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Dean’s message

Professor Bryan Horrigan
Dean, Monash Law School

“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.”

This statement encapsulates the mission of this community that I have been presenting to a variety of internal and external audiences since becoming Dean in January this year. Those audiences range from the February orientation evening for new students and their families (see p 22) to May’s Faculty Executive Committee meeting with the Provost and other senior University management officials.

This latest edition of Law Matters celebrates the outstanding work and personal successes of a number of student, staff, and alumni members of our community. It raises awareness of the scholarly, professional, and public impact of our members within and beyond this community. It also includes the next instalment of profiles and success stories of the alumni members of our community (see pp 11–16). All of this was on display in the first major graduation ceremony for our Faculty this year, where former Federal Treasurer and Law alumnus, The Honourable Peter Costello AC, received an honorary doctorate and gave the Occasional Address (p 2).

Our law students are amongst the best in the world. In the era of evidence-based policy-making, such bold statements demand demonstrable proof. This edition of Law Matters provides it. For example, we are the only law faculty in the world whose student body boasts the most recent grand finalists in the prestigious international Vis moot and the most recent winners of the World Universities Debating Championships (see pp 4 and 7).

In addition, four of our students are recent recipients of the Prime Minister’s Australia Asia awards (see p 1). One of our students has become the first Monash student representative in a prestigious Washington congressional internship program (see p 3). Another law student has won sporting gold for Australia on the international stage (see p 16). Three of our newest alumni have been instrumental in an initiative that transfers the debating skills of our world champion debaters to countries in Africa whose university, school, and local communities most need such skills (see p 19). Two of our alumni have received Distinguished Monash Alumni awards from the University (see p 4). Our high-achieving student prize winners received their prizes for last year’s results in the presence of Justice Shane Marshall from the Federal Court (who also gave the Occasional Address), Justice Tony Pagone from the Victorian Supreme Court, and prize donors from the legal profession (see p 3).

Our community’s contributions on multiple fronts to legal scholarship, public policy, and social justice are illustrated in this edition of Law Matters too. Following hot on the heels of the Faculty’s achievement of the highest ranking of 5* for its research quality in the most recent national audit of research quality by the Australian Government through its Australian Research Council (ARC), the Faculty has also moved from 15th to 13th place in the latest QS World Rankings of law schools (see p 2).

The ground-breaking Springvale Monash Legal Service is celebrating 40 years of community service (see p 20). One of the new landmarks in Australian human rights jurisprudence has editors and contributors from the Faculty’s Castan Centre for Human Rights Law, and was launched recently by the President of the Australian Human Rights Commission (see p 18). The Faculty’s prestigious annual Fiat Justitiae Lecture was given earlier this year by Professor Shimon Shetreet on the universally significant topic, “Judicial Independence and Liberty, Democracy and Global Economy” (see p 18). The largest ARC Discovery Project grant ever achieved by the Faculty has been awarded to a team of four researchers to investigate world-class venture capital programs and commercialisation of research, which can inform Australian government policy in this important field (see p 18).

The lead article in this edition (see pp 6–9) comes from Adjunct Professor Nahum Mushin, who chaired the Australian Government body charged with preparing the national apology on forced adoptions. We are very fortunate to have a large number of current and former heads and members of various courts amongst our alumni, as well as a growing number of former Supreme Court, Federal Court, and Family Court judges associated with us in ongoing roles, including The Hon. Nahum Mushin. Our new ‘Eminent Lawyer in Residence’ program will provide further opportunities for judges and other senior members of the legal profession to become involved in the academic life and activities of our community.

2014 marks the 50th anniversary of the Faculty of Law. We are planning a series of events for the year that will involve students, staff, and alumni here and abroad, including a major showcasing and fundraising dinner and the launch of a commissioned history of the Faculty. The next edition of Law Matters and other communications from the Faculty will keep you informed of these and other landmark events and plans for our vibrant community.

Professor Bryan Horrigan
Dean, Monash Faculty of Law
Australia Day Honours 2013

Officer of the Order of Australia (AO)
Professor Marilyn Renfree AO (Hon LLD 2010)
For distinguished service to biology, particularly through leadership in the research into marsupial reproduction, and to the scientific community through contributions to professional organisations.

Member of the Order of Australia (AM)
Mr Graham Smorgon AM (BJuris 1972, LLB 1974)
For significant service to business, and to the community of Victoria.

Dr Beth Wilson AM (LLB 1977, BA 1975)
For significant service to the community of Victoria through the provision of dispute resolution in the area of health services.

Mr John Gibson AM (LLB 1980)
For significant service to international relations as an advocate for human rights.

New appointments:

Peter Dunn (LLB 1989)  
Appointed to the Magistrates’ Court of Victoria

Adrian Finanzio (BA 1993, LLB 1995)  
Appointed to Senior Counsel

Nicholas Hopkins (BSc 1985, LLB (Hons) 1988)  
Appointed to Senior Counsel

Suzanne McNicol (PhD 2002)  
Appointed to Senior Counsel

Nicholas Pane (BSc 1983, LLB 1988, LLM 2000)  
Appointed to Senior Counsel

Reynah Tang (BSc 1991, LLB (Hons) 1993)  
Appointed President of the Law Institute of Victoria

Prime Minister’s Australia Asia Awards success for Monash Law students

Four Monash University law students have been awarded Prime Minister’s Australia Asia Awards, allowing them to continue their research at some of the most influential educational institutions in Asia.

Monash University law post-graduate students Sarah Henderson and Jack Maher and law undergraduate students Anna Lam and Maxine Lange were among 40 students nationwide awarded the prestigious scholarships at Parliament House in Canberra.

Monash University Vice-Chancellor and President Professor Ed Byrne AO congratulated the students on their awards.

“As a globally-focused university, Monash is committed to encouraging our students to look at how Australia engages with the world,” Professor Byrne said.

“This commitment is reflected in the large number of successful Monash students again this year in the Prime Minister’s Australia Asia Awards.

“The continual success of our students with awards such as these shows the desires of our students to further their study, research and professional development overseas.”

The Prime Minister’s Australia Asia Awards provide scholarships for the best and brightest university students from Australia and Asia.

The Awards provide the opportunity for students to undertake not only international study, but also internships. Jack Maher, a Master of Laws Juris Doctor student, will travel to the Tsinghua University in Beijing where he will study intellectual property law.

Sarah Henderson, a Master of Laws Juris Doctor student, will further her legal studies at the University of Indonesia law faculty which will include study of Indonesian public welfare law, law and economics, international trade law and transnational law.

Bachelor of Arts and Bachelor of Laws student Maxine Lange, will study International trade law, international human rights law as well as intensive Mandarin language classes at the China University of Political Science and Law in Beijing.

Anna Lam, also undertaking a Bachelor of Arts and Bachelor of Laws, will study subjects towards her Bachelor of Laws at the University of Hong Kong.

Pro Vice-Chancellor Professor David Copolov OAM added his congratulations to the six students.

“Winning a Prime Minister’s Australia Asia Awards is a wonderful opportunity for this group of students to extend their learning and research opportunities and increase their skills and enhance their global awareness,” Professor Copolov said.

Diary dates:

2013

13 June  
Seminar  
20th Anniversary of Part 5.3A  

26 July  
Conference  
The Annual Castan Centre for Human Rights Law Conference  
www.law.monash.edu.au/castancentre/

4 August  
Monash University Open Day  
monash.edu/openday/

18 September  
Lecture  
Costello Lecture  
law-marketing@monash.edu

24 October  
Lecture  
Lucinda Lecture  
law-marketing@monash.edu
The Faculty of Law was recently involved in a very successful graduation ceremony. Approximately 327 students graduated from a full range of degrees including LLB, LLM, JD and PhD. The Chancellor Dr Alan Finkel AM, Vice Chancellor and President Professor Ed Byrne AO, Deputy Chancellor Mr Ian Pyman, Deputy Vice-Chancellor (Education) Professor Adam Shoemaker, Pro Vice-Chancellor (Learning and Teaching) Professor Darrell Evans and Faculty of Law Dean, Professor Bryan Horrigan attended.

Former Federal Treasurer and Law alumnus, The Honourable Peter Costello AC (BA, LLB(Hons) 1980), gave the Occasional Address which included the following valuable career advice for the graduands.

“Something I learned at Monash is that majorities are not always right. It takes a great deal of strength to stand out against popular positions. But standing for a principle – well thought out and with honourable intentions – does win respect from others. Even more importantly, it will bring you self-respect. That is the quality which you will need to live with yourself.”

The Honourable Peter Costello AC was also conferred with an honorary doctorate from Monash University at the ceremony. He received the honorary degree of Doctor of Laws 

The Law school would also like to congratulate Monash alumna and lecturer at the Faculty of Law, Dr Kathryn James who received her doctorate at the ceremony. Kathryn’s thesis is entitled ‘Explaining the Rise of the Value Added Tax - A Challenge to the Conventional Approach’ and her supervisors were Professor Graeme Hodge, Professor Stephen Barkocy and Dr Patrick Emerton (and previously Professors Jeff Waincymer and Richard Krever).

Kathryn’s thesis will be published by Cambridge University Press (New York).

Other graduands from the Faculty of Law, who received their doctorates were Choo Kah Sing, his thesis is entitled ‘Islamism in Malaysia: The constitutional and legal dimensions’ (Supervisor: Professor HP Lee) and Sarah Kernot, her thesis is entitled ‘Chiefs, custom and the state in Samoa and Vanuatu: Hybridity as a tool for assessing governance in complex polities’ (Supervisors: Dr Guy Powles and Dr Patrick Emerton).

Monash Law School ranked 13th in QS World Rankings

Monash Law School has been ranked the thirteenth best Law School in the world at which to study Law, as released by the 2013 QS University World Rankings.

These results indicate that we are a world-class faculty of destination for students and staff, as well as a world-class partner for other universities and organisations.

The QS rankings are determined by a combination of academic peer-review, employer attitudes and research output and impact; the rankings are intended to help students decide the best university at which to study.

Monash University is currently ranked 61st overall in the QS World Rankings. Vice-Chancellor of Monash University, Professor Ed Byrne, said he was delighted with the University’s strong performance across such a wide range of disciplines.

“This year’s results are an extraordinary achievement and are indicative of the overall quality of the University’s teaching and learning, and its research,” Professor Byrne said.

“They are further proof that our students are receiving a world-class education.”

L to R: Vice Chancellor and President Professor Ed Byrne AO, The Honourable Peter Costello AC and Chancellor Dr Alan Finkel AM
James Brooks, an Arts/Law student, recently returned from the United States of America where he participated in a prestigious congressional internship program. James was the first Monash University student to participate in the Uni-Capitol Washington Internship Program – an annual program that places 12 Australian university students in congressional offices for a two-month internship. Monash is one of a select number of Australian universities to participate in the program.

"I worked in the office of Representative Jerrold Nadler from New York," James said. "My role involved a lot of constituent contact and required me to work closely with staff and other interns in the office. There was a sense that, even as an intern, I was involved in important issues as they unfolded on ‘the Hill’.

In addition to daily work in their respective offices, interns attended a host of briefings, meetings and other events that aimed to broaden their understanding of American politics and international relations.

"Highlights for me included attending the Presidential Inauguration Ceremony, visiting the Australian Mission to the United Nations in New York and meeting former Transportation and Commerce Secretary Norman Mineta, who was Secretary of Transportation on September 11, 2001."

"One thing the program taught me was that, despite the similarities between Australia and the United States, there are fundamental differences between our two countries with respect to political discourse, culture and institutions. We were in Washington, D.C. while the Congress was debating gun control, the fiscal cliff and sequestration. The kind of debate we saw simply wouldn’t happen in this country."

