1. Introduction to Monash Law School

The Monash Law School is large, diverse, vibrant and energetic. As this Report shows, over its many programs, campuses and centres, the Law School provides a home for over 3,000 students and more than 200 full, part-time, sessional and adjunct academic staff and over 50 professional staff engaged in a multiplicity of activities. Its staff and students are involved not only in the core tasks of teaching, learning and research but in providing legal services to the community, influencing public policy through submissions to governments and legislatures, providing pro bono services and sitting on many boards and committees, inside and beyond Monash University itself.

The faculty of Law is one of 10 faculties of Monash University, a university that has retained a strong commitment to maintaining and developing the traditional science and social science disciplines and the humanities. At the same time it encourages and supports a wide range of inter-disciplinary research.

The arrival of the new Vice-Chancellor, Professor Ed Byrne, in mid-2009 marks the next stage in the evolution of the University and, with it, the faculty of Law.

The teaching program focuses upon three major programs, the undergraduate LLB, taught at the Clayton campus and the graduate JD and the coursework Masters program, taught at the Monash University Law Chambers. All the programs continue to thrive. The LLB now attracts record numbers of high achieving students anxious to study law in combination with an Arts, Business, Commerce, Science, Engineering or other degree. The JD is growing steadily as more students are drawn to it because of its location in the city, its highly flexible course structure and the wide range of electives drawn from the graduate course work program.

The research program expands with more research engaged in by more staff over a very large range of topics. The faculty is enriched by a stream of visitors from interstate and overseas who provide valuable intellectual input through staff and public seminars and in the graduate teaching program and through personal interaction with staff and students. The new Vice-Chancellor’s Academic Strengthening agenda fits well with the faculty’s own commitment to engaging and retaining high performing staff and increasing the quality and quantity of its research as well as the impact of that work on the academic and wider communities. The faculty increasingly co-operates with other faculties and programs in areas such as regulation, criminal justice, human rights, history, immigration policy and others.

By far the largest number of members of the Law School is its students and we are extraordinarily proud of their activities and achievements. The Ambassador program, the Peer-to-Peer Mentoring program and the High Achievers Program and the Law Review are just some of the programs run in conjunction with the faculty to ensure that the they have a rich and engaged life while at the Law School. The two student societies, the Law Students Society and the International Law Association are highly active, well-organised and well-managed and enjoy excellent relations with the faculty. Their role in faculty governance is central in ensuring that decisions are well-informed and that the faculty’s decision-making process is inclusive, thorough and well-understood by all participants.

An Annual Report is a record of an organisation’s activities and achievements. Its contribution to an understanding of that organisation is both immediate and incremental. In the short term it provides a picture of what has just occurred. In the longer term it is one of a series of statements that can be examined to discover what has changed and what has stayed the same, and possibly why and how. For a big Law School in a very large University change is evolutionary. This Annual Report, read alone or in the context of the five previous Annual Reports, shows that the institution is both evolving and improving.

Arie Freiberg
Dean
2. Campuses

2.1 Clayton

Monash University Clayton campus is the largest of the university's eight campuses. The diversity of programs offered is reflected in the fact that eight out of the university's ten faculties are represented on campus – Arts, Business and Economics, Education, Engineering, Information Technology, Law, Medicine, Nursing and Health Sciences and Science. The campus offers a rich array of sporting, cultural and educational events and facilities, and has a proud record of achievement in fostering collaborative research projects.

The Law School is located on the Clayton campus and houses the university's Law Library, three computer laboratories and five lecture theatres. The majority of our undergraduate teaching occurs at this location.

The Law School's clinical training program operates from the Monash-Oakleigh Legal Service and the Springvale Monash Legal Service.

2.2 Monash University Law Chambers

Behind the period façade of the Equity Trustees Building the refurbished Monash University Law Chambers offers postgraduate law students a central teaching and learning facility in the heart of Melbourne's legal precinct.

This state-of-the-art building provides our postgraduate students with an accessible, comprehensive education facility that also promotes interaction with members of the profession.

The majority of the faculty's postgraduate programs are taught at the city-based Monash University Law Chambers, attracting law graduates from a variety of backgrounds and professional areas including legal practice, government, business and academia. This cultural diversity, together with our flexible, responsive programs creates a dynamic environment for the exchange of knowledge and ideas.

2.3 Monash Education Centre, Prato, Italy

In keeping with Monash Law's aim to be a truly international law school, the Law School encourages students to undertake one semester of their law degree at the Monash Education Centre in Prato, Italy. Students can undertake up to four law units through the Prato Study Program, taught by academics from Monash University, judges and practitioners as well as academics from partner institutions in Canada, Israel and Italy. Units are taught in semi-intensive mode over 3-4 weeks.

The program runs in the European Spring each year. Classes are taken in the elegant 18th Century palace, Palazzo Vaj in the medieval historic centre of Prato, Italy. There are 3 computer laboratories at the Monash University Prato Centre and the building also has a wireless internet network available.
3. Research

3.1 Reflections on Research During 2009

Overview
This year, the Faculty has continued and improved its diverse research performance on a range of levels. The results of the Australian Government’s trial Excellence in Research for Australia (ERA) exercise in 2009 confirm the Faculty’s research position amongst the leading law schools in Australia. Accordingly, the Faculty's world-class national, international, and comparative research expertise is based upon a platform of leading research centres, groups, and clusters in select fields of legal, regulatory, and cross-disciplinary research.

Professor Bryan Horrigan, commenced officially as Associate Dean (Research) and the Louis Waller Chair of Law on 1st March 2009.

Research Excellence and Collaboration
In terms of research critical mass, the Faculty has a number of research centres, groups, and individuals who lead their respective fields. Major specialised research strengths here include human rights in Australia and worldwide (ARC Federation Fellow Prof Bernadette McSherry’s Rethinking Mental Health Laws Project), intellectual property and copyright law (Information and Innovation Cluster), and other discrete areas of commercial law (eg international trade, taxation, corporate governance and responsibility, and consumers). Professor Ann Monotti’s co-authored work on universities and intellectual property informed a significant part of the argument by counsel and judicial reasoning at trial and appellate levels in landmark litigation this year (eg University of Western Australia v Gray [2009] FCAFC 116).

In addition, the Faculty continued this year to engage in world-class cross-disciplinary research. This is evidenced by its contribution to law and policy surrounding criminal law and criminology through the cross-faculty Criminal Justice Research Consortium, the involvement of a number of Monash University faculties in the research agenda of the Centre for Regulatory Studies, and the contribution of many of the Faculty’s researchers to collaborative projects across disciplinary boundaries with other Monash University faculties and University-level research institutes.

In the last three years, as evidence of the Faculty’s enhancement of its research outreach and collaboration, our total competitive research grant and contract performance has gone from approximately $1,000,000 in 2007 to $1,500,000 in 2008 (almost 45% improvement on 2007), and finally to $2,000,000 in 2009 (almost 100% improvement on 2007). This upwards trajectory in research income demonstrates significant continuous improvement in the Faculty’s capacity to attract research funding from funding agencies and highly regarded institutional partners in government, the legal profession, and the wider community in Victoria, Australia, and overseas. It also compares more than favourably with other Monash University faculties in terms of sustained continuous improvement in research performance from one year to the next.

ERA Trial for Law
On 23rd February the Minister for Innovation, Industry, Science and Research, Senator Kim Carr, announced the timeframe for the ERA trial, which would evaluate the Physical, Chemical and Earth Sciences (PCE) and Humanities and Creative Arts (HCA) clusters. Law was included in the HCA cluster, as one of the disciplines for road-testing the ERA in advance of the Australian Government’s full ERA exercise in 2010.

In the months preceding the ERA trial submission deadline, many meetings were held between the Faculty of Law and the Faculty of Business and Economics (Department of Business Law and Taxation) as well as with other faculties contributing publications to the law field-of-research codes, to select the top 20% of publications for peer review. The criteria for selection included the use of Mock RQF results (where available), authored books (with prestigious publishers such as OUP and CUP), refereed journal articles in A* and A+ ranked journals on the HCA journal list, and book chapters in edited books with prestigious publishers.

Annual Research Symposium
The 2009 Faculty Research Symposium was held on Friday 14th August at the Banquet Rooms, Clayton Campus Centre. The theme was “Next Generation Research and Researchers”. It was attended by over 50 staff members and HDR students. Professor Andrew Wells, Executive Director of ERA’s Humanities and Creative Arts Cluster, and Ms Cari Jackson-Lewis, Grants Manager, Victoria Law Foundation, were invited to talk about “Next generation research projects: what do funding bodies really want from researchers?” Professor Edwina Cornish attended to talk about the Law’s place in the University’s overall research effort and to present research awards to Faculty staff.

