This year we have continued and expanded our student internship program, and we report in this newsletter on the wide range of issues of law and social justice that interns have investigated and reported on, from health policy to self-defence, and from the Northern Territory to Iran.

Closer to home, and more inwardly looking, we recently held an LR+SJ planning session attended by students and staff at ANU’s Kioloa campus. In this newsletter we report on the retreat - with photos - but the real results will be seen in the considered LR+SJ plans and policies we produced, and in the continuing collaboration between staff and students.

For more details of what we are doing, our new-look website <http://anulaw.anu.edu.au/lrsj> gives you details of students’ social justice projects, staff members’ law reform submissions, and a recording of my recent public conversation with ANU graduate and international human rights lawyer, Jen Robinson.

In the second half of this year I will be on leave to pursue some research, principally into anti-discrimination law and innovative techniques for legal education. For that period I am very pleased that my colleague Associate Professor Don Anton will be acting Director of LR+SJ.

Director of Law Reform and Social Justice

LR+SJ INTERNSHIPS

Students in the Law School’s LLB and JD programs are able to enrol in an elective course LAWS2230 Law Internship. Once enrolled in that course, interns can choose to work in a wide range of legal settings in the public, private and community sectors, and with Law School faculty on projects of an applied nature. ‘Special Internships’ are available with the National Europe Centre, the Centre for International and Public Law, the Military Law Centre, and with LR+SJ.

LR+SJ provides an opportunity for students to conduct research and/or produce resources in an area of law reform and social justice that is of interest to them. Students are encouraged to take an interdisciplinary approach to their research, and develop creative solutions to issues. When possible, we find a practical forum for the product of the internship, which can include research papers, submissions to inquiries and parliamentary committees, responses to discussion and issues papers, preparation of facts sheets and guides, and articles and opinion pieces.
At the same time, the product of the internship is marked for course credit, having regard to assessments by both LR+SJ and the Internship course convenor. On a practical basis the work is assessed for the contribution it makes to ‘the development of policy, administration or legal systems’, and on an academic basis the work is assessed for the extent it analyses the literature and furthers an understanding of the issues.

Among the 2012 interns, Stephen Priest and Amy Sinclair describe their projects on the next page. Other 2012 interns and their projects are:

> **Steph Henry** compared the constitutional guarantees of consultation with indigenous peoples in Colombia, with Australia’s failure to consult, having regard to recent recommendations for constitutional reform in Australia.

> **Khash Kamali** examined the operation of rule of law in the Iranian legal system, considering in particular the role of the judiciary and the conduct of the Guardian Council.

> **AJ Neilson** evaluated the progress of the Family Court in providing for the needs of litigants in person in light of two earlier reports.

Previous interns Mark Jenke, Sam Watts, Helen McLeod and Amy Sinclair describe their projects below. Other previous interns and their projects were:

> **Claire Brennan** analysed the compatibility with human rights standards of the legislative regime for prisoner segregation in the ACT.

> **Ellen Chapple** examined the international criminal law principle of *ne bis in idem* (the protection against being prosecuted more than once for the same crime) as it arose in proceedings in the Extraordinary Chambers of the Cambodian Criminal Court.

> **Jess Lee** explored the international criminal law doctrine of ‘command responsibility’ as it arose in proceedings in the Extraordinary Chambers of the Cambodian Criminal Court.

> **Melanie Poole** investigated the human rights aspects of the guidelines of Catholic Health Australia, a significant operator of public and private hospital services.

> **Laura Sweeney** proposed options for reform to ACT law relating to physical punishment of children in the ACT.

**Mark Jenke: South Asian Human Rights Documentation Centre**

Many students commence their law studies with vague aspirations of changing the world for the better; during my undergraduate years I have maintained dreams of making the law just, of ending poverty, and of drafting the perfect constitution. But the formalistic stresses of law school can, at times, distract students from the original intent behind enrolling for that LLB or JD. This was the position that I was in before I undertook an internship with an Indian human rights NGO. I enjoyed my studies, but I was not fully content with writing papers on the Corporations Act – is that really what law is all about?

Most certainly not. My experience in India reminded me of the utility of law to promote real change, which is why I decided to study law in the first place. I spent 5 weeks on an LR+SJ internship with the South Asia Human Rights Documentation Centre in New Delhi, an organisation run by India’s leading human rights advocate, Ravi Nair. SAHRDC is devoted mainly to publishing titles on the abuse of civil and political human rights in the subcontinent, to build collective memory that should help prevent future breaches. SAHRDC believes that progress on social and economic rights follows from civil and political rights; while India’s poor are marginalized, they are politically active and take ownership of their government. Social and economic change will come with time and sound policies.

My time at SAHRDC was largely spent working on a chapter for a book on draconian legislation in India. I spent a lot of time researching the *Terrorist and Disruptive Activities (Prevention) Act*, which the executive misused to arbitrarily detain tens of thousands of people, sometimes for over a decade. While the work was very interesting, an early challenge was getting used to concentrating for seven hours a day; at university, I rarely spend more than a couple of hours at a time diligently working before I find myself getting distracted or bored. I soon got used to working diligently, and was amazed at how much more I achieved in a day without numerous coffee breaks.

The work at SAHRDC was never tedious. The best thing about the internship was getting to know Ravi, and listening to his stories. Ravi was always in the office when he wasn’t attending a meeting, and always had an anecdote to share. Ravi’s stories from a lifetime of campaigning for human rights globally and in India, which started with him as a student protesting Indira Gandhi’s Emergency, were a frequent source of inspiration. As passionate and optimistic as the most naive first year law student, Ravi shows that enormous change can be accomplished by individuals committed to a cause.

