‘Twitter Revolutions’
Professor Sarah Joseph reports on the rise of social media in revolution

INSIDE:
Monash students beat world’s best

Where are they now?
– Class of 1980
On page 1 they provide their contact details and we encourage our alumni to make contact with them to share their memories and experiences. We would not like the publication to be a dry recitation of institutional events (Faculty Board papers have rarely been optioned by Hollywood producers) but a dynamic depiction of the life and growth of an important organisation with over 10,000 alumni who have made their mark on Australian society.

As the years take their toll, some of those who were major figures in the Faculty will no longer be able to contribute to the oral history. Last year we lost Kevin Pose and Enid Campbell and in this issue we note with sadness the death of Sue Campbell, one of the pioneers of the legal services. Sue started in the Law School in 1980 and served with us until 2005, making an extraordinary contribution to the Faculty’s professional practice program, still one of the most important programs in the curriculum.

In this issue a number of the graduates of the early 1980s update us on their professional careers and it is always a surprise to see how many paths are taken by our graduates. The practice of law itself is varied, but law graduates have moved into politics, community organisations as well as interstate and overseas. Thank you to all alumni who have contributed to this issue of Law Matters.

The four books published by our current and previous staff, highlighted on page 10, reinforce the argument made in the article on the Relevance of Legal Research at pages 4–6 that the staff of the Law School are actively engaged with the community in law reform projects, government committees, public policy debates, capacity building and legal practice. Teaching matters, as does quality research. But making an impact is also important. Research is rarely conducted for its own sake. It is meant to be read and influence legal and political discourses.

The snapshot of the Faculty’s activities captures only a small part of the Faculty’s total activities. Public lectures hosted by the Faculty are an important aspect of the Faculty’s wider contribution to the profession and to the public. The very wide range of postgraduate offerings, set out on page 25, are available to all members of the profession on an individual subject basis, not just to those enrolled in our graduate degrees. Participants may be eligible for Continuing Professional Development points. We encourage you to explore these further education offerings for your personal and professional development.

Ancora Imparo.

Professor Arie Freiberg, AM
Dean, Monash Law School
Monash alumnus and former staff member named Senior Australian of the Year

Monash alumnus and distinguished legal and human rights advocate Professor Ron McCallum AO (BJuris 1970, LLB (Hons) 1972) is the 2011 Senior Australian of the Year.

Prime Minister Julia Gillard presented Professor McCallum with the honour at a special celebration on Australia Day eve.

He received the award for his commitment to pursuing equal rights for working people across the world.

Professor McCallum taught in the Monash Faculty of Law from 1974 to 1992.

He is the first totally blind person to have been appointed to a full professorship at an Australian university. He was the foundation Professor in Industrial Law at the University of Sydney and from 2002 served five years as Dean of Law.

He is the Chair of the UN Committee on the Rights of Persons with Disabilities and Chair of Radio for the Print Handicapped of New South Wales Cooperative.

He is also one of two Deputy Chairs of Vision Australia and has recently been appointed to the Federal Government’s National People with Disabilities and Carers Council.

Monash Vice-Chancellor and President Professor Ed Byrne AO congratulated Professor McCallum on behalf of the University community.

"This recognition is truly deserved and reflects Professor McCallum’s outstanding contribution to human rights, education and research," Professor Byrne said.

The National Australia Day Council received more than 2400 nominations from the public for this year’s awards.
Feature

Twitter Revolutions

Professor Sarah Joseph reports on the rise of social media

This year we have seen revolutionary fervor sweeping across the Arab world. The role of social media in those uprisings has been lauded, with the term “Twitter Revolution” becoming commonplace. But does social media deserve those plaudits? After all, there have been unarmed revolutions before, long before Web 2.0, such as the overthrow of Ferdinand Marcos in the Philippines in 1986 and the collapse of the Iron Curtain in 1989.

One prominent sceptic is the New Yorker’s Malcolm Gladwell. He argues that social change is brought about by high risk meaningful activism, like the civil rights movement in the US in the 1960s, and the indigenous freedom rides and the green bans in Australia. Such movements are characterised by strong group identity and cohesion, what he calls “strong ties”. In contrast, he says that social media, such as Facebook and Twitter, promote weak ties and low risk activism, so-called ‘slactivism’. In Gladwell’s words, “Facebook activism succeeds not by motivating people to make a real sacrifice but by motivating them to do the things people do when they’re not motivated enough to make a real sacrifice”.

Gladwell also argues that social media networks are too disorganised to be an effective activist tool. It creates loose networks rather than strategic hierarchies, which are not very good at setting goals and adopting useful strategies for revolutionary change. Finally, he argues that social media distracts people from “real” activism. In his words, “it makes it easier for activists to express themselves but harder for that expression to have any impact”.

Contrasted with Gladwell is the view of NYU academic Clay Shirky, who argues that social media is an unusually effective organising tool. One indication that social media is an effective activist tool is that certain governments, such as China, are clearly afraid of it. Shirky argues that the formation of a vibrant civil society and public sphere is a two-step process. Access to information and the media is the first step, for example via Web 1.0 tools like Google or other online media. The second step is active debate and conversation about that information. It is at that second step that one forms political opinions. As Shirky puts it, “access to information is less important than access to conversation”. We need both to develop strong civil societies and spheres of public debate, which are essential to a healthy democratic culture and revolutionary change in an autocratic state. Also, it’s easier to want change and to do something when you know that others do too. Social media is a great facilitator of mass conversation. And rather than just one to one conversation, or one to many (as in email), social media enables “many to many” communication, which facilitates synchronised actions by those many.

How has social media played out in the Arab uprisings? The general cause of these uprisings is mass dissatisfaction with terrible rule, and, more recently, very high food prices and a dire economy. In Tunisia, the first domino, in early December, WikiLeaks poured fuel on that fire by highlighting the luxury and corruption of the Ben Ali regime. In mid December came the desperate self immolation of the fruit seller Mohammed Bouazize in the town of Sidi Bouzid in Tunisia. Normally such an event passes relatively unnoticed. However, Bouazize’s protest spread all over the net, sparking, in Shirky’s language, conversations, and expressions of mass outrage. And those outraged comments grew into the mass demonstrations which overthrew Ben Ali a few weeks later on January 14.

If one investigates the tweets of the time, one can see a wellspring growing from the tag, #sidibouzid, adopted in honour of Bouazize. On 30 December, a Tunisian calls out to the prolific tweeter, Stephen Fry, asking why the West was ignoring Tunisia (and implicitly requesting Fry to pass on the information to his million-strong Twitter audience). By 14 January everybody was paying attention, and on that day came a prescient tweet from Al Jazeera journalist Dima Khatib: “no Arab leader is sleeping tonight, #sidibouzid has invaded their bedrooms”. Almost immediately, Twitter was abuzz with a new tag, #jan25, signaling major upcoming protests in Egypt, along with an attitude of “we can do it too”. And they did, overthrowing Mubarak on February 11.
Many “leaders” of the Egyptian protests had in fact been planning to use social media to organise an ongoing nonviolent struggle to overthrow the Egyptian government, as detailed in a New York Times piece of February 13. After Tunisia, they chose January 25, a public holiday, as the day of protest. I suspect they planned for that day to be the beginning of a drawn-out process, rather than one that would rapidly snowball and lead to the resignation of Hosni Mubarak only 17 days later.

Bearing in mind Gladwell’s comment about social media building networks rather than hierarchies, it is interesting to note that the Arab protests have lacked a hierarchy.

Traditional opposition bodies, like the Muslim Brotherhood in Egypt, had little or even nothing to do with the organisation of the protests. The “leaders”, or rather, the “organisers”, were instead people like Wael Ghonim, a Google executive who set up the website, “We are all Khaled Said” in honour of a young man beaten to death by Egyptian police in 2010. Ghonim helped the protests to come about, but he didn’t lead them. Indeed, no one really knew who he was until he disappeared early on in the protests at the hands of the police for 12 days. Despite Gladwell’s arguments, this loose “weak” network overthrew a man so powerful he was known as the pharaoh.

Where Gladwell’s theory may be more relevant is in the aftermath. There is much fear now that the revolution will be co-opted by more conservative but better organised groups such as the Muslim Brotherhood and Mubarak’s old political party. Having said that, I don’t underestimate the capacity of the youth to get back out on the streets to maintain the pressure and reclaim their revolution.

Another criticism of social media and revolutions, exemplified by people like Evgeny Morozov, is that it can be an authoritarian as well as a pro-democracy tool. For example, Iran, Belarus, and China have used the internet to identify, locate and target dissidents. This shows that revolution is always a dangerous business, and social media can be high-risk, contrary to the assertions of Gladwell. Clearly, a Twitter Revolution (just like any revolution) will find it hard to succeed if a regime responds with serious brutal force as Iran did in 2009, or Libya in 2011.

Just as social media conveys information, it can convey misinformation. And pro-human rights forces might be matched by authoritarian or other unsavoury messages. For example, we know that text messages were a key in organising the Cronulla riots. After all, the platforms are neutral and can be used for good and bad causes. In response, I can only offer the traditional pro-free speech argument that hopefully “good speech” counters and drowns out “bad speech”.

A final point to note is that social media platforms are run by private businesses. What are the social or human rights responsibilities of these bodies with regard to their users? Is it appropriate to place faith in such bodies as facilitators of a revolution? What if they are against a revolution? After all, the status quo often suits big business.

The US recently subpeonaed Twitter to hand over information on certain users associated with Wikileaks. Twitter informed those users, who are challenging the subpoena in court. However, Twitter didn’t have to tell those users. It could have just handed over the information without the users’ knowledge. In one famous instance a few years ago, Yahoo allegedly helped China identify a dissident, with grave consequences for that person. Subsequent concerns over the social responsibilities of internet companies prompted the creation of a global initiative to protect online privacy and free expression. The original participants were Google, Yahoo and Microsoft. Three years later, they remain the only participants. No one else, not Facebook or Twitter or anybody, has joined.

In the Arab revolutions, the behaviour of Google has largely been praised. With Twitter it set up a “speak to tweet” service to get around Egyptian restrictions on the internet in the early days of the protests. Twitter has been openly proud of its role in the revolutions and in promoting freedom of expression generally. In contrast, Facebook has not publicly embraced the revolutions, such as Ghonim’s web page. For example, it has refused to change its policy against anonymity, despite requests from US legislators, even though anonymity is essential for activists in some countries. Facebook is currently ambivalent and perhaps even confused about its role regarding human rights and revolution.

In conclusion, social media played a big role in galvanising and organising protesters in the Arab world. It helped to break down the tight controls that certain States had over information and communication. Its “weak activism” led to serious risk-taking by thousands under some of the world’s most oppressive regimes. One cannot say whether the revolutions would have or could have happened without social media. I suggest it would have been slower, and probably a lot harder.
Legal researchers must now produce research that is both excellent in academic terms and practically relevant for wide variety of scholarly, governmental, professional, and community audiences. Legal academics from the Faculty of Law are engaging in significant research outreach for multiple audiences and having the kind of recognition and impact for society of which any academic would be proud. This is true for legal academics at all levels and across all fields of research within the Faculty. This article highlights a selective cross-section of the impactful research that is being conducted by the Faculty of Law and its associated centres and researchers. It captures only a snapshot of the world-class research in which many of our centres and researchers are engaged.

The Changing Research Environment for the Legal Academy

At its simplest, research quality is concerned with academically excellent research that contributes to fields of knowledge, while research impact is concerned with the instrumental and practical value of research for its various users and beneficiaries. This distinction between research quality and research impact becomes blurred in disciplines such as law that are not only professions, but which also have a unique relationship with public goods associated with the rule of law, the system of government, and the administration of justice. In each of those enterprises, the various arms of the legal profession at large are each engaged in making assessments of academic legal research quality in their work, as when courts, tribunals, and other public officials cite and use academic works as part of their public decision-making. In this way, such research also has an impact upon the fields of knowledge that inform the prevailing policy and regulatory intellectual trends, and hence the development of options for law-making, law reform, and other aspects of the business of government.

The contemporary push towards academic research that is both good and relevant is reflected in a number of external developments affecting universities, not all of which match the full range of research performance undertaken by legal academics and to the benefit of all arms of the legal profession. For example, the Australian Government’s Excellence of Research for Australia (ERA) exercise does not recognise a number of scholarly outputs from legal academics that courts, barristers, solicitors, and other academics still value. This includes research-based books for the profession and students, major research-based public reports and submissions to governmental and public inquiries, and subsequent editions of leading texts that both inform and analyse major developments in policy, law, and regulation for legal practice and the business of government alike. In addition, the current ranking of Australian, foreign, and international law journals produced by the Australian Research Council (ARC) for the last ERA exercise still generates controversy and, while it will be revised for the next ERA exercise in 2012, the existing list is already driving institutional and individual behaviour in the Australian legal academy.

So, there are considerable limitations that attach to governmental and institutional exercises of counting only limited forms of research output for the multiple users and beneficiaries of legal research. Nevertheless, many legal academics in Australia and elsewhere also recognise the need for legal research that is both excellent and useful, whatever reasonable room for disagreement there might be about these criteria and the research audiences that do and should matter. In addition, there are also signs that the external and institutional research landscapes are adapting to the need for both excellent and impactful research. Monash University’s new research strategy, for example, incorporates recognition of high-quality research outputs that are relevant and useful for governmental, professional, and other public audiences. Similarly, the Law Faculty’s new ‘academic strengthening’ framework for research performance recognises high-quality, scholarly publications that are relevant for academic, professional, and other audiences, whatever their direct or indirect relevance for institutional rating and research funding purposes.

Faculty Contributions to Legal Knowledge and Practice

One of the ways in which legal academics conventionally engage in research impact and translation is through contributions to legal knowledge for the benefit of all arms of the legal profession at large, including the governmental, judicial, professional, and academic arms of the profession. This relevance and impact upon legal fields of knowledge is not confined to senior legal academics or the professoriate. For example, in a landmark 2009 address on the internationalisation of commercial law, Justice Paul Finn of the Federal Court of Australia opened his address by mentioning recent articles authored by the late Professor Michael Taggart, former High Court judge Michael Kirby, and our own Lisa Spagnolo. The High Court of Australia’s Chief Justice Robert French also referred to what he called Lisa’s ‘comprehensive’ article in his annual address to the annual NSW Supreme Court Conference in 2009.

