
Dr Sabina Fernando

Email:prasaby@icloud.com**Mobile:** +61 434 434 320

Profile

Dr Fernando is a lawyer with over 25 years experience working in the digital economy policy space. She has directly contributed to developing policy, regulatory frameworks and representing Australia's interests in international treaty negotiations at the UN (ITU, WSIS, Internet Governance Forum), APEC and APT on varied related issues (eg: internet governance, cybersecurity, broadband policy).

Career summary:

After initially working in Geneva at the International Commission of Jurists, then the Law and Society Trust in Sri Lanka, Sabina joined the Australian government, Communication Portfolio in 2001.

Expertise:

- International treaty negotiations
- Drafting legislation and regulatory frameworks
- Subject specific interest areas: media regulation, spectrum, online regulation, space policy, cybersecurity, internet governance.

Education

- *Doctor of Philosophy (Law) (2004)*
Thesis Title: *The social and regulatory implications of satellite broadcasting in South Asia*. Faculty of Law University of Sydney, Australia
 - *Master of Laws (Honours) (1994)*
Thesis Title: *Marriage and Divorce and the customary laws of Sri Lanka. A comparative analysis*. Faculty of Law University of Sydney, Australia
 - *Bachelor of Laws (1991)*
London School of Economics and Political Science (LSE) London, UK
 - *Barrister, Inner Temple (19xxxxxx)*
Inner Temple, Inns of Court, London, UK
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Positions Held

- *Senior Research Fellow, LIRNEasia (A regional ICT policy and regulation think tank active across Asia (<http://www.lirneasia.net>)) (intermittently from 2004)*
 - researching issues on digital economy/telecommunication policy and the ICT industry; drafting model regulatory frameworks (eg: broadcasting model laws and codes of conduct); participating in training and capacity building activities in South Asia (eg: workshops on ICT/digital economy regulation, good governance and policy development);
- *Executive Level, Australian Public Service (APS) (2001- 2020)*
 - developing and implementing policy including through legislation, programs and consultancy arrangements on digital policy issues; representing Australia at international meetings and treaty negotiations (eg: UN International Telecommunications Union (ITU), APEC, Internet Governance Forum, Asia Pacific Telecommunity (APT)) and; managing Australia's member state contribution to the ITU that funds development projects in the Asia Pacific region.
- *Senior Lecturer in Law, Faculty of Law, University of Colombo, Sri Lanka (1996-1999)*
 - taught several subjects (eg: International Law, Conflicts of Law, Jurisprudence, Customary Laws, Contracts and Torts), student supervision and development of curricula and course materials with non English medium lecturers.
- *Program Officer, Law & Society Trust, (a not for profit organization engaged in human rights documentation, legal research and advocacy) Sri Lanka (1993–1995)*
 - Research on socioeconomic legal issues (eg: human rights, freedom of expression and environmental issues); liaising and negotiating project/research funding with donor agencies (eg: CIDA, SIDA, USAID, Asia Foundation), awareness raising campaigns (eg: on child labour and domestic violence), representing NGO sector at several conferences including the Vienna World Conference on Human Rights (1993) and its regional preparatory meeting.
- *Graduate Legal Intern/Assistant Legal Officer South Asia Desk, International Commission of Jurists, Geneva (1991)*
 - Evaluation of country reports on key issues (eg: child rights, trafficking of women, extra judicial killing of judges and lawyers), drafted and made ICJ statements and interventions to UN meetings (eg: UN Sub-

Commission on Human Rights, UN Working Group on Slavery and Illegal Trafficking and United Nations Conference on Environment and Development (UNCED)).

Additional Appointments

- Rapporteur to the Asia Pacific Telecommunity preparatory process for the World Telecommunication Development Conference (WTDC) 2010.
- Head of Delegation and Australian delegate to several multilateral treaty negotiations: the treaty level UN (ITU) Plenipotentiary Conference (PP-10), and preparatory meetings of the Asia Pacific Telecommunity (APT), the World Telecommunications Development Conference (WTDC 2008 and 2018) the APEC Telecommunications Working Group meeting and Ministerial meeting (APECTEL 51).

