9.00–9.30 am - COFFEE/TEA AND A BITE TO EAT
9.30–9.50 am - WELCOME

• Chief Magistrate Lorraine Walker - Day Long Rapporteur

10.00–11.15 am - JUSTICE BEHIND THE SCENES
(CHAIR – PROF. ROSALIND CROUCHER)

This paper is interested in how the indeterminate parts of the Sexual and Violent Offences Legislation Amendment Act 2008 (ACT) have been interpreted and applied. Has the legislation better assisted rape victims reducing their trauma and producing better evidence? We report here on the views of a sample of judges, lawyers, victims and victim support workers in the ACT.

This paper explores the way in which Aboriginality is taken into account in the sentencing process to shed light on an offender’s background, reasons for offending and prospects of rehabilitation. It examines the approach taken by courts in the ACT and the impact of pre-sentence reports. The paper concludes that though pre-sentence report writers are in a unique position to explore and illuminate the relevance of post-colonial Aboriginal identity in the sentencing process, present experience in the ACT indicates that this is not being done. Ultimately it is argued that this exploration and illumination should be undertaken in the interests of ensuring equal justice.

• (10:40–10:55) Dr Lorana Bartels – Sentencing in the ACT.
This paper examines the collection and public dissemination of sentencing data in Australia, with particular emphasis on the Australian Capital Territory (ACT). It considers recent developments in the ACT, including the proposed development of a sentencing database and recent sentencing policy initiatives. The availability of public sentencing data and the role of sentencing councils in promoting public awareness and understanding of sentencing around Australia are also considered.

• (10:55–11:15) DISCUSSANT: Prof Rosalind Croucher, President of ALRC.

11.15 am–11.25 am - SHORT BREAK

11.25 am–1.00 pm - DISCRIMINATION, WORKPLACES AND JUSTICE (CHAIR – DR HELEN WATCHIRS OAM)

• (11:25–11:40) Keziah Judd & Prof Patricia Easteal AM – Media Reportage of Sexual Harassment: The (In)Credible Complainant
We look at trial by media focusing on five high profile sexual harassment cases reported on in 2011: David Jones, Clayton Utz, Rivers, IBM and Patrick Stevedores. We analyse the reporting to see how the media writes about sexual harassment and who is seen as the credible complainant.

• (11:45–12:00) Skye Saunders & Prof Patricia Easteal AM – “Stripping off the Layers” – The Complexities of Sexual Harassment in the Australian Bush Workplace.
We explore the way that rural women and employers perceive and react to harassing behaviour in their isolated workplaces including: their thoughts on the reactions/responses of women in the workplace to harassing behaviours (‘She just keeps asking for it’); their feelings of responsibility (‘Saying ‘no’ makes me feel guilty’); their minimizing (‘If you make a fuss you are just a big idiot’); and their denial. We find that there are some differences in ‘survival’ behaviours and workplace thinking depending upon the occupation, degree of rurality and gender ratios of the workplace but the most concerning difference is that between employers and employees and conclude that there is a need to educate management and workers.

• (12:05–12:20) Amanda Alford, Legal Officer, ALRC – Family Violence and Employment Law—The Challenge for Law Reform
Starting with the premise that workplaces are the new ‘communities’, this paper examines the capacity of the employment law system to identify and respond to family violence. The paper refers to work undertaken by the Australian Law Reform Commission and discusses the challenges of identifying law reform solutions in this area. It concludes that family violence may become a workplace issue, is one to which the employment law system can and should respond and outlines a recommended approach to reform in this area.

  
The paper examines direct-to-consumer (DTC) genetic testing, privacy and anti-discrimination regimes. Cross-border marketing of low-cost genetic testing poses questions for Australian regulators, health service practitioners and consumers regarding consumer protection (eg do the tests meet expectations of quality, is there effective recourse if there are disputes), privacy (are consumers unknowingly gifting offshore entities with fundamental information about themselves and relatives) and discrimination (the ‘GATTACA Problem’). The authors identify issues, discuss current/ future industry practice, and critique developments such as the 2012 EU Genetic Privacy Protocol.

- **[12:40–1:00]** DISCUSSANT: Dr Helen Watchirs, OAM, ACT Human Rights Commissioner.

### 3.00 PM–3.30 PM - AFTERNOON TEA

### 3.30 PM–5.30 PM - JUSTICE IN A COMPARATIVE CONTEXT [CHAIR – PROF. MARGARET THORNTON]

- **[3:30–3:45]** Dr Tony Krone - Corruption and challenges to the rule of law in the Pacific.
  
  This paper examines the connection between national economic development and the emergence of corruption as a common impediment to improving rule of law outcomes in Pacific nations. It will address the role that cultural narratives play in shaping our understanding of threats to the rule of law in the Pacific and argue for a fresh approach to justice sector assistance.

- **[3:50–4:05]** Dr Dalma Dalmeter & Thilini Perera - Religious influences over arbitral proceedings (as a way of personalizing or maybe rather impeding justice).
  
  As members of communities of faith often find arbitration to be a more efficient way of achieving justice than state court litigation, at the cross-road between religious norms and arbitral procedural rules interesting conflicts can arise. The paper examines the influences that religious (most particularly Islamic and Judaic) rules have over arbitral procedure and the reciprocal limitations imposed by one over the other.

- **[4:10–4:25]** Bruce Arnold, Dr Wendy Bonython & Skye Masters - Law, Cultural Exceptionalism and Autopsies
  

- **[4:30–4:45]** Dr Mirjana Drenovak Ivanovic - LL.M Environmental Justice in a Comparative Context Serbia
  
  The paper will analyse conditions for the establishment of equal protection of participants in the distribution and reduction of environmental risk. It will examine German and Great Britain law on the access to environmental information, the case law of the Court of Justice of the EU and the model of public participation in decision-making in the EU and Serbia.

- **[4:45–5:15]** DISCUSSANT – Prof. Margaret Thornton, professor of Law, ANU
  
  Lorraine Walker will make some concluding remarks, as the rapporteur, time permitting.