

LEGAL BRIEFS

THE JOURNAL OF THE
LEGAL STUDIES ASSOCIATION
OF NSW INC

The Conference Edition



The Legal Studies Association
of NSW Inc

Volume 29, Edition 1

2022



Supporting the teaching and learning of Legal Studies since 1994

LSA Executive and Committee 2022

President:	Keith Thomas	Cumberland High School
Deputy Presidents:	Teresa O'Dwyer	St Luke's Grammar School
	Jennifer Venhuizen	William Clarke College
Secretary:	Natasha Isbel	Wenona
Treasurer:	Judith Macdonald	St Patrick's College – Sutherland
Committee:	Erin Carney	Finnegan Distance Education
	Brian Elliott	
	Nicholas Fernandez	Sydney Girls High School
	Vanessa Gilmore	Hornsby Girls High
	Kate Kempthorne	Barker College
	Jennie Mater	OLMC Parramatta
	Sophie Mynott	Brisbane Girls Grammar School
	Keira Nightingale	Marist Catholic College, North Sydney
	Helen Preketes	Castle Hill High School
	Maria Tatsis	Arthur Phillip High School
	Brent Waters	Kincumber High School
Event Support:	Rachel Merhebi	Macarthur Girls High School
Life Members:	Steve Etheridge	
	Wayne Gleeson	
	Kerrie Lindsay	Shoalhaven High School
	Brian Elliott	
	Vicki Andrews	
	Kate Kempthorne	Barker College
	Nicholas Cowdery AM QC	
	Tracey McIntosh	
	John Andrews	
	Joanne McFarland	NESA
	Jennie Mater	OLMC Parramatta
Legal Briefs Editor:	Keith Thomas	

Legal Briefs

The Journal of the Legal Studies Association of NSW Inc

Volume 29, Edition 1, June 2022

Contents

CONFERENCE RESOURCES

Article title	Author	Syllabus Areas	Synopsis	Website Location
Consent Legislation in NSW	Nicholas Cowdery AO QC <i>LSA Life Member</i>	Crime	Definitions of consent; teaching of consent; Luke Lazarus and Saxon Mullins case (2013); NSW Law Reform Commission; new <i>Crimes Act</i> S61HA defining sexual intercourse and s61HE "consent in relation to sexual offences".	Crime
Ending Modern Slavery	Sally Irwin <i>CEO, The Freedom Hub</i>	Human Rights	<i>Modern Slavery Act</i> ; outline of modern slavery in Australia; impacts; impact of COVID-19; DFAT response to human trafficking recently released.	Human Rights
Education, Equality and Access to Technology	A/Prof Azadeh Dastyari <i>School of Law, Western Sydney University</i>	Rights and Responsibilities; Technology; Law in Practice; Human Rights	Education and digital inclusion, consequences of not having enough computers and internet data especially during COVID-19; impact on NGOs and vulnerable people; international and Australian perspectives.	Human Rights
Police Powers and Strip Searches	Dr Vicky Sentas, <i>Senior Lecturer, School of Law, UNSW</i>	Crime; Rights and Responsibilities	The Law Enforcement Conduct Commission Inquiry (2020) into NSW Police force strip search practices; visible powers associated with policing public spaces and certain groups; NSW Coroner's findings into deaths in music festivals and drug law reform proposals.	Crime

ADDITIONAL CONTRIBUTIONS

Article title	Author	Syllabus Areas	Synopsis	Website Location
Police Powers – Drug Detection Dogs and Strip Searches	Tom Zagami <i>Knox Grammar School</i>	Year 11 Law Reform or HSC crime	Tom found Vicki Sentas' Conference session on strip searches extremely informative and used it to update his materials and activities on this topic.	Crime/Teaching and Learning Activities
Role of the UN in Ukraine	Roanne Thadani <i>Mount St Benedict College</i>	The Legal System; World Order	Article on the role of the Security Council and ICC in response to the invasion of Ukraine, with questions and an essay question	The Legal System/Teaching and Learning Activities
Criminal Investigation Process Updates 2022 – Arrest and Warrants	Roanne Thadani <i>Mount St Benedict College</i>	Crime; Law Reform	Articles to update students on changes to the law relating to arrest and warrants, with questions.	Crime/Teaching and Learning Activities
Shayne Montgomery Case	Steve Etheridge <i>LSA Life Member</i>	Indigenous Peoples	Article on the case with questions.	Indigenous Peoples/Teaching and Learning Activities
<i>Minister for Environment v Sharma (2022)</i>		Global Environmental Protection	Article on the case with questions	GEP/Teaching and Learning Activities
Commonwealth Integrity Commission – resources and ideas	Brian Elliott LSA Life Member and Committee Member	Rights and Responsibilities; Resolving Disputes	A series of resources on this issue, and some suggested discussion points	The Individual and the Law