Higher Degree by Research (HDR) Matters
A Law Research Writing Development Group (LRWDG) was established in 2009 to assist candidates enrolled in Higher Degrees by Research with improving English legal writing skills. The purpose of the LRWDG is to enable HDR candidates to equip themselves to write a legal thesis in English by: learning how to continue developing English writing skills; learning about writing conventions in the discipline of law; learning to edit their own work; and reading and giving feedback on the work of others. The Group was convened by Dr Janice Pinder, Learning Skills Advisor, Sir Louis Matheson Library, and met for two hours each fortnight.

The Faculty was awarded six new postgraduate research scholarships in 2009 (4 Australian Postgraduate Awards and 2 Monash Graduate Scholarships). The Faculty offered 2 new Postgraduate Law Dean’s Awards. All new Higher Degree by Research candidates were welcomed to the Faculty at an orientation event held 29 July 2009.

Dr David Lindsay worked tirelessly throughout 2009 with Ms Jintana Kurowsawa, Ms Di Wiltshire, Professor Bryan Horrigan, and the Faculty’s marketing officers to enhance the Faculty’s HDR policy and recruitment strategies. Prof Jeff Goldsworthy assumed the HDR Convenor role at the end of 2009.
3.2 Books and Book Launches

2009 saw the launch of many new books which were authored, co-authored or edited by Monash Law staff and students.

On the evening of Tuesday 24th February, the Faculty held a very successful ‘In Review’ function at the Monash University Law Chambers, celebrating 53 books published by 32 Monash Law staff and one PhD candidate during 2007/2008. The guest speaker was The Honourable Chief Justice Marilyn Warren, AC. The event, which was the brain-child of Professor Marilyn Pittard was a great success and the Faculty hopes to repeat it in the future.

Former High Court Justice, the Hon. Michael Kirby AC CMG, launched two new books by Castan Centre Deputy Directors Dr Paula Gerber and Professor Susan Kneebone on 5 June 2009 at the Melbourne Immigration Museum. This joint launch celebrated books looking at two prominent issues in human rights law: the state of human rights education in secondary schools, and the on-going struggle of asylum seekers and refugees.

From Convention to Classroom: The Long Road to Human Rights Education by Dr Paula Gerber is the first attempt to gather empirical data on the extent of human rights education in Australian secondary schools. Refugees, Asylum Seekers and the Rule of Law, edited by Professor Susan Kneebone, provides an account of how five industrialised common law jurisdictions – the United Kingdom, Australia, Canada, the USA and New Zealand – have dealt with the rights of asylum seekers and refugees.

On 17 June 2009, Dr Eric Wilson launched his new book Government of the Shadows: Para Politics and Criminal Sovereignty at Readings Carlton. The book analyses the concept of clandestine government. It explores how covert political activity and transnational organised crime are linked – and how they ultimately work to the advantage of state and corporate power.

‘Non-Adversarial Justice’, a book authored by Dr Michael King, Professor Arie Freiberg AM, Dr Becky Batagol, Mr Ross Hyams, was launched on 24 August 2009 at the Monash Law Chambers by the Hon Peggy Fulton Hora.


3.3 Research Success Stories

Dr Gideon Boas was selected as the recipient of 2009 Dean’s Award for Excellence in Research by an Early Career Researcher. Dr Boas received this award for his publications (including two books) and peer recognition and professional engagement on the world’s stage in major research-related work for International Criminal trials and other humanitarian activities. He was also nominated for the 2009 Monash Vice-Chancellor’s Early Career Researcher Award.

Dr Patrick Emerton joined the University’s Early Career Researcher (ECR) Network Steering Committee as the Law Faculty representative.

The annual university celebration Research Matters was held 17-28 August 2009. To coincide with this event the Faculty a public lecture entitled The American Drug Court Movement: a personal Journey was delivered by retired US judge the Hon Peggy Fulton Hora on 24 August at the Monash Law Chambers.

In 2009, Dr David Lindsay was awarded the 2008 Mollie Holman Award for the best doctoral thesis in the Faculty of Law entitled: International Domain Name Law: ICANN and the UDRP.

The 2008 Vice-Chancellor’s commendation for doctoral thesis excellence was awarded in 2009 to Dr Becky Batagol for her thesis entitled: Bargaining in the Shadow of the Law? The Case of Family Mediation.
## 3.4 Faculty Research Seminars

<table>
<thead>
<tr>
<th>Date</th>
<th>Presenter</th>
<th>Topic</th>
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<tbody>
<tr>
<td>3 March</td>
<td>Professor Harry Glasbeek, Emeritus Professor, Osgoode Hall Law School</td>
<td>Corporate Conduct: Responsible Authors Wanted</td>
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<tr>
<td>17 March</td>
<td>Professor Jeff Giddings, Griffith University</td>
<td>Why Can’t I Just Get On With Running My Business? Understanding and Addressing Conflict in Business Franchise Systems</td>
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<td>26 March</td>
<td>Professors Justin Malbon and Bryan Horrigan</td>
<td>Research NIPS (New Idea Progress Seminar) – Faculty submission to national human rights consultation process</td>
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<td>31 March</td>
<td>Dr Alan Rothschild</td>
<td>Physician-assisted-dying, is it really a slippery slope?</td>
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<td>7 April</td>
<td>Dr Steven Tudor, La Trobe University</td>
<td>Should an Absence of Remorse be an Aggravating Factor in Sentencing?</td>
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<td>15 April</td>
<td>Mr Ross Hyams</td>
<td>Work Integrated Learning: Opportunities for Law</td>
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<tr>
<td>21 April</td>
<td>Professor Steven Channerson (Fulbright Scholar), Villanova University School of Law, Pennsylvania, USA</td>
<td>Revolution or Evolution?: Recent Developments in American Federal Criminal Sentencing</td>
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<tr>
<td>28 April</td>
<td>Professor Marilyn Pittard, Dr Moira Paterson, Dr Gideon Boas, Dr Patrick Emerton</td>
<td>Research BITES (Brief Insights To Expand Scholarship): – Three into one does go! (Marilyn Pittard and Moira Paterson) – Australia’s Post World War II War Crimes Trials (Gideon Boas) – “Terrorist organisation” offences and the rule of law in Australia (Patrick Emerton)</td>
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<tr>
<td>5 May</td>
<td>Dr Niels Ejersbo, University of Southern Denmark</td>
<td>Regulating for private involvement in public service delivery – a policy approach</td>
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<td>12 May</td>
<td>Professor Dana Muir, University of Michigan</td>
<td>The Effect of the Financial Crisis on U.S. Pensions – A Perspective on Financial Services Regulatory Reform</td>
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<tr>
<td>19 May</td>
<td>Dr David Cousins, Professorial Fellow, Centre for Regulatory Studies</td>
<td>Regulatory reform through institutional change</td>
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<tr>
<td>27 May</td>
<td>Mr Lloyd England and Assoc Prof Moira Paterson presenting work by Professor Sally Kift, ALTC Senior Fellow</td>
<td>A transition pedagogy for first year curriculum design and renewal</td>
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<tr>
<td>14 July</td>
<td>Professor Ruth Kannai, Bar Ilan University, Israel</td>
<td>The Proposed Israeli Bill on Sentencing</td>
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<tr>
<td>21 July</td>
<td>Chaired by Professor Justin Malbon</td>
<td>Research NIPS (New Idea Progress Seminar)</td>
</tr>
<tr>
<td>28 July</td>
<td>Professor Robert Vaughn, American University, Washington College of Law</td>
<td>Whistleblower Protection as Part of Human Rights, Open Government, Transparency and Employment Law</td>
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<tr>
<td>11 August</td>
<td>Professor Allan Borowski, La Trobe University</td>
<td>The Evaluation of the Children’s Koori Court of Victoria</td>
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<td>18 August</td>
<td>Ms Alice Nah (Endeavour Australia Cheung Kong Research Fellow), PhD candidate, Sociology Department, National University of Singapore</td>
<td>Legitimizing Violence: Public ‘Crackdowns’ and their Impact on Migrants, Refugees and Stateless Persons within and beyond the Borders of Malaysia</td>
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<tr>
<td>25 August</td>
<td>Hon. Peggy Fulton Hora</td>
<td>Why do Problem-Solving Courts Work?</td>
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<td>1 September</td>
<td>Dr Colin Campbell</td>
<td>The Teaching / Research Nexus</td>
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<tr>
<td>15 September</td>
<td>Professor Jianqiang Nie, Wuhan University School of Law, China</td>
<td>The enforcement of intellectual property rights in China – a conceptual perspective</td>
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<tr>
<td>22 September</td>
<td>Associate Professor Greg Taylor, Associate Professor Pam O’Connor, Dr Stephen Gray</td>
<td>Research BITES (Brief Insights To Expand Scholarship): – Jury Trial in Austria (Greg Taylor) – Is Victoria a laggard in property law reform? (Pam O’Connor) – Aboriginal people and assimilation: can ‘genocide’ and ‘good intentions’ co-exist? (Stephen Gray)</td>
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<tr>
<td>20 October</td>
<td>Professor Stephen King, Dean, Faculty of Business and Economics, Monash University</td>
<td>Corporate Regulation</td>
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<tr>
<td>22 October</td>
<td>Professor Ann Monotti</td>
<td>Academic employees and their University employers: who owns the inventions they create?</td>
</tr>
<tr>
<td>26 October</td>
<td>Professor Stephen Barkocy</td>
<td>Everything you wanted to know about superannuation but were too scared to ask</td>
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3.5 Research Centre Activities

The Castan Centre for Human Rights Law conducted a number of research events and activities throughout the year. These are outlined in section 5.1 “Castan Centre for Human Rights Law”.

