Age and experience defeated youth and enthusiasm when two teams of Monash Law students and alumni recently debated the question, ‘Should the law allow genetic engineering to create the perfect baby?’. The Great Law Week Debate was co-hosted by Monash Law and the Law Institute of Victoria. Held in the Legislative Council of Parliament House, the debate was part of celebrations marking the 40th anniversary of the Law School.

In keeping with the 40s theme, the under 40s battled the over 40s, in what turned out to be a clash of wits with just a little sledging thrown in.

The team of over 40s, consisting of three of Melbourne’s top legal minds, Julian Burnside QC, David Shavin QC and Simon K. Wilson QC proved the better team on the night, with the judges and audience agreeing that the law should not allow genetic engineering to create the perfect baby.

The under 40s team comprising former World and Australasian Debating Champion Kim Little from law firm Clayton Utz, Arts/Law student and current Australasian Debating Champion runner-up Simin Kocdag, and former Australasian Debating Champion runner-up Chris Fladgate, from law firm Mallesons Stephen Jaques argued in favour of the question.

continued on page 2
Dean’s message

Welcome to the July edition of Law Matters. After six months in the Dean’s chair I am now in a better position to make some informed observations about the Law School and the educational environment.

The Law School is committed to providing a degree that will not only prepare graduates for legal practice, but will also train students for employment outside the traditional avenues of the law. We aim to foster interdisciplinary and critical inquiry and work closely with other faculties, both through joint degrees and research. We have great strength in our undergraduate clinical programs, negotiation and mediation skills courses, and advocacy and mootling programs.

My first six months have been focused on reviewing our administrative structures and our various research centres. I do not envisage a radical change in the faculty’s current directions, but the changes wrought by the Commonwealth Government’s Higher Education Support Act (2003) and the implications of the Federal Opposition’s education policy to abolish undergraduate full-fee places, have created an uncertain operating environment.

We will be looking to further develop our Law Chambers in Bourke Street, Melbourne, to cater for our expanding postgraduate programs and to refurbish the Clayton building, which is now beginning to show its age.

On matters of ageing gracefully, we will be marking our 40th anniversary with a dinner on Thursday, 19 August. I look forward to meeting many of you then and taking the first step in re-engaging many of our alumni and building a stronger Law School community.

Professor Arie Freiberg
Dean, Monash Law School

Faculty news

Something to say?

Monash Law School’s Castan Centre for Human Rights Law was established in 2000 to meet the growing need and interest in the study of human rights.

Formed as a tribute to the late Ron Castan AM QC, the Castan Centre continues the struggle for recognition and respect of human rights, a task that was the centrepiece of much of Ron’s work.

Through teaching, publications, public education, research, collaboration and advocacy, the Centre brings together the work of national and international human rights scholars, practitioners and advocates.

Another major function of the Castan Centre is to facilitate human rights student placement programs to enhance and encourage student interest in the area. Working closely with Reprieve Australia, Monash Law student volunteers are recruited by the Castan Centre to provide legal representation to those facing the death penalty in the USA. Internships are also offered at the United Nations Commission on Human Rights in Geneva.

Informing and educating the legal community on human rights issues is a primary focus for the Castan Centre. Funding is currently being sought to establish a public education program comprising a series of lectures to be held in Melbourne with renowned international human rights law experts. The Castan Centre is also seeking support for expanded pro-bono work both in Australia and overseas.

Law Week Debate rejects babies by design

The five-member judging panel included Dean of Law, Professor Arie Freiberg, President of the Law Institute of Victoria, Chris Dale, Melbourne City Councillor, Kimberly Kitching, Barrister Roisin Annesley and President of the Monash Association of Debaters, Tim Sonnreich. They were torn for a while but concluded that the negative team’s arguments were more persuasive.

The special guest moderator for the event was acclaimed public speaker, impersonator and Monash Law alumnus Campbell McComas AO.