The information contained in Legal Briefs is not legal advice and is written for teachers of Legal Studies and the students who study this course in NSW. Opinions expressed in the articles within this journal are not necessarily those of the LSA Committee as a whole or individually.



From the Editor's Desk

Keith Thomas – Editor of Legal Briefs

Dear Members!

Welcome to the first edition of *Legal Briefs* for 2022. This is the Conference edition. Thanks very much to our presenters at this year's incredibly successful and in-person, two day, annual state Conference. Many of those amazing presenters supplied papers, which are features of this edition of *Legal Briefs*.

Many thanks also to our other contributors to this edition of *Legal Briefs*:

- Roanne Thadani from Mount St Benedict College – Pennant Hills who has made two contributions
- LSA Life Members Steve Etheridge and Brian Elliott for their contributions
- Tom Zagami (Knox Grammar School) for reprising his article from a couple of years ago, with some edits following the presentation by Dr Vicki Sentas, Senior Lecturer, School of Law, UNSW on *Teaching police powers through strip searches practices* at the LSA Conference earlier this year.

Thus, this edition contains 10 articles. The articles, and their location on the LSA website, are listed on the Contents page, along with a short synopsis of each article.

It is always good to have contributions from our members. The next edition focusses on **teaching strategies**. If you would like to share an item, please note the style guide and how to submit articles. Such an item could be a teaching idea, an actual lesson, a sequence of lessons, a research or other assessment task, and so on.

The **style guide** for *Legal Briefs* submissions is as follows:

Content:

- Teaching strategies, worksheets, activities, ideas for teaching Legal Studies
- Formal papers exploring an issue / topic area
- Assessment tasks
- Contemporary issues media, reports, statistics
- Conditions, agencies of mechanisms of law reform
- Tips for students regarding writing, integrating, evaluating, assessing, making judgements and so on
- Any useful resource or strategy that works / engages students

Submission format:

- Font: Arial
- Font size: 12
- Font colour: Black
- Layout: portrait
- The less formatting within the article the better

How to submit?

- Email to president@lsa.net.au
- Include your name and your school at start of document

If you have a useful resource for Legal Studies or Commerce that you would like to share, email it to the address above.

Thank you and best wishes!

Keith Thomas.

President's Report 2021

Sophie Mynott – LSA President 2021



As the President of the Legal Studies Association of NSW, it is my pleasure to present an account of our activities and achievements in fulfilling our mission throughout 2021, our 28th year of operation.

The Legal Studies Association in 2021 was made up of 964 Members, at 447 schools, representing the government, Catholic and independent sectors across the whole of NSW, plus schools in Queensland and the ACT, Hong Kong and Singapore. The addition of Members from Queensland was voted on by the Committee at the end of 2020, as Legal Studies is offered there but they do not currently have their own organisation. Welcome to our seven new Members from Queensland! The diversity of our membership is one of our key strengths. The size of our membership and the range of schools and students represented is a significant factor in allowing us to attract the industry professionals who speak at our Conference and other events. Despite the external factors which are currently making it harder to come together, by keeping up to date on our practice through these means, then sharing our ideas about teaching and learning strategies which work in the range of classrooms we represent, we make a valuable contribution to each other's practice and to education as a whole.

At the Annual General Meeting on the 2nd of February the 2021 Committee was voted into office. The Committee members for 2021 were:

Laurie Brady	Jennifer Mater
Wendy Campbell – Secretary	Sophie Mynott – President
Erin Carney	Teresa O'Dwyer
Brian Elliott	Helen Preketes
Nick Fernandez	Maria Tatsis
Natasha Isbel – Deputy President	Keith Thomas – Deputy President
Kate Kempthorne	Jennifer Venhuizen
Judith Macdonald – Treasurer	Brent Waters

This year the Committee continued to operate through five sub-committees – Executive, Conference, Events, Exams and Publications. We found that this allowed for better communication and a clearer division of labour amongst the Committee Members. This was particularly helpful during lockdown! We were extremely pleased to welcome Brent Waters to the Committee. Brent brought a fresh perspective to our work and made an excellent contribution to the Committee and the Association throughout the year. We are particularly grateful for Brent's graphic design skills!

