overseas case law. This of course raises significant questions around how such an approach impacts upon New Zealand's constitutional development.	Biography Dr John Hopkins is an Associate Professor at the University of Canterbury School of Law, New Zealand. His research interests are primarily in the fields of comparative public and international law. Much of his work has examined the development of federal or multi-level governance at the domestic and international levels, with particular reference to the European Union. Recent research focuses on the connection between domestic and international public law and the growth and control of executive power. He has held a number of visiting positions, most recently the Central European University and the University of Oxford. PARALLEL SESSION 2B, SEE PAGE 11

Name	Title	Abstract and Biography
2C **Symposium Panel** Catherine Iorns, Valmaine Toki & Pala Molisa	**Legal Remedies for West Papua: Environment and Human Rights**	**Biographies** Catherine Iorns is a Reader in the School of Law at Victoria University of Wellington, on environmental law, Indigenous rights, and statutory interpretation. She is also a national board member of Amnesty International Aotearoa New Zealand and of 350 Aotearoa. She is a member of the International Law Association Committee on the Implementation of the Rights of Indigenous Peoples, a member of the IUCN World Commission on Environmental Law, and the Academic Advisor to the New Zealand Council of Legal Education. She holds an LLM from Yale Law School. Catherine has written on the historical colonisation of West Papua, modern land grabbing, environmental degradation and its link with climate change, as well as the arguable genocide of West Papuans. Catherine will discuss the range of legal remedies currently being worked on, particularly those undertaken by the International Lawyers for West Papua. Her paper is entitled "Legal Remedies for abuses of Human Rights and the Environment in West Papua". Valmaine Toki is of Nga Puhi, Ngati Wai and Ngati Rehua descent. Her current research interests are on human and Indigenous rights, therapeutic jurisprudence and resource management. Previously, she taught at the University of Auckland on Contemporary Treaty and Māori Issues, Jurisprudence and Legal Method. As a He Ture Pumau scholar, Valmaine previously worked for Te Ohu Kai Moana Trustee Ltd on Māori fisheries, aquaculture and asset allocation. During this time, Valmaine completed an MBA from the Australian Maritime College at the University of Tasmania, focusing on marine resource management, spanning strategic planning, economic growth, management planning and sustainable practices. Valmaine has assisted in cases to the Māori Land Court, the Environment Court and the High Court and as a Treaty negotiator for her hapu. Valmaine is also a Vice Chair on the United Nations Permanent Forum on Indigenous Issues. Valmaine Toki will look at the situation of West Papua within a United Nations (UN) study on decolonisation of the Pacific region that she undertook for the UN Permanent Form on Indigenous Issues. Valmaine will discuss her findings and the reception of her report. The title of her paper is "Decolonisation and West Papua". Pala Molisa is a lecturer at the School of Accounting and Commercial Law, Victoria University of Wellington. Pala's teaching interests are in the areas of critical accounting, sustainability accounting, management accounting and financial accounting. Pala is a FRST (Foundation for Research Science and Technology) funded researcher in the area of sustainability assessment using social accounting technologies. Pala's research interests include examining the relationships between accounting and society drawing on literatures from critical theory, sustainability, and accountability. Pala Molisa has addressed colonisation/decolonisation issues through accounting practices. Since he is at the forefront of the popular movement in Aotearoa New Zealand for West Papuan decolonisation, Pala will discuss the building of the movement and where it is at. The title of his paper is "Building a Movement for West Papua: Steps Taken and Lessons Learnt". PARALLEL SESSION 2C, SEE PAGE 11
2D Alexandra Sims	**An Evaluation of the Effectiveness of the Unfair Contract Terms Law in New Zealand**	In March 2015, New Zealand's unfair contract terms law (UCTL) came into force. The authors were concerned the law change would result in little change in practice, particularly as consumers are unable to challenge terms as being unfair – only the Commerce Commission has standing to challenge such terms. To assess the effect of the UCTL, a study was carried out. In phase one, which occurred before the UCTL came into effect, contracts from companies that supplied goods and services to consumers were assessed to determine the prevalence of unfair contract terms. In phase 2, nine months after the law change, contracts from the same companies were reassessed to determine whether they had been changed to comply with the UCTL and whether the changes had been effective. Disappointingly, only one third of companies had attempted to remove unfair terms and, of these, none were successful in removing all of the unfair contract terms. Common unfair contract terms that remained included attempting to limit liability for consequential loss. The study's findings accord with a recent review by the Commerce Commission of some telecommunication companies contracts. While all but one of the companies in the review had made changes, at least one unfair contract term remained in each contract. The discrepancy between the high rates of amended contracts compared with the study can be explained as telecommunication contracts had long been identified as having large number of unfair terms: the sector was aware it was within the Commerce Commission's sights. The paper argues that given the high level of non-compliance with the UCTL, the UCTL needs to be amended and brought in line with Australia's UCTL law so that consumers can challenge terms. In addition, the Disputes Tribunals and other industry dispute resolution schemes need to be able to adjudicate upon unfair contract terms. **Biography** Alexandra Sims is an Associate Professor in the Department of Commercial Law and Head of Department of Commercial Law in the Business School at the University of Auckland. She teaches a wide range of commercial law subjects. Her primary areas of research and publication are consumer law and intellectual property law. PARALLEL SESSION 2D, SEE PAGE 11

Name	Title	Abstract and Biography	
Matthew Berkahn & Lindsay Trotman	**Misleading or Deceptive Conduct: Some Current Issues**	In *Wellington City Council v Dallas* [2015] NZCA 126, the Court of Appeal set aside a High Court judgment and imposed liability on the managing director of a company for misleading or deceptive conduct in trade. The Supreme Court of New Zealand granted leave to appeal on the questions of liability for misleading or deceptive conduct and the remedy therefore: [2015] NZSC 94. The appeal to the Supreme Court has been abandoned and thus deemed to be dismissed. This is unfortunate because the case raises interesting issues concerning: • the liability of a managing director for misleading or deceptive conduct; • the irrelevance of reliance in the characterisation of conduct as misleading or deceptive or likely to mislead or deceive; • the need for misleading or deceptive conduct to be an effective cause of loss; and • the apportionment of relief when there are multiple operating causes of loss. This paper explores these issues and attempts to assess the current state of the law in New Zealand on each of them.	**Biographies** Dr Matthew Berkahn, BBS (Hons) (Massey), LLM (Wellington), SJD (Deakin), teaches law as part of Massey University's undergraduate Business and MBA programmes. He has published work on company and consumer law in New Zealand and Australia and is a co-author of a leading New Zealand company law treatise (Farrar and Watson (eds) *Company and Securities Law in New Zealand* (2nd ed, Thomson Reuters)). Associate Professor Lindsay Trotman, LLM (Canterbury), teaches law at Massey University. His principal teaching responsibilities are in company law. His principal research interests are in the areas of corporate law and misleading or deceptive conduct. He has contributed to a number of company law publications in New Zealand and Australia and co-authored books on misleading or deceptive conduct. He is a New Zealand section editor of the *Australian Journal of Competition and Consumer Law.* PARALLEL SESSION 2D, SEE PAGE 11
Susan Carter & Patty Kamvounias	**Better Government and Clarity in the Law: Do the Inherent Ambiguities in the Australian Consumer Law Matter?**	The Australian Consumer Law (ACL), which commenced on 1 January 2011, is to be reviewed this year – with a report expected in 2017. Terms of reference have been agreed and focus on the effectiveness of the ACL. What is not being reviewed, however, is the focus of the ACL itself – is it actually designed to protect consumers, or operate more broadly as a code of business conduct? If it does protect "consumers", who does the ACL name as a consumer? And if it is a code of business conduct, what is the underlying policy goal which is sought to be achieved? The paper argues that the ACL struggles to achieve a clear focus. Different definitions of "consumer" are a feature of the ACL and its key provisions are not drawn with any reference to consumers. Indeed the terms of reference propose consideration of "whether these provisions are operating as intended, and address the risk of consumer *and business* detriment at an appropriate level of regulatory burden" (emphasis added).	The paper will explore the issue of the clouded focus of the ACL and how this makes it difficult to achieve the aims of the review. If it is not clear what is meant by "consumer", how do we approach a review of the effectiveness of a consumer law and determine an appropriate level of regulatory burden? Is a business, even a large business, just a consumer by another name – and does this matter? **Biographies** Susan Carter is Deputy Director of the Law Extension Committee of the University of Sydney and a Lecturer in that programme. Susan is also a Sessional Lecturer at the University of Sydney Business School. Patty Kamvounias is a Senior Lecturer in Business Law and Program Director (Graduate Commerce) at the University of Sydney Business School. PARALLEL SESSION 2D, SEE PAGE 11

Name	Title	Abstract and Biography
2E David Barker	**70 Years of ALTA in the Furtherance of Legal Education in Australasia and of the Work and Interests of University Law Schools**	The ALTA Conference 2016 in Wellington celebrates 70 years since the foundation of the Australasian Law Teachers Association (ALTA) on 5 June 1946 at the University of Sydney Law School. Originally named Australian Universities Law Schools Association (AULSA), the Association subsequently embraced New Zealand Law Schools with the title being changed from "Australian" to "Australasian" Universities Law Schools Association. From its very beginning, the Association endeavoured to incorporate formal and informal contacts and the exchange of ideas by law academics through the Association's annual conferences which have been held without break for the last seventy years. The paper subsequently traces the various aspects of the development of the Association, including its name change in 1988 and innovations such as the Australasian Law Teaching Clinic, publication of the *Legal Education Review* (LER) and the *Journal of the Australasian Law Teachers Association* (JALTA), and the introduction of subject Interest Groups. One of the great strengths of the Association has been its ability to change with the times and maintain its role as a major influence on the development of legal education. As Professor Hyman Tarlo, an early member of the Association, has commented: "Co-operation, the communication of information, the interchange of scholarly and professional knowledge and ideas between law schools and between individual law teachers – all these have been the hallmarks of the Association's success." **Biography** David Barker is Emeritus Professor of Law at the University of Technology Sydney (UTS) and full-time PhD Student at Macquarie University. He is Secretary and a Foundation Fellow of the Australian Academy of Law. He has held many other positions, including Secretary, Chair and President of ALTA, former Chair of the Council of Australian Law Deans (CALD), Member of the New South Wales Legal Profession Admission Board, Editor of *ALTA Research Series*, *Legal Education Digest* and *Cavendish Essential Law Series* and Co-Editor *Law Asia*. He is a former Dean, Law Faculties of UTS and University of Westminster (United Kingdom), and Past President of the City of Sydney Law Society. 2016 will mark the 27th successive year he has presented one or more papers at an ALTA Conference. PARALLEL SESSION 2E, SEE PAGE 11
Cheryl Green	**Law's Role in Law Schools**	What is required to produce a good lawyer capable of entering the realm of private or other types of law practice in today's world? Law is a profession and a business and the community it serves expects high quality service within a fast paced environment, where rapid technology advances are the norm. Today's challenge is to incorporate into the curriculum the opportunity for law students to be able to learn to develop the requisite skills set out below as well as teaching them to research, analyse and write about the application of law: a) intellectual horse-power sufficient to excel in his or her role as a lawyer; b) quality of work output – the ability to produce high quality work with attention to detail; c) achievement of targets in day-to-day work – the setting of realistic objectives and priorities and the initiation of prompt corrective action if required; d) meeting deadlines – the ability to complete work and to manage time effectively; e) cost effectiveness – making optimum use of financial and other resources; f) decision-making – an ability to make sound decisions based on fact and to take initiative; to accept responsibility for decisions. It is also about the ability to follow through and avoid procrastination; g) problem-solving – analytical skill and the ability to develop effective solutions; h) job knowledge – knowing and understanding his or her brief; i) innovation/creativity – an ability to think creatively within the context of his or her own specialisation and to find original solutions to problems; j) leadership – effective management of, and planning with, team members, including the delegation of jobs at an appropriate level; k) team building – an understanding of group processes and the coaching and development of all team members; l) relationships – an ability to generate and sustain appropriate professional relationships; m) communication skills – oral – an ability to communicate logically, clearly and with conviction; n) communication skills – written – an ability to present documents in a clear, concise manner; and o) technological expertise. The paper will address what is needed in today's environment and how a strictly academic qualification does not adequately prepare students for employment. Taking into account our current post-graduate professionals, the paper will look at how that qualification should be changing to help make our students employment ready. **Biography** For the past five years, Cheryl Green has been employed by the Law Faculty of the University of Waikato as Director of Clinical Legal Education & Competitions and Director of Interns as well as Convenor and Lecturer for Legal Method, Dispute Resolution and Civil Procedure. She is on the University Curriculum Committee, Education Committee and the Curriculum Design Transition and Implementation Working Group. Prior to her employment with the University of Waikato, she worked for six years at the Institute of Professional Legal Studies, teaching the post-graduate qualification of professionals. Before then, she was a practising solicitor for ten years. She has had an article published in the 2014 *Waikato Law Review* titled: "Clinics: How to Teach the Art of 'Lawyering' – Does It Have a Place in Academia?". Her professional interests include the theory and practice of legal education in conjunction with the incorporation within a legal education of a law student's ability to apply theories and principles to the practice of law. PARALLEL SESSION 2E, SEE PAGE 11

Name	Title	Abstract and Biography
Stephen Colbran, Anthony Gilding & Scott Beattie	**Massive Open Online Courses (MOOCs) – A Mirage in the Australian Regulatory Environment**	Massive Open Online Courses (MOOCs) may not be financially viable for domestic or international students studying under a student visa under the current Australian regulatory environment. Whilst there are numerous methods available to finance the development and implementation of a MOOC, few options have been explored by Australian Universities. The 2014 Federal Budget's deregulation of fees commenced on 1 January 2016, enabling the possibility of discounted MOOCs. However, it is unlikely registered providers will reduce fees for Commonwealth supported students given that regulatory and cost burdens have largely remained unchanged. MOOCs may be offered to overseas students studying in their home countries at discounted rates, but not to international students studying in Australia under a student visa. International students studying in Australia under a student visa cannot undertake a MOOC course. They can, however, undertake on campus face-to-face courses with MOOC components up to a maximum of 25 per cent of their programme duration. Regulatory reporting requirements remain a major restriction on the flexible offering of MOOCS. Current Australian regulatory frameworks continue to inhibit flexible offerings of new models of open mass education, reducing competition and the opportunity for Australia to realise the true potential of MOOCs. As international competition builds, Australia will be placed in an increasingly unfavourable position to compete in new markets for mass education. MOOCs remain a mirage in the Australian Regulatory environment. **Biographies** Professor Stephen Colbran is the Head of the Central Queensland University (CQUniversity) Law Discipline. In 2013, he was awarded an Office for Learning & Teaching (OLT) Citation for Outstanding Contribution to Student Learning, "For the sustained development of innovative enterprise level e-assessment systems that have influenced and enhanced learning and teaching." In 2014, he was successful in receiving an OLT Award for Teaching Excellence. Stephen first developed branching simulations for his law courses in 1992. Stephen recently implemented the iTunesU mobile platform for open content delivery of 26 CQUniversity Law courses via iPads. His research interests include: Software development, Software licensing, Web 2.0 Teaching methodologies, civil procedure, the use of information technology in teaching law, and applying social science research methodologies to legal issues. He is the creator of the Australian Law Postgraduate Network (ALPN) www.alpn.ed.au, a legal networking website linking academics, researchers and students. He has five teaching technology patents, including two recent US patents, and has project managed and developed two enterprise level multiplatform marking systems. He is the author or co-author of eight books and numerous research articles and government reports. For eight years, Stephen has been engaged in software development specialising in teaching technologies. His past appointments include Deputy Vice-Chancellor Academic Renewal (Acting) (University of New England (UNE)) – including Chair of the UNE University Teaching and Learning Committee, Dean of the School of Law (UNE), and Director of Learning and Teaching Quality. He is currently a registered auditor with TEQSA and for seven years was a member of the NSW Legal Profession Admissions Board. He has also conducted numerous empirical studies related to the use of technology in teaching both nationally and internationally. Dr Anthony Gilding has held a wide range of management and academic support positions at James Cook University (JCU) and Charles Darwin University, and various academic development positions at Victoria University (Melbourne), Charles Darwin University, Monash University and La Trobe University. He has been responsible for strategic projects in several universities, often centred on the development of blended learning infrastructure and associated professional development programmes. His interests are teaching and learning in higher education, with a particular emphasis on online and blended learning. He is a specialist in pedagogy and in educational design. He has worked with academic staff on numerous course and subject renewal projects for undergraduate and postgraduate programmes in most disciplines university-wide. His recent publications focus on the application of new technologies in legal education. He is currently retired but still teaches online for Swinburne University. Scott Beattie is a law academic and an Associate Professor at Central Queensland University, which delivers an innovative online law programme. His research background is in media law, intellectual property law and internet technology regulation. In his current role, Scott is driving new learning technologies such as the use of digital badging in building student motivation and delivering curriculum reform. PARALLEL SESSION 2E, SEE PAGE 11
Jill Jones & Lesley Francey	**The Role of Law Teachers in Raising Awareness of the Implications of Insecure Work for Both Academic Freedom and Good Faith Bargaining**	Neo-liberal policy has resulted in far reaching changes in tertiary education. Legal education is not exempt. Systemic underfunding of higher education has resulted in creeping casualisation of the academic workforce. The "Final Report of the Findings from the Survey of Work and Well Being in the Tertiary Education Sector AUT" (Auckland University of Technology, 2013) reports the findings of a Tertiary Education Union commissioned study dealing with the effects of these changes on sector wellbeing. Drawing on these findings, the authors discuss the implications of changes in the sector for (a) section 161 of the Education Act 1989 (academic freedom) and section 4 of the Employment Relations Act 2000 (good faith bargaining), the latter specifically in relation to collective contracts in the education sector. The paper discusses the role of law teachers in raising awareness of the implications of insecure work for both academic freedom and good faith bargaining. **Biographies** Jill Jones is Senior Lecturer (Law) at the Manukau Institute of Technology and co-Branch President, Tertiary Education Union, Maukau Institute of Technology. Lesley Francey is Senior Lecturer at the Manukau Institute of Technology and co-Branch President, Tertiary Education Union, Manukau Institute of Technology. She is a former Tertiary Education Union National President. PARALLEL SESSION 2E, SEE PAGE 11