The affirmative team argued that state-sponsored genetic engineering should be available to everyone because the technology provides healthier, smarter babies.

The negative team told the audience it would be catastrophic to allow politicians to ‘design the population’ by deciding what constituted a perfect baby.

For more information on this education program, or on the range of educational programs organised by the Castan Centre, phone +61 3 9905 3327 or visit www.law.monash.edu.au/castancentre

The Castan Centre’s Annual Lecture will be held on 13 August at Queen’s Hall, Parliament House, Melbourne and will commence at 1pm. Dr Jose Ramos Horta, Minister of Foreign Affairs and Cooperation, Democratic Republic of East Timor, will present ‘East Timor: a UN Success Model in Nation-building?’
The Lawyer’s Practice Manual, a unique legal manual produced by the Springvale Monash Legal Service (SMLS) for almost 20 years, was recently re-launched online by the Victorian Attorney-General Mr Rob Hulls.

All law firms in Victoria have a copy of the lawyers’ “bible”, the only legal manual of its kind produced in the State. Updated annually, it includes 55 chapters covering 17 areas of legal practice and provides advice on issues such as motor vehicle damage claims, consumer law, credit disputes, human rights issues, anti-discrimination and matters arising after a conviction.

Monash Law Associate Professor Adrian Evans, who is one of the manual’s editors, congratulated SMLS and fellow editors for their tireless efforts in converting the two-volume publication into an online format.

A Monash seminar has called for the establishment of a new independent body to tackle police corruption and organised crime in Victoria, stating that recent government proposals to tackle the problems had been developed ‘on the run’.

The seminar, held on 16 June, resolved to establish a working party of representatives from the legal community and academia, as well as professionals within the criminal justice system and members of the wider community. The group will develop a model of a crime and corruption-fighting body that will be presented to the Victorian Government.

Expert speakers discussed police corruption in Victoria and recent government proposals to fight the issue and included Dean of Law, Professor Arie Freiberg, Monash Criminal Justice and Criminology Head, Associate Professor Colleen Lewis, Law Institute of Victoria (LIV) President, Chris Dale, Victorian Criminal Bar Association Chairman, Lex Lasry QC and Shadow Attorney-General, Andrew McIntosh.

Professor Freiberg said the seminar provided an opportunity for sustained public debate on the major problems confronting the criminal justice system in Victoria.

“We now have a pledge from the LIV, the Criminal Bar Association, Monash University and the Fitzroy Legal Service to establish a working party that will look into the various models, powers and resources needed to investigate and prosecute organised crime and police corruption in Victoria,” he said.

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“Significant developments include the announcement that the federal government will create a new body to investigate corruption in commonwealth organisations. It is significant that this function, these powers, were not given to the commonwealth ombudsman even though his office has the power to investigate complaints against the Federal Police," he said.

“It is also significant that the federal government has refused to give the state ombudsman phone tapping powers because he is, in effect, not a law enforcement body in the same way that agencies in other states are who have been given these powers.

“Good law reform is built upon intensive research and extensive consultation with professionals and the public," Professor Freiberg said.

He went on to say that the situation in Victoria regarding the question of whether to establish a crime commission is not acceptable. “The debate has been carried out on radio and TV and in the newspapers, but not in any formal forums where the issues can be explored in some detail.

“Our seminar brought together some of the leading participants in the debate. It is an attempt to take a measured approach to very important institutional issues which will affect the structure of our criminal justice system for some time to come. It should not be the last,” Professor Freiberg said.
From Clayton to Croatia

In addition to the traditional career avenue of legal practice, Monash Law alumni can be found in a multitude of careers, from communications and marketing to politics. *Law Matters* caught up with a number of our alumni who occupy positions across the globe and discovered some of the varied career destinations of Monash Law graduates.