"Opportunities for foreigners to work in the United States Congress are few and far between. I’m very grateful to have had such an enriching and unique experience."

James is currently completing a research task for his law studies, comparing campaign finance laws in the United States and in Australia.
Monash University celebrated the leadership and achievements of its alumni and student communities at the 2012 Distinguished Alumni Awards. The Faculty of Law was extremely proud with two law alumni receiving awards.

University Chancellor Dr Alan Finkel AM presented the 2012 Distinguished Alumni Lifetime Achievement Award to Australian legal academic and human rights advocate Professor Emeritus Ron McCallum AO (BJuris 1970, LLB (Hons) 1972) for his exceptional contribution to human rights, education, research and the community.

Vice-Chancellor Professor Ed Byrne AO presented the Alumni Student Award to Arts/Law student Kiran Iyer for his student leadership and volunteer service to the University and the Faculty of Law.

Director, Alumni Relations Ms Louise McCarthy said the event was a wonderful way to honour the achievements of the University’s alumni community.

“It was a fabulous night; I think everyone came away from the event truly inspired by this year’s recipients,” Ms McCarthy said.

Master of Ceremonies was Melbourne Lord Mayor, the Right Honourable Robert Doyle (BA 1976, BEd 1984).

Articulate Monash University Law students have beaten teams from Oxford, Yale and Sydney University to take out the World Universities Debating Championships (WUDC) for the third consecutive year – an achievement unmatched in the tournament’s 31-year history.

Team Monash “B” – consisting of Arts/Law graduand Nita Rao and James Beavis, currently studying Science/Law, took out the grand final by arguing for religious freedom from state intervention.

Their victory follows the successes of Victor Finkel and Fiona Prowse in 2011, and Amit Golder and Kiran Iyer in 2012.

Chris Bisset (Arts/Law), who was competing on team Monash “A” won the award for best speaker, conjointly with Pam Cohn from the University of London. Monash students Victor Finkel (2011), Kylie Lane (2005) and Ben Richards (1994) have previously taken out the Best Speaker of the World honour.

Vice-Chancellor and President, Professor Ed Byrne, said the entire Monash community was proud of the Monash Association of Debaters (MAD).

“It is a wonderful reflection on the University, our standard of teaching and our aim to create an environment that encourages independent thought that we have continually produced such highly-successful debaters,” Professor Byrne said.

Nita said the “incredible” win belonged to every member of MAD.

“We could not have won without the support and training from the club,” Nita said.

“Monash has now won Worlds an unprecedented three times in a row and that is because of the hard work and dedication of everyone at MAD.”

The entire MAD contingent performed strongly with the Monash “A” team of Chris Bisset and Madeline Schultz, and “C” team of Nicole Franklin Stephen Moore making the Quarter-Finals and Double-Octo Finals respectively. Also, Madeline Schultz and Nita Rao were ranked fourth and 10th overall respectively in the best speaker competition.

“Thank you to the Vice-Chancellor, who continues to facilitate our attendance at major international tournaments and to the Monash Association of Debaters. Also, thank you to our mentor, MAD President Gemma Buckley,” Nita said.

The debaters also thanked the dedicated supporters who accompanied them to the tournament, or who watched the live online stream of the debates in the early hours in Australia.

In addition to the most recent victories, Monash has taken out the WUDC in 1999 and 2000. In 2012, University debaters won both the Australasian Championships and the international event, The Red Sea Open.
Minute of Appreciation – Lawrence McCredie

The Faculty of Law at Monash University extends its deepest condolences to the family of Lawrie McCredie.

Lawrie McCredie died on 28 November 2012 aged 84 of the effects of Parkinson’s disease. His funeral was held at the Scots Church, Collins Street Melbourne, on 7 December 2012. The ceremony was well attended by many of Lawrie’s former students, numerous present and past members of the staff of the Monash Faculty of Law and a large contingent of family and friends.

Below is a Minute of Appreciation for Lawrie’s long term contributions to the Faculty endorsed by the Law Faculty Board in 2001.

Lawrie McCredie comes of a military family and his first choice of career was the Army. After graduating at the Royal Military College, Duntroon, he completed a tour of duty in a tank regiment, part of the British Army of the Rhine. Very unfortunately, not long after his return to Australia, he was seriously injured in a training accident and his Army career came to an end.

He turned to the study of Law at the University of Melbourne, where he graduated LL B (Hons) in 1960. He undertook articles at Arthur Robinson & Co.and after admission to practise in 1961 remained with that firm as an employee solicitor.

In 1967 he came to Monash University as a Lecturer at the Law School, only in the third year from its foundation and still housed in and around the Hargrave Library. He was promoted Senior Lecturer in 1971 and Associate Professor in 1979. His principal teaching and research interests were trusts, wills and the administration of estates — branches of the law in which he specialised when in practice. His book Administration of the estates of deceased persons in Victoria was published in 1979 and an expanded second edition appeared in 1989.

Lawrie McCredie’s special contribution to the Faculty was as Sub-Dean, initially from 1971 to 1972, and then from 1976 until his retirement in 1993 and indeed for a time afterwards. As Sub-Dean, he served on the Executive Committee of the Faculty and assisted successive Deans in a variety of ways.

The Faculty and assisted successive Deans in a variety of ways.

Lawrie McCredie’s main contribution to the wider community was through his work for the visually handicapped. As a result, he was appointed CBE in the New Year Honours, 1982, “for service to the disabled”.

He retired at the end of 1993 but continued to carry limited teaching and administrative responsibilities for several more years and was also appointed as a Fellow of the Faculty.

Grateful reference should also be made to the care and help which Lawrie received from a succession of devoted secretaries and assistants, from his four daughters and especially from his wife Heather.

Lawrie not only succeeded more than most in his studies and in his profession, he triumphed over a complete loss of eyesight, partial loss of hearing and the loss of a hand and forearm; and never shirked responsibilities on that account. His determination and effort was always a source of great admiration for his colleagues.

A reputation in the world’s top 100

Monash University is one of the top 100 universities in the world according to the results of a survey of senior academics recently released by Times Higher Education. The University is ranked in the 91–100 band.

It is the first time Monash has achieved a top 100 entry in the Times Higher Education Reputation Rankings since they were first published in 2010.

Vice-Chancellor Professor Ed Byrne said the results highlighted the continuing development of the University’s reputation for excellence amongst the global academic community.

“Entry into the top 100 shows the growing reputation of the University through the impact and relevance of our research, the excellence of our facilities and our educational offering, and the quality of our graduates,” Professor Byrne said.

“To be held in such high esteem by senior academics from around the world confirms our belief that Monash is an institution whose star is on the rise. Our move into the top 100 universities worldwide is confirmation that we are rapidly becoming a serious contender in the sphere of global education and research and we believe we are well positioned to achieve greater success in the years ahead.”

The Times Higher Education World Reputation Rankings represent the collated results of an invitation-only academic opinion survey. The results were drawn from more than 16,000 senior, published academics who responded on the quality of research and teaching in institutions within their disciplines and with which they were familiar.

He acquired familiarity with University and Faculty legislation and was a skilful drafter of Faculty’s regulations and resolutions. He assumed prime responsibility for working out teaching allocations, holding in his retentive mind details of the interests and wishes of all members of the academic staff, (which he was usually able to accommodate) and estimating with considerable flair the likely enrolments in the many law subjects which the Faculty offered.

Most of all, his skills were demonstrated as guide, mentor and friend to generations of students. There was almost always a queue of students outside his door, wanting to discuss with him the requirements of the Faculty regulations, the pros and cons of enrolling in particular subjects and a range of personal problems. He would listen patiently, and give careful and wise advice to all of them, as well as to members of staff who consulted him about students, examinations, regulations and other responsibilities.

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Phil Baty, Editor, Times Higher Education rankings, said The Times Higher Education World Reputation Rankings draw on the world’s largest invitation-only survey of experienced, senior academics, all around the world.

“They are selected to be statistically representative of both their discipline, and their region. So the reputation rankings are recognized as a powerful and widely used index of true global academic prestige,” Mr Baty said.

“The top 100 list represents only around 0.5 per cent of the universities in the world, so all of those ranked are truly among a tiny elite of the world’s most highly regarded academic institutions.

Monash’s entry into this elite group this year is a major achievement – and another clear indication of the institution’s arrival as a global university.”

In recent years, Monash has performed strongly in the three major international university rankings. In the 2012 Times Higher Education Rankings Monash entered the best 100 institutions in the world at 99, the QS World University Rankings rated the University at 61, and the Academic Ranking of World Universities (compiled by Shanghai Jiao Tong University) rated Monash an estimated 137th in the world (the first time the University had entered the top 150 in that index).
Contemporary Perspectives on Human Rights Law in Australia
Paula Gerber, Melissa Castan (editors)
Thomson Reuters, 2012
This book provides a contemporary, comprehensive, accessible and scholarly examination of many of the most important human rights issues facing Australia today. Written for human rights and legal scholars and practitioners, as well as those who wish to increase their understanding, this book provides timely and provocative perspectives on the law and policy regarding the application of human rights standards in Australia.

The contributors are many of the nation’s leading and emerging experts in human rights, drawn from both legal and non-legal disciplines, and from varied backgrounds including universities, NGOs and the Australian Human Rights Commission. The authors outline and explore the hottest topics, presenting clear, articulate and engaging chapters that skilfully highlights both introductory ideas and in depth critical analysis. Each chapter can be read individually, or consecutively as a complete work.

Shanahan’s Australian Law of Trade Marks and Passing Off
5th edition
Mark Davidson, Ian Horak
Thomson Reuters, 2012
The fifth edition of this seminal work offers a fully revised analysis of the law of trade marks and passing off in Australia. Necessarily the text synthesises and explores the significant changes in trade mark law in the years since the last book edition, in the context of both domestic and international developments. It also explores developments in the law of passing off and its legislative equivalents.

Written initially by Dan Shanahan, an experienced patent attorney with Spruson & Ferguson, throughout its editions this book has maintained its unique combination of practitioner focus with deeper analysis of the law. Professor Mark Davison who specialises in trade marks and e-commerce, co-authors this edition with Ian Horak, barrister at the Victorian Bar practising in intellectual property law.

Offering professionals authoritative commentary from Australia’s leading experts, Shanahan’s Australian Law of Trade Marks and Passing Off continues to be the ideal reference for every trade mark matter.

Business Innovation and the Law
Marilyn Pittard, Ann Monotti, John Duns
Edward Elgar, 2013
Business Innovation and the Law analyses the topical issue of protecting and promoting business research and development. It does so by examining business innovation through the lens of different legal disciplines – intellectual property, labour and employment laws, competition and corporate laws.

Evaluating the impact of each of these areas using discipline specific and industry perspectives, the book also explores questions about whether a more harmonized approach is necessary to provide appropriate protection. Approaches of the common law and civil jurisdictions, particularly the European Union, inform and provide guidance to the analysis of emerging issues in this field. This book provides insights into various approaches taken by both common law and civil law jurisdictions regarding the increasingly blurred line of ownership rights in innovative industries. It traverses various disciplines of law as well as jurisdictions.

Using interdisciplinary perspectives to business innovation and inter-jurisdictional comparisons and analysis, this book will appeal to university administrators responsible for intellectual property policy, managers of technology transfer offices in universities, intellectual property lawyers, labour and employment lawyers and competition lawyers.