Name	Title	Abstract and Biography	
2F S Che Ekaratne	**The Role of Law with Regard to Unauthorised Surveillance-Related Activities in New Zealand**	Changes in technology have led to increasingly complex and widespread surveillance of our daily lives. Closed-circuit television in particular has proliferated. This has led to an accompanying increase in misuses of this technology, such as leaks of surveillance footage to the media or to the general public. Focusing on New Zealand law, this paper will evaluate law's role in guarding against unauthorised access and use of surveillance footage. The paper will examine both legal and non-legal forms of regulating this issue. In terms of legal protections, the paper will focus especially on the interlinked challenges of using criminal law, copyright law and privacy law as legal tools. This analysis is especially timely given a recent decision by the New Zealand Supreme Court that broadened the potential for criminal liability for surveillance leaks. The paper will also examine why non-legal methods (such as technological protective measures) are often insufficient protections in this area. Due to the deficiencies of non-legal protective methods, law has an important role to play in protecting against surveillance misuses in New Zealand. However, even the legal avenues of redress bring with them certain challenges.	Having identified some major challenges of both legal and non-legal tools in this regard, the paper will make recommendations as to how law could be further developed to better guard against unauthorised access and use of surveillance footage in New Zealand. **Biography** S Che Ekaratne is a Lecturer at the University of Canterbury School of Law in Christchurch, New Zealand. She holds a BA from Yale University, a JD from Harvard Law School and an LLM from the University of Bristol. Her research interests include comparative aspects of intellectual property law and entertainment law. She is currently engaged in doctoral research on issues of intellectual property and personality rights relating to the use of personal images. Her research has been published in the *Harvard Human Rights Journal* and the *Media and Arts Law Review.* Before entering academia, she was an attorney at a major American law firm, where her work included submissions to the United States Supreme Court. PARALLEL SESSION 2F, SEE PAGE 11
Jonathan Barrett	**Time to Look Again? Copyright and Freedom of Panorama**	Freedom of panorama is a remarkable exception to copyright protection. It is not an infringement of copyright to copy and communicate images of buildings, sculptures, models for buildings or works of artistic craftsmanship which are on permanent public display. Unlike New Zealand law, many jurisdictions do not provide for such a sweeping exception. In the European Union, freedom of panorama is contemplated in the *InfoSoc Directive 2001/29* and has been the subject of considerable debate. In New Zealand, Wai 262 ought to give pause for thought about all forms of engagement with Māori cultural works, many of which are publicly accessible. This paper looks at the history of freedom of panorama, and current provisions in different countries, but with a jurisdictional focus on New Zealand. Consideration is also	given to the Berne Convention and InfoSoc. Is the freedom of panorama exception too broad or too narrow? With particular reference to Wai 262, this paper interrogates that question. **Biography** Jonathan Barrett holds degrees from English and South African universities. His doctoral studies related to the application of fundamental human rights to a taxation system. He is generally interested in the application of human rights and distributive justice to everyday contexts, including intellectual property. PARALLEL SESSION 2F, SEE PAGE 10
Chris Dent	**Patents since the 16th Century: The Evolving Processes as a Form of 'Punctuated Equilibrium'**	The patent system in England has been around since the Sixteenth Century. Much of the operation, and philosophy, for the modern system, however, was established in the Nineteenth Century; and, of course, it is responding to significant challenges in the present day. This paper applies ideas from evolutionary theory to provide a different perspective on the system's history and to consider whether it is about to undergo major change again. More specifically, it argues that the processes of change may be characterised as process of "punctuated equilibrium". Two aspects are engaged with to justify this characterisation: the shifts in the "species" that inhabit the system (the categories of parties that are acknowledged by the law); and the changes in the "mechanisms of interaction" between these species and their broader environment. In short, this paper shows that the manner in which the system operates has changed as the socio-political conditions that support the system have changed. The endpoint, then, is an exploration of whether we are primed to have another "great convulsion" in the patent system that leads to a model that more properly reflects the diversity of relationships in the community.	**Biography** Chris Dent has been an Associate Professor at Murdoch University School of Law since January 2015. Prior to that, he had, for ten years, a research-focused position at Melbourne Law School and the Intellectual Property Research Institute of Australia (IPRIA). Much of his work has focused on the history and theory of intellectual property. He also took advantage of the relative academic freedom to use a wide variety of research methods to examine the operation of the law. Before that, he carried out research into defamation law at the Centre for Media and Communications Law, which, in turn, was after doing work for the Law Reform Commission of Western Australia and the Victorian Law Reform Commission. His underlying critical approach was born while undertaking his PhD – an application of Foucault's archaeological method to a history of negligence decisions. PARALLEL SESSION 2F, SEE PAGE 11

Abstracts and biographies

3A-3F

For Parallel Sessions 3A-3F
Time: Friday 8 July 11:15 – 12:45

Name	Title	Abstract and Biography	
3A Helen Anderson	**Sunlight as the Disinfectant for Phoenix Activity**	Over more than two decades, various inquiries initiated by government have struggled to come up with a definition of illegal phoenix activity, as a step towards proscribing this troublesome and costly behaviour. At present, therefore, those who engage in this activity have only been brought to account by a patchwork of provisions spanning taxation, labour and corporate law. Enforcement by both government agencies and private insolvency practitioners has been problematic, principally because it is difficult to differentiate a legitimate business rescue by a company's former controllers from a deliberate attempt to avoid payment of a failed company's debts. Indeed, it could be argued that some apparently legitimate business rescues by "inept serial entrepreneurs" create as many difficulties for employees, revenue authorities and unsecured trade creditors as the illegal variety. This paper takes a lateral approach to tackling the phoenix issue by suggesting some structural and practical changes to the present landscape. These are based on "sunlight" – greater collection of information at the time of incorporation, sharing of that data between regulators, and public availability of information for those affected by	phoenix activity. While these suggestions have recently found favour with two government-initiated inquiries, Australia's pro-innovation, anti-red tape government has yet to publicly endorse or act upon these recommendations. **Biography** Professor Helen Anderson holds an LLB (Hons) from the University of Melbourne, as well as a Grad Dip Bus (Acc), LLM and PhD from Monash University. Her teaching has mainly been in the areas of business law and company law. The fair treatment of vulnerable parties has been her abiding research interest: her Masters major thesis dealt with parties who rely on published audit opinions, and her doctoral thesis was concerned with creditors in corporate insolvency. She continues this interest with her work on improving the recovery rights of employees in corporate insolvency and investigating ways to regulate fraudulent phoenix activity (both ARC (Australian Research Council) funded projects). PARALLEL SESSION 3A, SEE PAGE 12
David Parker & Angelo Veljanovski	**Crowdfunding/ Crowdsourcing: What Is It, What Is Proposed and How Does It Fit in with Company Law?**	Crowdsource funding (CSF) seems to have suddenly appeared, even though many would say it has been around for some 200 years! The digital age has triggered a host of entrepreneurs who are seeking funds for profit and not for profit ventures, and for a host of other reasons, eg the funding of public causes. Typically, a crowdfunding capital seeker will use the services of an intermediary who does the marketing, video and conducts the digital appeal, in order to assemble the desired capital from investors (while taking a fee). The various intermediaries, who conduct the fund raising platforms, are themselves all part of the growth of the entrepreneurialism surrounding this new capital raising mode. Crowdfunding has prompted proposed legislation in Australia, and similarly final law has been established in many other countries, notably New Zealand, the United Kingdom and the United States. The legislative response is due to the need to regulate the offer of securities by companies, whether in the form of a share, documented debt or managed	investment format. What, therefore, is the balance required by both statute and regulators to protect potential investors, set standards for CSF capital raising, while still encouraging this innovative means of capital raising for start-up companies and potential new products? This paper outlines some of the CSF activities that are occurring in Australia, and the proposed legislative response with some comparison to what regulation has been formulated in other jurisdictions. **Biographies** David Parker is a Senior Lecturer in Law, Victoria Law School, Victoria University, Australia, teaching company law, taxation law and business law. Angelo Veljanovski is a Lecturer in Law, Victoria Law School, Victoria University, Australia, teaching company law, tort law and business law. PARALLEL SESSION 3A, SEE PAGE 12

Name	Title	Abstract and Biography
John David Horsley & M Daud Ahmed	**The Limited Liability Company in the 21st Century: In Search of a New Paradigm**	The limited liability company is the central feature of economic activity, a position it has held from the era of industrial capitalism in the 1850s through to the current information age era. Its primary role – facilitating the productive use of capital – has ensured its longevity, and kept it immune from scrutiny. While its function and conceptual foundations have been largely unchallenged, there is an increasing focus on its fitness for purpose in the 21st century. Its fundamental tenet, the director-shareholder binary, has withstood contenders such as stakeholder and institutional theories; the rise of corporate governance over the past two decades has added a legitimacy to its function in the market, and legislative intervention has tinkered with the margins in areas such as accountabilities of directors. Areas of concern such as phoenix companies, aspects of the receivership and liquidation rules and the plight of unprotected stakeholders continue to attract attention, but have little impact on corporate legitimacy. And yet, tensions remain. Societal and stakeholder pressure is focusing on corporate responsibility; the line between what is legal and what is ethical in business activity is the subject of ongoing inquiry; the implications of COP 21 and sustainability demand a rethink on business models, and the changing nature of business activity with the rise of the network economy, all pose questions about the longevity of the company structure. This paper will review the role and legitimacy of the limited liability company in the light of the above issues, and will offer insights into the future trends impacting on the corporate structure. **Biographies** John Horsley has taught corporate law and corporate governance courses in a business school context for a number of years. He has co-authored journal articles on corporate law, corporate social responsibility and the corporate veil, and has been a commentator on corporate governance issues. His industry connections include teaching the Corporate Law and Corporate Governance courses for the Governance New Zealand post-graduate professional education programme. Dr M Daud Ahmed's research encompasses integration of multi-disciplinary issues, including sustainability, sustainable business transformation and business information systems. Design and development of conceptual roadmaps is the central focus of his research, which focuses on knowledge models and systems for decision-making, governance and management. He has presented at many top-tiered international conferences, and published in top-ranked and niche journals. PARALLEL SESSION 3A, SEE PAGE 12
Robin Bowley	**Addressing the Challenges that Students Face in Learning Business Concepts in Corporate Law**	As a compulsory part of all Australian undergraduate law curricula, Corporate Law subjects require students to master not only the rules of Corporate Law, but to also develop an appreciation of the commercial factors that influence the affairs of companies. These include the roles of key people within companies, the rationale for selecting particular corporate structures, corporate financing and the rationale for major corporate transactions. For many law students without previous business experience or knowledge, making sense of these complex concepts and terminology can prove challenging. Whilst there is a considerable body of published research on addressing the challenges of teaching Corporate Law to non-law students undertaking business courses, very little research has been undertaken on the challenges that law students encounter in developing their understanding of the business concepts covered in Corporate Law courses. This paper will examine the interim findings of a project being undertaken at the University of Technology Sydney during 2016 on the challenges that law students encounter in understanding the business concepts covered in an undergraduate Corporate Law subject. It will discuss the findings from student responses to online surveys about the challenges they have encountered in understanding the business concepts covered in Corporate Law. It will also discuss student feedback on the usefulness of a case study examining the "corporate life cycle" of hypothetical company in developing their understanding of business processes and terminology. The paper will conclude by suggesting some strategies that Corporate Law teachers might implement to assist students in developing their understanding of business concepts covered in Corporate Law subjects. **Biography** Dr Robin Bowley has taught courses in Corporate Law and Insurance Law at the University of Technology Sydney (UTS) since 2009. He was formerly a lawyer with the Australian Securities and Investments Commission between 2005 to 2011, where he was involved in numerous investigations into possible contraventions of the Corporations Act (2001) and related legislation – including continuous disclosure, insider trading, market manipulation, breaches of directors' duties and insolvent trading. He has an active research interest in Corporate and Insurance Law, and is a contributing author to *Australian Corporations Law Principles and Practice* published by LexisNexis, and *Robson's Annotated Corporations Legislation* published by Thomson Reuters. In 2015, Robin completed a Graduate Certificate in Higher Education Teaching and Learning at UTS, and currently coordinates the UTS Law Faculty's Teaching and Learning seminar programme. PARALLEL SESSION 3A, SEE PAGE 12

Name	Title	Abstract and Biography	
3B Don Paterson	**The Constitutionality of Custom Land Dealings in Vanuatu**	The purpose of this paper is to explore the occurrence of dealings in customary land which occurred in Vanuatu, then known as New Hebrides, before it acquired independence, and to consider the constitutional validity of those dealings after the Constitution of that country came into force on 30 July 1980. The first part of the paper will provide examples of dealings in customary land by the owners. Such dealings took place by way of gifts, given on the basis of affection, and also on the basis of gratitude for services rendered to the donors. Transfers of land are also recorded as having been made by way of custom sales, and also by way of exchanges. When the Constitution of Vanuatu came into force, it stated that all land in the country belongs to the indigenous custom owners and their descendants. This raises the question, which the paper explores in the second part, as to whether people, who acquired custom land otherwise than as by descent from indigenous custom owners, are now entitled to claim ownership of that land.	**Biography** Professor Don Paterson is Emeritus Professor of Law at the University of the South Pacific (USP) Law School, at Port Vila, Vanuatu. He was born in New Zealand, and undertook postgraduate studies at Yale Law School, and then returned to teach law at Victoria University of Wellington and Otago University. After a period as Legal Counsel to the New Zealand Ombudsman, he joined the USP in 1979 as Professor of Public Administration. At that time, the USP did not have a separate law programme, but in 1985, it introduced a law programme for paralegals and Professor Paterson returned to his first love of teaching law as Director of the Pacific Law Unit, which was established in Port Vila, Vanuatu. In 1994, the University upgraded the law programme to include undergraduate and postgraduate studies at a School of Law which was established in Port Vila to replace the Pacific Law Unit. Professor Paterson is still actively teaching at the School of Law, and undertakes research and consultancies, especially on land matters. PARALLEL SESSION 3B, SEE PAGE 12
Guy Powles	**The Head of State and the Legislature: The Power of Veto in Pacific Island States and the Case of Tonga**	Within the Pacific Island region there are 14 independent and associated states, each with its own governmental structure regulated by a constitution written and adopted, or substantially reformed, within the last 55 years. In each case, the Head of State has a status and role that distinguishes it. Efforts to categorise the Heads of State of the region under headings must contend with differing traditional political cultures, experiences under colonial administrations, choices made during constitution-making and subsequent pressures. From time to time, the Head of State's relationships with the rest of government may be tested, particularly in relation to the legislature where concerns may arise as to what powers the Head of State may have, if any, to veto or otherwise affect the enactment as law of a bill passed by Parliament. Interest in this topic has been sparked by recent major constitutional reform in the Kingdom of Tonga which has resulted in the Monarch retaining the power to veto any bill, as well as significant executive powers. In order to provide a comparative perspective, this paper will briefly review the different types of authority of the Heads of State of the region that relate to the supervision of law-making. It will be suggested that a common problem for constitution-makers has been to find the right balance between the recognition of traditional political culture and the introduction of Anglo/American constitutional traditions. The case of Tonga will require closer examination. The degree of continuing influence of Tongan political culture places Tonga in a different category from Pacific Island states generally. Examples from Tonga's history of government and constitution-making will also be drawn upon.	**Biography** Dr Guy Powles, Adjunct Senior Fellow at Monash University, taught Pacific Comparative Law for twenty years. He practised law in New Zealand, the United Kingdom and Australia, and held judicial appointments in Samoa and the Federated States of Micronesia. He was involved in the establishment of the Law School of the University of the South Pacific in Vanuatu, where he supported teaching and research for many years. Guy's primary field of interest and expertise is the law and custom of the peoples of the Pacific Islands and the development of their constitutions. He studied the history of Tonga's and Samoa's Constitutions and has been closely associated with the recent constitutional reform process in Tonga. This has taken the form of advice requested over time by government and by Royal Commissions on Constitutional Reform and on Land. Retired from teaching, Guy works from his home office, where he may be contacted at guy.powles@monash.edu. PARALLEL SESSION 3B, SEE PAGE 12

