

# YEARBOOK 2014

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# ADDRESS

## Sir Gerard Brennan AC KBE

*This is the text of the address that Sir Gerard gave in May 2011 at the launch of the Brennan Justice and Leadership Program*

Learn from but don't be daunted by the inevitable mistakes that will be made as you venture forth into post graduate activity. I enjoy telling the story of my own first day in my father's Court when his Associate was temporarily absent and I stepped into the role and demonstrated my lack of experience – a story that I have previously told. I had in one hand a pro forma sheet for charging a prisoner on trial and in the other the indictment signed and presented by the Crown Prosecutor. Mistaking the name of the Prosecutor for the name of the accused, I charged a kindly, meek and highly reputable man with the crime of rape. Counsel for the accused, in accordance with the camaraderie of the Bar, immediately announced his appearance for his learned friend and pleaded not guilty. And so I was given a lesson about life in the law. It was not about the need to follow the form – that was only too obvious – it was a lesson about the relationship that is built among members of the legal profession who share a deep respect for their vocation – a respect which fosters warm personal relationships even when they are engaged as adversaries.

Now I want to say something about the relationship between law and community culture. Community service, which is part of the requirements for the completion of the Justice and Law Program, enhances the students' sensitivity to the culture in which the law operates. So I want to mention the effect which law, its enforcement or the liability to enforcement can have on culture and the effect which community culture can have on the content of the law. Do not be surprised if your experience shows that the law changes from time to time, not only because of legislative changes but also by reason of changes in community standards. As Sir Ninian Stephen observed in *Onus v Alcoa*, "Courts necessarily reflect community values and beliefs".

***"Community service is a valuable antidote to the narrowness that is sometimes attributed to lawyers."***

The relationship between law and the community finds practical expression in the ordinary jury. The community is given ownership of the process and public confidence in the integrity of the criminal trial is assured. I suppose a jury



sometimes gets it wrong, but for the most part I believe they get it right. I remember a trial in which my client was charged with assault. He produced ostensibly independent witnesses who gave unshaken evidence of an alibi. A judge would surely have acquitted in the light of that evidence, but the jury convicted. Juries have an uncanny ability to spot the truth, as I discovered later. One of my colleagues reported that the client had told him that, despite conviction, a hefty fine and the payment of my fee, he had been pleased by my advocacy. I found the tribute difficult to understand. "Oh", the colleague explained, "your client thought it was all worthwhile to have had the satisfaction of hitting the rotter!"

The rigorous program of the Justice and Leadership Program is designed not only to improve the professional knowledge and skills of the law student but to enhance her or his appreciation of law as an important element in the culture of our society. In earlier times, a graduate in law was destined to practise almost exclusively as either a barrister or solicitor. The Law School imparted the knowledge and some of the skills needed by a graduate to secure the protection or advancement of a client's legal interests. The same knowledge has to be acquired and the same skills developed today but many graduates now enter fields quite different from the practising legal profession. The many fields of human activity in which law graduates employ their talents lead to a clearer understanding of the law as a social phenomenon which affects the conduct of practically every field of human endeavor. Law helps to mould the culture of a society and, reciprocally, society's culture helps to mould the content of its law.

Society has become more complex and the scope of law has expanded, and it affects more and more elements of our social life. An adequate understanding of the vast body of the law calls for an appreciation of the culture of the society in which the law operates. And as the effect of the law on any transaction is determined by the operation of all the interlocking provisions of the relevant law, the modern lawyer needs to see particular provisions in the context of the whole legal framework. The modern lawyer does not see the law as a series of independent propositions from which a single selection is made in dealing with a particular problem. The modern lawyer necessarily sees the law as a complex and constantly changing social institution which is best understood by perceiving the purpose of the relevant law and the values which it is designed to protect and advance.

***"The aims of the program go beyond what may be achieved by the bare pursuit of legal knowledge"***

Not only does this approach enhance the professional skills of the modern lawyer. It leads to a better understanding of the social importance of the lawyer's work. I sometimes wonder whether lawyers in their daily labours realise that they are implementing the rule of the law and are thereby underpinning the peace and order, the freedom and security of society. Our personal security is protected by laws of crime and torts; our property is governed by laws of contract, trusts, real and personal property; our relationship with government is ordered by administrative law, taxation law and so forth. We are proud that we work and live under the rule of law. We acknowledge the truth of John Locke's proclamation: "*Wherever law ends, tyranny begins*".

Our laws govern many aspects of our lives and the regular observation of the law ensures that we live in a society that is truly governed by the rule of law. The rule of law requires administration of the law by practitioners who know its provisions and are conscious of the values which it reflects and which guide its application. Whether the graduate lawyer is engaged in professional practice or is using legal skills and knowledge in other ways and whether the lawyer is concerned with problems of family law or public law, personal injury or conveyancing or corporations, she or he is applying the rule of the relevant law.

The Justice and Leadership program of the UTS Law School is designed to provide students with an appreciation of the wide practical scope of the law and requires practical experience that encourages awareness of social need. Thus the program equips the student with a more sophisticated understanding of the law by stimulating the student's experience of the culture of the community and assures the graduate that the profession of law offers the lawyer an opportunity to contribute to a peaceful and ordered society.

The program is identified by its two descriptors – justice and leadership. The aims of the program go beyond what may be achieved by the bare pursuit of legal knowledge or the development of forensic skills. That is not to diminish the necessity of acquiring adequate legal knowledge and skills, for these are essential to achieving justice according to law. Ideally, of course, the law operates justly. And, generally speaking, the law will operate justly when accurately applied to a situation. But not always.

When justice is compared with law, we can see that law affects a community; justice and injustice are experienced by individuals.

Law is a social regulator, justice is a moral value. Notions of justice are acquired and developed by experience of social forces on the lives of individuals. So the program's requirement that students participate in providing some community service heightens their awareness of the needs of others. In the 2nd century A.D., Ulpian defined justice as "the constant and perpetual will to allot to every man his due".

Lawyers who know how the law operates on all but who are concerned to accord justice to each are essential to a free society, especially in a diverse and pluralist democracy. It is a satisfying life to belong to a profession which is devoted to assisting in the allotment "to every man his due". Whether in the representation of a client, or in the adjudication of a case, or in analysing and expounding a legal proposition or in proposing an amendment to the law, committed lawyers see themselves as administering justice.

Administering justice does not involve taking steps suggested only by some idiosyncratic concept of justice, when the steps are unauthorized by law. The rule of law assumes that the law will be administered by those possessed of special knowledge and skills.

That is why lawyers are essential to the rule of law. They need to be competent lawyers if they are to administer justice according to law. For the most part, application of the law does lead to justice. The law – or at least the common law, including equity – has been developed over time. It is the product of centuries of experience. As Oliver Wendell Holmes wrote:

*"The life of the law has not been logic: it has been experience...The law embodies the story of a nation's development through many centuries. . ."*

It is not surprising that vast experience has fashioned a legal system the justice and the practicality of which is attested by generations of litigants and their lawyers. The wisdom born of that experience has enshrined in the common law values of enduring significance to a free society.



Although the common law (in which we must include equity) was developed by the courts to give effect to notions of justice, sometimes the law may seem to provide an inadequate remedy, or it may be clear that the law provides no remedy or may even work an injustice. Then the lawyer's sensitivity to injustice has work to do. In the first place, the lawyer must see whether it is right to interpret the law so as to avoid injustice.

The lawyer endeavours to avoid injustice by every legitimate means: the adoption of solutions that can avoid the injustice, the narrow construction of penal provisions, the interpretation of rules so as to give effect to human rights and fundamental freedoms. If no legitimate means of avoiding injustice is available, the law must nevertheless be applied. But that may not be the end of the matter.

If the injustice is the result of a precedent that could be overturned on appeal, laying the foundation for the appeal might be the course to follow. And if the injustice is the result of a statute, the lawyer might well advocate an amendment. The number of lawyers to be found in the ranks of our legislators is an indication of their professional training to perceive the need for improvement and the way to achieve it.

In the ordinary course of events, the product of the lawyer's work will be the maintenance of a just rule of law. To define the law accurately may take time, and to apply it correctly requires the lawyer to assess the facts accurately, whatever result of that impartial assessment may be. However, many problems that present themselves as legal issues may require consideration of matters that are not themselves the subject of

legal regulation. The competent lawyer, especially one who has had experience of community service, will be at ease in dealing with such problems and with people in the real world. The Program's insistence that participants should perform some community service is a valuable antidote to the narrowness that is sometimes attributed to lawyers. And the experience of community service prepares the law graduate for leadership.

Does leadership matter? Leadership is not about power or influence. It is about the achievement of a goal, the fulfilment of an ambition. It may take a variety of forms. It may be shown by an individual development of knowledge or skill that commands the respect of others who share an interest in the goal to be achieved or inspires their own efforts to achieve the same goal. It may be shown by securing the confidence of others to follow the steps or the recommendations of the leader. However the leadership is shown, it places a responsibility on the leader to exercise her or his talents for a good purpose.

The lawyer who is a leader will be a person of unshakeable integrity, with an independence of mind and a profound respect for the values of the law. She or he will enjoy and reciprocate the respect and collegiality of colleagues, both lawyers and others. Leadership offers the opportunity to improve society by advancing the rule of law and by eliminating defects in the law that might work injustice. The community will be better and stronger because of the contribution that the lawyer makes to the community.

A long and satisfying life in the law is not assured merely by the success that flows from professional expertise, much less from financial rewards. It is assured by the service that the lawyer gives to others. Those of you who have completed the program and have thereby acquired an outlook of service to the wider community are already on the path to an honourable and enjoyable life in the law.



When the Brennan Justice and Leadership Program was established in 2011 it was anticipated that it would attract only a small proportion of the student body. However, as Professor Paul Redmond recounts elsewhere in this Yearbook, those expectations had significantly under-estimated the interest such a Program would generate amongst students. Since then the Program has continued to grow, and, although a voluntary program, has established itself as a vital element of the UTS:Law mission and undertaking. It is timely that we record the history and successes of the Program.

As Dean of this Faculty, I believe that there are three core elements to how we approach the legal education we provide. First, we must ensure that our students graduate with a rigorous knowledge of the law. Secondly, a UTS legal education must equip graduates with the skills and attributes which will enable them to thrive in a changing working and professional environment. Finally, and I think crucially, we must be mindful of the culture and values which undergird our undertaking. The culture in which legal education occurs is vital. The culture should be one which encourages students to reflect on their future role as professionals, educated within the discipline of law; to consider the role of law and its relationship to justice; to live out the values of the profession; and, to recognise that learning takes place both within and outside the formal classroom. This is what we strive to achieve in the Law Faculty and the Brennan Program is a major part of that achievement.