Centre for Regulatory Studies

- On 17 February 2009, the Hon. Chris Bowen MP, Assistant Treasurer and Minister for Competition Policy and Consumer Affairs launched a major new initiative on the future directions of consumer policy in Australia at the National Consumer Law and Unfair Contract Terms forum held at the Monash Law Chambers.
- The Planning and Climate Change Conference, held on 20 October 2009, considered the question “how can the planning process be used to reduce greenhouse gas emissions?”

3.6 Higher Degrees by Research

The following theses were accepted for higher degrees by research during 2009:

- Gaze, E. (2009). Equity for women through legal change: progress or problem? PhD

3.7 Research Grants: ARC

ARC Federation Fellowship (in progress)

ARC Discovery grants (new and in progress)
- Jeffrey Goldsworthy, Dale Smith and Patrick Emerton (with Stephen Barker (University of Nottingham) and Richard Ekins (University of Auckland): A Principled Theory of Legal Interpretation
- Gideon Boas (with William Schabas (National University of Ireland) and Michael Schart (Case Western Reserve University): International Criminal Justice: Law, Policy and its Relevance to Australia’s security
- Pam O’Connor (with QUT): An Integrated Legal Regime for a Sustainable Carbon Cycle
- Susan Kneebone: Law, Governance and Regulation of Intra-regional Labour Migration in South East Asia: An Agenda for Protection and Development (2009-2011)
- Bernadette McSherry (with Patrick Keyzer (Bond University), Sam Blay (UTS), John Petrilia, Rajan Darjee): Preventive Detention of High Risk Offenders: The Search for Effective and Legitimate Parameters (2008-2010).
- Bryan Horrigan, The High Court of Australia’s International Impact and Engagement – Enhancing Judicial Accountability and Australia’s Place in International Law, 2006-2010

ARC Linkage grants (new and in progress)
- Susan Kneebone with three Partner/Collaborating Organisations: Australian Agency for International Development (AusAID); United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region (UNIAP); International Organization for Migration (IOM): Delivering Effective Protection to Victims and Prevention of Human Trafficking in the Greater Mekong Sub-Region.
3.8 Other Externally Funded Research (Excluding Contracts)

Dr Matthew Groves, Legal Services Board Project Grant: Reforming Judicial Review in Victoria.

Dr David Lindsay, Victoria Law Foundation Grant: Understanding the Law and informed practice guidelines for children engaged in social networking on the internet.

Mr Bryan Keon-Cohen, Victoria Law Foundation Small Grant: Mabo Litigation Collection.

Professor Justin Malbon, Consumer Advocacy Panel Grant: Attaining optimal carbon abatement rules through consumer advocacy: Learning from European Experience on the Regulation of Energy.


ARC LIEF grants (new)

Arie Freiberg AM (with Andrew Mowbray, Graham Greenleaf, Stephen Bottomley, Ross Grantham, Patricia Blazey, John Selby, Liz O’Donnell): Bringing Australian free access legislation to international best practice standards.
4.1 Reflections on Teaching During 2009

The Faculty continued to support excellence in education by providing high quality Teaching. Professor Stephen Barkoczy was Director of Teaching throughout 2009. Ms Joanna Becker, the Manager – Education Services and Mr Lloyd England, the Manager – Student Experience continued to provide support for the portfolio of the Director of Teaching.

4.2 Teaching Awards

Faculty Teaching Awards – worth $1000 each were awarded to
- Dr Adam McBeth – Early Career Teacher Award
- Mr Lloyd England and Mr Jason Harkess – Sessional Teacher Award
- Dr Paula Gerber – Faculty Teacher Award.

External Teaching Awards – The Prato Program was nominated for, and won, a 2009 ALTC (Australian Learning and Teaching Council) Award for Programs that Enhance Excellence. This Award was valued at $25,000 and the team who wrote the Award application consisted of
- Associate Professor Jonathan Clough – Director International
- Dr Heli Askola – Prato Program Co-ordinator
- Ms Joanna Becker – Manager Education Services.

4.3 Teaching Professional Development

In 2009, the Director of Teaching and Manager – Education Services conducted a range of professional development activities for teaching staff including
- Sessional Tutors Orientation
- STEP – Sessional Teaching Excellence Program
- Mental Health First Aid Training
- Faculty Teaching Workshop
- Faculty Teaching Seminars.

4.4 The VC’s Showcase of Teaching Excellence

The Manager – Education Services attended the annual Vice Chancellor’s Showcase of Teaching Excellence on 14th September 2009 which celebrated Teaching Excellence across the University. Mr Ross Hyams presented a session at this Showcase on “Work Integrated Learning Opportunities”.

4.5 National Teaching Presentations

Professor Stephen Barkoczy, as winner of the 2008 Prime Minister’s Award for Australian University Teacher of the Year, was invited to make several teaching presentations during the year. This included the following presentations:
- “Making Learning More Effective, Realistic and Engaging” presented at Swinburne University and Deakin University (July 2009).

4.6 Faculty Teaching Workshop

The Director of Teaching and Manager – Education Services conducted the Faculty Teaching Workshop on 9th October 2009 as part of the Educate09 activities. Over forty people attended and the guest speakers included
- Professor Stephen Barkoczy – Director of Teaching – Introduction
- Mr Jeremy King and Mr Luke Pellegri from Blake Dawson – What do employers want to see in our students?
- Mr Michael Beaconsfield and Mr Jason Bagg from the LSS – What do students want out of their Law Course?

4.7 Faculty Education Committee

The Faculty Education Committee chaired by the Director of Teaching met four times during 2009. New members invited to join the Committee were Ms Trish Hughes, the Learning Skills Advisor and Mr Lloyd England, the Manager – Student Experience.

4.8 Quality

The Faculty continued to work closely with the Centre for Higher Education Quality (CHEQ) to conduct the required evaluations. Unit Evaluations, Teaching Evaluations and the Monash Experience Questionnaire (MEQ09) were conducted to help provide systematic feedback from students about their University and Faculty experience.
The Faculty again had a pleasing number of Units rated in the top band each Semester for their performance on Q5 - Overall Satisfaction in the Unit evaluations.

Summer Semester 2008 to 2009 – 11 Units
- LAW4179 – International Commercial Arbitration
- LAW7426 – International Copyright Law
- LAW7427 – International Aspects of Foreign Investment
- LAW7332 – Principles of Construction Law
- LAW7338 – Forward with Fairness: New Labour Law
- LAW7260 – Indigenous Rights and International Law
- LAW7329 – The Privatising State: Reform, Regulation and Reinvention
- LAW7119 – Patents for Inventions
- LAW7019 – European Union Law and Policy
- LAW7223 – Overview of Intellectual Property
- LAW7277 – Advanced Corporations Law

Semester 1 – 10 Units
- LAW6216 – Professional Practice
- LAW4523 – The Judiciary in Comparative Perspective
- LAW4160 – Negotiation and Mediation Law
- LAW5151 – Vis Moot
- LAW5152 – Taxation Law
- LAW4129 – Law and Discrimination
- LAW5136 – International Environmental Law
- LAW4180 – International Law of the Sea
- LAW4526E – World Trade Organisation Dispute Settlement
- LAW7276 – Principles of Taxation

Semester 2 – 13 Units
- LAW5116 – International Law of the Sea
- LAW4160 – Negotiation and Mediation Law
- LAW4225 – Non Adversarial Justice
- LAW4522 – Remedies
- LAW4130 – Law and Social Theory
- LAW5127E – Trial Practice and Advocacy
- LAW 4299E – Comparative Tax Policy
- LAW4524E – Road Trauma Prevention and Compensation: Comparative analysis
- LAW7087 – Local Government Law
- LAW7262 – Goods and Services Tax
- LAW7318 – International Law and Economic, Cultural and Social Rights
- LAW7434 – The Law of Climate Change
- LAW7315 – Regulatory Methods
5. Centre reports

5.1 Castan Centre for Human Rights Law

The Castan Centre for Human Rights Law is named after Ron Castan AM QC (1939-1999), who was a passionate advocate for the recognition and protection of human rights and a distinguished member of the Victorian Bar. The Centre was established in 2000 under a grant from the Monash Law School Foundation to meet the need for, and interest in, the study of human rights law, globally, regionally and in Australia.

The Castan Centre for Human Rights Law seeks to promote and protect human rights through the generation and dissemination of public scholarship in international and domestic human rights law.

In pursuit of this mandate, the Centre brings the work of human rights scholars, practitioners and advocates from a wide range of disciplines together in the Centre’s key activities of research, teaching, public education (lectures, seminars, conferences, speeches, media presentations etc), applied research, advice work and consultancies.

