

Advancing
Better government
Sustainable economies
Vibrant communities

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Law's Role?



2016
CONFERENCE

Parallel Sessions – Final Programme

(as at 4 July 2016)

Australasian Law Teachers Association (ALTA) Conference 2016
Advancing Better Government, Sustainable Economies, Vibrant Communities: Law's Role?
 Wellington, New Zealand, 7-9 July 2016
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14:00 – 15:30	<p>1A Nurturing our Future through Environmental Law (Environmental Law Interest Group) Convenor and Chair Jacquie Svenson (University of Newcastle)</p> <p>GB07</p>	<p>1B Governance, Integrity and Accountability (Constitutional Law Interest Group) (1/2) Chair Philip Joseph (University of Canterbury)</p> <p>GBLT1</p>	<p>1C Symposium Panel: Legal Pluralism in the South Pacific: Implications for Legal Education and Jurisprudence Chair Tony Angelo (Victoria University of Wellington)</p> <p>GBLT2</p>	<p>1D Rethinking Competition Law? (Competition & Consumer Law Interest Group) (1/2) Chair Gordon Anderson (Victoria University of Wellington)</p> <p>GB117</p>	<p>1E Addressing the Complexities of Law, Teaching and Research (Legal Research & Communication Interest Group) Chair Rick Sarre (University of South Australia)</p> <p>GBLT3</p>	<p>1F Symposium Panel: Challenges in Privacy Law Chair Nicole Moreham (Victoria University of Wellington)</p> <p>GBLT4</p>	14:00 – 15:30
THURSDAY, 7 JULY 2016	<p>Jacquie Svenson (University of Newcastle) <i>The Power of Placement: Law Students and Public Interest Environmental Casework</i></p> <p>Richard M Fisher (Open Polytechnic of New Zealand) <i>The Nexus between Environmental Law Education and Better Government in New Zealand, and a Special Place for Distance in its Delivery</i></p> <p>Estair Van Wagner (Victoria University of Wellington) <i>Placing Complexity: Place-Based Teaching and Learning as a Tool for Grappling with Complex Legal Issues</i></p>	<p>Sascha Mueller (University of Canterbury) <i>The Greater Christchurch Regeneration Bill: Governmental Integrity during Non-Emergency Times</i></p> <p>Joan Squelch (University of Notre Dame Australia) <i>When Is Accepting and Failing to Disclose Prohibited Gifts 'Serious Misconduct' but not 'Corruption'? Lessons for Law Students in Accountable Governance</i></p> <p>Robin Woellner (University of New South Wales and James Cook University) and Julie Zetler (Macquarie University) <i>Electronic Patient Records – MyHealth: Deconstructing the 'Royle Review' Recommendations and Government Governance Responses</i></p>	<p>Jennifer Corrin (University of Queensland)</p> <p>Tamasailau Suaalii-Sauni (Victoria University of Wellington)</p> <p>Helena Kaho (University of Auckland)</p>	<p>Brenda Marshall (Bond University) <i>Misuse of Market Power in Australia: Should Section 46 of the Competition and Consumer Act Be Amended?</i></p> <p>Paul G Scott (Victoria University of Wellington) <i>Legitimate Business Rationale: What Does It Mean?</i></p>	<p>Chris Dent (Murdoch University) <i>A New Taxonomy for Research Methods in Law</i></p> <p>Mary Wyburn (University of Sydney) <i>Increasing Legal Complexity for Higher Education Institution Researchers</i></p> <p>Olivia Rundle and Brendan Gogarty (University of Tasmania) <i>Legal Collaboration: Unpacking the Threshold Learning Outcome for Law (TLO 5(b)) in the Complexity of Modern Legal Practice and Legal Education</i></p>	<p>Nicole Moreham (Victoria University of Wellington) <i>The New Zealand Tort of Intrusion into Seclusion: How Should It Develop?</i></p> <p>Ursula Cheer (University of Canterbury) <i>Some Thoughts on PJS and Where Privacy Might Be Going</i></p> <p>Gehan Gunasekara (University of Auckland) <i>Privacy through Consumer Law: The Federal Trade Commission Experience in the United States</i></p>	THURSDAY, 7 JULY 2016