Since becoming Dean in February 2013, I have tried to attend as many Brennan Program events as the diary would allow. Apart from the Brennan Program Awards evening, with Sir Gerard Brennan present, two other events stood out as highlights for me in 2013. The soapbox series, held in the courtyard, provide an opportunity for students to speak impromptu on matters of injustice which concern them. The legal profession has at times suggested that students don't understand sufficiently the principles of statutory interpretation. Hearing the students speak so eloquently and passionately, it struck me that many of them, as they spoke of legislative inadequacies, very clearly had a grasp of the principles; it was statutory interpretation brought to life!

Another highlight was hearing UTS:Law alumna and principal of Maurice Blackburn, Theodora Ahilas, and former President of the Dust Diseases Tribunal, the Hon John O'Meally AM RFD, speak of their work in the asbestos litigation. Their careers were truly inspirational, demonstrating clearly that it is possible to practise law in the service of justice. This year I was privileged to meet up with some of our Brennan Program students whilst they were undertaking a volunteer internship with the Zhicheng Public Interest Law Centre, based in Beijing. The Centre, established by UTS:Law alumnus, Tong Lihua, focuses on achieving justice for disadvantaged groups. Through one of its programs, many thousands of migrant workers have been helped. It was inspiring to see the Centre in action, and I was proud to see our Brennan students contributing to that important work.

One of the unexpected pluses of being Dean has been the opportunity to work with the Law Students' Society, working with them in partnership, to support the Brennan Program. I look forward to a long and successful future for the Brennan Justice and Leadership Program, and faculty and students continuing to work in partnership to ensure that the Program evolves whilst always remaining true to its core elements.





# DIRECTOR'S REPORT

## *Cecilia Ngu - UTS LSS*



# DIRECTOR'S REPORT

## *Paul Redmond UTS: Law*

UTS: Law offers students a well-rounded and unforgettable experience that stretches well beyond the classroom. For me, the perfect example of a truly unique opportunity as a Law student at UTS is The Brennan Justice and Leadership Program.

I stepped into the role of Brennan Program Director on the UTS Law Students' Society (UTS LSS) at the end of 2013. Having loved all of the Brennan initiatives I'd been a part of in my first year, I was excited to be able to contribute to the program from the inside.

What I wasn't aware of was the amount of effort put into the program to maintain its standard and esteem. Perhaps its most unique element is the collaboration between staff and students. The program is co-run by the UTS: Law Faculty, and the UTS LSS. The working relationship between these two bodies is a testament to the mutual respect founded in achieving one goal. In this case, implementing and managing a program that prioritises social justice in legal education. The concept of service is a pillar of the legal profession, and yet, is too often forgotten. The Brennan Program offers students the opportunity and incentive to give back to the community. It reminds us of the law community's responsibility to help those who were not afforded similar opportunities.

The Leadership Through Service (LTS) hours are thus the important 'hands-on' element of the two-part program. To complete the program, students must partake in 120 to 200 LTS hours, depending on the length of their degree. This may seem like a daunting task, however giving up 40 hours every year to make a local or global difference, is an incredibly worthwhile experience. The articles in this Yearbook featuring students' volunteer experiences display only a fraction of the work done under the Program. I find myself consistently amazed by the creativity and hard work of students trying to give back to their communities.

The second part of the program is the reflective process, which takes the equally important form of Reflection on Justice (ROJ) points. From attending Inspirational Careers Lectures, to participating in Discussion Groups, the ROJ element encourages students to contemplate relevant and contentious issues in our society today. Between the hours

put into volunteer work, and those spent on reflection, graduating from the Brennan Program is no less than an absolute honour. I would like to congratulate all Program graduates, past and present, on this incredible achievement.

Working with Professor Paul Redmond, my Program co-Director, has been a wonderful experience, and one that I will always cherish. For an initiative like the Brennan Program, you need someone with passion and drive, someone resilient and risk-taking, and someone willing to put in the effort to consistently improve on what is offered. Paul does this, and so much more, always with a smile. As one of the Founders of the Program, it is his hard work and tenacity that has allowed the program to flourish since its fruition in 2011. Along with Paul, the Brennan Program faculty team and Steering Committee work tirelessly to improve the program and to provide students with new opportunities. Their work is often behind the scenes, however it is integral to the functioning of the program.

On a final note, I encourage each and every UTS: Law student to get involved in the Brennan Program. It instils in all students an ethical responsibility, allowing us to think beyond what our degree can do for us, to what we can do for others with our degree. The Brennan Program has informed my entire university experience. Both as a student and the 2014 UTS LSS Brennan Program Director, I am incredibly proud to be part of it.

In the wise words of Dr Seuss:

***'Unless someone like you cares a whole awful lot,  
nothing is going to get better. It's not.'***

A separate report in this yearbook outlines the history of the Brennan Program down to 2013. This report picks up the story in 2014 although the pages of this yearbook capture the highlights of the year. In consequence, these reflections are mostly of a personal character.

The Brennan Program is a partnership between the UTS Law Students' Society and the UTS Faculty of Law. In its fourth year, in 2014, it flourished because of the quality of this partnership and the strength of the LSS leadership. LSS President Lloyd Wood completed the requirements for the Brennan Award in 2013 and was already committed. Rojda Dag, who will graduate from the Program in 2014, was Vice-President (Social Justice). In an important innovation, the role of joint Brennan Program director was separated from that of Vice-President (Social Justice) and assigned to Cecilia Ngu. That has proved a great success. While all three leaders were committed to and engaged with the program, the role separation enabled Cecilia to concentrate on operational matters unencumbered by too many other LSS responsibilities. And she has done that exceptionally well. Indeed, the launch of this inaugural yearbook which she has assembled, its range and quality, are testament to her skill and commitment. But I shall say more of Cecilia and her fellow LSS leaders later later.

On the faculty side, the Brennan Program has been a remarkable success for the way he brings together academic and professional staff across a range of areas to work on problems of policy, principle and detailed operation. Faculty leaders such as the Dean, Lesley Hitchens, and Associate Dean, Bronwyn Olliffe, have been consistent in their support and engagement as have the dedicated administrative team that this year has comprised Sonya Redmond, Monica Reade, David Carr-Gregg and Rachel Coventry. The marketing team of Sandra Quan, Katarina Manos and Jessica Oliver make so much happen easily, or so it seems to all watching. The Brennan Program Steering Committee, comprising representatives of the faculty and LSS is such a productive, collegial and congenial forum for testing new ideas and developing the close personal relationships between the program partners.

Special thanks are due to Sir Gerard Brennan for his continuing support as Patron of the program that bears his name and inspiration. The section of this yearbook relating to the history of the program records the shaping influence of his life and career upon the program's goals and structure.

It has been a great pleasure to work closely with Cecilia Ngu this year. It amazes me that each year the UTS LSS chooses as joint program director a person whose commitment is matched only by their creativity and graciousness, and who is such a pleasure to work with. That has been the case with Cecilia and I have marvelled at how she has responded to the challenges of a very difficult job. She is young—only in the second year of her program—and it is daunting to think what she might achieve in the time ahead of her. This year, Cecilia, Rojda Dag and other LSS colleagues have assumed the leadership in the presentation of program events, as MC, introducing speakers and delivering the votes of thanks. I know that Faculty colleagues share my pride in the face that the UTS:Law community presents to the world through such leaders.

I would like to close with a personal reflection. At the conclusion of Professor Gillian Triggs's lecture in August, Rojda Dag took the microphone and announced that the UTS Law Students' Society had nominated me for a UTS Human Rights Award. I had wondered who had done this extraordinarily generous (and imaginative) act ever since I became aware of the nomination. I later sent this email to Lloyd Wood on behalf of the 2014 LSS Executive:

*The award is to be made this Thursday evening. However, I write to tell you that I am already the winner since, whatever the outcome of the nomination, I could not be more honoured or more delighted than by your nomination. Nothing could give me greater pride than the unsolicited nomination of the UTS law student leaders whom I admire so much and with whom I have enjoyed working so closely and so positively, in 2014 as in previous years. It really has been such a delight to get to know such capable, dedicated and impressive people. You contribute so much to the quality of the experience of your fellow students and make the law school such a better place.*

Both the society and the faculty have been blessed to have a superb group of student leaders emerge year after year to add to the legacy of their predecessors. I do not know of a comparable relationship in another law school in Australia or elsewhere. As you know, Ronald Dworkin in *Law's Empire* compared the task of a judge in the common law tradition to that of an author who adds progressively a chapter to a novel composed serially by generations of other authors. It seems to me that something similar is at work in student law societies that respect the work of their predecessors but add richly to it each year. The 2014 UTS Law Students' Society is an exemplar in that tradition.

2014 has been a great year, as the pages of this yearbook reveal. That success rests on the cooperation of many exceptional people in the LSS and the Faculty. The Brennan Program succeeds because it has such friends. I express my gratitude and admiration to you all.



# PROGRAM HISTORY

## *Co-Founder Paul Redmond*



The Brennan Justice and Leadership Program (the Brennan Program) has two parents, the UTS Faculty of Law (the Faculty) and the UTS Law Students' Society (LSS). The truth of family stories is often subjective, partial and incomplete. This account, from the Faculty side, inevitably suffers these limitations. Any claims to authority rest on the continuity of the writer's experience and especially his presence at the birth.

### **The Faculty pre-history**

It was the then Dean, Professor Jill McKeough, who conceived the initiative that became the Brennan Program. She was keen to explore and expand the ways in which the law school might promote the idea of justice and gave full effect to the Faculty's graduate attribute of promoting social justice. The proposal that originally emerged from discussion was for a dedicated social justice centre to house and facilitate staff justice activities. Over time, however, the idea matured into one for an extra-curricular program that focused upon students and their development. Three objectives emerged from discussions and when it became clear that they could be pursued through a single body, on the faculty side the conception took firmer shape. Those objectives were:

- to promote understanding of and engagement with the idea of justice and commitment to its promotion through professional work as a lawyer;
- to promote commitment to the idea of service as a model for professional work, a sustaining professional ideal that would ground a sense of wellbeing, fulfilment and satisfaction in studies and professional work; and
- to develop students' capacity for leadership, enterprise, independence and resilience.

At the Faculty retreat in August 2010, Professor Sally Kift, Discipline Scholar for the Australian Learning and Teaching Council's project on the Bachelor of Laws degree, outlined what was shortly to become the Threshold Learning Outcomes for the degree. The lively discussion that followed included the clause that became TLO 2(c) under which graduates will demonstrate "an ability to recognise and reflect upon the professional responsibilities of lawyers in promoting justice and in service to the community." This added to the Faculty commitment and momentum.

### **A partnership is formed**

A Faculty working party formed to develop these ideas. We realised early on that this proposal would only attract significant student involvement as a voluntary exercise if it had the active support of the LSS. In December 2010, early in the term of the incoming LSS team, the Dean, Bronwyn Olliffe, the Associate Dean (Teaching and Learning) and some other staff met with the new LSS president, Codie Asimus, and the Vice-President (Education and Equity), Jerome Doraisamy, to discuss their agenda for the coming year. It became immediately apparent that they had in mind something very similar to the proposal that the Faculty had been considering. There was a clear commonality of outlook, a shared determination to make it work, and an ease of dealing between the individuals involved. These were to be the foundation for a great partnership. We agreed that the program's title ought to express its spirit and ambition as well as its content. We settled quickly upon the name Brennan Justice and Leadership Program. We knew that the name of Sir Gerard Brennan AC KBE, former Chief Justice of the High Court and Chancellor of UTS, would signal clearly the ideals and values of the program and inspire students and staff who participate in its work.