The Centre has established and taught a number of human rights courses in the Monash Law School; coordinates local and international internship opportunities; hosts conferences, workshops, lectures and other public events inside and outside the university; is involved in civil society, the media and public debate on human rights issues; won grants and project tenders on cutting-edge issues, and involves itself in global and regional human rights problems.

5.1.1 2009 Highlights

In 2009 the Castan Centre consolidated its position as one of the leading human rights organisations in the country. It influenced public and academic discourse, conducted cutting-edge research and gave unprecedented opportunities to secondary and tertiary students to engage with human rights.

Highlights of the year included:

- The 2009 Human Rights Conference, which fully subscribed for the first time
- Twelve public lectures, including the Annual Lecture hosted in conjunction with the Melbourne Writers Festival
- Two roundtables and workshops
- One human rights career series
- Eight Global Internships undertaken by Monash Law students at organisations on five continents including, for the first time, South America
- Twenty two in-house internships, covering the summer and winter breaks, and both semesters
- Nine Aurora internships, completed at native title representative bodies, and other Indigenous organisations, around the country
- The third annual Charter of Human Rights mooting competition
- The third annual Writing for Human Rights essay competition
- Four practical human rights placement positions with Melbourne law firm Holding Redlich
- Twenty submissions to Parliamentary committees on many areas of human rights, including the National Human Rights Consultation

5.1.2 Structure

Director:
Professor Sarah Joseph
(OSP Semester 2)

Deputy directors:
Ms Melissa Castan
(Acting Director Semester 2)
Dr Julie Debeljak
Ms Paula Gerber
(Maternity leave Sept/Oct)
Professor Susan Kneebone
Dr Adam McBeth

Faculty associates:
Dr Heli Askola
Dr Gideon Boas
Ms Azadeh Dastjary
(OSP Semester 1 & Maternity leave from September 2009)
Dr Patrick Emerton
Dr Stephen Gray (OSP Semester 1)
Ms Tania Penovic
Mr David Yarrow

Centre personnel:
Mr Marius Smith
Ms Erica Contini
Mrs Kay Magnani

Advisory board:
Professor Philip Alston,
New York University School of Law
Professor Virginia Dandan,
University of the Philippines
Mr Patrick Dodson,
Lingiari Foundation Inc
The Hon Elizabeth Evatt AC
Professor Claudio Grossman,
Washington College of Law
Judge Felicity Hampel,
County Court of Victoria
Professor Christof Heyns,
Centre for Human Rights, S. Africa
The Hon Justice Michael Kirby AC CMG,
Professor Ivan Shearer,
UN Human Rights Committee
Judge Christie Weeramantry,
Weeramantry International Centre for Peace Education and Research
5. Centre reports

5.1.3 Public events

Public lectures and events

- Professor Frank Garcia, Law Faculty Boston College, Director – Law & Justice in the Americas Program, ‘The Doha Round and its implications (success or failure) for developing countries’, 31 March
- ‘Human Rights Arts and Film Festival’, hosted by the Castan Centre at the Monash Cinema, Clayton, 6 August
- Ms Rebiya Kadeer, Leader of the World Uighur Congress, ‘China’s Treatment of its Uighur Minority’, 7 August
- Annual Lecture by Justice Thomas Bluergenthal of the International Court of Justice and a Holding Redlich Distinguished Visiting Fellow, ‘Responding to Genocide’, 27 August
- David Ritter, Indigenous rights lawyer, ‘Native Title for Sale’, 21 September
- Tony Maniaty, journalist, author and consultant on the movie Balibo ‘War reporting, international humanitarian law and the legacy of Balibo’, 15 October
- Nin Tomas, Auckland University, ‘The Declaration on the Rights of Indigenous Peoples. Can Australians learn from Maori experiences or are we following completely separate paths?’, 29 October
- Professor Hugh Corder, Faculty of Law, University of Cape Town ‘A human rights roadmap: Has the constitutional protection of economic, social and cultural rights worked in South Africa?’, 4 November
- ‘The Indigenous Birth Registration and Birth Certificates Symposium’, organised by Dr Paula Gerber and Ms Melissa Castan, 1 December
- Dame Rosalyn Higgins DBE QC, retired President of the International Court of Justice and a Holding Redlich Distinguished Visiting Fellow, ‘The ICJ in the contemporary world of human rights’, 8 December

Conferences


Held on Friday 17th July 2009, State Library of Victoria. The Conference was fully subscribed for the first time, and was a great success. Speakers were:

- The Hon. Robert McClelland, Commonwealth Attorney-General
- Dr Ben Saul, Director of the Sydney Centre for International Law, University of Sydney
- The Hon. Justice Chris Maxwell, President of the Victorian Court of Appeal
- Mr Alistair Pound, Barrister
- The Hon Robert Hill, Former Australian Ambassador and Permanent Representative to the United Nations
- Professor Hilary Charlesworth, Director of the Centre for International Governance and Justice, Australian National University
- Professor Chris Sidoti, former Australian Human Rights Commissioner, Visiting Professor at Griffith University and University of Western Sydney
- Professor Sarah Joseph, Director of the Castan Centre for Human Rights Law

Workshops and Roundtables

The Centre conducted a number of significant workshops and roundtables during 2009, each of which contributed to the development of law and policy on vital human rights issues.

- Legal and Criminal Justice Response to Trafficking in Persons in Australia Workshop held in November 2009. The workshop was convened under the ARC Linkage Grant entitled ‘Australia’s Response to Trafficking in Women: A Model for the Regulation of Forced Migration in the Asia-Pacific Region?’ and was supported by the Attorney-General’s Department. The workshop was convened by the Castan Centre’s Dr Julie Debeljak and Professor Susan Kneebone. Speakers included Dr Anne Gallagher (Technical Director of the Asia Regional Trafficking in Persons Project), Ms Elizabeth Broderick (Sex Discrimination Commissioner), Commander Ramzi Jabbour (Manager Border Operations, Australian Federal Police), Mr Albert Moskowitz (Prosecutorial Adviser, ARTIP), Judge Michael McInerney (Victorian County Court) and Associate Professor Jennifer Burn (Director of the Anti-Slavery Project, UTS)
- Symposium on Indigenous Birth Registration and Birth Certificates held in December 2009. The Symposium discussed the experience of Indigenous Victorians relating to birth registration and birth certificates. Speakers included Elaine Terrick, who discussed the difficulty in obtaining identification as an Indigenous Victorian, Joel Orenstein (Solicitor), Glenn Bond (PLAN Australia), Frank Guivarr (CEO of the Victorian Aboriginal Legal Service) and the Castan Centre’s Melissa Castan and Dr Paula Gerber.
- Human Rights and Indigenous Archives Research Forum organised by the Centre for Organisational and Social Informatics (COSI) in conjunction with the Centre for Australian Indigenous Studies (CAIS) and the Castan Centre for Human Rights Law, 7 August 2009
5.1.4 Conference papers and public speeches

- J. Debeljak, ‘The Legislative Framework for Combating Trafficking in Persons’ (Background Paper prepared for the Legal and Criminal Justice Responses to Trafficking in Persons in Australia: Obstacles, Opportunities and Best Practice Workshop, Melbourne, 9 November 2009), 1-39 (with S. Kneebone, M. Cullen, F. Ranson)
- S. Joseph, ‘Community Observance of the Opening of the Legal Year, Parliament House, Melbourne, 2 February
- S. Joseph, Keynote Speaker, Induction of new members of the Monash Golden Key Society, 22 April
- S. Joseph, Human Rights and Digital Story-telling, Australian Centre for the Moving Image, 16 May
- S. Joseph, ‘Israel, the Occupied Territories and Human Rights’, Australian Centre for Jewish Civilisation, Monash University, 6 August 2009
  – Intenrghts, London, 28 October 2009
  – VU (Free University), Amsterdam, 9 November 2009
  – University of Nottingham, UK, 26 November 2009
- S. Joseph, ‘Overview of Transnational Litigation’, Corporate Complicity in Human Rights Violations, Lauterpacht Centre for International Law and Africa First, Cambridge University, 16 December 2009
- S. Kneebone, ‘Governance of Labour Migration in South East Asia’, presented to 6th Asian Law Institute conference, University of Hong Kong, 29 May
- S. Kneebone, ‘Immigration Detention in Australia: Success or Smokescreen’?, address to the Immigration Legal Practitioners’ Association (UK), London, 10 June
- S. Kneebone, ‘Governance of Labour Migration in South East Asia: Lessons for the Globe?’ presented to IASFM 12, Nicosia, Cyprus, 29 June
- S. Kneebone, ‘Protection and victims of trafficking in the Greater Mekong Sub-region’ presented to IASFM 12, Nicosia, Cyprus, 30 June
- S. Kneebone, ‘Refugee Futures: Perspectives from South East Asia’ presented to the Refugee Futures Conference, 10-12 September, Prato
- S. Kneebone, ‘ASEAN’s role in protecting the rights of migrant workers’, invited presentation to conference on Building Human Rights Institutions in the Asia-Pacific Region, Faculty of Law, Sydney University, 27 November 2009
- M. O’Sullivan, ‘The Cessation Provisions of the EU Qualification Directive – Do they provide protection against persecution or “effective protection”?’, delivered at the Cuenca Colloquium on International Refugee protection”?, presented to the 6th Asian Law Institute conference, University of Hong Kong, 29 May
- S. Joseph, ‘Israel, the Occupied Territories and Human Rights’, Australian Centre for Jewish Civilisation, Monash University, 6 August 2009
  – Intenrghts, London, 28 October 2009
  – VU (Free University), Amsterdam, 9 November 2009
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- S. Kneebone, ‘Refugee Futures: Perspectives from South East Asia’ presented to the Refugee Futures Conference, 10-12 September, Prato
5. Centre reports