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16:00 – 17:30	<p>2A Tax Law: Contributing Today for Tomorrow's Needs (Revenue Law Interest Group) Convenor and Chair Robin Woellner (University of New South Wales and James Cook University) GB07</p>	<p>2B Issues in Public Law (Constitutional Law Interest Group) (2/2) Chair Dean Knight (Victoria University of Wellington) GBLT1</p>	<p>2C Symposium Panel: Legal Remedies for West Papua: Environment and Human Rights Chair Catherine Iorns (Victoria University of Wellington) GBLT2</p>	<p>2D Consumer Law: Why Does it Matter? (Competition & Consumer Law Interest Group) (2/2) Chair Kate Tokeley (Victoria University of Wellington) GB117</p>	<p>2E Law Schools: Evolution and Law's Role (Legal History Interest Group) Chair Grant Morris (Victoria University of Wellington) GBLT3</p>	<p>2F Intellectual Property in Evolution (Intellectual Property Interest Group) Chair Graeme Austin (Victoria University of Wellington) GBLT4</p>	16:00 – 17:30
THURSDAY, 7 JULY 2016	<p>John Taylor (University of New South Wales) <i>Towards a More Sustainable Income Tax Base for Australia</i></p> <p>Robin Woellner (University of New South Wales and James Cook University) and Julie Zetler (Macquarie University) <i>'Once More into the Breach' – The Burden of Proof in Tax Appeals</i></p> <p>John Prebble (Victoria University of Wellington) <i>The Capital/Revenue Distinction of Income Tax Law Analysed from Perspectives of Hans Kelsen</i></p>	<p>Joel Colón-Rios (Victoria University of Wellington) <i>Deliberative Democracy and the Doctrine of Unconstitutional Constitutional Amendments</i></p> <p>Carwyn Jones (Victoria University of Wellington) and Craig Linkhorn (Crown Law Office, New Zealand) <i>'All the Rights and Privileges of British Subjects': Māori and Citizenship in Aotearoa New Zealand</i></p> <p>John Hopkins (University of Canterbury) <i>This Is the World Calling: The Use of Overseas Case Law in New Zealand's Constitutional Jurisprudence</i></p>	<p>Catherine Iorns (Victoria University of Wellington) <i>Legal Remedies for Abuses of Human Rights and the Environment in West Papua</i></p> <p>Valmaine Toki (University of Waikato) <i>Decolonisation and West Papua</i></p> <p>Pala Molisa (Victoria University of Wellington) <i>Building a Movement for West Papua: Steps Taken and Lessons Learnt</i></p>	<p>Alexandra Sims (University of Auckland) <i>An Evaluation of the Effectiveness of the Unfair Contract Terms Law in New Zealand</i></p> <p>Matthew Berkahn and Lindsay Trotman (Massey University) <i>Misleading or Deceptive Conduct: Some Current Issues</i></p> <p>Susan Carter and Patty Kamvounias (University of Sydney) <i>Better Government and Clarity in the Law: Do the Inherent Ambiguities in the Australian Consumer Law Matter?</i></p>	<p>David Barker (University of Technology Sydney and Macquarie University) <i>70 Years of ALTA in the Furtherance of Legal Education in Australasia and of the Work and Interests of University Law Schools</i></p> <p>Cheryl Green (University of Waikato) <i>Law's Role in Law Schools</i></p> <p>Stephen Colbran, Anthony Gilding and Scott Beattie (Central Queensland University) <i>Massive Open Online Courses (MOOCs) – A Mirage in the Australian Regulatory Environment</i></p> <p>Jill Jones and Lesley Francey (Manukau Institute of Technology) <i>Role of Law Teachers in Raising Awareness of the Implications of Insecure Work for Both Academic Freedom and Good Faith Bargaining</i></p>	<p>S Che Ekaratne (University of Canterbury) <i>The Role of Law with Regard to Unauthorised Surveillance-Related Activities in New Zealand</i></p> <p>Jonathan Barrett (Victoria University of Wellington) <i>Time to Look Again? Copyright and Freedom of Panorama</i></p> <p>Chris Dent (Murdoch University) <i>Patents since the 16th Century: The Evolving Processes as a Form of 'Punctuated Equilibrium'</i></p>	THURSDAY, 7 JULY 2016