Name	Title	Abstract and Biography	
Jennifer Corrin	**Exploring the Deep: Looking for Strong Legal Pluralism in the South Pacific**	Over the past 40 years, legal pluralism has gradually gained wider recognition. It is now acknowledged by many that legal pluralism is everywhere. However, the depth of this pluralism, in the sense of the degree of recognition given to non-state systems of law, varies dramatically from place to place. Recognition by the state spans from mere acceptance as fact, across a broad spectrum, to acknowledgement of the capacity of laws with a source of authority outside the state to constitute an institution with power to make laws and to adjudicate in disputes. This paper identifies some examples of recognition of customary laws by the state in South Pacific countries that appear on the surface to constitute deep legal pluralism. A more detailed analysis is then carried out to determine whether this resemblance withstands scrutiny, or whether recognition is in reality only weak legal pluralism.	**Biography** Jennifer Corrin is a Professor in the TC Beirne School of Law at The University of Queensland. She is an Australian Research Council Future Fellow, researching law reform and development in plural legal regimes, and is a partner investigator in the Legitimus research collaboration, funded by the Social Sciences and Humanities Research Council. Jennifer has published widely and is the co-author of *Introduction to South Pacific Law.* Her most recent publications include a second edition of *Civil Procedure and Courts in the South Pacific Law* (Intersentia, 2016, with David Bamford). Before joining the University of Queensland, Jennifer spent six years at the University of the South Pacific, having joined the Faculty after nine years in her own legal firm in Solomon Islands. PARALLEL SESSION 3B, SEE PAGE 12
3C Amy McInerney	**Planning – A Risky Business?**	In Queensland, like so many other jurisdictions, planning laws are increasingly complex and the system is criticised for being inefficient, costly, unpredictable and inaccessible to the broader community. The result is a frustrated planning community and a disenfranchised general community. Government reforms persistently aim to simplify planning law processes. Yet, the complexities remain. The path to simplicity is complex, but to a large extent, law reforms have failed to address a significant contributor to this legal problem: risk aversion. A performance based planning law system relies on government officers exercising discretion and adopting a flexible approach to decision-making. Discretion and flexibility produces a degree of uncertainty. Uncertainty can be perceived as risk. Risk is an inescapable part of decision-making, but where it is overemphasised, unnecessary complexities in the implementation of planning laws ensue. This raises a question about law's role in better responding to risk aversion. The law has increasingly embraced risk-based approaches to regulation, but legislative success requires a cultural shift in the implementation of the laws on a day to day basis. Law reformers struggle to achieve a balance between flexibility and certainty. At the same time, the effective regulation of planning requires a management of the tension between flexibility and risk. A risk-based approach to regulation would produce a decision-making framework that would give priority to regulated activities that pose the greatest risk to the regulator's objective. But is there scope for a risk-based regulatory approach to respond to an overemphasis of risk in the context of exercising discretion and applying a flexible approach to law?	**Biography** Amy McInerney is a PhD Candidate at Griffith University. Her research centres around concepts of risk and regulatory theory in the context of Queensland's planning laws. Amy is supervised by Dr Philippa England. In 2005, Amy graduated from Griffith University with a Bachelor of Laws and a Bachelor of Environmental Science. Since graduating, Amy has spent most of her career in the planning law profession. She commenced her legal career at Blake Dawson Waldron, but also spent time working in a planning law reform role in State government. Before starting her PhD, Amy was an Associate at Minter Ellison – Gold Coast. Amy has been a Sessional Teaching Fellow at Bond University since 2012. PARALLEL SESSION 3C, SEE PAGE 12
Mark Bennett	**Achieving Security of Tenure in Private Residential Tenancies for Generation Rent**	Generation Rent is a social phenomenon where people who otherwise would move into secure tenure as owner-occupiers of property are forced by economic circumstance to remain in the private rental sector. In Australia and New Zealand, the private residential rental sector does not provide renters with a secure duration for their tenancy, such as the indefinite or multiple-year tenancies that existed in Britain in the mid-20th century and which are found in European jurisdictions today. This is often seen as a major problem by renters. Victoria is currently looking to reform its residential tenancy laws, and there have been calls for such reforms in New Zealand. It is, therefore, an opportune time to revisit the question of secure tenure in the private residential sector, particularly in the light of important shifts in Ireland and Scotland, away from the low-security model and towards a more European approach.	**Biography** Dr Mark Bennett teaches and researches in property, trusts, legal philosophy, and regulation at Victoria University of Wellington Faculty of Law. His undergraduate studies were completed at Victoria University of Wellington, and he holds graduate degrees in law from the University of Toronto, Harvard Law School, and Victoria University of Wellington. His publications include contributions to two books concerning regulatory reform in New Zealand, and articles in the *Indigenous Law Journal, Law and Philosophy,* the *Canadian Bar Review, Victoria University of Wellington Law Review,* the *New Zealand Journal of Public and International Law* and the *Australian Journal of Legal Philosophy.* PARALLEL SESSION 3C, SEE PAGE 12

Name	Title	Abstract and Biography
Thomas Gibbons	**The End of Units: Perspectives on Cancellation of Unit Plans**	Cancellation of a unit plan under the Unit Titles Act 2010 brings unit titles to an end, and returns them to fee simple or leasehold status. The 2010 New Zealand legislation made this a 75 per cent, rather than unanimous, decision of unit owners. Similar approaches have been considered and debated in other jurisdictions, including most recently Singapore and New South Wales; some commentators express concern at the potential for owners to lose their homes, while others are more optimistic about the potential for the rejuvenation and rebuilding of sites, and place more weight on the interests of a majority over unit holders versus the dissenting minority. This paper will consider both theoretical perspectives on cancellation, and emerging case law in New Zealand. A number of New Zealand cases have arisen in the wake of the Christchurch earthquakes, where destruction has been an unfortunate reality, but other decisions are more unique. Drawing on these decisions and broader property law theory, this paper will argue that the courts may ultimately be best placed to make decisions on cancellation, but that a statutory regime allowing for something less than unanimity is both defensible and desirable, and reflects the nature of unit ownership. **Biography** Thomas Gibbons is a Director at McCaw Lewis Lawyers, in Hamilton. He is the author of *Unit Titles Law & Practice,* and has co-authored books on trusts, financial markets law, and easements and covenants. Thomas has published articles in a range of journals, including the *International Journal of Law in the Built Environment*, the *Australian Journal of Property Law,* the *Property Law Review,* the *New Zealand Universities Law Review* and others. He has lectured in securities law and property law, and has presented papers at conferences in New Zealand and overseas on various property and commercial law topics. PARALLEL SESSION 3C, SEE PAGE 12
3D Mike French	***Dixon v R* – What a Load of Hogwarts!**	In 2011, during the Rugby World Cup being held in New Zealand, video footage from a Queenstown bar captured Mike Tindall, vice-captain of the English rugby team, in a compromising situation. Mr Dixon, who was a bouncer for the bar's security firm, dishonestly obtained the CCTV footage from the computer system and, not being able to find a buyer, posted it on a website. Dixon was charged under the Crimes Act with accessing a computer system and dishonestly and without claim of right obtaining "property". The issue was whether Dixon had, in fact, obtained any "property" as defined in section 2 of the Act. Last October, the New Zealand Supreme Court, in *Dixon v R* [2015] NZSC 147, overturned the decision in the Court of Appeal and held that digital files do constitute "property" for the purposes of the Act. This paper takes issue with that decision, arguing that data stored in a digital file is indistinguishable from pure information, and that there is nothing in the legislation to indicate that Parliament intended to depart from the orthodox position, expressed in the oft quoted dictum, that "information is not property". More generally, the paper uses the *Dixon* decision to focus on the broader question of whether, and in what circumstances, it may be appropriate for the courts to move away from the orthodox position and treat information compiled in digitized assets as property. It will analyse recent decisions from the United Kingdom courts such as *Your Response Ltd v Datateam Business Media Ltd* [2014] EWCA Civ 281 and F*orce India Formula One Team Ltd v 1 Malaysia Racing Team SDN BHD* [2012] EWHC 616 (Ch). It will also look at decisions from the United States, Australian and Canadian jurisdictions. **Biography** Mike French has been at the Auckland University of Technology (AUT) since 2002, having previously taught in the Law School at the University of Greenwich, London. Mike led the development team which set up the law degree at AUT in 2009. He teaches and researches in the areas of obligations, remedies, commercial transactions and ethics. PARALLEL SESSION 3D, SEE PAGE 12

Name	Title	Abstract and Biography
Scott Beattie	**The Wickedness of the Mob: Regulatory Networks Turn Ugly**	In *So You've Been Publically Shamed* (2015), author Jon Ronson documents a change in the mood around Twitter, where the dreams of social media as an engine of democratic accountability have often been subverted by the bullying tactics of the angry mob. Likewise in regulatory theory, the utopian ideals of de-centred regulatory networks have been challenged by the failure to moderate the power of the mob in a manner consistent with respectful democratic engagement and individual rights. This paper examines this challenge to the foundations of regulatory networks and asks what role rule of law will play in the globalised knowledge ecology. The hybrid public and private character of the social media landscape provides further complication in conceptualising the roles of regulators and lines of power. Drucilla Cornell's notion of the "Imaginary Domain" provides critical tools for understanding the importance of individual autonomy in the exercise of fundamental rights and citizen sovereignty. The return of the mob signals a threat to individual rights that has no easy legal solution. Drawing comparisons to anti-bullying legislation, this paper explores the challenge of establishing a legally actionable form of harm, the difficulty in application of traditional media/information regulation laws (such as broadcasting laws or the law of defamation) and the particular problems of enforcement in the social media environment. The idea of network regulation was born from the ferment of early internet culture, in utopian aspirations about the democratisation of access to media and scepticism about the continuing role of institutions of centralised power. While a return to a monolithic state model is impossible, the darkening mood in some spaces of social media suggests that the cultivation of new tools of regulation will be necessary lest we surrender sovereignty to mob rule. **Biography** Scott Beattie is a law academic and an Associate Professor at Central Queensland University which delivers an innovative online law program. His research background is in media law, intellectual property law and internet technology regulation. In his current role, Scott is driving new learning technologies such as the use of digital badging in building student motivation and delivering curriculum reform. PARALLEL SESSION 3D, SEE PAGE 12
Tania Leiman & Kimberley Bilsborow	**Artificial Intelligence, Robotics and Autonomous Vehicles – Equipping Lawyers for a Fast Changing World**	Keeping pace with the exponential advances and innovations in a multitude of areas, including artificial intelligence, robotics and autonomous vehicles, is a struggle. The potential for future widespread adoption of these technologies poses particular legal issues in the context of liability for harm and infringement of other rights. These and other "Industries of the Future" (Alec Ross *The Industries of the Future* (Simon & Schuster, 2016)), are likely to present novel challenges, both for traditional notions of legal practice, and as traditional discipline areas struggle to adapt existing legal principles to new realities. Drones are becoming more common (and posing new dangers) in the airspace. Most late model motor vehicles incorporate some semi-autonomous features, usually to increase safety, and possibility of completely driverless cars is now in sight. This raises questions about how liability for harm these vehicles might cause should be determined. What impact might this have on vehicle owners, other motorists, vehicle manufacturers, software providers, insurers and road authorities? Legislators in Australia and the United States are already wrestling with whether amendments to existing legislation will be required permitting autonomous vehicles on public roads. In jurisdictions where liability for such accidents is fault -based, legal claims for compensation for personal injury are constructed as claims in negligence. The quantum of damages for motor vehicle accident personal injuries is already limited by legislation in some jurisdictions. What is the potential impact on dispute resolution processes where one or a small number of manufacturers of these vehicles (for example Google) have an overwhelmingly dominant market share? What responsibility do lawyers have to ensure that they are technologically literate in these areas? What does this mean for how and what we teach our students now in order to equip them for the realities of practice in a fast changing world? **Biographies** Tania Leiman is Associate Dean (Teaching & Learning) at Flinders Law School, where she is also Director of First Year Studies and a supervising solicitor in the Flinders Legal Advice Clinic. She currently teaches tort law. She has received university teaching excellence awards and an Australian Learning and Teaching Council citation. Her current research focus includes the future of the legal profession in the digital age, big data and the law, and the legal implications of autonomous vehicles. Kimberley Bilsborow is a Bachelor of Laws and Legal Practice Honours student at Flinders Law School. PARALLEL SESSION 3D, SEE PAGE 12

Name	Title	Abstract and Biography
Benjamin Liu	**Machine Learning and the Future of Law**	Machine learning algorithms are now used in the finance industry, education, healthcare, social media and many other sectors. Armed with machine learning technology, computers are becoming cognitive systems. Based on the information they possess, computers can see things, engage in conversation and perform a number of tasks which were traditionally reserved only for humans. Furthermore, cognitive computers are able to conceive new methods of performing given tasks that were not perceived even by the people who designed the systems. The use of cognitive systems has created new legal issues and will continue to pose various legal challenges. For example, if the system fails and causes physical harm or financial loss, who should be held legally liable? Another example is that, to the extent that we rely on computers to make certain decisions, what are the types of decisions a computer should be allowed to make, and what decisions remain for human beings to make? It is proposed that legal academics need to start thinking seriously about whether the current legal framework is capable of addressing the new legal issues associated with cognitive systems, or whether a fundamentally different approach is required. Additionally, we need to align our teaching curriculum to better equip students with the skill set to enter into the job market tomorrow, where they will be working side by side with cognitive computers. **Biography** Benjamin Liu is a Lecturer at the University of Auckland. His teaching and research interests include financial markets law and contract law. His main areas of expertise are financial derivatives and bond trusts. His papers have appeared in both domestic and international peer-reviewed journals. More recently, Benjamin has focused on the transformative potential of cognitive computers for legal services and legal education. He is currently developing a cloud-based legal expert system that provides more relevant search results than a traditional keyword search. Before joining the University, Benjamin worked at international law firms and a leading European bank. He is a qualified solicitor in New Zealand and England and Wales. PARALLEL SESSION 3D, SEE PAGE 12
3E Lynne Taylor, Ursula Cheer, Natalie Baird, John Caldwell & Debra Wilson	**The Making of Lawyers: Expectations and Experiences of Second Year New Zealand Law Students**	This paper reports on the third collection of data in a longitudinal study of law students who first enrolled at the Universities of Auckland, Canterbury and Waikato in 2014. This data was collected from students towards the end of their second year of law studies in 2015. This paper addresses three emerging themes. The first is that analysis of students' responses by ethnicity reveals groups within the larger cohort that report more or less positive experiences than the cohort norm. These responses appear to have had an effect on student retention rates from first year. Although largely in line with theoretical models, the retention rates of Māori and Pākehā students participating in the study were significantly higher than those of Pasifika and Asian students. The second emerging theme relates to student engagement. For this purpose, the authors define engagement as the time and intensity of effort students devote to their educational experience and the learning activities and conditions provided by the institution at which the student is enrolled. Using the measures of time devoted to study and reported participation in active learning activities, they report that students are generally engaged in passive learning during lectures and that many are often distracted by their electronic devices. They also report that what is happening during lectures may be having an impact on how some students study outside of class. The final emerging theme relates to student wellness. As part of the study, students completed the "Kessler 6" scale (a set of questions used internationally to screen for psychological distress in large populations). Consistent with overseas studies, the students participating in this study reported levels of likely psychological distress that were far higher than their peers in the general population. **Biographies** The author team, all from the School of Law, University of Canterbury, have been involved in the longitudinal study of law students since its inception in 2014. The project is co-led by Lynne Taylor and Ursula Cheer. Lynne Taylor is an Associate Professor in the School of Law at the University of Canterbury. Her primary research and teaching areas are company law and insolvency law. She also has a developing interest in legal education and co-chairs the School of Law's Learning and Teaching Committee. Since 2014, she has co-led an AKO Aotearoa funded longitudinal study of law students enrolled at the Universities of Auckland, Canterbury and Waikato. Professor Ursula Cheer LLB (Cant), LLM (Camb), PhD (Cant), CMNZ. Ursula graduated with Honours from the University of Canterbury. In New Zealand, she has worked in private practice, and as a speech writer to the Minister of Justice, and a legal advisor to the Prime Minister. In the United Kingdom, she worked as a Legal Advisor to the Lord Chancellor in the Law Commission. Ursula is now a Professor specialising in media law at the University of Canterbury and is also Dean of the School of Law. She publishes widely in the areas of defamation and privacy and aspects of media law. PARALLEL SESSION 3E, SEE PAGE 12