5.1.5 Courses offered

Postgraduate units

- G. Boas, International Criminal Justice
- J. Debeljak, Overview of Human Rights Law
- K. Eastman, International Human Rights Law and Women
- I. Freckleton, Health Law and Human Rights
- P. Gerber, International Law and Economic, Social and Cultural Rights
- P. Gerber, Protecting the Rights of Minorities, Marginalised and Vulnerable People
- S. Joseph, Overview of International Human Rights Law
- S. Joseph, Terrorism and Human Rights
- S. Kneebone, Forced Migration and Human Rights
- M. Castan, Current Issues in Indigenous Rights
- A. McBeth, International Criminal Law
- A. McBeth, International Human Rights
- T. Penovic, Human Rights in Australian Law

Undergraduate units

- H. Askola, International Human Rights
- M. Castan, Current Issues in Indigenous Rights
- S. Kneebone, Citizenship and Migration Law
- A. McBeth, International Criminal Law
- A. McBeth, International Human Rights
- T. Penovic, Human Rights in Australian Law

Short courses, seminars and training programs

- J. Debeljak, Human Rights Trainer, Charter Workshop – Theory and Practice, Practical Training for Victorian Barristers on the Victorian Charter, as part of the Continuing Legal Education program for the Victorian Bar Association Inc and the Victorian Bar Charter Working Group, 7 and 14 February
- J. Debeljak and A. McBeth: Provision of Human Rights Training for DFAT, 8-9 October
- J. Debeljak and S. Kneebone, Convened a Workshop entitled ‘Legal and Criminal Justice Responses to Trafficking in Persons in Australia: Obstacles, Opportunities and Best Practice’ Workshop, 9 November
- P. Gerber and M. Castan, ‘Indigenous Birth Registration and Birth Certificates’ Symposium, 1 December
- S. Kneebone, Member of the organising committee of Refugees Futures Conference, Prato, Italy, September 2009
- J. Kyriakakis (in conjunction with L. May), Co-ordinated the Special Workshop on Defenses and Punishment in International Criminal Law, Program of Special Workshops and Working Groups, held at the 24th IVR World Congress of Philosophy of Law and Social Philosophy, China Law Society, Beijing, 16 September 2009
- J. Debeljak, Submission to the National Consultation on Human Rights Consultation, 15 June, 1-88
- J. Debeljak, Submission to the Advisory Group on Reform of Australian Government Administration regarding ‘Reform of Australian Government Administration: Building the world’s best public service’ (with M. Smith), 2 December 2009
- P. Emerton, Submission to the Standing Committee on Finance and Public Administration regarding the Inquiry into the National Security Legislation Monitor Bill 2009, February 2009
- B. Horrigan, Submission to the National Human Rights Consultation Committee, June 2009
- B. Horrigan, Evidence given before the Human Rights Consultation Committee on the National Human Rights Consultation, 3 July 2009
- P. Gerber, Evidence given before the Human Rights Consultation Committee on the National Human Rights Consultation, 3 July 2009
- P. Gerber and A. Sifris, Submission to the Standing Committee on Legal and Constitutional Affairs, ‘Inquiry into Marriage Equality Amendment Bill’, (with M. Smith and E. Contini), 4 September 2009
- S. Joseph, A. McBeth and E. Contini Evidence given before Joint Standing Committee on Foreign Affairs, Defence and Trade regarding the ‘Inquiry into Human rights mechanisms and the Asia-Pacific Region’, April 2009
- S. Kneebone and T. Penovic, Submission to the Legal and Constitutional Affairs Committee on the Migration Amendment (Immigration Detention Reform) Bill 2009, (with H. Fabinyi and E. Moskovitch), 6 August 2009
- S. Kneebone, Submission to the Standing Committee on Legal and Constitutional Affairs on the Inquiry into the Australian Citizenship Amendment (Citizenship Test Review and Other Measures) Bill 2009, (with L. Healy and M. Money), 6 August 2009
- S. Kneebone, Evidence given to the Standing Committee on Legal and Constitutional Affairs on the Australian Citizenship Amendment (Citizenship Test Review and Other Measures) Bill 2009, 27 August 2009
- S. Kneebone, Evidence given to the Victorian Parliamentary Committee on Trafficking and Prostitution, Melbourne, 5 November 2009
5.1.7 Publications

Books

Book chapters
- S. Kneebone, Chapter 6, ‘Conclusions on the Rule of Law’ in Refugees, Asylum Seekers and the Rule of Law: Comparative Perspectives (Cambridge University Press, 2009)

Articles
- P. Gerber, ‘If I were Attorney-General…’, Human Rights Law Resource Centre Bulletin, (June 2009)
5. Centre reports

- T. Pencovic, Contributing author, Oxford Australian Legal Dictionary (Oxford University Press, 2009), definitions in word categories including constitutional law, torts, international law and human rights law

Other Publications

- M. Castan and C. Watts (eds), Handbook for Interns: A guide to internships at Native Title Representative Bodies, Native Title Service Providers, Indigenous corporations, government bodies, community groups, not-for-profit, policy and other Indigenous organisations (The Aurora Project)

5.1.8 Media

- S. Kneebone, Quoted in Sydney Morning Herald article by Jonathan Pearlman, ‘Fate in air as arrival status in doubt’, 18 April 2009
- S. Kneebone, Assisted and quoted in article by Erin Tennant on ninemsn, ‘illegal boat arrivals reflect global trend’, 23 April 2009
- S. Kneebone, Quoted in ABC News article by Brendan Trembath, “Apology to abused ‘won’t help compo claims’”, 31 August 2009

5.1.9 Research projects

- Commonwealth of Australia, Services for Native Title Representative Bodies, ‘Aurora Project’, M. Castan, D. Yarrow, R. Potok and M. Smith
- Faculty Small Grants Scheme Award ‘Making Indigenous Australians Disappear: The Magic Tricks performed by our Birth Registration Systems’ M. Castan (with P Gerber)
- Law Faculty Conference Support Scheme Grant in 2009, ($10,000), with B. Naylor. The Grant will contribute to the costs of organizing an international conference, ‘Implementing Human Rights in Closed Environments’ to be held at the Monash University Campus in Prato in September 2011, J. Debeljak
- Attorney-General’s Department ‘Grants to Australian Organisations Program, 2009-2010’, to run a Workshop entitled ‘Legal and Criminal Justice Responses to Trafficking in Persons in Australia: Obstacles, Opportunities and Best Practice’ on 9 November 2009 ($13,720), J. Debeljak
- Geneva Academy of International Humanitarian Law and Human Rights, project relating to the 60th anniversary of the Universal Declaration of Human Rights, ‘Human Rights Education as a Means of Preventing Human Rights Abuses’, R. Gerber
- Administration of Aboriginal affairs during the ‘assimilation’ era, S. Gray
- Oxford University Press, Analysis of all decisions of UN Human Rights treaty monitoring bodies, S. Joseph
- ARC Linkage Grant, ‘Australia’s Response to Trafficking in Women: A Model for the Regulation of Forced Migration in the Asia-Pacific Region?’, with fellow Chief Investigators Prof Bernadette McSherry and Prof Susan Kneebone
- ARC Linkage Grant, “Delivering Effective Protection to Victims and Prevention of Human Trafficking in the Greater Mekong Sub-Region”, S. Kneebone
- ARC Discovery Grant ‘Law, Governance and Regulation of Intra-regional Labour Migration in South East Asia: An Agenda for Protection and Development’, S. Kneebone
- Legal Services Board Grant ‘Lawful Correction or Child Abuse: Clarifying the boundaries, sanctions and decision-making surrounding the physical discipline of children’, B. Naylor, R. Alexander and B. Saunders.
- Australian Research Council Linkage Grant (with Professor Marilyn Pittard, Associate Professor Moira Paterson and Dr Georgina Heydon) ‘Living down the past: Criminal record checks and access to employment for ex-offenders’ ($96,000), Partner Organisations: Corrections Victoria (Department of Justice), Australian Human Rights Commission, Victorian Equal Opportunity and Human Rights Commission (VEOHR), JobWatch, Victorian Association for the Care and Rehabilitation of Offenders (VACRO) and Fitzroy Legal Service, 2009, B. Naylor

