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Who is most in need? The moral and legal issues arising from refugee protection in Australia
Dr Maria O’Sullivan
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International interest in our programs continues to grow. We have recently hosted delegates and dignitaries from Indonesia, Malaysia, and China and welcomed visiting scholars from the United Kingdom under our Faculty’s Monash-Warwick scheme and a PhD candidate from Lao PDR.

In the alumni section of this edition of Law Matters, we feature a number of alumni ‘Q & A’ interviews, as well as profiles of the class of 1995. We are particularly proud of all of our Alumni and I’d like to take this opportunity to congratulate Chief Justice Marilyn Warren AC, who recently celebrated her ten-year anniversary as Chief Justice of the Supreme Court of Victoria.

Next year promises to be a momentous one in our history. We have significant celebratory events planned throughout the year and hope that you will find time to join us to commemorate our 50 years at our Gala Dinner with your fellow Alumni or at one of the many other planned events. Further information will of course be available on our website and new e-newsletter in due course.

May I take this opportunity to wish you all a happy and safe holiday period and extend my best wishes for the New Year ahead.

Professor Bryan Horrigan
Dean, Monash Faculty of Law

Welcome to the final edition of Law Matters for 2013. It’s been a remarkable year for the students, staff, alumni, and supporters who together comprise the community that is the Faculty of Law at Monash University. We’d like to share some of our success stories with you through this final publication for 2013, as we look towards our 50th anniversary in 2014.

As we approach our 50th anniversary milestone, it’s incredibly satisfying as Dean to be able to record the following benchmarks of how successful our legal education programs have been over this last half century. Monash Law Alumni have broken onto many of today’s top firms, corporate counsel, government officials, and community leaders did so too.

Our students compare and compete with the best in the world – and often beat them! We are the only law school in the world this year to have in its student body both the students who reached the grand final of one of the largest and most prestigious international mooting competitions (ie the Vis Moot in Vienna) and the students who are the current World Universities Debating Champions. One recent alumnus (Kiran Iyer) will be the associate to the Chief Justice of the High Court of Australia during our 50th anniversary year, and others who have been associates for judges at all state and federal levels have offered guidance to the next generation of law students.

One of our final-year JD students (Kylie Pearce) has won Victoria’s prestigious Paul Baker Award. Our current students and recent alumni are strongly represented in the cohort benefiting from Monash University’s inaugural ‘John Bertrand Leadership Series’ and the launch of ‘African Voice’. This and other student successes are covered in each edition of Law Matters this year.

Our newly agreed pathway for Monash JD students to Oxford University is an innovative international opportunity of which we are particularly proud. The agreement between ourselves and Oxford enables our students to study postgraduate courses at Oxford if they meet Oxford’s high admission standards, and to receive credit for their Oxford studies towards their Monash JD degree. We hope soon to see some of our students undertaking study at another of the world’s best universities.

The Faculty also continues to attract academic teaching and research staff of the highest calibre, so that we can continue to provide globally relevant legal education to the highest standard. Our current academic staff profile includes a winner of the Prime Minister’s Award for Teaching, a new Future Fellow, former international law firm consultants, ex-judges, numerous Australian Research Council (ARC) grant-holders, and some of the leading scholars whose publications are read and used by all arms of the legal profession.

Some of the fruits of their work appear in this edition of Law Matters – from expert commentary on topical matters of international, public, and private law to vibrant scholarly dialogue, community advocacy, and public service through academic and student conferences, seminars, and other initiatives.

“The Faculty of Law at Monash University is a community of academic and professional staff, students and alumni, and supporters and partners who are all committed to making a difference to the human condition through law and social justice locally, nationally, and globally.”

Professor Bryan Horrigan
Dean, Faculty of Law
Celebrating 50 years!

In 1964, the first cohort of students enrolled in the Faculty of Law. It was remarkable that they were there at all, as the Faculty did not formally exist; it had no building and only four staff. The law course had not been planned, let alone approved, by the Council of Legal Education! As the inaugural dean, Sir David Derham, told the first students, it was ‘an act of faith’ for them to come to Monash.

Their faith was fully justified. In little more than a decade, Monash established a reputation for having the best teaching and the most exciting and innovative curriculum as evidenced by the high calibre of alumni we produce. Among many other ‘firsts’, Monash established Australia’s first clinical program and in 1970 Professor Endi Campbell became the first female Dean of an Australian law school. By the late 1970s, the Faculty of Law had staked a legitimate claim to be the leading law school in Australia and it had become a model copied by new law schools around the country.

Celebrating 50 Years

The Faculty of Law will celebrate 50 years in 2014. Many events will be held to celebrate this milestone, including the Gala Dinner on Saturday 28th June, 2014 at the Grand Hyatt in Melbourne (save the date).

Further event information will be circulated in the coming months and the Faculty of Law website will have regular updates. www.law.monash.edu

The following events have been confirmed:

**Tuesday 25th March** – 11th Fiat Justitia Lecture

**Saturday 28th June** – Gala Dinner to be held at the Grand Hyatt

**Monday 15th September** – 20th Lucinda Lecture

For any general enquiries please contact law-marketing@monash.edu

Awards

The Faculty of Law would like to congratulate law alumnus, Mr David Galbally AM QC (BJuris 1972, LLB 1974) who was appointed a Member of the Order for Australia (AM) at the 2013 Queen’s Birthday Honours Ceremony. Mr Galbally received the appointment ‘for significant service to the community, particularly through leadership in health organisations and the provision of pro bono legal services’.

A signed copy of Mr Galbally’s recent book titled ‘Galbally’s Lore’, was obtained by the Dean at a book launch held earlier this year and is stored in the Faculty of Law library collection.

First student to win Paul Baker Award

“A life spent in different cultures has led a Monash student to her recent win of the prestigious Paul Baker Award.

Final year Juris Doctor student, Kylie Pearce, has devoted much of her spare time to promoting human rights, both in Australia and overseas and is now the first student to win the Law Institute of Victoria’s Paul Baker Award.

Kyle, who moved briefly to Malaysia with her family when she was 13, said her passion for human rights was partially influenced by her experiences there, which exposed her to cultural, religious and social issues quite different to her childhood in Melbourne.

“...I realised I was lucky to have the opportunities and lifestyle that I had with my family in Melbourne and I wanted to learn as much as I could so that I could make an impact and empower others to realise their basic human rights,” Kyle said.

Normally awarded to law practitioners, Kylie is the first student to win the award, which recognises significant achievement or outstanding contribution in the field of administrative or human rights law.

“It was an honour to be nominated by the Castan Centre and I feel very fortunate to have won this award,” Kylie said.

Manager of the Castan Centre for Human Rights Law, Marius Smith, nominated Kylie for the award for the exceptional work she did during her internship at the Human Rights Advocacy Centre (HRAC) in Accra, Ghana, as part of the Centre’s Global Internship Program.

“It is very impressive that she set up a non-government organisation on her return to Australia that is not only guided by the community she worked in, but is also self-sustaining,” Mr Smith said.

“We were really thrilled for Kylie when we learned that she won the award. She’s had such an outstanding career, despite not yet having finished her degree and she is undoubtedly one of the most accomplished people to complete the program.”

During Kylie’s internship at HRAC, which is dedicated to advancing human rights in Ghana, she worked on a number of projects including drafting the Universal Periodic Review (UPR) submission to the UN Human Rights Council as a joint submission with Amnesty International Ghana. She coordinated a team to research human rights issues for the UPR submission, which included issues around commercial sex workers, refugee rights, gender-based violence, lesbian, gay, bisexual, transsexual and intersex rights, mental health and prayer camps, and the death penalty.

Kylie also conducted a fact-finding mission to research recent human rights violations related to unannounced demolitions by the Ghana Police Force, and drafted a report on forced evictions in Ghana.

In Australia, her community involvement has included voluntary work with the Asylum Seeker Resource Centre, the Castan Centre (as an in-house intern), the Public Interest Law Clearing House, the Red Cross, the Adult Multicultural Education Service and, more recently, PLAN International and Amnesty International.

Kylie will pursue further studies at the Geneva Graduate Institute, studying a Master of Laws in International Humanitarian Law and Human Rights. She plans to return to Australia to commence a graduate position in a law firm, where she hopes to combine private practice with pro bono work.

Queen’s Birthday Honours 2013

The Faculty of Law would like to congratulate law alumnus, Mr David Galbally AM QC (BJuris 1972, LLB 1974) who was appointed a Member of the Order for Australia (AM) at the 2013 Queen’s Birthday Honours Ceremony. Mr Galbally received the appointment ‘for significant service to the community, particularly through leadership in health organisations and the provision of pro bono legal services’.

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Diary dates: 2014

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Distinguished Alumni Professional Achievement Award

Professor Tony D’Aloisio AM (BA 1971, LLB(Hons) 1973) was awarded the Monash University Distinguished Alumni Professional Achievement Award. Professor D’Aloisio has shown exceptional vision and leadership and made a significant contribution to business policy and regulation in Australia.

He began his career as a barrister and solicitor and was chief executive partner at Mallesons Stephen Jaques between 1992 and 2004, a company he joined in 1977 as a commercial lawyer.

His principal areas of practise were mergers and acquisitions, taxation and restrictive trade practices, and international trade and investment.

In addition to practising law, Professor D’Aloisio held a number of management and business positions within Mallesons – roles that involved extensive assessment of legal markets in Hong Kong and China, Thailand, Taiwan, Indonesia, Singapore, Malaysia, the US and the UK.

Professor D’Aloisio was named Managing Partner of the Year in 2001 and 2002 at the Australian Law Awards. He also received the Australian Government Centenary Medal in 2000 for services to law and taxation.

In 2004 Professor D’Aloisio left the law to take the helm of the Australian Stock Exchange (ASX). He lead ASX through one of its most significant development phases, in particular its merger with the Sydney Futures Exchange.

In late 2006 Professor D’Aloisio was appointed commissioner for the Australian Securities and Investments Commission (ASIC) and became chairman in early 2007.

During his four years at ASIC he restructured its operations, navigated the impact of the global financial crisis, instigated numerous high profile court cases, took over market surveillance from the Australian Securities Commission and become the national regulator for consumer credit and finance broking.

In 2012 he was recognised for his extensive achievements with a Member of the Order of Australia.

Professor D’Aloisio is currently president of the Winemakers’ Federation of Australia and a director of Oakridge Winery. He is an active supporter of Monash University through his role on the Monash University Medical Foundation board.

Professor D’Aloisio is also a Monash University Vice-Chancellor’s Professorial Fellow assisting with the development of a specialist business think tank, and a member of the Steering Group for the Monash Business Policy Forum, which also includes our Dean, Professor Bryan Horrigan. He has particular interests in He has a particular interest in advancing the health of Indigenous Australians and has supported a number of the University’s initiatives in this area.

Lawyers Weekly Australian Law Awards

Congratulations to Ms Janet Tan, a final year Masters of Laws (Juris Doctor) student, who was a finalist in the Lawyers Weekly Australian Law Awards in the Law Student Award category.

Ms Tan is currently working as a paralegal at the Law Institute of Victoria (LIV). She is a mentor in the LSS Mentoring Program at Monash University, and a former intern and employee at the North Melbourne Legal Service, and enjoys blogging for Survive Law.

The Lawyers Weekly Law Student Award aims to recognise academic achievements, relevant work experience, extracurricular activities and contribution to university life.

Women in Law Awards

A recent event co-sponsored by the Faculty of Law celebrated high-achieving women in the legal profession. The Lawyers Weekly ‘Women in Law Awards’, held at the Melbourne Sofitel on 18 October recognised and rewarded women who have challenged, influenced or changed the practice of law in Australia.

The Faculty of Law sponsored the Future Star Award, which was awarded to Minter Ellison Associate Vanessa Warburton, who was selected on the basis of her demonstrated commitment “to making a significant contribution to the legal profession and the wider community”.

The prize winners included Monash JD student Roberta Foster, who won the Forensic Law Student Award. Roberta, who was nominated by Justitia Lawyers & Consultants, where she has worked as a legal research assistant since 2011, was described by the judges as having “a keen awareness of the potential she has to make a difference and has demonstrated a determination to achieve her goals through hard work and active learning”.

A key theme of the award night was the need to boost the number of women occupying senior roles within the profession and the important role which women themselves can play in tackling entrenched discrimination.

Roberta Foster and Paul Westwood OAM, at the Lawyers Weekly Women in Law Awards 2013 ceremony in Melbourne
Monash Alumni dominate senior positions in the Judiciary

Currently the Faculty of Law has alumni in nearly every senior judicial position in Victoria, further cementing the solid legal education provided at Monash University over 50 years. The most recent Federal Court appointments in Melbourne are all Monash alumni, The Honourable Justice Tony Pagone, The Honourable Justice Jennifer Davies and Ms Debbie Mortimer SC. The majority of newly appointed Senior Counsel were also Monash Law alumni and were appointed by alumna Chief Justice Marilyn Warren AC.

