Law Matters
Issue 1/12
News from the Monash Law School community

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Feature: Geolocation and privacy in public spaces

Grand Opening of Monash University Law Chambers
Susan Campbell Memorial Dinner
This edition samples just some of the many activities that have taken place in the Faculty over the past few months and some of the achievements of our staff and students, locally and internationally. There is much of which to be proud.

For many of our alumni one of the lasting memories comes from what was, for them, a transformative experience: undertaking the units relating to Professional Practice at either the Monash-Oakleigh Legal Service or the Springvale Monash Legal Service.

The Clinical Legal Education Program, of which Monash was one of the pioneers, is an intensive, engaging and significant learning experience that, for many students, helps them make sense of their educational experience and gives meaning to their studies. It awakens, or re-affirms, a commitment to law as a helping profession and reinforces the importance of law as a social justice enterprise. It is one of the most important ways in which Faculty contributes to the community.

On Wednesday 20 June, 2012 the Faculty will be hosting a dinner to celebrate the life and work of the late Sue Campbell, a leader in the field of clinical legal education and through whose hands many alumni passed (see page 3). The event aims to raise funds to support the clinical program through a fund to support a clinical visiting fellowship program and the establishment of a ‘Future Fund’. I urge you to attend this dinner not only to mark Sue Campbell’s contribution to legal education but also to support one of the Faculty’s most valuable (and expensive) programs.

The program continues to evolve, as the story relating to the visit of the Monash City Council’s mayor reveals (page 15). The new multi-disciplinary clinic and the small business clinic are two examples of how the services develop and thrive. The Sue Campbell Fund will assist these developments by bringing distinguished practitioners, academic and clinicians from around Australia and abroad to contribute their expertise to the program.

The Future Fund will assist in developing new programs, enable innovative research in legal practice and clinical education and develop and publish innovative clinical teaching materials, including those suitable for online and virtual environments.

Those of you who read through to page 2 will see the story regarding my impending ‘retirement’. I will be stepping down from the deanship effectively from the end of this calendar year to spend more time with my footnotes. After 21 years in academic leadership positions at both Monash and Melbourne universities, nine of which in the very rewarding role of dean of this great law school, I have decided to relinquish some of the administrative tasks that come with being a dean in order to devote more of my energy and attention to research, teaching and supervising graduate students and many of the activities that make up a rewarding academic life.

Professor Arie Freiberg, AM
Dean, Monash Law School

It is probably a little strange to talk of ‘bumper’ issues of an alumni magazine. Such magazines are not subscribed to nor can they be honestly described as ‘compulsory reading’ or ‘addictive’. They are one of the trailing benefits of graduation, ranking a little behind, jobs, friends and memories, both good and bad but ahead of a HECS debt.

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Professor Arie Freiberg, AM
Dean, Monash Law School

Diary dates:

2012

16 June
Postgraduate Info Session
register at www.law.monash.edu/future-students/postgraduate/ or (03) 9903 8500

19 June
Public Lecture
The role of the right to food in combating global hunger
castan.centre@monash.edu

20 June
Susan Campbell Memorial Dinner
www.law.monash.edu/about-us/events/

6 September
Public Lecture
Costello Lecture,
presented by The Hon. Justice Kevin Bell
law-marketing@monash.edu

11 September
Postgraduate Info Session
register at www.law.monash.edu/future-students/postgraduate/ or (03) 9903 8500

19 September
Public Lecture
presented by Jeffrey Browne,
Managing Director, Nine Network Australia
law-marketing@monash.edu

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Australia Day Honours 2012

Officer of the Order of Australia (AO)
The Honourable Chief Justice Diana Bryant AO (LLM 1999)
For distinguished service to the judiciary and to the law, particularly to family law policy reform and practice, through the establishment of the Federal Magistrates Court, and to the advancement of women in the legal profession.

Sir Roderick Eddington AO (Hon LLD 2011)
For distinguished service to business and commerce through roles with a range of national and international economic, trade, infrastructure development and transport organisations.

Member of the Order of Australia (AM)
The Honourable Rosemary Balmford AM (Hon LLD 1998)
For service to the judiciary, the practice of law in Victoria, and to the study of ornithology.

Mr Bryan Keon-Cohen AM QC
Monash supporter, former Monash staff member
For service to the law, and to the legal profession, through the advancement of social justice and the protection of human rights, particularly in the areas of environmental and Indigenous law reform.

Medal of the Order of Australia (OAM)
Mr Timothy Mulvany OAM (BA 1971, LLB 1971)
For service to the law, to the protection of children and to the community.

Mr Faddy Zouky OAM (BA 1991, GradDipEd 1992)
Monash alumnus, former staff member
For service to business, and to the multicultural community in Victoria.

Alumna’s Imperial Honour

Monash alumna Deborah Glass (BA 1980, LLB 1982) has been awarded The Order of the British Empire – Officer (OBE) for her work as deputy chair of the Independent Police Complaints Commission (IPCC) in London.

The IPCC investigates complaints and allegations of misconduct against the police in England and Wales. Deborah has held the deputy chair position since 2008.

After graduating from Monash, Deborah practiced as a lawyer in Melbourne before joining a US investment bank in Switzerland. She then worked at the Hong Kong Securities and Futures Commission where she moved through the ranks to become senior director.

Deborah relocated to London in 1998 to take on the role of Chief Executive of the Investment Management Regulatory Organisation. She was an Independent Custody Visitor to police stations in her London borough from 1999 to 2005, chairing the local panel for two years.

From 2001 to 2004 she was a member of the Police Complaints Authority before being appointed to the Independent Police Complaints Commission. As well as being its deputy chair, Deborah oversees the Metropolitan Police Service and the City of London Police. Her role takes responsibility for all IPCC investigations, casework, as well as promoting public confidence in the system. Deborah is also the lead on police use of firearms.

Chair of the IPCC Len Jackson said Deborah demonstrated commitment, hard work and tenacity in her work as deputy chair.

“Her unyielding efforts to scrutinise and improve public confidence in the police complaints system pre-date her years at the IPCC and go back to her time at the Police Complaints Authority from 2001 onwards,” he said.

“That this has been recognised in her receipt of an OBE is a great honour.”

New appointments:

Richard Smith (BEC 1972, LLB 1973)
Appointed to the County Court of Victoria

Ronald Curtain (BJuris 1974, LLB 1976)
Appointed to the Federal Magistrates Court of Australia

Kirsty Macmillan (BEC 1976, LLB 1979)
Appointed to the Family Court of Australia

Michael Holcroft (BEC 1988, LLB 1989)
Appointed President of the Law Institute of Victoria
Distinguished Monash alumnus, Chief Judge Michael Rozenes of the County Court of Victoria reflected on his journey to becoming a Chief Judge of the County Court. Chief Judge Rozenes said “he was proud to be in the 2nd intake of Monash Law School.” His honour also told guests that once graduating “do something that really matters.”

The Honourable Justice Lex Lasry also attended the ceremony and presented the Supreme Court Prize to Kelly Ruffin and the Chief Justice Marilyn Warren Prize for Best Master of Laws (Juris Doctor) student to Minna Paltiel.

The annual Monash Law School Prize Ceremony was held on Thursday 22nd March. The ceremony acknowledge the achievements, hard work and dedication of the faculty’s students for the 2011 academic year. Once again the event was held at the ANZ Pavilion at the Victorian Arts Centre.

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Dean of the Faculty of Law to retire

Professor Freiberg commenced as Dean in January 2004. He came to Monash from the University of Melbourne where he had been Foundation Professor of Criminology, Head of the Department of Criminology and also Dean of the Faculty of Arts in 2003.

During his term as Dean the Faculty of Law has grown in stature and is now one of the top ranking law schools in the country. Its undergraduate offerings are keenly contested and its Juris Doctor program has expanded significantly to become a major pathway to admission to legal practice. A major curriculum review has just been completed and the revised curriculum will come into force in 2014. The Faculty’s research performance places it in the top five Australian law schools.

Together with his senior staff, Arie was responsible for the relocation of the Faculty’s graduate program from Bourke Street to its new location at 555 Lonsdale Street. The new premises have become highly regarded teaching and conference centre for the Faculty, Monash University and many outside organisations.