5.1.10 Visiting fellows

The Holding Redlich ‘Distinguished Visiting Fellowship Program’, under the auspices of the Castan Centre, is designed to attract one or more high profile international or domestic human rights scholars or experts each year to the centre. Visiting Fellows for 2009 were:

- Dame Rosalyn Higgins DBE QC, retired President of the International Court of Justice, Dame Rosalyn Higgins was the first female judge appointed to the International Court of Justice in 1995, and served as its president from 2006 until her retirement in early 2009. She is the recipient of numerous awards and honorary degrees and is currently the advisor on international law to the British government’s inquiry into the Iraq war.
- Justice Thomas Buergenthal of the International Court of Justice. Justice Buergenthal, formerly of the UN Human Rights Committee and the Inter-American Court of Human Rights, is currently a judge at the International Court of Justice in The Hague. He was imprisoned as a child in Nazi concentration camps.
- Justice Richard Goldstone was a former judge of the Constitutional Court of South Africa and former Chief Prosecutor of the International Criminal Tribunals for the former Yugoslavia and Rwanda. From 1991 to 1994, he was Chairperson of the Commission of Inquiry Regarding Public Violence and Intimidation (‘the Goldstone Commission’).
5.1.11 Student programs

(a) Global Internship Program
The Castan Centre global Internship Program selected 8 interns for the following organisations with funding from the Student Mobility Fund, Daniel and Danielle Besen and the DVC Education Fund:

- Human Rights First, New York
- International Women’s Rights Action Watch – Asia Pacific, Kuala Lumpur and Geneva
- Oxfam Australia, Durban, South Africa
- Amazon Defense Coalition, Quito
- Centre for Constitutional Rights, New York
- International Criminal Tribunal for the Former Yugoslavia, The Hague
An information session on the program was held for students at Monash University Clayton in July 2009. The global interns also underwent cross-cultural training prior to their internships.

(b) In-house Internship Program
During 2009 we selected 22 interns for the Centre’s in-house Internship Program covering the summer and winter breaks, and both semester. This program provides community-minded Monash law students the opportunity to assist the Centre in developing and implementing its suite of human rights programs.

(c) Human Rights Career Series Seminars
Eila Pourasgheri, Lawyer, Women’s Legal Service Victoria

(d) Charter of Rights Moot
Victorian Charter of Human Rights and Responsibilities Moot, with Law School teams competing from Monash University, La Trobe University, Melbourne University, Victoria University and Deakin University, was sponsored by Clayton Utz and held at Clayton Utz and the Court of Appeal from 31 August – 10 September. A La Trobe University team was the winner of the 2009 Moot.

(e) Human Rights Essay Competition
The Castan Centre sponsored the 2009 Writing for Human rights Essay Competition for Victorian year 11 and 12 school students. The topic for 2009 was “We’re not morons”: governments should butt out of young people’s lives.

(f) Advanced Professional Practice
A. McBeth and T. Penovic, Academic Conveners of Human Rights Clinic in the LLB subject ‘Advanced Professional Practice’ run by the Castan Centre in conjunction with Holding Redlich.

(g) The Aurora Project
Nine interns were placed at a number of bodies, including native title representative bodies, the Australian Human Rights Commission and the Cape York Institute. The centre’s Deputy Director M. Castan and Manager M. Smith interviewed all the applicants from Monash, Latrobe, Deakin and Victoria Universities and assisted Aurora personnel with selection of appropriate interns and recipient bodies. In addition they continued administration, financial control and editing duties in regard to this project.
5. Centre reports

5.2 Centre for Regulatory Studies

The Monash Centre for Regulatory Studies is a joint initiative between the faculties of Law, Business and Economics, Arts, Medicine, Nursing and Health Sciences and Pharmacy and Pharmaceutical Sciences. The aim of the Centre is to integrate regulatory theory and practice through a cross-disciplinary approach to postgraduate teaching and research programs.

The objectives of the Centre are to:

• promote interdisciplinary postgraduate teaching and higher degree research programs
• foster interdisciplinary innovative research in regulatory theory and practice
• encourage engagement in the national and international academic activities of the discipline and contribute to public policy making
• develop opportunities for research grants and other research funding
• make a significant contribution to the faculties participating in this initiative
• provide a scholarly presence, that is recognised nationally and internationally, in the interdisciplinary study of regulation
• undertake and encourage training, research and consultancy activities in the public and private sectors in Australia and overseas
• run seminars, workshops and short courses for the public and private sectors

5.2.1 Structure

Director:
Professor Graeme Hodge

Acting Director:
Professor Justin Malbon
(for six months from August 2009)

Members and Associates:
Associate Professor Niels Ejersbo (visiting fellow, August 2008 – July 2009)
Dr David Cousins (Professorial Fellow)
Dr. Diana Bowman (Senior Research Fellow),
Dr. George Gilligan (Senior Research Fellow),
Ms. Meli Voursoukis (Centre Administrator),
Dr Sandra Webb (Business Development).

Advisory Board

Ms Penny Armitage
Secretary, Department of Justice
Mr Wayne Byres
Executive General Manager, Diversified Institutions Division, Australian Prudential Regulation Authority (until August 2009)
Mr Simon Corden
Director, Victorian Competition and Efficiency Commission (until June 2009)
Mr Richard Clarke
Executive Director, Victorian Competitions and Efficiency Commission (From July 2009)
Ms Jo Daniels
Partner, Clayton Utz
Mr Rex Deighton Smith
Director, Jaguar Consulting Pty Ltd
Mr Joe Dimasi
Commissioner, Australian Competition and Consumer Commission
Ms Wendy Peter
Partner, Allens Arthur Robinson
Mr John Price
Australian Securities and Investment Commission (until June 2009)
Mr Warren Day
Regional Commissioner, Australian Securities and Investment Commission (from July 2009)

5.2.2 Public events

Public Seminars

• ‘Planning and Climate Change: how can the planning process be used to reduce the greenhouse gas emissions?’, conference, a joint initiative with Monash Sustainability Institute, Monash University Law Chambers, 20 October, 2009.
• Nanodialogue on Nanotechnology and Food Regulation. A joint workshop between the Australian Office of Nanotechnology, MCRRS and the Australian Food and Grocery Council, 25 March 2009. Chaired by Professor Graeme Hodge.

Internal Seminars

• 20 October 2009: Collective Bargaining, Authorisation and harm to outsiders’
  Presented by Professor Stephen King, Dean, Faculty of Business and Economics, Monash University
• 19 May 2009: ‘Regulatory reform through institutional change’
  Presented by Dr David Cousins, Monash Centre for Regulatory Studies, Faculty of Law, Monash University.
• 5 May 2009: ‘Regulating for private involvement in public service delivery – a policy approach’
  Presented by Dr Niels Ejersbo, visiting academic from Department of Political Science and Public Management, University of Southern Denmark

5.2.3 Staff members’ activities

Conference Papers


Bowman, DM and G Gilligan (2009), ‘Self-regulation by industry: Sufficient to protect the consumer, the company and the technology?’, Working Conference on Nanotechnology Regulatory Policy, UCLA, 17 April.


Cousins D (2009), Recent Developments in Consumer Policy in Australia, Presentation to the Office of Consumer Protection, Department of Trade and Industry Republic of South Africa, 7 September 2009. Also published in Monash University Law Matters


Hodge, GA (2009), ‘Public-Private Partnership: Some International Reflections’, presented at the International Workshop on PPP’s in Tokyo, Tokyo, 6 November.


Hodge, GA (2009), ‘PPPs the Phenomenon and the brand’, presented at the Plenary session, Infrastructure, where are we going and when will it happen, Civil Contractors Federation 2009 National Conference, Perth, 24 October.


Hodge, GA (2009), Invited Chair and referee for Governing good and governing well, The First Global Dialogue on Ethical and Effective Governance, Amsterdam, 28-30 May.


Public Addresses


Ejersbo, N (2009) ‘Going to the market: experiences from local government in Australia and Denmark’, presented to SEIRnet (Social Economic Interface Research Network), Department of Management, Faculty of Business and Economics, Monash University, 16 June.

Hodge, GA (2009), ‘Regulatory Issues and Best Practice’, presented to the Board of Dairysafe Victoria, Melbourne, Thursday 19 March.


Submissions to Parliamentary Committees/public inquiries

Hodge, GA (2009), Meeting with OECD Regulatory Reform Review Panel for Australia, 4th February, Caulfield.


Hodge, GA (2009), participation in Ministerial Roundtable meeting on Nanotechnology with Senator the Hon Kim Carr, Minister for Innovation, Industry, Science and Research, Canberra, 7 September.

Hodge, GA (2009), participation in Ministerial Roundtable meeting on Nanotechnology with Senator the Hon Kim Carr, Minister for Innovation, Industry, Science and Research, Canberra, 7 September.