Similarly, Dale Smith’s chapter for an Oxford University Press publication on Professor Ronald Dworkin’s contribution to jurisprudence engaged Professor Dworkin in a published dialogue and response and that itself strikingly illustrates Dale’s own contribution to jurisprudence. At the professional level, Professor Ann Monotti’s work on intellectual property rights concerning university research was referenced in the arguments and judgments at trial and appellate levels in the recent landmark Federal Court decisions in UWA v Gray, whose implications have resulted in universities reviewing their governing legislation and employment contracts on ownership of research-based intellectual property. This litigation has also inspired a Monash-hosted international conference in Prato that brings together international experts in intellectual property, employment, competition, and corporate law.

Faculty Contributions to Public Policy and Regulatory Reform

Senior academics from the Faculty of Law have also been leading the way in major governmental appointments and advisory work in recent times at both Victorian and Commonwealth levels of government. In November 2010, the Commonwealth Attorney-General’s Department released the Exposure Draft Family Law Amendment (Family Violence) Bill 2010 for public consultation. The Bill responds to recent reports commissioned into the 2006 family law reforms and how the family law system deals with family violence. One of these reports, the Family Violence and Family Law in Australia: the Experiences and Views of Children and Adults from Families who Separated Post-1995 and Post-2006, was collaboratively produced by Monash University, the University of South Australia, and James Cook University, with Monash University as the lead university and Dr Adiva Sifris, Dr Becky Batagol and other Monash academics forming part of the multi-disciplinary research team. The Bill proposes amending the Family Law Act 1975 and focuses on prioritising the safety of children whose rights and interests are considered under the legislation.
Associate Professor Pamela O'Connor was seconded in 2010 to lead a team that completed two reports on reform of property law for the Victorian Government. The first report was accepted by former Attorney-General Rob Hulls, and the second report was due to be tabled in March 2011. The value of Associate Professor Pam O’Connor’s work and that of her team is evident in following extract from the public statement by the former Deputy Premier and Attorney-General in late October 2010:

Deputy Premier and Attorney-General Rob Hulls said the Victoria Law Reform Commission’s report was a major step on the road to modernising and simplifying the State’s overly complicated property laws. The report calls for an overhaul of the Property Law Act 1958, which it found was archaic, difficult to navigate and full of outdated provisions.

The report recommends creating a new Property Law Act using modern and accessible language, saying the existing language is often unintelligible, and uses outdated terminology that can be traced back 200 years. The VLRC also identified obsolete or arcane provisions in the existing legislation, recommending that these be repealed, updated, or simplified.

For a long period of time, our Dean of the Faculty of Law (Professor Arie Freiberg) has had significant input into the enhancement of policy and legislation surrounding criminal sentencing in Victoria and elsewhere.

Having reviewed draft legislation that eventually emerged from the Victorian Parliament in the form of the Sentencing Act 1991, Professor Freiberg was also commissioned by former Victorian Attorney-General Rob Hulls to conduct a review of sentencing laws entitled Pathways to Justice (2002), which led to the establishment of a Sentencing Advisory Council in mid-2004 as well as a Drug Court in 2002. These Victorian reforms have also been influential in the development of policy and legislation on sentencing in other Australian states and territories. Importantly, from an academic research perspective and its influence upon legal policy and development, the analysis in these major reports draws upon the body of work on sentencing that has progressively been developed by Professor Freiberg and other colleagues in this area, especially Emeritus Professor Richard Fox. The two editions of their book, Sentencing: State and Federal Law in Victoria, have been cited over 300 times by Australian courts.

Two members of the Faculty’s professoriate with long-standing consultancy experience at leading Australian law firms, Professor Stephen Barkoczcy and Professor Bryan Horrigan, have received significant recent appointments in advising the Australian Government. Professor Barkoczcy has been appointed to the Venture Capital Committee of Innovation Australia, which is involved in the administration of the Australian Government’s venture capital programs. In late 2009 and early 2010, Professor Bryan Horrigan was appointed by the Australian Government to a three-member expert panel to conduct a combined public inquiry on possibly reforming regulation of unconscionable business conduct under the Trade Practices Act and prohibiting identified franchised behaviours under the Franchising Code of Conduct. In that role, Professor Horrigan also worked closely with two federal departments – the Department of Treasury and the Department of Innovation, Industry, Science and Research (DISIR) – with all panel recommendations being accepted by the Australian Government and progressively enshrined in law and regulation.

Professor Hodge’s expert evidence to the Royal Commission into the Victorian Bushfires late in 2009 was cited in the Royal Commission’s final report in support of their recommendations to strengthen the power and capacity of the State’s electricity regulators, and all of the Royal Commission’s recommendations were subsequently endorsed for implementation. This latest contribution to high level policy work followed Professor Hodge’s ten previous submissions to Australian Parliamentary Inquiries and his international regulatory review work for the OECD.

Faculty Contributions to the World at Large

Finally, academics from the Faculty of Law and its associated research centres have also been having an impact beyond the system of government, on the work and life of the legal profession, business, and the community. In particular, the Faculty’s centres and researchers have contributed significantly to research-informed public submissions to major public and parliamentary inquiries, as well as international initiatives in legal and policy standard-setting. Various members of the Faculty made individual or centre-based submission to the recent National Human Rights Consultation, and two Faculty members (ie Dr Paula Gerber – one of the Faculty’s recipients of a Monash Research Accelerator award – and Professor Bryan Horrigan) were invited by the Brennan Committee to give evidence in the public hearings in Canberra, before the finalisation of the Committee’s report to the Australian Government on enhancing Australian rights-protection.

Members of the Castan Centre and the wider Faculty have contributed public submissions on the two landmark documents of the UN Human Rights Council mandate of the UN Secretary-General’s Special Representative on Business and Human Rights, Harvard’s Professor John Ruggie. They are the UN Protect Respect and Remedy framework and its Guiding Principles for practical implementation by governments, business, and other bodies. As an example of the considerable research-based time and work that legal academics contribute to the public goods of law-making and law reform that is not counted by conventional institutional research performance and funding indicators, another of the Faculty’s recent recipients of a Monash Research Accelerator Program award – Dr Patrick Emerton – has contributed public submissions over the last year or so to the various federal parliamentary committees inquiring into the Telecommunications Interception and Intelligence Services Legislation Amendment Bill 2010, the National Security Legislation Amendment Bill 2010, the National Radioactive Waste Management Bill 2010, the relisting or so to the various federal parliamentary committees inquiring into the Telecommunications Interception and Intelligence Services Legislation Amendment Bill 2010, the National Security Legislation Amendment Bill 2010, the National Radioactive Waste Management Bill 2010, the relisting of officially deemed terrorist organisations under Division 102 of the Criminal Code Act, the National Security Legislation Discussion Paper 2009, and the National Security Legislation Monitor Bill 2009.

continued overleaf...
The Castan Centre’s Aurora Project, funded by the Commonwealth Government, has had a huge impact in the field of native title, by markedly contributing to the improvement in the capacities of Native Title Representative Bodies and the training and expertise of native title lawyers in general. Other Castan Centre publications have also had significant business and community impact. Human Rights Translated: A Business Reference Guide (UN Global Compact, 2008) constitutes a guide to explain human rights to businesses, using plain language explanations of all of the main recognised international human rights, and case studies on how such rights have been relevant in real scenarios involving corporations. This book filled a gap in helping them to understand what human rights are and how they relate to their operations. The book was enthusiastically received by Professor Ruggie, the UN Special Representative on Human Rights, as a key resource for companies.

In his 2009 report to the UN, Ruggie underlined the need for human rights to be ‘demystified’ for business, and singled out this book as a resource that did just that. The book is being used extensively by the World Bank in its review of its Policy and Performance Standards on Social and Environmental Sustainability in 2010 and 2011 (see http://www.ifc.org/ifcext/policyreview.nsf/Content/IBHRandFCPoliciesPS). It is used by companies and NGOs the world over.

A Handbook on the Individual Complaints Procedures of the UN (OMCT, Geneva, 2006), co-authored with Katie Mitchell, Linda Gyorki, and Carin Benninger-Budel, is used by NGOs the world over to assist them in helping victims to make human rights complaints to United Nations human rights bodies. It has been cited by the European Parliament in its promulgation of The Implementation of the EU Guidelines on torture and other cruel, inhuman or degrading treatment or punishment in March 2007. It has been published in five languages. Finally, the two editions of the cases, commentary, and materials on the International Covenant on Civil and Political Rights by Professor Sarah Joseph, Jenny Shultz, and Melissa Castan have been cited over 100 times in national and especially international publications, including by the International Court of Justice, international criminal courts, various bodies within the United Nations, the Inter-American Commission on Human Rights, and courts in Australia (including the High Court), UK courts (including the House of Lords), New Zealand, Hong Kong, Indonesia and Latvia.

The research-based work of the Faculty’s cross-disciplinary Regulatory Studies Centre has also focused locally, nationally, and internationally. A good example is its work with the Food and Agricultural Organisation of the United Nations in developing a discussion paper on regulating nanotechnology in food. The research team comprising Dr Karinne Ludlow, Dr Diana Bowman, and Professor Graeme Hodge initially produced the Australian Review. New Zealand then did their own review based largely on the Monash team’s methodology, and this was followed in 2010 by the publication of the International Handbook on Regulating Nanotechnologies, (Edward Elgar, UK).

Another example of the Centre’s recent involvement in national policy and regulatory debates is illustrated by the Centre leading a consumer reform debate event with Minister Bowen in 2009, and national legislation changing the following year.

Similarly, the Centre’s AusAID work on the international stage has had impact from China to Zambia. Zambia’s adoption of new consumer law reforms (involving Professor David Cousins), whilst consultations in China (involving professor Hodge) have seen both sides learning how infrastructure delivery is being reformed through ‘public-private partnerships’ in both countries. This PPP policy work was also followed in 2010 by the publication of the International Handbook on Public-Private Partnerships (Edward Elgar, UK).

Faculty Contributions to the Scholarship of Teaching

A multi-institution team led by Associate Professor Adrian Evans has received a $200,000 Australian Learning and Teaching Council priority project grant to find out what Australian Law Schools are doing in experiential (clinical) practice. Their objective over 2011–2012 is to produce a set of operational standards, based on this research, which Law schools can use to deliver best clinical practice in law and strengthen law schools’ capacity to producing socially responsible law graduates.

Law student off to Oxford University

Current fourth year Arts/law student Amelia Hughes was recently offered a place in the Visiting Student Programme at St Edmund Hall, Oxford University for the 2011–2012 British academic year. Participants in the Visiting Student Programme are immersed in student life at Oxford as a registered full member of both the University and of a college.

Amelia said her “studies at Monash University have engendered in me a passion for the law. My tutors and lecturers have given me an enthusiasm for being a critical lawyer and encouraged me to challenge and exchange ideas and perspectives.”

While at Monash University, Amelia seized the opportunity to engage in wider university life through involvement in a range of extra-curricular activities. She has been involved with the Monash Law Students’ Society as Director of Functions in 2009 and Vice-President of Competitions in 2010. Outside of university, she is a volunteer telephone counsellor, a radio segment host and enjoys competing in triathlons and surf life saving. Upon finishing her studies she intends to pursue a career in the legal arena.

It is for all of these reasons that Amelia applied for the Visiting Student Programme. This experience will provide her with the opportunity to work closely with an academic tutor under the Oxford tutorial system, to build an international social and academic network and to further develop her understanding of the transnational implications of law. Additionally, she is looking forward to immersing herself in college life and its litany of sporting, music and drama activities.

Amelia Hughes
Generous, friend, pioneer, builder, contributor, campaigner, strategist, passionate about justice, a do-er, determined, role model, mentor, patient, unflappable, a person of minimum fuss, a person of grace and warmth, a wicked sense of humour, a wonderful mother and grandmother.

These are just some of the words that friends and colleagues have suggested best describe Sue Campbell, a long time member of the teaching staff who passed away in March aged 67 after a short battle with pancreatic cancer.

Sue Campbell joined the Monash Law Faculty as a Lecturer in 1980 from Melbourne Law School. For the next quarter of a century, until she retired in 2005 when her Professorial Fellowship expired, she was at the very heart of student learning and faculty teaching, development and administration. She was a friend and mentor to students and staff alike. More recently she was the author of the Campbell Report on legal education training and a founding member of the Judicial College of Victoria, just two of her diverse engagements.

Sue was both a natural and exceptional teacher as recognised by her 1993 Monash Vice Chancellors Award for Distinguished Teaching and her 2007 award of a Member of the Order of Australia. Significantly, she had a lasting impact on 1000s of former students now practising around Australia. An email message from one former legal process student now living in Sydney expressed it best:

What stands out for me from Sue's teaching was that she always wanted her students to think beyond their personal legal careers, to ponder how the law can be a process for progressive change in society, and how as lawyers, they can become important agents of that change.

Sue's contribution to professional life extended beyond mainstream university law teaching. She was a pioneer. She was a contributor. She was a builder. She did it all with grace, humour and a steady determination. She built things to last. She was particularly passionate about:

- The Monash Clinical Legal Education programme known as Professional Practice where students ‘learn by doing’ under professional supervision at either the Springvale or Monash Oakleigh legal centres.
- The Lawyers Practice Manual (LPM), and
- The Tim McCoy Memorial Trust

Underlying her contribution was a strong and unwavering commitment to social justice. She put in the hard yards and added sustainability to everything she engaged with. For example, she joined the Springvale Legal Service Board in 1983 and at the time of her passing 28 years later she was the Chair of the Board. Similarly, as a founding editor of the LPM in 1985 she remained on the editorial board to the very end. Sue was rightly proud that over 25 years the LPM has had a significant influence in shaping ethical legal practice in Victoria. It is an exemplar of applied legal scholarship.

Finally, the third arena Sue had a particular engagement with was as a Foundation Trustee of the Tim McCoy Memorial Trust. For 23 years the Trust has celebrated the life and work of Tim McCoy (1956–1987) who was a pioneer of legal centres. The annual ‘Tim’ Dinner is an established part of the legal aid calendar drawing together both legal aid pioneers and current members of the movement. Sue knew that living traditions are important.

She will be missed.

Sue Campbell is survived by her daughters Elena, Mia and their families.

Vale Sue Campbell

Edited from a ‘Reflection’ given by Dr Simon Smith at the funeral of Susan Campbell on 10 March 2011. Dr Smith was a member of the faculty and first Co-ordinator of the Springvale Legal Service 1978–1988.

At 12, Monash Arts/law graduate Kate Ashmor (BA(Politics) 2005, LLB 2005) decided the best way to channel and make money from her argumenative tendencies was to become a lawyer.

At 30, she is now the Convenor of Victorian Women Lawyers (VWL), the peak organisation for female lawyers in Victoria, and a commercial lawyer for the Victorian Government.

After graduating from Monash in 2005, Kate started her career in a boutique private practice firm before moving in-house to a finance company.