Whilst Dean Arie has contributed significantly to sentencing reform and policy in Victoria through his chairmanship of the Victorian Sentencing Advisory Council.

By the time he retires Arie will have had a very successful period of nine years as Dean, Monash University hopes to recruit an equally outstanding successor. Post-retirement, Arie has agreed to remain a member of the Faculty, and will continue to research, teach and be engaged in wider University activities.

If you are interested in sponsoring the Monash Law School Prize Ceremony, please contact Kate Daley to discuss your support. – kate.daley@monash.edu

Prize Ceremony Sponsors

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Chief Judge of the County Court of Victoria Michael Rozenes

The Hon. Justice Lex Lasry and Kelly Ruffin

The Hon. Justice Lex Lasry, Minna Paltiel with Chief Judge of the County Court of Victoria Michael Rozenes
Rather, they all took the Professional Practice course as part of their Monash LLB working at either the Springvale or Monash-Oakleigh Legal Services. Did you also take Professional Practice otherwise known as the Clinical Legal Education program? Possibly it left you with strong impressions on how the law operates at the grassroots? Memories may also include the new friendships made whilst working closely with other students in a defensive legal aid practice setting? Then of course there was fun with the end of semester celebrations such as the Slade Trophy awards nights. If you also took Professional Practice why not form a table of friends and colleagues and come and show your support for the Clinical Legal Education program at the:

**Susan Campbell Memorial Dinner**

Celebrating Clinical Legal Education at Monash

St. Kilda Town Hall

Wednesday 20 June 2012 6.30pm for 7.15pm

Cost: $150ph (Tables of Ten). Concessions available.

Bookings/Enquiries: adm-lsfoundation@monash.edu or phone (03) 9903 4609

The night will celebrate the life and work of Susan Campbell AM who passed away in March 2011. In a 25 year career with the Monash Law Faculty (1980–2005) she was a key driver of the pioneering Monash Clinical Legal Education program and a great supporter of Community Legal Centres. She was the first clinical teacher at Monash to be appointed Professorial Fellow (2000–2005). As a teacher of first year students, Sue inspired many to make ongoing pro bono contributions to the law. She also contributed significantly to the profession in other ways. She was involved in a review of the system of articles and wrote the Campbell Report which led to the end of that system.

She was also on the board of the Judicial College of Victoria. As a founding Editor, Sue also contributed extensively to a major practice text, the *Lawyers Practice Manual Victoria*.

On the night, Her Honour the Chief Justice Marilyn Warren AC QC will be launching the Susan Campbell Clinical Legal Education Visiting Fellowship and Future Fund. Other special guests will include the Chancellor of the University Dr Alan Finkel AM, Justice Marcia Neave AO the Patron of the Fund and many distinguished graduates of the Law School. ABC broadcaster Jon Faine will be Master of Ceremonies and lead a fun packed program. Why not join us?

if you would like to support our legal centres and give back to the community and Monash Law School please contact Preema Wong (03) 9903 4609 or via email: preema.wong@monash.edu

Monash Law School would like to thank the Pratt Foundation for their generous financial support of the Monash-Oakleigh Legal Service and Springvale Monash Legal Service for the last 5 years.

Through their support the legal services have been able to assist the local community and help disadvantaged people who would otherwise be unable to access legal advice. The legal centres also give students hands-on experience so they learn skills to help set them up for a successful career.

Thank you to the Pratt Foundation
A modern university must take its place in the 21st century in a globalised world. It must also meet the challenges of geographic location. The modern university must also respond to the impact of technology, sociological change and continuing education obligations in maintaining professional standards.

Ancora Imparo, I am still learning, the motto of Monash University and the philosophy of Michelangelo, is timeless, enduring and resonates with Monash students, teachers and alumni.

Professor Graeme Davison has told the story of Monash University and ‘the promise of modernity’1. He described Monash in its beginnings as being located ‘on the edge of the city’s rapidly expanding suburban frontier’2. Professor Davison recounts the establishment of the interim university council. Its most urgent decision was the location of the new Monash University. There were suggestions of the construction of a vertical university above Flinders Street railway yards. There were other proposals for a site in Parkville. Someone suggested the then functioning Pentridge Goal and others suggested the Kew Mental Asylum3.

It came to be that Monash was located at Clayton. The vision was extraordinary as now, in 2011, we see that the demographic axis of Melbourne has shifted fairly much to Dandenong away from the CBD.

So it also came to be that in 1964 the Monash University Law School was established. It was located in the Engineering Building, a long way from the Union and the Robert Menzies building.

In 1968 the Sir David Derham Law School was opened as the gateway building for Monash. And what an exciting and innovative building it was.
In the Melbourne legal precinct we have the dominant feature of the main Supreme Court building, the County Court and Magistrates’ Court buildings together with the Commonwealth Law Courts abutted or encircled by barristers’ chambers, lawyers’ offices, Victoria Legal Aid, the Office of Public Prosecutions, institutions such as the Judicial College of Victoria, the Sentencing Advisory Council, the Victoria Law Foundation, the Legal Services Commission and the William Cooper Justice Centre. We also have the Australasian Institute of Judicial Administration headed by Monash Professor Greg Reinhardt. Indeed almost all aspects of the law are strongly represented in this precinct. We now have with the opening of the new Monash University Law School Law Chambers located within the very heart of the Melbourne legal precinct, a superb facility.

The opening of the facility has six key aspects:

First, it connects the law school to the legal precinct. It will provide post graduate study opportunities for Victorian lawyers. Importantly, it provides relevance for the law school to the Victorian legal profession and the judiciary. Significantly the location of the law school will provide opportunities for significant speakers, local, national and international, to address Monash students and the legal community on a Monash site. Recently, for example, the Lord Chief Justice of England and Wales, the Right Honourable Igor Judge delivered a significant lecture on the rule of law. The occasion was a template for the type of engagement the new campus will provide. The address of the Lord Chief Justice was attended by students, teachers, barristers and lawyers, all engaging together.

Secondly, the new city facility provides an extraordinary opportunity for innovation. Monash is host to the Centre for Courts Excellence and Innovation under the chair of Professor Tania Sourdin. It is an important national institution significantly supported by the Australian Centre for Court and Justice System Innovation. It is a valuable resource again located in the heart of the legal precinct.

Thirdly, the new law chambers re-emphasise the engagement of the Monash Law School with the application of the law in practice and its reform. For example, the Dean, Professor Freiberg, chairs the Sentencing Advisory Council also located here in the Melbourne legal precinct. The interaction between the Dean in his chairmanship and the legal precinct together with the proximity to the law school provide a synergy which, I believe, is very special.

Fourthly, the law chambers provide opportunities for interactive teaching between judges and students. It is an exciting and exhilarating opportunity.

Fifthly, the building facilitates cooperative approaches to continuing legal education. For example, the continuing legal education series co-sponsored by Monash University, the Victorian Bar, the LIV and the Commercial Court of the Supreme Court of Victoria. There has also been the annual Engaging the Asian Economies – Law and Practice Conference co-hosted by the law school in the facility very recently.

Sixthly, the law chambers provide an opportunity for the law school to re-assert its appropriate position as an intellectual leader through the provision of a learning environment for broader institutions. For example, next January the Australian Advocacy Institute will conduct an appellate advocacy workshop in January 2012 here.

All these features bring us to a crescendo. The new law chambers contribute significantly to realigning the focus of Melbourne as a significant centre for litigation and the development of learning of the law.

I extend congratulations to the Vice Chancellor, the Dean and everyone involved with the creation and establishment of a superb facility which will reinforce the important position of the Monash University Law School. It is now my privilege and pleasure to officially open the law chambers of the Monash University Law School.