Evidence before Parliamentary/High Level Committees

Meeting with OECD Regulatory Reform Review Panel for Australia, 4 February, Hodge.
5.2.4 Monash courses and units offered

Postgraduate Courses
Graduate Diploma in Regulatory Studies
Master of Regulatory Studies

Postgraduate Units
Regulatory fundamentals: concepts, constructs and context (LAW7313) 12, 13, 16, 17, 18 March, (Hodge and Deighton-Smith).
Evaluating what works in regulation (LAW7417) 2 & 3 April and 11 & 12 May, (Hodge).
The law of climate change (LAW7434) 28 & 29 May and 4 & 5 June, (Cantley-Smith).
Communications law and regulation (LAW7322) 18, 19, 22, 23, 24 June, (Lindsay)
Regulatory methods (LAW7315) 15, 16, 17, 20, 21 July, (Freiberg)
Energy law, regulation and policy (LAW7324) 20, 21, 24, 25 August, (Cantley-Smith).
Consumer protection: regulation and compliance (LAW7258) 24 Sept; 8, 15, 22, 29 October; 5, 12, 19 November, (Naylor)
Economics of regulation (LAW7444) 19, 20, 26, 27, 28 October, (Cousins)

Executive Short Courses
Regulatory Revolution, 30 -31 March

5.2.5 Publications

Books

Book Chapters

Refereed journal articles


van Calster, G and DM Bowman (2009), ‘Regulatory design for new technologies: Spaghetti junction or Bauhaus?’, notizie di Politia.


Ludlow, K, DM Bowman and D Kirk (2009), ‘Hitting the mark or falling short with nanotechnology regulation?’, Trends in Biotechnology, 27(11), 615-620.

Bowman, DM and G van Calster (2009), ‘Regulatory design for new technologies: Spaghetti junction or Bauhaus?’, notizie di Politia, XXV(94), 75-93.


Media

‘Banks in the gun over unfair fees’, The Herald Sun, 18 February, Centre.


Lenne, M et al. (2009), ‘Graduated licensing for motorcycles’, MUARC funding obtained from VicRoads.


Seear, K, A Petersen, and DM Bowman (2009), The Social and Economic Impacts of Nanotechnologies: A Literature Review, Arts faculty funding obtained from the Commonwealth Department of Innovation, Industry, Science and Research.

5.2.6 Grants and fundraising

Grants


Malbon, J et al. (2009), ‘Attaining optimal carbon abatement rules through consumer advocacy: Learning from European Experience on the Regulation of Energy,’ funding obtained from the Consumer Advocacy Panel.


Hodge, G.A (2009), ABC Radio Darwin, interview on public-private partnerships in health, 22 October.


Hodge, G (2009) ‘Burying power lines underground to be focus of national workshop hosted by Brumby Government in April’, The Herald Sun, 16 December.

5.3 International Institute of Forensic Studies

The International Institute of Forensic Studies (IIFS) was established in July 2001 to promote education and research relating to the functioning and processes of courts and tribunals. The word “forensic” is used in its broad sense of ‘relating to the courts’ and ‘forensic studies’ is intended to encompass the many areas of work which may be described as forensic in nature. This extends beyond legal practitioners and includes all those involved in the forensic process such as professionals who provide expert evidence, police and other investigative agencies.

By promoting education and research in the forensic area the institute aims to help improve the functioning of courts and tribunals and all those involved with them. The international focus of the institute reflects a belief that there is much to be learned by exchange of ideas between different jurisdictions facing challenges in the forensic field.

5.3.1 Courses offered

The courses and workshops following are offered by IIFS and also include those activities supported by IIFS for the Faculty and/or the Australian Advocacy Institute (AAI).

Postgraduate courses
- Graduate Certificate in Forensic Studies (Accounting)
  This course was developed in conjunction with the Institute of Chartered Accountants in Australia (ICAA) and the Australian Advocacy Institute (AAI). The course is offered over a 10 month period mainly online and partly face to face in Melbourne and consists of four units: The Expert Witness in the Adversary System; Pre-Trial Preparation and Analysis; Assessment of Damages and the Expert Witness in the Courtroom (assisted by the Australian Advocacy Institute).
- Advocacy, Theory and Practice (LLM)

Undergraduate unit
- Trial practice and advocacy

Short courses, seminars and training programs
- Continuing Medico Legal Conferences, Cortina Italy
- County Court Professional Development Seminar
- Psychologists’ Conference
- Regulation Conference
- ViSMoot Training
- Court Network Workshops
- QLS Symposium
- Baker IDI Misconduct Inquiry Panel
- Melbourne University Advocacy Courses
- Victorian Bar Readers’ Courses
- Sydney Regulation & Enforcement Conference
- Victoria Police Prosecutors’ Workshops
- University of Western Australia Advocacy Course
- UniQuest (Queensland) Experts Workshop
- Advocacy & Investigation Workshop for Securities and Futures Commission, Hong Kong
- OPP Workshops
- Forensic Accounting Conference
- Psychiatrists & Psychologists Workshop
6. Curriculum

6.1 Undergraduate Courses

Monash Law School enrolled 2866 undergraduate students in 2009.

Double degrees were a popular option for school leavers as well as internal and external transfers. Below are the courses which were available to students in 2009, including the Bachelor of Laws and various double degrees.

Bachelor of Laws
Bachelor of Aerospace Engineering/Bachelor of Laws
Bachelor of Arts/Bachelor of Laws
Bachelor of Biomedical Science/Bachelor of Laws
Bachelor of Business (Banking and Finance)/Bachelor of Laws
Bachelor of Commerce/Bachelor of Laws
Bachelor of Engineering/Bachelor of Laws
Bachelor of Music/Bachelor of Laws
Bachelor of Performing Arts/Bachelor of Laws
Bachelor of Science/Bachelor of Laws
Bachelor of Medicine/Bachelor of Surgery/Bachelor of Laws

6.2 Clinical Legal Education

The Monash Law Faculty Clinical Program was the first clinical legal education program offered in Australia. Over its 40-year history, the program has enriched the education of thousands of Monash law students (including distinguished alumni) and helped provide much needed legal support to tens of thousands of clients in the community.

The clinical legal education program consists of four separate clinical units offered at several community locations outside of Monash. The program offers students the opportunity to engage in supervised legal practice in a community legal service with clients whose needs cannot be dealt with by legal aid or the private profession.

The program engages students by its innovative approaches to learning and enhances their university experience. It also develops core vocational skills, including:

- Client interviewing and legal diagnosis skills;
- Oral and written legal negotiation skills;
- Accountability and time-management skills; and
- Mediation and court advocacy skills.

Clinical Legal education in the Law Faculty has evolved from a program involving a small number of student volunteers providing only telephone advice in the 1970s into a renowned clinical program involving over a dozen staff and approximately 175 law students annually.

The four clinical units may be taken as stand alone electives or in sequence:

(1) Professional Practice – LAW5216. This unit is undertaken by around 40 students per semester. Students must be available for 4 months for several days per week (notwithstanding normal University vacation periods) to look after low-income clients’ legal problems.

(2) Family Law Assistance Program – LAW5217. This unit requires students to conduct litigious family law dispute files. Students also provide a “duty lawyer service” one day a week at the Federal Magistrates’ Court at Dandenong, attending to immediate case matters and facilitating the making of court orders.

(3) Law Reform and Community Development – LAW5218. This unit provides students with the opportunity to experience and to understand the impact of the law on disadvantaged members of the community. Students strengthen particular communities by working with marginalised groups through law reform, advocacy and community legal education.

(4) Advanced Professional Practice – LAW5149. This unit is open to students who have completed LAW5216 to an acceptable level and wish to specialise in a particular area of socio-legal service. It contains the following clinics embedded in “partner” organisations:

- Joint Sexual Assault Clinic (with the South East Centre Against Sexual Assault), offering legal services to victims of sexual assault.
• Human Rights Clinic (with the Castan Centre for Human Rights at Holding Redlich, Solicitors), involving human rights litigation.
• Criminal Defence Clinic (with Rob Stary and Associates, Solicitors), involving defendants in serious criminal cases.
• Commercial Law Clinic (with Moores Legal, Solicitors), involving commercial legal work for “not-for-profit”, welfare and charitable organisations.

The program offers students exposure to a divergent mix of legal, cultural, linguistic and socio-economic factors and delivers a holistic educational experience which requires them to draw upon their legal ethics and compassion as much as their legal knowledge. This enriches their own personal perspectives and stands them in good stead for future employment. It also makes them ‘more rounded’ individuals. Many former students continue to commit to volunteering at the clinics or to providing pro bono assistance elsewhere long after they have completed their degree.