**Kobi-Renee Leins (BA(Hons)/LLB 2002)**
Clubs Processor, United Nations Compensation Commission, Switzerland

Kobi-Renee Leins has made her way from selling moccasins in a local shopping centre to processing claims for the United Nations Compensation Commission (UNCC) in Geneva, Switzerland. Kobi works with a team processing evidence provided by claimants to substantiate claims for environmental damage resulting from Iraq's invasion and occupation of Kuwait.

**Marijan Gubic (BA(Hons)/LLB 1994, MA 1995)**
Communications Officer/Facilitator for South Central Europe, World Bank, Croatia

Marijan Gubic has been associated with the World Bank in South Central Europe as an External Affairs Officer for two years. In his dual role as the Bank's Croatian Communications Officer and the Facilitator for South Central Europe, he is responsible for marketing the organisation locally as well as coordinating communications and providing strategic advice to sector leaders. Marijan also develops and implements strategic communications for investment projects and is involved in government communications influencing key social and economic reform policies.

**Adam Fenton (LLB(Hons) 1996)**
Editor, *Hello Bali*, Indonesia

Adam Fenton works as an editor for the largest English-language publishing company in Indonesia. Adam was based in Jakarta for five years working as the Editor of Garuda Indonesia's in-flight magazine. He recently moved to Bali and has taken up the position of Editor of tourism magazine *Hello Bali*.

**Ben Yong (BA(Hons)/LLB 1992)**
Japanese Investment Consultant, Baker & McKenzie, Thailand

Ben Yong's LLB has led him to a position at the Thailand office of multinational law firm, Baker & McKenzie. He is a consultant for Japanese investors wanting to establish or restructure operations in Thailand. Ben's role provides opportunities to expand his expertise in law as well as his knowledge of customer relations, marketing and HR management.

**Gidon Bromberg (BEc/LLB 1988)**
Director, Friends of the Earth Middle East, Israel

In 1994, Gidon Bromberg founded Friends of the Earth Middle East, a regional environmental non-profit organisation which promotes sustainable development and peace-building between Israelis, Palestinians and Jordanians. As the organisation's Director, Gidon manages 27 staff and hundreds of volunteers. He also oversees the group's fundraising, development, preparation of policy papers and advocacy work.

**David Smith (BA/LLB 1988)**
Legal Advisor, United Nations Development Program, Honduras

Since 2001, David Smith has held a number of positions in the United Nations Development Program (UNDP) Honduras. One of his principal tasks has been to negotiate and draft the legal structure for joint development projects with the Hondurans Government, other UN Agencies and country donors. For the past year, David has been legal advisor for the UNDP/Honduran government project, which is bringing the country's telecommunications system up-to-date. Prior to working in Honduras, David held a string of positions for the UN in Laos, East Timor and Sri Lanka.

**Eli Fried (BEc/LLB(Hons) 1995)**
Student, Master of Diplomatic Studies/part-time Communications Officer, School of Government and Policy, Tel Aviv University, Israel

On completion of his LLB, Eli Fried practised as a commercial and contract lawyer. His focus has now shifted to postgraduate studies and Eli is completing a Masters degree in diplomacy, international relations, negotiations, political economy and law. When he is not studying, Eli works as a Communications Officer for the Tel Aviv University, promoting the school's activities and assisting in the development of academic and professional programs.
Vallejo Gantner (BA/LLB 1999)
Director, Dublin Fringe Festival, Ireland

Vallejo Gantner is the artistic director and CEO of a growing curated festival of contemporary arts in Ireland. The Dublin Fringe Festival is a multi-disciplinary three week event featuring theatre, contemporary dance, performance art, music and installation. Vallejo finds his role both privileged and rewarding, spending three months a year on the road visiting other festivals, artists and productions worldwide.

Michael Havin (BA/LLB 1983)
Corporate Secretary, Orbotech Ltd, Israel

As the Corporate Secretary of a large, publicly-traded Israeli hi-tech company, Michael Havin is responsible for the corporate arrangements of his group of companies, principally their public reporting obligations to the United States Securities and Exchange Commission (SEC) and the Nasdaq. Michael draws heavily on his legal and drafting skills in his role and believes the transition from a traditional law position to industry, which he made eight years ago, has proved positive and successful.