We are extremely proud of our alumni, and would like to congratulate all of them on their appointments. Further, we would also like to congratulate Chief Justice Marilyn Warren AC who celebrated her 10 year anniversary as Chief Justice of the Supreme Court of Victoria.

New appointments:

Mr Kevin Zervas (BSc 1975, LLB 1977) Appointed to the High Court of Hong Kong
Mr David Beach (BSc 1980, LLB 1982) Appointed to the Victorian Court of Appeal
Jennifer Davies (BJuris, LLB 1978) Appointed to the Federal Court of Australia
Debbie Mortimer (BJuris 1985, LLB(Hons) 1987) Appointed to the Federal Court of Australia
Tony Pagone (BA 1976, LLB 1979, DipEd 1977) Appointed to the Federal Court of Australia
Joanne Stewart (BA 1989, LLB 1989) Appointed to the Federal Court of Australia
Christine Thornton (BA 1976, LLB 1978) Appointed to the Family Court of Australia
Sharon Johns (BA 1989, LLB 1991) Appointed to the Family Court of Australia
James Elliott (BA 1985, LLB(Hons) 1987) Appointed to the Supreme Court of Victoria
Ian Alger (LLB(Hons) 1995) Appointed to Magistrates’ Court of Victoria
Roisin Annesley (BA 1991, LLB 1993) Appointed to Senior Counsel
Richard Attiwill (BA 1992, LLB(Hons) 1992) Appointed to Senior Counsel
Philip Corbett (BA 1986, LLB 1988) Appointed to Senior Counsel
George Georgiou (BEC 1985, LLB 1985) Appointed to Senior Counsel
Diana Harding (BEC 1984, LLB 1986, LLM 1995) Appointed to Senior Counsel
Gregory Harris (BEC 1984, LLB 1989, LLM 1993) Appointed to Senior Counsel

The Faculty of Law welcomes Dr Genevieve Grant

The Faculty of Law would like to welcome Dr Genevieve Grant who commenced in July 2013. Dr Grant’s research interests include injury compensation, dispute resolution, corporate law and empirical legal research. Her research partners have included the Australian Centre for Posttraumatic Mental Health, the Transport Accident Commission, WorkSafe Victoria and the Institute for Safety, Compensation and Recovery Research.

Genevieve has a PhD in public health and law from The University of Melbourne.

Before joining Monash, she worked as a Research Fellow in the Melbourne School of Population and Global Health, and as a Senior Fellow in the Melbourne Law School. Genevieve’s background also includes practice as a personal injury lawyer, and roles in court administration and legal policy development in government.

Genevieve will be teaching Advanced Corporations Law in the JD program in Trimester 3, 2013.

The Honourable Peter Gray appointed Adjunct Professor

The Faculty of Law is proud to announce that The Honourable Peter Gray was appointed Adjunct Professor, as of 1 July 2013.

The Honourable Peter Gray retired in May 2013 from his illustrious career as a Justice of the Federal Court of Australia for 29 years. He practised at the Victorian Bar from September 1972 to May 1984. He has held the following other positions: Deputy President of the National Native Title Tribunal, Judge of the Industrial Relations Court of Australia, Aboriginal Land Commissioner and Presidential Member of the (federal) Administrative Appeals Tribunal. His many honorary appointments include: Member of the LAWASIA Standing Committee on Labour Law, Member of the Editorial Board of the Australian Journal of labour Law and Member of the Australasian Institute of Judicial Administration Indigenous Justice Committee.

We extend a warm welcome to The Honourable Peter Gray.

University of Marburg Awards Honorary Professorship

Associate Professor Greg Taylor, received a prestigious honorary Professorship at the University of Marburg, Germany, for his involvement in the Marburg Faculty’s teaching program, ‘Introduction to the Common Law’ course.

‘Introduction to the Common Law’ gives University of Marburg student’s insight into what the common law is about and enables them to fulfil the requirement that all German law students must, before graduating, pass a course taught in a foreign language. This program has been running for approximately ten years.
Prominent Visitors

Venture Capital Committee of Innovation Australia visit the Faculty of Law

In late September the Faculty of Law hosted a visit by the Venture Capital Committee of Innovation Australia. Innovation Australia is an independent statutory body established to help administer the Australian Government’s innovation programs. The Venture Capital Committee assists Innovation Australia in relation to the Government’s venture capital programs through the provision of expert knowledge in the field.

Professor Bryan Horrigan, Dean of the Faculty of Law, welcomed the Committee to Monash on the evening of 26 September 2013. The welcome session was attended by Provost and Senior Vice-President, Professor Edwina Cornish, as well as Professor Frieder Seible, Dean of the Faculties of Engineering and Information Technology, and Professor Scott O’Neill, Dean of the Faculty of Science. The session was also attended by a number of other University staff.

On the morning of 27 September, the Committee held their regular meeting in the New Horizons building at Clayton Campus. In the afternoon, the Committee again engaged with Monash staff. They were taken on a brief tour of the campus, and were able to see the newly completed CAVE 2 (a cutting-edge automatic virtual environment).

In addition, the Faculty of Law’s ‘Designing World-Class Venture Capital Programs’ team of researchers had the opportunity to discuss their ARC Discovery project with members of the Committee and gain valuable insights from them. Members of the grant team who were present included Professor Stephen Barkoczy (also a member of the Venture Capital Committee), Professor Bryan Horrigan, Professor Ann Monotti and Dr Colin Campbell.

Indonesian visit to the Family Court and Monash Oakleigh Legal Service

The Family Law Assistance Program (FLAP) is part of the Monash Oakleigh Legal Service (MOLS), which allows students to undertake an elective involving practical legal education. FLAP is a Commonwealth Government funded program, providing assistance to clients with family law problems and giving law students the opportunity to gain practical experience in this area of the law.

MOLS was recently visited by delegates from Indonesia, which came about in an unusual way; In 2011, the Family Law Assistance Program was contacted by Judge (then Federal Magistrate) McGuire and Justice Benjamin of the Family Court to speak to judicial and political visitors from Zimbabwe. Monash was invited to bring a number of students into the chambers of the Chief Justice of the Family Court, which saw 4 students and Malcolm Bennett, Coordinator for FLAP and MOLS, attend. The initial meeting was extremely successful; so much so that whilst the session was supposed to finish at 11.45am, it continued until 1.15pm. (As a point of interest, Malcolm had brought an international student to the meeting who came from Kenya. When he offered to drive her back to Clayton, she told him that she had organised to take three of the female judges shopping).

Earlier this year, a second meeting with Zimbabwe visitors occurred at the Dandenong Registry of the Family Court. At this meeting, Malcolm met Cate Sumner, Lead Advisor for Legal Identity & Access to Courts at Australian Aid. After the meeting, Cate Sumner and Leisha Lister, the Executive Advisor in the Family Court, contacted Malcolm and explained that a group of Indonesian delegates were to visit Australia in the first week of July. The group consisted of Law Professors and Chief Justices of Family Courts, who were visiting Australia to study our family law system. Half of the delegate visitors attended the Dandenong Registry when FLAP conducted a duty lawyer service, and were able to see first-hand the work the students were involved with in court.

The visitors also attended MOLS and observed the students interviewing clients and discussing cases with Malcolm. They received information about the running of the FLAP teaching programs and the documentation created for the purpose.

Professor Bryan Horrigan, Professor Marilyn Pittard and Professor The Honourable Nahum Mushin met the delegation. Professor Mushin renewed acquaintances with members of the Indonesian judiciary he had met whilst he was a Justice of the Family Court.
Prominent Visitors

Former Federal Attorney-General visit

Former Federal Attorney-General, The Honourable Mark Dreyfus QC, attended Springvale Monash Legal Service with Professor Bryan Horrigan and Alan Griffin, Federal Member for Bruce.

The former Attorney-General announced an additional $400,000 of Commonwealth Government funding for Springvale Monash Legal Service (‘SMLS’). The service director, Helen Yandell, says the funding will be used to diversify services into the areas of immigration, discrimination and mental health law.

Following the announcement, the former Attorney-General interacted with students and shared his experiences in the law. In turn, the students provided the former Attorney-General with accounts of their studies in the Faculty of Law and the work they have undertaken at SMLS.

The former Attorney-General appeared pleased to see first-hand the potential benefit that the increased funds would achieve. Students and staff alike were impressed to see such a high profile figure promote a grassroots approach to community and legal development. The former Attorney-General’s visit had a lasting impact on students, many of whom found him inspirational.

Malaysian Human Rights Commission visit

Each year, the Faculty of Law organises an international law program for undergraduate and postgraduate students at Monash University’s Sunway campus, located on the outskirts of Kuala Lumpur. As part of their studies in this year’s program, students in Comparative Criminal Law were privileged to hear a guest lecture from Professor Datuk Dr Khaw Lake Tee, the Vice-Chair of Suhakam, the Malaysian Human Rights Commission, who is also a former Dean of Law at the University of Malaya.

Datuk Khaw – the title ‘Datuk’ is roughly the equivalent of a Knighthood – is an alumna of the Faculty of Law, having graduated with an LLM. in 1982. She spoke to the students about the work of the Human Rights Commission in general, with a particular focus on criminal law. Freedom of speech and of assembly and preventive detention are three areas in which the Human Rights Commission has worked to ensure even greater respect for human rights in the criminal law of Malaysia. The students were very appreciative of the insights Datuk Khaw was able to give into the work of Suhakam and the state of human rights in Malaysia.

The Monash Law Malaysia Program brings together staff and students from international and local partner universities, including the University of Malaya (Malaysia), the University of Passau (Germany), University of Paris-Sud XI and Osgoode Hall Law School, Toronto. In this unique educational environment, students can choose from a range of comparative and cross-jurisdictional law subjects, such as Issues in Medical Ethics and Law, International Litigation and Arbitration, Comparative Constitutions and Rights, and Current Issues in Corporate Governance. In small classes, taught by academics from the Faculty of Law and its partners, students learn to question the accepted wisdom of their domestic law and gain exposure to foreign legal cultures. A bonus of the Law Malaysia Program is its flexibility, which allows students to combine study with travel, and to experience in their spare time the diverse attractions of Malaysia and the South-East Asian region.

The Monash Law Malaysia Program, convened by Dr Normann Witzleb, also offers a range of co-curricular activities. This year, they included, apart from Datuk Khaw’s lecture, a visit to the Securities Commission of Malaysia, a guest lecture by Ms Lya Rahman of the Minority Shareholder Watchdog Group, a visit to the Kuala Lumpur Regional Centre for Arbitration and a guided tour of the Palace of Justice in Putrajaya, Malaysia.

Hainan Province delegation visit to the Faculty of Law

A delegation of 18 public prosecutors from the Hainan Province in China visited the Monash University Law Chambers on their Australian tour to learn more about the criminal justice and court system in Victoria. Mr Andrew Baker, Monash Law JD student working for ATEN, formally introduced the leader of the delegation, Mr Peng Zhongxue, Deputy Chief Prosecutor, Hainan Provincial People’s Procuratorate, and the other delegates.

Hosting the Chambers visit in September 2013, Associate Dean International Professor Marilyn Pittard gave a welcome talk to the delegates and Monash law lecturer Jason Harkess made a presentation on Australian criminal law and justice.
One of the key problems at the heart of refugee protection today is one of supply and demand. On one hand, there are large numbers of refugees attempting to seek asylum. On the other hand, there is insufficient political will in many asylum-host states to receive refugees in their territories. Recent figures indicate there are 15.4 million refugees internationally. A proportion of these attempts to come to Australia to seek refuge – either by requesting a resettlement place via UNHCR, or by arriving directly in our territory (by boat or plane).

Within this context, the numbers and mode of arrival by refugees has become a hotly-contested debate in Australia. In recent years, and particularly in the lead-up to the recent election, asylum-seekers have been portrayed as ‘economic migrants’, ‘illegals’ and ‘queue jumpers’. Such discourse has greatly influenced the legal response to refugee flows in Australia, which is centred on deterring boat arrivals.

It is widely-recognised that governments are permitted to enforce border controls as part of the principle of state sovereignty. However, border security is increasingly being emphasised as the overriding factor in refugee policy and often overshadows other important obligations owed under international law – such as those in the UN Refugee Convention. It also raises the question of our broader humanitarian obligation to assist those in need. In this light, is Australia’s penalisation of boat arrivals morally and legally valid?

Australia’s emphasis on resettlement

In discussing Australian refugee law and policy it is necessary to understand the clear demarcation made between ‘resettlement’ and ‘onshore’ arrivals. Under the resettlement program, Australia sets a yearly quota for receiving refugees directly from source countries (such as those in Africa and South-East Asia). These may be refugees who live in camps or in urban locations. These are usually persons who have been assessed to be refugees by UNHCR. However, refugees can also ‘self-refer’ by applying directly to the Australian embassy in the country to which they flee. Under both referral procedures, Australian authorities make a decision as to which refugees will be granted a resettlement visa. This decision is based on, amongst other things, applicable national priorities and the ability of the applicant to settle into Australian society. Those granted a resettlement visa are given associated rights, including the right to sponsor family members to come to Australia.