Chief Justice Marilyn Warren AC
New Publications by Monash Law School Staff

Public International Law: Contemporary Principles and Perspectives
Gideon Boas
Edward Elgar Publishing Ltd, 2012

Public International Law offers a comprehensive understanding of international law as well as a fresh and highly accessible approach. While explaining the theory and development of international law, this work also examines how it functions in practice. Case studies and recent examples are infused in the discussion on each topic, and critical perspectives on the principles are given prominence, building an understanding of how and why the international legal system operates in the way it does and where it is heading. For each principle, the book starts by explaining the theoretical foundations in detail before illustrating how these principles function in practice. Features include: • a focus on fundamental principles of international law rather than specialist sub-topics; • integrated and contextual explanation of political and extra-legal dimension of international legal system; • principles of international law placed within a contemporary real-life context; traditional and contemporary case studies explained in the context of legal principles; and • uniform structure to facilitate understanding.

With insight founded on the author's many years of experience as a practitioner and academic in the field of international law, this work will offer legal practitioners, policy makers and students, both undergraduate and postgraduate, an invaluable insight into the field of international law.

Alternative Dispute Resolution, 4th Edition
Tania Sourdin
Thomson Reuters, 2012

Alternative or Additional Dispute Resolution (ADR) processes are used to resolve conflict, support agreement, and plan future actions. In this new and expanded edition the author draws upon two decades of work in theory development, practice, training, research and assessment to provide an up to date, hands on resource for practitioners, students and all those involved in ADR processes and systems.

All key dispute resolution and management processes are explored in Alternative Dispute Resolution, as well as specific negotiation, complaints handling, option generation and problem solving strategies. Pre-litigation ADR schemes, external dispute resolution schemes and changes in the community and related schemes, as well as processes that are more closely related to the litigation system, are tracked, explored and analysed. This supports ADR practitioners and all those involved in dispute resolution to make effective, informed decisions about process choices and options.

The Politics of Blood: Ethics, Innovation and the Regulation of Risk
Anne-Maree Farrell
Cambridge University Press, 2012

How best to manage risk involving multi-valued human biological materials is the overarching theme of this book, which draws on the sourcing and supply of blood as a case study. Blood has ethical, social, scientific and commercial value. This multi-valuing process presents challenges in terms of managing risk, therefore making it ultimately a matter for political responsibility. This is highlighted through an examination of the circumstances that led to HIV blood contamination episodes in the US, England and France, as well as their consequences. The roles of scientific expertise and innovation in managing risks to the blood system are also analysed, as is the increased use of precautionary and legal strategies in the post-HIV blood contamination era. Finally, consideration is given to a range of policy and legal strategies that should underpin effective risk governance involving multivalued human biological materials.

Criminal Laws Northern Territory, 2nd Edition
Stephen Gray and The Hon. Justice Jenny Blokland
The Federation Press, 2012

For decades the Northern Territory’s criminal law has stood at the jurisprudential frontier of Australia: grappling with a unique set of circumstances, almost entirely dominated by the situation of its Aboriginal people. This 2nd edition deals in detail with the sweeping changes introduced in 2005 by Part IIAA of the NT Criminal Code. These changes often mirror the Criminal Code (Cth), and have completely rewritten many of the NT Code’s most significant provisions, including the law of murder, rape, and many serious offences against the person.

The book covers procedure and all the major offences, together with public order offences and sentencing. It contains a separate chapter on Aboriginal people that deals with all the recent developments, including the Intervention, and a detailed chapter on the unique history of the Territory’s criminal law.
Geolocation and privacy in public spaces

In the News

Geolocation and privacy in public spaces

Associate Professor Moira Patterson
Director, LLM
BEd, LLB(Hons), LLM, GCHE, PhD

Media analyst Sam Whitmore has described geolocation as the most exciting and disruptive force in technology today. To understand this comment it is important to understand what and how geolocation data is collected and the numerous benefits and dangers that geolocation technologies create.

Geolocation data is information generated by electronic devices that allow their location to be identified and tracked over time, thereby also allowing the location and tracking of persons associated with them. For example, many of us use desktop computers which can be located via databases that map IP addresses to geographic locations. We are also increasingly in the habit of uploading onto our Facebook and other social media sites photos from our digital cameras which contain embedded location data. While these do not allow for real time tracking they can reveal our movements to be accurately tracked in real time. That device, of course, is the mobile phone registered in our name which can be tracked with increasing levels of accuracy either by triangulating from the location of nearby phone towers or via satellite technology if the phone is GPS-enabled.

More significantly we are making increasing use of mobile phone applications which enable us not just to locate destinations but also nearby services at different locations. These even take the form of games, allowing users to earn points or passport badges for “check-ins” at different locations.

Even if we choose to not to use such applications there is a possibility that we can be tracked without assistance from phone companies. For example, so called Stingray devices mimic phone towers to obtain identity and location information from mobile phones, including those not in use at the time. A recently published study conducted at the University of Minnesota suggests that it is also now possible to determine a mobile phone’s location by accessing information transmitted to it by phone towers when they need to transmit incoming calls. Using an inexpensive phone and open source software, the researchers were able to track the location of cell phone users without their knowledge on the Global System for Mobile Communications (GSM) network – the same network that is used for mobile phones throughout Australia.

On the other hand, privacy advocates point out the information derived from systematic surveillance is inherently different both in quantity and quality from the information that might be gathered by random (or even well organised) passers-by. Whereas a single set of footprints may reveal little, multiple ones can detail the tapestry of our lives, including the nature of our relationships with other people.

The issue of geolocation tracking has recently generated considerable discussion in the US in the context of police surveillance activities and whether or not they amount to unreasonable searches. There has been growing support for the view that long-term GPS monitoring in investigations is both offensive and unconstitutional because it intrudes on expectations of privacy. As explained recently by a judge in the US, “repeated visits to a church, a gym, a bar or a bookie tell a story not told by any single visit, as does one’s not visiting any of those places in the course of a month.”

More recently it has resurfaced in the UK in the context of controversial proposals by the UK government to allow intelligence staff to have real time access to all electronic traffic records, including numbers dialled, websites visited and location of mobile phones being used. This proposal would not allow access to the content of emails, calls or messages without a warrant but would allow intelligence staff to identify who an individual is in contact with, how often, for how long and where.

A recent inquiry by the Victorian Law Reform Commission clearly demonstrates that our existing regulatory frameworks are inadequate to deal with public place surveillance including the use of tracking devices. As the law now stands it is not illegal for anyone to use a tracking device to monitor another’s movements provided that the device is not designed solely for tracking purposes. It is also possible for police and national security agencies to use tracking devices without first needing to obtain a judicial warrant. There is also little likelihood of any imminent law reforms.

That means that it is up to us to be aware of the potential threats and to make informed decisions about the geolocation and other footprints that we create as we go about our lives.

Associate Professor Moira Patterson

According to a survey conducted by digital marketing agency White Horse, we use location-based applications primarily because we enjoy connecting to other people and to a lesser extent because they assist us in finding places. However, what may be less appreciated is the nature of an extent of potential uses of that information – businesses, law enforcement and national security officers and criminals, just to mention a few, and the nature of the intrusions into our personal privacy.

Privacy is generally accepted as an important value despite notable generational differences about the nature and extent of information that may be appropriately shared with strangers. However, there is less agreement and certainty concerning rights of privacy in the electronic and geolocational footprints that we generate. These have generally been regarded as less privacy sensitive than other forms of the information such as photos and sound recordings or the content of our communications.

Those who dispute that location tracking is privacy invasive argue that individuals should reasonably expect to be seen by others when they are moving about and that it makes no logical sense to attach privacy rights to information that is in the public domain. They would therefore argue that geolocation tracking should be legal except to the extent that it involves some breach of a property right (for example, where a tracking device is inserted in a person’s car or office).
Q. When did you study at Monash Law School?
A. 1977 – 1979

Q. What course where you enrolled in and why did you choose that course?
A. LLB – I was interested in the Law and more so having had another person reneg on a contract with me in 1976.

Q. How did you find your studies?
A. Very enjoyable.

Q. Can you tell us about your career history?

Q. What do you do for a living – describe a typical day for you at work?
A. I have responsibility for all of the operations of a major commercial television network – Nine. Duties range across programming, sales, news and current affairs, sport, publicity and marketing, Government relations, HR, legal, engineering and IT.

Q. Why did you decide to pursue a career in this field?
A. My legal practice in media and sport prepared me to make this transition.