The Australian Judiciary
2nd Edition
H P Lee, and the late Enid Campbell
Cambridge University Press, 2012
The second edition of HP Lee’s The Australian Judiciary provides a timely update to this seminal text. The only definitive survey of the entire Australian judiciary, this text describes and evaluates the work, techniques, problems and the future of the different tiers of courts and judges. It discusses the role of the judiciary as the third sector of government and analyses and comments on judicial conduct, judicial independence and impartiality, the work of judges beyond the courts, the accountability of judges and the dangers to judicial institutions. It is an excellent reference work which will appeal to legal scholars and practitioners throughout Australia and internationally.
Monash University together with the Australian Advocacy Institute (AAI) were the first institutions to provide victim advocacy training on behalf of the International Criminal Court (ICC) in The Hague, Netherlands.

Recognising the Faculty of Law as a world leader in the field of victim advocacy, the ICC invited Monash to deliver victim advocacy training to more than 140 counsel and advocates on the Court’s list from all corners of the globe. The function of the ICC is to consider charges and reparations against individuals accused of genocide, crimes against humanity and war crimes.

The training workshops, were delivered by Monash in conjunction with the Australian Advocacy Institute and were part of the Tenth Seminar of Counsel of the ICC which brought together more than 400 of its members and advocates from around the world.

Chairman of the Australian Advocacy Institute Professor the Hon. George Hampel AM QC, and Director of the Monash Forensic Studies Program, together with Barrister and PhD student in the Faculty of Law Elizabeth King lead the program, and delivered the training along with Judge Felicity Hampel SC of the County Court of Victoria and Barrister David Sexton, a lecturer within the Faculty.

Professor Hampel said the workshops provided participants with an opportunity to improve essential advocacy skills, including effective preparation, performance and communication skills, in a supportive learning environment.

“Advocacy is the art of persuasion. Performance by lawyers and people who want to be barristers and advocates is a task which requires mastery of specific disciplines, skills and techniques,” Professor Hampel said.

“The Australian Advocacy Institute developed all these techniques used in the training of advocates and barristers from all over the world and they are taught at the Monash Law School. These are all the skills that were taught and developed as part of this project and it’s a privilege to be the first institution to be given this opportunity.”

Ms King said Monash University was contributing significantly to the development of this field and is well positioned to provide advocacy training.

“We welcome this opportunity to contribute to the work of those who appear before an international judicial institution whose function is so important,” Ms King said.

“The issues that form the substance of ICC proceedings are critical and need to be managed with precision and care. It is a privilege to be part of a process that will contribute to effective, meaningful advocacy in the victim representation area.”

The Honourable Professor George Hampel AM QC

Developing the Art of Advocacy

Vis Moot Success

A team of Monash University Law students, Calum Sergeant, Martin John, Lauren Peacock, Jack Naughton, Candice Coleman and Priya Wakhlu have cemented Monash University’s strong legacy in the international commercial arbitration field. The Vis International Commercial Arbitration Moot Competition is one of the most prestigious moot court competitions in the world.

The competition is designed to enhance student knowledge about international commercial law and arbitration, with a particular focus on key international legal texts such as the Convention for the International Sale of Goods and the UNCITRAL Model Law on International Commercial Arbitration. As a part of the competition, students are required to submit a written memorandum as well as deliver oral arguments. The Monash University team competed in both the Vis East Moot Competition in Hong Kong, and the Vis Moot Competition in Vienna.

The Monash University Team, was extremely successful reaching the Finals in Hong Kong, the top 16 teams out of the 94 participating teams and in Vienna the team successfully went on to win all of the five-knock rounds before bowing out in the Grand Final, finishing second out of 294 teams. Team member Candice Coleman also received an Honourable Mention for her oral submissions in Hong Kong.

In order to prepare for the competition, the students were required to develop a strong knowledge base in a number of areas including Private International Law, International Sale of Goods, Child Labour Standards as well as procedural and evidentiary issues. In addition, team members undertook a substantial number of practice moots with Vis Moot Alumni, experts on international arbitration, members of the judiciary and senior counsel and partners from Law Firms.

The moot competition provides an opportunity for Monash students to showcase their skills on a world stage, in front of many esteemed and influential individuals in the international law field. The team was particularly benefited by their coach Professor Jeff Waincymer, who has had a long standing relationship with the Vis Moot and devoted innumerable hours to the Vis Moot Program. The program also provides a unique opportunity for students to fast track the development of the skills necessary to enter legal practice and the team hopes that many more Monash students will continue to participate in the program. Past team members have gone on to undertake numerous judicial associate positions at the Supreme and Federal Courts as a result of participation as well as internships at the ICC and multinational law firms.

The 2013 team was able to participate with the generous sponsorship assistance of (in alphabetical order) Allens Linklaters, Arnold Bloch Leibler, Ashurst Australia (Blake Dawson), Corrs Chambers Westgarth, The Honourable Ray Finkelstein QC, Michael Heaton QC, Neil Kaplan CBE, King&Wood Mallesons, Justice Pamela Tate and Tim Tobin SC.

“A large part of our focus is making a contribution that is responsive to the ICC’s jurisprudence as it unfolds and we are very interested in establishing a long-term relationship with the ICC and continuing to respond to its training of counsel needs.”

Monash University’s Faculty of Law has developed into one of the largest and most prestigious law schools in Australia, complemented by a broad teaching base, strong international links and an outstanding reputation.
The national apology to people affected by forced adoptions

Adjunct Professor The Honourable Nahum Mushin (BJuris, LLB 1967)

Introduction

In February 2012, the Senate Community Affairs References Committee tabled its report entitled Former forced adoption policies and practices. One of the main recommendations of that report was that the Federal Parliament issue a formal statement of apology that identifies the actions and policies that resulted in forced adoption and acknowledges, on behalf of the nation, the harm suffered by many parents whose children were forcibly removed and by the children who were separated from their parents.

In June 2012, the Attorney-General, the Honourable Nicola Roxon MP invited me to chair the Reference Group charged with the responsibility of drafting that apology. This article outlines the process leading to the offering of that apology by the Prime Minister on 21 March 2013 in the Great Hall of Parliament. Shortly afterwards, it was formally moved in the House of Representatives by the Attorney-General, the Honourable Mark Dreyfus QC MP and in the Senate by the Leader of the Government, Senator the Honourable Stephen Conroy.

The reference group

The Reference Group was made up of 11 members including myself. Four of those were parliamentarians, three from the Senate Committee (including its chair and deputy chair) and one from the House of Representatives. The other six were three mothers, one father and two adopted people. The Group met on four occasions between August and November 2012 and delivered its draft to the Attorney-General in late December 2012. The Prime Minister accepted the Reference Group’s draft and delivered it without amendment.

What for?

There were approximately 150,000 adoptions of children in Australia between the late 1950s and the early 1970s. While they were the peak years, many other adoptions took place on either side of that period. The great majority of the mothers were unmarried and a large number were under 21, some as young as 15. Their pregnancies were seen as shameful and they received little or no support from family or others around them, including churches and other institutions. They were institutionalised in degrading and depersonalising facilities, often in the country or interstate and some even overseas.

Their birth experiences were appalling. They were treated differently from married mothers. They were often given no choice as to whether their babies were to be adopted. They did not have guardians or legal advice and had no idea of the process. They signed consents while under the influence of drugs, many consents were post-dated to comply with legal provisions and they were not advised of their rights of revocation of consent.

During birth, a sheet would be placed to prevent them from seeing their babies. In many cases, they were not permitted to even see them at any time, let alone cuddle or feed them. Many mothers experienced being tied to the bed and there are instances of pillows being held over their faces. Some were told that their babies had died.

The lack of support for mothers from their families was not universal. In one instance a mother’s parents were not permitted to visit their daughter or grandchild and were escorted from the hospital.

These experiences have left people scarred to various degrees. Some will never recover their mental health. Others will take them in their stride. There is a vast range of physical, emotional and psychological reactions within those extremes.

Why apologise?

The numbers alone demonstrate that these events were not isolated. They were a systemic application of adoption laws throughout the country. As the apology recorded, many of the practices were “illegal”. While some argue that the practices conformed with society “mores” of the time, the ways in which they were applied must be condemned. They cannot be justified in any circumstance, whether by today’s standards or those of the time.

All State and Territory Governments, with the exception of the Northern Territory, have recognised the significance of the application of these policies and have offered apologies. In accordance with the Senate Committee’s recommendations, the Commonwealth has taken a national approach and has offered an apology on behalf of the whole nation.

That being said, as referred to in detail in the Senate Report, the Commonwealth’s role in these events was comparatively limited. Adoption is, and always has been, a State responsibility. However, until the 1970s (Northern Territory) and the late 1980s (ACT), the Commonwealth had responsibility for the laws of the Territories, although there were few adoptions. Mothers’ financial ability to raise their babies was not assisted by the lack of appropriate social security until 1973.

Perhaps most importantly, the Commonwealth lead the way in the production of Model Adoption Legislation which was enacted in the States and Territories in the 1960s. That role was more with regard to process than content.

The drafting of the apology

The Senate Committee recommended that the structure of the apology be in accordance with the five criteria identified in an excellent report of the Law Commission of Canada in 1999. Those criteria are first, to identify and acknowledge the wrongdoing, secondly, to accept responsibility, thirdly, to express sincere regret and profound remorse, fourthly, to give an assurance that the wrong will not recur and finally, to provide reparation through concrete measures. The apology compiled which each of those criteria.

The decisions of the Reference Group were made by consensus. In order to inform our deliberations, I consulted with interested people in every capital city except Darwin seeking views as to what was expected of the apology, a total of 48 individual meetings. The material gathered from those consultations was in accord with the views of the Reference Group. That instilled confidence in our decisions.

The Reference Group also received valuable advice from the Human Rights Commission.
While some argue that the practices conformed with society “mores” of the time, the ways in which they were applied must be condemned. They cannot be justified in any circumstance, whether by today’s standards or those of the time.

Language

Language is vital in all communications between people but nowhere more so than when emotions are as raw and profound as they are in forced adoptions. The point at which we started was: “What do you call the person who gave birth to the child?” There would appear to be an obvious answer: “Mother.” But many people use terms such as “birth mother,” “relinquishing mother,” “biological mother” and “life mother.” The adjective should only be used to describe someone other than the person who gave birth, the most obvious being “adoptive mother”. On that basis, the adjectives “birth”, “biological” and “life” are inappropriate enough. But “relinquishing” imports a further hurt to mothers. It infers that there was something akin to consent in the process which, of course, is contrary to the overwhelming matrix of facts referred to above.

From the clear decision in favour of “mother”, the terms “father” and “adoptive” or “adopted person” easily followed. We also used the word “babies” in the first paragraph of the apology.

Other issues of language arose. “Experiences” is to be preferred over “stories”, the latter being deprecatory. We resisted use of words such as “betrayed”, “kidnapped” or “abducted” as being inflammatory in the circumstances, preferring “illegal” as encompassing all the other concepts. That last word was particularly appreciated at the offering of the apology.

Time period

At the beginning of our work, the Attorney-General expressed the wish that we undertake the drafting on the dual bases of diversity and inclusiveness. During the consultations we received a few strong representations that the apology should be restricted to the period between the late 1950s and the early 1970s as referred to above. Ultimately, we decided that to place any limit on the time period would be contrary to the concepts referred to above. While we would be validating the experiences of people within the time period, we would be invalidating the experiences of those outside it.

Offer and acceptance

The issue of the time period discussed above is directly relevant to the way in which an apology should be offered. One offers an apology and it is up to every person to whom it is addressed to decide for herself or himself whether it applies to them and if so, whether to accept it. The offeror must not expect that the apology will necessarily be accepted by every person to whom it is intended to be addressed. In making the offer, it is hoped that as many people as possible will determine that it is addressed to them and should be accepted.

Concrete measures

One of the constant themes of the consultations was the proposition that without concrete measures to accompany the apology, the apology itself would be “nothing more than words”. That echoes one of the five criteria of the Canadian research referred to above.