Boat arrivals

In contrast, those asylum-seekers who seek asylum in Australia – by arriving in our territory by plane or boat – are subject to a distinct set of laws and procedures. And within this category, there is a demarcation between those who arrive with a visa (usually by plane) and those without a visa (usually by boat). Those refugees who are able to obtain a visa to come to Australia and are able to therefore obtain access to plane travel can land in Australia ‘lawfully’. Such persons are treated advantageously in that they can, upon arrival, apply for a refugee visa and obtain the protections provided under Australian migration law, including procedural fairness and access to merits and judicial review.

With the election of the Coalition Government to power, it appears this deterrent approach to refugees will continue and, in some respects, increase. The Coalition plans to reintroduce Temporary Protection Visas – a visa regime which was widely-condemned as psychologically-damaging to refugees. Additionally, as part of its ‘Operation Sovereign Borders’ policy, the new Government will use the Australian Navy to intercept and return asylum-seeker boats to Indonesia where ‘safe to do so.’

Deciding who should be prioritised – Defining ‘Need’

The above discussion illustrates that those asylum-seekers who arrive by boat are disadvantaged and penalised under Australian law. Successive governments have emphasised resettlement as the preferred means of protecting refugees most ‘in need’ of asylum. It is often said that there is a resettlement ‘queue’ which boat arrivals are seeking to evade and that they are taking places away from ‘genuine’ refugees in overseas camps. But this raises a fundamental moral and legal question: are those waiting in camps necessarily the refugees who are most in need? It may be the case that these refugees have been waiting a number of years for a resettlement place, but is waiting time the only barometer of need? What about the Afghan refugee living in Indonesia who may have resided there for many years awaiting a solution to his plight. He may live a precarious existence in Indonesia and be fearful of being returned to a risk of persecution or other serious harm in Afghanistan. If he decides he must come to Australia by boat, is he by making this choice less deserving of Australia’s protection than others?

Some philosophers have argued that a country’s moral obligations towards asylum-seekers who arrive by boat is actually greater than that to refugees in camps who apply for resettlement. It is argued that those in camps have in fact found a level of protection in a country of first asylum. This matter is obviously complex and it is widely-recognised that life in refugee camps is problematic in many respects. However, in terms of ‘need’, one could argue that an Afghan refugee residing in Indonesia (which is not a party to the Refugee Convention) and who pays for voyage to Australia, does not necessarily have less need for protection. Indeed, such persons may in some cases be at greater risk of return to their country of origin than those in designated, UNHCR-operated refugee camps. Another issue is that many would argue that it is morally unacceptable to encourage people to risk their lives on dangerous boat voyages to Australia. However, this matter could quite easily be addressed by granting short-term entry permits to asylum-seekers in Indonesia to travel lawfully and safely to Australia. It is due to the value placed on deterrence that Australian governments have not adopted that procedure.
In addition to moral questions, it is clear that Australia’s primary legal obligation under the UN Refugee Convention is to protect refugees who arrive in our territory seeking asylum. In this respect our resettlement program, whilst laudable, should not be used to downplay our very real obligations under international law to also deal appropriately and legally with boat arrivals.

Conclusions
The large numbers of refugees in today’s world pose difficult legal and moral challenges to many countries, including Australia. One of the most fundamental questions Australia must address is how to properly balance the desire to offer direct protection to refugees via resettlement, with the moral and legal obligation to give protection and assistance to those refugees who arrive by boat. Whilst we cannot give refugee status to all those who seek it of us, we should aim as a wealthy, humanitarian country to stop punishing those asylum-seekers who make the choice to come to our shores seeking protection by boat.

“One of the most fundamental questions Australia must address is how to properly balance the desire to offer direct protection to refugees via resettlement, with the moral and legal obligation to give protection and assistance to those refugees who arrive by boat.”
Prosecuting Cartels

Associate Professor John Duns
(BEC, LLB(Hons), LLM, PhD)

Criminalising cartel conduct

When the cartel provisions of the Competition and Consumer Act 2010 (Cth) came into force, in July 2009, the accompanying fanfare centred on the penalty regime. Indeed, the provisions themselves were among broadly similar lines to the previous prohibition against anti-competitive agreements, the latter in fact still co-existing (at times awkwardly) with the newer provisions. The key reform was the introduction of criminal sanctions. The civil penalties attaching to a breach of both the cartel and anti-competitive provisions are impressive in their own right – a corporation faces a financial penalty of either $10m, 3 times the benefit obtained from the conduct or 10% of its (and any related corporations’) annual turnover, whichever is greatest. But as stated earlier this year by Rod Sims, Chairman of the Australian Competition and Consumer Commission (ACCC), “Whereas pecuniary penalties may be regarded by some as merely a business cost, the risk of imprisonment alters the equation completely.” Individuals involved in a cartel now face not only a financial penalty of $500,000 but also up to 10 years jail.

The ACCC has consistently maintained that the enforcement of the cartel and anti-competitive agreement provisions receives its highest priority. Under its recently announced Compliance and Enforcement Policy it states that “There are some forms of conduct that are so detrimental to consumer welfare and the competitive process that the ACCC will always assess them as a priority. These include cartel conduct and anti-competitive agreements.”

The reality, however, is that to date there have been no criminal prosecutions taken under the cartel provisions and very few civil actions. It is true that the difficulties in bringing a prosecution, even where only civil remedies are sought, are imposing. Obtaining evidence of what is generally clandestine conduct presents challenges. If criminal sanctions are sought, these problems are magnified. If nothing else, prosecutions take time and this certainly provides one explanation for the lack of proceedings under the new provisions – much of the conduct being examined by the ACCC still occurred before the provisions came into effect. It is also true that prosecutions are only one way of dealing with the cartel problem. Education is another and in this regard it is interesting to see the recent dramatized short film made by the ACCC, ‘The Marker’, which highlights the risks of cartel conduct. This film, available on the ACCC’s website, has been sent to the top 300 ASX listed companies.

Nevertheless, court proceedings play a key role here. They do so partly as a means of clarifying some of the uncertainties around the meaning of the complex provisions but, perhaps more fundamentally, they can establish the nature and scope of the new penalty regime. In ACCC v Bridgestone Corporation [2010] FCA 584 Finkelstein J lamented, in the context of anti-competitive agreements, that “Australian penalties are very much on the low side” and that “Penalties in Australia are still something of a light touch”. It is important to know whether the introduction of the cartel laws has changed this.

Emerging case law

Recent heightened cartel activity by the ACCC suggests that a new body of case law may indeed be about to emerge. Some of these prosecutions have been the result of international co-operation among regulators, such as the successful prosecutions against members of an international air freight cartel. To date 13 airlines have been ordered to pay civil penalties totaling almost $100m, with 2 cases still pending. Others prosecutions have been local. While the decisions to date still largely deal with conduct that occurred before the current cartel provisions came into force, and so are confined to civil penalties, decisions are now also starting to emerge under the new cartel provisions. The ACCC has also indicated that it will seek to test out the criminal sanctions when the ‘right case’ comes along.

The source of these investigations has been the ACCC’s immunity policy (which is currently under review). Under this policy a cartel member may obtain immunity from prosecution if they provide information to the ACCC. This is subject to stringent conditions, including that the cartel member must not be a leader of the cartel and must be the first to come forward. The ACCC has received over 100 approaches under this policy and it has been the leading source of information for investigations and prosecutions.

The ACCC’s most recent prosecutions of cartels, both large and small, local and international, are important. They give reason to believe that a new body of case law on cartels may shortly emerge that will hopefully clarify some of the questions surrounding the cartel provisions and provide guidance on the likely approach to penalties under the new regime.

Associate Professor John Duns

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1 The ACCC brings civil proceedings and the DPP criminal. Private actions are rare, primarily because the impact of cartel activity is generally diffuse and so the incentive to bring a private action is often weak. But there have been some private actions, including some coat-tail class actions by those affected by the cartel eg a successful action against Visy and a current class action in relation to the air freight cartel. For a recent private decision under the cartel provisions, see Norcast Sarl v Bradken Limited (No 2) [2013] FCA 235, currently subject to appeal.

2 The title of the film refers to the ability of a cartel whistleblower to claim immunity from prosecution. As explained below, the immunity is given only to the first party to come forward. Parties are able to lodge a ‘marker’ with the ACCC to indicate precisely when they came forward.
Building renovations

The David Derham School of Law Building underwent renovations this year to revamp the entrance, basement and lift. The works have brightened both the exterior and interior and made the entrance a welcoming and appealing space for the building inhabitants and visitors.

Pathway for Monash JD students to Oxford Postgraduate degrees

The Monash and Oxford Faculties of Law have entered into an agreement to provide a pathway enabling early entry for Master of Laws (Juris Doctor) students to study postgraduate courses at Oxford – the Bachelor of Civil Law degree (BCL) or the Masters in Law and Finance.

Monash JD students who are accepted into the BCL or Masters in Law and Finance programs will commence studies in their final semester of the JD degree, undertake an academic year of postgraduate study at Oxford and earn credit towards the JD for the semester completed at Oxford, to enable completion of both degrees. In the equivalent of three and half years of fulltime study, successful students will be awarded two degrees: the Monash JD and the BCL or Masters in Law and Finance from Oxford.

“Oxford admission standards are high, but this pathway will provide an opportunity for our outstanding students to undertake further study by effectively adding only six months to their Monash JD study program,” said the Dean, Professor Bryan Horrigan. The Associate Dean, International and Engagement, Professor Marilyn Pittard, said: “It provides another exciting international study opportunity for students in keeping with the Faculty’s internationalization objectives.”

The Faculty of Law is now on YouTube

We are delighted to invite you to view our new Law video on YouTube (link is below). The video highlights the study options and student experience in law and we invite you to share this amongst your friends and communities, to encourage others into the profession. youtu.be/c5N8ZPCyGo
Vale The Honourable Henry Barry Connell

7/6/1928 – 21/5/2013

The Honourable Henry Barwick Connell, known to us as ‘Barry’, commenced his appointment as a Senior Lecturer in the Faculty of Law, Monash University, in 1965. His area of expertise was International Law. He was later promoted to Associate Professor and also served for two years as the Sub-Dean of Law. He retired from the Law School in 1993, and upon retirement was appointed a Fellow of the Faculty. He had an interesting and diverse legal career, with his appointment in 1968 as the International Legal Adviser to Lesotho and his appointment in 1971 as the Chief Secretary and Secretary for External Affairs for the Republic of Nauru. He also served on boards and tribunals, such as the Disciplinary Appeal Board for Telstra and Australia Post and the Refugee Appeal Tribunal. He was appointed Chief Justice of the Supreme Court of Nauru and served as Chief Justice from 2001 to 2006.

Barry cut a distinguished looking figure and had a good sense of humour. His presence in the Law Faculty was always felt, as his loud hearty laugh would echo down the corridors, especially at the telling of a good joke. He attributed his good health in his 25 years in the Law Faculty to his regular use of the stairs to and from his third floor office in the David Derham School of Law (in the days when the building’s lift was a goods lift only)! He will be remembered as a genial colleague and a reflective teacher.

The Dean and staff of the Faculty of Law extend deepest sympathy to the family of the Honourable Henry Barry Connell.

Professor H P Lee and Professor Marilyn Pittard

John Bertrand Leadership Series

This year Monash University introduced a new student leadership program entitled the “John Bertrand Leadership Series”. Select students and alumni were invited to attend gatherings to discuss the essence of great leadership at several meetings with some of Australia’s finest professional, political and sporting leaders including Bob Hawke and Paul Roos.

One of the participants was Monash law student Joe Valente (BCom/LLB).

“The John Bertrand Leadership Series was a great opportunity to see the human side of leaders that we don’t often see depicted in the media. We were able to meet figures like Bob Hawke and Major General Angus Campbell and ask them questions about the disappointments, challenges and setbacks they have faced during their careers. These personal insights gave us access to information that no book or lecture could. John Bertrand was a great interviewer and teacher who was able to extract insights out of this presenters, as well as pass on many gems from his own days as an America’s Cup winning sailor. The John Bertrand Leadership Series cohort was another great part of the program. Every person attending was selected from different faculties of the university on the basis of their leadership ability. The combination of intelligent students and alumni, hailing from every faculty on campus, made the discussions among us incredibly vibrant, with diverse and thoughtful opinions emanating from everyone in the room. I have made friends with so many intelligent people I would never have otherwise met from other faculties and walks of life, and I hope that we can share many more of these great discussions in future as an alumni group.”

The closing session was conducted by Bob Hawke. Participants acknowledged that the leadership series was innovative and extremely valuable both personally and professionally.