Consultancies, Consultations and Contracts

- *Ford Foundation with Telecommunications Regulatory Authority India and LIRNEasia*. Expert Forum on Broadband Policy and Regulation, New Delhi, India (March 2014).
- *LIRNEasia and MIDO (Myanmar ICT Development Organisation)*, Response to Myanmar's Electronic Transactions Act 2004. (November 2013).
- *Pacific ICT Regional Resource Centre*: Training Workshop on Regulation. Suva, Fiji (19-20 June 2013).
- *LIRNEasia*, established non profit research organization, including its legal incorporation and launch as part of the World Dialogue on Regulation Expert Forum. Mount Lavinia, Sri Lanka (September 2004).
- *Telecommunication Regulatory Commission of Sri Lanka*. Advised the Director General on media reforms and the use of telecommunications in emergency situations. Sri Lanka (1998-1999).
- *NGO consortium*. Legal challenge (fundamental Rights petition in the Supreme Court of Sri Lanka) to the Government's proposed Media Authority Bill. Drafted an alternative regulatory model (1993-1995).
- *Joint project between the Government of Sri Lanka and the World Bank, Environment and Natural Resource Division*, developed policy and model legislation on environment impact assessment procedures (March- June 1993).

Publications

Australia Industry Report 2016 – Chapter 6: Australian Business and Digital maturity
<https://publications.industry.gov.au/publications/australianindustryreport/assets/Aus>

[tralian-Industry-Report-2016.pdf](#) (January 2017, pp 88-97)

National Broadband Networks: What works and what doesn't? Competition and Regulation in Network Industries, Vol 16 (June 2015, No 1, pp 23-46)

Regulation and investment: Sri Lanka case study, including a pilot assessment of the Telecom Regulatory Environment. Sept 2004 in Stimulating investment in network development: Roles for Regulators, eds. AK Mahan and W.H. Melody, pp141-76. Monte Video: World Dialogue on Regulation;
<http://www.regulateonline.org/content/view/435/31/>

Why the Environment? Achievers (Journal of the National Development Bank Sri Lanka) Vol. 11 Number 111-June 1996

Review of the national communication policies and legal frameworks affecting broadcasting. AMICLIB 43569 30813 AMIC Seminar on Legal and Regulatory Aspects of Satellite Broadcasting, New Delhi, Oct 21-23, 1993 18p 34:621.371.36 (54)

Op-ed: Myanmar Electronic Transactions Act 2004: Cosmetic Amendments are not enough. November 2013, translated to Burmese and published in local newspapers. Published jointly by LIRNEasia and MIDO (Myanmar ICT Development Organisation)

Book chapters and reports:

Freedom of Expression and Media Freedom. Sri Lanka State of Human Rights Report 1997 - Published by the Law & Society Trust (pp 62-79)

Civil and Political Rights - Integrity of the Person. Sri Lanka State of Human Rights Report 1993 - Published by the Law & Society Trust (pp 11-33)

Report on the use of Telecommunication in Disaster and Emergency Situations in Sri Lanka (1999). Published by the Telecommunication Regulatory Commission, Sri Lanka

Academic Writing:

PhD thesis (University of Sydney): The social and regulatory implications of satellite broadcasting in South Asia. to the University of Sydney for the

Dissertations Masters in Law Honours program (University of Sydney)

- Regional Planning as practiced in NSW.
- Environmental Rights and the Search for a new Conscience.
- Marriage and the Customary Laws of Sri Lanka.

- Divorce and the Customary Laws of Sri Lanka -

Dissertation LLB degree (LSE): A Comparative Analysis of Environmental Issues (with Special focus on the environmental impact assessment procedure) - UK and Sri Lanka.

Conference Participation and Presentations

Multilateral treaty negotiations: Australian Government Delegate

World Telecommunication Development Conference (WTDC). Buenos Aires, Argentina 9-20 Oct 2017.

International Telecommunication Union (ITU) Council and Council Working Group meetings. Geneva, Switzerland 9-12 September 2017.

APEC Telecommunications and Working Group Meeting (TEL 51). Boracay Island, Philippines, 11-16 May 2015.