Q. What do you most enjoy about your job?
A. The people I work with. A very talented team with a wide variety of skills.

Q. What has been your career highlight so far?
A. Probably winning the broadcast rights to the 2012 London Olympic Games from our arch rival the Seven Network and working with such a professional and committed team at Nine.

Q. How important has networking been in developing your career?
A. Networking is critical, especially in a field like television. When I was the principal of Browne & Co, I would ask young lawyers not how many units they had billed but how many business cards they had handed out.

Q. How did your Monash Law School experience help you succeed in your chosen field?
A. It taught me to logically analyse and construct positive outcomes. It taught me to believe in solutions no matter how complex a problem seemed.

Q. Are you still involved with Monash Law School? If yes how and why?
A. No, but I still meet other students from my era for lunch 3 or 4 times a year and I stay in touch with some of my lecturers.

Q. What are your favourite memories of your time at Monash?
A. The learning experience, the guidance from staff and the camaraderie of the student group.

Q. What did you wish you had known while you were a student?
A. That legal training provides a great launch pad for careers outside of the practice of law.

Q. What do you want to do for a career when you were young?
A. I wanted to be a builder and property developer.

Q. What personal interests do you have?
A. The arts, sport and travel.

Q. What is the best piece of advice you have received?
A. The great value of Legal training is that it forces you to look for and concentrate on the principle rather than the distractions that almost always surround that in any debate. I now manage on the basis that one persuades by reason and motives by emotion.

Q. Any other comments?
A. I am keen for students to identify their skill sets acquired through the study of law, to look at ways to apply these not necessarily in traditional legal practice and to influence decision making in a structured way while never letting any of that overcome the passion for an issue.

Mr Jeffrey Browne will be presenting a public lecture on Wednesday 19th September, 2012 at Monash University Law Chambers, 555 Lonsdale St
Further information will be available at
www.law.monash.edu/about-us/events/index.html
I recall my first lecture in the Law School at Monash. Civil Procedure. Professor David Allan said “... have a look at the person on either side of you – one of them will not graduate with you”.

Fortunately he was wrong. I am pleased to say that Dick Pirrie and Dave Whitchurch not only graduated with me, but are colleagues at the bar.

David Allan was a great teacher – employing the “Socratic method” of questioning in lectures – this was a new experience for most of us – it was “game on” in Civil Procedure.

Although only 6 years old in 1970 when we started our law course, the Sir David Derham School of Law, did not seem, as some might say, “new” or “red brick”. Perhaps it was being surrounded by the old leather bound law books, perhaps the personalities, but the Law School had a direction, an espirit d’corps. A visit to the old facilities at Melbourne University certainly made us appreciate how lucky we were at Monash.

I recall an edge to the law at Monash; an approach that seemed fresh and challenging. The law needed to be used, the boundaries pushed, change was ok. It was an approach that fitted the 70s.

It is hard for recent graduates to understand that Lord Denning was at the forefront of a more personal interpretation of the law in the 1970s. His style of writing, use of equitable doctrines, were de rigueur. If you could not write in the Denning style, eloquently theorise on promissory estoppel and the High Trees case you were not really a Monash lawyer.

It is odd in a way, looking back, that a man of very conservative social values provided such a strong influence and motivation to law students at the time. I well remember a dinner in his honour at the National Gallery, put on by the combined student law societies of Monash and Melbourne Universities. His address was inspiring. Here was perhaps the most outstanding English lawyer of the century taking the side of the disadvantaged against the strong and the established. More concerned to do justice according to the parties in the case than slavishly follow precedent. As he said:

“What is the argument on the other side? Only this, that no case has been found in which it has been done before. That argument does not appeal to me in the least. If we never do anything which has not been done before, we shall never get anywhere. The law will stand still while the rest of the world goes on, and that will be bad for both.”

This to me seemed to encapsulate the teaching of law at Monash University. Bob Baxt, Gerry Nash, Louis Waller, Enid Campbell, Bob Williams, Chris Weeramantry, Ron McCallum, Ian Hardingham, Jim Lahore, Yuri Grbich, with many others, were outstanding young academics driving Monash Law to a preeminent position. At Monash the law was alive. Yuri Grbich even strived to make property law stimulating.

It is not by accident that most recently the major law offices of this State and beyond have been filled by Monash Law graduates – the Chief Justice of Victoria, the Chief Justice of the Family Court, Chief Judge of the County Court, Chief Magistrate, President of VCAT, Solicitor-General, Director of Public Prosecutions, State Coroner and even a former Chief Justice of Norfolk Island.

The investment of the State in a young law school has indeed paid off, and continues to return on that investment. And now the mantle has passed to a new generation driving the Law School. Arie Freiberg, Jeff Goldsworthy, Mark Davison, H.P. Lee, Sarah Joseph, and closer to home, Professor George Hampel, and even closer to home, Associate Professor Anne Marie Farrell, continue a process that provides for Monash to be at the forefront of teaching, research, particularly in areas of public law and human rights.

I regret to say for many of us at the Bar there has been too little contact with the Law School that provided us with so many advantages. There are over 700 barristers with a Monash University law degree.

The Law School is one of Australia’s most prestigious and preferred law schools. The law degree at Monash is the most sought after undergraduate law degree of any offered in Victoria.

I think it is open to all of us here tonight to consider the way in which we may be able to assist Monash to maintain its reputation, further its influence, but above all, to continue providing law graduates with a zeal and a fervour to succeed in the law and ensure the law works for the community.

If you would like to make a donation to Monash Law School contact Ms Preema Wong, Philanthropic Relationship Officer
– preema.wong@monash.edu
Monash Law Alumni Reunion in Israel

Professor Arie Freiberg AM organised a small reunion with several Monash Law Alumni while on a recent visit to Israel. We asked the alumni to tell us what they had been up to since graduating from Monash Law School.

Alan Meerkin (BA, LLB 1989)

I graduated from Arts/Law at Monash University in 1989. Following articles at a commercial firm in Melbourne, I emigrated to Israel where I spent the requisite 2 years re-qualifying as an attorney. Despite a glut of lawyers when I received my license, I managed to snag a job with the Movement for Quality Government, a watchdog organization.

From there I was poached by the Government to co-direct the office of the Official Receiver and Administrator General, and I represented the Attorney General. It was an exciting time primarily involving court work. I got a constant thrill conducting cases in Hebrew, appearing in the higher Israeli courts.

In 2000, after six intense years of court work and with a view to more flexibility, I opened a boutique translation office specialising in legal and commercial material. That was 12 years ago and I have never looked back.

Arnold Roth (LLB 1975)

Until the late 1980s, mine was a conventional career path, joining with a Monash colleague to form Roth Warren Solicitors and enjoying its steady and rewarding growth. Frimet, a New Yorker who completed her law studies at Monash after we married and she moved to Melbourne, shared with me a vision of raising our family in Israel. We left Australia in 1988 and settled in Jerusalem. Here, I was hired by one of this country’s leading software businesses (200+ employees) as in-house counsel and was admitted to the Israeli Bar.

In the decade that followed, Israel’s high-tech business landscape evolved rapidly into a successful, vibrant part of the economy. That first Israeli company I joined employed 18,000 people today across 60 countries. Switching from lawyer to client, I took senior management roles (COO, CFO, CEO) in a succession of Israel-based, global-facing technology companies where being a Monash-trained lawyer equipped me with usable advantages. Today I run an advisory firm that counsels emerging Israeli businesses in the tech sphere.

The private side of my life has been greatly affected by, first, the blindness and severe disabilities of our youngest child and then, in 2001, the murder by terrorists of Malki, our oldest daughter, at the age of 15. Frimet and I created Keren Malki (www.kerenmalki.org), a not-for-profit and a living memorial to Malki’s life. As its honorary chairperson, I am proud that we now empower thousands of Israeli families challenged, as we ourselves are, with the special-needs of a loved child whom we choose to raise at home rather than depending on institutional care.