There were three fundamental issues raised on this topic. The first was searching of records of births, deaths and marriages. The records are relevant to reunions between adoptees and their parents. At present such searches must be carried out separately from State to State, often at significant expense. The Commonwealth has undertaken to work with the States to improve accessibility to those records.

The second was the preservation, and availability for searching, of hospital and medical records. They are in a similar category to the records referred to in the previous paragraph.

The third matter was the availability of appropriately targeted counselling services by properly trained professionals. The Commonwealth has pledged to fund such services, particularly in the area of mental health which has been identified as being the greatest need.

Adoptive parents

Perhaps the most difficult issue in the area of forced adoption is the place of adoptive parents. They were not included in the apology. Some of them have voiced anger with their exclusion.

Mothers are very negative towards people who they regard as having “stolen their children”. Adoptive parents deny any improper action. They simply regarded themselves as doing the right thing by the children. Further, they assert that in many instances they were lied to by authorities with regard to the reasons for the children being available for adoption and the backgrounds of those children.

Adoptees regard themselves as “the meat in the sandwich”

Ultimately, a decision was made by the Reference Group, supported unanimously by the consultations and in accordance with the Senate Report, that adoptive parents were not included in this apology. To the extent that they might claim an interest in it, that interest was quite divergent from the interests of those to whom the apology was ultimately directed. On any view, the emotional issues involved for the people affected by forced adoptions would not have permitted any other outcome.

Conclusion

The apology for people affected by forced adoptions was an important moment in the nation’s history. There are moments when we should step back from our everyday lives and consider issues and times in which we might have done something more as a nation. On 21 March 2013 the nation did just that. We are richer for it.

Nahum Mushin

April 2013
10

Alumni and Student Highlights

Joh Kirby
Executive Director, Victoria Law Foundation

Q. When did you study at Monash Law School?
A. 1997–2003

Q. What course where you enrolled in and why did you choose that course?
A. Graduate LLB, I had another degree in Applied Science (Conservation of Cultural Materials) and had been working for a few years and really wanted to focus on law. The graduate law degree was a good fit. Now I would do the JD course.

Q. How did you find your studies?
A. It took me a while as I was working full-time and had two kids during my studies but I loved every minute.

Q. Can you tell us about your career history?
A. Law was my second career. I worked for 10 years as an art conservator concentrating on works on paper and photographs. Most of this time was at the State Library of Victoria where I managed the Conservation Department. Once I finished my degree I did my articles at Corrs Chambers Westgarth and then worked in their Revenue area, with Reynah Tang the current LIV President. I liked revenue because it is so research based – it reflected what I liked about studying. After a while I wanted to combine my previous management experience and legal knowledge into a role where I could better juggle things. This led me to become the Grants Manager at the Victoria Law Foundation where I am now the Executive Director. I have been at the foundation for just over 7 years.

Q. What do you do for a living – describe a typical day for you at work?
A. I am the Executive Director of the Victoria Law Foundation. My days are really varied. Obviously my role is all about leading the organisation, building relationships and supporting the staff at the foundation, it means I could be doing just about anything. There are always meetings. A large focus of the foundation is on improving Victorian’s understanding of the law. This is something I am really passionate about so given any opportunity I will be helping develop our programs in this area. My speciality is plain language and information design so given a previous free moment I am often found working on these types of projects advocating for the perspective of the community.

Q. Why did you decide to pursue a career in this field?
A. The work of the foundation draws together lots of my skills that I enjoy: organisational management, communication and of course understanding the law and legal sector. When I decided I needed to move out of a straight legal role I thought about all the things I liked and the foundation job fitted the bill.

Q. What do you most enjoy about your job?
A. Distilling legal concepts and making them truly understandable to the general community. I find that challenging and exciting.

Q. What has been your career highlight so far?
A. Receiving a Churchill Fellowship in 2010. My Fellowship took me all around the world looking at best practice in plain language community legal information. I made some great contacts and it has really changed the way I approach work.

Q. How important has networking been in developing your career? Do you network with your Monash classmates or with other Monash alumni?
A. It is really important to develop networks you can call on and I met some great people at Monash.

Q. How did your Monash Law School experience help you succeed in your chosen field?
A. I thought Monash gave me a great legal education that set me up well for the challenges ahead. I had Prof Fox for Criminal Law in first year and he used to run dinners where you could meet members of the profession. I think I went to nearly every one. I didn’t come from a legal family and they really gave me the context for my legal studies and were invaluable.

Q. Are you still involved with Monash Law School? If yes how and why?
A. I am a member of the Law Faculty Board.

Q. What are your favourite memories of your time at Monash?
A. The collegiate feeling that you had by having the Law School and Library in one building. This meant you always felt connected even when I was part-time. I think the JD building in Lonsdale St does this really well.

Q. What did you wish you had known while you were a student?
A. Everything.

Q. What did you want to do for a career when you were young?
A. Be a lawyer, surprisingly.

Q. What personal interests do you have?
A. A lot. The arts, reading, travel. I have recently taken up golf, but I am not very good.

Q. What is the best piece of advice you have received?
A. Be open to new experiences and not judgemental.
Where are they now?

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 Alumni Relations Coordinator kate.daley@monash.edu

Alumni and Student Highlights

Albert Monichino
(BSc 1981, LLB (Hons) 1983)

After graduating from Monash with a Bachelor of Economics (majoring in Accounting) and a Bachelor of Laws I did my articles and worked for about 15 months at a medium-size law firm, Cornwall Stodart. I then travelled overseas to complete a Master of Laws at Cambridge University (specialising in international commercial law). On my return to Australia in 1987 I joined the Victorian Bar to read with Frank Callaway (who later was appointed to the Victorian Court of Appeal). I have remained at the Bar since.

I have a general commercial litigation practice. Over the past 10 years I have developed an interest in arbitration, especially international arbitration. I was appointed Senior Counsel in 2010.

My most abiding memory of Monash was sitting in my first Legal Process lecture at the tender age of 2010.

Giuseppina Hopkins
(LLB 1983)

I was born and educated in Italy. I graduated summa cum laude in English language and literature at the Catholic University of Milan in 1961 and taught French and English before moving to Australia. After a few years teaching Italian, French and Social Studies in Australian Secondary schools, I studied Law at Monash from 1979 to 1982 benefitting from exceptionally talented teachers such as Prof. Waller, Prof Williams and Ron McCallum. The Professional Practice unit at the Springvale Legal Service and the two Moots gave me a foretaste for the application of legal principles to everyday life. After graduating and articles, I was admitted to practice in 1984.

My Monash Law degree opened the way to a varied and interesting career.

I worked in many capacities: as a solicitor in private practice, at a Community Legal Service and for Victorian Legal Aid.

In 1987 I was appointed to the Social Security Appeals Tribunal and in 1998 I was admitted to the Victorian Bar where I practised for several years mostly in criminal and administrative law. In 1995 I was appointed to the Mental Health Review Board and in 2001 to the Migration Review Tribunal. I enjoyed conducting hearings, the decision making process and writing statements of reasons in all three jurisdictions.

Having retired in 2006 I have since developed an interest in creative writing and published a short memoir and a few short stories.

Recently, I have been absorbed in translating the manuscript of an anonymous Italian War Diary found abandoned in a cave in Tobruk by an Australian Army Officer in 1941.

Beverley Honig
(BA 1981, LLB 1983, MBA)

A business guru and entrepreneur, I graduated from Monash Law School in 1982 and after qualifying as a Commercial Lawyer in the UK and Middle East, went on to build a portfolio of businesses and Directorships including:

- CEO Honeylight Enterprises P/L, a leading business consultancy www.honeylight.com.au
- Judge at Essential services Commission (Appeals)
- Senior lecturer to Executive MBAs and postgraduates at Universities of Melbourne and Queensland (QUT)
- Corporate designer/developer/trainer to government and public organisations such as DEECD, Department of Defence, NAB, Telstra, BHP, Australia Post
- Seasoned board director (ACC, MMA, GAE)
- Global commercial experience in the areas of people and culture, particularly as they apply to contracts, projects and sourcing
- Executive general manager, Coles Myer Ltd
- Globally renowned public speaker at conferences
- I was also nominated business women of the year, have received multiple Trade Awards contracts, projects and sourcing
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- Executive general manager, Coles Myer Ltd

Tim Wade
(BJuris 1981, LLB 1983)

Thirty years on, in my mind’s eye, Monash University is an austerely, rather unlovely place. The Ming Wing is just a bit brutalist after all. On further reflection, I recognise that this is wholly unfair. I emerged from Monash in 1982 with a life partner (hey Ruth! BA 1983) a perfectly respectable BJuris/LLB and a lifelong love of Jackson Browne (did the Music Room even survive the ’80s?).

Since then, I have enjoyed a rewarding career in tax law (Arthur Andersen, Melbourne and Singapore) and financial services (Colonial Limited and AMP). AMP brought me to London in 2000 with Ruth and our 4 children where we have settled.

I now spend my time as a Non-Executive Director on the Boards of companies like the FTSE 100 listed Resolution Limited, the AIM listed Monitise plc and the European business of Macquarie Bank. And of course trying to live down the whole West Coast music affliction with my kids…

John Cavanough
(BSc 1981, LLB 1983)

Law, sport and comedy.

Law informs us how the world should be. Sport tells us how the world is. And comedy helps us cope with the difference.

All three have kept me busy.

I am currently a lawyer working with the Australian Taxation Office. I started out in the Appeals and Review area of the Tax Office and have also worked in areas that deal with Ministerial and Complex Advisings, Compliance, Prosecutions, Law Interpretation, Advocacy, Special Projects and Risk Management.

Comedy has seen me touring the United States and participating at the Melbourne International Comedy Festival.

And sport – particularly my endeavours with football and cricket – has also been a strong theme since my days at Monash.

Monash Law School has been vital in giving me the confidence to move out in all directions.

Tony Woodgate
(BSc 1982, LLB (Hons) 1983)

I enjoyed greatly both my psychology major in science and my law studies (special thanks to Ann Dufty in Legal Process 101), together with plenty of hockey and good times at Mannix College, and graduated BSc and LLB (Hons) in 1984.

After some Monash LLM night school, where Maureen Brunt in restrictive trade practices was an inspiration, whilst serving articles with three brilliant co-clerks at Weigall & Crowther, I acted on the advice of my admin. law tutor, Justice Tony Pagone, and spent a wonderful year on an LLM in England. There I met Alison Coleman, now my wife. I have been an EU and competition lawyer at Simmons & Simmons, based in London, since 1986, and am continuing to enjoy it hugely.

Now I see our main task as supporting Mikey, 17, and Steffi, 14, as they look forward to charting their way in the world.
I was at the firm during a time when it expanded from one office in Melbourne to 15 offices in Victoria, New South Wales and Queensland. By the time I retired as a partner from Maurice Blackburn & Co in late 2005 the firm was recognised as one of the nation’s leading law firms and a major class action litigation practice.

Over the years I have been involved in a number of significant and high profile legal cases, including one when I successfully sued Dame Edna for tossing a gladioli into the eye of an unsuspecting patron (not my proudest legal moment!). In 1996 I was appointed lawyer for the Collingwood Football Club where I also acted as a Board member from 2002 to 2005.

In late 2005 I retired from both MB and as a Board member of Collingwood to take up the role of Chief Operating Officer and Corporate Counsel for the Club. During that time I oversaw the Club’s growing interests in external and non football commercial operations.

In January, 2008 I left Collingwood to accept the position of Chief Executive Officer of the North Melbourne Football Club, where I drove a number of historic and important initiatives, including managing a change in ownership structure to hand control of the Club back to its members, restructing the Club administration and delivering the biggest profit in the Club’s history in 2008.