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11:15 – 12:45	<p>3A Challenging Company Law Concepts (Company Law Interest Group) Acting Convenor and Chair Helen Anderson (University of Melbourne) GB07</p>	<p>3B Conceptualising South Pacific Law (South Pacific Legal Studies Interest Group) (1/2) Chair Tony Angelo (Victoria University of Wellington) GBLT1</p>	<p>3C Planning, Land, Tenure and Rent: Risks and Implementation Challenges (Property Law Interest Group) Chair Mark Bennett (Victoria University of Wellington) GBLT2</p>	<p>3D Legal Challenges of Technological Innovations (Law & Computers Interest Group) Convenor and Chair Alexandra Sims (University of Auckland) GB117</p>	<p>3E Developing Lawyers: Why and How? (Legal Education Interest Group) (1/2) Chair David McLauchlan (Victoria University of Wellington) GBLT3</p>	<p>3F Fostering Humanity by Various Means (International Law Interest Group) Chair Vernon Rive (Auckland University of Technology) GBLT4</p>	11:15 – 12:45
FRIDAY, 8 JULY 2016	<p>Helen Anderson (University of Melbourne) <i>Sunlight as the Disinfectant for Phoenix Activity</i></p> <p>David Parker and Angelo Veljanovski (Victoria University, Melbourne) <i>Crowdfunding/ Crowdsourcing: What Is It, What Is Proposed and How Does It Fit in with Company Law?</i></p> <p>John David Horsley and M Daud Ahmed (Manukau Institute of Technology) <i>The Limited Liability Company in the 21st Century: In Search of a New Paradigm</i></p> <p>Robin Bowley (University of Technology Sydney) <i>Addressing the Challenges that Students Face in Learning Business Concepts in Corporate Law</i></p>	<p>Don Paterson (University of the South Pacific) <i>The Constitutionality of Custom Land Dealings in Vanuatu</i></p> <p>Guy Powles (Monash University) <i>The Head of State and the Legislature: The Power of Veto in Pacific Island States and the Case of Tonga</i></p> <p>Jennifer Corrin (University of Queensland) <i>Exploring the Deep: Looking for Strong Legal Pluralism in the South Pacific</i></p>	<p>Amy McInerney (Griffith University) <i>Planning – A Risky Business?</i></p> <p>Mark Bennett (Victoria University of Wellington) <i>Achieving Security of Tenure in Private Residential Tenancies for Generation Rent</i></p> <p>Thomas Gibbons (McCaw Lewis Lawyers) <i>The End of Units: Perspectives on Cancellation of Unit Plans</i></p>	<p>Mike French (Auckland University of Technology) <i>Dixon v R – What a Load of Hogwarts!</i></p> <p>Scott Beattie (Central Queensland University) <i>The Wickedness of the Mob: Regulatory Networks Turn Ugly</i></p> <p>Tania Leiman and Kimberley Bilsborow (Flinders University) <i>Artificial Intelligence, Robotics and Autonomous Vehicles – Equipping Lawyers for a Fast Changing World</i></p> <p>Benjamin Liu (University of Auckland) <i>Machine Learning and the Future of Law</i></p>	<p>Lynne Taylor, Ursula Cheer, Natalie Baird, John Caldwell and Debra Wilson (University of Canterbury) <i>The Making of Lawyers: Expectations and Experiences of Second Year New Zealand Law Students</i></p> <p>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) <i>A Thinking, Reading, Problem-Solving Nexus: The Smart Casual Approach</i></p>	<p>Mary Keyes (Griffith University) <i>Internationalising Family Law</i></p> <p>Netta Goussac (Pacific Regional Delegation, International Committee of the Red Cross) <i>Humanity through Knowledge: The Role of Academia in Generating Respect for International Humanitarian Law</i></p> <p>Kevin Riordan (Harbour Chambers) <i>The Precautionary Principle of International Humanitarian Law – How Can the Duty to Take ‘Constant Care’ Be Enforced?</i></p>	FRIDAY, 8 JULY 2016

