

LSAANZ CONFERENCE ONLINE 2020

Sessions

Covid-19 and Sites of Confinement: Legal Accountability in Immigration Detention and Aged Care

Speakers: Sanmati Verma (Clothier Anderson Immigration Lawyers), David Burke (Human Rights Law Centre), John Karantzis (Carbone Lawyers)

Discussants: Steven Caruana (Australia OPCAT Network), Claire Spivakovsky (University of Melbourne)

Panel facilitators: Claire Loughnan (University of Melbourne), Sara Dehm (University of Technology Sydney), Linda Steele (University of Technology Sydney)

Wednesday 2 December 2020

In this panel we explore the forms of litigation initiated in response to the harms posed to those in immigration detention centres (IDCs) and residential aged care facilities (RACFs) by government responses to the COVID-19 pandemic. This panel brings together lawyers who have initiated COVID-19 litigation in relation to either RACFs or IDCs, with scholars and advocates working across these fields.

Rather than allow the virus to 'overshadow' underlying factors which lead to greater risk, we explore how this risk is produced as an effect of the confinement undergone in two key sites: residential aged care facilities and immigration detention. While it might seem counterintuitive to bring together an analysis of IDCs with RACFs, both share particular conceptual, jurisdictional and regulatory similarities. Together with prisons, these sites are among the most risky places for people to be living during the pandemic. Yet the extent of planning to limit infection together with appropriate action to prevent exposure, have fallen far short of the standards enjoyed by the general public.

Nonetheless, legal responses are also gathering momentum to offer some opportunities for legal accountability. Our analysis of the litigation points to broader challenges and opportunities facing lawyers and legal scholars emerging from COVID-19 in terms of how the harms of confinement are articulated and contested, and how law can be further engaged to shift from a focus on care (or even survival) towards more systemic reforms, including deinstitutionalisation or abolition.

Direct link to download event:

<https://cloudstor.aarnet.edu.au/plus/s/DzsttCRDGUxIEXh/download>

The password for these recordings is **F#iSD#A3FWI***

Covid-19, Immigration and the Intensification of Borders

Chair: Anthea Vogl (UTS)

Speakers: Charlotte Bedford (Development Policy Centre, ANU), George Robertson (United Workers Union), Laurie Berg (UTS), Sara Dehm (UTS), Arash Bordbar (Asia Pacific Refugee Rights Network), Tina Hosseini (Iranian Women's Association)

Sponsored by UTS Law Migration and Labour Law Research Cluster

Wednesday 2 December 2020

This workshop brings together academics, union representatives and community organisations to discuss how government policies impacting migrants and refugees in Australia and New Zealand have been reconfigured during the pandemic. Six panellists will reflect on the effects of COVID-19 and whether greater territorial, social and legal exclusion have occurred in a number of immigration and social policy contexts, as well as community strategies of resistance to these policies.

In the first hour, each panellist will address three prompt-questions in the context of their work:

1. How have existing forms of exclusion of refugees or migrants intensified or manifested differently during COVID-19?
2. How has the government responded to and/or closed down alternative interventions which might have fostered greater inclusion?
3. What strategies for resistance have been deployed by migrant/refugee communities? What has been the impact of this resistance? What has worked, what hasn't and why?

Panellists will address issues including the exclusion of refugees and other temporary visa holders from financial support during COVID-19, refugee-led initiatives responding to the pandemic, immigration detention during COVID-19 and the impact of COVID-related policies on undocumented and seasonal workers in horticulture in Australia and New Zealand. A discussion will then follow with questions and contributions from all participants.

Linguistic Diversity as a Challenge for Legal Policy: Reflecting on a Pioneering Law and Language Thematic Issue of *Griffith Law Review*

Monday 30 November 2020

Speakers: Laura Smith-Khan and Alex Grey

On Monday 30 November, Laura Smith-Khan from the UTS Faculty of Law and Alexandra Grey (then at Sydney Law School and now also at UTS) chaired an engaging online session of the LSAANZ's 2020 conference. The theme was 'Linguistic Diversity as A Challenge for Legal Policy: Reflecting on A Pioneering Law and Language Thematic Issue of *Griffith Law Review*'.