Gary Spicer (BJuris, LLB 1980)

Since graduating in 1980 I completed my articles with Mercer Lewenberg and Pyles and mainly practised with several medium sized law firms. I was fortunate to be involved in a High Court case during my employ there. I accepted a position with the National Crime Authority which I thoroughly enjoyed. After 10 years of working in the profession, I travelled overseas for 12 months with the family, mainly in Israel. Upon my return to Australia I was fortunate to work for some time with now QC, David Grace. There I worked predominantly in crime and family law.

In 1993 I moved on a permanent basis to live on kibbutz Sde Eliyahu in Israel. The kibbutz predominantly grows organic produce and specialises in the growing of beneficial insects and mites for agricultural purposes. These organisms include natural enemies for biological pest control.

I returned to practice in Israel and was employed in the Tiberias office of a large firm with over 90 employee lawyers. I now have my own office in Tiberias, practising mainly in family law. This field requires a knowledge of the civil family law and the religious law, as one must balance a fine line between the Family and Rabbinical Courts.

I thoroughly enjoyed my 5 years at Monash. Lawrie McCredie and Louis Waller were inspiring educators.

Jonathan Edelstein (BEd 1988, LLB 1990)

After Monash Law School I travelled overseas, did my Articles and worked as a solicitor in a medium-sized city firm.

In 1991 I moved to Tel Aviv and did my Israeli Articles and the Israel Attorney Exams to gain admission to practice. In 2002, after having worked as an attorney for 9 years, I established my own firm in Tel Aviv (Edelstein & Co.) in commercial/corporate, property and estate law, servicing local and global clients. I am also a long standing member of the management board of the Israel-Australia Chamber of Commerce, an Officer (ret’d) in the International Law section of the Judge Advocate General’s division in the Israel Defense Forces and serve as the contact for Monash Alumni in Israel.

I have fond memories of Monash Law including the basement coffee room and Springvale Legal Service.
Judy Ezra
(BA, LLB 1988)

I graduated from the Monash law faculty in 1988 together with a combined BA, majoring in philosophy. I completed articles in Melbourne and received my qualifications as a lawyer in Australia before emigrating to Israel in 1989. In Israel I did the requisite exams for entry to the Israeli law society and a further mandatory period of articles before qualifying as an Israeli lawyer.

For the last 17 years I have been in private practice with offices situated in Rehovot. I practice civil and commercial law including probate, litigation, contracts, conveyancing and family law. I have been called upon from time to time to render legal opinions regarding aspects of Australian law, usually regarding probate of Australian wills in Israel or vice versa or aspects of family law, including regarding child abduction by non-custodial parents to Australia and the repercussions under private international law. I also deal with queries regarding Australian social security and migration law so far as it impacts on Israeli and/or dual citizens.

Ronit Zimmer
(BA, LLB (Hons) 2002)

I am currently a freelance communications consultant working in the civil society and private sectors in Israel. I provide written communications assistance in a wide variety of formats – correspondence, fundraising and proposal writing, translating, editing and copywriting – to a diverse spectrum of clientele, ranging from non-profit organizations, think tanks, government institutions and private companies.

Australian-born, holding BAs (Honours) in English and Law from Monash University in Melbourne, my honours thesis focused on the legal frameworks pertaining to women in Israel and Palestine. I continued my studies at the Hebrew University of Jerusalem, having embarked upon a PhD that explores the substantive interaction between women and peace, with specific emphasis on the Israeli-Palestinian conflict.

I spent four years as the Director of the Leo Savir Foundation for a Mediterranean Vision 2020 within the Peres Center for Peace, creating a broad network of partner organizations and foundations throughout the Mediterranean rim countries. In this capacity, I was also the initial editor of the book Peace First, written by Amb. Uri Savir.

I am married, a mother of three children and live in Tel Aviv, Israel.

Eli Fried
(BEc 1993, LLB (Hons) 1995)

After graduating economics in 1992 and law in 1994, I spent a number of years working in firms and in business, as well as travelling overseas.

In late 2002, I moved to Israel with my then fiancée and fellow Monash law graduate, Ronit Zimmer. After arriving in Israel, I joined the School of Government and Policy at Tel Aviv University, writing policy papers and running workshops in the fields of diplomacy and soft power, following which I became an advisor to two philanthropic foundations.

In 2009, I joined Israel’s Ministry of Education as an advisor to the Director General. My role involves managing the heavy demands on the Director General’s office, ranging from the Minister’s office, internal departments and regional branches of the Ministry, to the Israeli Parliament, State comptroller, an array of organisations involved in the education system – as well as the public at large.

I work in Jerusalem and we live in Tel Aviv with our three children, Alma, Leo and Lily.

Karen Gilmour
(BBus, LLB (Hons)1998)

After graduating in 1998 from Monash Law/Business (Management), a very fun and studious few years, I did my articles at the Australian Government Solicitor and then moved to the Australian Tax office.

For a change of scenery, I moved to the largest commercial law firm in Israel, first working in international tax and then specialising for six years in venture capital and private equity funds and the high tech practice. Recently I have moved to work in-house at Alvarion Ltd., a Nasdaq-traded wireless communications company doing corporate/commercial work.

Along the way, I have always been excited to meet Australians doing business with the company or lawyers passing through Israel.

It was fascinating recently to attend a dinner with Professor Freiberg and to learn how alumni of different graduating years are making a living here (or not!). Unfortunately trips back to Melbourne are tough to fit in, so if anyone is headed to the region and can fit a tube of Vegemite in the bags, they will be more than welcome!
Prime Minister’s Asia Endeavour Awards success for Monash Student

In late 2011, current Master of Laws (Juris Doctor) student, Michael Chin was awarded a Prime Minister’s Asia Endeavour Award.

The Prime Minister’s Asia Endeavour Award is designed to support Australian postgraduate or undergraduate students seeking to enrich their academic experience while studying or undertaking collaborative research at leading universities in Asia.

The Award aims to build the relationship between Australia and Asia through the development of internationally-aware, skilled leaders and the establishment of long-term education and professional linkages.

Mr Chin will pursue legal studies at Shanghai Jiao Tong University’s Koguan Law School. He hopes to pursue study into issues related to the privacy of cross-border transactions.

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

Alumnus recognised for social commitment

He was presented with the award by the Governor of Victoria, the Honourable Alex Chernov AC QC at a special ceremony on 21 March.

Each year, one of the three Rotary prizes is awarded in the name of Rotary Club past president Sir Albert Coates. Mr Asten was this year’s recipient of that special prize.

Andrew joined the Oaktree Foundation in 2007. That year he coordinated the Face up to Poverty campaign which was a key part of a movement that resulted in the Australian Government pledging an extra $4 billion to the world’s poor. As the Director of the foundation’s Schools 4 Schools program Andrew oversaw the implementation of aid and development programs into 21 of South Africa’s poorest schools. He remains a Director at the foundation, continuing to contribute to the personal development of the volunteers that now lead Oaktree’s work.

A lawyer at Freehills, Andrew is a member of the Project Delivery group, working on large public infrastructure projects in Australia. He continues to use his skills to make a difference in the lives of others as a volunteer solicitor with the Homeless Persons’ Legal Clinic.

Andrew’s commitment to social justice was recognised with the award of the Sir John Monash Medal from Monash in 2010. In that same year he was selected as a Victorian Young Australian of the Year finalist and is a current Australia Day Ambassador. He has also been a volunteer youth worker, held leadership roles with the United Nations Youth Association of and represented Australia at The Hague International Model United Nations. Andrew has also been awarded a Gates Cambridge Scholarship where he will be studying international relations.

Monash Bachelor of Law/Bachelor of Arts student Sarah Spottiswood also received a Young Achiever Award from Rotary for her commitment to law, social justice and volunteerism.

Oaktree Foundation National Conference

In December 2011, current law student Linh Pham attended the Oaktree Foundation National Conference, a gathering of 160 young leaders from across Australia, to build project management, political engagement and leadership skills.

Linh said “some of the highlights of the conference were listening to the Honourable Michael Kirby, Peter Costello, Dave Andrews, and a whole host of inspiring individuals who have made a significant impact in the community in their own ways.”

One of the real eye-opening sessions Linh attended was about disability inclusion; how disability can lead to people being ostracised and mistreated and how more could be done to assist the disabled in impoverished communities.