We worked hard together over the summer to nut out the elements of the program to present to incoming students in February 2011 the mechanics of communication and recording participation. A draft handbook was prepared and a structure agreed that involved shared direction through an LSS director and a Faculty director. Jerome Doraisamy and Paul Redmond assumed these roles of joint director and worked closely together throughout 2011. Later a formal steering committee was formed in which the Faculty and LSS had equal representation under the ultimate authority of the Dean. We recognised from the outset that the program's success would depend upon the continuing 'ownership' by both parents and their joint responsibility and engagement with it.

### **The core elements of the program**

As it developed, the program formed distinct elements of reflection and action. The reflections on justice component seeks to sensitize law students to the complex relationship between law and the legal system, on the one hand, and concepts of justice



on the other. What do we mean by justice: is it the expression of freedom, the promotion of equality or virtue, the greatest happiness of the many, or simply fairness? And what do these notions mean in concrete situations? How is it the function of law—and lawyers—to express the idea of justice? The study of law is not the study of rules but much more. This intellectual project complements that of the lecture room. The best lawyers are concerned with systemic outcomes as well as those of individual cases. This goal then is to expand intellects and imaginations. The means are through lectures, discussion groups and students' own initiatives such as videos and blogs. This component should also build the community among law students, and their sense of belonging and engagement with each other and the institution.

The leadership through service component promotes idealism, by encouraging students to develop their leadership skills through service to others. The practice of law is tough but is sustained by a sense of public purpose and service. Imaginatively understood, this sense dignifies legal work and gives it meaning and purpose that sustains across the long haul. Like the first component, this is really about expanding the imagination and sense of possibility through voluntary activity in a range of legal and non-legal settings marked by service to others in some leadership role, for example, through taking on a responsibility or initiative.

If the demanding criteria were met for each component, students receive the Brennan Justice and Leadership Award. Students who accrue 100 'points', the equivalent of 20 lectures, for reflections on justice and complete 200 hours of community service, qualify for the Brennan Justice and Leadership Award. The Brennan Award is intended to mark significant achievement in the program and not mere membership or participation in its activities. It is designed as a select award.

### The program is launched

On 17 March 2011 Sir Gerard Brennan officially launched the program at a memorable event in which he, Ms Christine Adamson SC of the NSW Bar (now Justice Adamson of the Supreme Court of NSW) and Mr Julian Burnside AO QC of the Victorian Bar reflected on the role that conceptions of justice played in their own professional work. The largest lecture theatre was filled to capacity with students and staff, and a convivial reception followed. The program was on the way.

There was a full program of Law and Justice seminars after the launch including the UTS Ethics Lecture delivered by Hon Professor Kevin Lindgren QC on the topic of the ethical underpinnings of business law, Professor Tom Campbell from the Centre for Applied Philosophy and Public Ethics at Charles Sturt University explored with students jurisprudential notions of justice, and Tanya Segelov, Turner Freeman Lawyers, and Matt Peacock, Senior Reporter, 7.30 (ABC-TV) and author of Killer Com-



pany (HarperCollins, 2009) presented a powerful session on seeking justice for asbestos victims through tort litigation. The series concluded for the semester with a lecture by Professor Julian Disney AO, Faculty of Law, UTS, on global governance and social justice, drawing upon his long experience in international advocacy for social welfare and poverty amelioration.

We had hoped that 50 or so students might register for the voluntary program but hundreds did so; indeed, 220 students chose to join a discussion group in Autumn 2011. Jerome bore an enormous workload since he had taken on responsibility for discussion group organisation. But the precise criteria and processes for reporting and recording the service component needed settling. Systems were needed that were responsive to the scale of the program and the seriousness of the commitment that its students were making. We needed to identify and present to students a range of volunteering opportunities. In mid-year we were fortunate that the Acting Faculty Manager, Pamela Hoyte, agreed to the appointment of a casual staff member to provide administrative support and especially fortunate when she appointed Martin Borg, an upper year student in Business and International Studies, as Program Administrator. Over the following 18 months Martin was to play an influential role in shaping the program's direction along with the joint directors and steering committee.

Jerome Doraisamy proved to be the perfect LSS founding director. He was utterly committed and hardworking, imaginative and well connected to the student body. His presentation to the 2011 Australian Law Students' Association (ALSA) conference about the program inspired many other student law societies to seek to introduce such a program although none to our knowledge had the good fortune of the propitious circumstances that enabled the Brennan Program to grow and prosper. Jerome's presentation led to the program receiving the ALSA award for best law society equity initiative for 2011.

### Developing the foundational ideas

In subsequent semesters the basic ideas were expanded although the core structure remained as it was originally settled. In 2012 a new LSS team was in office with Emma Bechara as President and Lachlan (Loki) Ball as Vice-President (Social Justice). Loki

succeeded Jerome as LSS joint program director. He brought a depth of experience in voluntary initiatives and mobilised a cadre of student volunteers with a particular focus on the protection of children's rights. He also prepared a database of volunteering opportunities that was an invaluable resource for the program. Loki was recognised as NSW Volunteer of the Year for 2011 for his remarkable contribution in this and many other areas.

In April 2012 Sir Gerard presented the first full graduates of the program with the Brennan Justice and Leadership Award at the annual Faculty Awards night: Nicholas Briggs and Michael Shaw-Taylor. In 2013 the numbers graduating required a separate Brennan Awards ceremony with Sir Gerard again presenting and delivering the keynote address.

The program was being constantly developed beyond the key elements that had proved successful in 2011. In 2012 we introduced Justice and Popcorn film screenings, showing Hotel Rwanda and Sophie Scholl-The Final Days, the latter about the last days of the student members of the anti-Nazi resistance movement, the White Rose, that ended with their execution. Dr Honni van Rijswijk produced a resource to promote discussion afterwards on the issues presented by Hotel Rwanda of state sovereignty and the international law doctrine of the responsibility to protect citizens where their state is unable or unwilling to do so. The film initiative was successful and continued in 2013 with the welcome addition of pizza to the menu.

In October 2012 we added the Brennan Justice Debates to the program. Weekly debates were held in the Law Courtyard with an informal structure of one invited speaker on each side of the polemical topic and the floor then thrown open to other speakers. The topics and speakers were:

- Microfinance is a solution to poverty alleviation Martin Borg and Professor Sam Blay
- CSR isn't worth the rhetoric it's written on Paul Redmond and Professor Thomas Clarke (Director, Centre for Corporate Governance, UTS)
- Marriage equality is an oxymoron Geoff Holland and Loki Ball
- We should defriend India as aid recipient Professor Sam Blay and Clary Castrisson (40K Foundation)

In 2013, Jamesina-Le McLeod became the third LSS joint program director with Katherine Agapitos as LSS President. Jamesina's energy, creative ideas and idealism left their impact upon the program as her grace and generosity did upon her co-workers; Katherine constantly supported the program despite the press are so many other presidential responsibilities. With leaders such as these, the program was bound to flourish and it did. Among

the innovations introduced in 2013 were involvement of the program in the LSS orientation camp (just escaping the flood), the Social Justice Soapbox (and Jamesina's award-winning film of the initial soapbox event taken on her iPhone), the Inspirational Careers lecture series commencing with the Hon Ronald Sackville AO and continuing with the exceptionally successful seminar on asbestos litigation conducted by the estimable Hon John O'Meally AM and Theodora Athilas of Maurice Blackburn Lawyers, the first Brennan Program teams undertaking the 100 kms trek for the Oxfam Trailwalker, greater use of social media profile through Facebook, Twitter etc to promote Brennan Program events. In May 2013 we celebrated Sir Gerard Brennan's 85th birthday with 85 cupcakes. (Federal judges who need retire before their 70th birthday are denied the privacy most adults enjoy about birthdays.) A different set of challenges face a mature program that attracts



almost half of all UTS law students, and a new set of opportunities. As the Prince of Lampedusa says in Tomasi's *The Leopard*, if we want things to stay as they are, they will have to change. Nothing survives that stands still. In 2014 a new law society picked up the legacy of earlier students and started over again. Their success is the subject of a separate report in this yearbook.

### Concluding words

The program has been fortunate in the people who conceived it and those who committed to its success through their hard work. Any listing is unfair because it will inevitably be incomplete. But reference needs be made on the Faculty side to the decisive roles played by Jill McKeough and Bronwyn Olliffe in particular, and to Jill's successor as Dean, Lesley Hitchins. Other Faculty colleagues to whom a significant debt is due include Maxine Evers, Anita Stuhmcke, Sally Varnham, Honni van Rijswijk, Jane Wangmann, Philip Chung, Michael Rawling, Pamela Hoyte, Richa Kamrah, Monica Reade, Eva Routio and Todd St Vrain, and Nicola Parker (IML) and Fiona Tschaut (BUiLD).

This list does not include the outstanding students whose passion and principled idealism laid the program's foundations. Although the principal of these contributors are listed in this report, that list is patently incomplete. In this case success quite properly has a thousand parents, well beyond the formal partnership between the UTS Faculty of Law and the UTS Law Students' Society.