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14:00 – 15:30	<p>4A Symposium Panel: Ten Years On – The Legacy of the Collapse of New Zealand's Finance Company Sector Chair Chris Holland (Buddle Findlay) GB07</p>	<p>4B South Pacific Law in Practice (South Pacific Legal Studies Interest Group) (2/2) Acting Convenor and Chair Jennifer Corrin (University of Queensland) GBLT1</p>	<p>4C Criminal Law: Where to? (Criminal Law Interest Group) Chair Nessa Lynch (Victoria University of Wellington) GBLT2</p>	<p>4D Tort and Contract: Preparing for the Future (Tort & Contract Interest Group) Convenor and Chair Kylie Burns (Griffith University) GB117</p>	<p>4E Recent Developments in Legal Education (Legal Education Interest Group) (2/2) Chair Rick Sarre (University of South Australia) GBLT3</p>	<p>4F Symposium Panel: Teaching Law for the Environment Chair Celia Haden (Environmental Protection Authority, New Zealand) GBLT4</p>	14:00 – 15:30
FRIDAY, 8 JULY 2016	<p>Victoria Stace (Victoria University of Wellington) Trish Keeper (Victoria University of Wellington) Thomas Gibbons (McCaw Lewis Lawyers) Michael Webb (Princes Chambers)</p>	<p>Sofia Shah (University of the South Pacific) <i>Factors that Affect Award of General Damages – Pacific Approach</i> Anita Jowitt (University of the South Pacific) <i>Evolution in Pacific Contract Law: Consistency, Irrationality or the Evolution of Authentic Local Common Law?</i> Seán Patrick Donlan (University of the South Pacific) <i>Stranger in a Strange Land: Reflections on Legal Study at the University of the South Pacific</i></p>	<p>Robin Palmer (University of Canterbury) <i>'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</i> Zoe Margaret McCoy (University of Canterbury) <i>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</i> Brianna Chesser (Australian Catholic University) <i>The Problem-Based Learning Curriculum, a 'Flipped Classroom' and the Teaching of the Criminal Law: The Results of a Pilot Study</i></p>	<p>Hanna Wilberg (University of Auckland) <i>Complexity at the Faultline between Private and Public Law: Dealing with Public Authority Discretion</i> David McLauchlan (Victoria University of Wellington) <i>Mitigated Loss or Collateral Benefit?</i> Francine Rochford (La Trobe University) <i>Environmental Justice and the Possibilities of Tort Law</i></p>	<p>David Barker (University of Technology Sydney and Macquarie University) <i>The Swinging Sixties and Beyond – The Influence of the Second Wave University Law Schools on the Development of Australian Legal Education</i> Deborah Ankor and Tania Leiman (Flinders University) <i>Disrupting Legal Education? Flinders Law School's New Online Problem Based Learning (PBL) JD Initiative</i> Michael Spisto (Victoria University, Melbourne) and Christine Lee (Federation University Australia) <i>Virtual Classrooms Are Here to Stay – A Tale of the Inevitable</i></p>	<p>Catherine Iorns (Victoria University of Wellington) <i>Three Types of Innovations in Teaching Environmental Law</i> Vernon Rive (Auckland University of Technology) <i>Digital Technology in Environmental Law Teaching</i> Nathan Ross (Victoria University of Wellington) <i>A Deep Knowledge Lacuna: Expanding the Training/Doctrine Debate</i></p>	FRIDAY, 8 JULY 2016