As a volunteer at the Oaktree Foundation, Linh was involved in making a positive impact on global poverty at age 23. Though being a part of the Oaktree Foundation helped provide opportunities for self development and to work towards a better future, the opportunities all started when she enrolled into the bachelor of Commerce/Laws at Monash in 2007.

Linh said “studying Law at Monash has not only taught me the rules of the society we live in but I believe it’s also helped hone general life skills such as public speaking and negotiation skills, time management and problem solving skills. Monash provides plenty of exciting learning opportunities such as their professional practice units and their overseas study programs. Even if I don’t end up practicing law, the years I spent toiling away at Monash are all worth it because I’m confident I can deal with whatever may come my way.”
James Pattison
(BJuris, LLB 1974)

After completing articles and a year or so of private practice I accepted a position in Hong Kong with the Government and more specifically with the Independent Commission Against Corruption. After four years and a lot of travel in South East Asia I returned to Australia and resumed private practice, but not for long. Thereafter followed a career in the Australian Defence Force as an Army Legal Officer with interesting overseas postings and challenges involving international humanitarian law, law of armed conflict, and the interoperability of our Defence Force with foreign defence forces. I attained the rank of Lieutenant Colonel and resigned my commission in 1995 and transferred to the Army Reserve where I served as a weekend warrior until approximately 2005. In 1995 I returned to private practice in Queensland where I continue as a consultant practitioner.

My best memories of my five years at Monash are Friday afternoons and evenings at the Nott and all involvements I had with Lawrie McCredie who I will always admire immensely for his insight, integrity, and skills as an educator.

Michael O’Shannassy
(BEc 1974, LLB 1976)

I started at Monash in 1971. I had great times of cause ‘The Nott’ drinking too much with Kath and pots and jugs at end of year time and the small cafe where we partook of that substance that we won’t talk about.

We had great times with Lawrie McCredie and lectures on Friday afternoons in Administration of Estates when we had spent 2 hours down at ‘The Nott’ and then my job was to sneak in to gather the materials and bring back to pub, of course Lawrie couldn’t hear or see us but I’m sure he knew. Yet we all got credits.

I’ve been living in Tonga for 5 years now. Helping them with their new Tax Act. I worked for 30 years in the Tax Office as legal counsel and was on the Law Institute Revenue Committee for a number of years.

Also I discovered that I was eligible for disabled games at age of 35 (my polio had got worse by then and I had to go back to stick and caliper) but still completed for Australia overseas winning a gold and bronze medal in Japan and China respectively in swimming. When I am back in Australia I live on the Gold Coast with my wife Gaile.

Vicki Salkin
(BA (Hons) 1982, LLB 1983)

Having been inspired by stories in the recent Monash Law Alumni magazine, I’d like to share some of my career path since finishing a law degree at Monash. I graduated in 1983, with a BA (Honours in French), and an LLB. In 1984 I moved to Canberra to work as a lawyer in the Commonwealth Attorney-General’s Department. After the initial thrill of the new job, and living in a different city (Canberra is a beautiful place to live), I found myself very unhappy with my work. I think I had the mistaken idea that being a lawyer would give me all the happiness I wanted in life.

I went on to an1 year of law at the University of Westminster City Council.

To cut a long and tortuous story short, in 1986 I became a Christian (in a church in Sydney), after reading a book which said ‘if you want to get anywhere, you’ve got to get to know God’. I decided in my heart to get to know God, as I certainly wanted to achieve something worthwhile in life. After I gave my life to Jesus in a little church in inner Sydney, I returned to Canberra to continue working as a lawyer. I then had the privilege of a great variety of legal and other work in different Government Departments. From AGs, I moved to work for the ACT Government, as a lawyer and then undertaking research for the local Parliament. I also worked as a lawyer for the Defence and Immigration Departments. The latter was fascinating work, as it was more people focused than what I’d done previously. I also enjoyed the administrative and international law aspects of the work. Another enjoyable part of my career path, was when I worked in London in 1985, for the Westminster City Council.

The last part of the journey, so far, is the opportunity I’ve had to do some further language training at university. In the context of a Bachelor of Languages at ANU, I’ve been studying Spanish, French and Arabic, as well as doing studies in linguistics. This has led me to an upcoming opportunity to do an exchange at a university in Spain this year, in connection with which I have just completed a Summer School in Linguistics at Wycliffe Bible Translators, at Kangaroo Ground in Melbourne.

If you would like to share your career path with me, or just chat, please feel free to contact me on vicki.salkin@gmail.com.

Graham Trezise
(BBus, MBec, MComLaw 2006)

One would think that most people who undertake post graduate studies in law do so to progress their career on some related field and many will go to senior positions or even academia. Some will represent unions and some might even become politicians. However some will not have any commercial or career enhancement objective, they study to improve their experience and for the sheer pleasure of increased understanding of some real life eventualty or situation. More intellectual challenge and a will to learn must not be discounted. Such was my case. In fact I undertook a Master Degree on Commercial Law at Monash Law Chambers after I had retired from full time work and have never derived any monetary benefit from the study.
Human Rights in Closed Environments – an ARC research project

Professor Bronwyn Naylor

All over the world people are held in detention – in ‘closed environments’ – in prisons, police cells, immigration detention, psychiatric and disability settings, juvenile detention, aged care. These are places of detention where liberty is restricted; they are highly coercive environments, where the risk of abuse can be high. While the reasons behind the detention vary there are common basic issues: how well can people’s human rights be protected when they are held in detention? And are they subject to treatment and conditions which are ‘cruel, degrading or inhuman’?

Associate Professor Bronwyn Naylor, Dr Julie Debeljak and Professor Arie Freiberg AM have a major national grant to study this question in relation to a number of important closed environments, ‘Applying Human Rights in Closed Environments’, with colleagues Dr Stuart Thomas, from the School of Psychology & Psychiatry at Monash, and Dr Inez Dussuyer from the Victorian Ombudsman’s Office.

As part of the project, a major conference was held on 20–21 February 2012, at the Monash Law Chambers. Eminent international and national experts from government agencies, monitoring agencies and non-government organisations, were invited to present papers and engage in discussions with counterparts from across Australia, with senior administrators and practitioners.

The goal of the conference was to bring together representatives from different jurisdictions and different sectors, operating under international, regional and domestic frameworks, to examine how human rights are implemented and monitored in closed environments. In particular, participants debated the ongoing challenges in current practice in managing the balance between respecting the human rights of individuals, and the responsibility to maintain security and safety within different closed environments and the broader community.

Plenary speakers included Dame Anne Owers, the former Chief Inspector of Prisons for England and Wales, Professor Claudio Grossman, Dean of American University Washington College of Law and the chair of the United Nations Committee Against Torture and Catherine Branson OC, President of the Australian Human Rights Commission.

A significant topic, raised at many sessions, was the likely ratification of the Optional Protocol to the Convention Against Torture (OPCAT) in Australia; several sessions included discussion of the operation of OPCAT in countries where it is already in force. It was very gratifying, just a week after the conference, to be able to announce to participants that the Commonwealth Attorney-General’s department had taken the next step towards ratification.

Conference information and presentations, together with other publications from the project, can be downloaded from http://www.law.monash.edu.au/castancentre/events/2012/closed-environments.html

‘Where are they now?’ – Graham Trezise continued from page 13

The exposure to statutes and common law, together with a better understanding of and authority of the court system, which Monash furnished made many daily activities more informed and productive. In particular, knowledge of workplace related obligations for employees, volunteers and companies is of particular value. I am routinely astounded in my capacity as a member of an incorporated club executive how they have routinely ignored obligations regarding equal opportunity and anti discrimination (on the grounds of sex mainly) and almost all duty of care and negligence liabilities in the past.

In particular, Director obligations and contravention implications are completely outside their experience and consideration. Commercial and contractual entitlements and obligations are often not appropriately exercised to our own disadvantage because of lack of knowledge. My meagre knowledge enables me to advise and assist in correcting this unsatisfactory situation, although I must concede that modern obligations and entitlements are often so far outside these people’s experience that they don’t believe what I tell them.

