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## Designing Skills Exercises to Advance Law Student Understanding of Better Client Outcomes and Better Government

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Advancing  
Better government  
Sustainable economies  
Vibrant communities

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**Law's Role?**



**2016**  
CONFERENCE

## **Parallel Sessions – Final Programme**

*(as at 4 July 2016)*

Australasian Law Teachers Association (ALTA) Conference 2016  
**Advancing Better Government, Sustainable Economies, Vibrant Communities: Law's Role?**  
 Wellington, New Zealand, 7-9 July 2016  
**Parallel Sessions – Final Programme** (as at 4 July 2016)

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

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

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11:15 – 12:45	<p>3A  <b>Challenging Company Law Concepts</b>                  (Company Law Interest Group)                  Acting Convenor and Chair                  Helen Anderson (University of Melbourne)                  GBL07</p>	<p>3B  <b>Conceptualising South Pacific Law</b>                  (South Pacific Legal Studies Interest Group) (1/2)                  Chair                  Tony Angelo (Victoria University of Wellington)                  GBLT1</p>	<p>3C  <b>Planning, Land, Tenure and Rent: Risks and Implementation Challenges</b>                  (Property Law Interest Group)                  Chair                  Mark Bennett (Victoria University of Wellington)                  GBLT2</p>	<p>3D  <b>Legal Challenges of Technological Innovations</b>                  (Law &amp; Computers Interest Group)                  Convenor and Chair                  Alexandra Sims (University of Auckland)                  GB117</p>	<p>3E  <b>Developing Lawyers: Why and How?</b>                  (Legal Education Interest Group) (1/2)                  Chair                  David McLauchlan (Victoria University of Wellington)                  GBLT3</p>	<p>3F  <b>Fostering Humanity by Various Means</b>                  (International Law Interest Group)                  Chair                  Vernon Rive (Auckland University of Technology)                  GBLT4</p>	11:15 – 12:45
FRIDAY, 8 JULY 2016	<p>Helen <b>Anderson</b> (University of Melbourne)  <i>Sunlight as the Disinfectant for Phoenix Activity</i></p> <p>David <b>Parker</b> and Angelo <b>Veljanovski</b> (Victoria University, Melbourne)  <i>Crowdfunding/ Crowdsourcing: What Is It, What Is Proposed and How Does It Fit in with Company Law?</i></p> <p>John David <b>Horsley</b> and M Daud <b>Ahmed</b> (Manukau Institute of Technology)  <i>The Limited Liability Company in the 21st Century: In Search of a New Paradigm</i></p> <p>Robin <b>Bowley</b> (University of Technology Sydney)  <i>Addressing the Challenges that Students Face in Learning Business Concepts in Corporate Law</i></p>	<p>Don <b>Paterson</b> (University of the South Pacific)  <i>The Constitutionality of Custom Land Dealings in Vanuatu</i></p> <p>Guy <b>Powles</b> (Monash University)  <i>The Head of State and the Legislature: The Power of Veto in Pacific Island States and the Case of Tonga</i></p> <p>Jennifer <b>Corrin</b> (University of Queensland)  <i>Exploring the Deep: Looking for Strong Legal Pluralism in the South Pacific</i></p>	<p>Amy <b>McInerney</b> (Griffith University)  <i>Planning – A Risky Business?</i></p> <p>Mark <b>Bennett</b> (Victoria University of Wellington)  <i>Achieving Security of Tenure in Private Residential Tenancies for Generation Rent</i></p> <p>Thomas <b>Gibbons</b> (McCaw Lewis Lawyers)  <i>The End of Units: Perspectives on Cancellation of Unit Plans</i></p>	<p>Mike <b>French</b> (Auckland University of Technology)  <i>Dixon v R – What a Load of Hogwarts!</i></p> <p>Scott <b>Beattie</b> (Central Queensland University)  <i>The Wickedness of the Mob: Regulatory Networks Turn Ugly</i></p> <p>Tania <b>Leiman</b> and Kimberley <b>Bilsborow</b> (Flinders University)  <i>Artificial Intelligence, Robotics and Autonomous Vehicles – Equipping Lawyers for a Fast Changing World</i></p> <p>Benjamin <b>Liu</b> (University of Auckland)  <i>Machine Learning and the Future of Law</i></p>	<p>Lynne <b>Taylor</b>, Ursula <b>Cheer</b>, Natalie <b>Baird</b>, John <b>Caldwell</b> and Debra <b>Wilson</b> (University of Canterbury)  <i>The Making of Lawyers: Expectations and Experiences of Second Year New Zealand Law Students</i></p> <p>Kate <b>Galloway</b> (Bond University), Mary <b>Heath</b> (Flinders University), Alex <b>Steel</b> (University of New South Wales), Anne <b>Hewitt</b> (University of Adelaide), Mark <b>Israel</b> (University of Western Australia) and Natalie <b>Skead</b> (University of Western Australia)  <i>A Thinking, Reading, Problem-Solving Nexus: The Smart Casual Approach</i></p>	<p>Mary <b>Keyes</b> (Griffith University)  <i>Internationalising Family Law</i></p> <p>Netta <b>Goussac</b> (Pacific Regional Delegation, International Committee of the Red Cross)  <i>Humanity through Knowledge: The Role of Academia in Generating Respect for International Humanitarian Law</i></p> <p>Kevin <b>Riordan</b> (Harbour Chambers)  <i>The Precautionary Principle of International Humanitarian Law – How Can the Duty to Take ‘Constant Care’ Be Enforced?</i></p>	FRIDAY, 8 JULY 2016

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

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