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9:15 – 10:45	<p>5A Business Law, Equity and Trusts in Practice (Equity & Trusts Interest Group) Chair Matteo Solinas (Victoria University of Wellington)</p> <p>GB07</p>	<p>5B Comparative Law: Influences and Transitions (Comparative & Asian Law Interest Group) Chair John Hopkins (University of Canterbury)</p> <p>GBLT1</p>	<p>5C Fostering Vibrant Communities: Reconciling Tradition, Diversity and Globalisation Chair Michael Spisto (Victoria University, Melbourne)</p> <p>GBLT2</p>	<p>5D Dispute Resolution in Practice: Lawyers' Role? (Dispute Resolution Interest Group) Convenor and Chair Marilyn Scott (University of Technology Sydney)</p> <p>GB117</p>	<p>5E Fostering Ethics and Skills (Clinical Legal Education & Practical Legal Training Interest Group) Chair Gordon Stewart (Victoria University of Wellington) GBLT3</p>	<p>5F Symposium Panel: Legal Education Active Learning Research Network (LEARN) Chair Kylie Burns (Griffith University)</p> <p>GBLT4</p>	9:15 – 10:45
SATURDAY, 9 JULY 2016	<p>Mike French (Auckland University of Technology) <i>Clayton v Clayton – Shams and Illusions</i></p> <p>Trish Keeper (Victoria University of Wellington) <i>The Competing Objectives of Personal Insolvency and Pension Savings Laws: An Analysis of Trustees Executors Ltd v The Official Assignee</i></p>	<p>Jane Fu (Deakin University) <i>Reforming China's Population Policies and the Rule of Law</i></p> <p>Roman Tomasic and Ping Xiong (University of South Australia) <i>Mapping the Legal Landscape of Chinese Government-Controlled Companies in Australia</i></p> <p>Monique Egli Costi (New Zealand Centre of International Economic Law) and Alberto Costi (Victoria University of Wellington) <i>Finding Common Ground across Jurisdictions: The Formation and Implementation of International Financial Regulation</i></p>	<p>Rick Sarre (University of South Australia) <i>Religious Vilification Laws</i></p> <p>Christine Lee (Federation University Australia) and Michael Spisto (Victoria University, Melbourne) <i>Sustainable Vibrant Ethnic Communities</i></p> <p>Nessa Lynch (Victoria University of Wellington) <i>Judicial Innovations in the District Court of New Zealand – Addressing Inequality and Over-Representation</i></p>	<p>Grant Morris (Victoria University of Wellington) <i>Lawyers as Gatekeepers in Commercial Mediation</i></p> <p>Susan Douglas (University of the Sunshine Coast) <i>Constructions of Reflective Practice in Dispute Resolution</i></p> <p>Narelle Bedford (Bond University), Kylie Fletcher-Johnson (Bond University) and Justin Toohey (Administrative Appeals Tribunal, Australia) <i>Designing Skills Exercises to Advance Law Student Understanding of Better Client Outcomes and Better Government</i></p> <p>Petra Butler (Victoria University of Wellington) <i>International Dispute Resolution in and for Small States</i></p>	<p>Anita Jowitt (University of the South Pacific) <i>Advancing Better Government through Teaching Students Practical Policy Engagement</i></p> <p>Monica Taylor (University of Queensland) <i>Law & Development – Ethical Considerations for Law Schools</i></p> <p>Su Robertson and Abdul Rahman Mohamed Saleh (Victoria University, Melbourne) <i>Integrating Externships into the Academic LLB: The Victoria Law School Approach to Clinical Legal Education</i></p>	<p>Melissa Castan (Monash University) and Kate Galloway (Bond University) <i>Looking Beyond the Virtual Law Class: Podcasting the Vibe</i></p> <p>Tammy Johnson (Bond University) <i>Using Online Story Circles to Improve Collaboration and Student Engagement</i></p> <p>Melissa de Zwart (University of Adelaide) <i>Lessons from Massive Learning: Using Massive Open Online Courses (MOOCs) in on Campus Courses</i></p> <p>Kylie Burns, Mary Keyes, Joanne Stagg-Taylor, Kathryn van Doore and Therese Wilson (Griffith University) <i>Active Learning in Law by Flipping the Classroom: An Enquiry into Effectiveness and Engagement</i></p>	SATURDAY, 9 JULY 2016