Governor-General’s Undergraduate Essay competition

Professor Hoong Phun (HP) Lee, the Sir John Latham Professor of Law, and Dr Peter Johnston, Senior Fellow at Monash University, were members for the Final Judging Panel of the annual Governor-General’s Undergraduate Essay Competition run by the Constitution Education Fund Australia (CEFA). This essay competition is one of Australia’s most prestigious essay competitions which provides students with the opportunity to increase their understanding and appreciation of the Australian Constitution.

The panel this year was chaired by The Honourable Justice Kenneth Hayne AC of the High Court of Australia. The panel also included The Honourable Justice Pamela Tate, Court of Appeal, Victoria, Professor Peter Grangelos, The University of Sydney and Mr George Harris, Partner, Baker and McKenzie. The Governor-General of the Commonwealth of Australia is the Patron-in-Chief of CEFA.

In 2009 Ms Humaira Lufti and Mr Andrew Vincent, from Faculty of Law, were awarded Second Prize and Third Prize respectively in the annual essay competition.
Major Lectures

19th Lucinda Lecture

The Faculty of Law held the 19th Lucinda Lecture on Thursday 24th October at the Clayton Campus. The annual lecture was titled ‘Section 80 – The Great Constitutional Tautology’ and was presented by The Honourable Justice Virginia Bell AC, The High Court of Australia. The Honourable Chief Justice Marilyn Warren AC introduced Justice Bell and is the new patron of the lecture.

Justice Bell presented an interesting and informative lecture. Her Honour engaged in an exegesis on “the orthodox interpretation” of section 80 of the Australian Constitution relating to the guarantee of the trial by jury of a Commonwealth offence which is on indictment. After referring to Professor Sawer’s description of the orthodox interpretation as rendering the guarantee “practically worthless”, Her Honour concluded that this view “has not been confirmed by decisions of the High Court in the years since that assessment was made.”

The Lucinda Lecture series is named after the paddle steamer SS Lucinda, which occupies a sentimental place in Australian constitutional history. It was aboard the Lucinda, in 1891, that the drafting committee of the National Australasian convention made important revisions to the earliest drafts of the Constitution.

The annual lecture seeks to explore fundamental issues in Australian constitutional law. The co-convenors of the Lucinda Lecture series are Professor H P Lee and Professor Marilyn Pittard.

Costello Lecture

The Annual Costello Lecture was presented this year by Monash alumnus Mr Julian Burnside AO QC, entitled ‘Alienation – Alien Nation’.

Mr Burnside discussed various aspects of alienation, including: asylum seekers, mentally ill people, the role government’s play, the media and different ways people are alienated.

While specialising in commercial litigation, Mr Burnside has acted pro bono in many human rights cases, in particular concerning the treatment of refugees. Mr Burnside gave great depth to his lecture by sharing his personal experiences and how he deals with being contacted by people who have difficult situations with nowhere else to turn.

“Because everyone, it seems, knows my name, address and occupation, I get a lot of unsolicited requests for pro bono help. It has been interesting, not to say distressing, to see the sort of troubles that plague people in our community. I get a large number of requests for help. I make it clear that all I can do is offer pro bono advice. I have a group of talented interns who help me deal with the problems,” Mr Burnside said.

He also recognised the importance of community legal centres.

"It is a powerful reminder of just what great work the Community Legal Centres do. Underfunded and under-resourced, they exist in order to help people deal with legal problems, but in many cases the real help they give lies in the fact that they extend the simple dignity of listening to a person’s distress. They help rescue the alienated. I am hugely impressed with Community Legal Centres. They deserve to be better funded and better recognised for the work they do."

The 2013 Law Students’ Society President, Ryan Crouch thanked Mr Julian Burnside for presenting the 2013 Costello Lecture.

A copy of the speech notes can be found at http://law.monash.edu/about-us/events/index.html

Recent Events

Annual dinner of the Monash University Law Review

The Annual Dinner of the Monash University Law Review was held at the President’s Room, RACV Club on Wednesday 20th November 2013. The occasion brought together many of the Review’s supporters to celebrate the publication of volume 39 and to recognise the hard work of its student editorial committee and Faculty advisors – Dr Dale Smith, Dr Anne-Marie Farrell and Dr Greg Taylor – in steering the direction of the journal and preparing its articles for publication.

The Review was extremely honoured to host The Honourable Chief Justice Robert French AC as the guest speaker for the evening. In a very entertaining and thought-provoking address, His Honour spoke on the role of law reviews and the future for print media in the law. Dean, Professor Bryan Horrigan, gave the Faculty address, speaking on changes in legal publishing during his career.

There were over 65 guests in attendance, including the Review’s student committee members, published authors, representatives from sponsor firms Allens, Arnold Bloch Leibler, Herbert Smith Freehills and King & Wood Mallesons, and staff members of the Law Faculty. In 2013, the editors of the Review were arts/law students Melissa Kennedy, Brooke Smith and Duncan Wallace.
Recent Events

Maddocks welcomes high achievers

The Maddocks High Achievers Program for 2013 began with a welcome dinner for 35 students hosted at Maddocks’ offices. Now in its third year, the Maddocks High Achievers Program offers students who have excelled academically in their LLB and JD studies enrichment activities, including career support and mentoring.

The Honourable Justice Marcia Neave, AO of the Court of Appeal addressed students at the dinner sharing lessons learned during Her Honour’s distinguished career spanning academia, law reform and the bench.

The Maddocks High Achievers Program also affords students opportunities to ‘Greet the Greats’. Students meet informally in small groups with leading members of the legal profession including Supreme Court Justice The Honourable Justice, Lasry QC, Maddocks CEO, David Rennick and leading barrister Robert Richter QC.

Students found the experience inspiring. As one student noted:

“It is such a rare and amazing privilege to be given the opportunity to ask any question you like about someone’s work. I could have kept chatting with [Robert Richter] for hours … Meeting him has been one of the absolute highlights of my JD studies.”

PICTURED: The Hon Justice Marcia Neave AO; Professor Bryan Horrigan; Associate Professor Kathy Laster; Maddocks Staff; Monash High Achievers

‘Government Lawyering: Same or Different?’: alumni symposium

Maddocks Partner (Regulations and Administrative Law) Bronwyn Weir chaired an interactive symposium exploring the work of lawyers whose client is government. Panellists Ian Govey, CEO Australian Government Solicitor, Peter Stewart, Victorian Government Solicitor and Kate Rattigan, Executive Director, Legal, Department of Education and Early Childhood Development shared their thoughts on what makes government lawyering both challenging and rewarding.

The distinguished panel considered whether government lawyers are ‘born’ or ‘made’ as well as some of the special practical, ethical and policy considerations which apply to this area of professional practice.

Current Monash students mingled eagerly with recent alumni prior to the session, to hear first hand about the careers of those just a few years ahead of them.

Maddocks High Achievers Program: ‘Being a Judge’s Associate’ forum

A popular path for some of our most able students (and future leaders of the profession) is serving as a Judge’s Associate early on in their careers. As part of the Maddocks High Achievers Program, a forum was held with panelists who had worked as Judges’ Associates in the Federal Court, High Court, Supreme Court and Court of Appeal.

Dean Professor Bryan Horrigan chaired the spirited discussion, and asked panelists to reflect on ‘a day in the life of an associate’, ‘how they secured their positions’ and also on ‘life after court’.

The panel consisted of two junior lawyers from Maddocks – Brett Harding and Elise Paynter – and recent Monash Law graduates Carina Moore and Andrew Roe.

The event was extremely successful and will now become a fixture on the High Achievers calendar of events.

(L–R) Mr Brett Harding, Professor Bryan Horrigan and Panellists, Mr Andrew Roe and Ms Elise Paynter
African Voice launched

Early in October 2013 the not for profit organisation, African Voice, founded and run by former Monash law students, Kiran Iyer, Damien Bruckard and Sashi Balaraman, with fourth director, Victor Finkel, was launched at an event held at the Monash University Law Chambers. Four World Champion Monash debaters – Mr Amit Golder, Ms Fiona Prowse, Ms Nita Rao and Mr Kiran Iyer – participated in a debate, upon which guest speaker, The Honourable Gareth Evans AC QC, adjudicated, in the presence of the Chancellor of the University Dr Alan Finkel AM FTSE, the Patron of African Voice The Honourable Mark Dreyfus QC MP, Monash Business and Economics Dean Professor Colm Kearney, Associate Dean International and Engagement Professor Marilyn Pittard representing the Faculty of Law, and distinguished guests.

African Voice sends successful university debaters to Africa to teach debating in schools and universities, and partners with local NGOs. It runs free non-partisan debating workshops for students from across Africa.

At the event, the Patron The Honourable Mark Dreyfus, congratulated the Monash law graduates in their role in African Voice and spoke about their initiative in the charity. Professor Marilyn Pittard, representing the Faculty, spoke and presented ‘African Voice’ as a mnemonic for ‘Articulating Fiercely and Raising International Cultural Awareness Nimble through Vigorous Oral Inspirational and Caring Education’.

Eighth Remedies discussion forum at the Monash University Prato Centre

Every second year, remedies scholars from various countries come together at a Remedies Discussion Forum. Earlier this year, Monash University became the first Australian university to host the event. The Eighth Remedies Discussion Forum, co-sponsored by the Faculty of Law and the Louis D. Brandeis School of Law of the University of Louisville in the US, was held at the Monash Prato Centre in Italy. The Forum was organised by Sirko Harder and Normann Witzleb from Monash and Professor Russell Weaver from Louisville.

The Forum in Prato brought together scholars from Australia, Canada, Germany, Israel, the Netherlands, New Zealand and the United States, who each contributed a paper on one of the two themes chosen for this year: ‘Equitable decrees and supervision problems’ and ‘Unity in the law of remedies’. The papers covered a wide range of topics within those themes, including the administration of remedies in nuisance disputes, collective redress mechanisms in the European Union, compelled apologies, exemplary damages for invasion of privacy, and structural injunctions giving effect to human rights, to name but a few.

Following previous practice, all papers were circulated among participants prior to the Forum, thus freeing up time for in-depth roundtable discussions of each paper. The organisers of the Forum are now approaching publishers with papers from the event can be found at www.law.monash.edu/about-us/events/index.html

Surrogacy and Adoption: Pitfalls and Promises

A panel of experts gathered at Monash University, Law Chambers to discuss the pitfalls and promises of surrogacy and forced adoption in Australia.

The seminar was moderated by Dr Adiva Sifris, with speakers Chief Judge John Pascoe, Professor The Honourable Nahum Mushin and Professor Denise Cuthbert.

Professor Nahum Mushin is an Adjunct Professor at Monash University, a former Family Court Judge and the Chair of the Australian Government’s Past Forced Adoptions Implementation Working Group.

Professor Mushin discussed the National Apology for people affected by forced adoptions and the implementation of the concrete measures flowing from it.

Chief Judge of the Federal Circuit Court of Australia, John Pascoe, discussed the rapid advance of international commercial surrogacy (ICS) and Professor Cuthbert, Dean of the School of Graduate Research at RMIT reflected on the rise and fall of intercountry adoption in Australia and implications for the rise of offshore commercial surrogacy.

There was a clear indication from the seminar that there is a need to continue working at both the international and domestic level to ensure the rights of women and children are protected.

The papers from the event can be found at www.law.monash.edu/about-us/events/index.html
Monash-Warwick Alliance

Monash-Warwick visiting Law Scholar

Dr Christopher Bisping is the first Monash-Warwick Visiting Law Scholar to visit under the new scheme introduced by the Faculty of Law this year. The scheme reinforces the Monash-Warwick Alliance at University level.

The inaugural Monash-Warwick Visiting Law Scholar Public Seminar was delivered earlier this year at the Monash University Law Chambers by Dr Bisping on the topic ‘The Superiority of the Common Law – Australian and UK Perspectives on the Price of Certainty and Reliability’. The seminar was chaired by Professor Mark Davison.

Dr Bisping said “When teaching English law to students in Europe, they are always confused by how a largely uncodified system of law can achieve predictable and reliable results. English students, on the other hand, are confused when they learn that there is no doctrine of precedent in civil law jurisdictions. They too wonder how there can be any predictability and reliability of outcome. Lawyers in practice tell us that English law is more frequently chosen to govern contracts than other laws because of its greater commercial awareness.

The main downfall of continental systems is seen in the doctrine of good faith and the general willingness to modify or declare void the terms of the agreement the parties reached. The main aspect thus seems to lie on the predictability and reliability of outcome. The question whether a fair and just result is achieved appears to take second place only.”

In the seminar, Dr Bisping addressed the confusion faced by students, practitioners and scholars alike. He argued that “The difference between common law systems, such as England and Australia, and civil law systems is one of degree only, rather than one of quality. The common law is also willing to re-open the terms of the agreement, for example when re-classifying condition as innominate term or warranties, when implying terms or scrutinising contractual terms for reasonableness. This does not go as far as for example the German and Dutch reliance on the notion of good faith, but it is lacking not far behind.”