APEC Telecommunications and Working Group Ministerial Meeting (TELMIN 10). Kuala Lumpur, Malaysia, 26-31 March 2015.

International Telecommunication Union Plenipotentiary Conference (PP-10). Guadalajara, Mexico, Oct 4-22, 2010.

World Telecommunication Development Conference (WTDC). Hyderabad, India, 24 May- 4 June 2010.

Asia Pacific Telecommunity (APT) Preparatory Meetings for PP-10. Bangkok, Thailand 1-4 Dec 2009 and Cairns, Australia 22-26 June 2010.

Office Bearer for APT Preparatory Groups for the WTDC - Assistant Rapporteur and Rapporteur, Correspondence Group 2 Programs and Questions. Thailand 1-4 Dec 2009, 16-19 March 2011.

International Telecommunication Union (ITU)- Telecommunications Development Advisory Group Meeting Development Sector. Geneva, Switzerland 18-20 April 2007.

World Summit on the Information Society (WSIS) Action Line meetings (WSIS Forum) on Cybersecurity, Internet Governance, Developing an enabling environment, Building Confidence and Security in the Use of ICTS. Geneva, Switzerland 9-19 May 2006, 14-25 May 2007, 13-30 May 2008, 18-22 May 2009.

WSIS implementation meetings: Internet Governance Forum- Multi stakeholder Advisory group (MAG). Geneva, Switzerland 19 May, 2006.

UN Commission on Science and Technology for Development, Ninth session. Geneva Switzerland 18 May, 2006.

International Telecommunication Union (ITU) Study Group meetings - Development Sector. 9-12 September 2008.

Research/academic conferences

Expert Forum on Broadband Policy and Regulation, New Delhi, India (March 2014): Australia's National Broadband Network: Legislative Framework (Governance and Access Arrangements)

Pacific ICT Regional Resource Centre: Training Workshop 'Good Public Policy: Process and Evidence' Rohan Samarajiva and Sabina Fernando Suva, Fiji, 19-20 June 2013.

International Conference: 'LIRNEasia@5: Research →policy →knowledge-based economies'. Sri Lanka 9-11 December 2009.

CPR south4 conference: 'Speaking truth to power'. Sri Lanka, 5-8 December 2009.

CPRSouth3 conference: 'Transformation strategies for telecom operators'. School of Economics and Management, Beijing University of Posts and Telecommunications (BUPT). Beijing, China 5-7 Dec 2008.

CPRSouth1 inaugural conference: 'Research for improving ICT governance in the Asia Pacific'. Discussant on panel discussion: What goes through the tubes. National College of Public Administration and Governance (NCPAG), University of the Philippines. Manila. Philippines 19 -21 Jan 2007.

International conference: 'Asian Expert Forum on Regulation and Investment' World Dialogue on Regulation/ LIRNEasia inaugural conference. Sri Lanka Case study – Telecom Regulatory environment. Setting the stage for regional studies on telecom regulatory environment (TRE) and other indicators. Mount Lavinia, Sri Lanka. 17-18 September 2004.

Vienna Conference on Human rights 1993. Vienna 14-25 June 1993.

Regional Meeting for Asia of the World Conference on Human Rights. Bangkok, Thailand 29 March -2 April 1993.

Conference: 'Legal and Regulatory Aspects of Satellite Broadcasting'. Asian Media Information and Communication Centre (AMIC). New Delhi, India, 21-23 Oct 1993. UN Sub-Commission on Human Rights. Geneva, Switzerland 1991.

UN Working Group on Slavery and Illegal Trafficking. Geneva, Switzerland 1991.

UN Working Group on Indigenous Populations. Geneva, Switzerland 1991.

Third PrepCom meeting of the United Nations Conference on Environment and Development (UNCED). Geneva, Switzerland 1991.

Other

Language skills: English, Sinhalese, French (Premier Degree, Alliance Francaise (1985)).

Specialized Training courses on Strategic Management, Policy Development and Project Management, Financial Management, APS Values, Economics for Non Economists, Resilience training.

Associate of the Trinity College of London, School of Speech and Drama (ATCL) (Teaching Diploma in Speech and Drama).

Referees

To be provided on request