In 2009, my administration played a key role in the redevelopment of the Club’s traditional home at Arden Street and conceived and developed the idea of the Learning and Life Centre – with a focus on education facility embedded within the club, providing a range of services and programmes to support education and the community.

I resigned from North Melbourne in mid 2012 and in October, 2012 took on the role of CEO of the Confederation of Australian Motor Sports.

My fondest memory of Monash University, apart from meeting some lifelong friends, was regularly playing kick to kick football on the lawns directly opposite the Law Library – a past time that was frowned upon at the time but never really banned but would be impossible today – given the lawn has long since gone!
I am married to Jenny and we hope to travel more.

Monash Law School has enabled me to

Over the years I have handled a wide variety of major losses in all states of Australia, New Zealand, England and Thailand. By way of example, I have negotiated settlement of potential class action claims involving defective prosthetic hip joints. I have investigated Legionnaire’s Disease outbreaks; asbestos exposure claims from as far back as the early 1950s; product failures with catastrophic consequences; fatalities involving alleged defective roads, contaminated oysters, carbon monoxide poisoning and building collapses; and environmental disasters arising from fuel tanker rollovers or the escape of chemicals.

While a Law degree is not a prerequisite for practising as a liability adjuster, there is no doubt it has assisted me greatly in advancing my career. My Law degree laid the foundation for two of the core skills required every day – the ability to critically analyse and research facts; and the ability to manage one’s time efficiently. Frequently, I must work closely with lawyers, some of whom were colleagues at Monash Law School.

For the past eight years I have been National Manager of a specialist liability loss adjusting practise, Echelon Australia Pty Ltd. Much of my time is spent managing the national team of adjusters, but I am still actively involved in handling claims, with a particular interest in major injury, asbestos related, and special interest claims. When I started working in this field in 1983, it was uncommon to find a loss adjuster who was legally qualified. While this is no longer the case, there is a distinct dearth of new talent entering the loss adjusting profession. In time I envisage law graduates not intending to practise as lawyers will look upon liability loss adjusting as an appealing alternative and rewarding pathway.

I would be delighted to hear from any recent or less recent graduates who may be interested in learning more about this field.

I am married with two daughters, one of whom is studying at my alma mater, Monash University.

I completed Arts with Honours in French in 1980 and the Law degree two years later.

The six years I spent at Monash were happy ones: sitting on the grass outside the Law building, chatting in the library corridors and playing 500 in the French/Spanish clubroom in the Ming Wing. I was underage in my first year and terrified I would be nabbed at the Nott. I think students were a lot less serious about their studies back then.

Nor was there the pressure that seems prevalent today to excel in all fields – sport, community, summer clerkships and academia – in order to impress a future employer.

My part time job was enviable – I worked at the Monash Book Co-op where, as an avid reader, I naturally spent most of my pay. After my Honours year immersed in French, I bucked down and studied law full time and thoroughly enjoyed it. I made many life-long friends.
The Socratic method terrified me as a law student, so it’s funny that I’ve ended up asking people questions for a living. After articles (at the princely pay of $11,000, supplemented by tutoring to pay the rent) and a couple of years in commercial litigation at Corr & Corr (now Corrs Chambers Westgarth), I was invited to try legal recruitment by Eve Mahlab, founder of Mahlab & Associates and a leading feminist and businesswoman. Eve inspired and challenged me in equal measure.

While I was very green at the time and totally new to recruitment, joining a niche business with constant contact with the profession was, for me, like coming home. I loved (and still love) the sales and marketing, career counseling and commercial aspects of running a successful legal recruitment and search business.

In 1988 I convinced a very reluctant bank to lend me the money to purchase 50% of Mahlab Recruitment in Victoria (resisting all attempts to have a father/partner guarantee the loan, in those days a standard requirement for a young female borrower)! After six very happy years in partnership with Alan Schwartz, another Monash Law alumnus, I became the sole proprietor.

The business employs several “lapsed” lawyers as its consultants, mainly from large firms like me, and operates nation-wide and in the USA, UK and Asia. We focus on placing in-house and private practice lawyers. I specialise in partner search, which means I have contact with many Monash contemporaries as both clients and candidates. It’s enormously satisfying work. The changes and cycles of the legal profession continue to fascinate me.

In my early 30s I made a conscious decision to “put back” into the community and have held a number of NFP board roles since then including Walter and Eliza Hall Ethics Committee, Melbourne International Arts Festival and the Australian Press Council.

In mid 2012 I was delighted to be invited to join the Monash Law Foundation board. I’m enjoying this opportunity to contribute to the Law School with university members and other alumni.
Judge Meryl Sexton
(BEc 1982, LLB 1983)

I chose a combined BEc/Law course on a whim. I was about to begin my university education in the Economics Faculty when I spotted a paragraph in the Faculty Handbook about the combined course. As a 17 year old, I thought it would look good to have so many letters after my name. There were no lawyers in my family, so I had no idea what I was letting myself in for. With the assistance of the marvellous Peter Balmford, I negotiated enrolment for the first year subject Legal Process. Immediately lectures began, I just knew this was the profession for me. I enrolled in the combined course in my 2nd year.

After graduating, I completed articles with Coady Dywer & Associates, and after one year there as a solicitor, I went to the Bar at the age of 24 years. After 10 years in which I specialised in criminal law, I was appointed as a Crown Prosecutor. I was the fourth woman appointed to that position, and the previous three have all been elevated to the judiciary. In 2001, I followed in their pioneering footsteps when I was appointed to the County Court of Victoria.

While the display of letters after my name was not ultimately the driving force in my tertiary education, I have never regretted the whim that led me to my legal career.

Rafiqul Islam
(LLM 1979, PhDLaw 1983)

I was a student of Monash Law School from March 1977 to March 1983 under the Monash Graduate Scholarships (twice). I obtained my LLM by Research in December 1979, commenced my PhD in 1980, completed in November 1982, and formally graduated on 7 March 1983. Both my LLM and PhD theses were on public international law.

Following my graduation from Monash, I served as (a) an Associate Professor of Law and Chairperson of the Department of Law, University of Rajshahi, Bangladesh, from 1983 to 1987; and (b) Senior Lecturer in Law and Head of the Department of Law at the University of Papua New Guinea from September 1987 to December 1990.

I joined Macquarie University in 1991 and was promoted from Senior Lecturer to Associate Professor in 1999 and Professor in 2004. I was awarded the Outstanding Teacher Award in 2000 by Macquarie University and served as the Acting Dean of the Division of Law, Macquarie University in 2006. Public international areas remain my teaching and research interest.

Peter O'Donahoo
(BEc 1982, LLB 1983)

My experiences at Monash were excellent and are fondly remembered. In particular, I am thankful for the numerous friendships I made, many of which continue to date. Moreover, my time at Monash gave me an excellent platform from which to pursue my chosen career.

I have been a Partner at Allen’s for 22 years where the focus of my practice has been on large-scale, multi-jurisdictional disputes both in Australia and abroad. These disputes have mainly involved constitutional litigation, products litigation, commercial disputes, regulatory investigations and inquiries, class actions, arbitrations (commercial and investment treaty) as well as defamation/media related work. Part of the pleasure of my practice has been the opportunity to work with so many dedicated and talented people both within and outside Allen’s. Further, while I based in Melbourne, my practice has given me the opportunity to travel all over the world.

I am a past president of the National Product Liability Association, past chairman of the Law Council of Australia’s Media & Communications Committee, member of the Law Institute of Victoria, Law Council of Australia, International Bar Association; International Association of Defense Counsel; and Defense Research Institute.

I have had a number of roles to date at Allen’s including:

- National Co-Chair, Allen’s Commercial Litigation & Dispute Resolution Practice Group (2005–2012)
- Board Member, Allen’s (2003 – 2012)

Robert Thyssen
(LLM 2000, LLB 1983)

I was at Monash University from 1980 – 1982 for my law degree. I returned to Monash (City Campus) in 1998/1999 to complete a Master’s degree in Law. I am now practising almost exclusively in criminal law as a barrister. I share chambers with six other barristers and we call ourselves Star Chambers (possibility a misnomer).

I started my legal career as a solicitor advocate in Footscray at a Community Legal Service then at Preston Legal Aid for about 12 years as duty solicitor and later as In-House Counsel. Whilst at Preston, I was able to obtain accreditation as a Criminal Law Specialist in the first intake through the Law Institute.

I came to the Bar in 1999. I have always found criminal practice interesting and exciting and am grateful for the chances afforded to me especially the ability to even study law via TEAS in the pre HECS days. I wonder if I could ever have afforded to become a lawyer otherwise.

One highlight of my time at Monash was to note the occasional egalitarian nature of the law – sharing a cup of the refreshful Law Students’ Society coffee with a High Court judge on his visit.
Tiong Chiong Ong  
(BC 1981, LLB 1983)

After my graduation in 1983 with BEC, LLB I returned to Malaysia and underwent chambering at Skirne & Co, in Kuala Lumpur for 9 months. I was subsequently admitted into the Sarawak Bar. I did not practice law but joined our family business in 1986, which specialised in timber extraction replanting and down-stream processing for about 15 years.

Our downstream processing includes sawn timber, veneering, plywood, particle board, laminated board and medium density fibreboard. In 2003, I moved on from the timber industry to palm oil industry and downstream processing. The process includes much negotiation with land owners, land clearing, blocking, drainage, road construction, nursing, planting, manuring, weeding, pruning and harvesting. It is very different from what I studied, which is accounting and law but I am able to use both very effectively in my business.

In 2006, I was appointed as the Managing Director of Rimbanun Sawit Berhad, which is listed in Bursa Malaysia and has an area of more than 100k Ha and over 4500 employees. I am married with 4 kids (2 boys and 2 girls) and they are all studying in the USA. None have followed in my footsteps.

Douglas Trapnell SC  
(LLB (Hons) 1983, LLM 1989)

Since leaving Monash Law School, I have had a varied and extremely fulfilling career in the law. Following Articles of Clerkship and a year as a solicitor working under David Hughes at H S W Lawson Hughes & Co. (now Lawson Hughes Peter Walsh), I became Associate to the Honourable Justice George Hampel of the Victorian Supreme Court for two years from 1984 to 1986. In this role I developed a passion for criminal law, which, despite Professor Louis Waller’s best endeavours, I had failed to develop at Monash. Until this stage in my career I was mainly interested in equity and commercial law. I undertook the Bar Reader’s Course in March 1986, joined Foley’s List in the days of the late Kevin Foley and read with Michael Rozenes (now Chief Judge of the County Court). Very early in my career at the Bar, Kevin judged me to be better suited to the role of a prosecutor than that of a defence lawyer, although I believe you have to do both to have a well rounded experience in criminal trial advocacy.

In my early years at the Bar, I supplemented a fairly meagre income working as a sessional tutor at Monash Law School tutoring in contract, torts and administrative law. I also wrote articles and case notes for a newsletter distributed mostly to accountants called Chartac Tax Action Report. This led to a small but lucrative sideline in taxation law advice work.

In September 1994, my career moved onto a side path — or perhaps with the benefit of hindsight, more accurately a loop — when I accepted an appointment as Director of Research to the Law Reform Committee of the Victorian Parliament. The Committee was about to conduct an inquiry into the Jury System in Victoria, and, as a firm believer in the efficacy of trial by jury, I felt that I might have something to contribute. At the end of that inquiry I stayed on through another Parliament and a number of further inquiries including an inquiry into alternative methods of funding compensation for successful medical negligence claimants and a very interesting inquiry into technology and the law. During this period I travelled extensively overseas to conferences and on study tours related to the Committee’s work.