She now specialises in commercial contracts and intellectual property for the Victorian Department of Transport, providing advice about the contracts for the operation of trains, trams and buses in Victoria, along with funding agreements and management of intellectual property assets.

She was elected Convenor of VWL in late 2010. The organisation represents more than 600 members including legal practitioners, law students, barristers, judges, academics and former lawyers.

In her volunteer role, Kate chairs an executive committee of 20 and is the “champion” for the organisation’s events, programs and law student mentoring program.

"It is an ongoing challenge to serve and support all female lawyers in Victoria, especially those regionally based, but VWL is working hard to provide a forum for all female lawyers to network and feel represented.

"I never cease to be amazed and inspired by the many talented women who are involved in our executive committee and who attend our events,” Kate said.

Kate said the highlight of her career so far was presiding over her husband’s citizenship ceremony when she was a councillor for the City of Glen Eira (2005–2008), closely followed by instructing in a Supreme Court trial and creating VWL’s Law Student Mentoring Program.

She said her goal is to make a positive and valued contribution to justice in Victoria.

“Being a Monash graduate has certainly opened up doors for me especially in employment and networking with other professionals,” Kate said.

“I am so fortunate to have had opportunities to make a difference and I intend to make the most of them”.

Kate Ashmor, photo courtesy of Monash University web story
Q. When did you study at Monash Law School?
I started my degree as a full-time undergraduate in 1993, then went part-time in 1998, graduating in 2003.

Q. What course were you enrolled in and why did you choose that course?
BA (European Studies)(Hons)/LLB. I had always been interested in European politics and culture and had studied French at school. Combining the specialised arts degree with my law degree allowed me to undertake a range of studies with a unifying European theme (across politics, history, economics and language) while I pursued my law degree.

Q. How did you find your studies?
Fascinating, challenging and a constant source of encouragement towards new thinking. As a full-time undergraduate, I found my Arts course more immediately accessible and engaging but as a part-time student with some time in a relevant work environment, I found my Law studies to be a good complement to my professional activities.

Q. Can you tell us about your career history?
It's been quite varied! I took up the role of senior adviser to then-Senator Natasha Stott Despoja in 1998, and stayed in that position for three years, working on the 1998 federal election campaign, the 2000 republic referendum and providing policy advice across a range of portfolios, including employment and social security. I then worked as a journalist with the ABC for a year before moving to the Australian Consumers’ Association (now Choice), where I worked as Senior Policy Officer and spokesperson for a further three years. After a brief stint in the UK, I returned to Australia to become Chief Executive of the then-Consumer Law Centre of Victoria, a specialist legal advice and policy NGO providing support and representation to low-income and vulnerable consumers. I then moved to the UK to take up the role of Chief Executive of Fair Trials International, a human rights NGO giving legal advice and support to individuals facing trial outside their home country and advocating for fair trial rights in the EU and beyond. After several years in this intensely challenging but rewarding role, I moved to become Chief Executive of the UK’s whistleblower charity and after three years there, returned to consumer policy, heading up a specialist team within the UK’s new Consumer Financial Education Body (CFEB).

Q. What do you do for a living – describe a typical day for you at work?
CFEB is quite a new organisation, so much of my team’s work is currently concerned with developing the organisation’s strategy, liaising with key stakeholders to garner views on our future direction and also feed back on progress towards existing goals, and providing expert advice to the new Board as required. On any given day I might be dealing with Treasury officials or our Minister’s office, or talking to major financial institutions or debt advice charities about the information needs of consumers. It has been a challenging time for the UK financial sector and all members of that sector recognise the need for consumers to be able to access impartial information and advice to help them make decisions about their finances. As the organisation grows, it will also hold a great wealth of information about consumers’ experiences of financial services which we will feed back into policy development, helping to shape the future regulatory and operating environment for financial services in the UK.

Q. Why did you decide to pursue a career in this field?
Consumer policy is a fascinating interplay of economics, social policy and politics. It requires constant inquiry and analysis to ensure it understands how consumers experience particular markets and demands innovative, nuanced but also sometimes assertive answers to the many questions it poses. This ongoing challenge keeps me interested while satisfying my need for a social dimension to the work I do.

Q. What do you most enjoy about your job?
I work with some highly talented young policy advocates and have always enjoyed the opportunity to mentor new talent, helping to ensure social movements and public organisations keep developing and nurturing future leaders.

Q. What has been your career highlight so far?
As Chief Executive of Fair Trials International, I worked on the case of Mirza Tahir Hussein, a young British man on death row in Pakistan. His case was riddled with obvious flaws, but time was running out on efforts to overturn his conviction. With legal avenues exhausted, we worked with his family and several other NGOs on a delicate diplomatic effort to secure his release. The ink was barely dry on his presidential pardon before he was airborne, and meeting him off the plane at Heathrow was an incredibly moving experience.
Q. How important has networking been in developing your career? Do you network with your Monash classmates or with other Monash alumni?

Despite being based in the UK, I do keep in touch with a number of former Monash classmates and alumni, especially those I came to know through debating, which not only provided me with an excellent grounding in public speaking and analysis but also generated enduring friendships.

Q. How did your Monash Law School experience help you succeed in your chosen field?

On a very practical level, being able to complete my degree as a part-time student allowed me to take up the chance to work for Senator Stott Despoja which was an incredible career starting-point. While flexible study is now commonplace, Monash was a bit of an early mover in the late 1990s and it was enormously beneficial to my career. Since then, having a law background has enabled me to take up roles leading legal advice charities, managing lawyers and legal practices.

Q. Are you still involved with Monash Law School? If yes how and why?

I’m afraid I’m not closely involved with Monash Law School – though I do look out for events on in London.

Q. What is the best piece of advice you have received?

Be true to yourself.

Q. What personal interests do you have?

I have a young daughter and another child on the way, so they tend to take up a lot of my non-working time. But I do enjoy cooking, gardening, reading and politics when I get the chance.

Q. What are your favourite memories of your time at Monash?

Probably debating tournaments, which were exhausting and exhilarating, especially as Monash had already become a powerhouse in the world of international debating.

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

That one’s professional life will span many decades and involve the opportunity for evolution and radical change. There was so much pressure when I was a student to get the right clerkship with the right firm and to follow the career path mapped out from that point. I’m glad I didn’t follow that path because the alternative has turned out to be so interesting and rewarding.

Q. What did you want to do for a career when you were young?

I had many career aspirations – to be a journalist, a barrister, a diplomat and to work in politics. I’ve been lucky enough to work in fields which are pretty close to all of these.

Q. What did you do look out for events on in London.

Jill Hennessy is currently the State Member of Parliament for the Altona Electorate. Jill completed her Bachelor of Law and Bachelor of Arts at Monash University in the early 1990s. She was active in many clubs and societies on campus and really immersed herself in campus culture.

Jill was politically active from a young age. While studying, she worked part-time for a Federal Member of Parliament. After graduating, Jill did her articles at Holding Redlich choosing to specialise in industrial law. She continued working at Holding Redlich when she became a lawyer, and further specialised in employment and equal opportunity law. At only 24 years of age, Jill was elected as the Victorian State President of the Australian Labor Party. When Steve Bracks was elected as the Premier of Victoria, Jill joined his team as a senior advisor. Jill subsequently worked as a governance advisor for local government and as a member on public and private boards.

While raising her two young children, she completed a Masters Degree in Public and International Law at Melbourne University. She looked after her two children for a while before sitting on a number of boards. She served as a Director on the Board of Western Health and a Director of the Western Region Community Health Service. Jill was also appointed as the inaugural Chair of the Victorian Working Families Council.

In February 2010 after the resignation of Lynne Kosky she was elected to represent the seat of Altona. She was re-elected in the November 2010 state elections and was then appointed the shadow ministerial portfolios for Corrections, Crime Prevention, Anti-Corruption Commission and Women.

Jill is very interested in law reform issues, and is passionate about education and employment services for Melbourne’s growing Western Suburbs.
Towards One World – The memoirs of Judge C.G Weeramantry
– Vol 1: The Sri Lankan Years
Judge C.G Weeramantry
Weeramantry International Centre for Peace Education and Research 2011

If humanity is to survive the many crises it faces today, some of which are capable of exterminating civilisation, destroying the environment and shattering the future of life on our planet, a fundamental change is necessary in many quarters. An important but neglected area in this connection is the role of lawyers and legal systems.

This is the story of a life dedicated to breaking through legalism mono-culturalism and short term perspectives in the work of lawyers and legal systems. It takes the whole world for its province, treats humanity as one family and integrates the needs of future generations into our present actions and decisions.

Judge Weeramantry opens many windows to wider vistas which lawyers throughout the world need to take into account rather than the boxed-in attitudes which have characterised the legal profession for generations.

Blame it on the WTO? – A Human Rights Critique
Sarah Joseph
Oxford University Press, 2011

The World Trade Organization (WTO) is often accused of, at best, not paying enough attention to human rights or, at worst, facilitating and perpetuating human rights abuses. This book weighs these criticisms and examines their validity, incorporating legal arguments as well as some economic and political science perspectives.

After introducing the respective WTO and human rights regimes, and discussing their legal and normative relationship to each other, the book presents a detailed analysis of the main human rights concerns relating to the WTO. These include the alleged democratic deficit within the Organization and the impact of WTO rules on the right to health, labour rights, the right to food, and on questions of poverty and development.

Given that some of the most important issues in the WTO concern its impact on poor people in developing states, the book asks whether rich states have an obligation to the people of poorer states to construct a fairer trading system that better facilitates the alleviation of poverty and development.

Against this background, the book examines the current Doha round proposals, as well as suggestions for reform of the WTO to make it more ‘human rights-friendly’.

Parliamentary Sovereignty, Contemporary Debates
Jeff Goldsworthy
Cambridge University Press, Cambridge, 2010

This book has four main themes: (1) criticism of ‘common law constitutionalism’, the theory that Parliament’s authority is conferred by, and therefore is or can be made subordinate to, judge-made common law; (2) analysis of Parliament’s ability to abdicate, limit or regulate the exercise of its own authority, including a revision of Dicey’s conception of sovereignty, a repudiation of the doctrine of implied repeal, and the proposal of a novel theory of ‘manner and form’ requirements for law-making; (3) analysis of the relationship between parliamentary sovereignty and statutory interpretation, defending the reality of legislative intentions, and their indispensability to sensible interpretation and respect for parliamentary sovereignty; (4) analysis of the compatibility of parliamentary sovereignty with recent constitutional developments, including the expansion of judicial review of administrative action, the operation of the Human Rights Act and the European Communities Act, and the growing recognition of ‘constitutional principles’ and ‘constitutional statutes’.

Current Trends in the Regulation of Same-Sex Relationships
Paula Gerber and Adiva Sifris
Federation Press, 2011

This volume focuses on same-sex relationships and contains articles on:
- the historical context of the same-sex marriage debate in Australia;
- the approaches taken to achieve same-sex marriage internationally in the past decade and the factors which have been influential;
- the particular case of South Africa, which has legislated a right to same-sex marriage despite the country’s conservative and oppressive history;
- the geographical spread of same-sex couples in Australia, including variations by gender and by dependent children;
- lesbian and gay foster carers in Australia;
- the best interests of children; and
- the ‘pull and push’ effect in the relationship between law and society in the achievement of law reform.
Costello Lecture: Fair trade and honesty – the watermarks of the Trade Practices Act

As part of the 2010 series of Monash Lectures the annual Costello Lecture was held at BMW Edge Theatre at Federation Square with an excellent attendance.

Dean of Monash Law School, Professor Arie Freiberg AM introduced the patron of the lecture Mr Tim Costello AO, (BJuris 1976, LLB 1978, DipEd 1979), CEO, World Vision Australia.

Mr Costello introduced Monash alumni, Mr Graeme Samuel AC, Chairman, Australian Competition and Consumer Commission (LLM 1977) who discussed the highly topical issue ‘Fair trade and honesty – the watermark of the Trade Practices Act’. The lecture highlighted the legislation and what it means for fair and honest dealings, and how it ‘enhances the welfare of Australians’.

Mr Tim Costello presented the first lecture in 2001. Each lecture aims to address issues of human rights, ethics and social justice.

Prize Ceremony

Monash Law School recently held the annual Prize Ceremony. The ceremony acknowledges the achievements, hard work and dedication of the faculty’s students for the 2010 academic year. Once again the event was held at the ANZ Pavilion at the Victorian Arts Centre.

Distinguished Monash Law alumnus, The Honourable Justice Tony Pagone of the Supreme Court of Victoria reflected on his journey to becoming a Judge in the Supreme Court, His Honour said “he wasn’t a strong student in university but luck gave him many opportunities”. Justice Pagone also reminded guests that a law degree can lead to a variety of career paths and that law is a service to the community. His Honour presented the Supreme Court Prize to Marianna Parry and the first ever Chief Justice Marilyn Warren Prize for Best Master of Laws (Juris Doctor) student which was won by Robert Stilling.

The financial reward students receive with prizes are made possible through the generous support of the many organisations, within and outside the legal profession who join us in recognising the efforts of our high achievers and we would like to thank all our sponsors for this support.

If you are interested in sponsoring the Monash Law School Prize Ceremony. Please contact Kate Daley to discuss your support. kate.daley@monash.edu
Where are they now - Class of 1980

Anne English (nee Harwood)
(BA/LLB 1980)

Victorian regional lawyers didn’t want female articled clerks back in those days as we couldn’t play cricket or football so I took off for Queensland, found articles in Bowen, ended up in Cairns and never looked back! I have been a principle of the firm Bottoms English, Cairns for the past 25 years and we now have a second office in Atherton on the airconditioned Tablelands to the west of Cairns where I now live. I spend time in both offices, breed quarter horses and dive the Great Barrier Reef. Areas of practice over the years have ranged from Family Law initially to Maritime, Mining and Resources and commercial law generally, pioneering in native title law and delivery of local government legal services to Cape York Aboriginal Communities for more than 20 years. Memorable Uni memories include Monash Motor Cycle Clubs’ run in with the Hells Angels’ at Molesworth one Saturday in first year!

Craig Emanuel
(BJuris 1979, LLB 1981)

Following my graduation from Monash, I did articles at Herbert Geer and Rundle where I practiced until approximately December 1984 at which time I made the decision to move to the United States. Although my original intention was not to work as a lawyer but to work in-house at a company involved in the production of motion pictures, in May, 1985, I started work in the Los Angeles office of the then, English law firm, Denton Hall and Burgin.

I was admitted to the California Bar in 1986 and practiced at Denton Hall until December, 1989 at which point a number of attorneys from the Denton Hall office left to form a new firm which was called ‘Sinclair, Tenenbaum and Emanuel’, a firm I eventually took over as the senior partner until merging the firm with Loeb & Loeb approximately eleven years ago.