# BRENNAN AWARDEES 2014



**Ashleigh Barnes**  
LLB/BA(IntlSt)

**LTS Hours Contribution**  
- UTS LSS Social Director  
- UTS LSS Vice President  
of Education



**Jonathan  
Koukoumas**

LLB/BBus  
**LTS Hours Contribution**  
- Austlii  
- Aboriginal Legal Service



**Rojda Dag**  
LLB/BBus

**LTS Hours Contribution**  
- UTS LSS Vice President  
of Social Justice  
- Australian League of  
Immigration Volunteers



**Tiffany Lau**  
LLB/BBus

**LTS Hours Contribution**  
- AsiaBound Project  
(Zhicheng Public  
Interest Lawyers)  
- UTS LSS



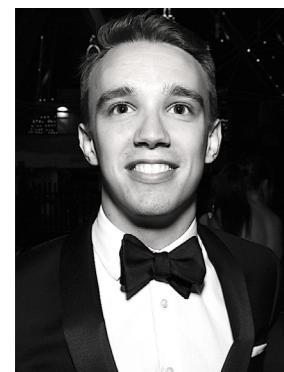
**Johanna Fisher**  
LLB/BBus

**LTS Hours Contribution**  
- Parklea Mediation  
Program  
- Aboriginal Legal Service



**Jamesina-Le  
Mcleod**  
LLB/BA(Commun)

**LTS Hours Contribution**  
- UTS LSS Vice President  
of Social Justice



**Ian Hedberg**  
LLB/BEngSc

**LTS Hours Contribution**  
- UTS LSS Marketing  
Director  
- UTS LSS Vice President  
of Sponsorship and  
Careers



**Sage Nemra**  
LLB/BBus

**LTS Hours Contribution**  
- UTS LSS Witness  
Examination Director  
- UTS LSS Careers  
Director

# BRENNAN AWARDEES 2014



**Jayneil Shandil**  
Juris Doctor

**LTS Hours Contribution**  
- Charity Folks



**Vivian Kin Ching  
Yue**

LLB/BA(Commun)  
**LTS Hours Contribution**  
- UTS BUiLD  
- Volunteer Maldives



**Samantha  
Williams**  
Juris Doctor

**LTS Hours Contribution**  
- UTS LSS Education  
(External) Director  
- Parklea Mediation  
Program  
- Macarthur Legal Centre



**Pavlina  
Zdraveski**  
LLB/BA(IntlSt)

**LTS Hours Contribution**  
- Mission Australia  
- UTS LSS



# BRENNAN AWARDEES

## 2012

## 2013

Nicholas Briggs  
Michael Shaw-Taylor

Alexandra Kyriazis  
Alice Winter-Irving  
Christopher Khoudair  
Codie Asimus  
Elizabeth Seymour-Jones  
Jahan Kalantar  
Jerome Doraisamy  
Jessica Aye  
John Douglas  
Joshua Belinfante  
Katherine Agapitos  
Kiara Rodaro  
Lachlan Ball  
Lauren Fitzpatrick  
Lloyd Wood  
Louise Thorsen  
Melissa Marshall  
Nesha Jeyalingam  
Nicholas Bentley  
Oliver Doraisamy  
Tammy Lawlor

# LUNCHTIME DEBATES

## Jamesina-Le McLeod

Is it possible to truly achieve justice in criminal law? What's the best way to promote corporate social responsibility? And can law really ever be separated from ethics?

These are all common topics law students are introduced to during their degrees but rarely get to engage with beyond the classroom. The 'Lunchtime Justice Debates' were developed in late 2012 to change that.

Usually held in Spring Semester, Brennanites are invited to gather in the sunny Law Courtyard during their lunch hour to discuss the latest topical dilemmas in a relaxed, informal setting that allows them to challenge fellow students and even faculty members and distinguished guest speakers. Volunteer speakers are given seven minutes to present their case and rebut their opposing speaker's response before the attending audience is invited to add their own perspective. Both attendees and those volunteering to speak are eligible for 'Reflections on Justice' credit points.

Essential to being a well-rounded lawyer is the ability to speak to both sides of an issue, whether or not you personally agree. The 'Lunchtime Justice Debates' are an important platform for students to practice their



advocacy skills and a great opportunity to watch their lecturers and other students do the same.

Fancy seeing your Constitutional Law lecturer face off with your Torts tutor about whether marriage matters anymore? Keen to see how relevant the CEO of The 40K Foundation thinks foreign aid is to our neighbours in India? Want to challenge yourself by considering whether it's possible to support equality but not gay marriage? Come along to our next debate – we'll save you a seat.



### TESTIMONIALS

*"It's really impressive to see students speaking about these issues."*

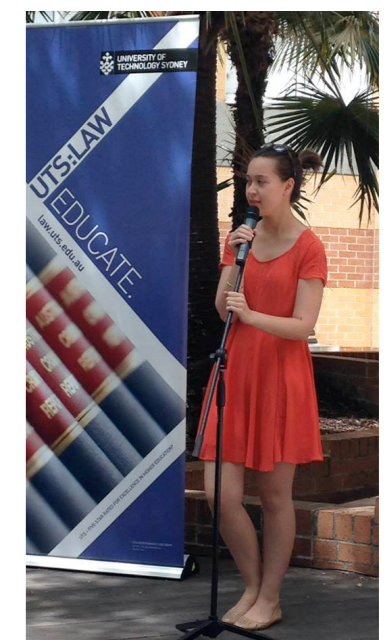
Geoff Holland - UTS lecturer and speaker on the 'Marriage doesn't matter anymore' debate (2013)

*"A low pressure opportunity for a captive audience, great fun!"*

Johan Ottensooser - UTS student speaker on the 'Privacy doesn't matter anymore' debate (2013)

*"Having to talk about privacy law for 5 minutes straight really tested how well I understood it."*

Ashleigh Barnes - UTS student speaker on the 'Privacy doesn't matter anymore' debate (2013)





# JUSTICE ACTION COMMITTEE

*Rojda Dag - UTS LSS Vice-President (Social Justice)*

# DISCUSSION GROUPS

*Jonathan Koukoumas*



The Justice Action Committee (JAC) is an official sub-committee of UTS LSS. Born in 2012 as the then titled 'Community Ambassadors' group, JAC is the culmination of a substantial rebranding, transformation and improvement effort. JAC focus on key areas in order to best enhance students' passion on social justice matters. These include fundraising, advocacy and awareness campaigns. Meeting on a monthly basis, JAC prides itself on its members, who are the movers and shakers of our generation.

The largest initiate thus far for 2014 was the UTS LSS JAC Clayton Utz Trivia Night. Raising funds for the Kids Helpline, JAC members worked on marketing, catering, venue selection, composing questions, graphic design, liaising with corporate advisors, determining ticket costs, handling finances and running the night.

JAC also partook in the Clayton Utz Justice Journey to the Westmead Children's Hospital. This event included touring the hospital facilities, learning about the ways in which hospital staff prepare children for large, noisy, intimidating MRI scans, blood tests and the like, and hearing about laughter therapy in hospitals. Students also dressed up in costume and spent time interacting with children, their families and care workers, handing out stickers, making jewelry, blowing bubbles, and filming a video clip.

Furthermore, a smaller group of JAC students composed a Parliamentary submission on the proposed repeal of s 18C of the

Racial Discrimination Act 1975. Students were required to do some preliminary readings Dr Tim Soutphommasane, Australia's Race Discrimination Commissioner at the Australian Human Rights Commission. The session was lead by Dr. Roberto Buonamano, a human rights socio-legal researcher, academic and author at the UTS Faculty of Law. Students expressed their concerns on the erosion of racial protection under the proposed amendments.

An additional JAC event for the year was to participate in the studio audience of the ABC television program Q and A. The theme of the evening was 'Human Rights and Wrongs', and panelists on the night included Mona Eltahawy, Egyptian author and commentator; Kenneth Roth, International Director of Human Rights Watch; Tim Wilson, Human Rights Commissioner; Ilwad Elman, Somalian peace and human rights activist; and Lucy Siegle, Ethics columnist The Observer. The broad spectrum of matters addressed engendered an increase in JAC awareness of human rights violations occurring each day.

The main pleasure students receive from their involvement in JAC is the sense of active contribution to community. The idealism that most students enter law school with can often be chipped away at or negated by the academic rigors of their degree. An involvement with JAC can revive their passion for issues of social justice, and is highly recommended.



If, 'May The Force Be With You [Explored]' (2013)

During the Autumn 2014 semester, I was fortunate to contribute to the Sir Brennan Justice and Leadership Program by volunteering as a discussion group facilitator. The discussion groups provided a chance to discuss thoughts of current human rights issues and in some cases, proposals to rectify some of these complex problems. It was an interesting experience to put it simply. I gained insight from different perspectives that each student had and the sessions created an opportunity to develop intellectual and leadership capacities that I experienced first hand.

The sessions covered a broad range of topics. We delved into the challenges facing the Indigenous community, the Human Rights issues that arose from Australia's approach to asylum seekers, the human rights issues in North Korea and the United Nations' approach to abate these problems to name a few.

Our first session covered the challenges facing the Indigenous community. The Indigenous society in Australia has suffered greatly in the past. Many Indigenous people have overcome insurmountable hurdles to achieve great things for their communities and for Australia as a whole. However, there are still many Indigenous people who are disadvantaged in our country. Statistically, Indigenous people have poorer health, educational opportunities, life expectancy, employment options and many live in very remote areas making it difficult to gain access to hospitals, education and legal services. Along with these issues, many still have to deal with negative social attitudes.

There are many things being done to help Indigenous people but there is still a lot more that can be done. We discussed whether there was an evident differential treatment under the criminal justice system. Further, we debated whether indigenous Australians are given harsher sentences compared to non-indigenous Australians. On the one hand, there are procedural requirements intended to afford some protection to indigenous Australians: for example, if an Aboriginal person has been arrested, the police must contact the Aboriginal Legal Service (ALS) within a certain time period and interpreters should be available if necessary. On the other hand, there are many forms of structural disadvantage. There is less availability of ALS representation in remote communities and Aboriginals may admit to crimes they haven't committed for speedy trial. Aboriginals living in remote communities may be less likely to obtain conditional bail due to increased difficulties in providing a surety, letter of support or arranging a place to stay.

Overall it was a commitment that I looked forward to each week. For first year students in particular or other students that have not yet partaken in a discussion group, I would definitely recommend getting involved early. If I learnt one thing from this experience, it would be the discussion groups awakened my outlook on topics that I learnt from other students in an informal yet understandable conversational environment. The program assists students wishing to improve on their communication skills, leadership capacities, learning about humans rights issues and meeting really interesting people.



# CHILDREN'S HOSPITAL WESTMEAD

Taylah Mihell



Earlier this year, the Brennan Justice and Leadership program invited students to visit and volunteer at the Westmead Children's Hospital. This included a guided tour of the hospital's campus, visiting the Emergency, Audiology and Oncology units, among others. During our visit, we were fortunate enough to spend time with some of the families waiting to see their specialists. In our short visit, we chatted and played with children who were recovering from broken bones, receiving blood tests, awaiting chemotherapy and siblings who sat patiently in the waiting room while their brother or sister sought treatment. We encountered shy toddlers who could only be lured out of their tired-looking parents' arms by the allure of our bubble blowers and outgoing twelve year olds who talked to us about their favourite school subjects and showed us the presents and cards their friends had sent them.

Westmead is a hospital for children that was designed with children's interests, fears and comfort in mind. During our visit, we were shown countless examples of the hospital design's ingenuity. For instance, the hospital is cleaned with odourless disinfectant to avoid the typical hospital scent, one that makes even adults feel a little nervous. The hospital's floors are tiled with colourful patterns, depicting friendly and inviting scenes of beaches, underwater creatures and pirates. Further in the hospital, images of cartoon animals sit alongside department names. So that rather than fearing entering the scary-sound-

ing Radiology department, a child can instead focus on finding the image of the kookaburra that their doctor told them was there. The Starlight Express Room, found in the middle of the hospital, is a 'doctor-free zone' - a place for children to play with toys, watch DVDs and enjoy time with trained staff acting as magicians and clowns. At our visit, we were lucky enough to visit the rooms, and dance and play with some of the children feeling well enough to venture out of their beds.

Meeting the people within the walls of Westmead reinforced the strength of the human spirit within us. Despite the pain and suffering endured by the families at the hospital, they keep going. The compassion of the hospital staff is commendable and a reminder of the importance of empathy for others. Relating our visit back to our Law degrees and potential future as lawyers, these peoples' perseverance and innovation is inspiration for what we should all strive to achieve as lawyers and as people. Thank you to the Brennan Justice and Leadership Program for organising the visit. It was an experience I won't forget and one that I hope continues in the program.