Name	Title	Abstract and Biography	
Kate Galloway, Mary Heath, Alex Steel, Anne Hewitt, Mark Israel & Natalie Skead	**A Thinking, Reading, Problem-Solving Nexus: The Smart Casual Approach**	Despite a clear case for explicit teaching of thinking skills in legal education, these skills still commonly appear to be implied in the law curriculum rather than being taught explicitly. It is true that thinking skills are logically embedded within skills of reading law, and are implicit within legal problem-solving. But for law students to learn the full suite of thinking skills requires active teaching strategies beyond simple exposure to the text of the law, and traditional modes of its application through solving problem scenarios. The challenge for law teachers is to bring to the fore and explicitly articulate how to teach what otherwise remain implicit, embedded legal thinking skills, and to do so at each level of the degree. This paper outlines how the relationships between critical legal thinking, reading law, and legal problem-solving can be put to work to provide a cohesive and scaffolded approach to explicit teaching of thinking skills. The approach in this paper forms part of the *Smart Casual* project, which is producing discipline-specific professional development resources directed at sessional teachers in law. In presenting a case study of the *Smart Casual* approach to teaching thinking skills more broadly, this paper offers a sample of the project's work to date. **Biographies** Kate Galloway, Assistant Professor, Faculty of Law, Bond University. Recently joining Bond University from James Cook University, Kate has in the past served as Director of Teaching and Learning for Law. She was co-convenor of	the Legal Education Associate Deans (LEAD) Network and commissioned and edited 11 Good Practice Guides in that role. In 2009, Kate won an Australian Learning and Teaching Council teaching citation for her leadership in flexible learning in law. Kate has presented and published internationally on legal education and sits on the editorial committee of the *Legal Education Review*. Mary Heath, Associate Professor, Flinders Law School, Flinders University. Mary was awarded a Carrick Citation and a Carrick Award for Australian University Teaching in 2006. She is a Review Board member of the *International Journal on Teaching and Learning in Higher Education*. She has served multiple terms as Associate Dean (Teaching), and has served on multiple education-focused committees at school, faculty and institutional level. Mary has served as a reference group member for nationally-funded legal education projects and is currently project leader of the OLT-funded *Smart Casual*. The other academics involved in this paper but not present at the ALTA 2016 Conference are: Alex Steel, Professor and Associate Dean (Academic), Faculty of Law, University of New South Wales; Anne Hewitt, Associate Professor, Adelaide Law School, University of Adelaide; Mark Israel, Professor of Law and Criminology, Faculty of Law, University of Western Australia; and Natalie Skead, Associate Professor, Faculty of Law, University of Western Australia. PARALLEL SESSION 3E, SEE PAGE 12
3F Mary Keyes	**Internationalising Family Law**	One of the most important effects of globalisation has been a significant increase in personal mobility. Increasing numbers of people travel for education, leisure and employment, and this has led to a substantial increase in the number of international families. The international family is not a new phenomenon, but it has become more common, and the issues that it faces have become more complex. Following the breakdown of international families, issues may arise which have no counterparts for non-international families. While globalisation has led to an unprecedented increase in the number of international families, private international law, the area of law which is largely responsible for regulating international families, is largely unchanged from the law developed in England in the 19th century. Private international law relevant to families suffers from serious defects, including that it facilitates forum shopping. The legal principles are internally incoherent, and have a strongly parochial tendency. The principles are based on an implicit assumption that forum law should be applied to international issues, which facilitates both forum and regime shopping. The effect of any agreement made between the parties is uncertain. The relationships between the related areas of law which regulate	international families, including family law, child welfare law, criminal law, immigration law and the law of citizenship, are obscure. These problems create confusion and uncertainty, making it difficult for international families to ascertain their rights and responsibilities, inhibiting amicable resolution of disputes, and increasing public and private costs of litigation. They also frustrate attempts by policy-makers to respond to existing and emerging problems. In this presentation, the author will outline some contemporary challenges for the regulation of international families, including international commercial surrogacy, and she will critically assess the suitability of the existing common law rules to respond to these challenges. **Biography** Mary Keyes is a Professor at Griffith Law School. She teaches and researches in international litigation, international arbitration and contract law. Her main areas of research are private international law, especially jurisdiction, and international family law. PARALLEL SESSION 3F, SEE PAGE 12

Name	Title	Abstract and Biography
Netta Goussac	**Humanity through Knowledge: The Role of Academia in Generating Respect for International Humanitarian Law**	How can law teachers help to encourage respect for the laws of war? Recent conflicts demonstrate an appalling disregard for elementary humanitarian considerations, and in some instances even intentional violations of the law as a war tactic. In the face of grievous violations, how can one hope to influence the behaviour of parties to the conflict? The drafters of the Geneva Conventions of 1949 realised that generating respect for the law of armed conflict requires that the law must be known and understood, and that proactive measures must be taken towards making the law known. And if knowledge of the law can be a safeguard, then sharing this knowledge must be an obligation. Hence the quite unusual requirement contained in the Geneva Conventions regarding their own dissemination. Moreover, the drafters of the text understood that military instruction was not sufficient and that the principles of international humanitarian law (IHL) had to be known among the entire population. This paper will examine the important role that academia plays in generating respect for IHL, not just in its purely educational dimension, but also in terms of producing expertise, facilitating debate and conditioning the next generation of leaders. It will explore the links between dissemination, academic debate and efforts to strengthen compliance with IHL. It will also address the challenges and opportunities for encouraging law students and teachers in peaceful contexts such as Australia, New Zealand and the Pacific to pursue an interest in this field. The paper will also provide a measure of the assistance and support that is offered by the International Committee of the Red Cross (ICRC) and the National Red Cross Societies of the region. The ICRC and National Red Cross and Red Crescent Societies across the world work together to spread knowledge of, and foster respect for, humanitarian rules and principles, as part of their mission to alleviate human suffering, protect life and health, and uphold human dignity, especially during armed conflicts. **Biography** Netta Goussac is the Regional Legal Adviser for the International Committee of the Red Cross in the Pacific, advising on the ratification and implementation of international humanitarian law (IHL). Prior to taking this role, Ms Goussac was a legal adviser to the Australian Government on international security law issues, including IHL, international criminal law, weapons, disarmament and counter-terrorism. She holds a Bachelor of Arts and Bachelor of Laws from the University of Western Australia (2006) and a Master of Laws specialising in international law from the Australian National University (2009). In her spare time, Ms Goussac teaches IHL at the ANU College of Law. PARALLEL SESSION 3F, SEE PAGE 12
Kevin Riordan	**The Precautionary Principle of International Humanitarian Law – How Can the Duty to Take 'Constant Care' Be Enforced?**	In 1977, the First Additional Protocol to the Geneva Conventions proclaimed in article 57(1): "In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects". The absolute prohibition on making the civilian population the object of attack is now well understood. Respect for the duty to take precautions in the means and methods of warfare for the protection of civilians and civilian objects seems harder to divine. This paper explores the concept of "constant care" from the nuclear bomb to the "barrel bomb" and addresses the prospect of accountability for careless or reckless waging of war. **Biography** Kevin Riordan is the Judge Advocate General of the Armed Forces and the Chief Judge of the Court Martial of New Zealand. He is an Honorary Lecturer in Law at Victoria University of Wellington Faculty of Law and is part of the teaching faculty of the United Nations Regional Courses in International Law. Kevin is also an independent barrister practising from Harbour Chambers in Wellington. He has a BA and LLB from Victoria University of Wellington and an LLM from Cornell University, New York. He was the Head of the New Zealand Defence Force legal team for over a decade and was part of the New Zealand Delegation to the Rome Conference which established the International Criminal Court. He has also been part of New Zealand delegations negotiating the Kampala Amendment on Aggression, the Cluster Munition Convention and protocols to the Conventional Weapons Convention. PARALLEL SESSION 3F, SEE PAGE 12

Abstracts and biographies

4A-4F

For Parallel Sessions 4A-4F
Time: Friday 8 July 14:00 – 15:30

Name	Title	Abstract and Biography	
4A **Symposium Panel** Victoria Stace, Trish Keeper, Thomas Gibbons & Michael Webb	**Ten Years On – The Legacy of the Collapse of New Zealand's Finance Company Sector**	Ten years ago, in May 2006, the first finance company to collapse in New Zealand for many years, National Finance 2000 Ltd, was put into receivership. This started the avalanche that led to the collapse of New Zealand's finance company sector. It is timely to reflect on the legal aftermath of that collapse. The speakers in this session will share their thoughts on a range of issues that flow from those events, some focusing on specific issues and others taking a broader view of the lessons to be learned. The topics to be covered include directors' liability for misleading disclosures, both from a tort and statutory liability angle, whether it is right that directors should bear the brunt of the blame given the range of other contributing causes, the role of law reform and regulation and the importance of integrity and adaptability. **Biographies** Victoria Stace joined the Faculty of Law at Victoria University of Wellington in 2008 as an Adjunct Lecturer, and in 2015 as a Lecturer. Victoria, who holds an LLB (Hons) from VUW and an LLM from the University of Cambridge, has worked in private practice in Wellington since 1983, as a commercial lawyer. She was a partner at Chapman Tripp in the 1990s and a consultant until 2011. She developed a keen interest in securities regulation in the early 2000s, and is the author of *Securities Law in New Zealand* (2010) and co-author of *Financial Markets Conduct Regulation, A Practitioner's Guide* (2014). Victoria teaches company law, financial markets regulation and insolvency law. She holds a practising certificate as a barrister and solicitor. Trish Keeper is a Senior Lecturer in Commercial Law in the School of Accounting and Commercial Law at Victoria Business School, Victoria University of Wellington. She lectures and researches in the areas of corporate law, corporate insolvency and securities market regulation.	Trish has presented for the New Zealand Law Society, currently contributes to LexisNexis' *Morison's Securities on the Financial Markets Conduct Act 2013*. She also regularly presents at international conferences and has published in a number of New Zealand and international journals. Thomas Gibbons is a Director at McCaw Lewis Lawyers, in Hamilton. He is the author of *Unit Titles Law & Practice,* and has co-authored books on trusts, financial markets law, and easements and covenants. Thomas has published articles in a range of journals, including the *International Journal of Law in the Built Environment*, the *Australian Journal of Property Law, the Property Law Review,* the *New Zealand Universities Law Review* and others. He has lectured in securities law and property law, and has presented papers at conferences in New Zealand and overseas on various property and commercial law topics. Michael Webb is a commercial barrister specialising in corporate and financial markets law, regulation and commercial public law. Michael commenced practice as an independent barrister in 1995. Other appointments have included: Chair of the Ministerial Task Force on Financial Intermediaries in New Zealand; from 1992 to 2003, Member of the New Zealand Securities Commission; and, from 2005 to 2009, in Qatar where his focus was the development of the legal, regulatory and international commercial court regimes for the Qatar Financial Centre. From 2011 until June 2016, Michael was a foundation Board Member of the Financial Markets Authority. He also has extensive governance experience in the private and public sectors. PARALLEL SESSION 4A, SEE PAGE 13
4B Sofia Shah	**Factors that Affect Award of General Damages – Pacific Approach**	General damages are one of the highly claimed damages under the Law of Torts, whether it is the tort of negligence or personal injuries. Plaintiffs would hardly file a claim in court which did not include general damages as a category of damages. General damages are damages that cannot be equated or quantified in monetary terms, for example, claims for loss of amenities and pain and suffering. In many countries, the Worker's Compensation Act provides for the sum that may be claimed for the loss of an amenity, for example, loss of an arm or leg, but it does not regulate the whole community. Therefore, a person who is not covered under the Act and who may have lost a leg in an accident or by falling off a slippery staircase on the defendant's property is not covered under the Act. So the issue is how the courts calculate what has to be paid for the loss of amenities. More so, will it be calculated or derived at in the same way across the board, meaning would a person in England and a person in Vanuatu or Solomon Islands be afforded the same amount of damages for the loss of an amenity. This paper will consider how courts have approached this issue of general damages and what factors affect or have an impact on the decisions made by the courts of the South Pacific region. **Biography** Sofia Shah is a graduate of the University of the South Pacific (USP). She worked as a legal practitioner in Fiji for almost ten years. She then joined the University of the South Pacific on a full-time basis. One of the areas she teaches in is Torts. She has been an active member of the USP Moot Committee and has chaired it since 2012. PARALLEL SESSION 4B, SEE PAGE 13	

Name	Title	Abstract and Biography
Anita Jowitt	**Evolution in Pacific Contract Law: Consistency, Irrationality or the Evolution of Authentic Local Common Law?**	This paper considers some recent Pacific case law in the field of contract law. First, recent decisions addressing the presumption that domestic and social arrangements are not intended to create legally binding relationships is considered. Three cases from Solomon Islands (*Vave v Walenenea* [1998] SBHC 142), Nauru (*Reweru v Agigo* [2015] NRSC 4) and Fiji (*Chand v Kumar* [2010] FJHC 185) are discussed. These contrasting cases are used to illustrate different judicial approaches to precedent and local/customary values. The question of whether any of these cases indicate uniquely Pacific approaches to the issue of determining intention in social or family relationships, or whether they simply illustrate a broad objective approach to determining contract formation, is addressed. A fourth, somewhat harder case from Vanuatu (*Dinh v Samuel* [2014] VUSC 143), is then discussed. *Dinh v Samuel* considers whether post-contractual behaviour can be used as an aid to interpretation as to what the parties intended terms to be, and rejects United Kingdom common law which holds that post-contractual behaviour does not affect the interpretation of unambiguous contractual terms, in favour of adopting recent New Zealand law. The paper concludes by considering whether *Dinh v Samuel* is an example of irrationality in judicial reasoning or whether, instead, it can be considered to be an expression of the evolution of authentic local common law. As well as shedding light on the application of contract law principles in Pacific jurisdictions, the paper also addresses some long-standing questions of Pacific jurisprudence as to the extent to which custom can retain, should retain, or has retained a place in the decisions of Pacific courts and the extent to which United Kingdom precedent is or should be binding on post-Independence courts. **Biography** Anita Jowitt has been teaching law at the University of the South Pacific (USP) since 1997. She is the Director of The Pacific Islands Legal Information Institute (PacLII). She is also actively involved in practical policy development in Vanuatu through her position as an employer representative on the Vanuatu Tripartite Labour Advisory Committee and her involvement with Transparency International. She has published on a wide range of topics relating to the development of law in the South Pacific and the relationship between state legal systems and Pacific societies. She has also been actively involved in teaching related research and the implementation of institutional shifts in teaching practice at USP. For a number of years, she has taught Employment Contract Law, and a range of subjects relating to law and society, governance, and current developments in Pacific law. 2016 is the first year that she has been involved in teaching Contract Law in the USP LLB. PARALLEL SESSION 4B, SEE PAGE 13
Seán Donlan	**Stranger in a Strange Land: Reflections on Legal Study at the University of the South Pacific**	The author's legal education included a *Juris Doctor* programme in the only *mixed jurisdiction* in the United States and a PhD programme at Trinity College Dublin in Ireland. The former followed a traditional North American Socratic approach, while the latter was the pure research doctorate common to Britain and Ireland. He then taught at the University of Limerick (Ireland) from 2002-2015. This included an LLB programme, the structure of which would be familiar throughout much of the Anglophone world, and several LLM/MA programmes. He directed doctoral research study, too. His teaching also included courses in Canada, France, Italy and Malta. He even taught American students in both France and Ireland. But he was ready for a change and was delighted to be offered a post at the University of the South Pacific (USP) in Vanuatu last year. He had never been to USP nor to Oceania before. He began teaching in January of this year. His position is a senior one and he has responsibility for review of the LLB. That process is underway. USP is only two decades old. While its architects were expatriates, its mission was to produce lawyers for the twelve USP member jurisdictions: the Cook Islands, Fiji, Kiribati, the Marshall Islands, Nauru, Niue, Samoa, Solomon Islands, Tonga, Tokelau, Tuvalu and Vanuatu. Most have been strongly influenced by the Anglo-American tradition. Many also include customary traditions within state institutions; all have customs that must be taken seriously. Given the challenges of legal study in the region, both face-to-face and online teaching occurs. In his presentation, the author will briefly reflect on his transition to USP (given his past experience), the unique challenges to teaching there (cultural, linguistic, technological, etc) and the ongoing review process. **Biography** Dr Seán Patrick Donlan is an Associate Professor at the University of the South Pacific. His research has focused on comparative law, history and legal history, and legal philosophy, especially Edmund Burke (c1730-1797), comparative legal history, legal education, micro-jurisdictions, and mixed legal systems. He has written numerous articles and book chapters and edited or co-edited six books. His most recent work was as Editor, with Dirk Heirbaut (Ghent), of *The law's many bodies: studies in legal hybridity and jurisdictional complexity, c1600-1900* (Duncker & Humblot, 2015). Dr Donlan has managed several legal blogs and created and edits *Comparative Legal History* (Taylor & Francis (United Kingdom)) and the *Juris Diversitas* Book Series (Ashgate (United Kingdom)). He founded the Irish Society of Comparative Law and, with others, the European Society for Comparative Legal History. He has been active in the World Society for Mixed Jurisdiction Jurists and other professional organisations; he is a member of the International Academy of Comparative Law and President Emeritus of *Juris Diversitas*. PARALLEL SESSION 4B, SEE PAGE 13