Loeb & Loeb is a law firm with over 360 attorneys with offices in Los Angeles, New York, Nashville, Chicago, Washington D.C. and Beijing. I am presently the Chair of the Los Angeles Entertainment Department. A detailed description of my practice can be found on our website at the following link: http://www.loeb.com/craig_emanuel.

Anthony Burke
(LLB 1981)

When he commenced the study of law at Monash in 1971, Tony Burke found it rather uninspiring and so after two years he deferred to pursue other interests. Some years later he returned with some real life experience under his belt and graduated in 1981. For most of his time in practice Tony Burke has been involved in suburban practice with a commercial and property focus. He is the principal of Burke & Associates based in Armadale and has three employee lawyers. In 2008 he was President of the Law Institute of Victoria and for two years served as a director of the Law Council of Australia. He is presently the inaugural chair of the SME Business Law Committee established by the Business Law Section of the Law Council of Australia which is a national committee of lawyers focused on national legal issues affecting the SME sector. In his spare time Tony competes in triathlons and open water swimming. He is on the board of Triathlon Victoria.

Sally Webster
(BA/LLB 1980)

After graduation I traveled for a couple of years and then lived in Sydney for 10 years where I undertook my articles with Allen, Allen and Hemsley. After enjoying Aliens for 3 years, I worked at the ABC on a consumer protection programme ‘The Investigators’. In 1989 I started working in the field of Immigration. I was one the very first registered migration agents and a long-standing member of the Migration Institute of Australia. In 1993, I established Global Immigration Services in Melbourne after building a migration law practice within Coopers and Lybrand. In the past, I have worked as a volunteer for VIARC and IARC, assisting a broad range of migrants – from refugees to appeal cases, and assisting with the writing of the Skilled section in the initial ‘Immigration Kit’.

In 1997, I was asked by the government to join their Review Committee as part of their External Review Group, to reform the Independent and Skilled-Australia Linked Categories. In 1998 I was part of the Review of Business Programs to assist the government in the review of the 1998 reforms to business (corporate and business) migration.

In 2004, along with Julian Burnside, Malcolm Fraser, Kurt Esser and others, I was one of the founders of The Justice Project, a not-for-profit human rights campaign company. I have undertaken a great deal of pro-bono work, mainly for refugees.

I continue to work in my business – Global Immigration Services.

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Len Hallett
(LLB (Hons) 1973, LLM 1977, PhD 1980)

After ten years working as a Clerk of Courts, having left school with my Leaving Certificate at 17, I completed my degree at Monash. I am most grateful for the substantial help I received from my mentors at the Monash Law Faculty and also for the very happy time I spent there.

I then transferred into the Victorian Crown Solicitor’s Office (now Victorian Government Solicitor).

I worked my way up through the Legal Officer ranks and was appointed an Assistant Crown Solicitor in 1981. During that time I completed my Masters and a Ph.D. (part time) at Monash. My Ph.D. thesis was published – Royal Commissions & Boards of Inquiry as part of the Law Monograph series.

I am very proud of the fact that, apparently, I was the first person to complete all three degrees at Monash Law School.

In 1982 I was privileged to be awarded a scholarship which enabled me to visit the various Australian States, England and Europe to follow upon my research on Royal Commissions and the alternative means available to the Executive Government to obtain information in exceptional circumstances.

I retired from the position of Crown Counsel (Advising) for the State of Victoria, in 1997, followed by consulting work for the State of Victoria and Monash University. Since then my wife and I have travelled extensively. I am substantially involved in my secondary school Old Collegians’ Association and raising funds for a school in Chari, near Hazaribag, in the North East of India, which we have visited.
David H Denton S.C.
(BA/LLB 1979, LLM 1994)

Somehow I managed to complete my LLB degree in just 3 years completing Law in 1979. I had a great time and remember ending up as VP of the LSS in what was a pretty social and sporting year. I remember we put on the “Law Olympics” outside the Law School and I still have photos of some now very eminent lawyers performing some most interesting tasks. I also remember having long hair and a beard (which the accompanying photograph can only leave one wondering how the years treat some better than others perhaps).

After graduation I commenced in commercial law at Arthur Robinson & Co (now Allen’s Arthur Robinson) but knew my true calling would take me to the Bar which, after a few years, it did. I read in the chambers of Brind Zichy-Woinarowsk QC, a superb advocate and mentor, and then spent about 5 years doing pretty heavy criminal jury trials. I then took a break from the Bar and became an in-house lawyer for a couple of years where I redeveloped an enjoyment for commercial law again so I recommenced at the Bar in 1987 and dedicated myself to commercial practice. I soon thereafter started the first commercial law list of barristers at the Victorian Bar, List A Barristers. Having undertaken that task I also thought it useful for commercial barristers to form a more enduring and closer association so I formed the Commercial Bar Association and a number of years later became its President.

In 1997 just after the Bar dissolved its monopoly on the supply of barristers’ chambers, I together with 5 friends practising in commercial law banded together and formed some independent chambers, Chancery Chambers at 200 Queen Street. I am still in Chancery Chambers which has now expanded to 25 counsel over 2 adjoining floors.

In 2001 I took silk and thereafter I have enjoyed the breadth of practice opportunities that come with such an appointment. I have now appeared in every trial and superior Court in Australia and also in Fiji in many areas of practice not just commercial. I have chambers in Melbourne, Cairns and Hobart. More recently, once List A Barristers exceeded 100 members, I thought it had become too big and I left to form Australia’s first national list of barristers, List Q Barristers. Having undertaken that task I also thought it useful for commercial barristers to form a more enduring and closer association so I formed the Commercial Bar Association and a number of years later became its President.

In January 2011 he was made a Companion (AC) in the Order of Australia.

Honourable Peter Costello, AC
(LLB(Hons) 1980, BA 1982)

Peter is currently Managing Director of BKK Partners Pty Ltd, a corporate advisory firm, which he joined in November 2009.

Peter practised as a Solicitor and then as a Barrister after leaving Monash. He spent over 19 years in the Australian Parliament first elected as a Member of the House of Representatives for the seat of Higgins in March 1990 and re-elected on six subsequent occasions.

Peter was Treasurer of the Commonwealth of Australia from 11 March 1996 to 3 December 2007, the longest serving Treasurer in Australia’s history.

In December 2009 he was appointed a Guardian to Australia’s Future Fund. In 2008 he was appointed a Member of the Independent Advisory Board to the World Bank in Washington.

In January 2011 he was made a Companion (AC) in the Order of Australia.

Paul Kouris
(Bjuris, LLB 1980)

Currently I am a Barrister by profession of almost 30 years seniority, practising in Civil and Criminal Law. I am also an Inventor by avocation. I am the inventor and proprietor of the Kouris Centri Turbine Generator, or KCT, a cutting edge hydro electric turbine which operates from the spin as distinct from the fall of water. That is, from a Vortex, not a waterfall. The KCT is patented in 8 countries, with 10 patents pending. A domestic prototype is operating in Marysville Victoria and the Federal Government has now invited me to seek a grant for a Commercial Proof of Concept in Deniliquin NSW. Details and photographs can be obtained from my website at: www.kourispower.com.

I spent many years as a mentor for the Monash Mentoring Network, ironically not in the field of Law, but to aspiring inventors from Engineering.

My most cherished memories of Monash hail back to the days when I was the Clubs Liaison Officer for the campus during the mid 70s. One particular function that I remember fondly is the student Bird Calling Competition which I organised to raise money for the Multiple Sclerosis Society. Over $3,000 was donated, with the winner receiving the coveted Pulchritudinous Stuffed Parrot Award for the best Kookaburra ever heard. I recall Mumco’s Foo Bird entry winning the Imaginary Bird Call bird section. Students of that era may remember with a smile that the awards were proudly displayed in the Trophy Cabinet outside Clubs & Societies for many years thereafter.

Justice Paul Cronin
(LLB 1980)

After graduating, I was able to obtain admission to practice quickly because I had experience in the law workforce. I then went to Shepparton having never lived outside of Melbourne in my life. The lifestyle change was significant with open fires and fresh local produce but it also meant meeting a whole host of new friends from different walks of life. Orthopaedic surgeons and gynaecologists were not only friends but also handy for fixing broken limbs and delivering babies whilst dentist-drinking companions helped get quick appointments for teething problems in the family. Local sport became not just a passion but a way of staying healthy and occupied. As I became more adventurous, we purchased a small farm where our sons made pocket money raising animals rather than working in fast-food outlets as teenagers. Practice of the law was as much carried on at the boundary line of the football field, tennis club and in the bar of the local hotel, as it was in the town office and courtroom.

I stayed in the Goulburn Valley only returning to Melbourne to join the Victorian Bar in 1999 where I became ensmeshed in the politics of family law. In 2006, I was appointed a Judge of the Family Court of Australia. Life as a judge is about solving the unsolvable problems of people. Family Law draws on virtually every aspect of the law course from equity, trusts and tax through to criminal law, evidence and civil procedure. It is never dull.

Memories of Monash remain vivid despite the effluxion of time. The 1970’s were the days of long hair, very colourful clothing and loud music all of which was the face of activism. My opportunities were restricted because of my full-time work commitments. My attendances were virtually all in the early evenings when it seemed to be perpetually cold and miserable at Clayton but then the Law Faculty created summer term and I spent my final period plodding out Dandenong Road in the heat of the afternoon. Over the years, I came to know the Law Library intimately on weekends.

My fondest memories are of the lectures of Laurence McCredie, Richard Fox and Bob Williams; to them I owe an interest in litigation. A soft spot remains for Monash.
Nick Nichola  
(BA/LLB 1980)

After graduation, I joined a small suburban law firm as an articled clerk. In 1982, that firm merged with the well known city firm of Molomby & Molomby which in turn merged with Middletons in 1998. I was admitted as a partner of Molomby & Molomby in 1988 and continued as a partner with Middletons after the merger. In January 2005, I was appointed the national managing partner of Middletons, a position I hold to this day. Middletons has offices in Melbourne, Sydney and Perth and I am a regular visitor to those cities.

I have many fond memories of the Monash Law School, the most notable of which was when the late Campbell McComas pretended he was Professor Granville Williams (most of us did not pick up on the deliberate misspelling of the real life Professor Granville Williams’ name) and delivered a lecture titled ‘The Law of Rape – When No Means Yes’. It not only fooled the great number of students (myself included) who attended, but also a few lecturers who had encouraged their criminal law students to attend.

Philip Colman  
(LLB 1980)

I have not travelled far since I graduated with a Bachelor of Laws in 1980. After completing my Articles at F.R. Monotti & Co in Dandenong, I spent most of my career as a Partner at Mason Sier Turnbull, just a few kilometres away from the Clayton Campus where I studied. Mason Sier Turnbull is a mid tier commercial firm with over 40 lawyers, many of whom are Monash graduates.

I left Monash University with a desire to practice in commercial law. I was fortunate to gain wide experience in my earlier years and, as a result of the growth of a client, I moved into the area of franchising law. Over my 30 year career, I became known as one of Australia’s leading franchising lawyers and have been recognised as one of Australia’s leading of franchising law. Over my 30 year career, I moved into the area of Personal Injury litigation and I am successfully practicing as a Partner of Melbourne, Williamstown, Geelong and Preston.

I am actively involved in the not for profit sector. I was a former Vice President of The Western Hospital, and President of Preserve Old Williamstown Incorporated.

I am currently the Secretary of WISE Employment, and SeaWorks Foundation, and the President of the Williamstown Maritime Association.

My community service was surprisingly recognised in 2010 with an Order of Australia Medal in the Queens Birthday List 2010. My sanity is maintained with regular exercise and singing in a duo known as the ‘Long & Short of It’. I am insanely maintained as a mother of 4 children.

Patricia Toop OAM  
(BEc 1978, LLB 1980)

I graduated from Monash University with a Bachelor of Economics in 1978 and Bachelor of Laws in 1980. As a Lawyer I practice exclusively in the area of Personal Injury litigation and I am successfully practicing as a Partner of Melbourne, Williamstown, Geelong and Preston. I am actively involved in the not for profit sector. I was a former Vice President of The Western Hospital, and President of Preserve Old Williamstown Incorporated.

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Dean Wells  
(LLB 1983)

Dean’s law studies at Monash were interrupted by his appointment as a Lecturer in Philosophy at the University of Queensland, so he did the last few subjects at the University of Queensland. These were credited to his Monash LLB.

He began his Parliamentary career in 1983. Among the highlights was his six years as Queensland Attorney-General (1989–95). This was a period of major law reforms, as Queensland sought to catch up after the Bjelke-Petersen era. Dean’s legislative reforms included Freedom of Information, Judicial Review, the Anti-Discrimination Act, Peaceful Assembly Act; he pioneered neighbourhood mediation, reformed the Justices of the Peace system, and introduced many Criminal Code reforms including legalising gays and enacting the first stalking laws in Australia.

Dean is still a member of Parliament. He also does some pro bono work as a barrister, usually for deserving constituents of his own electorate.

He has two (recently) grown up children.

Peter Chadwick  
(LLB 1979)

Upon graduation I followed a very traditional path of articles, admission to practise, reading for the Bar followed by almost 30 years of practising as a barrister at the Victorian Bar with the occasional foray interstate. Last November I took silk and now enjoy having the letters S.C. after my name.

As a young barrister I appeared in many jurisdictions but lately my work has been confined to criminal trials for the defence.

David Gray  
(BA 1979, LLB 1980)

I was Lot’s Wife editor in 1979. I graduated BA 1979 & LLB April 1980. Upon graduating I was employed by the Victorian Public Service Board & in 1981 obtained Articles with the Solicitor to the Public Trustee. I was admitted to practice on 1 April 1982 and elected to the Victorian Parliament as the MLA for Syndal on 3 April 1982.

After my defeat in 1985 I went back to the law until becoming an adviser to the late Jim Kennan SC between 1986 & 1988. In late 1988 I took leave of absence & went to the Beijing Language Institute where I remained until being evacuated in June 1989. Later that year I returned to China’s Wuhan University where I continued my Chinese language studies until mid 1990 when I returned to Australia.


After a varied career in criminal prosecutions I took up my current role as manager of the Proceeds of Crime Directorate in July 2002. I manage a team of 13 commercial litigators, 2 forensic accountants plus support staff. Each year we return around $15 million in recovered proceeds of crime to the government. I enjoy my work!