# JUSTICE, POPCORN AND PIZZA NIGHTS

## The Act of Killing

On Wednesday 28 May 2014, the Brennan Justice & Leadership Program held its second Justice, Popcorn and Pizza Night of 2014, which featured the critically acclaimed film "The Act of Killing".

This confronting documentary invited the unrepentant former members of the Indonesian death squads to re-enact the murders for the cameras, with scenes being made in genres of their choice (including musical and western). Former leader Anwar Congo and his followers have been praised as national heroes since the 1965-1966 anti-communist purge that killed over 500,000 people. Whilst participants are initially thrilled to re-enact the killings for film; the violent scenes produced cause them to begin to realise the enormity of their actions as feelings of remorse begin to surface.

The film was distressingly raw and painfully eye-opening and the attitudes shown by participants were threateningly unapologetic. The film portrays a macabre perception by members of the death squad who sing, laugh and joke about mass murder, with the first consideration of remorse being based on the superficial concern of the group's reputation. It was haunting and bizarre to see willing and unblinking participants in mass murder becoming disturbed by a fictional re-enactment, with their actions only becoming real when shown in false circumstances.

The Brennan Justice and Leadership Program encourages its participants to strengthen their sense of social consciousness, idealism, and notably, their understanding of justice. A pertinent quote from Voltaire opens the film stating that "It is forbidden to kill. Therefore all murderers are punished, unless they kill in large numbers, and to the sound of trumpets". This portrays the distressing manner in which history is written by the victors, challenging Brennan Program participants' idealistic beliefs of social justice and the world. "The Act of Killing" forces viewers to confront a horrific side of humanity that they had never before observed, engaging them in contemplation of the concept of justice, and how they will carry their views and beliefs through their studies and beyond - Rachael Millanta

## 12 Angry Men

On a brisk Tuesday night back in May, a group of keen young legal ethicists gathered to watch the famous 1957 jury room drama "12 Angry Men" in the sophomore outing of the Popcorn, Justice and Pizza for 2013. The film centres on the deliberations of a jury following a homicide trial, a great glimpse into the complex process behind a jury coming to a unanimous decision on acquittal or guilt on the basis of reasonable doubt. While at the beginning we saw an almost unanimous assumption of guilt, throughout the film, a single dissenter drew both the characters and students to the possibility of an acquittal. Alongside deliciously tasty popcorn, pizza and drinks, it was hard not to enjoy this entertaining insight into complexities of human emotion and how they play into a legal trial.

With many students attending the evening were relatively early in the course of their degrees, "12 Angry Men" was an excellent portrayal and insight into the complex, unseen social justice issues of a criminal justice system. The film exposes the blunt force of cultural and racial prejudices in justifying certain assumptions. The arduous attempts of a single juror to convince others of an acquittal were further hampered by the jurors' unsuccessful attempts to fuse emotion and logic, neither approach of which provided an appropriate legal compass for the jurors. The group had a really beneficial discussion of these pertinent legal issues, which we concluded still pervade the criminal justice system at present, and are something we as future lawyers must remain conscious of.

For this writer, the night was a great introduction into a frustrating aspect of law, that of balancing objective standards such as 'reasonable doubt' with the inherent prejudices and assumptions that we as humans cannot remove ourselves from. As most suitably quoted by Juror 11, 'Who tells you that you have the right to play like this with a man's life?' The student body selected an excellent movie that produced a very productive discussion on the issues of social justice in the production of a verdict - Scott Preswick



# HON MICHAEL KIRBY AC CMG

## *Former Australian High Court Justice*

SARAH MCINTYRE reflects on an unforgettable lecture regarding “Human Rights in North Korea: the spreading influence of international human rights law”



Walking into Michael Kirby’s address on the 10th of March, I was full of excitement and anticipation, having a distinct sense of awe and inspiration at the thought of meeting someone who appears in so many of the legal judgements I have studied. The room was at capacity with students and members of the public alike, a tribute to Kirby’s reputation as one of the most renowned High Court Judges in Australia’s history. The topic, a detail of the UN Commission’s Report into human rights abuse in North Korea, drew everyone’s immediate attention. Personally, being passionate about human rights and the international applications of justice, I was fascinated to learn more about an issue which has been out of the public spotlight for a number of years.

The information presented by Justice Kirby was extremely thought-provoking, raising universal notions of ethics and challenging us as students to consider our role and capacity to ignite change within the global community. The address specifically considered Australia’s obligations as signatory to the UN Convention for Human Rights, highlighting our current opportunity to contribute on a global scale to human rights development.

The graphic description of North Korea’s crimes against humanity currently occurring was truly eye-opening, detailing the ongoing discrimination and oversight of the North Korean government in failing to provide basic care for its citizens. Liv-

ing in a country as privileged as Australia, this notion is hard to fathom, the thought of a government having complete control over media outlets and enforcing such strong ideas of conformity and obedience being almost incomprehensible in a context where our freedoms and rights are openly acknowledged and adhered to.

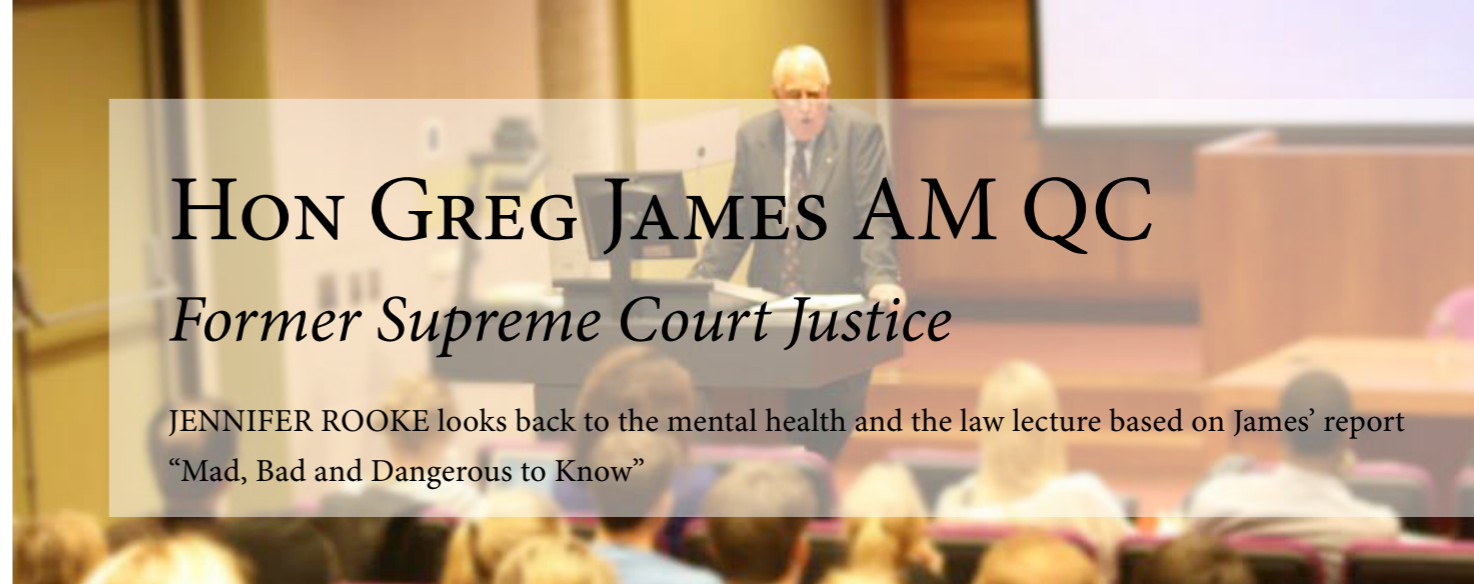
Kirby’s ability to engage the audience through his authenticity and lack of notes throughout the two-hour presentation was remarkable, making the talk both engaging and genuine. His primary focus on the steps which should be taken in addressing these human rights abuses, including the possibility of a global trial of the North Korean government, illustrated the numerous geo-political stresses which affect the retribution of such gross crimes; providing a greater sense of how global politics operate and reflecting the challenges which face us as a future generation of game-changers.

Michael Kirby’s overall message was an encouragement of the younger generation to actively engage in the global community, using our knowledge and resources to seek social change and ignite passion to help and inspire those who need assistance. His final words to “be a joiner” resonated with both myself and my fellow students, encouraging us to view our futures as law-graduates with purpose and intention, and to not forget the privileged position we are in to truly make a global difference.

# HON GREG JAMES AM QC

## *Former Supreme Court Justice*

JENNIFER ROOKE looks back to the mental health and the law lecture based on James’ report “Mad, Bad and Dangerous to Know”



The University of Technology Sydney was delighted to host the Hon Greg James AM QC in his presentation on ‘Mental Health and the Law’ as part of the Inspirational Careers Series by the University of Technology Sydney: Law Brennan Justice and Leadership Program on 12 May 2014.

Professor Paul Redmond, Faculty Director of the Brennan Program has a personal connection with Mr James as they were both article clerks at the same law firm and expressed his admiration for such distinguished careers as achieved by Mr James characterised by the values typified and modelled by the Brennan Program.

The breadth of Mr James career has spanned across many avenues including acting in the role of lead counsel for the Bandidos Motorcycle Club in the aftermath of the Milperra Massacre, appointment as a Supreme Court Judge, acting as lead prosecutor in the ‘War Crimes Act Case’ and appointment as President of the Mental Health Tribunal of NSW. He is currently acting as a barrister.

In his career Mr James has dealt with people from all walks of life and those who were affected by substantial problems and severely marginalised in the community: ‘nonetheless without lawyers to assist them in court, the legal system simply cannot cope’.

Mr James expanded on his time as the Bandidos lead counsel where all but one of the defendants was convicted. Through the rewording of the M’Naghten test he explained how it was relevant to a fair and judicious outcome: ‘Your ability to comprehend what’s going on and to understand it becomes very important. Similarly whether your effected by a delusion such that you may not know the nature or quality of the act such as you do not know what you’re doing would be considered by the general population to be wrong may well affect your responsibility for such acts that you do.’

The presentation was supplemented by Mr James’ paper ‘Mad Bad and Dangerous to know’ that made the point that often

such stigma prevents ‘rationale understanding and humane responses.’ This is a pertinent point however current legislation is pointing in an increasingly preferred direction

The area of mental health and the law may be less known that its counterparts however have expansive impacts. Mr James explained ‘in NSW generally, there is no treatment forced onto a person for mental illness unless they are a danger’ (to themselves or others), ‘or they need treatment within the community and in that case a Community Treatment Order can be made for them to be treated in the community’.