Further Dr Bisping noted that, “The fight for dominance in commercial law between the ideas of fairness and justice on the one hand and reliability and predictability on the other hand, in the common law too is tipping more towards the former rather than, as historically has been claimed, the latter.” He examined this claim, looking at case law developments from both England and Australia.

Dr Bisping was welcomed to the Faculty at Monash Clayton by the Associate Deans International and Research, Professor Marilyn Pittard and Professor Mark Davison. Dr Bisping joined Warwick in September 2012 after four years at the University Leicester. Prior to that, he was the DAAD (German Academic Exchange Service) Lektor in German Law at Warwick. Dr Bisping has worked as a researcher at the Max-Planck-Institut for foreign and international private law in Hamburg, Germany, and was a member of the working team on credit securities of the Study Group on a European Civil Code. He is Assistant Professor at Warwick.

International conference of undergraduate research

Earlier this year, the Monash-Warwick alliance launched the inaugural International Conference of Undergraduate Research (ICUR). The conference included presentations from Warwick in the UK, and Monash campuses in South Africa, Malaysia and Monash Caulfield. This interdisciplinary, international conference presented a unique opportunity for undergraduates to enjoy a foray into academic life, by presenting on their independent research. Current Arts/Law student Kathryn Smith, was selected to represent the Law Faculty and present her thesis entitled, ‘Surviving the social network: life, by presenting on their independent research. Kathryn enjoyed answering questions from her peers, and took the opportunity to ask them questions about their research.

Kathryn said “It was especially interesting to be able to use the new alliance technology in the ‘International Portal’ at Monash Caulfield to hear presentations from Warwick, and interact with the presenters in the UK.”

The conference also featured workshops, run by the Reinvention journal, on getting an undergraduate thesis published.

After all the hard work that went into the preparation of her honours thesis, Kathryn said it was “fantastic to have the opportunity to share my research and findings with a friendly and engaged audience. I would highly recommend applying to speak at the ICUR to present and future honours candidates.”

Ms Kathryn Smith, current student
Monash Law entrepreneurs

Two Monash Law students, Joseph Valente (BCom, LLB) and Scott Li (BMus, LLB) met on their first day of law school. It was their mutual passion for technology and entrepreneurship that cemented their friendship. Eventually, their shared interests took them both to Silicon Valley, and led to them being selected for the prestigious Melbourne Accelerator Program at the University of Melbourne. Part of the Accelerator Program is to offer participants funding, workspace and mentoring to develop and implement a start-up venture into the real-world environment.

Mr Valente’s start-up venture, Ebla (www.ebla.com), is a legal knowledge repository that tracks the opinions of practitioners and academics in every field of Australian law. The platform makes use of the latest technology to help organise as well as decode the law. Ebla allows legal experts to collaborate with other like-minded intellectuals to interpret the law, and reach the broad audience of other practitioners and legally-minded individuals via the web.

Mr Li’s start-up venture, The Price Geek (www.thepricegeek.com), allows consumers to find the price of any item sold online. The site uses data from eBay, together with advanced data visualisation techniques to show consumers what range of prices they can expect to pay for any given item. The website has been featured by publications across the world, including CNN, The International Business Times, and Tech In Asia.

Research Matters

Meet a Master of Laws (Juris Doctor) Staff Member

Dr Vicky Vann (BA LLB (Hons)(Qld) LLM), PhD (Monash)

Currently teaches Principles of Equity and Principles of Trusts in the JD program and is the co-author of ‘Equity and Trusts in Australia’ (published by Cambridge University Press).

How long have you worked at Monash?
A very long time

Where did you work prior to starting at the University?
Private practice

What do you like best about your current role?
Definitely the people – the students and my colleagues.

Why did you choose your current career path?
I fell in love with Equity, Trusts and Remedies as an undergraduate, and it just took me a while to get back to it.

First job?
As a collator at the TAB

Worst job?
Selling tickets at the TAB on Melbourne Cup Day

What research/projects are you currently working on and what does it involve?
I am currently writing a Casebook on Equity and Trusts for Cambridge University Press with my co-author Professor Michael Bryan, as a companion for our textbook released last year. This means I’m reading all those cases over again!

What is your favourite place in the world and why?
Sunset in Port Douglas with a chilled white wine in hand. Do you need to ask why?
The Faculty Three-Minute Thesis Competition for 2013 was held late July. Congratulations to the winner, Angelo Capuano, who represented the Faculty to compete in the Monash Final on 3rd September 2013.

Angelo is currently a PhD candidate under the supervision of Professor Marilyn Pittard and Dr Colin Campbell. His thesis is “The ‘transplantability’ of anti-discrimination law in Australia: ‘social origin’ discrimination”.

Mr Toulasai Phanthavong PhD Candidate from Lao PDR

The Faculty of Law would like to welcome the first PhD candidate from Lao PDR, Mr Toulasai Phanthavong, who commenced his candidature on 1 July 2013. Mr Toulasai is on a full scholarship funded by AusAid. His thesis is ‘First Cartel Regime in Laos – Critical Analysis and Suggestion for Future Laos Competition Law’ and is supervised by Associate Professors John Duns and Brendan Sweeney (Department of Business Law and Taxation).

He is currently on study leave from the Ministry of Industry and Commerce, Lao PDR, where he works as a bilateral trade official at the Foreign Trade Policy Department and a researcher at the Economic Research Institute for Trade.

Best Practice in Construction Disputes: Avoidance, Management and Resolution

The Honourable Chief Justice Marilyn Warren AO launched the book at the Supreme Court of Victoria Library. The Honourable Justice Peter Vickery was the MC for the evening.

Over 130 people attended the launch to find out more about this new book, which offers a highly original perspective on the causes of construction disputes and how they can be effectively and efficiently managed.

Best Practice in Construction Disputes takes a holistic approach to construction disputes, in an effort to identify and examine their genesis and lifecycle. It examines the factors that contribute to a high incidence of disputes on major construction projects, including the adversarial culture of the construction industry, the high degree of uncertainty surrounding projects, the inevitability of conflict between contracting parties and the role of the construction contract in facilitating such conflict. It provides practical insight into how parties can use dispute avoidance processes (DAPs), ADR, adjudication, arbitration and even litigation to best effect.

To purchase this book visit – www.lexisnexis.com/store/au/

Three-Minute Thesis Competition

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From left: Assoc Prof Gideon Boas, Ms Natalia Antolak-Saper (participant), Assoc Prof Adam McBeth, Mr Angelo Capuano (winner), Dr Richard Joyce
Best Practice in Construction Disputes: Avoidance, Management and Resolution
Paula Gerber, Brennan Ong
LexisNexis Butterworths, 2013

Best Practice in Construction Disputes takes a holistic approach to construction disputes in an effort to identify and examine their genesis and life cycle. It examines the factors that contribute to a high incidence of disputes on major construction projects, including the adversarial culture of the construction industry, the high degree of uncertainty surrounding projects, the inevitability of conflict between contracting parties and the role of the construction contract in facilitating such conflict.

This book provides scholarly insight and practical strategies that the construction industry and legal profession can employ to ensure that conflicts do not escalate into disputes, and disputes that do arise are resolved in an effective and efficient manner. It presents comprehensive analysis and recommendations regarding the use of DAPs, ADR, adjudication, arbitration and litigation for the avoidance, management and resolution of construction disputes.

Third edition: The International Covenant on Civil and Political Rights Cases, Materials and Commentary
Sarah Joseph, Melissa Castan
Oxford University Press, 2013

Now in its third edition, this book is the authoritative text on one of the world’s most important human rights treaties, the International Covenant on Civil and Political Rights. The Covenant is of universal relevance. Adopted by the UN General Assembly in 1966 and in force from 1976, it commits parties to respect the civil and political freedoms and rights of individuals. Monitored by the UN Human Rights Committee, the Covenant is ratified by the majority of UN member states.

The book meticulously extracts and analyzes the jurisprudence over nearly forty years of the UN Human Rights Committee, on each of the various ICCPR rights, including the right to life, the right to freedom from torture, the right of freedom of religion, the right of freedom of expression, and the right to privacy, as well as admissibility criteria under the First Optional Protocol. Key miscellaneous issues, such as reservations, derogations, and denunciations, are also thoroughly assessed.

Sir Richard Hanson
Greg Taylor
Federation Press, 2013

Sir Richard Hanson was much more than a Judge - although he was an important Judge in his time. Before he became Chief Justice of South Australia in 1861, he was: a participant in a major government enquiry on Canada which laid the foundations for democratic self-government not only there, but in Australia and New Zealand as well; a co-founder of the polities of both South Australia and New Zealand; a campaigner for Maori land rights; and Premier of South Australia for the better part of three years.

In his later life he also became a widely-admired author on historical aspects of the New Testament, taking a free-thinking position and doubting the truth of the Bible stories. This book tells the story of his life.

Understanding Human Rights: Educational Challenges for the Future
Paula Gerber
Edward Elgar, 2013

This book offers the first scholarly analysis of the United Nations’ work in the field of human rights education (HRE). The author examines why HRE is so important, arguing that international law can learn from the medical profession, which has long recognised that ‘prevention is better than cure’. There is an urgent need for HRE to be recognised as one of the best ways of preventing future human rights abuses; it is, in essence, a prophylactic for human rights violations. The book explores the provenance of human rights education in international law before critiquing the UN’s work in this area across numerous different organs, including treaty committees, the Human Rights Council, General Assembly and Office of the High Commissioner for Human Rights. The author identifies a number of deficiencies in the UN’s HRE activities, and makes recommendations for how the UN can more effectively promote HRE and increase states compliance with their international HRE obligations. This book provides a unique and timely insight into the workings of the UN in this vital aspect of international human rights law.
Q. When did you study at the Faculty of Law?
A. 2001–04

Q. What course were you enrolled in and why did you choose that course?
A. I was enrolled in a straight Bachelor of Laws degree. I chose it based on interest and the thought that it would prove useful no matter what I went on to do.

Q. Can you tell us about what you’ve done since graduation?
A. Academically, I went and studied negotiation at Harvard University, completed a BCL at Oxford University and an MBA at Melbourne University. Professionally, I practiced law for a few years with Allens Arthur Robinson (in its litigation and project departments), worked as a general manager of a specialist civil-contracting firm and have privately consulted in negotiation, dispute resolution, communication and decision making. More recently, I’ve put together a syllabus for the Faculty of Law’s negotiation and mediation unit which I chief-examine and lecture in as an intensive unit for undergraduates three times a year.

Q. What do you do for a living – describe a typical day for you at work?
A. At the moment I’m doing a few different things so no two days are the same, which I really enjoy! Yesterday, for example, I spent the morning doing some student marking; I had a lunch meeting with a film producer who I’m assisting with contract negotiations/capital raising; in the afternoon I had a short session with an athlete I’m working with; and then finished my day doing some research for a practical article I’m writing on managing emotion.

Q. Why did you decide to pursue a career in this field?
A. In terms of training people in the field of negotiation, I think it was a combination of a real interest in the subject matter and a realisation and appreciation for its importance as a life-skill.

Q. What do you most enjoy about your job?
A. Whether it’s a student, a corporate executive or an athlete, having a positive impact on someone’s performance, actually seeing someone improve, I find incredibly rewarding.

Q. How important has networking been in developing your career? Do you network with your Monash classmates or with other Monash alumni?
A. It’s been very important. While I’ve kept in contact and worked with a number of former classmates, I can’t understate the importance of the continuing support I’ve received from a number of former Monash lecturers. It’s been nice, even if just in a small way, to be able to provide the same for some current students coming through the faculty.

Q. Are you still involved with the Faculty of Law? If yes how?
A. Yes, I lecture at Clayton and sometimes assist the postgraduate centre in the city.

Q. What are your favourite memories of your time at Monash?
A. I would say the student camaraderie and the downtime immediately following exams.

Q. What do you wish you had known while you were a student?
A. Everything that I do now.

Q. What personal interests do you have?
A. They’re many and varied: travel, sports (martial arts, AFL, golf, soccer, tennis, NFL), film, philosophy, poker, evolutionary biology, talent & sports management, psychology etc.

Q. What is the best piece of advice you have received?
A. The function and duty of a quality human being is the sincere and honest development of one’s potential.
Getting to know Monash Alumnus
The Honourable Justice Kevin Bell

By Ben Cervenjak, current Masters of Laws (Juris Doctor) student

The Honourable Justice Kevin Bell (BA 1976, LLB(Hons) 1978)

Q. When did you study at Monash University?
A. 1973–1977

Q. What was your experience like studying a Monash University?
A. Very positive. I grew up in a poor working class family in a housing commission area and had no contact with people who went to university. It was quite a challenge to go out to Clayton and study, but I was given every help in adjusting my mind to the demands of university life and I found it a very positive but a very challenging experience. Academically my mind was very unforged and wasn’t used to the discipline of university study. I had all sorts of health issues and I spent three months of the second year in hospital so my studies were very interrupted. I remember in particular the first three years as being a particularly challenging period in my life, but I managed to get through and I’ve got Monash University to thank for that.