2021 was another challenging year for teachers and students, but the Committee members remained steadfast in their determination to advance the mission of the Association, which is to support the teaching and learning of Legal Studies in New South Wales and beyond. We aimed to continue supporting teachers and students, to increase equality of access to opportunities and resources to support teachers, and to advance the professional development of Legal Studies teachers, while also responding to the challenges of online learning, the uncertainty of organising events and making plans, and the ever-changing environment with which the year presented us.

This year was the second year of our five-year strategic plan. We continued to operate under the motto 'accountability, equality, sustainability'. We have significantly increased the ease of access to our resources, particularly for Members outside Sydney; reduced our printing costs and the associated environmental footprint; and have made significant progress in increasing the transparency of our financial and administrative operations. We have been particularly focused in these times of online learning in increasing the resources we provide to Members. We have also tried to ensure that the Association will be sustainable into the future.

In April we launched our new website. This was the most significant project the LSA Committee has undertaken in a decade. The launch was the culmination of a year's work and the revamp to the website has significantly increased its functionality. The website now provides free resources to students and non-Members, and those who have paid for membership now have access to many more resources than before, including videos of presentations at the Conference and other professional development events. We have resources on all sections on the Preliminary and HSC courses, the law sections of the Commerce course, and teaching and learning strategies. We also have a range of links to other useful websites which are filled with resources for you to use in your classroom.

We are also able to distribute *Legal Briefs* and the LSA examinations through the Members Resources section of the website. This helps us achieve our goals of equality of access and sustainability, both environmental and financial, and has helped us to keep the costs of membership down despite the rising cost of offering events. Every Member has their own login to the website and I encourage you to have a look at what is available if you have not done so already. Most of the content on the website was submitted by members of the Committee, but we warmly welcome contributions from Members and I strongly encourage you to submit a resource or activity to support the work of the Association.

I want to take this opportunity to thank the members of the LSA Committee for the work they have done this year to provide professional development and resources to all our Members under difficult circumstances. All LSA Committee members are volunteers, and most of us work full-time. Despite dealing with restrictions, lockdowns and the shifting environment within schools, the team worked hard to deliver most of our usual offerings to the Members.

On the 10th of February, the LSA held the fourth annual HSC Legal Studies Outstanding Achievement Awards ceremony, at which we recognised the hard work and success of the students who gained the top 20 places in the 2020 HSC course, and their teachers. This evening provided an opportunity to congratulate the students, their teachers and parents for their efforts in achieving such wonderful results. Those in attendance heard from each student about which factors they felt had been most important in contributing to their success. The evening also provided a valuable networking opportunity for the students as they compared plans for university and travel.

The 19th Annual State Conference was our first hybrid event. The Conference is the most significant event through which we work to achieve our mission, and twelve months of effort and planning go into it every year. Whilst it was disappointing to not be able to offer our usual two day, in-person event, the expertise and quality of the presenters – including Nick Cowdery, Lloyd Babb and Steven Freeland – and the questions from the small audience we were able to have on the day hopefully made the experience worthwhile for those who participated in the online Conference. On behalf of the Members I would like to thank all of the presenters for their willingness to contribute and for the time and effort involved in preparing their presentations. I would also like to thank all of the Committee members who contributed to the organisation of our flagship event, but particularly Erin Carney, Kate Kempthorne, Judy Macdonald and Julie Gleeson for their efforts in organising both online and in-person options.

In June we held our slightly delayed annual Skills Day, this year for Teachers New to Teaching Legal Studies. We had a range of presentations from Committee Members Keith Thomas, Maria Tatsis, Helen Preketes, Jennie Mater and Sophie Mynott, and a Q&A session. Thanks to the ingenuity of Maria, the participants were able to continue sharing resources and ideas with each other and some of our Committee Members for the remainder of the year.