It is an important and optimistic point that Mr James makes when he stated that ‘People can have a full and productive life whilst also having treatment that they may not agree with but which the Tribunal determined is essential to avoid danger to themselves and others’. Treatment can include depo-injections and other such medications however due to side effects must be balanced appropriately. One such example is the successful skiing trip of a forensic patient. Whilst many people were against such a trip, the Mental Health Tribunal consented and it proved to be a great accomplishment and opened many health professional’s eyes to the potential of such forensic patients. The patient was then allocated leave on Saturdays to partake in sport and commenced a course that allowed him immediate medical attention if necessary. This success story illustrates a person controlling their illness and living a productive life. In contrast Mr Greg James makes the point resources for the facilities in prison are very low, particularly in prison. There are forty beds available in Long Bay Hospital and accordingly go to the persons most acutely in need.

There is ample opportunity for budding lawyers to get involved in this area of law as according to Mr James, the Mental Health Review Tribunal is delighted for students to get involved and hear cases and to see what they can do to help for those who are detained. Mr Yega Muthu, lecturer at law also runs a ‘Law and Mental Health’ course at the University of Technology Sydney. Finally Mr James commented that ‘doing what one can for the mentally ill is a great reward.’



# PROFESSOR GILLIAN TRIGGS

## *President of the Australian Human Rights Commission*

JESSIE GOLDIE reflects on the lecture regarding “Australia’s Asylum Seeker Policy in the light of its obligations under the Refugees Convention and the International Bill of Human Rights”



On a brisk winter’s evening on 14 August, over 100 UTS: Law students, and staff, gathered to hear Professor Gillian Triggs discuss her career as President of the Australian Human Rights Commission.

The lecture was held in the Moot Court and was the third event in the Brennan Justice and Leadership Program’s Inspirational Careers series for 2014, and saw Professor Triggs share her views on the importance, and challenges of leadership.

“In my professional career I have really learned to understand, and value the importance of leadership...but the key question is not really whether or not you have the potential or the skills for leadership, but whether anybody is inclined to follow you. The curious position in which I find myself is that while keen to lead on refugee policy, opinion polls tell me that relatively few Australians agree with me, or the position taken by the Australian Human Rights Commission (AHRC),” she said.

On 3 February 2014 Professor Triggs, as President of the Commission, launched the National Inquiry into Children in Immigration Detention (2014) examining the health and well-being of children in closed immigration detention.

After numerous visits to Christmas Island the Commission reported that **conditions are deteriorating, and they hold grave concerns for the welfare of asylum seekers**, and mothers and children in particular, who are being detained on the island.

“You will all be aware of the recent increase in the rate of self harm and suicide attempts on Christmas Island. When I was there three weeks ago there were thirteen women on twenty-four hour suicide watch. One of the things that most distressed these women was that many believed that their children, having been born in Australia, would have a citizenship right, and a future in Australia however this is not the case under the Migration Act,” she said.

Professor Triggs expressed her concern regarding the fact that of the 207 incidents of self-harm on Christmas Island in the period from January 2013 to March 31 2014, 128 were in fact by children.

“The average period of detention of these children is now more than a year. On Christmas Island most of the children have been held for longer than a year without having any schooling,” she said.

“The children being held in closed detention on mainland Australia go to school and, grim though they know the situation is, their eyes light up when they talk about their local school.”

Having visited the detention centre on multiple occasions and spent time talking to the asylum seekers themselves, Professor Triggs shared her particular distress for the conditions on Christmas Island above the other centres.

***“Christmas Island...is a sinister tropical paradise”***

“The area that is without question most distressing for me, and the team, is Christmas Island because it is a sinister tropical paradise. It’s an apparently beautiful island and would make a wonderful tourist resort, instead of which it has five concrete detention centres, surrounded by fourteen-foot wire fences. There’s phosphate dust everywhere and the asylum seekers live in what look like shipping containers that are about two and half metres by two and half metres for, typically, two adults and two children,” she said.

The lecture not only opened the audience’s eyes to the atrocities that are occurring so close to home, but also demonstrated what can be achieved when individuals, like Professor Triggs, selflessly fight for the rights of others, regardless of the many obstacles that may stand in their way.





# GOING THE DISTANCE

## Oxfam Trailwalker

By FRANCESCA ELIAS ARCIULI, CATIE MOORE, BRITTANY TYNE and TANISHA BEDIC

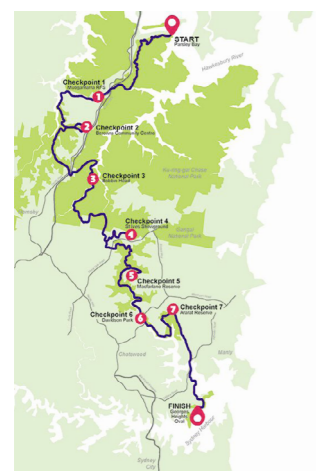
100 kilometres, 36 hours, 7 checkpoints, 4 girls and 1 goal. To raise money for the Oxfam Foundation and help overcome poverty and injustice in the world.

In the early hours of the morning on 22 August, Team 'Vini, Vidi, Vici' commenced our walk from Parsley Bay to Georges Heights. From Hawskbury to Harbour, we walked through bush, mud and swollen rivers with no sleep, blisters and aching joints. 36 hours after starting, we finally trudged up to the finish line as a full team of four. This was something we found out was quite rare as many people dropped out in the hard conditions.

Along the way, a few key lessons were brought into focus applying equally our 100 kilometre trek and the long walk to equality.

### 1. Always be prepared

Before the trek we said, 'how hard can walking be?' By the end, we had well and truly eaten those words. The physical test posed by the Trailwalker is no joke – the terrain is tough and the steep hills, worsed by deceitful maps. To those that will do this in the future, we advise that you engage with Oxfam's training program. If you do the practice walks and organise the appropriate gear, your experience will be a whole lot more fun and efficient.



### 2. Create a strong support network

Any team can testify as to the importance of having a good support crew to meet you at the checkpoints. We can personally attest to the fact that had we not been met with food, hugs and positivity from family members at these quick, yet invaluable, pit-stops, we would not have finished. With a strong network

of people supporting you in your goals, you can achieve things beyond what you thought possible.



### 3. Teamwork is the key to overcoming challenges

Nothing tests teamwork more than being pushed to your physical limits with no sleep. The vitality of teamwork is the main lesson to be taken from this challenge. If you want to finish as a team, you have to work together as one. That means going as fast as your slowest person and maintaining morale throughout the darkest, coldest hours of the night (which may or may not have seen some tears).

So aside from raising money to tackle poverty (almost \$4000 to be precise!) what did we learn about social justice? We learnt that you must be well prepared to face the challenge, so as to have the best chance of success. To surround yourself with supportive people and create networks of people pushing for the same goals. Finally, we learnt that teamwork is the key ingredient to any achieving your goals, whether they be personal or global.

We would like to thank the Brennan Program for facilitating this opportunity, paying for our registration and encouraging us along the way.

All those who completed the Trailwalker will agree that it is one the hardest yet most rewarding achievements. We encourage all those interested to engage with this opportunity through the Brennan Justice and Leadership Program next year, and challenge yourselves while challenging poverty!

# PARKLEA MEDIATION PROGRAM

## Joanna Fisher and Samantha Williams

In March 2013, eight Brennan Program students, namely, Chelsea Delahunty, Johanna Fisher, Rachel Howell, Irene Nicolaou, Samantha Williams, Fiona Donnelly, Helena Canaris and Alexandra Kyriazis embarked on a research project led by Dr Nicky McWilliam, Research Fellow at the UTS Faculty of Law and co-principal of Sydney Mediation Partnership. This research project implemented and examined the feasibility of a mediation program within the Parklea Compulsory Drug Treatment Correctional Centre (CDTCC); a therapeutic facility which is located within the Parklea prison compound.

The implementation of the 'Sorting it Out' mediation program written by Dr Nicky McWilliam commenced with the presentation of a mediation course by two trainers over the course of six weeks, which encouraged facility staff and participants to communicate effectively with each other to solve disputes. At the same time, Dr McWilliam and the students attended the facility and conducted interviews, observations and studies to evaluate the effectiveness of the program whilst adhering to confidentiality and security protocols. Following the implementation period, students, under Dr McWilliam's supervision, worked together as a team at UTS to record and analyse the data collected. This stage of the project allowed students to gain valuable research skills, including the collection of journal articles and other literature, transcribing interviews conducted at CDTCC, quantitative data entry and recording qualitative data. The research phase of the project concluded in December 2013



and in early 2014 Dr McWilliam submitted her final report to Corrective Services NSW. A soon to be published journal article on Therapeutic Jurisprudence written by Dr McWilliam will be available online.

This opportunity was made available to the students through the Brennan Justice and Leadership Program and enabled students to gain professional experience that could be credited towards the 'Leadership through Service' component of the Brennan Program. The mediation aspect exposed students to the increasingly important role of Alternative Dispute Resolution and Therapeutic Jurisprudence within the law today. Further, involvement in the project provided insight into the operation of diversionary programs such as the Drug Court, which the group was able to visit and observe.

### OTHER STUDENT EXPERIENCES

#### Rachel Howell

"Getting involved in the Brennan Program has helped remind me why I decided to study law in the first place. At times when university feels like an endless cycle of assignments and study, it's really beneficial to get involved in something that gives you *a positive perspective on the law*. The Parklea project was a great example of this as it brought together a group of socially conscious students and provided us with an insight into the practical role that mediation and therapeutic jurisprudence play within the legal system."

#### Irene Nicolaou

"This project showed us not only a 'different' view to learning about the law in a traditional sense. It enabled us to explore the many *facets of therapeutic programming* via the participant, the custodial officers and the judicial perspective in a practical way."

#### Chelsea Delahunty

"Mediation allows for a much more personalised approach to the settlement of legal disputes, and aligns with the *values of social justice upheld by the Brennan Program*. Through contributing to the research efforts we could see applications of the law in settings that we don't often discuss in our core courses. Our perspectives and experiences were broadened in the ways that are positively encouraged by the Brennan Program."



# ASIA BOUND PROJECT

Laura Ryan

Over the winter break I was one of a nonuplet of Brennan Program members who interned at the Beijing based Zhicheng Public Interest Lawyers, a Chinese NGO involved in the rights of children, migrant workers and women, and criminal legal aid. The organisation offers pro bono legal assistance to members of marginalised groups who would otherwise be unable to afford legal counsel. It also makes recommendations for legal reform and provides assistance in the reformation and drafting of legislation and government policy. Their efforts in this direction have had a significant impact on legal reform and education regarding migrant worker rights, labour law and child protection law in China.

Learning about Zhicheng's work with migrant workers, to whom much of their legal assistance is provided, revealed the first of many 'unknown unknowns' about China and issues facing Chinese jurisprudence. While in Australia a migrant worker is generally thought of as someone who has moved between countries, in China the term has a different meaning and is used to refer to one of the approximately 270 million people (a number almost equivalent to the population of the USA) who have moved from rural areas and small towns in search of work, largely ending up in eastern cities. This movement is the largest internal migration in history.