My broad legal education allows me to recognise when a friend or club is in need of professional advice and assist them in seeking appropriate legal advice from practitioners.

My years at Monash Law School were far from wasted even though I derived no personal monetary benefit. I believe that the knowledge I obtained in a number of fields has returned many fold the costs of the degree to my community and will probably do so for many years yet. I very much enjoyed the intellectual stimulation whilst at Monash and subsequently, and commend it to everybody.
New Monash Mayor visits legal service

On Tuesday, 31 January 2012, the newly elected Mayor of the City of Monash, Councillor Stephanie Perri visited the Monash-Oakleigh Legal Service.

Ross Hyams, Convenor of Legal Practice Programs and Senior Lecturer in law at Monash University provided her with a guided tour of the service and introduced her to the Director of the Service, Fay Gertner, her staff and students. Ms Perri also observed the process of a multidisciplinary client intake session, in which clients were interviewed by teams of students from both the Law Faculty and the Faculty of Business and Economics.

The Director of the Legal Service explained to Ms Perri the benefits of clients receiving a more holistic service by being interviewed by students from law and finance backgrounds. In addition, students learn practical skills, team work and gain an understanding of working with other disciplines for the benefit of clients. It was noted that many clients approach the Legal Service for advice relating to small business and commercial ventures. As a response to this, the Legal Service will soon initiate a free Small Business Clinic which will also operate in a multidisciplinary fashion with finance and law students working together.

Ms Perri congratulated the Legal Service on their ongoing work and especially on this initiative which she believes will be a great benefit to the residents of the City of Monash.

The High Academic Achiever’s Program (HAAP) Launch Dinner at Maddocks

On 21 March 2012, thirty-five High Academic Achievers’ gathered for dinner at Maddocks offices for the official launch of the 2012 program.

The High Academic Achievers’ program provides our mid-degree students who have achieved excellent results with encouragement and support to build on their success.

Staff and students who attended the event noted the buzz in the room, in no small part due to the contribution of guest speaker, The Honourable Michael Kirby AC CMG. The Honourable Kirby AC CMG spoke to the students about making life decisions which are not always apparent at the outset of one’s career journey. He also reflected on key people who guided him, and urged the students to make the most of the legal profession’s strong tradition of mentoring the next generation of lawyers.

The next event on the HAAP calendar will be a joint forum for HAAP and recent Alumni on “Acquiring a Thick Professional Skin: Resilience in Practice” featuring Judge Jennifer Coate and Nahum Mushin.

PhD student wins IP competition

Congratulations to current PhD candidate Tyrone Berger who recently won the Australian Intellectual Property Journal Essay Competition.

Mr Berger’s paper titled “Trade mark dilution in Australia Revisited: How far have we come? Was unanimously agreed by the judging panel to be the winner.

Mr Berger is supervised by Professor Mark Davison and Associate Professor John Duns.

Zimbabwe Visit

A group of lawyers and politicians from Zimbabwe including the Honourable Obert Gutu, the Deputy Minister of Justice and Legal Affairs and Professor Julie Stewart, the director of the Centre for Women’s Law at Zimbabwe University visited Australia to study the Family Law system in Australia.

Mr Malcolm Bennett, supervisor of the Family Law Assistance Program at Monash-Oakleigh Legal Service was contacted by Federal Magistrate McGuire asking for students and staff to speak to the visitors about the Family Law Assistance Program. They were interested in how the program assists in representing disadvantaged people.

Mr Bennet said “for Monash to be contacted to promote our program to international guests is an outstanding achievement”.

It is believed the guests from Zimbabwe plan to set up a Family Law Assistance Program similar to how Monash-Oakleigh Legal Service runs.

ACLA Corporate Lawyer of the year award

Congratulations to Monash Law alumnus Dr Srechko Kontelj who won the 2011 ACLA Corporate Lawyer of the year award.

Dr Srechko Kontelj is the Legal Director Asia/ Pacific for Specsavers. Previously he was the General Manger for Sportsco. Dr Kontelj played a key role in managing the expansion of the Specsavers franchise.
As part of the annual Law Week celebrations, Monash Law School alumni and current law students took part in the annual Great Law Week Debate held at Monash University Law Chambers in front of a packed audience.

The debate was moderated by Monash alumnus Will Fowles and the topic was “Political bias in the media should be banned”. The alumni team argued the negative and were lead by team captain Fiona Prowse who was the 2011 World Universities Debating Championship winner joined by channel 7 investigative reporter who specialises in freedom of speech Louise Milligan and Justin Quill director of Kelly Hazell Quill Lawyers.

The student team consisted of team captain Kiran Iyer who was the 2012 World Universities Debating Championship winner, Madeline Schultz who was a semi-finalist at the 2012 World Universities Debating Championship and Duncan Wallace former winner of the Monash LSS Junior Moot.

The students argued for the affirmative however the alumni team argued strongly for the negative and after lengthy discussions between the judges, current MADS president Gemma Buckley announced the alumni team as the winners.
Monash researcher receives press council medal

Monash researcher Professor Hoong Phun (HP) Lee has been awarded the Australian Press Council (APC) Medal in recognition of his outstanding service to protecting freedom of the press.

Professor Lee, the Sir John Latham Professor of Law, said that to be the third recipient of the APC Medal since the inception of the award was an outstanding honour.

"I am deeply touched to have been awarded the APC Medal. This honour means that I have, in the APC’s eyes, contributed significantly to the promotion of good standards of media practice and the protection of freedom of the press," Professor Lee said.

Professor Lee gave extensive voluntary and distinguished service to the APC over a long period of time, most recently as Vice Chairman of the APC.

He was first appointed an alternative Public Member of the APC in July 1987 before being made a full Public Member in August 1991. He was Vice-Chairman of the Freedom of Press Committee – later retitled the Policy Development Committee – from 1994-2010. He held the position of Vice-Chairman of the Australian Press Council from 2004–2010.

During his 23 years of service, Professor Lee drafted a number of adjudications for the Council and was actively involved in the Council’s written responses to proposed laws which were regarded as impinging upon freedom of the press and freedom of speech in general.

Professor Lee had been involved in the drafting of amicus curiae briefs submitted by the Council to the High Court in two high profile cases. The APC is the principal body with responsibility for responding to complaints about Australian newspapers, magazines and associated digital outlets.

Ninth Fiat Justititia Lecture

The Faculty of Law was honoured to welcome Professor Christopher Forsyth, the Professor of Public Law and Private International Law, Cambridge University to present this year’s Ninth Fiat Justititia Lecture on Wednesday 28th March. The topic of the lecture was ‘The Province of Legitimate Expectations Defined: the English and Australian Experience’.

A key point noted by Professor Forsyth was that “Legitimate expectations are important to the role of protecting the trust placed in public officials.”

Professor Forsyth is the author with the late Sir William Wade QC of Administrative Law (10th ed, OUP 2009) as well as several other books. He is also the author of many articles in learned journals on all aspects of public law and private international law.

New PhD International Candidate from Thailand

Ms Narumon Changboonmee

The Faculty would like to welcome Ms Narumon Changboonmee. She has been enrolled in a PhD in law under the supervision of Professor Susan Kneebone since January 2012, her thesis is about the role of human rights to protect children on the move to Thailand.

Prior to undertaking her PhD at Monash University, she completed her LLM from Melbourne Law School. She is currently on study leave from Kasetsart University in Thailand where she holds a tenured academic position. Narumon said “I chose to come to Monash University because of the Faculty’s reputation in teaching and research in human rights laws.”

Narumon is on a full scholarship supported by the Royal Thai Government.
O’Week Cocktail Party

During Orientation Week the Faculty of Law held its annual cocktail evening in the law library.

The night welcomed students and parents to the law faculty and gave them the opportunity to meet Faculty staff and other commencing students. David Jancik who is the current Law Students’ Society (LSS) president gave an introduction to the LSS followed by Victoria Lanyon who encouraged students to get involved in the Student Ambassador Program.

The night was a great success with over 250 commencing students and their family attending.