In Term 3 we held two online Information Nights – one with Steven Freeland on implementing international law into Australian law, and one with Paul McKnight on Criminal Law Reform. These were incredibly well received, and we were very pleased to be able to offer these events in a way which ensured all Members, regardless of location, were able to participate and ask questions. Regardless of NESA's policies, the LSA will continue to offer professional development for our Members, updating issues relevant to the syllabus and sharing effective teaching and learning strategies. We are hopeful that at some point in the future we will be able to offer accredited courses again.

In addition to supporting teachers, the LSA has a long and proud history of support for students of Legal Studies, and this continued in 2021 with the delivery of our student lecture program – albeit moved from a hybrid model to fully online right before it was due to occur. The Association is indebted to all the Members (organisers and presenters) who were involved in running this event for their dedication, commitment and professionalism, and their willingness to share their expertise. I wish to single out Maria Tatsis for particular thanks and acknowledgement for her planning and co-ordination of both the Information Nights and the Student Lectures.

In 2021 the Association produced three editions of *Legal Briefs*, the journal of the LSA. This year for the first time all three editions were made available digitally on our website. Thank you to Keith Thomas for his curation of the articles for the journal, and to the many people who contributed throughout the year. *Legal Briefs* is included as part of LSA membership, as are the Preliminary and HSC examination papers. Our aim with all three is to provide resources which teachers can adapt for their own classes. As always, *Legal Briefs* contained a variety of quality articles, across a range of syllabus topics, from both a content and pedagogical perspective. To all of you who have found *Legal Briefs* to be useful in your teaching practice, I exhort you to consider submitting a contribution or two.

The examination sub-committee for 2021 consisted of Jennie Mater, Natasha Isbel, Erin Carney, Helen Preketes and Nick Fernandez. They produced a Preliminary yearly examination and a trial examination which were reviewed by an independent expert who has been on the HSC Exam Committee. I would like to extend my thanks to the sub-committee for their writing, checking, and editing of the examinations, and pay a particular tribute to Jennie for her coordination of the team.

None of the above-mentioned activities occur without much planning, organisation, and commitment. As well as attending all the LSA events, the LSA Committee members meet after school hours to plan and prepare for the various events. Our much-delayed annual Planning Day was held on Saturday 6 November, when we evaluated our progress and reflected on our 2021-2025 Strategic Plan, with a view to meeting the changing and developing needs of our Members. Without the dedicated efforts of a relatively small number of people over the last 28 years, the LSA would not be a robust, financially stable organisation which is able to offer a range of support to teachers and students in NSW. I would like to thank the members of the 2021 LSA Committee, for their dedication, commitment, hard work and support throughout the year. Special thanks to Deputy Presidents Keith Thomas and Natasha Isbel, and Treasurer Judith Macdonald for their counsel, and willingness to step in and assist as required.

I wish to pay tribute to Wendy Campbell who had to temporarily step down from her role as Secretary mid year, and to Julie Gleeson who resigned from the LSA part way through 2021. Julie contributed significantly to the running of the Association over many years as our Office Manager. She looked after administration and finance, responded to Members' phone calls and emails, and provided valuable contributions to the running of the Conference and other events. I am sure every Member has interacted with Julie at some point. Thank you Julie for your dedication, efficiency, and invaluable contributions to the LSA.

With the loss of Julie from the team, Judith Macdonald took over the Office Manager role in Term 2, and she and I shared it in Terms 3 and 4. On behalf of the Members I thank Judy for her willingness to do so, and for the hundreds of hours she spent going through records, updating files and streamlining the operations of the Association. Her excellent work has set us up extremely well for the next few years.

Thank you to all Members of the Association for your involvement in 2021 – for attending webinars, watching the Conference and Student Lecture videos, asking questions, reading *Legal Briefs*, using the exams, following us on social media and for your feedback. Sadly this is my last President's Report (for now!), as I have accepted a new role in Brisbane and therefore have stepped down from the executive sub-committee, although I am pleased to be able to continue serving the Association I love so much by continuing to look after the website. I hope that in 2022 the LSA builds on its strengths and continues to provide meaningful support and networking to teachers across NSW and the world.

I invite you to contribute to your Association in whatever way you can in 2022.



Sophie Mynott
LSA President 2021
7 February 2022