Each intern each undertook research into an area Zhicheng was involved with that we found particularly interesting and produced a report on our findings. My research area was human trafficking and forced labour (one of a number of dangers faced by migrant workers), while areas explored by other interns included alternative dispute resolution in the context of family law and the rights of children in China.

Zhicheng went out of their way to welcome us and ensure we were able to get the most out of the internship and our time in Beijing. They arranged visits to the Australian Embassy, the head office of King & Wood Malletsons (where we spoke to a lawyer about her work representing the Chinese government in international arbitration), and to the local court where we were able to sit in on a case and meet with two judges. We were invited to various talks and meetings at Zhicheng including with the Australian Human Rights Commission, a disabilities awareness seminar, a lecture on Chinese divorce law and a session on



US-China relations run in the style of a class at a US law school by an intern from Harvard. We were also given the opportunity to present at the Second International Student Forum on Public Interest Law at China University of Political Science and Law.

The internship was a steep learning curve and an incredibly enjoyable and exhilarating experience. I learnt more about the Chinese legal system and the operation of an NGO in China, and also experienced what life is like for a public interest lawyer and the multiple ways an organisation with a public interest focus can advocate for and encourage movement towards change. Through the research I did for my report I was able to gain the beginnings of an understanding of the complex international problem of human trafficking, and to explore and evaluate the international legal responses to it. Navigating around Beijing while tripping over my own tongue trying to talk in basic Mandarin was both frustrating and humorous (thankfully more commonly the latter) and against my expectations, I was completely charmed by Beijing and cannot wait to go back.

If anyone would like to learn more about Zhicheng Public Interest Lawyers their English language website is <http://zhichenglaw.weebly.com>

# 40K FOUNDATION

Nicola Colagiuri & Giselle Capacchione

A month spent in rural India building social businesses with some of the best people you'll ever meet. In a sentence, that sums up our expectations of our month partaking in the 40K Globe program. In actual fact, the experience was far richer than we could have imagined.

40K is an organisation that was founded by an ex-student studying Law at UTS, Clary Castrission. As a student, he was inspired by Professor Sam Blay who told him 'if you really want to get involved in poverty eradication don't do it from New York or Geneva. Get over to the developing world and see what you find.' Clary did just that. From this was born 40K, a recognised foundation, which aims to improve the access to and standard of education in rural India. This has been achieved by setting up after-school education facilities that also provide employment for local women who supervise these PLUS Pods.

During February 2014, we dove into the local culture, living in a small village called Marenahalli, in the city of Bangalore. When not eating Chapati, we were both working on a project to find revenue streams for the PLUS pods as well as running afternoon English and Math classes in the pods, utilising tablet technology. Our team focussed specifically on the issue of waste management, trying to shift local attitudes towards the environment through education.



We also organised a clean up day to involve the community and raise awareness of the issues associated with incinerating waste and polluting water sources. This involved liaising with local council members, farmers; and creating connections with persons in the waste sector, including the State Minister of Agriculture. It is safe to say we got our hands dirty, particularly when we took a day trip to the city dump, which had implemented innovative organic waste processing techniques.

Over the month, we were faced with cultural nuances in Indian society. Particularly that women's employment is restricted by their domestic duties and the income earned by their husbands in that women cannot earn more than them. Other groups created products including yoga mat bags and incense sticks. These projects looked to empower local women, by equipping them with materials and skills which allowed to work from home.

Like a wobbly rickshaw ride, our month in India was challenging and rocky at times. The program empowered us to come up with creative solutions to overcome the obstacles we encountered whilst still embracing all that India has to offer. 40K encapsulates the values and goals of the Brennan Program, and shows the importance of getting involved in the community—whether it be locally or in other parts of the world filled with different smells, stories and issues. What we learnt over just one month is best summed up by the following words unequivocally put to us by CEO Clary Castrission: "If you're passionate about something don't just do it on the side."

Think big, think India.



# VIRTUES OF VOLUNTEERING

*Oliver Doraisamy*



Människo, 'Girls Education Support' (2012)

Public service is a key component of the legal profession, and law students should be encouraged to bear this in mind. This is particularly relevant in a time where the reputation of the profession has suffered from a shift away from the service element of legal practice towards commercial gain. With the development of large national and multi-national commercial firms and the increasing emphasis on time-billing, volunteering can go a long way towards reminding lawyers and students that there are many in society who need the assistance of those qualified to help navigate the law. Legal volunteering will also go a long way to mending the profession's damaged image.

I am acutely very aware of my good fortune. In large part that awareness has been encouraged by my parents, who very early on in my life brought my attention to those less fortunate than myself both in Australia and abroad. I was also fortunate to go to a high school which emphasised community ideals and provided opportunities for students to engage in issues around social justice.

Having had this exposure, I left school looking for opportunities to do something a little different and make a meaningful contribution, even if a small one, to society in doing so. The society in which I live.

The first major volunteer project I got involved in was a night shelter for homeless persons in Kings Cross. Along with a group of mates from school, I helped to run this shelter every Sunday night. Beyond the help we were giving to our guests (that being a place to sleep and some food, drink and company), we as volunteers were all getting something valuable out of it ourselves. Being first and second year uni students, for us the night shelter was an opportunity to get away from our studies and regular social circles, an opportunity to reflect, and most importantly, an opportunity to get perspective.

Through that night shelter in Kings Cross I became good friends with another UTS Law student, Nick Harrington, who is the Founding Director of the Manjeri School Project – a charity that I now help to run. With whom I now run a small charity called the Manjeri School Project. Our charity has the principal mission of supporting a primary school in the small rural district of Buikwe, Uganda. Our school provides education and care for some of the poorest children in this district, with 20% of our student population being orphans.

In the last few years our team has helped with a number of projects for the school such as building classroom blocks and toilets, supplying water tanks and guttering, and

constructing a fence around the school's perimeter. Most importantly, we have guaranteed the salaries of the school's teaching staff, - without whom the school could not operate - and have overseen the day-to-day management of the school.

When we visited Uganda in October last year 2012 to work with the school in its planning for the future, we set the ambitious goal of the school being self-sustainable by 2018. At the core of this goal, and at the core of our charity's overriding mission, are two beliefs – that education is a vitally important tool for every child, and that charitable endeavours must instil a culture of self-sufficiency and accountability. In both of these respects, I believe that the volunteering we do has substantial some virtue.

My experiences through Manjeri, through the night shelter and also through AIME (I was a mentor for an indigenous high school student in 2011 the Australian Indigenous Mentoring Experience) have taught me a number of important lessons.

Firstly, volunteering humanises one's understanding of social justice and allows one to put theory into practice. As one of my Manjeri team members wrote earlier this year: "it is very easy to get lost in the concepts and theories of social justice and forget that the ultimate objective rests with real life people, who have needs, fears, wants and desires just like

everyone of us." Our work in Uganda has certainly brought that message home to us.

Secondly, by putting our social justice consciousness into practice, volunteering teaches us that meaningful change (hopefully positive change) does not have to be a distant aspiration but something we can contribute towards if we are willing to do so. Youth is no barrier to making some meaningful impact in on the lives of others, nor is a lack of geographical or cultural proximity.

Thirdly, volunteering increases your levels of knowledge and empathy, and provides you with valuable skills that are hard to develop elsewhere.

Fourthly, law students wanting to make a positive contribution need not be disillusioned by the profession's shift towards commercial practice – there are ample opportunities for students and lawyers alike to find that public service element both within and beyond their work.

I have been grateful that initiatives such as the Brennan Program have helped to harmonise align my awareness of social justice with my studies of law. In encouraging reflection on the relationship between law and justice, the program has given both my degree and career aspirations considerably more meaning.



# ALUMNI PROFILE

## Interview with Elizabeth Seymour-Jones Questions by Hanna Aili

LBU, 'Graduation' (2014)

### 1. When did you first become involved with the Brennan Program?

I was in my second year of my Juris Doctor when the Program was launched, and jumped at the chance to involve myself right from the beginning. I don't think it was a hard sell at all seeing as the launch was to be attended by Sir Gerard and Julian Burnside, both of whom I was very keen to meet and hear speak. The evening of the launch definitely cemented my interest, as it was made clear how diverse, enlightening, and rewarding the program was going to be. I was also at a stage at my degree in which I really needed an injection of perspective, and I could see that this was definitely an opportunity to find that.

### 2. What sort of activities did you partake in to complete your Leadership through Service hours?

I was lucky enough to have been involved with the Wayside Chapel in Kings Cross at the time the Brennan Program launched, and that the work I was doing there was recognised for this aspect of it. Wayside is part of the Uniting Church, but is not run as a religious organisation. It receives anyone and everyone who needs a meal, a hot shower, clothes, referrals to medical or legal services, or just somewhere to go. It is run by an incredible CEO, Graham Long, also the Pastor, whose motto for Wayside is 'We're not much like a church, which is good if you're not much like a Christian'.

Many (if not most) of the visitors have drug and/or alcohol addiction, present with many other forms of mental illness, and are often homeless. My duties as a regular volunteer there were varied. I started working in the café, making and serving hot food and drinks, but the most important aspect of the role was the interaction with the visitors, and much of the time was spent sitting down with them in the café having a chat over a cup of tea and letting them share their problems in what Graham describes as 'a community with no us and them'. Aside from dealing with the seemingly regular challenges of drug overdoses, violence, and other episodes, it was incredibly rewarding forming relationships and spending time with people who often feel as though they have been otherwise forgotten.

My favourite role at Wayside, however, was in youth services. There is a separate space set up specifically for those below the age of 25. These young people largely suffered from similar afflictions as described above, but with the added vulnerability of youth. Some shifts were spent just hanging out with them, building relationships and helping them to feel comfortable about sharing their problems with the staff and volunteers there. Other times would be focussed on offering specific advice on how to approach their social, medical, and legal problems. It was incredibly daunting at times where a young person would choose you as their safe person, knowing that what they do or where they sleep that night could well depend on the advice or opinion you offer.

It was wonderful to have reason to give my involvement with Wayside greater reflection than I might have done otherwise, and really assess the value in the contributions made, whether big or small. I ended up keeping a brief journal of my experience volunteering, and made entries in which I tried to reflect on the often overlooked privileges I had been afforded to that point, particularly to be at law school, and to be in a position to have both the capacity and the skills to share with others who are perhaps not quite as fortunate. It's lovely to look back on and I'd encourage current and future participants to give it a go if they have the time!

### 3. What were your favourite and least favourite experiences from the program?

I have lots of favourites, so I'll list a couple briefly:

1. Listening to and meeting both Michael Kirby and Geoffrey Robertson as part of the reflections on justice component – if you have the opportunity to hear them speak, do so at any cost!
2. Discussion groups – particularly when we used Michael Sandel's 'Justice: What's the Right Thing to Do?' as the basis for our discussions. To have the opportunity to discuss such heavy topics with people you might not ordinarily get into such discussions with is hugely valuable, particularly when your beliefs and values are really challenged. I definitely learnt a lot from the meetings.

Least favourite experience – battling the blog entry technology on UTSONline...!