I returned to active practice at the Bar in July 1999 and resumed my practice as a prosecutor mainly in the Supreme and County Courts. In November 2003, I was appointed a permanent Crown Prosecutor. This led to more interesting and demanding cases.

My practice has since developed from County Court trials, through Supreme Court trials to appellate advocacy in the Victorian Court of Appeal and the High Court, where I have spent most of the past six or seven years. In November 2008, I was appointed Senior Counsel and in July 2010 I was appointed a Senior Crown Prosecutor.

I consider myself very lucky to have received my legal education at Monash University Law School, as I feel certain it has played a significant part in my career to date and, no doubt, will continue to do so into the future.

William Keough  
(LLB 1983)

I studied law at Monash University from January 1980 to June 1983. In these days, the photocopiers were coin operated and one of my most enduring memories of law school is dropping one-cent and two-cent coins into the machine. Lectures were not taped and very little material was handed out, so one would develop writer’s cramp by the end of a lecture. If you missed a lecture, you had to borrow your friend’s notes and – yep, photocopy them. The top floors of either the Law Library or the Menzies Building provided a perfect place to escape and study. I also attended three summer schools in a row, so another memory for me was attending the University when it was empty, and studying in the heat. I graduated LLB in 1983.

I was admitted to practice in 1985 and obtained a Graduate Diploma in Criminology in 1991 and a Masters Degree in Health & Medical Law in 2007.

I established my own practice in Lower Plenty in 1996. I specialise in family law and have authored two first editions texts: “Suiting Old Financial Wine Into New Bottles, published by Leo Cussen Institute in 1996, and Child Representation in Family Law, published by LBC Information Services (now Thomson Reuters) in 2000. I have also authored, and updated, a chapter entitled “Order Enforcement and Non-Compliance in Children’s Cases” for the CCH Australian Master Family Law Guide (now in its 5th edition). I have also had a number of papers in both family law and medical law published in various peer review journals and I present at local, national and international family law and medical law conferences — including the 6th World Congress on Family Law & Children’s Rights in March 2013.

I advise in all areas of family law and de facto law and have a strong interest in international family law matters. I am a former Associate Member of the Canadian Bar Association and currently an Associate Member of the American Bar Association.

In 2002, I received a Certificate of Commendation for Excellence in the Legal Representation of Children and Young People at the National Children’s Youth Law Centre.

In 2008, I was appointed a National Ambassador for the White Ribbon Organisation for the elimination of violence towards women and in 2011 I was appointed a Law Institute of Victoria Mentor.

My professional philosophy is: with hard work and dedication: la vie c’est simple.
Peter Davis
(IBE 1983, LLB 1981)

After I completed a combined Economics Law Degree course at Monash University at the end of 1982, I undertook articles at a large city law firm and I was admitted to practice in April 1984. For the next 12 years I worked for several large city firms in the areas of property, commercial and banking and finance law. In 1995 shortly after the Law Institute Specialisation Accreditation Program was introduced, I gained accreditation as a Property Law Specialist.

For the last 18 years I have practised as a principal of my own boutique specialised city law firm initially in partnership with another practitioner and for the last 8 years as the sole proprietor of my firm. I currently practice under the name Davis Lawyers from premises at Level 15/200 Queen Street in Melbourne and specialise mainly in Property Law, Banking & Finance and Commercial Law.

The Monash University Law School has had a profound effect on my life, as well as the life of my family. In my third year of study I met Debra who was also studying Economics/Law at Monash and we married in 1988. Debra also practises at Davis Lawyers in the areas of Wills & Estates and Litigation and she obtained accreditation by the Law Institute as a Wills & Estates Specialist last year.

The influence of the Monash University Law School is continuing with my daughter commencing study there this year, in a combined course of Law and Commerce.

David Nathan
(IBE 1981, LLB 1983)

I completed a combined Science/Law degree majoring in Pharmacology in 1982. At the time Science/Law was not a popular combination nor were the IP elective subjects I chose. By way of example Patents could only be done at night with the Masters of Law students who was actually good fun.

I did my articles at Madden Butler Elder & Graham which today has morphed into Norton Rose and practised in commercial disputes. Much of my work had an IP orientation and much of it was for the pharmaceutical industry.

I increasingly found myself gravitating into management roles including negotiating my firm as an inaugural representative of Davis Lawyers in the inaugural PBL Mooting competition. It seems a long time ago!

In 1995 I became managing partner of the Melbourne office and subsequently also of the Canberra office. It was a period of national tie ups and I was heavily involved in mergers with Dunhill Morgan in Sydney and Kinsey Bennett & Gill in Brisbane. Subsequently we flirted with positioning ourselves as a potential merger partner for one of the big four accounting firms who were keen to have their own law firm but ultimately these discussions thankfully fell over.

After six years as managing partner I accepted the role as national managing partner of Baker & McKenzie and my family moved to Sydney. It was intended to be a two year stay but life never quite goes to plan. Bakers was my home for six years and I particularly enjoyed the Asian and global dimensions of the role that help broaden my horizons.

Today I am the CEO of Avant which is a mutual regulated subsidiary. I enjoy this role.

Ian Dallas
(BA 1982, LLB (Hons) 1983)

I arrived at Monash in 1977, young and impressionable and fresh from South Africa. We were blessed with many great lecturers who imparted their enthusiasm and learning to us – I remember Ron McCallum and Jude Wallace to name a couple. In fourth year we were lucky enough to have a seminar in the Honours class with Michael Kirby, then at the Law Reform Commission.

The Law Students Society flourished, and we enjoyed barbecues out the front of the Law School. Having left a society where there were burning issues of human rights at stake, I was disappointed to have missed the excitement of the Albert Langer years. Instead I had to make do with the protest against the end of the Summer School programme, which involved some spirited chanting of slogans – I fail to remember now if our protests succeeded!

My time in Professional Practice at Springvale with Simon Smith was very formative, as I learnt how to practice real law with real people, with not much money. This experience has carried over into my professional life, as I now practice personal injury law for plaintiffs in Bendigo, as an accredited specialist. I have continued an involvement with community legal centres over the past 30 years, and see that my time at Monash played a significant role in pointing me in that direction. For that reason alone (as well as the Nott!) I remember my Monash law school years fondly.

Monash JD student fights her way to gold change

Taekwondo athlete Caroline Marton became the second female to win gold for Australia at the German Open Taekwondo tournament in Hamburg recently.

Caroline, who has been a student at Monash University for ten years and is currently completing her Master of Laws (Juris Doctor), said the German Open has historically been one of the strongest European Opens.

“This year it is the biggest of the European Opens, with over 1200 competitors, over 15 National teams and over 30 countries competing at the event, so taking out the gold for Australia was an extra special victory,” Caroline said.

Caroline was not alone at this tournament, her sister Carmen also competed, making it through to the quarter finals.

“It was amazing to have Carmen there with me all the way. She is my biggest supporter and she knows how to get the best out of me on competition day. Conversely I’m there to help her prepare also. She’s an amazing athlete having represented Australia at two Olympic Games,” Caroline said.

“I am really lucky. My brother Jack and my sister’s fiancé Salwan were also competing. Both missed out on medals at the German Open but both won bronze at the Dutch Open the following week. It’s safe to say taekwondo is a family sport.”

Caroline started out at Monash studying a Bachelor of Arts (International Studies) before completing her Honours in International Studies and History. Most of her study has been undertaken part-time as she juggled her sporting commitments with her studies.

“I wouldn’t be able to achieve my sporting and academic goals without the Monash Elite Athlete Program. They are very supportive and help me tremendously when I have international events which clash with my classes,” Caroline said.

“Monash sport have also helped me achieve my goals through sport bursaries and funding, as well as gym access, which helps with fitting training in to university life.”

Caroline said any Monash students interested in pursuing sport at an international level should give it a go.

“You’re only young once and Monash University, through its Australian and World University Sport programs, offers great opportunities to compete at a high level and have fun while doing it.”

Caroline Marton with the German Open Cup at the German Open, Hamburg
Innovator and entrepreneur Tan Le (BCom(Hons), LLB(Hons) 2000) has been named one of 17 National Geographic Emerging Explorers for 2013.

The Emerging Explorers Program recognises early-career adventurers, scientists and innovators at the forefront of discovery, adventure and global problem-solving. Each recipient is given $10,000 to assist with future research.

Ms Le is co-founder and CEO of Emotiv Lifesciences, a bioinformatics company focused on identifying biomarkers in the brain for mental and other neurological conditions. Her aim is to help detect brain problems earlier and accelerate research that unlocks new treatments for neurological disorders.

Since its inception Emotiv has pioneered first-of-its kind portable EEG technology headsets, a new brain-computer interface, and a platform for sharing crucial brain data globally.

"I want to empower as many people as possible to participate in brain research by making it easier and more affordable," Ms Le said.

"Instead of limiting research to institutions that can afford hundreds of thousands or even millions of dollars in imaging machines, I want to democratise brain research through accessible technology that fosters innovation at the grassroots level."

Her vision would see data collected from thousands of participants via the EEG headset and uploaded into the Cloud where it can be accessed and studied by researchers across the world.

"This platform could accelerate research at a scale and pace we never imagined a few years ago. Now scientists will be able to compare their patients to a far-reaching general population and draw more meaningful inferences."

Ms Le began her career with Freehills and was admitted as a barrister and solicitor in 2000. She went on to co-found and lead SASme International, a pioneer in providing Short Message Peer-to-Peer platforms to telecommunication carriers and content aggregators before starting Emotiv Lifesciences in 2003.

Her list of personal accomplishments is impressive. In 1998 she was awarded Young Australian of the Year and voted as one of Australia’s 30 Most Successful Women Under 30. She has been a Special Visitor to the UK as a guest of the British High Commission and Foreign Commonwealth Office, a Goodwill Ambassador for Australia in Asia, an Ambassador for Aboriginal reconciliation and a Patron of the Australian Youth Ambassadors for Development Program.

She has been an Ambassador for the Status of Women since 2001 and served on prominent boards, including Plan International Australia, the Australian Citizenship Council, the National Committee for Human Rights Education and the Centre for the Mind.

She has been featured in the ‘Who’s Who in Australia’ list since 1999 and ‘Who’s Who of Australian Women’ list in 2007 and 2008, Fast Company’s Most Influential Women in Technology in 2010 and Forbes’ 50 Names You Need to Know in 2011. She has been honoured by the World Economic Forum as a Young Global Leader since 2009.

In 2011 she was honoured with the Monash Distinguished Young Alumni Award.

Scholarly salute for student leader

Voluntary work to improve the outlook for his fellow students has won a Monash law student a prestigious scholarship.

Bachelor of Commerce and Bachelor of Laws student Ben Knight has won an Order of Australia Association Foundation Scholarship, an acknowledgement of his leadership, initiative and community affairs involvement. It was presented by the Governor-General, Ms Quentin Bryce AC CVO, at a ceremony in Canberra recently.

The scholarships are awarded to Australian students in their early years of tertiary study.

Ben said he applied for the scholarship because the concept of leadership underpins much of his work.

“I have always given back to my community and peers. I’m from a rural area in Tasmania and I had to work very hard for where I’m at, but I also understand that there are individuals in greater need,” Ben said.

Ben has been involved in his community since high school, participating in fundraising activities and becoming an office bearer on his school’s Students’ Representative Council. He has also made the state finals of Lions International’s Youth of the Year competition.

He has continued to help others since starting at university, becoming an advocate for quality of education in the tertiary sector.

Ben is the elected representative for the University’s Academic Board and recently took up the position of Education (Academic Affairs) Officer in the Monash Student Association (MSA), where he promotes students’ rights.