Q. You did a combined bachelor of Economics/Law, why did you pursue a career in law?
A. It was a question of whether to go the liberal arts route or the legal route. That was a big decision and I hope I’ve made the right one. The question in my mind was whether to be a journalist or to be a lawyer. I remember being very interested in law and I was always interested in the impact of the law upon people and society. I think I regarded law as more concrete from the point of view of that impact and my capacity to contribute to the betterment of society.

Q. What has been your career trajectory?
A. First I was a tutor at Monash which I really loved doing for a couple of years part-time. Then I went into social action and community development in establishing alternative forms of legal practice, in particular the poverty law practice in Footscray which my colleague Dennis Nethorpe and I set up. I also worked at the tenants union as the Coordinator of the legal assistance program. That was a wonderful period of my life because I was engaged on the ground, using legal skills in order to develop models of delivering legal services to people who otherwise wouldn’t get them. From there I went on to Latrobe University where I ran the West Heidelberg Legal Centre as part of a lectureship I had there. At the University, I taught law and social justice, which was further reason to think deeply about the interaction between law and society. From there to the Bar in 1985 – by that time I’d had three children with my wife Trisha Burns who is now a Barrister, so it was all happening. I became a Queens Counsel twelve years later in 1997 and then went to the bench in 2005.

Q. What made you decide to accept the offer of a career at the bench?
A. A desire to contribute even more greatly to the rule of law and the operation and administration of the rule of law, in a capacity I’d had a wonderful career at the Bar and had been given the opportunity to practice in all manner of areas. But being an advocate is one thing and being a judge is another and for me it was a natural movement from making submissions to what the outcome should be to making decisions on what the outcome will be, subject always to appeal and subject always to the rule of law. It has been a wonderful job and I certainly made the right choice.

Q. What do you most enjoy about your job?
A. At the moment I’m working with juries which I really enjoy. The jury system is wonderful for a number of reasons, one of which is that it gives ordinary people the opportunity to make decisions on the outcomes of criminal and civil cases. The judge’s role is to facilitate their involvement so they can discharge their function as a jury individually and collectively. That involves a certain interaction with them and I really enjoy that.

Q. You’ve had an exceptionally strong record with regards to human rights and social justice. What makes you so passionate about these topics?
A. From the earliest time being involved in the law, I’ve been very conscious of the impact of the law upon ordinary people and of the fact that the impact is not always good and not always equal. That to me offends the fundamental principle of equality and equal treatment for which the law itself stands. Since it’s obvious to everybody that there is that differential impact, some of us probably for genetic reasons feel more passionate about doing something about it. However it’s not a cross that I bear by any means, the field is endlessly fascinating. I was quite skilled academically in areas such as poverty law, contract law and administrative law, and when I went into the field after university I found that I had skills that really mattered. I acquired these skills at University for which I am eternally grateful and at Monash in particular for which I am specifically grateful. I was in a position where I had both an intellectual understanding of the existence of a problem and a practical capacity to do something about it, so I did.

Q. What have you been most proud of in your career?
A. I think the native title work stands the test of time quite well. I took on a number of native title cases, two of them supremely difficult. The first one was the Yawuru Case. The Yawuru are the traditional owners of Broome. That case was in difficulty and I was brought in to work with them and lead the legal team. We won that case after five years and in that time I had the great privilege of working very closely with the Yawuru and other Aboriginal peoples and attained an understanding of the spiritual connection between Aboriginals and their country, that is to say my country too, which is most unusual for white Australians. The other was the Bardi Jawi case. It was a similar kind of case but even more difficult and somehow we managed to win that one as well. It was right that I did it because I had a very good understanding of the dreaming of the Aboriginals of that area of Australia and the dreaming’s are very much connected so it wasn’t so difficult for me to understand the nature of the spiritual connection of that people the Bardi Jawi and their country as I’d done a similar thing in a related area with the Yawuru. For me these were the standout moments in my time as an advocate.

Q. What skills have you found useful in your career?
A. Basic aptitude, hard work, diligence, honesty and a sense of humanitarian engagement with your fellow human being. Skills which I would describe as more about content than about getting out there shaking hands and networking, important as that is.

Q. What did you want to do as a career when you were young?
A. I wanted to be a veterinary surgeon. As a child I had chickens, ferrets, rabbits, guinea pigs, dog, cats and heavens knows what else, anything you could get into the suburban backyard, driving my neighbors absolutely bananas. The poor neighbors used to get very frustrated because my chickens used to get out and roost in their trees, one of the neighbors got so exasperated that he chopped the tree down, so I feel I should extend an apology in retrospect to that poor individual.

Q. Aside from being a Justice of the Supreme Court, I understand you and your wife also make a world-class pinot noir. Where do you find the time?
A. One is energized by engagement with a passion and my passion is the natural environment. I am fascinated and stimulated by the idea of natural growth and it is a huge privilege to be with my wife as the custodian of this extraordinary vineyard. I’m inspired and energized by doing something which I really love and doing something which gives me a connection with the natural world and with a world of feeling and meaning of a very different kind to that which the law provides. I would not be as it were, spiritually and personally complete unless I were doing such a thing.

Q. Do you think it is important to have a hobby or interest outside of the law?
A. For some people, there are plenty of people who are wholly complete when completely focused on a particular thing, so I wouldn’t offer an across the board answer. But if you’re the type of person who has very different aspects to their personality I think it’s essential that you explore that. Many people like me perhaps, have an interest in something that is very different to their ordinary job and I think happiness for them depends on them being able to connect with that interest.

Q. What credo do you live your life by?
A. Be just and fear not.
Tania Obranovich
(PHD Med, BSc(Hons) 1989, LLB 1995)
My time at Monash University was significant, having been enrolled continously from 1985-1995. During this time I completed a BSc(Hons) and PhD in immunology as well as my LLB.

After graduating from law, I accepted articles with the boutique IP law firm of Davies Ryan De Boos, which was associated with the patent and trade mark firm, Davies Ryan DeBoos (DRC). The first few years were thrilling, having arrived at the firm just as it received instructions to act for one of the parties to the Erythromycin patent litigation, which was being actively litigated world-wide. At the conclusion of this litigation, I accepted the opportunity to train as a patent attorney with DCC, which involved completing a series of further examinations. Since then I have practiced as a biotechnology Patent Attorney with DCC and was made a partner of the firm in 2003.

I lecture extensively in the patent law subject of the University of Melbourne’s Law School Graduate Programme, where I am appointed as a Senior Fellow. I also lecture on biotechnology related patent issues for the Monash University Law School. I am passionate about teaching and the importance of passing on the knowledge and experience gained from many years of legal practice.

In 2002 I was appointed to sit on one of the two panels established to advise the Government in relation to the establishment of a $46 million biotechnology centre for excellence. For the last three years, I have been on the Board of Patent and Trade Mark Attorneys in connection with the gene patent Senate Enquiries and have therefore spent much time in Canberra discussing this issue with our politicians. In 2012 I received a ministerial appointment to the Professional Standards Board for Patent and Trade Mark Attorneys.

My career has evolved in ways I could never have imagined at the time of my graduation and the most vivid and formative memories of Monash Law are of the wonderful, late Professor Sue Campbell. Like many graduates of my generation, one of my most vivid and formative memories of Monash Law is of the wonderful, late Professor Sue Campbell. Sue was my Legal Process teacher. I ran into her on the stairs one day and she asked me how I was doing. The shy, first-year student mumbled something about not being sure this was the right thing for him, and she assured him that there were many different, interesting and rewarding things he could do with a law degree. How right she was. Many years later I had coffee with Sue, and shared with her how important that conversation was for me. She must have had countless such conversations.

Adrian Stone
(BSc 1993, LLB 1995)
I worked in an administrative role with the Family Court of Australia during the completion of my Economics and Law degrees at Monash (graduating respectively in 1993 and 1995.) Following graduation, I maintained an interest in the family law jurisdiction and commenced work at Stedman Cameron, working primarily with Jan Pannam (later a Judge of the County Court.) I then worked from Gray’s Inn in London where I practised matrimonial law for a number of years before returning to Australia in 2001.

I am an Accredited Specialist in family law and I now own and operate my own firm in Malvern, Gold Stone Family Lawyers, with a fellow alumnus, Kristin Shergold (BA 2004, LLB 2007.) My wife Suzanne continues to work at Monash University as a medical researcher, so I still maintain an (occasional) connection with the Law Library.

Where are they now? Class of 1995

If you would like to share your career, have an interesting story to tell or know of Monash Law Alumni who have a story, contact Marketing and Events Coordinator kate.daley@monash.edu

Jonathan Liberman
(BA 1995, LLB(Hons) 1995)
My first job out of law school was as Legal Associate to Justice John Fogarty, who was on the Appeal Bench of the Family Court. I was lucky to have such a superb teacher in my first job. I then did Articles at Holding Redlich and decided that practicing in a law firm was not what I wanted to do. I still wanted to work in the law and didn’t know what to do next. Again, I got lucky. I found a job in public health policy and one thing led to another and fifteen years later I’m able to say that I love what I do and that I’ve been incredibly privileged to work with wonderful people from across many different disciplines from around the world. I’m Director of the McCabe Centre for Law and Cancer, which is a joint initiative of Cancer Council Victoria and the Union for International Cancer Control, the main international cancer control NGO. Our mission is to contribute to the effective use of the law for cancer prevention, treatment, supportive care and research. We help build capacity globally in the effective use of law for cancer control across our focus areas of tobacco and alcohol control and obesity prevention, access to medicines, and cancer treatment and supportive care.

Like many graduates of my generation, one of my most vivid and formative memories of Monash Law is of the wonderful, late Professor Sue Campbell. Like many graduates of my generation, one of my most vivid and formative memories of Monash Law is of the wonderful, late Professor Sue Campbell. Sue was my Legal Process teacher. I ran into her on the stairs one day and she asked me how I was doing. The shy, first-year student mumbled something about not being sure this was the right thing for him, and she assured him that there were many different, interesting and rewarding things he could do with a law degree. How right she was. Many years later I had coffee with Sue, and shared with her how important that conversation was for me. She must have had countless such conversations.

N Nicola Adams
(BSc 1993, LLB(Hons) 1995)
I graduated from Monash with a BSc, LLB (Hons) and completed articles at the IP specialist firm, Davies Ryan DeBoos (now Davies Collison Cave Solicitors). After a number of years practicing with the firm, I moved to Freehills and spent 5 years in their IPT department, working across a range of IP registration and transactional matters, and the occasional litigation.

In 2002 I joined Piper Alderman in their fledging Melbourne Office. As one of three partners in the Melbourne office at the time, I helped build not only the IP practice but also recognition for the firm as a whole within the Melbourne market.

Following the birth of my first child, I was one of the first part time partners at the firm which gave plenty of opportunity to break new ground. After the birth of my second child in 2006 I joined Pacific Brands as Legal Counsel, again in a part time role.

The role at Pacific Brands has allowed me to expand my experience beyond IP matters to the huge array of commercial, transactional, property, marketing and brand issues that come to our department. As a small group of one full time lawyer and only 3 (soon to be 4) part time lawyers, the role is busy and challenging but a huge amount of fun. Over my career I have learned the importance of enjoying and respecting the people and environment in which you work.

Chris Molnar
(BJuris 1984, LLB 1987, LLM 1995)
After graduating with a Bachelor of Jurisprudence in 1984 and a Bachelor of Laws in 1987 from the Faculty of Law, I returned part-time and graduated with a Master of Laws in 1995 whilst also employed full time as a solicitor. I recall rushing after work to attend the postgraduate subjects in Clayton from the same city office building where the Monash Law Chambers are now located – ironically, all I had to do was wait 20 years and Monash University would have come to me.

In 1999 I graduated from the Melbourne Business School, University of Melbourne, with a Master of Business Administration.

For most of my professional career I have practised in workplace relations law, covering employment law, industrial relations, discrimination law and work health and safety. The area has an interesting blend of both litigious and non-litigious work – one moment I could be appearing in the Federal Court and the next moment I could be developing workplace policies to assist an employer set standards of appropriate workplace behaviour.

Workplace law can be challenging as often it is important to understand the very human aspects of the workplace as much as the hard-edged legal obligations. As challenging as workplace law is, it is also professionally satisfying, particularly when it contributes positively to the workplace.

I have worked for a couple of national law firms and I am currently a partner of McKean Park in Melbourne.

In 2002 I was accredited as specialist in Workplace Relations by the Law Institute of Victoria and, as a member of the advisory committee for the specialisation, have worked closely with Professor Marilyn Pittard, who is the principal examiner for this specialisation.

For a number of years I have been a member of Monash’s LLM Workplace Relations Advisory Panel.