Bronwyn Spain (nee Large)  
(BJuris, LLB 1981)

I am no longer practicing law but am involved in education in both a teaching and administrative role at Caulfield Grammar School, Wheelers Hill Campus. Whilst I am not directly involved in the practice of law I maintain a strong link with Monash Law School through my two sons, Chris and Jake. Chris is in his final semester at Monash in an Arts/Law course and his younger brother has just commenced his first semester in the same course. It is wonderful to share current and past memories of Monash Law School life with my children.
Stephen Adrian

Currently I am a senior director of Moore Stephens, a mid tier global accounting network, and the leader of the Tax Group in Melbourne. After completing a Bachelor of Economics and Bachelor of Laws, I returned to Monash to complete a Masters Of Tax Law in 1996.

My legal and accounting qualifications have enabled me to provide expert commercial and taxation advice to a number of the firm’s diverse clients. Specialising in taxation matters, I have utilised my legal training to advise on areas including, capital gains tax and other taxes as they affect property succession planning and international business consulting.

University was an eye opening experience for me. I became heavily involved in the social side of uni life and was very active in the water-ski club. I may have been lucky to actually complete my law degree! It was a fantastic life style through which I formed lifelong connections and friendships. Being at Monash in the 1970s was different to the ‘radical’ Monash of the 1960s and I enjoyed every minute.

Bill Stougiannos
(BEc 1977, LLB 1980, LLM 1997)

I initially did articles at the Leo Cussen Institute and then worked for the Australian Tax Office (18 mths), private legal practice (4 mths), Commonwealth Deputy Crown solicitors prosecutions later to become Commonwealth DPP (4 Yrs). Since 1986 I have practised mostly in defence crime but currently in prosecution work at the Victorian Bar

I have many fond memories of the law school. Time does fly when your doing law and I can’t believe it was 30 years ago. I was there when Governor General Kerr sacked the Whitlam labour government. Studying Constitutional law under the dedicated and affable Bob Miller Socratic style was fascinating in that climate. At the time Messrs Peter Costello, Michael Kroger & others of all political persuasions were Monash law students and there were many dramatic & exciting political events at the University. The law school was a melting pot of ideas and most of the staff were authors of standard textbooks such as Williams & Walker, Fox and later Freiberg on Crime, Baxt on Corporations and Trade practices etc so I really felt I was a part of a centre of excellence.

Apart from the academic side the Law school always had an excellent reputation.

Judy Horobin
(nee Mackenzie)
(LLM 1980)

At the time that I commenced my Masters Degree I was serving as the legal officer at HMAS Cerberus at Westermost, having been the first woman to join the Royal Australia Navy as a lawyer. The degree, which I undertook by way of a major thesis, enabled me to gain a greater understanding of the Law of the Sea.

I served as a Naval Lawyer until 1995, when I joined the Sydney law firm Turner Freeman Lawyers. I have been a Partner of Turner Freeman Lawyers since 2002, specialising in asbestos litigation.

Up until recently I continued my connection with the Navy by serving as a member of the New South Wales Reserve Naval Legal Panel.

Whilst I obtained my initial legal qualifications in Sydney I have always been very grateful for the opportunity of pursuing my postgraduate studies at the Monash University Law School, which has always had an excellent reputation.

Bill Carney
(LLB (Hons), Dip. Crim. (Melb), PhD (Mon) 1980)

I completed my doctorate at Monash in 1980, where I was a tenured member of academic staff; leaving (as then Assoc Prof) in 1991 to take up a chair at Sydney.

For a decade until recently I was Director of Research at the Faculty of Law, University of Sydney, and am a past President (2005–2007) of the International Academy of Law and Mental Health. I chaired Commonwealth bodies such as the National Advisory Council on Social Welfare and of the Board of the Institute of Family Studies, along with various State enquiries on child welfare, adult guardianship and health law.

I have authored nearly a dozen books/ monographs and over a hundred and sixty academic papers. Currently I am working on four Australian Research Council funded studies, including an ARC Linkage study of Mental Health Tribunals Mental Health Tribunals: Balancing fairness, freedom, protection and right to treatment? to assess the way they balance fairness, freedom, protection and rights to treatment, and the recently funded project led by Professor Bennett Legal and Ethical Preparedness for Pandemic Influenza.

Maria Barbayannis
(BA 1977, LLB 1979, LLM 1986)

Since graduating I have been a tutor/senior tutor at the Monash Law School, a Lecturer in Business Law at the University of Melbourne and from 1990 I have been an Accredited Family Law Specialist. I am the Principal of Barbayannis Lawyers which specialises in Family Law and Defacto Relationships and operates from Surrey Hills and Clayton.
Alumni and Student Highlights

Wayne Gumley (BSc, LLB 1980)
I graduated from Monash in Science-Law in 1980 and opted to do articles with the north-east Victorian firm of Mal Ryan Jackson and Glen, at Mansfield. The firm gave me a great introduction to general practice and also encouraged me play with the local football team. Football proved to be a great way to get to know the local community, but did restrict my weekend skiing and kayaking activities. Two years later marriage drew me back to Melbourne a new job with the Australian Government Solicitor’s Office. This position provided a steep learning curve in civil claims, administrative and revenue law. When tax reform took off in the late 80s I gained an academic position teaching tax law at the Caulfield campus of Monash. I have had occasional forays back into practice with law and accounting firms, but am now mainly involved in lecturing and research on environmental law, tax and corporate responsibility in the Faculty of Business and Economic at Clayton Campus, about 50 metres away from my old Law School. I have been very fortunate to be able to blend my interest in science with my academic role. I am now also a parent of two children who are themselves at University, which brings back quite a few memories of those halcyon student days!

Peter Haug (LLB 1980)
I have many fond memories of my time at Monash and probably enjoyed the social side much more than I should have. Many an ‘alternate lecture’ was spent down at the Nott! I can alsolay claim to have attended Campbell McComas’s legendary Professor Granville Williams lecture on ‘Rape, Consent and the Law’, with lecture pad in hand I might add, given I was doing Criminal Law at the time. I remain indebted to Associate Professor Laurie McCredie, without whose assistance I would probably still be completing my LLB!

Since graduating in 1980 I have worked at a number of legal firms including Sackville Wilks, Browne & Co (the AFl’s lawyers), Mills Oakley and have now just clocked up 10 years at Browne & Co (the AFL’s lawyers), Mills Oakley and opted to do articles in Science-Law in 1981, and remained with the firm (now Clancy and Triado) practising mainly in Family Law, before taking up a position with the Office of Public Prosecutions in 1984. I returned to private practice in 1986 as a criminal law advocate firstly with Clancy and Triado, where I established the firm’s criminal practice and then with Oakley Thompson & Co in 1989.

I was recruited back by the Office of Public Prosecutions (OPP) in 1995 when that Office took over the prosecution of Criminal Proceedings and they were looking for an experienced criminal lawyer to appear on behalf of the Director as a specialist Criminal Advocate. I remained with the OPP until December 2006 and in that time I went on to hold positions as the Program Manager of the General Prosecutions Program (comprising 40 lawyers and support staff), the Manager of Special Projects and the Deputy Solicitor of Public Prosecutions in 2005 and 2006. This period with the OPP included providing leadership for the organisation in the wider criminal justice network through participation in the County Court Criminal Users Group, Electronic Transcript Delivery Project and the Boston Consulting Group Project on Delays in Criminal Justice System.

In December 2006 I again returned to private practice, this time accepting an offer with one of this state’s foremost criminal defence practices, Robert Stary and Assoc as a senior criminal solicitor/advocate and manager of the firm’s Ringwood office.

In 2008 I took up my current roles, concurrent statutory appointments, as the Deputy Chair of the Business Licensing Authority (BLA) and Chair of the Motor Car Traders Claims Committee.

Tony Garrison (BSc, LLB 1979)
Currently I am a partner at HWL Ebsworth Lawyers.
I work in the commercial department and have a wide experience in commercial and corporate matters.
I am also an accredited Business Law Specialist.
I practice extensively in retail and franchising. In addition have spent nearly 5 years as corporate manager and legal counsel for a national franchised retail group.

Darryl Annett (BJuris, LLB 1981)
Since graduating I have enjoyed a career in the law, the scope of which spans the public sector and the private practice, criminal defence and criminal prosecution work, and more recently administrative in the role of decision maker.

After graduating, I completed my articles with Patricia Clancy and Associates in 1981, and remained with the firm (now Clancy and Triado) practising mainly in Family Law, before taking up a position with the Office of Public Prosecutions in 1984. I returned to private practice in 1986 as a criminal law advocate firstly with Clancy and Triado, where I established the firm’s criminal practice and then with Oakley Thompson & Co in 1989.

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In 2008 I took up my current roles, concurrent statutory appointments, as the Deputy Chair of the Business Licensing Authority (BLA) and Chair of the Motor Car Traders Claims Committee.

Peter Fancis (BJuris, LLB 1980)
I graduated in 1980 B.Juris LLB and in 1981 did my articles with John M Galvin and Associates, which became Mahoney and Galvin (now Wisewould Mahoney).
In 1987 I joined Sirotech Ltd, CSIRO’s then technology transfer arm as Legal Manager.
In 1993 Sirotech was decommissioned and, together with my colleagues Mark Abourizk and Jenni Lightowers, I formed Francis Abourizk Lightowers where I remain as a partner.
At FAL we practice in the field of intellectual property with most of our clients being involved in technology commercialisation and acquisition.
In January 2011 he was made a Companion (AC) in the Order of Australia.
The BLA is empowered under the Acts below to grant or refuse the licensing and registration of occupations; allow otherwise disqualified persons to be involved in certain industries if not contrary to the public interest; and impose conditions or restrictions on licensees and registrants if deemed necessary to protect consumer or public interest.
• Conveyancers Act 2006
• Owners Corporation Act 2006
• Motor Car Traders Act 1986
• Sex Work Act 1994
• Estate Agents Act 1980
• Second-Hand Dealers and Pawnbrokers Act 1989
• Introduction Agents Act 1997
• Travel Agents Act 1986
The Motor Car Traders Claims Committee is responsible for administering the consumer compensation scheme established under the Motor Car Traders Act 1986.

Aviva Greenberger (BJuris, LLB 1981)
For me, law school was like a second home. I mean this quite literally, as my two older siblings are Monash Law alumni and some of their peers were my lecturers and tutors. I have vivid memories of attending my first lectures and being asked to confirm that I was yet another member of the family studying law. I also met my husband (another Monash Law graduate), because as a barrister he helped me with my moot court in 4th year.
I obtained my articles at Herbert Geer & Rundle and then worked at Dessau Mistletoe & Co. After my children were born I began working as an in-house property lawyer/manager for a number of major retailers. I am currently an Industry Consultant and Trainer in conveyancing with The Malka Group and my three children are Monash students (one of them just finished a law degree).
George Lopez
(BJuris 1978, LLB 1980)

Since graduating with a Bachelor of Jurisprudence (1978) and Bachelor of Laws (1980) George has worked in a wide variety of legal and corporate offices from small suburban general practices to large national legal firms, national corporations and lots of things in between. George's client list includes Government, small, medium and large businesses, publicly listed companies, alternative dispute resolution bodies, charities, and many, many 'mums & dads'. When George hasn't been at work, he's spent his time on a wide range of community organisations including, kindergarten, primary, & secondary school committees, church committees, and on the board of a game reserve dedicated to the survival of Hog Deer. He currently sits as legal member on two Human Research Ethics Committees and co-hosts the I'magles community radio programme on 3WBC 94.1 FM talking about business, law and worthy causes.

Andrew Panna SC
(LLB 1980)

I graduated in law from Monash University and in Arts from Melbourne University.

I hold a Master of Laws from Cambridge University and was admitted to practice in Victoria, in October 2000. I signed the Roll of Counsel on 8 October 2000 and was appointed Senior Counsel for the State of Victoria in November 2006.

From October 2000 to September 2001, I completed my reading for the Victorian Bar then took leave of absence to attend Cambridge University, which had offered me a place to study. In the Cambridge University academic year, September 2001 to June 2002, I read law at Cambridge University.

In about July 2002, I returned to Melbourne and resumed full time practice as a barrister at the Victorian Bar.

Since my admission, I have developed a wide practice in Commercial and Equity law, Trade Practices law, Intellectual Property law, Corporations law, Probate law, Property law and Maritime law.

Commercial law encompasses all aspects of commercial transactions: such as, the sale and purchase of goods or services and the financing of commercial transactions (securities, mortgages and guarantees), the transportation of goods worldwide, banking, and corporations law matters. Intellectual property law encompasses Copyright, Confidential Information, Trade Marks, Designs, Trade Secrets and Patents.

I appear predominantly in the superior jurisdictions: Supreme Courts (Victoria and interstate), the Federal Court of Australia, County Court and various Administrative Law Tribunals, such as VCAT.

George Cattermole
(LLB 1980)

Residing at and working in Cobram (North Victoria), A Graduate of Melbourne University LLB on 11 April 1956, Monash University LLM 23 April 1980 and then Masters of Administration on 3 April 1985. I obtained a Commonwealth Scholarship in 1953.

In 1976 I was President of Goulburn Valley Law Association and a member of the Law Institute Council of Victoria. I have been a registered Tax Agent and Mediator. My early practising years were in Commercial Litigation then General Litigation and now Non Litigation.

I recommend country practice – you get a great variety without worrying. Over the years you become a family friend to many clients. You become a part of the community being involved in service clubs, local government and other local activities.

The only drawback is the distance from Melbourne and the need to keep up to date. Hence continuing education and attendance at seminars are very important. I enjoyed my postgraduate work and commend it to all my colleagues.

All in all Country Practice is a very satisfying method of practise.

Andrew Panna SC
(LLB 1980)

I graduated in law from Monash University and in Arts from Melbourne University.

I hold a Master of Laws from Cambridge University and was admitted to practice in Victoria, in October 2000. I signed the Roll of Counsel on 8 October 2000 and was appointed Senior Counsel for the State of Victoria in November 2006.

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I appear predominantly in the superior jurisdictions: Supreme Courts (Victoria and interstate), the Federal Court of Australia, County Court and various Administrative Law Tribunals, such as VCAT.

Jean Lewis
(BA/LLB 1980)

My years at Monash were very well spent. I loved the atmosphere in the Monash Law School and on campus, generally. After my graduation did the Leo Cussen course and spent many years working in a legal capacity in various government Departments.

I retain an interest in the law, especially criminal law and law reform and still read widely. In the last decade, I have run an animal refuge and wildlife sanctuary near Albury in Southern NSW. I have always loved animals and although the work is not easy at times, I derive a lot of satisfaction from what I can achieve in this field. I still miss living in Melbourne as I am basically a 'city person' but it is a compromise I am willing to make. The Monash law School is a very special place to me.