“I feel so privileged to have been selected for this scholarship. It will allow me to reduce my reliance on part-time work so I can be a more effective representative for the students on matters relating to academic policy,” Ben said.
The Faculty of Law was honoured to welcome Professor Shimon Shetreet, Professor of Law at the Hebrew University of Jerusalem to present this year’s Tenth Fiat Justitia Lecture on Monday 11th February. The topic of the lecture was ‘Judicial independence and liberty, democracy and global economy’.

Professor Shetreet holds the Greenblatt chair of public and international law and is the past president of the Sacher Institute of Legislative Research and Comparative Law.

He has held distinguished academic, business and public office positions including Cabinet Minister in the Rabin Government where he served as Minister of Economy and Planning, Minister of Science and Technology, Minister in charge of the Second Television and Radio Authority and Minister of Religious Affairs.

Professor Shetreet is the author and editor of many books with his most recent titled Culture of Judicial Independence: Conceptual Foundations and Practical Challenges” (Shetreet and Forsyth Ed.).

The title of the lecture series comes from the latin phrase Fiat Justitia ruat caelum meaning “Let justice be done though the heavens fall”. The very first lecture was presented in 1996 by Professor Sir David Williams QC, Vice Chancellor of the University of Cambridge 1989–1996.

Contemporary Perspectives on Human Rights Law in Australia by Dr Paula Gerber and Ms Melissa Castan (eds) was launched late in 2012.

Professor Gillian Triggs, President of the Australian Human Rights Commission launched the book at events held in Melbourne and Sydney. The Honourable Justice Kevin Bell was the MC for the Melbourne launch, and Kate Eastman SC was MC for the Sydney launch.

Contemporary Perspectives on Human Rights Law in Australia delivers a contemporary, comprehensive, accessible and scholarly examination of many of the most important human rights issues facing Australia today. It provides a timely and intriguing discussion on the law and policy regarding the application of human rights standards in Australia today.


The largest successful ARC Discovery Projects grant ever achieved by the Faculty of Law, totalling $402,000 for three years (2013–2015), has been awarded to a team of four academics.

The aim of the project is to investigate and evaluate innovative measures that various governments around the world have introduced to stimulate venture capital activity to support start up and early stage companies and the commercialisation of university research. Foreign initiatives will be used to inform the Australian government of the most effective policy options for addressing Australia’s venture capital funding problems during and beyond the current economic crisis.

The Chief Investigators are Prof Stephen Barkoczy, Prof Ann Monotti, Prof Bryan Horrigan, and Dr Colin Campbell. This research will build on the research already undertaken by the Chief Investigators.
The 2013 Teaching Associates Induction program welcomed new undergraduate sessional lectures and tutors to the Faculty. This valuable teaching cohort comprising PhD candidates, past honours students, practising legal professionals and eminent experts within various legal fields, form a crucial component for the provision of our teaching programs. Together, they make a significant contribution and provide a ‘value-added’ dimension to the Faculty educational pursuits, partnering with our permanent teaching staff, to make Monash Law School one of the most prestigious law schools nationally and internationally.

The Dean, Professor Bryan Horrigan opened the program and Professor HP Lee and Associate Professor Pam O’Connor provided invaluable advice whilst other staff members and Law Library colleagues conveyed essential information and outlined administrative matters.

Welcome to the new teaching associates

The 2013 Teaching Associates Induction program welcomed new undergraduate sessional lectures and tutors to the Faculty.

The content of the training program was heavily drawn from what the students learnt at Monash University.

“We integrated the concepts we were exposed to in our Arts, Law and Commerce degrees into our workshops, as legal policy, international relations and economics are central to debating,” Kiran said.

“We are hopeful that we can send generations of debaters to Africa to transfer the skills they have developed at Monash University.

“We are currently planning workshops in Uganda, Tanzania, Kenya and Nigeria, in addition to our established programs in Namibia, South Africa and Zimbabwe. Furthermore, we plan to run a workshop specifically targeted at Rwandan women, aimed at confronting the patriarchal culture in Rwanda that limits female advancement.”

If you are interested in supporting African Voice, please send an email to africanvoice2013@gmail.com.

Three Monash Law alumni are making a difference overseas by helping to encourage and develop debating in universities in Africa.

The brainchild of Monash Association of Debaters (MAD) members Kiran Iyer (BA(hons), LLB 2013), Sashi Balaraman (BAcc 2007, LLB(hons) 2011) and Damien Bruckard (BA 2012, LLB(hons) 2012, DipLang(French) 2012), African Voice was set up with the hope of sending Monash debaters every year to countries in Africa that are transitioning to democracy, but have had limited exposure to debating.

“We wanted to use the skills we developed through our time with MAD to make a difference in countries with leaders that have traditionally resisted the transformative potential of discourse and debate,” Kiran said.

“Debating in African universities has developed over the last few years, but we believed that our initiative could accelerate the transition.”

During a year of planning, Kiran, Damien and Sashi contacted universities and non-government organisations in several countries so they could tailor programs to suit the African students’ specific needs.

The trio were able to spend part of their time teaching students at Monash University’s South Africa campus. Pro-Vice Chancellor Professor David Copolov’s Office, the Faculty of Arts and the Faculty of Law funded the training programs.

“The students we met were extremely engaged by politics and passionate about making a difference in their communities,” Kiran said.

“However, they had often never received the training in public policy issues or in advocacy that would enable them to effectively articulate their views. Our training program was not aimed at imposing our values, but rather sought to empower these young leaders with the skills to better express themselves.

“It was refreshing to meet people who were not cynical about the future of their countries and were committed to making a difference. Our hosts were incredibly welcoming and we learnt a lot from them.”

L to R: Kiran Iyer, Sashi Balaraman and Damien Bruckard

Essentially the program allowed time for colleagues to meet, be inspired and encouraged by some experienced teachers including Dr Gerry Nagtzaam, Eric Windholz, Rachel Kessel and two of our 2012 new tutors, Natalia Antolak-Saper and Katie O’Bryan. Insights, teaching tips, checklists, things to avoid, constructive advice, humorous antidotes and things to hearten were amongst the words of wisdom imparted to the Teaching Associates.

All attendees expressed their thanks and evaluated the session as highly beneficial. These newcomers to the teaching staff really experienced some of the rich diversity and collegial spirit that exists within the Law Faculty

Heather Beeching
Academic Staffing and Educational Support

Giving debating a voice in Africa

Three Monash Law alumni are making a difference overseas by helping to encourage and develop debating in universities in Africa.
Arnold Bloch Leibler Honours Conference

In November 2012 Monash Law conducted its inaugural Honours Conference. Sponsored by Arnold Bloch Leibler, the Conference showcased the work of students undertaking the 2012 Honours Research Unit. In sessions conducted over two days, students, academic staff and professional attendees were provided the opportunity to engage with presentations on a range of legal topics.

Keynote speakers on both days also provided students with insight into research, academia and corporate practice. Day one keynote Professor David Weisbrot provided a wry analysis of the complexities and in some cases absurdities of legal issues surrounding genetic mapping, health and commerce. On day two ABL senior partner Leon Zwier took students on a revealing ride through the wheeling and dealing involved in major corporate litigation and negotiations undertaken by the firm.

The conference marks a new phase in undergraduate research at Monash Law School, allowing students to showcase the findings of their academic work to an audience of peers and professionals.

“The Honours program supports students at critical stages of their research” says Co-ordinator Dr Kathy Laster. Dr Laster, who oversaw a committee of student organisers in preparing the Conference, sees it as an important addition to the Law School, allowing high performing students the opportunity “to hone skills in reporting on their research in a professional setting”.

Building on the November event, a second conference was recently held for those students who commenced honours in 2012 but completed in 2013. The Honours Conference will now become an annual event on the Law School calendar.

Celebrating 40 years of working for justice

Springvale Monash Legal Service Inc. (SMLS) celebrated its 40th Birthday with 2 events – one in the city on Wednesday 27th February and the other on Friday 1st March at Springvale.

The city event hosted by Arnold Bloch Leibler, Lawyers & Advisers was largely for the legal profession who had spent time at SMLS at some stage over the 40 years. Keynote Speakers included The Honourable Robert Clark MP, Attorney – General and Minister for Finance and The Honourable Marilyn Warren AC QC, Chief Justice of the Supreme Court of Victoria.

The Springvale event was held at Springvale City Hall – Supper Room. SMLS acknowledges financial support from the City of Greater Dandenong. Our guests enjoyed a buffet dinner as well as vibrant performances from a range of community groups. Speakers included Professor Bryan Horrigan, Dean, Councillor Roz Blades and Ms Helen Yandell, Director of SMLS.

The Speakers at both events paid tribute to the crucial contribution of Community Legal Centres in general and to SMLS in particular, in providing free legal advice and assistance to people who would otherwise be unable to afford it.

Ms Yandell emphasised the legal service’s links to the local community, and its historical and ongoing role in legal education, community development and law reform.

SMLS runs free legal advice sessions on four mornings and four evenings each week. If you are interested in volunteering visit: www.smls.org.au/about-us/volunteers/

Mollie Holman Medal awarded

Congratulations to Dr Lisa Spagnolo from the Faculty of Law who was recently awarded a prestigious Mollie Holman Medal.

The award is named after Emeritus Professor Mollie Holman in honour of her significant contribution to science and education. The award recognises the best PhD thesis in each faculty.


Left: Dr Lisa Spagnolo
Criminal Records and Employment Symposium

In March 2013, a Symposium was held at the Monash University Law Chambers to explore the law and practice relating to background checks undertaken by employers on a job applicant's criminal records.

Monash Law academics, Professor Marilyn Pittard and Associate Professors Bronwyn Naylor and Moira Paterson, presented findings of their research on “Living Down the Past: Criminal Record Checks and Access to Employment for Ex-offenders” to a large group of attendees who work, research or are interested in this topical area. This research project is funded by an Australian Research Council Linkage Grant.

The Symposium was opened by the Honourable Catherine Branson QC, who was former President of the Australian Human Rights Commission. Her Honour explored the role of that Commission in investigations of complaints by people denied jobs due to their criminal record and the recent review of federal discrimination legislation.

These presenters were joined by Dr Georgina Heydon, RMIT University, another investigator in the ARC grant funded project, and speakers from a wide range of organisations with involvement in assisting persons with criminal records to find employment. Roger Antochi, Second Step Program National Coordinator, Toll Group together with Vicki-Anne Herman, Social Enterprise Business Manager with Mission Australia and Janice Miller, Industry Expert, informed the Symposium about schemes to assist people with criminal records to find employment and the success of these programs. Toll Group’s Second Step program, for example, provides career pathways for people who have been incarcerated and/or have a history of addiction.

The Symposium also examined the issue of correction and rehabilitation – just what is possible inside the prison system - with insights from Rod Wise, Executive Director, JobWatch; Meghan Fitzgerald, Fitzroy Legal Service; Kieran McCann, Corrections Victoria; Carol Nikakis, VACRO; Kylie Allen, Australian Human Rights Commission; and Julian Alban, Victorian Equal Opportunity and Human Rights Commission.

The Symposium was a great success and the topics discussed were well received by all who attended.

Law School Foundation visit

Members of the Monash Law School Foundation visited the Faculty of Law to have a tour of the building and brief on the renovations currently taking place. They also visited Monash-Oakleigh Legal Service and met some of the current students and academics.

The Law School Foundation was established to support Monash Law School in its aim to provide a unique approach to the development of law graduates – and ultimately the legal profession.

University of Cambridge

Professor H P Lee, the Sir John Latham Professor of Law and the Associate Dean (Academic Resourcing) accepted an invitation from University of Cambridge to be an external examiner of a doctoral thesis and as part of the examination process, attended the viva held in University of Cambridge on 25 March 2013.