Name	Title	Abstract and Biography
4C Robin Palmer	**'If You Could Read my Mind': An Overview of the Emerging Science of Forensic Brain-Scan Analysis (FBSA, aka Brain Fingerprinting), and Its Possible Future Application in Legal Procedures in Australasia**	There is an increasing world-wide trend towards the adoption of science-based technology in law, although such adaptations are notoriously slow and often face much resistance from the traditionally conservative legal establishment. (For example, DNA profiling, and the forensic application of DNA science, was relied on in court proceedings for the first time in 1988, even though DNA has been scientifically proven since 1953.) The forensic application of forensic brain-scan analysis (FBSA) was pioneered in the Unites States in the early 1990s, and although the technology was favourably commented on in the case of *Harrington v Ohio* in 2003, it has not been generally accepted or applied. Unlike the polygraph, FBSA is a *knowledge* detector; not a *lie* detector. This knowledge is detected by using EEG (Electroencephalography) to measure certain brainwave responses of the person being tested. The nature of the resulting brain-wave indicators in response to visual stimuli allows the tester to detect, with reportedly very high levels of accuracy, whether the person concerned has knowledge of the stimuli responded to or not. As the FBSA test relies solely on brainwave responses, brain fingerprinting is not influenced by the emotional state of the subject. This paper provides an overview of the current status of FBSA internationally, explaining its scientific basis and methodology; referring to published criticisms of FBSA, and considering possible legal applications should the underlying science be verified. (A current New Zealand Law Foundation project, comprising an inter-disciplinary team from Canterbury and Otago Universities, is investigating the scientific basis and potential legal application of FBSA.) **Biography** Robin Palmer, BA LLB (Witwatersrand) LLM (Cum Laude) PG Dip Maritime Law (Natal), is a Professor of Law at the University of Canterbury, New Zealand, and Director of Clinical Legal Studies in the University of Canterbury School of Law. Prior to that, he was the Director of the Institute for Professional Legal Training (IPLT), which is affiliated to the University of KwaZulu-Natal, Durban, South Africa, and an Associate Professor of Law at that University. He is also a practising barrister (advocate) who has been involved in numerous high-profile cases, including as defence counsel in the 1990-1991 "Trust Feed" trial, and lead specialist prosecutor of the "Life" case (2007-2012), in which international brokers, local hospital groups and surgeons were prosecuted for illegal organ trafficking. He has authored and co-authored seven law books, and has published articles in diverse fields. His research interests are comparative law, criminal law and international criminal law, the interrelationships of International law and domestic law, clinical law, practical legal skills, and the law of evidence. PARALLEL SESSION 4C, SEE PAGE 13
Zoe Margaret McCoy	**The Power of Courts in New Zealand to Reinstate Prosecutions: A Comparison of the Case of *Osborne v Worksafe NZ*, and the Hong Kong Case *D v Director of Public Prosecutions***	The independence of the prosecutor is fundamental to the due exercise of the prosecutorial discretion, yet a judicial review in relation to a prosecutorial decision *not to prosecute* has not yet been successful in New Zealand. The controversial case of *Osborne v Worksafe NZ* [2015] NZHC 2991 (the Pike River mining disaster case) has highlighted a lack of any real and practical protection against decisions not to prosecute in New Zealand. This case involved the prosecution decision to drop criminal charges, upon the defendant's insurance company making compensation payment to the Crown Solicitor for the benefit of the victims' living relations (in circumstances where the victims were never consulted and have repudiated the insurance payout as in effect buying off the prosecutions). In Hong Kong, the case *D v Director of Public Prosecutions* [2015] 4 HKLRD 62 appears to have altered judicial attitudes from the traditional view that judicial review played little role to prosecution decisions. In this case, the question of amenability to judicially review a decision not to prosecute was considered in the light of the new Hong Kong constitutional order (the Basic Law). It was held that the judicial review of a decision not to prosecute was reasonably arguable if decisions came within the ambit of so-called "exceptional circumstances". This paper will examine and compare the power of the courts in both *Osborne* and *D* to review and reinstate prosecution decisions by identifying the legal criteria, and underlying principles, applied in each case (in anticipation of the decision in the *Osborne* case that is currently on appeal). **Biography** Zoe Margaret McCoy, BA LLB (Otago), is currently pursuing her Master of Laws degree by thesis at the University of Canterbury. She was admitted as a barrister and solicitor of the High Court of New Zealand on 11 December 2015, and practises at Valour Chambers in Christchurch. During her time at Otago, Zoe was awarded top performing student in Laws 422 Bill of Rights Theory and Practice (2014) and was a member of the Otago Student Animal Legal Defense Fund. She is a reporter for *New Zealand Administrative Reports* (NZAR), and was to be a junior counsel for the Appellants in a Privy Council case from the Cook Islands to be heard in April 2016: *Arorangi Timberland Ltd v Minister of Cook Islands National Superannuation Fund.* Her thesis will examine the extent of the judicial scrutiny of prosecutorial decisions not to prosecute in New Zealand. PARALLEL SESSION 4C, SEE PAGE 13

Name	Title	Abstract and Biography
Brianna Chesser	**The Problem-Based Learning Curriculum, a 'Flipped Classroom' and the Teaching of the Criminal Law: The Results of a Pilot Study**	Criminal law is taught in every law school in Australia. Traditional teaching and learning methods for criminal law are well established; we write hypothetical problems for students designed to test their analytical ability. To some, it may seem that legal academics in the criminal law field have always relied on some variation of the problem-based learning method. However, unlike our counterparts in medical academia, lecturers in criminal law have not utilised problem-based learning methods to their fullest extent. The creation of a new Law School at Australian Catholic University provided opportunities to modify existing approaches to teaching and learning in this area. The unique structure of the curriculum in the Criminal Law and Procedure Unit, with its strong practical focus, its commitment to, and engagement with, expert legal practitioners, and blended academic/professional teaching teams provided an ideal environment within which to experiment with fundamentally student-centric methods. In 2014 and 2015, a new curriculum was piloted involving the use of a specially designed brief of evidence to contextualise student learning within a practical context. Results showed some improvement in student outcomes but further innovation was required. After feedback from colleagues at the 2015 ALTA Conference, the full flipped classroom model was piloted in 2016 alongside the changes already made to the curriculum. These innovative changes have yielded positive results and will be presented for the first time at ALTA 2016. **Biography** Dr Brianna Chesser is a Criminal Law Lecturer in the Thomas More Academy of Law at the Australian Catholic University. Brianna is admitted as a Barrister and Solicitor of the Supreme Court of Victoria and is also a registered psychologist. Brianna has undertaken extensive study in several areas including Law, Psychology, Music and Higher Education. PARALLEL SESSION 4C, SEE PAGE 13
4D Hanna Wilberg	**Complexity at the Faultline between Private and Public Law: Dealing with Public Authority Discretion**	How should courts deal with damages claims concerning the exercise of a public authority's discretionary powers? Orthodox theory considers damages to be a matter of private law. On the one hand, that means they are not available as a remedy for breaches of administrative law (though they *are* available for breaches of the New Zealand Bill of Rights Act 1990). On the other hand, in the context of negligence claims arising from the exercise of discretionary public powers, senior judges since Lord Browne-Wilkinson in *X (Minors) v Bedfordshire County Council* [1995] 2 AC 633 (HL) at 736–737 have objected to importing public law concepts in the form of a threshold test of administrative law unlawfulness (see also *Barrett v Enfield London Borough Council* [2001] 2 AC 550 (HL); *Crimmins v Stevedoring Industry Finance Committee* [1999] HCA 59, (1999) 200 CLR 1; *Attorney-General v Body Corporate No 200200* [2007] 1 NZLR 95 (CA)). Yet the private law of negligence plays a distinctly public law role in this area, serving to control the exercise of public powers and hold public authorities accountable (a point highlighted by Hammond J in *Hobson v Attorney-General* [2007] 1 NZLR 374 (CA)). Moreover, it cannot be right to impose liability for lawful exercises of discretionary powers, nor to ignore other relevant principles of public law in holding public authorities liable. Public law concepts, therefore, cannot be simply discarded in claims concerning exercises of public authority discretion. Drawing the line between claims attracting public law and private law approaches may yet take us back to some form of the much-maligned policy/operational distinction introduced in *Anns v Merton London Borough Council* [1978] AC 728 (HL). **Biography** Hanna Wilberg is a member of the University of Auckland Faculty of Law. Her research interests are mainly in administrative law and the tort liability of public authorities, but also range more widely across public law. She is the *New Zealand Law Review*'s contributor of scholarly reviews of recent developments in Administrative Law; and also regularly contributes notes on New Zealand developments to the International Survey section of the United Kingdom journal *Public Law*. With Dr Mark Elliott of the University of Cambridge, she has co-edited a collection of essays entitled *The Scope and Intensity of Substantive Review: Traversing Taggart's Rainbow* (Hart Publishing, 2015). Hanna is a graduate of Otago University, and completed her postgraduate studies at the University of Oxford. PARALLEL SESSION 4D, SEE PAGE 13

Name	Title	Abstract and Biography	
David McLauchlan	**Mitigated Loss or Collateral Benefit?**	One of the most intractable areas of the law relating to the assessment of damages for breach of contract concerns the circumstances in which subsequent gains made by the claimant or other apparent compensating advantages are to be taken into account to reduce the loss and hence the damages otherwise recoverable. The paper will discuss the distinction between compensating advantages that reduce the damages recoverable and so-called "collateral benefits" that do not, particularly in the light of the recent decision of the English Court of Appeal in *Fulton Shipping Inc of Panama v Globalia Business Travel SAU (The New Flamenco)* [2015] EWCA Civ 1299. An appeal to the United Kingdom Supreme Court in this intriguing case will be heard in November 2016.	**Biography** David McLauchlan joined the Faculty of Law at Victoria University of Wellington in 1971 and has been Professor of Law since 1981. He is also Professorial Fellow at the University of Melbourne, Honorary Professor at the University of Queensland, an associate member of Stout Street Chambers in Wellington, and in 2008, he was the McWilliam Professor in Commercial Law at the University of Sydney. David is the author of two books and has published many book chapters and journal articles, mainly in the areas of the law of contract and commercial law. He has received University awards for excellence in teaching and in research. David's recent research has focused on remedies for breach of contract and contract interpretation. His writings have been frequently cited in the judgments of leading Commonwealth courts. PARALLEL SESSION 4D, SEE PAGE 13
Francine Rochford	**Environmental Justice and the Possibilities of Tort Law**	Environmental Justice as an influential movement in the United States has generated significant policy outcomes because of executive mandate of its adoption in federal agencies. Whilst its initial premise emphasised health consequences of pollutants on underprivileged communities – particularly communities of colour – the concept has additional resonance as a correction to the dominant neo-liberal paradigm in natural resource extraction and management, particularly as it applies to rural and remote communities in Australia. This paper uses the lense of environmental justice to consider opposition to natural resource extraction, and considers the capacities of tort law to address concerns arising from natural resource extraction.	**Biography** Dr Francine Rochford is a Senior Lecturer at La Trobe University in Victoria, Australia. She conducts research in education law and policy, the law of torts and water law, and presents on contract law, tort law and water law subjects, among others. She is currently Director of Teaching and Learning and Co-ordinator of Regional Programs in the La Trobe Law School. PARALLEL SESSION 4D, SEE PAGE 13

Name	Title	Abstract and Biography	
4E David Barker	**The Swinging Sixties and Beyond – The Influence of the Second Wave University Law Schools on the Development of Australian Legal Education**	The Second Wave Law Schools exercised a major influence on the development of Australian legal education. The establishment of the Australian National University (ANU) Law School in 1960, followed by Monash University Law School (1964), University of New South Wales (UNSW) Law School (1971), Macquarie University Law School (1975), University of Technology Sydney (UTS) (formerly NSWIT) Law School (1977) and Queensland University of Technology (QUT) (formerly QIT) Law School (1977), marked a profound change in the manner by which law was taught in Australia. This paper incorporates the various components and stages of the process whereby the Second Wave Law Schools transformed the teaching of law to a new generation of students. Prior to the foundation of the ANU Law School in 1960, the last Australian Law School to be established had been the University of Queensland Law School in 1936. The two decades which followed the foundation of this law school included the period of the Second World War (1939-1945) and the consequent development of a new generation of tertiary education students whose previous social background would not have encouraged them to apply to study at a university/institute of technology and undertake a law degree programme. Not only did this influx of students produce a major increase in the number of law schools, it also gave rise to a new complement of law academics who wished, or necessity demanded, that they would have to depart from what might have been regarded as the traditional methods of law teaching. A significant development was that they became associated with what has been described by Professor Michael Coper as the "emergence of the idea of legal education as the study of law as an intellectual discipline in its own right."	**Biography** David Barker is Emeritus Professor of Law at University of Technology Sydney (UTS) and full-time PhD Student at Macquarie University. He is Secretary and a Foundation Fellow of the Australian Academy of Law. He has held many other positions, including Secretary, Chair and President of ALTA, former Chair of the Council of Australian Law Deans (CALD), Member of the New South Wales Legal Profession Admission Board, Editor of *ALTA Research Series*, *Legal Education Digest* and *Cavendish Essential Law Series* and Co-Editor *Law Asia*. He is a former Dean, Law Faculties of UTS and University of Westminster (United Kingdom), and Past President of the City of Sydney Law Society. 2016 will mark the 27th successive year he has presented one or more papers at an ALTA Conference. PARALLEL SESSION 4E, SEE PAGE 13
Deborah Ankor & Tania Leiman	**Disrupting Legal Education? Flinders Law School's New Online Problem Based Learning (PBL) JD Initiative**	In March 2016, the Clayton Christensen Institute for Disruptive Innovation released their white paper entitled *"Disrupting Law School: How disruptive innovation will revolutionize the legal world"*, authored by Michele R Pistone and Michael B Horn. Writing in the United States context, the authors identify five conditions that create room for disruption of legal education: non-consumption of legal services, policy and regulatory change, disruption in legal services, disruption in higher education and non-consumption of legal education. They urge law schools to consider adopting "scalable, competency based online programs". Many of the recommendations made in this white paper were already present in the design of the new online problem-based learning *Juris Doctor* accredited by the Legal Practitioners Education and Admissions Council of South Australia in March 2016. This new Flinders *Juris Doctor* is due to commence at Flinders Law School in mid-2016. This paper will report on the process of designing this new degree, including lessons drawn from Flinders Law School's experience of competency-based assessment in its existing Practical Legal Training programmes. It will explore how law schools might additionally use this or similar structures to provide other forms of limited legal training, such as the "limited license legal technician" model being developed in the United States, or articulate with higher research degrees or practical training.	**Biographies** Deborah Ankor is Associate Dean (Professional)/Director of Professional Programmes at Flinders Law School, where she teaches practical legal training topics, coordinates LLAW 3264 Social Justice Internship, and is involved in the management of the Flinders Legal Advice Clinic. She has received university teaching excellence awards, and holds a Graduate Certificate in Professional Education and Training (Flexible, Online & Distance Education). Tania Leiman is Associate Dean (Teaching & Learning) at Flinders Law School, where she is also Director of First Year Studies and a supervising solicitor in the Flinders Legal Advice Clinic. She currently teaches Tort Law. She has received university teaching excellence awards and an ALTC citation. She holds a Graduate Certificate in Education (Higher Education). Her current research focus includes the future of the legal profession in the digital age, big data and the law, and the legal implications of autonomous vehicles. PARALLEL SESSION 4E, SEE PAGE 13

Name	Title	Abstract and Biography
Michael Spisto & Christine Lee	**Virtual Classrooms Are Here to Stay – A Tale of the Inevitable**	The virtual classroom is a new and modern structure used now in university teaching around the world. The virtual classroom in Transport Law in the College of Law and Justice has been used at Victoria University, Melbourne, since 2013. It was soon discovered that once one overcomes the technical issues, the virtual classroom provides university tuition to students in very advantageous ways like no other traditional face-to-face class can. The virtual classroom, with its numerous functionalities, provides a level of student class participation which is unprecedented in face-to-face classes. It also allows a greater opportunity for student attendance, as students simply have to be in front of their computer or any hand-held device, which is capable of audio-visual linkups. It is also very appealing to students, as it saves them time and money with public transport and/or parking. A much improved classroom attendance record as compared to face-to-face classes has also been noticed. The students' levels of understanding of the subject-matter have also vastly improved through the mechanisms employed in virtual classroom teaching. As technology improves on a daily basis, the virtual classroom will become more and more popular as students rely on online teaching. Universities also need to understand that technology is here to stay and this means that they need to place more and more emphasis on online virtual classroom teaching. Eventually, it is submitted that if some of the universities do not highlight the importance of online teaching and virtual classrooms, students will simply shop elsewhere until they find a place of teaching that supports the online virtual classroom structure in the courses they wish to undertake. **Biographies** Dr Michael Spisto PhD (Witwatersrand University, South Africa), LLM (Commercial Law) (University of Cape Town (UCT), South Africa), LLB (Dean's Merit List) (UCT), BSc (Physiology) (UCT), Grad Dip Tertiary Education (VicMelb), Grad Cert Tertiary Education (VicMelb), Cert III in Leadership Support (Scouts Australia Institute of Training), Cert III in Business (Scouts Australia Institute of Training), Cruise Ship Diploma (reference no: CPS38938, www.cruiseshipdiploma.com), Attorney of the High Court of South Africa, Cape of Good Hope Provincial Division. On 3 December 2015, Dr Spisto was presented with a teaching excellence award in recognition of his outstanding achievement for "effectiveness, excellence and exemplar practice in teaching and learning at the College of Law and Justice." Also, on 26 January 2016, he received a 2016 Latrobe City Australia Day Award in recognition of his outstanding contribution and dedicated service to the community of Latrobe City. Dr Spisto is a Senior Lecturer in the College of Law and Justice at Victoria University, Melbourne. Dr Christine Lee, BSc(Hons) (Dundee), DipAcc&Fin, DipMgtSt, MMS, PhD (Waikato), GCHE (Monash), is a Lecturer at Federation Business School, Gippsland Campus, Federation University. She has taught many management and tourism subjects in the Department of Management for 16 years. Her research and publications mainly relate to multiculturalism, health, tourism, international business and management. In the community, she serves on several Boards and Committees of Management at local, state and federal levels. These include the Regional Advisory Council (Victorian Multicultural Commission) and the Board of Directors of the Ethnic Communities Council of Victoria. For her voluntary contribution to society, she has received the Government of Victoria Award (Multiculturalism) and the Regional Achiever Award in Victoria. PARALLEL SESSION 4E, SEE PAGE 13