As an intern at SAHRDC I felt wholly immersed in human rights issues. Interns attended lectures that Ravi presented to the National Law University and to the Rajiv Gandhi Institute for Contemporary Studies. We heard from other
presenters such as Nikhil Dey on the Right to Information Act and the National Employment Guarantee Act, and the Sri Lankan Minister for Justice on Asian and African perspectives on the Responsibility to Protect doctrine, which given recent history was an infuriating insight into international relations. These excursions into the practical realm of human rights greatly enriched the internship by challenging me to think about a broad range of issues.

My short stint at SAHRDC will stay with me for a long time. Though I didn’t find spiritual enlightenment, I left India with both a greater awareness of human rights challenges and a sense that I could do something about them. The vague aspirations I once had of making the world better now seem like actual possibilities. It’s good to be occasionally reminded of what law is all about.

Stephen Priest: The ECCC

During first semester 2012, I’ve been researching for a paper for an LR+SJ internship with the Extraordinary Chambers in the Courts of Cambodia (the ECCC). Specifically, I’ve been looking at judicial accountability mechanisms and the specific obligations which judges are under. The research has been quite challenging – it was a steep learning curve initially as I got up to speed about some of the challenges facing the ECCC at the moment. With the help of LR+SJ I was able to contact a wide variety of people to assist my research, including students from previous years who had interned at the Court. The internship’s flexibility, with limited contact hours and mostly self-directed research, has also been a life-saver, as I often work irregular hours and this has allowed me to write the paper at my own pace. Overall, the experience has been highly rewarding, as I’ve been exposed to a variety of legal research tools, writing styles and issues of international justice which I hadn’t before considered.

Amy Sinclair: ACT Law Reform Advisory Council

‘Passionate’ is an adjective oft-overused by undergraduate law students. Resumes and cover letters burst at the seams with eager claims of passion for social justice, for environmentalism, or in the case of first years, sandwich artistry. As an LR+SJ intern with the ACT Law Reform Advisory Council (‘LRAC’), I have been able to meaningfully combine both my consuming passion for and intellectual curiosity about the intersection of criminal law and human rights.

I have been writing a preliminary report exploring the human rights implications of recent proposed changes to the law of self-defence in the ACT. The Attorney-General’s Bill, which has been referred to LRAC for consideration, proposes to remove the availability of self-defence for a person who uses force in response to an unlawful arrest performed by police in good faith. This review poses important questions on the limitation of the right to liberty (and human rights more generally) by the legislature under the Human Rights Act 2004 – an issue that ought to invoke the passion of all citizens.

Sam Watts and Helen McLeod: The NT Intervention

The purpose of the LR+SJ internship was to learn more about effects that the Northern Territory Emergency Response (‘Intervention’) legislation on remote indigenous communities. We decided to focus on laws that extended ‘dry areas’, in which the possession of alcohol is an offence. Dry areas existed long before the Intervention but had existed only in accordance with the wishes of Indigenous communities. The Intervention drastically increased the number and size of dry areas, without consent.
We investigated the effects of these new dry areas through interviews with members of affected Indigenous communities, police officers, public servants, members of the legal profession and alcohol retailers. The most notable change was the migration of drinkers from community to ‘drinking spots’ on the edge of dry areas, and to rural centres such as Katherine. This was seen by some as a positive change, as potentially violent drinkers had been removed from the family setting. Others saw it as negative, as there was an increase in bingeing, and the migration reinforced a culture and cycle of drinking.

The experience was eye-opening and rewarding. We had never lived on community and in such isolation for such a long period of time. After a steep learning curve, we were both enchanted by the bush, and the pace and perspective of indigenous culture.

THE 2012 KIOLOA RETREAT

On the weekend of 12-14 May, ANU College of Law staff and students spent a weekend together to discuss and plan future directions for LR+SJ. Car pooling and some imaginative navigating (Canberra to the coast via Lake George?) delivered six academic staff, 12 students and a PhD candidate to ANU’s oceanside Kioaloa campus. Most importantly, they were accompanied by Paul Lee, a volunteer and accomplished chef who catered for the entire weekend.

On Saturday the group engaged in a ‘scenario planning’ exercise. Four teams discussed the many unknowns and uncertainties that face the ANU, the Law School and the Law Reform and Social Justice Program (LR+SJ), such as funding (of course), personnel, the student cohort, education policy, curriculum, legal profession reform and so on. From this discussion the teams formulated possible alternative futures for which LR+SJ could consider making plans. The exercise helped everyone to a good understanding of the environment in which LR+SJ works, and of the issues that it has to address to continue to develop.

An intense and tiring day was broken by lunch in the sun, overlooking cow pastures and, in the distance over the trees, the ocean. It ended with a creative session which produced possible LR+SJ logos and T-shirt designs – watch this space! That night, after another fine meal from Paul, the group sat around a big log fire in a field, under a crystal clear night sky.

The focus on Sunday morning shifted from the larger context in which LR+SJ works, to the operation of the student-run social justice projects. The students – all team leaders for their projects – identified and debated a wide range of policies and procedures that recent experience has shown are necessary to ensure smooth and sustainable activity in the projects. The day finished before lunch with a short discussion on aspects of leadership. After lunch, and the passing of a storm, everyone headed home, in time for Mothers’ Day, and/or study and assignments.

The retreat produced some clear directions for LR+SJ and some useful operational content. As importantly, it further developed a strong sense of joint enterprise among staff and students in advancing the practice of law reform and social justice at the ANU College of Law.

Although staff and students have been working very well together on projects and internships, this is the first time we brought them together for an extended period, and it won’t be the last. Like the curriculum renewal retreat that Kath Hall, Molly O’Brien and Stephen Tang led last year, the experience highlighted how enjoyable and productive it is for staff and students to discuss serious matters together in a relaxed and social environment.

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