L to R: Carol Nikakis (VACRO), Kieran McCann (Corrections), Bronwyn Naylor (Monash Law), Julian Alban (Victorian Equal Opportunity and Human Rights Commission), Janice Miller (formerly WISE), The Hon Catherine Branson QC, former President Australian Human Rights Commission, Moira Paterson (Monash Law), Georgina Heydon (RMIT), Marilyn Pittard (Monash Law), Prue Burns (Monash researcher), Barry Rickard (Group Training Association of Victoria).
Human trafficking – a modern day slavery

A pioneering Ethiopian lawyer and academic is hoping to turn the spotlight on his country and raise awareness about human trafficking.

Monash PhD student and research assistant Aderajew (Adé) Teshome is the first Ethiopian to study law at Monash University and is currently writing his thesis on his country’s response to human trafficking.

Anecdotal evidence suggests human trafficking is the fastest growing crime and the third most lucrative criminal activity after drugs and arms trafficking.

“Due to the clandestine nature of the problem obtaining data on the exact estimate of the victims of human trafficking is very difficult, nonetheless, estimates of the global trafficking victims range from four to 20.9 million,” Ade said.

“The 2012 United Nations Office on Drugs and Crime report indicates that 136 different nationalities were trafficked and a recent International Labour Organisation report has given an estimated global annual profit to be $32 billion. Human trafficking is an organised crime and gangs are interconnected throughout the world,” Ade said.

Ade said technology has made it easier for recruiters to grow their illicit business and since the 1990s there has been significant growth in the number of Ethiopian women subjected to human trafficking, also referred to as ‘modern slavery’.

“These women are deceptively recruited into leaving Ethiopia under the guise of employment as domestic workers in the Middle East. While some are forced to leave, most are sold a story of a better life. However, when these women arrive in the Middle East, their dream turns into a nightmare,” Ade said.

Ade has been researching human trafficking in Ethiopia for the past three years. Prior to immigrating to Australia in 2008, he worked as a lecturer at Gondar University, and before this as a public prosecutor in Ethiopia.

He hopes his research will offer workable recommendations to enable the Ethiopian government to effectively criminalise the problem, prosecute and punish traffickers, support and protect victims and cooperate with other governments and organisations.

“After closely assessing the Ethiopian Criminal Code and Employment Exchange Proclamation, I found the Ethiopian government has not complied with the international standards in combating trafficking in persons,” Ade said.

“The Ethiopian government has an international obligation to combat human trafficking, including protecting the victims. I will highlight how the laws should be amended to criminalise a wide range of trafficking offences that are not covered under the existing domestic legislation.

“Human trafficking in Ethiopia, and indeed globally, will become a much bigger problem unless the international community takes serious action through tougher penalties against traffickers and provides better assistance and protection for victims.”

In addition to his research on Ethiopia, Ade has recently published an article on Australia’s response to human trafficking in a peer reviewed journal Tasmania Law Review and presented at conferences on this issue.

Aderajew (Adé) Teshome, Monash PhD student and research assistant

O’Week student and parents’ evening

During Orientation Week the Faculty of Law held its annual cocktail evening in the Campus Centre, Main Dining Room.

The night welcomed students and parents to the law faculty and gave them the opportunity to meet future lecturers, fellow students and staff members.

The Dean of the Faculty, Professor Bryan Horrigan welcomed guests and gave a brief overview of the Faculty and what a student can achieve from a law degree.

He then introduced the two World Universities Debating Championships winners Nita Rao (graduand BA,LLB) and James Beavis (BSc,LLB) who spoke honestly about their experiences of studying law, their debating experience and gave advice to first year students.

Ryan Crouch who is the current Law Students’ Society (LSS) president gave an introduction to the LSS followed by the student experience manager, Lloyd England.

The night was a great success with over 250 people.
The Annual Castan Centre for Human Rights Law Conference

Date: Friday 26 July, 2013
Time: 9am to 4.30pm
Venue: The Edge, Federation Square
          Corner Swanston and Flinders Streets, Melbourne
For further information and to register visit www.law.monash.edu.au/castancentre/conference/index.html

From Field to Journal

The Castan Centre is awarding $3500 bursaries to two Monash Law alumni working in the field of human rights to publish an academic paper of between 6000 and 8000 words on a topic related to their work. Successful candidates will be granted the title ‘Castan Centre Honorary Associate’ and will be provided with support and advice to enable them to complete their paper within the timeline.

The Field to Journal project aims to give outstanding field workers the assistance needed to engage with the human rights community by publishing in academic journals. Eligibility criteria include that applicants must:

- Be an alumnus of the Monash Law Faculty
- Be working as an employee or intern in the human rights field (whether in Australia or overseas), or have completed such an assignment in the previous 12 months.
- Have completed their first law degree less than 15 years ago.

For full criteria, and other information about the project, please visit http://www.law.monash.edu.au/castancentre/projects/field-to-journal.html

Eligible applicants must apply for this prestigious opportunity by Friday 21 June 2013.

The Field to Journal bursaries are supported by a three year grant from the Alan and Elizabeth Finkel Foundation.
20th Anniversary of Part 5.3A

A joint initiative of the Commercial Law Group, Faculty of Law and the Commercial Bar Association, The Victorian Bar.

In order to mark the 20th anniversary of the commencement of the voluntary administration regime (Part 5.3A of the Corporations Act), Monash Law School and the Commercial Bar Association will host a joint seminar presented by three eminent speakers.

They will speak about the development of the respective role of the court, barrister and solicitor, in voluntary administration since 1993.

Presenters
The Honourable Ray Finkelstein (chairing the seminar), Adjunct Professor, Monash Law School, formerly a judge of the Federal Court, who presided over many voluntary administration and corporations cases.

Philip Crutchfield SC, the original author of Crutchfield’s Voluntary Administration Law, who has appeared as counsel in many voluntary administration and corporate insolvency cases.

Leon Zwier, partner of Arnold Bloch Leibler, an experienced insolvency and litigation lawyer who has acted in many of Australia’s largest and most complex reconstructions and insolvency workouts.

Date: Thursday 13 June, 2013
Time: 5.15 to 6.15pm
Venue: Monash University Law Chambers 555 Lonsdale St, Melbourne
Cost: Free
RSVP: Commercial.Law.Group@monash.edu or 03 9905 4135

For further information visit www.law.monash.edu.au/centres/commercial-law-group/events.html

* This seminar may constitute a CPD program within the Victorian Bar Rules

Get involved with the LSS!

The Monash Law Students’ Society is looking for legal professionals to judge competitions and assist in providing students with access to a number of valuable extra-curricular activities. In Semester 2, the LSS will hold Negotiation, Witness Examination, International Humanitarian Law Moot and First Year Moot competitions.

To register to judge visit: http://tinyurl.com/LSSCompsFacultyInvite

For more information, please contact Pierce Russell at judges@monashlss.com
Study postgraduate law in the heart of Melbourne’s legal precinct

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monash.edu/law
Postgraduate Law Units: July – December 2013
For full timetable details visit: http://www.law.monash.edu.au/postgraduate_timetables/

**Postgraduate Law Units:**

- **LAW7019** European union law and policy
  - Hei Askola
  - Commencing: 1 July
- **LAW7436** Introduction to Australian legal process
  - International students only
  - Commencing: 15 July
  - Leighton Morris Note: This class is held at Clayton campus
- **LAW7285** Legal research and communication
  - International students only
  - Commencing: 16 July
  - Semester long
  - Leighton Morris Note: This class is held at Clayton campus
- **LAW7315** Regulatory methods
  - Arie Freiberg
  - Commencing: 17 July
- **LAW7212** Australian legal system
  - Gaye Lansdell
  - Commencing: 17 July
- **LAW7304** Corporate and white collar crime
  - Jonathan Clough
  - Commencing: 24 July
- **LAW7306** Corporate governance and directors’ duties
  - Sarah-Jane Christensen
  - Commencing: 25 July
  - Semester long
- **LAW7075** Trade marks and commercial designations
  - Mark Davison
  - Commencing: 25 July
- **LAW7071** Commercial alternative dispute resolution
  - Anne Sutherland Kelly
  - Commencing: 25 July
- **LAW7449** International labour law
  - Justice Alan Boulton
  - Commencing: 29 July
- **LAW7207** Psychiatry, psychology and law
  - Annegret Kaempf
  - Commencing: 1 August
- **LAW7495** International entertainment law
  - Geoff Scott (international visitor)
  - Commencing: 1 August
- **LAW7119** Patents for inventions
  - Ann Monotti, Raymond Hind
  - Commencing: 2 August
- **LAW7026** Overview of international human rights law
  - Hei Askola
  - Commencing: 5 August
- **LAW7276** Principles of taxation
  - Mei-Ling Barkoczy
  - Commencing: 5 August
- **LAW7420** Principles of environmental law
  - Yet Bryant
  - Commencing: 8 August
- **LAW7438** Globalization and international economic law
  - Frank Garcia (international visitor)
  - Commencing: 15 August
- **LAW7031** Corporate insolvency
  - Michael Sloan, Mark Costello
  - Commencing: 16 August
- **LAW7490** Regulating business: Enforcement and compliance
  - Christine Parker
  - Commencing: 20 August
- **LAW7087** Local government law
  - Mark Hayes
  - Commencing: 22 August
- **LAW7493** Advanced commercial negotiation skills
  - Shawn Wheilan
  - Commencing: 26 August
- **LAW7028** International trade law
  - Justin Malbon
  - Commencing: 2 September
- **LAW7140** Defamation law
  - Sharon Rodrick
  - Commencing: 3 September
- **LAW7467** Advanced torts
  - Ian Frecelton
  - Commencing: 9 September
- **LAW7427** International investment law
  - Emmanuel Laryea
  - Commencing: 9 September
- **LAW7474** Collaborative practice
  - Tania Sourdin, Cathy Gale
  - Commencing: 12 September
- **LAW7486** Victorian charter of rights and responsibilities
  - Kate Eastman
  - Commencing: 12 September
- **LAW7485** Managing high conflict personalities in legal disputes
  - Bill Eddy (international visitor), Tania Sourdin
  - Commencing: 18 September
- **LAW7037** Occupational health and safety
  - Joanna Betteridge
  - Commencing: 20 September
- **LAW7491** Freedom of speech – law, theory and policy
  - Colin Campbell
  - Commencing: 23 September
- **LAW7416** International human rights law and development
  - Justice Alan Boulton
  - Commencing: 2 October
- **LAW7444** Economics of regulation
  - David Couzain
  - Commencing: 10 October
- **LAW7475** Advanced mediation: Skills and theory A
  - Tania Sourdin, Anne Sutherland Kelly
  - Commencing: 10 October
- **LAW7045** Takeovers
  - Bruce Dyer, Micheal Hoyle
  - Commencing: 14 October
- **LAW7218** International humanitarian law
  - Dan Morii
  - Commencing: 17 October
- **LAW7320** Terrorism and human rights
  - Sarah Joseph
  - Commencing: 23 October
- **LAW7476** Advanced mediation: Skills and theory B
  - Tania Sourdin, Anne Sutherland Kelly
  - Commencing: 24 October
- **LAW7224** Trade mark practice
  - Ian Horak, Chris Sgourakis
  - Commencing: 7 November
- **LAW7262** Goods and services tax
  - Michelle Bennett
  - Commencing: 6 November
- **LAW7480** Children’s rights in Australian law
  - Kate Eastman
  - Commencing: 14 November
- **LAW7251** Negotiation: Essential skills for dispute resolution
  - Shawn Wheilan
  - Commencing: 18 November
- **LAW7254** Design law and practice
  - Warwick Rothnie, Raymond Hind
  - Commencing: 21 November