Name	Title	Abstract and Biography	
4F **Symposium Panel**	**Teaching Law for the Environment**	Environmental law is often considered to be a stand-alone topic. However, nature intersects with many other areas of the law where the question of sustainability rarely comes up in the undergraduate context. Speakers in this session will share their observations of students' awareness of the	intersection between the law and the environment, and suggest changes to course content and teaching method to improve that awareness. PARALLEL SESSION 4F, SEE PAGE 13
Catherine Iorns	**Three Types of Innovations in Teaching Environmental Law**	The paper discusses different approaches to teaching skills and content in various environmental law courses, and categorises them into three main types. Type 1 is the most common, emphasising a wider range of skills taught and introducing new methods of assessment, to better address the real life world of environmental law practice. Type 2 goes further and challenges the prevailing content taught, by introducing perspectives from alternative paradigms, most typically widening what we think of as an environmental law issue. The paper introduces a Type 3 that addresses the skills and attributes needed in the face of the current and impending worldwide environmental crisis. Type 3 will be challenging to implement in a law school context but may better enable law and lawyers to discuss and address what we need to do in order to save the current living world we inhabit.	**Biography** Catherine Iorns is a Reader in the Faculty of Law at Victoria University of Wellington, on environmental law, Indigenous rights, and statutory interpretation. She is also a national board member of Amnesty International Aotearoa New Zealand and of 350 Aotearoa. She is a member of the International Law Association Committee on the Implementation of the Rights of Indigenous Peoples, a member of the IUCN World Commission on Environmental Law, and the Academic Advisor to the New Zealand Council of Legal Education. She holds an LLM from Yale Law School. PARALLEL SESSION 4F, SEE PAGE 13
Vernon Rive	**Digital Technology in Environmental Law Teaching**	In this paper, the author shares the outcomes of a three-year project at the Auckland University of Technology (AUT) Law School exploring the use of digital and mobile technology in environmental and public law teaching. Aspects of the project to be discussed include pilot trials of iBook/e-book format and web-based course material, the use of interactive websites to enhance and disseminate the results of student research initiatives, and the use of mobile digital media in collaborative learning environments. **Biography** Vernon Rive joined the School of Law at Auckland University of Technology (AUT) Law School as Senior Lecturer and Director	of External Relations in 2009 after over 14 years of private practice, latterly as a partner in the Environmental/Resource Management team at national commercial law firm Chapman Tripp. His research activities focus on three key areas of interest: climate change law, international environmental law and New Zealand environmental law. At AUT Law School, Vernon lectures in international environmental law, (New Zealand) resource management law and judicial review. He has a particular interest in the use of digital and mobile technology in the teaching, learning and research of environmental law. PARALLEL SESSION 4F, SEE PAGE 13
Nathan Ross	**A Deep Knowledge Lacuna: Expanding the Training/Doctrine Debate**	Relative to the ideal of creating "citizens of the world" who can positively influence issues like sustainability, the author has reviewed an undergraduate law programme. Substantive gaps were identified with respect to policy skills and deep knowledge. The paper will describe the importance of these elements and propose recommendations. **Biography** Nathan Ross is a Research Fellow and PhD Candidate at the Faculty of Law at Victoria University of Wellington. He did a degree in Environmental Science in the mid-90s and worked in climate change and sustainability projects in local, state	and central government in Australia and New Zealand. This included five years as the manager of renewable energy programmes at the Energy Efficiency and Conservation Authority. Nathan then completed the LLB in 2014 and is now doing a PhD in international law and climate change related issues. His expertise in environmental science and policy enabled him to identify opportunities in the LLB programme to enhance students' understanding of the environment and its intersection with the law. PARALLEL SESSION 4F, SEE PAGE 13

Abstracts and biographies

5A-5F

For Parallel Sessions 5A-5F
Time: Saturday 9 July 9:15 – 10:45

Name	Title	Abstract and Biography	
5A Mike French	***Clayton v Clayton* – Shams and Illusions**	In *Official Assignee v Wilson*, the New Zealand Court of Appeal took the view (obiter) that a trust will be held to be void as a sham if the settlor and the trustee "commonly intend for the ostensible trust to operate as a sham." The paper will examine the sham doctrine and argue that it is necessary to enable the courts to deal with the situation where, contrary to all outward appearances, a trust has been created with the intention of deceiving third parties. The paper will then go on to analyse the recent decision(s) of the Court of Appeal and, hopefully, the New Zealand Supreme Court (the latter has heard the appeal but, at the time of writing, has not yet released its decision) in *Clayton v Clayton*. The lower courts in the case (the Family Court and the High Court) held that, while the trust was not a sham, it could nevertheless be set aside on the basis that it was "illusory" because, in effect, the trust deed allowed the trustee to potentially exercise powers in such a way that he would owe no fiduciary obligation to the other beneficiaries and could effectively transfer all the trust property to himself. The Court of Appeal, however, upheld the trust. It agreed that on the facts there was no sham and held that there was no real difference between the "sham trust" and the "illusory trust". This paper will critically examine the reasoning of the courts in *Clayton v Clayton* and argue that there is no place in the law of trusts for a "half-way house" between the valid trust and the sham. **Biography** Mike French has been at the Auckland University of Technology (AUT) since 2002, having previously taught in the Law School at the University of Greenwich, London. Mike led the development team which set up the law degree at AUT in 2009. He teaches and researches in the areas of obligations, remedies, commercial transactions and ethics.	PARALLEL SESSION 5A, SEE PAGE 14
Trish Keeper	**The Competing Objectives of Personal Insolvency and Pension Savings Laws: An Analysis of *Trustees Executors Ltd v The Official Assignee***	The New Zealand Court of Appeal in *Trustee Executors Ltd v The Official Assignee* [2015] NZCA 118 held that the Official Assignee (OA) acting under the Insolvency Act 2006 could not access the KiwiSaver balances of a bankrupt. Specifically, the Court of Appeal held that bankruptcy does not automatically satisfy the significant hardship test in the KiwiSaver Act 2006 (KSA) that allows an early withdrawal of KiwiSaver funds. Furthermore, it held that the powers granted to the OA under the Insolvency Act 2006 does not entitle an OA to access funds held by a KiwiSaver provider given the wordings of the KSA on divestment and the express purpose of the KSA. While the Court of Appeal decision clarifies the legal position on these issues, there are a number of important matters that are still uncertain. These include the rights of the OA and creditors with respect to additional payments made just before the adjudication of bankruptcy, the ability of creditors to use alternative remedies and the fact that the decision has the effect of creating inconsistent treatment between KiwiSaver savings and funds held in other private and public superannuation schemes. The paper outlines the Court of Appeal decision within the legal landscape of both the Insolvency Act 2006 and the KSA. The paper then discusses the policy and other implications of the decision and considers possible legislative solutions. **Biography** Trish Keeper is a Senior Lecturer in Commercial Law in the School of Accounting and Commercial Law at Victoria Business School, Victoria University of Wellington. She lectures and researches in the areas of corporate law, corporate insolvency and securities market regulation. Trish has presented for the New Zealand Law Society, currently contributes to LexisNexis' *Morison's Securities on the Financial Markets Conduct Act 2013*. She also regularly presents at international conferences and has published in a number of New Zealand and international journals.	PARALLEL SESSION 5A, SEE PAGE 14
5B Jane Fu	**Reforming China's Population Policies and the Rule of Law**	China made a vital change to its notorious 35 year-old One-child family planning policy at the end of 2015. This occurred at the fourth Plenum of the Chinese Communist Party's fifteenth National Congress in October 2015. On 27 December 2015, this change was incorporated into China's national legislation by way of amendments to the People's Republic of China's Family Planning Law. Whilst this vital change has received broad applause at home and abroad, it leaves fundamental issues unsolved. This paper reviews the historical developments of the population policy of the People's Republic of China since its foundation in 1949. It focuses on the debates over the adoption of family planning policies, especially the One-Child-Per-Couple policy, and the reasons that led to these recent significant changes. This paper also presents a brief comparison between population policies and comparable laws in major Western countries and those of China. It argues that China's new Two-Child-Per-Couple family-planning policy has once again failed to address the need to protect human rights, whereas protection of human rights has become an important consideration for civilised modern countries to take when reforming modern population policies. This paper argues that China's approach to adopting population policies is politically driven and fundamentally economic in nature. The recent change from One-child policy to Two-child policy is unsustainable and restriction on the number of children should be removed immediately. **Biography** Dr Jane Fu joined the Deakin Law School in 2004, having worked at three other Australian law schools, including the Australian National University College of Law. Holding two first law degrees from China and Australia respectively, and having had extensive legal work experience in both China and Australia, Jane's areas of expertise are comparative law, particularly in the areas of comparative commercial law, corporate law and corporate governance as well as international commercial arbitration. In addition to these areas, Jane's research interests also include Chinese legal system and legal history, comparative constitutional law, law and society, and the law of the World Trade Organization.	PARALLEL SESSION 5B, SEE PAGE 14

Name	Title	Abstract and Biography
Roman Tomasic & Ping Xiong	**Mapping the Legal Landscape of Chinese Government-Controlled Companies in Australia**	Australia has always relied heavily upon foreign sources of investment and financing and has in the past tended to draw mainly upon British, American and Japanese investment into Australia. In recent decades, Chinese State-Owned Enterprises (SOEs) have played an increasingly important role in the Australian economy with a rising level of investment taking place. Chinese SOEs have been more heavily involved in investments into larger Australian investment projects, such as in mining and infrastructure projects. Australia has seen a rising number of Chinese state controlled companies acquiring substantial domestic assets; this trend is expected to continue following the ratification of the China-Australia Free Trade Agreement that entered into force on 20 December 2015. Although Chinese state-controlled companies in Australia are required to comply with Australian corporate governance laws and principles, they also retain their unique Chinese corporate governance values and culture, which they have inherited through their parent companies and from China itself. In Australia, there has been an on-going debate over Chinese investment, with the business community being particularly supportive of such investment. However, this debate has been relatively narrow and has not explored the likely impact of Chinese SOEs and their subsidiaries upon the shape of corporate governance in Australia. This paper seeks to examine the legal contours of Chinese controlled investment in Australia, with a view to acquiring a more informed understanding of the impact of Chinese SOEs upon the Australian legal landscape. **Biographies** Professor Roman Tomasic is Professor of Law in the School of Law at the University of South Australia. He holds doctoral qualifications in law from the University of Wisconsin-Madison and is a Visiting Professor in the Durham Law School, Durham University (United Kingdom). He has written widely on comparative corporate governance and has a particular interest in the use of empirical methods in the study of corporate law. Dr Ping Xiong is Senior Lecturer in Law and LLB Program Director in the School of Law at the University of South Australia. She is a graduate in law from the Chinese University of Politics and Law and holds a doctorate in law from Victoria University of Wellington. She has written on Chinese law and intellectual property and has an interest in Chinese investment in Australia. PARALLEL SESSION 5B, SEE PAGE 14
Monique Egli Costi & Alberto Costi	**Finding Common Ground across Jurisdictions: The Formation and Implementation of International Financial Regulation**	The international financial architecture is being reshaped in the aftermath of the global financial crisis. Non-traditional organisations and fora comprising domestic actors (G20, Financial Stability Board, and international standard-setters) are playing a growing role in the development and implementation of norms governing international financial regulation (IFR). Despite the non-binding epithet attributed to these soft law norms, domestic implementation and international review processes are transforming them into harder norms. The paper intends to examine the formation and implementation of IFR and consider whether grounding processes and principles in customary international law could address the critiques formulated by some commentators in relation to the "non-binding" nature of IFR. The paper will first review the procedural and substantive developments in IFR in recent decades. It will then assess through a public international law lens how IFR norms and processes are being "formalised". Finally, the paper will review the place of the relevant norms and processes in the development of a global financial "law" and explore the advantages and drawbacks of considering them as customary international law. **Biographies** Monique Egli Costi is an independent scholar and a Research Affiliate of the New Zealand Centre of International Economic Law. She recently published "Institutional Evolution and Characteristics of the International Organization of Securities Commissions (IOSCO)" (2014) 20 *New Zealand Association for Comparative Law Yearbook* 199-232; (2015) 21 *Comparative Law Journal of the Pacific* 199-232. Monique has been invited to speak at numerous international conferences on issues relating to international financial regulation, foreign direct investment, the global financial crisis, global governance, and the fight against money laundering. Prior to turning to academic research, Monique was Head of International Affairs at the New Zealand Securities Commission and its successor Financial Markets Authority until end June 2011. She holds an MPhil in International Relations from the University of Cambridge, a degree in political science and public administration from the Université Libre de Bruxelles, and a postgraduate business degree from the Vrije Universiteit Brussel. Alberto Costi is an Associate Professor at the Faculty of Law, Victoria University of Wellington. Alberto's main teaching and research interests are in public international law, with specialisations in the law of armed conflict, international criminal law, international human rights law and international environmental law, and in comparative law and European Union law. In all those areas, he has published extensively, presented papers at numerous international conferences, commented in the media and appeared before parliamentary committees. He has also advised a number of governments and other bodies on international law and European Union law issues. He is currently working on a major research project on the legal implications of climate change on statehood for atoll nations and potential responsibilities for New Zealand. The research is generously funded by the New Zealand Law Foundation. Alberto is a Faculty Member of the Audiovisual Library of International Law of the United Nations and a member of the New Zealand International Humanitarian Law Committee. He serves as the Secretary-General of the International Law Association New Zealand Branch and the Vice-President of the New Zealand Association for Comparative Law. In 2015-2016, Alberto sits on the General Executive of ALTA. PARALLEL SESSION 5B, SEE PAGE 14

Name	Title	Abstract and Biography	
5C Rick Sarre	**Religious Vilification Laws**	Around Australia, there has been significant movement in the parliaments regarding anti-discrimination laws and anti-vilification laws on the basis of a person's race or ethnicity, but a decided reluctance (with one or two exceptions) on the part of legislators to pass laws that proscribe vilification on the basis of a person's religion. This paper will scope the existing provisions and attempt to glean why they are not universal across Australia.	**Biography** Professor Rick Sarre has been teaching commercial law, media law, sports law and criminology for 30 years in Australia, Sweden, Hong Kong and the United States. He currently serves as the President of the Australian and New Zealand Society of Criminology, and has been the Chair of Academic Board of the University of South Australia for five years. PARALLEL SESSION 5C, SEE PAGE 14
Christine Lee & Michael Spisto	**Sustainable Vibrant Ethnic Communities**	As Australia increases its migrant and refugee intakes from increasingly different countries, the demographics of its society will change accordingly. Recent policies have continually encouraged migrants and refugees to retain their identity and culture, whereas in the past, the "assimilation" policy expected migrants and refugees to forget their previous cultures and heritages. As diversity was subsequently encouraged, the number of events and festivals celebrating cultural diversity has increased over time, which is reflected in the different ethnic communities residing in Australia. Similarly, diversity in religious beliefs also resulted in a greater emergence of different places of worship in the community. Such evolution adds to the richness of multiculturalism. This paper reflects on the multicultural history of Australia and of the structure and hierarchy of the ethnic community organisations, including the students. Where migrants and refugees arrive from countries with different legal and cultural practices, it becomes extremely difficult for them to adapt to their new country, especially where language barriers exist. Despite specific multicultural support systems provided by the Australian government, there is a culture shock and information overload upon their arrival. Most adapt to their environment relatively quickly, whereas others continue to remain in their various niches. Many different ethnic groups celebrate cultural and religious diversity. Hence, more people become aware of this diversity and are thus educated in their cultural and religious practices, including their learning about the significance of special days in their calendars. Such community education is beneficial to the economy of the country, as more international business opportunities are made possible through these networks. Diversity in society is gradually reflected in schools and universities, adding to the vibrancy in classroom discussions on international affairs. This paper concludes that diversity should be perceived as an asset rather than a liability to society.	**Biographies** Dr Christine Lee, BSc(Hons) (Dundee), DipAcc&Fin, DipMgtSt, MMS, PhD (Waikato), GCHE (Monash), is a Lecturer at Federation Business School, Gippsland Campus, Federation University. She has taught many management and tourism subjects in the Department of Management for 16 years. Her research and publications mainly relate to multiculturalism, health, tourism, international business and management. In the community, she serves on several Boards and Committees of Management at local, state and federal levels. These include the Regional Advisory Council (Victorian Multicultural Commission) and the Board of Directors of the Ethnic Communities Council of Victoria. For her voluntary contribution to society, she has received the Government of Victoria Award (Multiculturalism) and the Regional Achiever Award in Victoria. Dr Michael Spisto PhD (Witwatersrand University, South Africa), LLM (Commercial Law) (University of Cape Town (UCT), South Africa), LLB (Dean's Merit List) (UCT), BSc (Physiology) (UCT), Grad Dip Tertiary Education (VicMelb), Grad Cert Tertiary Education (VicMelb), Cert III in Leadership Support (Scouts Australia Institute of Training), Cert III in Business (Scouts Australia Institute of Training), Cruise Ship Diploma (reference no: CPS38938, www.cruiseshipdiploma.com), Attorney of the High Court of South Africa, Cape of Good Hope Provincial Division. On 3 December 2015, Dr Spisto was presented with a teaching excellence award in recognition of his outstanding achievement for "effectiveness, excellence and exemplar practice in teaching and learning at the College of Law and Justice." Also, on 26 January 2016, he received a 2016 Latrobe City Australia Day Award in recognition of his outstanding contribution and dedicated service to the community of Latrobe City. Dr Spisto is a Senior Lecturer in the College of Law and Justice at Victoria University, Melbourne. PARALLEL SESSION 5C, SEE PAGE 14