### 4. What did you find most challenging about the program?

It was definitely difficult finding a balance between my job, coursework, attending seminars and discussion groups, mooting, and fitting in extra hours at Wayside to fulfil the Leadership component. That was actually quite a benefit though, as my time management skills improved dramatically and I found I was actually far more focussed and productive as a result.

### 5. Did you find 'reflections on justice' or 'leadership through service' harder to complete?

Purely due to the time commitment, I found 'leadership through service' harder to complete, requiring at least 5-6 hours of the day with travel time, which was often a struggle when juggling shifts with the class timetable. The reflections component seemed so easy to keep up with as the discussion groups and many of the seminars were held at uni and I could attend between or after classes.

### 6. In what ways did the program enrich your general university experience?

I think like most law students I started my degree with a hugely inflated sense of idealism, but became much more sceptical and disheartened with each semester. Other than really capturing my interest, the program challenged me to reassess my values, views, and reasons for studying law. It helped me attribute meaning to the things I was learning and the skills I was gaining, particularly by exposing me to so many incredible and inspiring people who came to share their experiences in such varied areas of law through the reflections component.

### 7. If you could do it all again, what would you do the same, and what would you do differently?

I can't think of anything I would necessarily do differently, aside from perhaps take more detailed notes in the seminars and discussions I attended. I have enjoyed reading over my blog entries but would love to have taken down better notes on the ideas and themes that were discussed in the seminars and discussion groups.

### 8. Where did life after UTS: Law take you? (career-wise)

Since my admission I have moved back to Hong Kong, and I am currently working for an international firm in the litigation team, largely dealing with shipping disputes, and with a lesser focus on corporate and environmental law.

### 9. How has the program enriched/aided you in your career?

The program was really valuable to me in showing me where

I could take my degree with variety in backgrounds and experience of speakers in the reflections seminars, and the opportunities the program encouraged participants to pursue. It really helped me to re-evaluate and reassess where I wanted to go with my degree, as my views on what opportunities were available to me had been significantly tunnelled by my studies to the point at which I joined the program.

Practically though, it is so important in law, particularly in litigation, to be open minded and open for discussion no matter how sure you are of your position. I found that the discussion groups in particular often became heated, and in such situations people instinctively become defensive and close their minds to suggestion and debate.

The structured environment of the discussions, and having a common goal, I feel really taught our group to stop being so positional and to work harder to listen to where others were coming from. Being argumentative seems to come quite naturally to most law students, and therefore, and unfortunately, most lawyers too. I think dropping guard and learning to hear and value others' opinions, whether or not we agreed with them, is a simple yet extremely valuable skill we exercised which I have found has already helped me do my job more efficiently and effectively.

### 10. If you could give one piece of advice to Brennan Program students, what would it be?

My advice would be to always keep an open mind; there are so many paths you can take after your degree. Definitely stick with the program until the end, as it does wonders for your perspective on work/life/study hearing from people who have taken such varied paths in law, and followed such different passions.

# COMMUNITY PARTNERS

*Over the years, the Brennan Justice and Leadership program has developed a number of important relationships with community organisations who share the same values of equality and social justice. Many Brennan students have contributed to these organisations, whom we consider partners in the fight for social justice.*



AUSTLII

Matthew Dickinson

During the first semester of 2014 I undertook a voluntary internship at AustLII for one day a week. I saw this as a great opportunity to gain exposure to an organisation whose services I had frequently used as a law student, as well as a way of earning some Leadership Through Service hours for the Brennan Program.

There is no doubt that AustLII is a much-used resource for every Australian law student and legal practitioner. But until starting my internship, I had never stopped to consider how the vast libraries of case law and legislation end up on AustLII. I suspect that most of us take it for granted that if we need to access the latest High Court judgment, it will be available on AustLII within a matter of hours of it being handed down.

After starting my internship, I quickly discovered how much work goes into building a comprehensive online resource like AustLII. The process for uploading the latest legislation and case law is largely automated, with data being supplied digitally from courts and parliaments throughout Australia on a daily basis. However, the process for back-capturing legal materials from before the digital era is much more labour-intensive.

I worked alongside several other interns from both UTS and UNSW. Our role consisted mainly of digitising various older legal materials. This involved removing the covers and spines from hard copy books (the fun part) so that the loose pages can run through the feeder of a high-speed scanner. We then ran Optical Character Recognition software over the PDF file, so that AustLII users can search for the text contained in the digitised cases and articles. We recorded the metadata, which consists of the unique information for each case or article, including the case name, citation and date – this requires really good attention to detail, because this is how AustLII users will locate the case or article online. The last step is running a script developed by AustLII which automatically splits the PDF file into the individual cases or articles, which are then ready to be combined with the metadata to be uploaded onto the website.

I got a lot more out of my experiences at AustLII than I had expected. Firstly, there is the sense of purpose and fulfilment that you gain from any volunteer work. I have a newfound appreciation of the importance of the role that AustLII plays. AustLII

is a founding member of the Free Access to Law movement, which believes that public legal information is digital common property that should be accessible to everybody free-of-charge. Through its commitment to these ideals, AustLII performs an important role in promoting the rule of law.

Volunteering at AustLII has also deepened my legal knowledge and enhanced my legal research skills. During our internships, we had the opportunity to get involved in several other projects that AustLII is currently engaged in, including the International Law Project, which involved adding the most recent international law materials to the databases on CommonLII and WorldLII (which AustLII also maintains). Contributing to this project helped to build my understanding of international law materials and citation conventions, which I had previously had little exposure to.

AustLII is a not-for-profit organisation and operates with a very small staff. Some of the work that AustLII does is therefore only made possible due to the contribution of volunteers. I would recommend an internship at AustLII as a great way of earning some LTS hours, while getting exposure to the fascinating world of online legal publishing.

## THE AURORA PROJECT

Mahi Turner

The Aurora Native Title Internship Program has been placing students and graduates at Native Title Representative Bodies (NTRBs), Prescribed Bodies Corporate (PBCs) and other organisations working in native title, policy and Indigenous affairs, since summer 2003/04. More recently, the program was expanded from legal applicants to include anthropology and other related social science students and graduates. The Program not only provides much needed assistance to host organisations but also promotes career opportunities by raising student awareness of the NTRB system and attracts students to work in the sector. The quality of the students is demonstrated by the eagerness of NTRBs to retain alumni of the Program on a longer-term basis.

The Internship Program places two intake rounds each year (winter and summer) to law, anthropology and related social science (archaeology, cultural heritage, environmental management, human geography, history and sociology) students and graduates in 5 – 6 week unpaid internships at Native Title Representative Bodies (NTRBs), Prescribed Bodies Corporate (PBCs) and at over 80 Other Organisations working in native title, policy development, human rights and Indigenous affairs more generally.

The Program not only provides much needed assistance to under-resourced host organisations, but it also promotes career

opportunities by raising student awareness of the NTRB system and Indigenous affairs more generally and attracts students and graduates to work in this area. The quality of the interns is demonstrated by the eagerness of NTRBs, PBCs and Other Organisations to retain alumni of the Program on a longer-term basis.

The Program continues to attract enthusiastic participation by university students as well as graduates and has grown significantly since its inception as a program for legal interns in 2003/04. To address the needs of anthropology and research staff at NTRBs and Other Organisations, the program expanded to include anthropology students and graduates in 2006 and other social science students and graduates in 2007.

The Program has grown dramatically in recent years, achieving record numbers in applications and placements in the past six consecutive internship rounds over three years. Since 2005, UTS have had 52 legal placements, ranking 10th out of 31 universities in this area. Volunteer hours during the internship can contribute to Brennan Program Leadership Through Service hours.



# SAIL PROGRAM

*Martin Borg*

I first came across the Sudanese Australian Integrated Learning Program, also known as SAIL, during my time as Administrator for the Brennan Program in 2011. After signing up, I excitedly went along to my induction where I was partnered with a Year 3 student who I worked with for the next six months. It was great to see his progress in English and maths, though sometimes a struggle to keep a nine year old focussed on school work at 10.30am on a Saturday morning!

SAIL depends on dedicated volunteers to achieve its goal of offering free English language support to refugee communities in Sydney (primarily Sudanese and Tamil). Students at SAIL range in age from 5-50 years and some have spent years in refugee camps with little or no chance to attend school. All students really benefit from the one to one attention that they may not get elsewhere despite sometimes being behind in English literacy skills.

There is always a need for more tutors at SAIL and the principle of "Leadership through Service" espoused by the Brennan Program is a great fit in the fact that volunteers need to show initiative and a willingness to engage with the students in order to make a positive difference in their lives. Volunteers at SAIL value the practical skills they themselves learn but many find that the most rewarding thing is seeing their student grow in confidence and ability over months, and even years, of working together.

During my time as a SAIL Coordinator, we've been fortunate enough to have some great Brennan Program Participants volunteer at our campuses in Blacktown and Seven Hills. Volunteers don't require any background in education or TESOL; the main things are a good attitude and a commitment to the longer term nature of education.

Two and a half years later, and SAIL is a very important part of my life. I really value the close connection to the community and the chance to get to know the stories of students and volunteers from all walks of life. I hope you can experience the same thing, and I can't encourage you enough to get involved in the opportunities that the Brennan Program provides.

You can find out more about the SAIL program on our website. [www.sailprogram.org.au/](http://www.sailprogram.org.au/)

# THE BIG LIFT

*Matthew Thompson*

In the mid-year break, I was fortunate enough to join 70 or so fellow UTS students on The Big Lift: An 8-day volunteering opportunity throughout rural NSW and Queensland. Inspired by the ideal of "Paying It Forward", we bussed our way throughout various under-resourced communities such as Wongarbon, Walgett, Millmerran and Miles. We also had down-time with visits to an Emu Farm, the Moree thermal baths, the Gold Coast, Valla Beach and Byron Bay.

The Big Lift allowed me to demonstrate Brennan Program attributes such as professional leadership, service and excellence. The volunteering work has also been counted towards the Leadership through Service hours required to complete the program.

From a social justice perspective, the trip allowed me to take part in meaningful and practical service projects that provided a tangible difference to under-resourced communities. Projects that I took part in included clearing weeds, re-painting picnic tables and stables, scaffolding and taking part in odd jobs at the Millmerran historical museum.

The experience allowed me to appreciate the hospitality and community spirit in country towns. I was able to see the tangible differences and changes in the small communities that we visited. The trip also allowed people to make some life-long friends and to bond over memorable experiences such as bus idol, the Gold Coast scavenger hunt and the TBL Olympics. Towards the end of the trip, both buses coordinated a choreographed dance to this year's Big Lift anthem of "Happy". Taking part in a flash mob in the middle of the Gold Coast and performing random acts of kindness allowed me to witness the satisfaction that comes from putting smiles on people's faces.

The Big Lift is a fantastic experience for all students taking part in the Brennan Program and is a great way to volunteer while making friends with a diverse and supportive network of people.

## *Congratulations to all awardees of the Brennan Justice and Leadership Program*