Sam Tatarka
(BJuris 1980, LLB 1981)

I graduated from Monash with a BJuris LLB in 1981 and then served articles with Meekin and Apel primarily in the litigation department where I remained as a first year solicitor.

In 1983 I commenced the Bar reader's course, reading with Maitland Lincoln. I signed the Bar Roll in March 1983 and since then I have enjoyed a broad and varied commercial practice at the Bar with a particular interest in and emphasis on professional indemnity and discipline for lawyers and other professionals in recent years.

I have been an active member of a number of organisations in the Jewish community including being a founding member of Hatzolah, a volunteer first responder organisation and a synagogue president. Most recently I was honoured to be elected president of the Zionist Council of Victoria which represents the Jewish community, promotes and communicates Israel's interests within the broader Victorian community and Victoria's relationship with Israel.

In an attempt to get the work/life balance close to right I recently spent 4 months living in the Old City of Jerusalem with my family which was a truly wonderful experience.

I look back fondly at my time at Monash and retain many friendships and associations with classmates.

Silvana Mortale Wilson,
(BJuris, LLB (Mon)1980)

Silvana served her Articles at Purves and Purves and then worked as an in-house Counsel for Citibank Group and as a solicitor for Clayton Utz. After having worked as a solicitor for 8 years, Silvana completed her Readers course and was admitted to the Victorian Bar as a Barrister. Silvana has worked as a law academic for the past 22 years at Swinburne University of Technology, specialising in commercial law.

She has completed a Masters of Business by Research and also sits as Chairperson on a Victorian Disciplinary Board and of various university panels. Silvana is married to Josh, who is a Senior Counsel at the Victorian Bar and has 3 daughters, Alexandra who has completed her Arts/Law degree and is currently undertaking a Traineeship, Natasha who is in her fourth year of an Arts/Law degree and Nakita who is in year 10.
I have spent many years in private practice and regulatory work. My memories include studying hard and stressing over exams and the interest that the subject Professional Conduct gave me in the ability of lawyers to make a difference and in the standard of training, and ethics of, the legal profession. I am also reminded that serious study which was undertaken in a collegiate atmosphere, was almost always enjoyable and punctuated by tremendous fun as exemplified by the famous ‘Professor Granville’ lecture by the in-character Campbell McComaras. I married a fellow Monash student and our two children are currently completing Arts/Law courses at Monash. I have also been privileged to see many of my friends and contemporaries from my student days at Monash serve the law and the community well.

I now work as special counsel with Moore Legal – a large suburban firm – working in commercial litigation and dispute resolution across many fields of law. I am also on the Council of the Law Institute of Victoria where my special interests include the equipping of lawyers to make a difference, diversity of and within the profession, and the maintenance of high professional standards.

When I decided which law school I wished to attend in 1975, I decided to enrol at Monash University as it was the only university that offered a combined Science and Law course in Victoria. The University of Melbourne did not offer such a combination and I always felt that Monash University was ahead of its time.

Further, the range of optional subjects that were available in the undergraduate course were much more diverse than what the University of Melbourne offered at that time. The multi-discipline combination at that time attracted only a hand full of students, and I believe that having a wide education in combination with the legal studies has been of benefit to me as Barrister.

I did Science and Law together in the first three years of my course, and in third year, I majored in Physiology and Legal Studies. The last two years of my course were all Law subjects.

I completed my undergraduate studies in 1979 and I later enrolled in the Master of Laws course at Monash University that I completed in 1995 and I also graduated in 1995.

The Law library at Monash was excellent, and it was more user friendly than the Law Library at the University at Melbourne, which I experienced at the end of 1979 when I had to attend the Summer School to complete Professional admission subjects. The staff at the Library were always helpful.

Andrew Abercrombie
(LLB 1980)

Andrew completed his articles at Garrick Grey & Co, then a leading edge tax planning firm. This tax background led to property trusts and the film production and the entertainment industries.

Andrew participated in the founding of Beyond 2000/The Beyond Group. In 1982, Andrew started his own firm with two partners and moved to Sydney for several years to run the partnership office there. Approaching 30, Andrew decided it was time to move on and left his firm (which subsequently merged into Cornwall Stoddart) and completed an MBA at IMD in Switzerland.

Gaining, then losing, a job in New York (1989 was the last great economic implosion) Andrew returned to Australia and eventually took control of an insolvent group of companies in Sydney, one of which was a small finance company. Andrew turned that business around and in 2006, listed the business (known as FlexiGroup – a small ticket, point-of-sale leasing business) on the ASX where it continues to trade today in the Top 300. Since then, apart from maintaining a major shareholding and directorship in FlexiGroup, Andrew also has commercial interests in telecommunications and real estate.

Andrew is currently a Board Member of the Florey Neurosciences Institute, the Zoo Foundation, World Wildlife Foundation and various other philanthropic and political pursuits.

To this end, he recently joined the Board of the Menzies Research Centre. Andrew is a passionate skier and in his spare time teaches skiing at Mt Buller.

Steven Sapountsits
(BSc 1978, LLB(Hons) 1980)

I have been in full-time practice since 1987. After a period at Mallesons Stephen Jaques (1990–1994), I settled back into practice at Maddocks in the firm’s Public Law Group, I practise in Administrative Law, and act for most Victorian councils and a number of State Government Departments and agencies. I was the firm’s Partnership Chairman between 2004 and 2006.

In recent years I have reconnected with the Law Faculty. I teach in the Postgraduate Studies program and am a member of the Faculty Board and Monash Law School Foundation Board.

Mark Hayes
(LLB 1980)

I graduated from Monash in 1982 and did my articles with Maddock Lonie & Chisholm (now Maddocks). After a short stint in practice, I returned to the Law Faculty to teach. I was awarded the Tutors Scholarship, and did the BCL at Magdalen College, Oxford in 1985/6.

I have been in full-time practice since 1987. After a period at Mallesons Stephen Jaques (1990–1994), I settled back into practice at Maddocks in the firm’s Public Law Group. I practise in Administrative Law, and act for most Victorian councils and a number of State Government Departments and agencies. I was the firm’s Partnership Chairman between 2004 and 2006.

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Jacob Fronistas OAM
(BSc, LLB 1980)

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Robert Hession
(LLB 1980)

After graduating I went into partnership at Waters and Hession until 1989 since then I have been the principal of Hardys in Dandenong and managed sporting personalities such as Tony Lockett and Spilda Everitt.

I have two daughters who have graduated from Monash, Sarah (BA,LLB 2004) who is associate to a federal magistrate and Jacqui (BA, LLB 2007) who is associate to a county court judge.

Bronwyn Naylor
(BA (Hons), LLB (Hons), LLM, MPhil (Criminology), PhD)

I spent six years studying at Monash in the 1970s, doing a BA with Honours and LLB with Honours. When I started my articles at what was then Blake and Riggall, I thought I was finished with university life, but within a year had enrolled in a part time LLM.

Research and law reform drew me away from private practice within 3 years of my admission, and I moved to the Victorian Law Reform Commission, chaired then by Professor Louis Waller. Louis had taught me as an undergraduate, and he continued to be a generous mentor when I became a colleague back in the Law Faculty at Monash in 1990.

Louis introduced me to criminal law reform at the VLRC, and criminal law and law reform have continued to be the focus of much of my work as an academic.

Whilst still at the VLRC I took a belated ‘gap year’ and went to Cambridge to do a Masters in Criminology. I have since spent another two years in Cambridge in the early 1990s, studying for my doctorate, this time with my husband and young daughter.

Working at Monash continues to offer stimulating and varied opportunities; as well as teaching and research I am a Chair of the University Ethics Committee, and Director of Equity and Diversity in the faculty.

Good memories of my student time at Monash include Ron McCullum’s Industrial Law lectures (inspiring my honours research on redundency protections) and Yuri Gribich’s tax lectures, with their political critique of the Barwick/Murphy High Court. I was also a bemused participant in Campbell McComaras’s infamous “Granville Williams lecture” scam.

Through the 70s the proportion of women studying law was rapidly increasing to equal numbers, and successful student protest included the campaign for additions to the 3 (!) women’s toilets in the faculty.

Like many academics, I bemoan the reduced time law students now spend on campus and the greater financial and other pressures they experience, but envy them great opportunities such as taking law units at Prato in Italy.

Andrew J Abercrombie
(LLB 1980)

Andrew completed his articles at Garrick Grey & Co, then a leading edge tax planning firm. This tax background led to property trusts and the film production and the entertainment industries.

Andrew participated in the founding of Beyond 2000/The Beyond Group. In 1982, Andrew started his own firm with two partners and moved to Sydney for several years to run the partnership office there. Approaching 30, Andrew decided it was time to move on and left his firm (which subsequently merged into Cornwall Stoddart) and completed an MBA at IMD in Switzerland.

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To this end, he recently joined the Board of the Menzies Research Centre. Andrew is a passionate skier and in his spare time teaches skiing at Mt Buller.
Charles Kovess
(LLM 1980)

Charles Kovess graduated LLM in 1980, after gaining his LLB (Hons) at Melbourne in 1975. Gaining his Master of Laws was not originally in his plans, but his mentor, a wise Jesuit Priest, simply expected this natural progression. After completing his Articles, he worked in tax law with Matthew Walsh at Mallesons for nearly 4 years and then established Charles Kovess & Co in 1980 as a boutique tax/commercial law firm. An unexpected and unplanned offer to join Barker Harty & Co led to the firms merging, and Charles practised in Commercial Law in what became Barker Gosling.

In 1993 a further unplanned change occurred when Charles returned from a 16 day Business School for Entrepreneurs held in Hawaii and resigned from the law to establish a whole new business as a professional speaker, educator, coach and author. Passion is his key topic, believing that a passion for your profession is the key to a fulfilling life, and he brands himself as coach and author. Passion is his key topic, business as a professional speaker, educator, coach and author. Passion is his key topic, and he is known as a speaker, educator, coach and author. Passion is his key topic, business as a professional speaker, educator, coach and author. Passion is his key topic, business as a professional speaker, educator, coach and author. Passion is his key topic, business as a professional speaker, educator, coach and author.

In 1995 I became an accredited mediator with LEADR and later that year, realised a long held ambition to form my own firm, offering specialised insurance law, mediation and advocacy services. After four years of sole practice, my firm merged with another mid-size CBD insurance law firm and I became Group Leader, Insurance & Commercial Litigation.

In late 2002, I joined Rigby Cooke Lawyers as Managing Partner. Over the next seven years, the firm expanded from being a niche property law firm into a full service commercial law firm and doubled in size.

Around the same time that I took up my current position as Managing Partner/CEO at Mason Sier Turnbull Lawyers, I was honoured to learn I was the runner up in the 2009 LIV President’s Managing Partner of the Year Award, which is given in recognition of an outstanding contribution to the legal profession.

In addition to law firm management, I have a strong interest in ethical duties of lawyers.

I am an active member of several LIV bodies. My career path seems to have influenced my eldest daughter who is in the final year of her law degree.

Over the years, I have stayed in regular contact with many friends from Law School, whilst my appointment at MST (located in Mount Waverley) has brought me back into the University precinct and reminds me of the many happy, hardworking days as a law student.

David Forbes
(BA 1979, LLB 1980)

Following articles at Wisewoulds I spent some years in private practice. This included an enjoyable two and a half years with a small firm where the principals were a father and two sons and I was the sole employee solicitor.

Subsequently I worked in the criminal field at the first Victorian DPP’s Office, then in litigation at the Victorian Government Solicitor’s Office. I spent seven years at the ASIC Victorian Regional Office where my roles included Special Adviser Legal Policy and Manager of the Administrative Law Program. I was a Principal Legal Adviser in the Cabinet Office at the Department of Premier and Cabinet during the latter Kennett and early Bracks administrations. My current role is General Counsel, Legal and Policy, at the Victorian Legal Services Board. I have been privileged to work in challenging, unique and evolving areas of law throughout my career.

My memories of Monash include the great hoax lecture by Professor Granville Williams. Another highlight was the Professional Practice course at Springvale Legal Service, co-ordinated at the time by Simon Smith, who fostered an enduring spirit of service, ethics and intellectual rigour. The greatest legacy of my time at Monash is the lifelong friendships I made there.

Kathryn (Kate) Booth
(BEc, LLB 1980)

I was at Monash University in the Eco/Law faculty from 1975 and graduated in 1980. I really enjoyed my time at Monash and vividly remember the lectures from Professors McCreddie and Waller, both of whom had a strong influence on my interest in the law.

Life in the late 70s at Monash was very social and I remember spending quite a bit of time in the ‘Caf’.

After graduating I worked with a couple of small law firms before joining Maurice Blackburn, a Victorian based labor law firm in 1984. My work at Maurice Blackburn involved personal injury common law litigation and it was here I quickly developed a great satisfaction in helping injured people attain fair representation and compensation. In 1990 I was handed a significant medical negligence case involving the death of a young woman following childbirth. This case and many others fuelled my interest in pursuing medical litigation on behalf of patients.

In 1991 I established Maurice Blackburn’s medical negligence practice. I still lead this practice today and am proud to say we employ a great team of very talented and committed specialist lawyers who are leaders in this field.

As well as heading the national practice I still manage a full case load and work across the Supreme Court, County Court and Coroner’s Court jurisdictions. Continuing to work with injured adults and children from medical mishaps has maintained my sense of achievement and purpose I felt when I started with the firm.

Maurice Blackburn’s workforce is made up of 75 per cent women and in 1995, along with some colleagues, we established a Women’s Law Section which works actively to promote access by women to the judicial system and provide support to women in the firm.

I am a director on the Board of Maurice Blackburn and outside of the firm also Chair the Law Institute of Victoria’s Medical Negligence and Public Liability Committee as well as hold memberships on other profession related committees.

To round out a busy life I’m married to Roger Franich and we have two wonderful daughters. The Monash connection runs deep in our family. Roger is a Monash law graduate and one of our daughters is currently in her fifth year of studying law at the University too.

But how times have changed. While in our days we students would gather in the ‘Caf’ to discuss the ‘big’ issues, my daughter is about to continue her law studies in the beautiful Tuscan city of Prato as part of Monash University’s overseas study program.

Philip Gleed
(BJuris 1977, LLB 1979)

After completing my law degree, I did articles with a CBD firm, Rogers & Gaylard, and was admitted to practice in 1981. In 1982, I moved to Ligeti Nicholson where I developed an insurance law practice, becoming a partner in 1985.

I then became a partner with another insurance law firm, Henty Japson & Kelly. Over the next 10 years, I expanded my insurance law expertise and acted for many major insurers. I also developed an interest in law firm management and held the role of Managing Partner for several years.