Michael Rush (BEC(Hons)/LLB 2000)
Student, Doctor of Philosophy (D.Phil), United Kingdom

Michael Rush is currently reading for a D.Phil in law at Oxford University. He has found writing a doctoral thesis to be a valuable experience, learning a great deal about his specific area of research and meeting many interesting people.

Sam Farrands (BEc/LLB 1989)
Managing Partner, Minter Ellison, Hong Kong

Sam Farrands is Managing Partner of Minter Ellison’s Hong Kong and Shanghai offices and heads the firm’s Major Projects Group for Asia. He is responsible for approximately 70 partners, lawyers and general staff, as well as being a legal adviser to clients. The firm has quadrupled in size in Hong Kong and Shanghai over the past three years, an accomplishment Sam has found fulfilling to manage. Sam has acted on a number of interesting transactions, including the North West Shelf consortium (BHP Billiton, Woodside, Shell, BP, ChevronTexaco and MIMI) in relation to their successful bid for the A$25 billion Guangdong LNG Supply Project in China, Australia’s largest export deal.

Ronit Zimmer (BA(Hons)/LLB 2002)
Student, Doctorate of Political Science, The Hebrew University, Jerusalem, Israel

Arts/Law graduate Ronit Zimmer lives in Israel with her husband and fellow Monash Law graduate Eli Fried. As a doctoral student at the Hebrew University in Jerusalem, Ronit is writing a thesis on issues of gender and peace in the Israeli Palestinian conflict in terms of UN Resolution 1325 on women, peace and security.

Hayley Neilson (BCom/LLB 1999)
Senior Associate, Allen & Overy LLP, United Kingdom

Hayley Neilson is working in the London office of Allen & Overy LLP as a Senior Associate in the leveraged finance department. She works primarily on acquisition and project finance transactions. Hayley is responsible for drafting the main documents for general transaction management and supervising junior associates. The role has opened up countless opportunities – Hayley will soon commence a secondment at Goldman Sachs, a large investment bank in London.

Nobuhiro Takahashi (LLB 1997)
Associate, Freshfields Bruckhaus Deringer, China/Japan

Nabuhiro Takahashi is a lead associate in the newly created Japan-China practice group at the firm Freshfields Bruckhaus Deringer. His role involves hiring staff, client relations, making presentations and attending client functions, as well as running mediation and arbitration, foreign direct investment, including structuring, drafting, negotiation and due diligence.

Are you a Monash Law graduate working abroad?
Why not let us know what you are up to? Contact Janet Harris on +61 3 9641 6203 or email alumni@law.monash.edu.au
Law School community news

Class of ’68 and ’69 reunion

On Thursday, 10 June the very first graduates of Monash Law School were reunited at a cocktail party held to celebrate 40 years of the faculty.

The reunion provided an opportunity for alumni from the classes of 1968 and 1969 to come together and reminisce about student days back at the “farm”. We thank all of our graduates who made the evening such a success.

The Law School is also preparing a similar event for our 25 year graduates from the class of 1979 to be held on 10 November. Those interested in attending or helping to organise the event should contact Janet Harris on +61 3 9641 6203 or email janet.harris@law.monash.edu.au

Old friends Peter Cleeland (left) and Peter Rosenberg reunite at the Monash Law reunion.

First graduates John Pearce (left) and Ron Tait.

Faculty highlights

New publication on electricity reform

A new book on Victoria’s electricity reform was recently launched by Monash Law. The book was edited by Professor Graeme Hodge and Valarie Sands, two of Monash Law School’s eminent privatisation researchers in collaboration with David Hayward and David Scott from Swinburne University.

Power Progress: An Audit of Australia’s Electricity Reform Experiment provides a review of the past decade of reforms to the Australian electricity supply industry and gives an insight into the transition from the state-owned monopoly of electricity supply to the part-privatised market in Australia today.