Name	Title	Abstract and Biography
Nessa Lynch	**Judicial Innovation in the District Court of New Zealand – Addressing Inequality and Over-Representation**	The District and Youth Courts are characterised by judicial innovation. Youth Court judges have carved out a unique role, particularly in the promotion of penal tolerance and the delegation of key judicial functions to the family and community. The Youth and District Court judges have also been active in establishing "alternative" courts such as the Rangatahi Courts, the Pasifika Court, the "Court of New Beginnings" and the various Drug Courts. The paper considers three examples of extension of the judicial role in the Youth and District Courts of New Zealand. First, it discusses how judicial discretion has been used in the Youth Court in the promotion of penal tolerance, particularly the use of the section 282 absolute discharge and the delegation of decisions on sanctions to the family group conference. Second, the paper considers the recent judicially-led innovation in the form of the Rangatahi and Pasifika Courts, which involve the delegation of the monitoring of the family group conference plan to the whanau and community. Third, the paper considers the expansion of therapeutic jurisprudence in the District and Youth Courts. **Biography** Nessa Lynch (BCL, LLM, PhD) is a Senior Lecturer at the Faculty of Law, Victoria University of Wellington, where she teaches in the criminal law and criminal justice fields. She has a strong interest in the criminal law's interaction with children and young persons. She has published domestically and internationally in the areas of youth justice, restorative justice and international standards. She is also involved with the non-governmental organisation and voluntary sectors, and is an active contributor to youth justice policy. PARALLEL SESSION 5C, SEE PAGE 14
5D Grant Morris	**Lawyers as Gatekeepers in Commercial Mediation**	Lawyers are the most important gatekeepers to commercial mediation. This paper is based on an empirical study (surveys and interviews) which asked 119 senior commercial lawyers about their experiences with mediation. The study includes lawyers practising privately and in-house. This is part two of the first project to systematically explore commercial mediation in New Zealand. The project aims to move the study of commercial mediation in New Zealand from anecdote to evidence. There has been a lot of talk about the growing importance of commercial mediation in our country but no empirical evidence to support the claims. This information vacuum weakens the mediation profession's efforts to effectively promote mediation for commercial disputes. The study found that commercial lawyers are regularly recommending mediation to clients and clients are usually accepting these recommendations. Commercial lawyers prefer experienced mediators with legal backgrounds. Overall, commercial lawyers are happy with the mediation process and the role they play as both gatekeepers and advocates. According to lawyers, clients do not have a good awareness of mediation. These findings can help the mediation community develop strategies to increase commercial mediation. The first part of this study surveyed commercial mediators. The upcoming stages will examine the views of users and the courts. After hearing from both the mediation and legal profession, it is clear that in the absence of mandatory court-referred mediation, a massive public education campaign, or a wholesale embrace of mediation by lawyers, it is unlikely that the market will experience any sizable growth in the short to medium term. Commercial mediation is here to stay but is yet to fulfil its potential. **Biography** Dr Grant Morris joined the Faculty of Law at Victoria University of Wellington in 2002. His research and teaching specialty areas are New Zealand legal history and negotiation and mediation. Grant is the author of *Law Alive: The New Zealand Legal System in Context* (Oxford University Press), *Prendergast: Legal Villain?* (Victoria University Press) and numerous articles and chapters. Grant is the recipient of a Victoria University of Wellington "Excellence in Teaching' Award. He is also an accredited mediator with the Resolution Institute. PARALLEL SESSION 5D, SEE PAGE 14
Susan Douglas	**Constructions of Reflective Practice in Dispute Resolution**	Reflective practice has arguably become an implicit, if not explicit, standard of professional practice across disciplines since the seminal work of Schon (1983, 1987, 1992). It has been evident for some time in the theory and practice of education and is now clearly acknowledged in law and dispute resolution. What does it mean and what is its place in dispute resolution practice? This paper reports on an empirical investigation of the concept of reflective practice as constructed by a sample of family dispute resolution practitioners (FDRPs). The study reported here consisted of a pilot study employing qualitative methods to gather data about how FDRPs understand the concept and translate it into practice. The results indicate that practitioners in the sample had a limited awareness and understanding of academic work addressing the concept and hence, limited appreciation of its theoretical underpinnings. However, the results demonstrate a clear association of the concept with experiential learning or "learning from experience". The results also reveal considerable practice wisdom associated with the idea and related practice issues, including acknowledging diversity and employing flexibility in practice, dealing with uncertainty, and self-awareness and self-care. The results have implications for furthering our understanding of reflective practice generally and in dispute resolution in particular. The results have implications for training in mediation/dispute resolution indicating that greater emphasis could and should be placed upon introducing this standard to students. **Biography** Dr Susan (Sue) Douglas is a Lecturer in Law with the School of Business at the University of the Sunshine Coast. She teaches Business Law, Law of Business Associations and Employment Law. She conducts an Employment Law clinic at the Suncoast Community Legal Service, where she also volunteers as a management committee member. Her principal areas of research interest are dispute resolution and legal education. PARALLEL SESSION 5D, SEE PAGE 14

Name	Title	Abstract and Biography
Narelle Bedford, Kylie Fletcher-Johnson & Justin Toohey	**Designing Skills Exercises to Advance Law Student Understanding of Better Client Outcomes and Better Government**	The Australian Government's Administrative Appeals Tribunal (the AAT) developed the Negotiating Outcomes on Time (NOOT) Competition to complement the AAT's established Moot competition, and to provide students-at-law with a more complete experience of the processes through which 80 per cent of matters are finalised prior to hearing. In teams of two, students prepare for, and participate in, conciliation conferences, where they seek to resolve hypothetical disputes set in a public law context. In this way, law students are afforded an opportunity to cultivate dispute resolution skills and to use those skills in an authentic learning environment. The AAT held the NOOT Competition for the second time in 2015 and is looking to expand the competition in coming years. Integrity was, and is, a particular focus in the design of the AAT's NOOT Competition. As students rotate through the roles of applicant and government representatives, they are expected to identify and respond to the parties' interests and needs. They are also encouraged to recognise ethical issues and to negotiate in good faith. Students are expected to know and implement various codes of conduct. This includes the statutory obligation on Australian government bodies to adhere to the Model Litigant Policy as well as various specific instruments, such as the Taxpayers' Charter and the Centrelink Service Charter. Legal skills educators may draw inspiration and insight from the AAT's NOOT Competition. This paper identifies and examines various aspects of the competition that can be used as a model for adaptation and use in legal skills exercise and assessment design. The paper focuses, in particular, on the design of legal skills exercises and assessments with an integrity focus to advance law student understanding of, and contribution to, better client outcomes and better government. **Biographies** Narelle Bedford is an Assistant Professor at Bond University. She teaches Administrative Law and has performed the role of staff advisor for mooting and negotiating competitions. Narelle has held previous academic positions at the University of Queensland and the National University of Samoa, prior to which she was employed by the Australian Attorney-General's Department in the Administrative Law Branch and in the secretariat of the Administrative Law Review Council. Narelle was also an Executive Officer for the Migration and Refugee Review Tribunals; a former Australian Diplomat, serving both in Australia and Malaysia; and an Associate to the Hon Justice Moore, formerly of the Federal Court of Australia and Vice-President of the Australian Industrial Relations Commission. Narelle holds a Bachelor of Economics and a Bachelor of Laws from Macquarie University, and a Master of Laws from the Australian National University. She is completing a PhD at the University of New South Wales. Kylie Fletcher-Johnson joined Bond University in 2008, where she teaches in a number of subjects and is the Faculty of Law's First Year Coordinator. Kylie also teaches dispute resolution as part of the Faculty of Law's integrated skills programme, and is a member of Bond University's Dispute Resolution Centre. She has acted as an academic advisor to several Bond University teams competing at international and domestic negotiation competitions. Prior to taking up her current position at Bond, Kylie was employed in the legal profession for almost a decade. She commenced her legal career in 1998. In 2001, Kylie accepted a position at a National top-tier firm where she was promoted to the position of Senior Associate. Kylie also worked as an in-house legal counsel at a Queensland gas and electricity distributor where she acted in a number of roles, including as a dispute resolution lawyer. Justin Toohey is the Director of Alternative Dispute Resolution (ADR) for the Administrative Appeals Tribunal (AAT). In this capacity, Justin coordinates ADR activities at the AAT on a national basis and conducts local ADR processes as part of the General and Other Divisions in the Brisbane Registry. Previously, Justin managed ADR projects as First Assistant Information Commissioner with the Office of the Information Commissioner, Queensland, and as Director of Mediation and Dispute Resolution Services for the Registrar of Indigenous Corporations. Justin has been a practising mediator since 2003 as well as a senior legal officer, decision-maker, and reviewer of administrative decisions in a range of Commonwealth agencies. Justin's formal qualifications include a Master of Laws, a Graduate Certificate in Management from the Australian National University, and degrees in Law and Science from Griffith University. PARALLEL SESSION 5D, SEE PAGE 14
Petra Butler	**International Dispute Resolution in and for Small States**	Small states have often limited resources in maintaining an effective domestic dispute resolution system. However, to attract investors and to participate in the global economy, it is pivotal for small states to be able to offer investors but also their exporters and importers an effective dispute resolution system. The paper will explore the options open to small states. **Biography** Dr Petra Butler is an Associate Professor at the Faculty of Law, Victoria University of Wellington, New Zealand and Co-Director of the Centre for Small States, Queen Mary University of London. Her research interests are in international commercial law, in particular the United Nations Convention for the International Sale of Goods (CISG), comparative law, and human rights (domestic and international). She has published extensively in those areas, including together with Andrew Butler, *The New Zealand Bill of Rights Act 1990: a commentary* (2nd ed, Lexis Nexis, 2015), and together with the late Professor Peter Schlechtriem, *UN Law on International Sales* (Springer, 2008). Dr Butler is New Zealand's Case Law on UNCITRAL Texts (CLOUT) correspondent for the CISG and the United Nations Convention on the Use of Electronic Communications in International Contracts. She was the Wilmer Cutler Pickering Hale and Dorr LLP Scholar-in-Residence in 2015. PARALLEL SESSION 5D, SEE PAGE 14

Name	Title	Abstract and Biography	
5E Anita Jowitt	**Advancing Better Government through Teaching Students Practical Policy Engagement**	In the quest to inculcate the doctrinal legal reasoning skills that legal practitioners require during LLB education, it is, perhaps, easy to overlook the development of legal policy development skills. Further, the author's experience as both a policy practitioner and a legal academic suggests that there is a significant difference between approaching policy and law reform activities as a practical policy practitioner and as an academic. This paper, which draws on theory in relation to authentic assessments as well as the author's experience as both a policy practitioner and a legal educator, proposes an approach to teaching and assessing practical policy engagement in law reform through the production of position papers. Whilst her experience is derived from the South Pacific context, it is argued that the teaching approach could easily be adapted for application in other Commonwealth jurisdictions.	**Biography** Anita Jowitt has been teaching law at the University of the South Pacific (USP) since 1997. She is the Director of the Pacific Islands Legal Information Institute (PacLII). She is also actively involved in practical policy development in Vanuatu through her position as an employer representative on the Vanuatu Tripartite Labour Advisory Committee and her involvement with Transparency International. She has published on a wide range of topics relating to the development of law in the South Pacific and the relationship between state legal systems and Pacific societies. She has also been actively involved in teaching related research and the implementation of institutional shifts in teaching practice at USP. For a number of years, she has taught Employment Contract Law, and a range of subjects relating to law and society, governance, and current developments in Pacific law. 2016 is the first year that she has been involved in teaching Contract Law in the USP LLB. PARALLEL SESSION 5E, SEE PAGE 14
Monica Taylor	**Law & Development – Ethical Considerations for Law Schools**	The nexus between law and "development" is relatively unexplored in the LLB curriculum. Few university law schools offer dedicated law and development course electives at the undergraduate level, and law students interested in using their legal skills to pursue a career in aid and development rarely have conventional pathways available to them. Clinical legal education and pro bono legal work are two avenues through which law students are able to directly interrogate the nexus between law and development. A small but increasing number of international clinical legal education and pro bono opportunities do exist (for example, the International Legal Studies Externship Clinic run by BABSEACLE). However, notwithstanding the presence of a few scattered courses and programmes, this is an emerging area of teaching and learning that lacks an ethical framework for engagement. What insights can be drawn from other disciplines about how to ethically engage with law and development issues? For example, when is it appropriate to involve one's own law students in legal work that "assists" local communities? How do Australian law schools ensure that their students' activities do not deny local law students the opportunity to also reach their academic potential? This paper will briefly consider the scholarship around law and development issues. In doing so, it will examine what curricular initiatives, especially in the clinical context, are currently being delivered by Australian law schools in the law and development space. Drawing on relevant industry codes of conduct, this paper will propose a set of guidelines for how law schools should approach law and development activities, whether through a clinical legal education context or in the design of pro bono opportunities for law students.	**Biography** Monica Taylor is the Director of the UQ Pro Bono Centre at the TC Beirne School of Law, University of Queensland. Monica coordinates the School's clinical legal education programme and oversees law student participation in pro bono legal work (www.law.uq.edu.au/probono). PARALLEL SESSION 5E, SEE PAGE 14

Name	Title	Abstract and Biography
Su Robertson & Abdul Rahman Mohamed Saleh	**Integrating Externships into the Academic LLB: The Victoria Law School Approach to Clinical Legal Education**	Victoria University, Melbourne, has been offering clinical externships to its students since 2005. The programme started with one court-based placement at court and has now grown to a total of 14 rolling clinical placement programmes, predominantly via community legal centre and legal aid partnerships. Demand from students and externship partners is growing, a recognition of the high value of the learning and teaching provided by clinical contexts, especially those that are community-based. Victoria University students can choose to use clinical experiences as either intra-curricular or extra-curricular activities. The challenge that this model presents is in the very full and structured nature of the contemporary LLB curriculum. Typically, this course has a high number of compulsory units of study, none of which are clinical. Therefore, students who want to experience more than one clinical placement can only do so using one elective and then choosing the extra-curricular option for any further externship experiences. This presents a number of issues. First, many students simply do not have the time to undertake extra-curricular externships for which no credit is given towards their units of study. Secondly, many external placement partners require integration of the experience they provide with the curriculum of the law degree. Finally, situating clinical learning in the elective space limits capacity for students to gain depth of clinically-based learning, This paper covers Victoria University College of Law and Justice response to these issues, including simultaneous integration of the same clinical externship with more than one unit of study. **Biographies** Su Robertson is an Australian legal practitioner and a Lecturer and Director of Clinical Programs at Victoria University, Melbourne. Admitted to practise in 2001, Su spent her early life as a lawyer working in the Australian community legal centre sector. Starting with articles of clerkship at Fitzroy Legal Service, Su followed this with roles at the Environment Defenders Office, the Victorian Human Rights and Equal Opportunity Commission and the Communications Law Centre. She also worked as a County Court Judges Associate and in private criminal defence. In 2006, Su moved to Victoria University to teach law and in 2008, she was allocated the two small externships that made up the entire Victoria Law School clinical legal education offering at that time. Since then, her passion for immersing students in practical social justice experiences has resulted in the development of a strong community-based clinical legal education programme. The 15 externships she now manages reach across the West of Melbourne at courts, community legal centres and legal aid, as well as a unique internship with Victorian Police Prosecutors. More than 150 Victoria University students each year now integrate their law studies with the life of the law in a variety of contexts, including family law, criminal law, fines and infringements, refugee law, youth law, employment law and special projects focused on law reform to protect the disadvantaged. Su's research is also drawn from the community law context, most recently, "Fare Go: Myki, Transport Poverty and Access to Education in Melbourne's West". Abdul Rahman Mohamed Saleh is an Associate Lecturer in Law in the College of Law and Justice at Victoria University, Melbourne. He graduated with an LLB (Honours) from the National University of Singapore in 1986. He is an Advocate and Solicitor of the Supreme Court of Singapore and worked in Singapore as a Legal Officer in the Singapore Legal Service as well as in private practice before coming to Australia in 2001. He completed an LLM (Legal Practice) at Monash University in 2002 and is a Barrister and Solicitor of the Supreme Court of Victoria. He taught at Monash Law School and practised as a community legal centre lawyer at the Monash-Oakleigh Legal Service before moving to Victoria University in 2008. He currently teaches Civil Procedure and Lawyers' Ethics and Professional Responsibility. His academic interests include Asian law, civil litigation, clinical legal education, comparative family law, criminal law, evidence, lslamic law and legal ethics. PARALLEL SESSION 5E, SEE PAGE 14