In 1997 I became an accredited mediator with LEADR and later that year, realised a long held ambition to form my own firm, offering specialised insurance law, mediation and advocacy services. After four years of sole practice, my firm merged with another mid-size CBD insurance law firm and I became Group Leader, Insurance & Commercial Litigation.

In late 2002, I joined Rigby Cooke Lawyers as Managing Partner. Over the next seven years, the firm expanded from being a niche property law firm into a full service commercial law firm and doubled in size.

Around the same time that I took up my current position as Managing Partner/CEO at Mason Sier Turnbull Lawyers, I was honoured to learn I was the runner up in the 2009 LIV President’s Managing Partner of the Year Award, which is given in recognition of an outstanding contribution to the legal profession.

In addition to law firm management, I have a strong interest in ethical duties of lawyers.

I am an active member of several LIV bodies. My career path seems to have influenced my eldest daughter who is in the final year of her law degree.

Over the years, I have stayed in regular contact with many friends from Law School, whilst my appointment at MST (located in Mount Waverley) has brought me back into the University precinct and reminds me of the many happy, hardworking days as a law student.
Jim Bulling
(BEc, LLB 1980)

I graduated from Monash in 1980 with BEc and LLB. After being admitted I spent a couple of years in practice before taking up a position as an in house lawyer with what was then National Mutual. This was a great time to start a career in financial services as the superannuation sector was just starting to take off and National Mutual with AMP were at the forefront of the development of the Australian funds management industry.

I spent six years with National Mutual and then moved to a position with a State treasury owned vehicle which housed the non performing loan book belonging to the failed merchant bank Tricontinental. As general counsel and company secretary I was involved in a whole range of negotiations with some of the most notorious borrowers in Australian corporate history and this period taught me a lot about the need for lawyers to provide timely and commercial advice.

After 9 years in house I then returned to the profession where I have remained ever since. I have been with Middeltons in Melbourne since 1994 and I am currently the national practice group leader of Banking and Financial Services where I have been able to leverage off the experiences and expertise developed during my in house days in providing advice to the firm’s wealth management and banking clients.

Kevin Zervos, SC
(BSc 1975, LLB 1977)

Mr Zervos was admitted to practice as a barrister and solicitor in 1978 then registered as a barrister and solicitor of the High Court of Australia in 1983.

Mr Zervos is a specialist in human rights and in the prosecution of white collar crime. In 1984, he worked in Australia with the Special Prosecutor’s Office responsible for the investigation and prosecution of large scale revenue frauds. From 1985, he was Senior Assistant Director of the office of the Commonwealth Director of Public Prosecutions at the Melbourne and Sydney Offices where he was in charge of the Major Fraud Section. From 1989 to 1992, he was General Counsel to the Independent Commission Against Corruption in New South Wales. From 1992 to date, he has worked as counsel with the Hong Kong Department of Justice, initially attached to the Commercial Crime Unit where he mainly prosecuted white collar crime cases, then as head of Appeals specialising in Human Rights and later as Chief of Staff. In May 2003, Mr Zervos was appointed Senior Counsel in Hong Kong then in March 2011 Mr Zervos was appointed Director of Public Prosecutions of Hong Kong.

He has presented numerous papers and given talks on a variety of legal topics including human rights, public order, appeals, commercial crime, fraud, money laundering, corruption and sentencing. His most recent publication was in the Hong Kong Law Journal, Vol. 40, Part 3, 2010 on Constitutional Remedies under the Basic Law.

Ray Gibson
(LLB 1980)

Graduated in 1980 with an LLB and MBA then did my LLM at Monash in mid 90s. Since then I have been a duty solicitor for Legal Aid Commission, then I travelled for a year backpacking prior to going to Victorian Bar in 1985.

In 2002 I became a Crown Prosecutor then took a position with NZ Aid Abroad in 2005 as Assistant DPP for Fiji Islands. I stayed for two years until the military coup on 5 December 2006, then stayed for another 5 months then left and came back to Melbourne.

In 2009 I was appointed senior prosecutor and Head of the Specialist Sexual Offences Unit (part of Office of Public Prosecutions).

My passion for surfing started at Uni when I didn’t have classes and I am to this day a keen surfer. Last year I visited the Mentawai Island (off Sumatra) to surf for two weeks where a Tsunami hit in late 2010. I am married to another barrister have three kids – the oldest is 22, the youngest 10, 2 dogs and a cat.

David Freestone
(BEc, LLB 1980)

Pursuing a desire for country practise on the Far South Coast of NSW, David completed his Practical Legal Training course at the ANU before his admission as a solicitor in NSW in 1980.

He the commenced as a solicitor with Clark & Filmer in Bega, NSW. After 18 months with that firm, David then joined Kennedy & Cooke-Merimbula, NSW.

In 1985, David became a partner at Kennedy & Cooke. He remained on the seaside Far South Coast until his retirement in 2009.

After a long break of 18 months – some of which was spent as a Golf Shop Assistant in Cairns – then I travelled for a year for Legal Aid Commission, in mid 90s. Since then I have presented numerous papers and given talks on a variety of legal topics including human rights, public order, appeals, commercial crime, fraud, money laundering, corruption and sentencing. His most recent publication was in the Hong Kong Law Journal, Vol. 40, Part 3, 2010 on Constitutional Remedies under the Basic Law.

Ruwantissa Abeeratne
(LLM 1982)

After graduating from Monash I joined Air Lanka, the national carrier of Sri Lanka on 1 January 1983. I served as Head of International Relations and Insurance until 3 April 1990 when I joined the International Civil Aviation Organisation where I continue to work as Coordinator of the Organisation’s regional affairs at ICAO headquarters in Montreal. I also work as Professor of Aero Political Law and Policy at the John Molson School of Business, Concordia University, Montreal, where I teach the subjects of aero-politics and aviation economics in the Executive MBA program.

In August 1991, I joined the doctoral programme of the Institute of Air and Space Law of McGill University where I was awarded the degree of doctor of civil laws (DCL) in 1996. My doctoral thesis was on unlawful interference with civil aviation. In 1998, I was awarded the degree of doctor of philosophy (Ph.D) by the University of Colombo, for my thesis on legal and regulatory aspects of code sharing and computer reservations systems in air transport. Since leaving Monash, and during my aviation career of 27 years, I have published numerous books and over 300 leading journal articles on international law and air law, in addition to many papers presented to conferences. Some of my latest books are Aviation in Crisis, Aviation and the Environment, Aeropolitics, Aviation and Diplomacy, Aviation and the Carbon Trade, Space Security Law, Aviation Security Law and Airport Business Law.

I am a Fellow of both the Royal Aeronautical Society and the Chartered Institute of Logistics and Transport. I am also a member of the British Association of Aviation Consultants and the International Law Association, in which I serve as member of both the Association’s International Trade Law Committee and Space Law Committee.

Darren Lim
(BEc (Hons), LLB (Hons) 2004)

After doing my articles at Mallesons and serving as an Associate to the Chief Justice of the Federal Court, I commenced study at Princeton University (on a scholarship from Princeton) to study a Master of Public Affairs degree in the Woodrow Wilson School. After completing my Master’s I continued into the PhD program at the Woodrow Wilson School; my research focuses on economics and international security.

A highlight from my time at Monash was competing at the Grand Final of the WTO Law Moot in the actual WTO Building in Geneva, Switzerland, coached by Professor Jeff Waincymer. I also fondly remember LSS BBQs, Law Balls and Eric Wilson’s international law class.
Complying with the New Australian Consumer Law Conference

By Professor David Cousins

The introduction of the Australian Consumer Law, which is Schedule 2 of the Competition and Consumer Act (Cwth), previously known as the Trade Practices Act, is the most significant change in Australian consumer laws for many years. It builds on the previous Trade Practices Act provisions, but also includes significant amendments and additions from Victorian and other State laws. It will be uniform Commonwealth and State and Territory law with the Commonwealth being the template jurisdiction and the States and Territories applying this law in their jurisdictions. Slightly different arrangements to similar effect will apply in WA.

Some of the more significant new provisions relate to unfair contract terms, which had previously only been in the Victorian Fair Trading Act, an enhanced national product safety regime, guarantee provisions similar to those of the New Zealand Guarantees Act, substantiation, civil penalty, public warning and redress powers for the regulators.

A multi-regulator model has been adopted for the administration and enforcement of the law. The regulators are the Australian Competition and Consumer Commission, the Australian Securities and Investments Commission (in relation to financial services and products) and the State and Territory fair trading agencies. An inter-governmental Agreement governs amendments to the law and regulators have signed a Memorandum of Understanding to ensure close co-operation and coordination between them.

The Conference was informed of steps taken by the jurisdictions to educate the community about the new law, and by the regulators to provide guidance to business to assist their compliance.

The regulators’ panel sessions, chaired by Mr. Bhojani, covered a wide range of matters including individual and joint enforcement priorities, joint investigations and actions, attitudes to and likely use of new enforcement tools, relative importance attached to criminal, civil and administrative remedies, use of publicity of enforcement outcomes, reporting of enforcement outcomes and resourcing.

In the final session a challenge was issued to the regulators by Mr. Asher to not be timid in using their new tools to enforce the law and to be prepared to take risks in testing its boundaries. He also emphasised the importance of regulators seeking redress for consumers suffering detriment as a result of non-compliance was also emphasised.

The conference was a fitting recognition of World Consumer Rights Day which has been celebrated by the international consumer movement since 1983. It recognises the symbolic importance of the statement made by President John F. Kennedy to the US Congress on 15 March 1962 which outlined major reforms to consumer protection legislation and articulated basic rights for consumers. These rights form the core of the United Nations Guidelines on Consumer Protection which are promoted as a basis for strengthening consumer protection law and institutions around the world.
Monash Law School has recently appointed five new academic staff members who each bring a wealth of knowledge and skills to the faculty.

Dr Richard Joyce
BA, LLB (Hons) (Melb) 2001; PhD School of Law, Birkbeck University of London (2009)

Dr Joyce is currently a lecturer in the School of Law at the University of Reading, UK and also a sessional lecturer in the LLM program at King’s College London. Previously, Dr Joyce practised as an IP solicitor with Mallesons Stephen Jaques, Melbourne. He has a total of 10 years teaching experience, teaching primarily in the areas of equity, trusts, intellectual property and legal theory.

Dr Joyce’s research endeavours traverse international law (public and economic), intellectual property law and legal theory. He is currently preparing for the publication of a monograph stemming from his PhD which was entitled Position and relation: the interaction of sovereign claims. This work interrogates the concept of sovereignty in the context of the interaction of claims to determine intellectual property law at the international, national and local levels. His research focus also extends to indigenous peoples and local communities in the context of international economic law, reaching into the fields of law and development and human rights.

In addition to his forthcoming book, Richard has published eight articles or chapters in journals such as the Monash University Law Review, Griffith Law Review, the Journal of Law and Society and others.

Dr Janice Richardson
BA (Hons) 1985; LLM (Leicester) 1990; MA (Warwick) 1997; PhD (Warwick) 2002

Dr Richardson is currently a Senior Lecturer in Law at the University of Exeter, UK. Janice comes with considerable experience as a teacher, dating from 1993. She teaches in torts, employment law, law and political theory, feminist legal philosophy, theoretical issues in legal research and approaches to research.

Dr Richardson has an extensive research record in legal theory and in tort and media law, particularly in relation to privacy and constructions of identity. She has produced three books: two single-authored monographs and one co-edited collection. She has seven peer-reviewed articles published in journals graded A by the ARC.


Her current research is focused on book entitled Freedom, Autonomy and Privacy: Legal Personhood and Feminist Philosophy (Glasshouse Press (Routeledge/Cavendish Publishers).

Dr Christine Parker
BA (Hons) LLB (Hons) (UQ); PhD (ANU)

Dr Christine Parker is currently a Professor of Law at the Melbourne Law School, University of Melbourne, where she is also an Australian Research Council Australian Research Fellow. She conducts socio-legal research on strategies of business regulation and enforcement, internal corporate responsibility systems, legal ethics and the regulation of lawyers.

This year she is finishing up two ARC research projects both on different aspects of ACCC enforcement and trade practices compliance. The first is on the impact of ACCC enforcement action and the responsive regulation. The second focuses specifically on the likely compliance deterrence impacts of cartel criminalisation. She is also working on a series of small projects on ethics inside law firms.

Christine teaches legal ethics and masters subjects on regulatory enforcement and compliance. Her books include The Open Corporation: Self-Regulation and Corporate Citizenship (Cambridge University Press, 2002), Regulating Law (co-edited, Oxford University Press, 2004), and Inside Lawyers’ Ethics (co-authored with Adrian Evans, Cambridge University Press, 2007).

Professor Tania Sourdin
BA LLB (UNSW); GDLP LLM PhD (UTS)

Professor Tania Sourdin has been appointed as the Foundation Chair and Director of the Australian Centre for Court and Justice System Innovation (ACCSJ) at Monash University from March 2011. Tania has previously been the Director of the Conflict Resolution Centre at La Trobe and Co Director of the ADR program at the University of Queensland.

She wrote the National Mediator Accreditation Standards and has led national research projects and produced important recommendations for court and non adversarial justice reform. She has conducted research into conflict resolution and disputant perceptions in eight courts and four independent conflict schemes and currently has two major evaluation projects in this area. She has also written widely in the area of online dispute resolution and currently has an ARC project in this area.

She is a member of National Alternative Dispute Resolution Advisory Council which advises the Commonwealth AG as well as other advisory bodies and is also a member of the 6th AAT (since 2001) as well as a number of panels as an advanced mediator. She has extensive experience in conflict resolution and has presided in Courts and Tribunals in a range of positions since 1988.

Tania has worked across Australia, in New Zealand, Hong Kong, Canada, the United States, the UK, the United Arab Emirates and the Pacific. As well, Professor Sourdin is the author of books (including Alternative Dispute Resolution (Thomson Reuters) – now in a 3rd ed), articles, papers and has published and presented widely on a range of topics.

Dr Kathy Laster
BA (Hons) (Melb) 1979; LLB (Melb) 1982; MA (Melb) 1981; LLM (Columbia Univ) 2000; JSD (Columbia Univ) 2002

Dr Laster has an international scholarly reputation in diverse disciplines with specific expertise in law teaching and learning, multiculturalism and public policy.

Dr Laster has published extensively at a national and international level, including books, monographs, research reports and refereed journal and professional journal articles as well contributions to journals of opinion.

Currently, Dr Laster is employed as CEO for the Institute of Public Administration Australia (Vic) and previously been employed as Executive Director, Victoria Law Foundation. Prior to these positions she was an Associate Professor, La Trobe University. Having taught criminology, history, social policy and law and supervised undergraduate, honours and postgraduate students, Dr Laster regularly conducts classes for the Leo Cussen Institute, for members of the AAT and VCAT, as well as in the judicial orientation program run by the Judicial College of Victoria.