I was fortunate to be a speaker at Monash’s International Conference in 2011 ‘Protecting Business Innovation’ held at the Monash University Centre in Prato, Italy. My paper on confidential information and restraints was subsequently published with other papers in Business Innovation & the Law: Perspectives from Intellectual Property, Labour, Competition & Corporate Law, published by Edward Elgar, and edited by Professors Pittard and Monotti, and Associate Professor Duns.
Anthony Audoa  
(LLM 1995)  

After successfully attaining my previous tertiary qualifications and work experience from 1973 to 1992, I went to Monash University Law School and graduated with my Master of Laws as an international student under the auspices of AUSAID Scholarship Scheme. It is with pride that I say that I am the first Master of Laws in Nauru to this very day in 2013.

Prior to reading my LLM degree in 1993, I had already been employed by the Government of Nauru as a Secondary School Teacher from 1973. Later, in 1980 I was employed as Barrister & Solicitor, Public Prosecutor, Registrar of Corporations & Business Names in the Justice Department and as Director of the Republic of Nauru Finance, Head of Delegations in many of the International and Regional Conferences and finally, as Presidential Advisor for the first Nauru’s President Hammer DeRoburt and later for the corrupt government of the late President Bernard Dowiyogo from 1980 to 1992.

Because of Nauru’s bad and corrupt politics that the late President Bernard Dowiyogo’s government initiated from 1990 to 1995, the result of which can still be felt today, at that point-in-time I decided to take time off for study leave and left Nauru for Monash in 1993.

After graduating in 1995, inter alia, I went back to Nauru where I created my own law firm, I also established the Nauru Landowners Association to fight and protect the interests of the landowners as the then Nauru Local Government Council (who used to do the same but was abolished by President Bernard Dowiyogo’s government in 1993) thus all principles of good governance of check-and-balances and the protection of the Nauruans’ overseas investments plus.

During my years at Monash, I made a lot of new friends and furthered my martial arts training where I gained my 3rd Dan Black Belt in Zen Do Kai, my Tai Chi Chuan Kung Fu and Kendo in the Japanese Art of sword fighting at the Melbourne Kendo Club. In 1996, Professor G. Powles came to Nauru when I was appointed as Minister for Justice in the government that ousted President Bernard Dowiyogo’s government. Associate Professor Barry Connell also came to Nauru and became the Chief Justice of Nauru.

Both of these gentlemen were my lecturers at Monash University.

Armed with extra confidence and my LLM degree, I broke the traditional leadership code of belief and took leadership as Cabinet Minister from 1996 to mid-2003 while there were elders in the Parliament. During this time I served under five (5) different Presidents as a Minister, trying to steer Nauru from economic devastation as it struggled and continues to struggle to this day to keep up with its once high standard of living as each government had no structural adjustment program.

Today I am a permanent resident of Australia, living in Melbourne. I am a new tribe that consists of my Australia wife, six adult children and eleven grandchildren. I started residing in Melbourne in 2004 and to this day we continue to increase in numbers.

David Zerman  
(GDIPnlat&CompLaw 1995)  

My only extensive experience with law prior to studying at Monash was from the McMahon Government prosecuted me for National Service related offences in 1971/72. I enjoyed extensive pro-bono support both from the late Peter Redlich and those he had manage my case as I spent a large amount of time discovering firsthand how the legal system played out in the County Court – not well in my case.

The election of the Whitlam government in 1972 changed that and my early career in journalism and ethical public relations (not an oxymoron) continued.

I came to undertake Postgraduate law at Monash when I had a 30+ year old mid-life crisis and thought I’d like to study law. I sought advice from the late Lawrie McCredie and Richard Cullen and subsequently enrolled in and completed a Post Graduate Diploma of Comparative and International Law.

The joy of my graduation was the attendance by my father (a month before he died) and my daughter, and my presentation to another MHS Old Boy and the Deputy Chancellor, Paul Ramler. My graduation also made me realise “the law” was not for me as I continued my career and added fundraising to my resume.

I have been fortunate to have been Executive Director of the Montefiore Homes Foundation, CEO of the RFDS in Victoria and Executive Director of the Melbourne Health/Royal Melbourne Hospital Foundation where I have worked with many professional staff and volunteers to raise more than $202Million for community projects. Last year I again graduated from Monash – Master of Public Health – which has been very useful in my current work as CEO of the National Stem Cell Foundation of Australia.

My double Monash experience was most enjoyable.

Jeremy Carp  
(BEc 1993, LLB 1995)  

I graduated from Monash in 1995 with a Bachelor of Laws and a Bachelor of Economics. My fondest memory of my time at Monash was working at the Monash-Oakleigh Legal Service in my final year and really beginning to apply the knowledge I had learnt at law school with real clients and real life cases.

After Monash, I completed several summer clerkships including a stint as assistant to Justice Kay in the Family Court. I commenced my law career at Arnold Bloch Leibler where I completed my articles and practiced for an additional 18 months, working in their commercial litigation department. I then transitioned to investment banking, working as the assistant to the Chairman of Rothschild Australia for 12 months and then as a banker in their private equity and banking department. After an enjoyable two and a half years to begin a property development career that continues today.

Since leaving Monash, I have also pursued my passion for music as a songwriter and guitarist, working under the moniker “Law of Numbers”. I have written, recorded and produced songs with artists in Australia and the United States and been fortunate to have music played on TV shows around the world.

Jacinta Maloney  
(BA 1992, LLB 1995)  

After graduating I went to Mildura for a year, where I took on the role of Women’s Outreach Solicitor. This was a new position created under the Commonwealth Government’s Justice Initiative based in a new community legal centre. I provided outreach legal services to women across a large rural area of North West Victoria and bordering towns in NSW and SA. It was a great opportunity for me, early in my career, to work in isolated rural communities, including local indigenous communities, and to gain some valuable experience.

Little did I know then that this would be the beginning of a career in the community legal sector. After working briefly at Victoria Legal Aid in child support, I went to work at St Kilda Legal Service as a community lawyer, where I have now been for the past 16 years. While at St Kilda Legal Service I have been involved in organising community campaigns, such as the Walk Against Family Violence and produced publications aimed at making the law more accessible to our clients and the broader community.

In St Kilda we see a diverse range of clients, including some of the most marginalized and vulnerable, providing a unique environment in which to work. The diversity of clients and the range of areas of law affecting them, keeps me on my toes – ranging from bodies corporate, street sex work to family violence.

This year I was awarded the Victoria Law Foundation Community Legal Centre Fellowship. The fellowship will allow me to undertake research of benefit to the community legal sector.

Although it has been a while since I graduated from Monash, I feel I still have a connection with Monash through the many legal volunteers at St Kilda - many of whom are current Monash law lecturers, some Monash law lecturers and many legal practitioners who graduated from Monash.

Marnie Troeth  
(BEc 1993, LLB 1995)  

I graduated from Bachelor of Economics (1992) and Bachelor of Laws at Monash University (1994) and went on to do the Practical Training Course at Leo Cussen. After becoming admitted to practice in November 1995 I did paralegal work at Maddock Lonie & Chisholm (Maddock) before starting at Hill Perkins, Geelong as a solicitor where I later became an Associate. I worked at Hill Perkins for the next 15 years (with the exception of a working holiday to the UK spent working at Herbert Smith). In 2011 I decided to move to an in-house position and am now the In-House Lawyer at Karingal Inc. My skills of research developed during many hours of reading through cases in the Monash Law library and those gained both at Leo Cussen and my years of private practice, have placed me in good stead to provide up to date, practical and relevant legal advice in an in-house legal environment.

I have very fond memories of Monash including living on campus (Deakin Hall), Thursday nights at the Nott, the friends I made and meeting my now husband of 15 years, its intercollegiate – ranging from election campaigns to the Wishlist Ball (1995) (electoral officer to David O’Brien MP, a fellow Monash Law student), with three boys aged 10, 9 and 6 my days of Moot Court (which I admit I found a little nerve wracking at the time) seem so easy compared to the lively debates and negotiations now taking place with my 10 year old child.

I feel privileged to have studied law at Monash and am grateful as to where law has taken me in terms of a challenging career, the flexibility to balance family and work commitments and the ability to use my legal skills in a productive way by working in the not-for-profit arena.
Justin Hannebery  
(LLB 1995)

The almost two decades since my graduation has reinforced how fortunate I was to have had the opportunity to obtain my degree from Monash. That has permitted me to pursue a career at the Bar for the last 15 years, practising predominantly in Criminal Law as a trial advocate in Crockett Chambers. In addition to criminal trial work, I have also appeared in the Coroners’ Court and at an appellate level in the Court of Appeal and the High Court.

I had no firm plan at the time of graduation that I would pursue a career in the law at all, let alone as a barrister, but practice at the Bar has proven to be both personally challenging and very often extremely enjoyable. Despite the occasional suggestion to the contrary I have found the vast majority of my barrister colleagues both supportive and interesting. It has also been a great privilege to serve on both Bar Council and the Criminal Bar Association, hopefully pursuing the interests of justice and fairness in our state’s legal system.

I sought not re-write history however. A brief recollection of my Monash academic records suggests that “Where was he then?” may be a more suitable column title than “Where are they now?”. On that note can I commend the always friendly and talented staff at the Clayton TAB. And observe that exams scheduled for Cup Day afternoon at Caulfield Racecourse are probably unlikely to produce optimal results for the easily distracted.

Paul Ronalds  
(BEC 1993, LLB (Hons) 1995)

After a few years as a lawyer at Freshfields, I recall a senior partner asking me into his corner office on level 46 of 101 Collins Street and telling me that one day “all this could be mine”. I started polishing my CV straightaway.

Some close friends and I from Monash University had often spoken about a business together and in the heady days of the dot com boom anything seemed possible. We raised some venture capital funding and wishlist.com.au was born. It was terrific fun but incredibly hard work and soon I was questioning whether this was really my life ambition.

After some time off overseas to reflect, I returned to work with Tim Costello at a small NGO called Urban Seed – working with people who were sleeping rough on the streets of Melbourne or impacted by substance abuse and other issues. When Tim left to become CEO of World Vision, I went with him, excited by the opportunity to become involved in tackling global justice issues.

My six years at World Vision included substantial time in Sri Lanka and Aceh following the 2004 Tsunami, refugee camps on the Thai Myanmar boarder, large urban slums in Asia and Africa as well as dirt poor rural communities. In 2010, I left Melbourne for Canberra, to work at the Department of Prime Minister & Cabinet, providing advice to the Prime Minister on a broad range of social policy issues. In July this year I returned to Melbourne to take up the role of CEO of Save the Children. Save the Children is one of the world’s largest international NGOs, last year helping 125 million children. In Australia we support early education, health and child protection programs throughout the Pacific and Asia, as well as running more than 70 domestic programs, mostly in WA, QLD and the NT.

Nick Rudge  
(BEC 1994, LLB 1995)

I graduated from Faculty of Law with a Bachelor of Economics/Bachelor of Laws in 1994. I thoroughly enjoyed my studies and with the benefit of hindsight would possibly have enjoyed doing Arts rather than Economics!

The lecturers and tutors at Monash were excellent and the teaching provided a really solid base for my later career. I formed some really strong friendships amongst my peers and some of my fondest memories are from the small study groups that we formed debating the law, life and many other issues often until well into the night.

Other than a few months as an articled clerk, my practice since graduation has solely been in litigation. Initially I practised at Hunt & Hunt in commercial litigation and slowly with a move to what was then Arthur Robinson & Hedderwicks I have specialised in construction litigation and arbitration since the late 1990’s. I have been at what is now Allens since 1997, other than a four year leave of absence early in the new millennium when I worked in London at what is now Hogan Lovells. The practice of law at Allens has been full of challenges but ultimately very rewarding. I have worked with some very talented people and worked on a number of large interesting, complex and demanding matters. My time in London was also a wonderful experience and gave me a different perspective on both life and the law. My career has allowed me to travel and given me many privileges.

On an ongoing basis I am grateful for the teaching I received at Monash for making me receptive to learning, the discipline to be successful in private practice and understanding the dynamics of the law.

I am married to Rowena and we have two wonderful children. I maintain a middle-aged man’s obsession with bike-riding, running and the Richmond Footy club.

Warwick Walsh-Buckley  
(AssoC/Dip/PAoS)  

I completed a combined Arts/ Law Degree at Monash during the 1980’s whilst I was Senior Constable Prosecutor with the Victoria Police, graduating with Honours in 1990, I did my Articled Clerkship with the large commercial law firm, Blake Dawson Waldron (now Ashursts) and, after practising as a Litigation Solicitor for a short time, I was called to the Victorian Bar in 1991.

I’ve been a Barrister now for over 22 years working in Criminal Law developing a niche practice in defending motorists accused of drink-driving, culpable and dangerous driving and other serious traffic offences and appear anywhere from the Magistrates’ Court to the Court of Appeal.

During the early 1990’s I completed a Master of Laws Degree also at Monash where, in fact, I obtained all my four tertiary qualifications.