Monash students are world’s best debaters again

Two persuasive Monash University students took out the World Universities Debating Championships (WUDC) for the second year in a row, beating teams from Oxford, Stanford and the University of Sydney.

Team ‘Monash B’, comprised of Amit Golder and Kiran Iyer, both undertaking dual degrees in Arts and Law, took out the grand final in a unanimous decision, after arguing in support of nationalism.

Their win follows on from the success of Monash students Victor Finkel and Fiona Prowse at WUDC 2011.

Another Monash student, Chris Bisset, also studying Arts/Law was ranked as the ninth best speaker at the competition in which more than 1400 students competed.

Kiran said he was overwhelmed to have achieved such success.

“We feel proud and really grateful. It’s such a difficult tournament and many of the decisions were close. We had luck when we needed it and had amazing support from the rest of the team,” said Kiran.

“I’ve been part of the club since first year, so it’s really defined my university experience.”

Kiran and Amit thanked the University for supporting the Monash Association of Debaters (MAD), the largest debating society in the Southern Hemisphere.

“The support of the University has been essential for the success of our club,” Kiran said.

Known as the ‘Olympics of debating’ the WUDC were hosted by De La Salle University in Manila between 27 December 2011 and 4 January 2012. The grand finals were held at the Philippine International Convention Center.

Students from more than 70 nations competed in the event which follows the British Parliamentary format where one team supports and the other opposes a proposition.

Three of the four Monash teams survived nine elimination rounds to reach the finals, where the best 32 teams were whittled to the four who competed in the grand final.

In addition to the most recent victories, Monash has taken out the WUDC in 1999 and 2000.

The Hart v. Devlin debate encore with the Hon. Michael Kirby AC CMG

Monash Law School revisited the famous debate between HLA Hart and Patrick Devlin on the law and morality for our 2nd and 3rd year Criminal A class.

Special guest, The Honourable Michael Kirby AC CMG single-handedly debated Monash World Champion Debaters alumni’s Amit Golder and Fiona Prowse on the motion ‘That the law should be based on social morals’.

The use of contemporary examples such as gay marriage, the ban on the burqa in some jurisdictions and animal rights, brought this classic debate about the 1957 Wolfenden Report into the present day. The debate was filmed and will become a teaching resource for Crime students in future years.

Mr Kiran Iyer, who with team mate Mr Amit Golder, won the WUDC 2012
Emerging Challenges in Privacy Law

On 23 and 24 February 2012, the Faculty of Law and the Monash Europe and EU Centre co-hosted a two-day conference on Emerging Challenges in Privacy Law: Australasian and EU Perspectives.

The conference was part of a research project that is funded by a grant of the Group of Eight Australia (Go8) and the German Academic Exchange Service (DAAD) on comparative privacy law. The grant is held by Normann Witzleb, Moira Paterson, Sharon Rodrick and David Lindsay, from the Faculty of Law, who together organised the conference.

The conference featured prominent privacy experts and academics from Australia, New Zealand and Europe. In his keynote speech, the Australian Privacy Commissioner, Timothy Pilgrim, explained the current Australian privacy law reform agenda, and emphasised the importance of regulators taking strong enforcement actions where there are serious privacy breaches. The conference was also addressed by Peter Hustinx, the European Data Protection Supervisor, who, in a video presentation, outlined the current European Union data protection reform process.

David Lindsay, one of the conference organisers, said: “At a time when privacy is under threat from technologies and services, such as social networking, it is important for us to share insights about cutting edge legal responses to these significant new challenges”.

The conference presented a unique opportunity for delegates to learn of European developments in privacy law, with stimulating presentations from Professor Dieter Dörr and Professor Udo Fink, from Johannes-Gutenberg University, Mainz, who are collaborators in the Go8/DAAD research grant project, and by Dr Ian Brown from the Oxford Internet Institute. A highlight of the conference was a lively debate about proposals for introducing a new cause of action for breach of privacy under Australian law, which featured Peter Bartlett (Minter Ellison), Michael Rivette (Victorian Bar) and Professor Michael Tilbury (University of Hong Kong). The papers presented to the conference will be published as a collection of essays, which will contribute to cross-jurisdictional debates about current and future privacy law reforms.

Rewarded for resolution

There’s no disputing it – a Monash Doctor of Juridical Science (SJD) candidate has been awarded the prestigious 2012 National Mediation Conference Scholarship.

Glenice Fox was awarded the scholarship by the National Mediation Conference (NMC) Ltd, which convenes a bi-annual event for those interested in or practising dispute resolution. NMC supports the national mediation community by providing a scholarship to a person enrolled in a higher degree by research involving the study of dispute resolution.

Ms Fox said the scholarship was an exciting opportunity to further her research.

“I am delighted to be the recipient of the scholarship and to have the opportunity to present my findings at the conference”.

Ms Fox has worked in diverse dispute contexts in the private, public and community sectors and in both rural and urban settings. She has provided mediation coaching services to Monash University and other organisations.

“A keen interest in the effectiveness of mediation and outcomes experienced by disputants was the catalyst for me to become a mediation researcher as well as a practitioner,” Ms Fox said.

Her doctoral thesis is titled The Dispute Settlement Centre of Victoria: Delving into Client Satisfaction and Durability of Agreements, she was supervised by Associate Professor Judd Epstein and Dr Becky Batagol.

The NMC bi-annual conference will be held from 10-13 September 2012 at the Sydney Convention and Exhibition Centre, NSW.
Since October 2010, historians Peter Yule and Fay Woodhouse have been working on the 50-year history of the Monash University Faculty of Law. As they work on the Faculty’s history, they continue to interview former students and staff.

Were you there in the 1970s?

Today, slightly more than half of the student cohort in the Law Faculty are female. In the 1970s, a period of social and political upheaval in Australia’s history, only about 20% of students in the Law Faculty were women. What then did the feminist students on campus make of the hoax lecture by Professor Granville Williams (aka Campbell McComas), when he light-heartedly addressed the serious question of ‘Rape’?

Feminist Lawyers’ Conference – May 1977

In 1977, a group of women students in the Law Faculty organized and ran the Women and the Law conference. It was held at Monash on 14 and 15 May. The two-day conference was the brainchild of Bebe Loff and Julia Pullen; it took six months to plan and organize, and about 200 people attended. Law students, academics and practitioners from every state of Australia came to Monash for Australia’s first feminist lawyers conference. The Monash student paper, Lot’s Wife, publicised it and printed the program supplement.

The Women and the Law Conference hoped to give a broad perspective of law, women and society. The conference included sessions such as: “Women Against Rape” Live!, which dramatically presented issues pertaining to a rape victim in our society; Sue Wynn-Hughes discussed her impressions of Fairlea Female Prison; Toula Nikolau from the Migrant Workers’ Centre spoke on the difficulties migrant women experienced with the law; and Eve Mahlab, Barrister and Solicitor spoke on the subject “employment opportunities for women in the law”.

Did you attend this conference? We would love to hear your stories!

Contact: peter.yule@monash.edu or fay.woodhouse@monash.edu. (03) 9905 3351
### Postgraduate Law Units: June – Dec 2012


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Invitation

Susan Campbell AM Memorial Dinner
Celebrating Clinical Legal Education at Monash

This evening will celebrate the life and work of Susan Campbell AM who passed away in March 2011. In a 25-year career with the Monash Faculty of Law (1980–2005) she was a key driver of the pioneering Monash Clinical Legal Education program and a great supporter of community legal centres. The Honourable Chief Justice Marilyn Warren AC QC will launch the Susan Campbell Clinical Legal Education Visiting Fellowship and Future Fund. Other special guests include Chancellor of Monash University, Dr Alan Finkel AM and Patron of the fund, Justice Marcia Neave AO.

Date  Wednesday, 20 June 2012
Time  6.30pm for 7.15pm
Venue  St Kilda Town Hall
Cost  $150 per ticket (GST inclusive)

*Tickets can be purchased online at: community.monash.edu/suecampbell
For further enquiries please email adm-lsfoundation@monash.edu or please phone 03 9903 4609.

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Law Matters is published bi-annually and is the official newsletter for the Monash University Law School.

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.

CRICOS provider: Monash University 00098C

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