Dr Laster will bring to the Faculty her experience and insights on key issues confronting the legal profession and policy makers and a network of connections throughout the legal profession and government.

Tania has previously been the Director of the Conflict Resolution Centre at La Trobe and Co Director of the ADR program at the University of Queensland.

She wrote the National Mediator Accreditation Standards and has led national research projects and produced important recommendations for court and non adversarial justice reform. She has conducted research into conflict resolution and disputant perceptions in eight courts and four independent conflict schemes and currently has two major evaluation projects in this area. She has also written widely in the area of online dispute resolution and currently has an ARC project in this area.

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Tania has worked across Australia, in New Zealand, Hong Kong, Canada, the United States, the UK, the United Arab Emirates and the Pacific. As well, Professor Sourdin is the author of books (including Alternative Dispute Resolution (Thomson Reuters) – now in a 3rd ed), articles, papers and has published and presented widely on a range of topics.
Law student wins PM Award

Bachelor of Arts and Bachelor of Laws student, Sarah Spottiswood along with 4 other Monash University students was awarded a Prime Minister’s Asia Endeavour Award, allowing her to travel to Hong Kong to further her studies into international law and international dispute resolution with a focus on its special application to the Asia region.

As a part of her Award, Sarah will also undertake an internship in Hong Kong, at the completion of the study component. She hopes to do this at the Hong Kong International Arbitration Centre.

The Prime Minister’s Asia Endeavour Award is a scholarship awarded to Australian postgraduate or undergraduate students seeking to enrich their academic experience and apply their knowledge to an international work context in Asia.

The Prime Minister’s Asia Endeavour Awards aim to build the relationship between Australia and Asia through the development of internationally-aware, skilled leaders; building human capital within organisations and contributing to productivity gains and innovations; and the establishment of enduring education and professional linkages.

Professor Stephanie Fay, Deputy Vice-Chancellor (Global Engagement) said the awards further enhance the reputation Monash enjoys as a globally-focused university that encourages its students to look at how Australia engages with the world.

Monash students beat world’s best

Current Monash Law student Fiona Prowse (BA/LLB) recently won the prestigious World Universities Debating Championships (WUDC) for 2011 with fellow Monash student Victor Finkel. The votes were unanimous that they were the winners by a panel of nine judges after arguing on the affirmative side for an invasion of Zimbabwe.

In addition to the overall victory, Victor and Fiona were highly successful in the best speaker category, taking out first and third places respectively.

WUDC 2011, held between 27 December 2010 and 4 January 2011, was hosted by the University of Botswana. More than 1000 students comprising 320 teams from universities around the world took part in the highly-regarded event.

Teams competed in nine preliminary rounds, having just 15 minutes to prepare before each debate. Fiona and Victor were seeded first going into the knock-out finals against the top 32 teams.

“Monash University is committed to a global approach in its education and research activities and the large number of awards won by Monash students highlights the desire for our students to further their learning capabilities and opportunities overseas or assist other nations in improving health and education outcomes for their populations,” said Professor Fahey.

2010 Kirby Cup Law Reform Competition Winners

The winning entry in the 2010 Kirby Cup Law Reform Competition was from Monash University law students, Israel Cowen and Adam Delacom. The winning entry was chosen from five other finalists.

President of the Australian Law Reform Commission (ALRC), Professor Rosalind Croucher said, “this year the entrants in the Kirby Cup competition had to look at the importance of consultation to the law reform process, and use an example of an ALRC inquiry to illustrate their arguments. Some entries focused on the role of an informed citizenry in this process, others contrasted the role of the public and of the judiciary in law reform, while some took a cross disciplinary and philosophical approach to the subject. Adam and Israel’s entry was well researched and structured and provided a reasoned commentary on ALRC processes and how consultation can assist in implementation of law reform proposals”.

The Kirby Cup was donated by the Honourable Justice Michael Kirby AC CMG, a former Justice of the High Court of Australia and the first Chairperson of the ALRC. This competition provides a unique opportunity for Australian law students to consider the role of law reform and law reform agencies in Australia.
2011 Victorian Honour Roll of Women

Congratulations to current Monash Law staff member Dr Paula Gerber who was selected as an inductee for the 2011 Victorian Honour Roll of Women.

Dr Paula Gerber from the Faculty of Law was recognised as a champion for women working in construction and as founder of the National Association of Women in Construction and board member of the Victorian Human Rights and Equal Opportunity Commission.

The Victorian Honour Roll of Women began in 2001 as part of the state’s Centenary of Federation celebrations. The awards recognise and celebrate the achievements of women from all walks of life.

Career Destination Survey

In the last edition of Law Matters we included a Career Destination Survey. We were fortunate to have a strong response with a range of respondents from graduation dates 1968 to 2010 with a reasonable spread over the years.

The results suggested the importance of more practical experience and less theory which we will provide through our various Centres, there was also emphasis on the importance of developing excellent research skills. Amongst many things the results showed that a Monash Law degree provided good general training and the option to study a double degree was invaluable.

Professor Bernadette McSherry elected as ‘Fellow’

Professor Bernadette McSherry, Australian Research Council Federation Fellow was elected as a Fellow of the Academy of Social Sciences in Australia.

This is a great honour as Fellows are elected by their peers on the basis of their distinguished contribution to one or more of the social sciences.

Bernadette was only one of two Monash academics who were awarded this honour in 2011.

Professor Bernadette McSherry elected as ‘Fellow’

Professor Bernadette McSherry BA (Hons), LLB (Hons), LLM, PhD, Grad Dip Psych

Congratulations

Congratulations to Dr Patrick Emerton who was awarded the inaugural ‘Leslie Zines Award for Excellence in Legal Research’ for best article in the Federal Law Review.

Patrick’s article ‘Political Freedoms and Entitlements in the Australian Constitution – An Example of Referential Intentions Yielding Unintended Legal Consequences’ was published in (2010) 38(2) Federal Law Review 169–203. The award ceremony took place on 14 December at a dinner function at the Australian National University to mark the 80th birthday of Emeritus Professor Leslie Zines.
### Postgraduate Law Units: June 2011 – December 2011

For full timetable details visit: www.law.monash.edu.au/postgraduate/timetables/

<table>
<thead>
<tr>
<th>Unit Code</th>
<th>Title</th>
<th>Commencing</th>
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<tbody>
<tr>
<td>LAW7088</td>
<td>International environmental law</td>
<td>6 June Intensive</td>
</tr>
<tr>
<td>LAW7330</td>
<td>Protecting the rights of minority, marginalised and vulnerable people</td>
<td>9 June Intensive</td>
</tr>
<tr>
<td>LAW7019</td>
<td>European Union law and policy</td>
<td>14 June Intensive</td>
</tr>
<tr>
<td>LAW7075</td>
<td>Trade marks and commercial designations</td>
<td>7 July Intensive</td>
</tr>
<tr>
<td>LAW7436</td>
<td>Introduction to Australian legal process</td>
<td>11 July Intensive</td>
</tr>
<tr>
<td>LAW7285</td>
<td>Legal research and communication</td>
<td>12 July Intensive</td>
</tr>
<tr>
<td>LAW7472</td>
<td>Principles of family law</td>
<td>14 July Intensive</td>
</tr>
<tr>
<td>LAW7315</td>
<td>Regulatory methods</td>
<td>20 July Intensive</td>
</tr>
<tr>
<td>LAW7212</td>
<td>Australian legal system</td>
<td>23 July Intensive</td>
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<tr>
<td>LAW7056</td>
<td>Competition law</td>
<td>25 July Semester long</td>
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<tr>
<td>LAW7223</td>
<td>Overview of intellectual property</td>
<td>25 July Intensive</td>
</tr>
<tr>
<td>LAW7303</td>
<td>Advocacy: Theory and practice</td>
<td>26 July Semi-intensive</td>
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<tr>
<td>LAW7129</td>
<td>Discrimination law, theory and policy</td>
<td>26 July Intensive</td>
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<tr>
<td>LAW7083</td>
<td>Law of employee relations</td>
<td>26 July Intensive</td>
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<tr>
<td>LAW7469</td>
<td>Remedies in commercial disputes</td>
<td>26 July Intensive</td>
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<tr>
<td>LAW7304</td>
<td>Corporate and white collar crime</td>
<td>27 July Semester long</td>
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<tr>
<td>LAW7218</td>
<td>International humanitarian law</td>
<td>27 July Semester long</td>
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<tr>
<td>LAW7207</td>
<td>Psychiatry, psychology and law</td>
<td>27 July Semi-intensive</td>
</tr>
<tr>
<td>LAW7306</td>
<td>Corporate governance and directors' duties</td>
<td>Thursdays Semester long</td>
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<tr>
<td>LAW7246</td>
<td>Privacy and information security in law cyberspace</td>
<td>3 August Semi-intensive</td>
</tr>
<tr>
<td>LAW7026</td>
<td>Overview of international human rights law</td>
<td>8 August Intensive</td>
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<tr>
<td>LAW7333</td>
<td>Comparative bills of rights</td>
<td>10 August Intensive</td>
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<tr>
<td>LAW7077</td>
<td>International aspects of intellectual property</td>
<td>11 August Intensive</td>
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<tr>
<td>LAW7087</td>
<td>Local government law</td>
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<tr>
<td>LAW7466</td>
<td>Interpretation and validity of patent specifications</td>
<td>16 August Intensive</td>
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<tr>
<td>LAW7438</td>
<td>Globalization and international economic law</td>
<td>17 August Intensive</td>
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<tr>
<td>LAW7031</td>
<td>Corporate insolvency</td>
<td>19 August Intensive</td>
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<tr>
<td>LAW7338</td>
<td>Forward with fairness: New labour law</td>
<td>19 August Intensive</td>
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<tr>
<td>LAW7066</td>
<td>Forced migration and human rights</td>
<td>22 August Semi-intensive</td>
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<tr>
<td>LAW7473</td>
<td>European Union law: Commerce, law and politics</td>
<td>25 August Intensive</td>
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<tr>
<td>LAW7427</td>
<td>International investment law</td>
<td>30 August Semi-intensive</td>
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<tr>
<td>LAW7463</td>
<td>The international covenant on civil and political rights</td>
<td>2 September Semi-intensive</td>
</tr>
<tr>
<td>LAW7028</td>
<td>International trade law</td>
<td>5 September Intensive</td>
</tr>
<tr>
<td>LAW7335</td>
<td>Regulating the professions</td>
<td>5 September Intensive</td>
</tr>
<tr>
<td>LAW7045</td>
<td>Takeovers</td>
<td>7 September Intensive</td>
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<tr>
<td>LAW7037</td>
<td>Occupational health and safety</td>
<td>9 September Intensive</td>
</tr>
<tr>
<td>LAW7059</td>
<td>Planning law</td>
<td>2 September Intensive</td>
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<tr>
<td>LAW7071</td>
<td>Commercial alternative dispute resolution</td>
<td>21 September Semi-intensive</td>
</tr>
<tr>
<td>LAW7119</td>
<td>Patents for inventions</td>
<td>22 September Intensive</td>
</tr>
<tr>
<td>LAW7431</td>
<td>Health law and human rights</td>
<td>3 October Intensive</td>
</tr>
<tr>
<td>LAW7420</td>
<td>Principles of environmental law</td>
<td>3 October Intensive</td>
</tr>
<tr>
<td>LAW7437</td>
<td>Equity capital markets law</td>
<td>6 October Intensive</td>
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<tr>
<td>LAW7215</td>
<td>Labour law for corporate lawyers</td>
<td>6 October Semi-intensive</td>
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<tr>
<td>LAW7452</td>
<td>Patent practice</td>
<td>12 October Intensive</td>
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<tr>
<td>LAW7444</td>
<td>Economics of regulation</td>
<td>13 October Intensive</td>
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<tr>
<td>LAW7450</td>
<td>Personal property securities</td>
<td>20 October Intensive</td>
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<tr>
<td>LAW7296</td>
<td>International criminal justice</td>
<td>27 October Intensive</td>
</tr>
<tr>
<td>LAW7279</td>
<td>Electronic workplace law</td>
<td>10 November Intensive</td>
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<td>LAW7332</td>
<td>Principles of construction law</td>
<td>10 November Semi-intensive</td>
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<td>LAW7224</td>
<td>Trade mark practice</td>
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<td>LAW7426</td>
<td>International copyright law</td>
<td>21 November Semi-intensive</td>
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<td>LAW7468</td>
<td>Corporate environmental responsibility</td>
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<td>LAW7416</td>
<td>International human rights law and development</td>
<td>1 December Intensive</td>
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<td>LAW7254</td>
<td>Design law and practice</td>
<td>8 December Intensive</td>
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Contract Construction: Ambiguity of Terms and Reference to ‘Surrounding Circumstances’

• The role of ambiguity: what is the test, and if ambiguity exists, what is the consequence?
• The scope of ‘surrounding circumstances’: what evidence is admissible?

Codelfa Construction Pty Ltd v State Rail Authority of NSW (1982) 149 CLR 337 established the legal principle that “evidence of surrounding circumstances is admissible to assist in the interpretation of the contract if the language is ambiguous or susceptible of more than one meaning”.

Chair: Justice Jennifer Davies, Supreme Court of Victoria
Presenters: Justice Marcia Neave, Supreme Court of Appeal Victoria
        Wendy Harris SC, of the Victorian Bar
        Agata Jarbin, Mallesons Stephen Jaques

Date: Wednesday 8 June, 2011
Time: 5.15 – 6.15 pm
Venue: The Lower Banking Chamber
        385 Bourke St, Melbourne
Cost: Free
RSVP Friday 3 June, 2011
        marketing@law.monash.edu.au
        or 03 9905 2630

‘There must be some way out of here’
– Why the disabilities convention is potentially the best weapon in the fight against ‘sanism’.

ANZAPPL (Vic) and the Faculty of Law, Monash University, invite you to an afternoon Seminar presented by Professor Michael Perlin, Director, Mental Disability Law Program, New York Law School, to be followed by the Launch of the Centre for the Advancement of Law and Mental Health

Date: Thursday, 2 June 2011
Venue: Lionel Murphy Centre, 360 Queen Street, Melbourne 3000

For additional copies
Contact Kate Daley on + 61 3 9905 2630
or email Kate.Daley@monash.edu

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Faculty of Law
Monash University
Clayton, Victoria 3800, Australia

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If you have an interesting story or something you wish to say, please contact Kate Daley on + 61 3 9905 2630 or email Kate.Daley@monash.edu

Every effort will be made to include contributions however space is limited. Please understand that items may be edited or not included.

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