Throughout the 1990’s I worked part-time at tertiary institutions and also spent a few years with a commission as a Captain in the part-time Army Reserve Legal Corps where I mainly defended soldiers at initial and Special Long Service hearings. Around the year 2000 I began co-authoring a legal text book, Motor and Traffic Law – Victoria, widely used by the private profession as well as the Victoria Police, the OPP and the Courts.

Somewhere during this busy 24 years since I completed my Law Degree I managed to find time to marry and produce three sons and two daughters. My oldest son, aged 18, will transfer to Arts/Law at Monash University at the end of 2013. I dropped him off at Monash just the other day – the first time I had entered the Clayton Campus in nearly a quarter of a century – it sure brought back some memories!

Julian Teicher  
(BEC(hons) 1975, LLB 1995)

I am something of an oddity because I enrolled in the Law degree in 1971 but did not graduate until 1995, so I have memories of two quite different times. In the first period, there was great intensity around our studies, in part because we were more of an elite group. Because we used to use hard copy exclusively in those days, we would rush off to the Law Library after every lecture to get the cases that had been referred to by the lecturers. Most of the time we would fight over a single volume and then it was off to the photocopiers. These were horrible old devices that printed on shiny paper and after a time, particularly with exposure to light, the text would fade away.

In the second period, I was employed at Monash in the Department of Management and I was studying Law part time. The student cohort was for the most part less than half my age and the era of digitisation was well advanced. There were even lectures on line and people were beginning to use laptops in class. Students had become more casual and informal about their study, or so it seemed to me. There were lots more textbooks and for the major subjects there were also condensed versions covering the main topics. Some students never seemed to use the Library except for group work and conversation.

After three years in the 1970s, rightly or wrongly I left my legal studies and undertook postgraduate degrees in Economics. My subsequent career took me into the practice of industrial relations and then back to academia. My PhD dissertation was designed to study Law thinking I could engineer a career change from academia to legal practice, but in the end, I could not afford to start all over at the bottom as an articled clerk.
Peter Dunne  
(BC 1990, LLB(Hons)1994)  
I started first year law at Monash in 1991 (aged 20) which seems a long time ago now. I had just completed an economics degree. In my first year I took contracts, tort, criminal and constitutional law. It is fair to say that I felt somewhat out of depth in HP Lee’s constitutional law class. I remember reading the opening chapter to Professor Hanks’ Constitutional Law in Australia text book (which still sits in my book case today) four or five times to try grasp what was going on. Somehow I got through (Professional Practice at Springvale with Adrian Evans was a great highlight).

I commenced articles at Freehill Holingdale & Page in Melbourne in September 1994. Four years later my wife and I spent two years in London having the time of our life, spending time in the Private Equity Group at Ashurst Morris Crisp in between weekends away.

I returned to Freehills Melbourne in 2000 (coinciding with the arrival of our first child). In 2002 we moved to Sydney for a “few years”. We have been in Sydney ever since. I was made a Partner in the Corporate group at Freehills in 2005 and focus primarily on private equity and negotiated M&A transactions.

We now have three children (Madeleine 12, Harry, 9 and the wild one Josephine 6). I am also a director of 40K Foundation an organisation engaged in building schools in India. We live in inner-city Sydney (Darling Point) and for most weekends ferrying children between various sporting events. I still miss Melbourne, and try to get back a few times a year. I look back fondly on my time at Monash – 6 years all up was a good stint.

Justin Castelan  
(BA 1993, LLB 1995)  
Coming up to 20 years since I left, one of my lasting memories of Monash was while I was working on Lot’s Wife in 1992. Quite pleased with having got an edition to the printers on time a couple of days before, I came to uni that morning and was greeted with huge graffiti scrawled on the walls calling for the Lot’s Wife Editors to be sacked and castrated. How I survived the year, I am still not sure.

Since graduating in 1995, I spent the following 5 years working with Holding Redlich and then Minter Ellison, doing my M&A and commercial litigation, before coming to the Bar in 2000. I have been a barrister ever since, with a practice that largely focusses on defamation and media law. While most of my work is in the Victorian Supreme Court, I have also been briefed in defamation matters in NSW and Queensland. Along the way, I have acted for and against major media organisations, high profile people and people who just wished they were high profile people.

My practice also includes general commercial litigation and I have had the joy of working on a few large commercial matters where the number of documents discovered would fill a small bus. Otherwise, I have cross-examined directors for ASIC, I have acted for a power company in a fire case and I am currently acting for the plaintiff in a class action arising from the collapse of a non-bank lender.

In my spare time, I am usually found chasing my two boys, Felix (8) and Eden (5), around a park or a playground or an otherwise quiet cafe. Otherwise, I might be tapping away at the computer, using my acquired journalistic skills to write my blog at: www.defamationwatch.com.au

Barry Diamond  
(BC 1992, LLB 1995)  
After graduating from Monash with a Bachelor of Economics (major in economics and accounting & finance) and Bachelor of Laws, I commenced my professional career at Coopers & Lybrand (predecessor firm of PwC) practising in the Private Clients / Business Services area.

I completed my Professional Year in 1998 and qualified as a chartered accountant. My role in business services at Coopers morphed into a tax advisor role and I soon began specialising in the law of stamp duty. This took me to Freehills in 2000 where I continued to specialise in stamp duty law.

I completed my Articles in 2000 with Freehills and was admitted to practise as an Australian Legal Practitioner in 2001.

With the introduction of the Goods & Services Tax in 2000, the States and the Commonwealth agreed to abolish most forms of stamp duty. Thirteen years and five successive governments later, we are still no closer to such tax reform. I am now a partner at PwC (since 2005, having returned from Freehills). My area of technical specialty continues to be in stamp duty law. However, my role and focus has shifted to leading and growing PwC’s national stamp duty practice and bringing all of PwC’s services to clients.

I look on my time at Monash with much fondness. It certainly instilled in me a love of learning. I have since completed a Master of Business Administration at Melbourne Business School and a Masters of Law subject in Goods & Services Tax Principles at Sydney University. I lead a busy life with four young boys and hope to continue my career where I can make a positive difference to the people I engage with and the community I live in.

Kenneth Wiltshire  
(GradDipComLaw 1995)  
Monash for me, was a time relatively early in my career when I wanted to do more study in areas that had not been covered in great detail in my undergraduate course. The hardest part was battling out from the city to Clayton to attend Harry Reicher’s exceedingly interesting tax seminars. The easiest bit was being able to do one subject at the University of Melbourne that being “The law as to Damages” where Harold Luntz, a man many years before his time, and being “The law as to Damages” where Harold Luntz, a man many years before his time, and was greeted with huge graffiti scrawled on the walls calling for the Lot’s Wife Editors to be sacked and castrated. How I survived the year, I am still not sure.

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Caroline Reynolds Chester  
(LLB 1995)  
As a "mature age" student (of 26!) I embarked upon 3 years of intensive study for my law degree at Monash University, which I completed in February 1994.

Following a mere 2 weeks break I commenced articles at Arthur Robinson and Hedderwicks (now Allens) where I remained for just under 3 years. Motherhood beckoned and I had my first child Sebastian.

As part-time at a mega firm was unheard of in 1997, I embarked upon the unknown journey of finding part time legal work. I was successful and found commercial, local government and employment law work at Maddocks – where I remained for a number of years. During this time I had my second child – Isabel.

Following this and with the objective of combining part time legal work and motherhood, I found work at the (now defunct) Legal Ombudsman’s office. That role required me to investigating the professional conduct of lawyers and make recommendations to the Ombudsman. After a year in that role, I took a 1 year break to have baby number 3 – Campbell.

After a year of full time motherhood, I again re-entered the workforce and found a part time legal position at the Victorian Work Cover Authority undertaking commercial work. After a couple of years in that role I decided to take a career break and toyed with the idea of doing something else with my life. However, a careers psychological profile test demonstrated my aptitude for law! So after only a few months out of the work force I was again looking for stimulating part time legal work. I was fortunate to find a 3 day a week position in the Legal Services Group at RMIT University working with a great group of people and undertaking a variety of legal work.

To this day, I have managed to combine motherhood with 3 children and have a rich, life together with an interesting and fulfilling legal career. So for all you women out there – It can be done!
Jim Shaw  
(BA 1994, LLB 1995)  
I left Monash at the end of 1994 with an LLB and a BA (major in cinema studies, minor in French). I completed a postgraduate diploma in cinema studies at the University of Melbourne in 2001.  

I was called to the Bar in 1996 and have worked as a barrister ever since, specialising in commercial law, criminal law and construction law.  

Over the last three years I have returned to the Monash Faculty of Law as a part-time lecturer in Trial Practice and Advocacy at both undergraduate and postgraduate level.  

The study of the humanities proved to be more interesting than law, largely because there were so few optional subjects in the law degree. And let’s face it, reading the Corporations Act can’t really compete with watching decadent European films.  

However, I have often appreciated during my time at the Bar what a solid legal education I received at Monash. The law is always changing, so it is a lawyer’s analytical skills that matter.  

At Monash we were taught how to think, not how to remember stuff.  

I was also inspired by the teachers of the (then) novel Trial Practice and Advocacy unit, Jeff Sher QC and Chris Canavan QC, to take a risk and go straight to the Bar after articles. It is a risk that I’m glad I took, on both a personal and professional level.  

My wife, Shyla Vohra, and I met at Monash in 2001. We have a son aged 9 and two daughters aged 4 and 2.

Graham Leonard AM  
(LLB 1995, BA(Hons) 1996, CA, FAICD(Dip), AFAIM)  
My way of dealing with my mid-life crisis was by enrolling in an Arts/Law course at Monash as a part time (mature) student. It was a whole new and enjoyable experience for me as I had left Sydney Boys High at age 14 following the death of my father. I qualified as a Chartered Accountant being admitted in 1962. Over the next almost 30 years I worked in senior management positions in large multinational organisations. With the unwavering support of my wife Ruth I determined to become more independent and make full use of my experience and skills.  

The addition of my law degree and subsequent practising certificate greatly assisted in this process. I graduated law in 1995 and Arts (Honours) in 1996. My current career activities are as professional independent company director and volunteer community worker. I am a Commissioner with the Victorian Multicultural Commission having been appointed in 2011. I have been actively involved in Victoria’s diverse faith and ethnic communities for some 20 years, including the roles of Chairperson of the human rights organisation B’nai B’rith Anti-Defamation Commission, President of the Jewish Community Council of Victoria and President of the Executive Council of Australian Jewry. I am also a volunteered director and former honorary CEO of the Australian chapter of the global anti-corruption watchdog Transparency International.  

I had the honour of being awarded the Centenary Medal instituted to commemorate the centenary of Federation of Australia for community service in 2003 and appointed a Member of the Order of Australia in the 2008 Australia Day Honours.

Warwick Gullett  
(LLB 1995)  
I completed my LLB in 1995, followed by an honours year in geography. It was then off to Canberra to start my PhD at ANU. I combined my interests in international environmental law and environmental policy by examining transboundary environmental impact assessment processes. This took me for a year to York University (Toronto) and the University of Copenhagen. I completed my thesis in 2001 coinciding with my appointment as Lecturer in Law at the Australian Maritime College in Tasmania. I was then able to focus my research interests on the marine environment. I subsequently was appointed Lecturer in Law at the University of Wollongong in 2004, attracted by its pre-eminence in the marine law field by virtue of its Australian National Centre for Ocean Resources and Security.  

I have continued to concentrate my research interests in the area of international law of the sea. I have also found myself teaching Torts, something that was unimaginable in 1992 when I was a Torts student. However, I have enjoyed the experience (and indeed conveyed this to my Torts teacher, Danuta Mendelson, who I met recently). I have enjoyed being at the University of Wollongong where I was promoted to Professor in 2010 and appointed Dean of Law in 2012.  

My memories of Monash include the old basement lockers of 1991, enduring the addition of the 4th floor, eagerness to arrive early at Bryan Dwyer’s Property Law lectures so as to be able to sit near the front with reduced risk of being asked a difficult question, going to the rotunda building to search nervously for subject results posted on sheets of paper, extremely early arrivals on campus to queue for tutorial allocations, Bruce Dyer’s excellent Administrative Law classes, and Kumar Amarasekara’s jokes in Criminal Law.
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# Postgraduate Law Units: January – June 2014


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<th>Title</th>
<th>Commencing</th>
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<td>LAW7494</td>
<td>Advanced Evidence &amp; Proof in Litigation</td>
<td>7 January</td>
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<td>Randall Kune</td>
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<tr>
<td>LAW7540</td>
<td>(The) Chinese Legal System: A comparative analysis</td>
<td>8 January</td>
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<td>LAW7276</td>
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<td>Australia Legal Process &amp; Research (International Students Only)</td>
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<td>John Duns (QUOTA: 8 LLM/JD)</td>
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For additional copies
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or email Kate.Daley@monash.edu

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