Name	Title	Abstract and Biography	
5F **Symposium Panel**	**Legal Education Active Learning Research Network (LEARN)**	The symposium encompasses papers from members of the Legal Education Active Learning Research Network from a range of Australian law schools. It explores the theme of "active learning" from different perspectives.	PARALLEL SESSIONS 5F, SEE PAGE 14
Melissa Castan & Kate Galloway	**Looking Beyond the Virtual Law Class: Podcasting the Vibe**	Podcasting technology has been around for more than a decade and in higher education, recordings styled as "podcasts" and "vodcasts" are now a mainstream form of "content". Frequently, however, audio or audiovisual resources are offered to students as a proxy lecture, more in response to management edicts than as a result of deliberate, pedagogically sound curriculum design. By contrast, instead of a rather static and didactic medium of "delivery", the subscription podcast offers potential for intimate engagement between teacher and learner. Importantly also in terms of the academic's impact and community engagement, the podcast can serve a broader audience. This paper analyses the podcast as a medium to assess its utility both as a learning tool for law students, and as a tool for community engagement in legal issues. It first provides a background to podcasting, followed by case studies of effective legal podcasts to illustrate the medium's diverse applications. It concludes with a rationale for using podcasts as both a learning and teaching tool, and as an entry point for engaging diverse audiences.	**Biographies** Melissa Castan is a senior lecturer in the Faculty of Law at Monash University. She is also a Deputy Director of the Castan Centre for Human Rights Law, and the National Editor for the *Alternative Law Journal*. She teaches, researches and publishes in the areas of legal education, constitutional law, and Indigenous legal issues. Her work is available at https://melissacastan.wordpress.com/ and she can be followed on twitter at @mscastan. Kate Galloway is Assistant Professor at Bond University Faculty of Law. Her principal interests are legal education and property law as well as critical theoretical approaches to the law. Kate has published and presented internationally in these areas. She blogs at http://kategalloway.net. PARALLEL SESSION 5F, SEE PAGE 14
Tammy Johnson	**Using Online Story Circles to Improve Collaboration and Student Engagement**	Engaging law students with the process of legal analysis and writing is a challenge for legal educators. The challenge lies not only in designing tasks that will encourage law students to connect, but to allow the writing process to be enjoyable and relevant to contemporary law students so that they can start to develop their own writing style. One means of achieving this end is a Story Circle. The Story Circle concept is based on the childhood game where participants each contribute one small part to a storyline in order to create a complete narrative. In the context of legal analysis and writing, tutorial groups create their own Story Circle to answer a theoretical or problem-based tutorial question using an online Discussion Board contained within the subject's learning management system (LMS). The Story Circle is designed to be a fun and interactive exercise that embraces an opportunity to explore a new way for students to explore the domain of legal analysis and effective communication.	**Biography** Tammy Johnson is an Assistant Professor at Bond University. A sole practitioner for a number of years, Tammy eventually sold her practice to pursue her academic interests. Tammy practised in the areas of property law, commercial law and succession and estate administration. At Bond, Tammy teaches a number of subjects including Legal Drafting & Conveyancing, the Law of Succession and Administration of Estates, Land Law, Principles of Property Law and Business Law. She also sometimes assists in teaching Personal Property Transactions, Civil Procedure, Civil Remedies and Trust Accounts and Bookkeeping. Tammy is now undertaking her doctoral studies at Queensland University of Technology. Her research is in the area of health law and she anticipates completing her PhD this year. PARALLEL SESSION 5F, SEE PAGE 14
Melissa de Zwart	**Lessons from Massive Learning: Using Massive Open Online Courses (MOOCs) in on Campus Courses**	This paper will identify and address lessons learnt from creating and teaching a massive open online course (MOOC) for on-campus teaching. It will highlight the key lessons and techniques that can be translated from the MOOC environment to improve and enhance blended and face-to-face delivery of classes.	**Biography** Professor Melissa de Zwart, Adelaide Law School, has taught in the online and face-to-face environments since 1996. In 2015, she was the leader of the EdX MOOC, Cyberwar, Surveillance and Security, which had over 20,000 enrolments. Melissa has both teaching and research interests in the online environment and has won teaching awards at both Monash University and the University of Adelaide. PARALLEL SESSION 5F, SEE PAGE 14

Name	Title	Abstract and Biography
Kylie Burns, Mary Keyes, Joanne Stagg-Taylor, Kathryn van Doore & Therese Wilson	**Active Learning in Law by Flipping the Classroom: An Enquiry into Effectiveness and Engagement**	Legal educators are increasingly being encouraged, if not directed, to apply technological innovations in course design and delivery. The use of blended learning, in which learning in conventional face-to-face settings is combined with learning activities that are delivered online, is becoming more common. While legal educators are exhorted to use blended learning and/or active learning, there has been little published about the use of these methods in law in particular (this is true not only of legal education, as observed by Lakmal Abeysekera and Phillip Dawson "Motivation and cognitive load in the flipped classroom: definition, rationale and a call for research" (2015) 34 *Higher Education Research and Development* 1), especially in relation to their effectiveness in legal education, and impact on student learning. This paper contributes to the literature by describing the authors' experiences in introducing active learning, in particular flipped learning, in three different courses at Griffith Law School, and reflects on the student experiences of these courses. While there were indications that students did find the flipped learning approach more engaging than traditional lecture methods, some students felt that they were being denied their entitlement to lectures when face-to-face lectures were not also being offered. They did not always seem to regard online content delivery as being equivalent to face-to-face content delivery, and in some cases expressed discomfort with the idea that the use of technology to incorporate flipped learning methods required them to do more work than they would otherwise have had to do. The findings also indicate that this method may be better suited to later year courses as opposed to first year courses, where students may expect and require more face-to-face guidance from a lecturer. There was possible improvement in student perception of engagement with the courses, as would be consistent with the literature, although data would need to be collected over a longer period of time to confirm this. The paper also describes the establishment of a collegial network at Griffith Law School to foster innovative teaching practices and support one another's active learning endeavors. It is expected that, as a result of participating in network meetings, academics will feel more confident in transitioning to, and employing, active learning including flipped models. **Biographies** Kylie Burns, Mary Keyes, Joanne Stagg-Taylor, Kate van Doore and Therese Wilson are academics at Griffith Law School. They teach and research in diverse areas, however, share a joint interest in effective, engaging and evidence-based legal education in a digital age. In 2015, they were the recipients of a Griffith University learning and teaching grant to further develop active and "flipped learning" in the Griffith Law School curriculum and develop a collegial active learning network for Griffith Law School staff. This work was the genesis for the development of a national network: LEARN. Dr Kylie Burns is a Senior Lecturer in the Griffith Law School. Kylie has research and teaching expertise in negligence and accident compensation, judicial reasoning, and law and social science. She teaches negligence and accident compensation. She is a co-author of the leading Australian torts textbook (with Luntz, Hambly, Dietrich and Foster) *Torts: Cases and Commentary.* Kylie is very passionate about learning and teaching and student engagement. She has published in legal education and has been the recipient of teaching awards and grants. In 2014, she was awarded a National Citation for excellence in teaching from the Office for Learning and Teaching. She is a co-convenor of the Legal Education Active Learning Research Network (LEARN). Mary Keyes is a Professor at Griffith Law School. She teaches and researches in international litigation, international arbitration and contract law. Her main area of research is private international law, especially jurisdiction, and international family law. Joanne Stagg-Taylor is a Lecturer and LLB first year Co-ordinator at the Griffith Law School, Griffith University, in Queensland, Australia. She designed the blended learning first year course, Foundations of Law, for the LLB programme at Griffith. Her research interests are in learning and teaching, the use of technology in teaching, feminist theory, gender, health and law. Kate van Doore is the Postgraduate Programs Convenor at Griffith Law School. Kate has taught online for over ten years and is the Program Director of two fully online degree programs. Therese Wilson is the Deputy Head of School, Learning and Teaching at Griffith Law School. Her teaching and research expertise is in the areas of corporate law, banking and finance law, consumer law and international arbitration. She wrote her PhD thesis on "Regulating to Facilitate Access to Safe and Affordable Credit for Low Income Australians". Therese has coached Griffith Law School's Vis International Commercial Arbitration Moot Team since 2003 and has expertise with regard to the United Nations Convention on Contracts for the International Sale of Goods, which she focuses on in her international commercial arbitration classes. PARALLEL SESSION 5F, SEE PAGE 14

List of delegates

Name and Institution	
Alberto Costi	Victoria University of Wellington
Alexandra Sims	The University of Auckland
Amy McInerney	Griffith University
Andrew Geddis	University of Otago
Anita Jowitt	University of the South Pacific
Anna Bunn	Curtin University
Benjamin Liu	The University of Auckland
Brenda Marshall	Bond University
Brianna Chesser	Australian Catholic University
Catherine Gordon	LexisNexis Australia
Catherine Iorns	Victoria University of Wellington
Celia Haden	Environmental Protection Authority
Charles Finny	Saunders Unsworth
Cheryl Green	University of Waikato
Chris Dent	Murdoch University
Chris Holland	Buddle Findlay
Christine Lee	Federation University
Claire Ricketts	Cambridge University Press
Craig Linkhorn	Crown Law Office
Dame Sian Elias	Chief Justice of New Zealand
Dame Susan Glazebrook	Supreme Court of New Zealand
David Barker AM	University of Technology Sydney
David McLauchlan	Victoria University of Wellington
David Parker	Victoria University, Melbourne
Dean Knight	Victoria University of Wellington
Don Paterson	University of the South Pacific
Estair Van Wagner	Victoria University of Wellington
Francine Rochford	La Trobe University
Frederique Sternotte	Victoria University of Wellington
Gehan Gunasekara	The University of Auckland
Gill James	Massey University
Gordon Anderson	Victoria University of Wellington
Gordon Stewart	Victoria University of Wellington
Graeme Austin	Victoria University of Wellington
Grant Morris	Victoria University of Wellington
Guy Powles	Monash University
Hanna Wilberg	University of Auckland
Helen Anderson	Melbourne Law School
Helena Kaho	University of Auckland
Hon Christopher Finlayson	Attorney-General of New Zealand
Hone Harawira	Former MP and Leader of the MANA Movement
Ian McIntosh	Thomson Reuters NZ
Irene Watson	University of South Australia
Jacinta Ruru	University of Otago
Jacquie Svenson	University of Newcastle
Jane Fu	Deakin University Australia
Jane Kelsey	The University of Auckland
Jane Parker	Ara (formerly CPIT)
Jason Monaghan	The Federation Press
Jennifer Corrin	The University of Queensland
Jill Jones	The Manukau Institute of Technology
Joan Squelch	University of Notre Dame Australia
Joanne Stagg-Taylor	Griffith University
Jocelyn Holmes	LexisNexis Australia
Joel Colón-Ríos	Victoria University of Wellington
John Hopkins	University of Canterbury
John Horsley	Manukau Institute of Technology
John Prebble	Victoria University of Wellignton
John Taylor	University of New South Wales
Jonathan Barrett	Victoria University of Wellington
Josephine Coffey	The University of Sydney Business School
Julie Zetler	Macquarie University
Karen Hildebrandt	Oxford University Press
Kate Galloway	Bond University
Kate Tokeley	Victoria University of Wellington
Kate van Doore	Griffith University
Kevin Riordan	Barrister, Harbour Chambers
Kim Economides	Flinders University
Kim Lingard	Cambridge University Press
Kimberley Bilsborow	Flinders University
Krystyna Sawon	University of South Australia
Kylie Burns	Griffith University
Kylie Fletcher	Bond University
Linda Widdup	Curtin University
Lorne Sossin	Osgoode Hall Law School
Lucas Frederick	Thomson Reuters AU
Lynda Hagen	The New Zealand Law Foundation
Lynne Taylor	University of Canterbury
Margaret Broadbent	LexisNexis
Marilyn Scott	University of Technology Sydney
Mark Bennett	Victoria University of Wellington
Mark Hickford	Victoria University of Wellington
Mary Heath	Flinders University
Mary Keyes	Griffith University
Mary Wyburn	University of Sydney Business School
Matt Berkahn	Massey University – Palmerston North
Matteo Solinas	Victoria University of Wellington
Melissa Castan	Monash University
Melissa de Zwart	University of Adelaide
Mia Rahim	University of South Australia
Michael Spisto	Victoria University, Melbourne
Michael Webb	Barrister, Princes Chambers
Michelle Head	Oxford University Press
Mike French	AUT Law School
Monica Taylor	The University of Queensland
Monique Egli Costi	New Zealand Centre of International Economic Law
Morgan Godfery	Political Commentator
Muhammad Masood	MM Law Associate
Narelle Bedford	Bond University
Nathan Ross	Victoria University of Wellington
Nessa Lynch	Victoria University of Wellington
Netta Goussac	International Committee of the Red Cross
Nicholas Riley	Thomson Reuters
Nicole Moreham	Victoria University of Wellington
Olivia Rundle	University of Tasmania
Patty Kamvounias	The University of Sydney
Paul Fairall	Curtin University
Paul Scott	Victoria University of Wellington
Petra Butler	Victoria University of Wellington
Philip Joseph	University of Canterbury
Rick Fisher	Open Polytechnic, New Zealand
Rick Sarre	University of South Australia
Robin Bowley	University of Technology Sydney
Robin Palmer	University of Canterbury
Robin Woellner	James Cook University / University of New South Wales
Roman Tomasic	University of South Australia
Sally Varnham	University of Technology Sydney
Santiago Che Ekaratne	University of Canterbury
Sascha Mueller	University of Canterbury
Scott Beattie	Central Queensland University
Seán Patrick Donlan	University of the South Pacific
Sheryl Lightfoot	University of British Columbia
Simon Laracy	LexisNexis
Simone Pearce	University of the Sunshine Coast
Sir Geoffrey Palmer	Victoria University of Wellington
Sir Kenneth Keith	Victoria University of Wellington
Sofia Shah	University of the South Pacific
Sophie Young	LexisNexis
Stephen Bottomley	ANU College of Law
Su Robertson	Victoria University, Melbourne
Susan Douglas	University of the Sunshine Coast
Susy Frankel	Victoria University of Wellington
Tamasailau Suaalii-Sauni	Victoria University of Wellington
Tammy Johnson	Bond University
Tania Leiman	Flinders University
Therese Wilson	Griffith University
Thomas Gibbons	McCaw Lewis Ltd
Tony Angelo	Victoria University of Wellington
Trish Keeper	Victoria University of Wellington
Ursula Cheer	University of Canterbury
Valmaine Toki	University of Waikato
Vernon Rive	AUT Law School
Victoria Stace	Victoria University of Wellington
Wallace Chapman	Radio and TV Host
Zoe McCoy	University of Canterbury

The Harakeke pod

Harakeke have played an important part in the cultural and economic history of New Zealand for both Māori and the later European settlers.

Above: Wellington Harbour, N.Z., 1841, New Zealand, by Major Charles Heaphy VC.

Purchased 1968 from Wellington City Council Picture Purchase Fund. Te Papa (1968-0024-1)

Better government
Harakeke has become a well loved national emblem. The woven harakeke represent the coming together of many strands of information, insight and knowledge – what governments strive to achieve.

Sustainable economies
Harakeke is an incredibly useful flax plant with multiple uses – from medicine, to baskets, mats, fishing nets and cloaks. In the early 1900s, there was a booming flax trade industry. Harakeke was delivered to Pipitea (where the Victoria University of Wellington Faculty of Law now stands), then shipped overseas to be made into linen.

Vibrant communities
In Māori sayings and songs, harakeke is often a metaphor for family bonds and human relationships.

The harakeke pods hold and protect a group of seeds, which, to us, represent the germination of new ideas.

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We hope that you will gather some seeds of knowledge at the ALTA 2016 conference – that you may take home with you to advance better government, sustainable economies and vibrant communities.

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