The book features commentary and analysis from 15 local and international experts on various issues relating to the sweeping reforms which have dominated Australia’s electricity industry over the past 20 years.

Indonesian leaders learn with Monash Law

The Monash Centre for the Study of Privatisation and Public Accountability was recently involved in training a group of Indonesian public servants, to better equip them to implement constitutional change in their country.

The 19 senior local government officials from various Indonesian provinces completed the District and Provincial Planning course that was developed by Monash Law in conjunction with the Australian Government’s overseas aid program, AusAID.

The training, which has been conducted several times in Australia and Indonesia since its inception in 1999, is delivered by Monash and the University of South Australia.

The nine-week program aims to improve participants’ knowledge and skills about decentralising power and increasing accountability so they can better implement the decentralising legislation that was passed in Indonesia in 1999.

Monash University Law Review turns 30

The 30th anniversary issue of the Monash University Law Review was recently launched by Pamela Tate SC, Solicitor General for Victoria.

Past and present contributors to the Review commemorated the key role the publication continues to play in providing the legal community with critical analysis of topical legal issues.

In celebrating the last 30 years, guests paid homage to the historical development and scholarly contribution of the Law Review, as well as recognising those who played a vital role in the success of the important journal. If you would like a copy of the Law Review, please contact Natalie Meredith on +61 3 9905 3382.

Washington College of Law visits Monash Law School

A delegation of academics from the American University, Washington College of Law, including Professor Penny Pether, Associate Professor Leti Volpp and Associate Professor Temmu Ruskola, recently paid a goodwill visit to Monash Law School, where they participated in a joint university workshop and discussed academic and research partnership opportunities between the two law schools.
Monash mooters make their mark

Two Monash moot teams have this year proved successful on the world stage.

A team from Monash Law School participated in the prestigious Philip C. Jessup International Law Moot Court Competition in the USA and achieved success in the qualifying rounds – the best-ever result for the university.

Teams from Monash and the University of Melbourne represented Australia in the international round of the competition, held in Washington DC from 28 March to 3 April.

The Monash team, which was unbeaten in the preliminary rounds, defeated the Kyrgyz-Russian Slavonic University and the University of Melbourne in the sudden-death qualifying rounds.

Unfortunately they were pipped to the post in the quarter finals by Ateneo de Manila University of the Philippines, which went on to beat the University of Singapore in the Jessup Moot final.

Overall, Monash was ranked sixth out of a total of almost 600 international teams.

The spokesman for this year’s Monash team, final-year law student Matthew Fielden, said they were in excellent company during the tournament.

“With a focus on international law advocacy and competitors from around the globe, the Jessup Moot is one of the most prestigious and competitive moots in the world,” he said.

“It was a great honour for the two top universities in Melbourne to represent Australia in this distinguished international competition.”

This year’s Jessup problem, “The case of the International Criminal Court”, concerned the jurisdiction of the International Criminal Court and the definitions of the crimes within its statute.

In Europe, a second Monash Law moot team was also successful in the Willem C. Vis International Commercial Arbitration Moot held in Vienna, where 138 teams from 40 countries participated in the biggest gathering of arbitrators in the world.

The moot involved a dispute arising out of a contract of sale between two countries that are party to the United Nations Convention on Contracts for the International Sale of Goods.

After four preliminary rounds the Monash team was one of 32 teams to be selected for the finals. The team was then eliminated in the first knockout round by the National Law College, India.

Team member, Ben Jellis was awarded an honourable mention in the best speaker category, which placed him in the top 30 out of over 600 students.

The faculty would like to thank the Law Institute of Victoria and Baker & McKenzie for their generous support of our moot teams.

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Monash Law School X factor

Monash Law School 40th Anniversary Dinner

The Monash Law School X factor is that indefinable combination of individual experiences, challenges and friendships, nurtured in an environment of innovation and diversity. Join us in celebrating 40 years of excellence.