This session brought together contributors to a forthcoming thematic issue of Griffith Law Review which Smith-Khan and Grey are guest editing, and which advocates for legal policy to better respond to linguistic diversity. The contributors are early career researchers from a diverse range of disciplinary and practice backgrounds. The session provided the opportunity to celebrate this milestone, to reflect on how each piece of work contributes to the issue, and to situate these interdisciplinary research contributions within the broader field of law and society research. Providing a welcome sense of community after a difficult year for academic and higher degree research students, we were able to remain online for an informal catch up with over a dozen conference attendees long after the session closed.

Drawing on this LSAANZ session, Smith-Khan and Grey have developed their editorial for the issue. Various contributions discussed in the LSAANZ session have now been published on the GLR website (links below) and will be assembled into a print issue when the remaining contributions to the thematic issue reach publication.

Research Articles:

Julian R. Murphy. [Expanding the law's vocabulary – Indigenous-language legislation and multilingual treaty interpretation](https://doi.org/10.1080/10383441.2021.1895469).
(<https://doi.org/10.1080/10383441.2021.1895469>)

Laura Smith-Khan. ['Common language' and proficiency tests: a critical examination of registration requirements for Australian registered migration agents](https://doi.org/10.1080/10383441.2021.1900031)
(<https://doi.org/10.1080/10383441.2021.1900031>)

Book reviews:

Ana Sofia Bruzon. [Shallow equality and symbolic jurisprudence in multilingual legal orders by Janny H. C. Leung, New York, NY, Oxford University Press, 2019, 272 pp., AUD\\$73.22 \(eBook\), ISBN 9780190930608, AUD\\$122.00 \(hardback\), ISBN 9780190210335](https://doi.org/10.1080/10383441.2021.1899885) (<https://doi.org/10.1080/10383441.2021.1899885>)

Gareth Lloyd. [Researching forensic linguistics: approaches and applications](https://doi.org/10.1080/10383441.2021.1899885)

by Georgina Heydon, Abingdon, Routledge, 2019, \$50.40 (eBook), \$231.00 (Hb), \$62.99 (Pb), ISBN 9780429290640 (eBook), ISBN 9781138575981 (Hb), ISBN 9781138575998 (Pb) (<https://doi.org/10.1080/10383441.2021.1899884>)

Join ANROWS and research partners for the launch of the research report: “No straight lines”: Self-represented litigants in family law proceedings involving allegations about family violence

Speakers: Dr Jane Wangmann, Dr Tracey Booth and Miranda Kaye (report authors), Dr Heather Nancarrow (CEO ANROWS), Angela Lynch AM (CEO Women’s Legal Service Queensland)

Friday 4 December 2020

Self-representation has been relatively common in family law proceedings for many years in Australia and other similar common law jurisdictions (for example, Canada and the UK). In the Family Court of Australia, the rate of self-representation at some stage during proceedings is around 30% overall, and is higher in those matters that proceed to hearing (Family Court of Australia, Annual Report 2018–19). At the same time, the extent of family violence in family law matters is also high (see Kaspiew et al, Court Outcomes Project. Australian Institute of Family Studies, 2015). The extent of self-representation and of family violence in family law matters suggests that both issues are likely to occur in the same proceedings, yet there has been little in-depth investigation to date into what happens when these issues intersect. This research report explores that exact issue: the challenges raised when family violence and self-representation co-occur in Australian family law proceedings.

The research is founded on extensive field work. It included interviews with self-represented litigants as well as with professionals who engage with SRLs (judicial officers, legal professionals and other professionals). It also incorporated court observations in the Family Court of Australia and Federal Court of Australia and examination of court files.

A number of key issues emerged from this fieldwork, which will be discussed at the launch. These include:

- The challenges SRLs face in obtaining ongoing legal advice.
- The ways in which an SRL’s capacity to present their case in the courtroom is impacted by their expectations of the process, their ability to prepare, and trauma caused by experiences of family violence.
- SRLs’ lack of awareness of the centrality of paperwork and negotiations in family law processes, and the inadequate support available to assist SRLs in these areas.
- The way in which the experience of violence was not only something SRL victims had to document in their paper work, but was also part of the ongoing context of their litigation.
- The experiences and impact of ongoing violence in the courtroom and court precinct particularly where many SRLs did not know what safety measures were available.

This event will launch the research report and also provide an overview of the key findings and themes of the research and the recommended ways forward.

For information about the report and where to obtain it:

<https://www.anrows.org.au/publication/no-straight-lines-self-represented-litigants-in-family-law-proceedings-involving-allegations-about-family-violence/>