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Cost

$120.00 (inc. GST) per person

Tables of 10 may be group booked – $1080.00 (inc. GST)

RSVP

Friday 6 August

Bookings essential due to limited space

Please contact Charlotte Holden on Tel: (03) 9905 3389

Fax: (03) 9905 9903 or email charlotte.holden@law.monash.edu.au

Be entertained by ‘Troupe Du Jour’ while we celebrate the achievements of four decades of Monash Law School 1964-2004.
Postgraduate programs at Monash Law

A postgraduate degree from Monash Law School will provide you with the knowledge and expertise to build your career advantage.

We offer a range of flexible courses for both law and non-law graduates including masters degrees and single unit enrolments that are offered on a full or part-time basis.

Monash Law in the CBD: classes are held at convenient times in the city-based Monash Law Chambers, located in the heart of Melbourne’s legal precinct.

Influence the law through research
Your chance to make a difference
- Doctor of Philosophy (PhD)
- Doctor of Juridical Science (SJD)
- Master of Philosophy (MPhil)
- Master of Laws (by major thesis)

A research degree with Monash Law will provide you with the time, resources and intellectual autonomy to pursue your interest in the law.

Our programs give you the freedom to challenge legal principles, contribute to a broader understanding of legal issues, even influence law reform. In addition to our research-based degrees, we also offer the innovative Doctor of Juridical Science (SJD), which combines coursework with research.

Scholarships available
Monash offers non-taxable research scholarships for three years of full-time study, with additional faculty funding also available for outstanding candidates – scholarship applications close 31 October each year. Research applications are accepted throughout the year.

For more information phone + 61 3 9905 3342, email research@law.monash.edu.au or visit www.law.monash.edu.au/research

Graduate Certificate in Law
Teaching
This program is a flexible, two-year part-time course designed to build the skills necessary to teach law and law related subjects at the tertiary level. It is suitable for law and business academics who teach law subjects, who are interested in developing and enhancing their professional teaching practice. The course is taught via a combination of online learning and other communication technologies.

For more information phone + 61 3 9905 5136, email edfltu@law.monash.edu.au or visit www.law.monash.edu.au/ll/lawteachcert

Postgraduate programs in Tribunal Procedures
Members of administrative tribunals are recruited from a range of occupational backgrounds to ensure diversity, equity and a variety of skills. Regardless of professional background, tribunal members and adjudicators require core skills and knowledge to fulfil their roles.

Monash Law School offers a Master of Laws, Graduate Diploma and Graduate Certificate in Tribunal Procedures suitable for those contemplating a tribunal appointment or for those with a general interest in administrative and tribunal procedures. For more information phone +61 3 9641 6206, email graduate@law.monash.edu.au or visit www.law.monash.edu.au/postgraduate

Gearing for Success series – ‘Negotiate your way to success’
Tuesday, 5 October
The Gearing for Success breakfast seminar: ‘Negotiate your way to Success’, will be presented by Monash Law graduate Dr Sandi Caspi-Sable, Senior Trainer and Consultant with CMA Legal. The event will be held at the Grand Hyatt in Melbourne and will focus on developing skills for negotiation. For more information phone +61 3 9905 2636 or visit www.monash.edu.au/alumni/events/gearing-for-success

LLM(LP)/JD information session
The Master of Laws (Legal Practice) is a unique program designed for non-law graduates who wish to obtain a law degree and can be completed in just three years. Combining coursework subjects with practical legal training this degree leads directly to admission to practise law in Victoria.

Students who wish to undertake a year of articles in a legal firm can choose to complete the coursework only component and graduate with a Juris Doctor in just two and a half years. Flexible and convenient timetabling allows busy professionals to combine work with study.

For more information, drop in to the LLM(LP)/JD information session on Monday, 23 August from 6–8pm at 472 Bourke Street, Melbourne. To register your interest phone +61 3 9641 6220 or email llm@law.monash.edu.au