6.3 Postgraduate Courses

Masters Degrees
Master of Laws (Advanced Legal Practice)
Master of Laws (Commercial Law)
Master of Laws (Human Rights)
Master of Laws (Intellectual Property)
Master of Laws (International and Comparative Law)
Master of Regulatory Studies
Master of Laws (Workplace and Employment Law)
Master of Commercial Law
Master of Human Rights
Master of Intellectual Property
Master of International and Comparative Law
Master of Regulatory Studies
Master of Workplace and Employment Law

Graduate Diplomas
Graduate Diploma in Law
Graduate Diploma in Law (Commercial Law)
Graduate Diploma in Law (Human Rights)

Graduate Certificates
Graduate Certificate in Forensic Studies (Accounting)

Research Degrees
Master of Laws (Research) (LLM (Research))
Doctor of Philosophy (PhD)
Doctor of Juridical Science (SJD)
Master of Philosophy (MPhil)
Doctor of Laws (LLD)
7. Equity and Diversity

7.1 Membership 2009
The Equity and Diversity Committee in the Faculty of Law is Chaired by the Director Equity. It reports to Faculty Board three times a year, and meets at least four times a year. The Director, Equity is a member of the Faculty Executive Committee.

The Equity and Diversity Committee met on four occasions in 2009. The Chair represents the Faculty on the University Workplace Equity Committee. She attended this Committee’s meetings and reported back to the Faculty Committee.

• Bronwyn Naylor, Director, Equity (Chair)
• Gerard Shanahan, Faculty Manager (ex officio)
• Kelly Tsagournos, Manager, Student and Academic Services (ex officio)
• Dale Smith, Student Equity Officer (ex officio)
• Stephen Gray, Indigenous Liaison Officer/Students’ Mentor (ex officio)
• Liz Anderson, Manager, Human Resources (ex officio)
• Heather Beeching, Disability Contact Officer (Staff)
• Dianne Wiltshire, Disability Contact Officer (Students) (ex officio)
• Emilia Michael/Sarah Holloway, Undergraduate Student Representative

7.2 Faculty Priorities
The Faculty’s priorities for 2009, and progress on these priorities, were as follows:

Access for Indigenous Students
Financial support: Eight scholarships were provided for students of Indigenous Australian descent or from a regional and remote area.

Promotion of University study at Monash to secondary students and communities: Members of the Faculty Equity and Diversity Committee initiated a working group with membership from Law, Arts and Art and Design Faculty Equity and Diversity Committees and members of CAIS (the Centre for Australian Indigenous Studies) to develop public events to advance Indigenous student participation in tertiary study. Two events were staged in 2009:

‘Indigenous Arts and the Law’ Hypothetical raising legal and creative issues in Indigenous contexts: presented through the Office of the DVCR as part of Educate 09 in September 2009;

‘Yarning Up’ schools information session aimed specifically at Indigenous secondary students and their teachers to inform about tertiary study options and pathways to university (held on 12 November).

Access and Support for Rural Students
The Faculty’s Lawrie McCredie Student Support Program includes a successful Peer Mentor Program for first year students (with 2nd year student mentors), and has extended support for language and learning skills and incorporated mental health and resilience training into the first year law program. Additional funding was obtained in 2009 for programs supporting the transition of all first year students under the Faculty’s Peer Mentoring program, specifically drawing rural, non-Melbourne and international students into “mentor” groups.

Equity and Diversity Online Training
The University has developed an effective set of online training modules covering issues such as anti-discrimination and equal opportunity laws, disability access, sexual harassment, and student equity in curriculum development and teaching. Staff are expected to complete the training, and to update their training accreditation every three years.

Over a three year period, the Faculty of Law achieved 111 completions. With a total of approximately 135 staff (not including sessional staff). In 2010 the faculty plans to ensure that all committee members, senior academic staff and academic supervisors are accredited.
7.3 Activities in 2009

Access for under-represented student cohorts

The Review of Australian Higher Education (Dec 2008) (the Bradley Review) recommended a range of reforms including the target for 2020 of 20% of undergraduate enrolments in higher education being from students from low socio-economic backgrounds. The target was adopted as part of the higher education reforms in the federal budget in May 2009, with funding to be linked to achievement of equity targets.

Strategies for improving access for students from low socio-economic and other disadvantaged backgrounds, and for supporting students once at University, were therefore given attention in the Faculty through 2009.

In addition to the strategies identified above, Faculty Executive agreed to carry out research on student pathways into and through the law degree, with a view to developing initiatives to support the University response to the Bradley Review.

The Law Mobility fund was restructured to provide Law Mobility Equity Bursaries. This extended eligibility to students participating in a student mobility program in the faculty including the Prato and Malaysia programs and student internships where students are from one or more of Monash University’s defined equity or personal disadvantage groups.

Equal Opportunity for women in the workplace

The Faculty promoted University information sessions specifically for female academics seeking promotion, and for early career researchers, together with the Senior Leadership Course, and the Women’s Leadership Shadowing Program.

A presentation by and for faculty professional staff took place mid 2009, providing information about equal opportunity and well-being services. Two professional staff were accepted into the University Mentoring Program for Women; there was considerable demand for places and two other applicants were unable to take part on this occasion.

Deborah Cheetham, a high-profile Indigenous Opera Singer, gave a presentation organized by the Faculty and held at the Religious Centre for the University community. This was an inspirational presentation addressing the challenges and experiences of an Indigenous woman making her career and reputation in a demanding and exclusive profession.

Disability and the provision of supports for staff and students

The Faculty has a Disability Contact Officer (Staff), as well as a Disability Contact Officer (Students). The Faculty provides an Adaptive Technology Room for students with disabilities, offering such supports as Voice recognition software. The Student Disability Contact Officer also facilitates student contact with the University Disability Liaison Unit.

Other forms of awareness raising

- The Faculty’s online Gazette carries regular notices, for example:
- Reminding staff of the importance of checking dates of religious holidays when setting assessment dates
- Promoting cultural and religious awareness for staff, eg through celebrations at staff morning teas
- Invitations to International Women’s Day Lunch and similar events
- Promoting Mental Health First Aid Training
- Promoting staff completion of the equity online training program
- Promoting inclusive teaching practices to staff, eg provision of alternative format materials, and scheduling of breaks during longer lectures
- Promoting the resources of DLU and of the Faculty and University’s Counselling services for students.
8. International

During 2009 the Faculty built on its range of international activities in line with our strategic objective to ‘engender international perspectives in staff and students and to develop student skills and capacities for learning and working in the global sphere.’ Our goals were largely unchanged from 2008, being to attract more high quality international students at both undergraduate and postgraduate level, increasing the number of international study opportunities for our students and engaging with prestigious international institutions.

8.1 Recruitment of International Students

We continued our strategy, commenced in 2008, of targeting Malaysia, Singapore and Hong Kong as key undergraduate markets, and Canada, Thailand and Indonesia at the postgraduate level. Over the course of 2009, the Faculty maintained a strong presence in these markets, with staff attending:

- recruitment events in Malaysia, Singapore and Thailand;
- school visits in Thailand and Singapore;
- agents’ offices in Hong Kong, Malaysia, Singapore and Thailand, conducting detailed product briefings and interview sessions with students; and
- recruitment events in British Columbia, Alberta and Ontario and meetings with our Canadian agents.

The Faculty also participated in International Agent Week in which the top 30 agents providing students to the university came to Melbourne for university and faculty briefings.

8.2 Engagement with Partner Institutions

City University of Hong Kong

In June, the Faculty hosted 34 students from City University of Hong Kong as part of that university’s Global Legal Education and Awareness Programme (G-LEAP). The students spent four weeks at the Law Chambers, studying an intensive unit, LAW4641 – Intellectual Property: Theory, Copyright and Design. The unit was coordinated by Associate Professor Moira Paterson, assisted by Dr Stephen Gray, Dennis Lim, Dr Rebecca Giblin and Anne Chin. Administrative assistance was provided by Ms Cathy Meredith. The students visited the Clayton campus on their first day for a welcome lunch and organised tours of the campus, the Law Faculty and the Law library. During their four week stay they participated in arranged visits to Parliament House and the Supreme, County and Magistrates Courts.

8.3 Overseas Programs

Prato

The Prato program was selected to receive a prestigious 2009 Australian Learning and Teaching Council award for Programs that Enhance Learning. The prize was awarded by the (then) Deputy Prime Minister, the Honourable Julia Gillard, at Parliament House, Canberra. It was received by the Prato Convenor, Dr Heli Askola, and the Director International, Associate Professor Jonathan Clough, with the Dean also in attendance. Special thanks to Ms Jo Becker, Manager, Educational Services, for her hard work in preparing the faculty’s nomination, entitled ‘Internationalising Law in Action’. Thanks also to the Director Teaching, Professor Steve Barkoczy and the Dean for their valuable input.

The 2009 Prato program was successfully completed with approximately 107 Monash undergraduate students enrolled, up from 93 in 2008. They studied with students from our partner universities including Osgoode Hall, York University (22), University of Paris XI (15), Bar Ilan University (15), University of Florence (11), Arizona State University (2) and Georgian American University (2). Students were able to choose from 16 international and comparative law units, with professors from each of the partner institutions, as well as distinguished guest lecturers, teaching into the program.
Faculty of Law, Malaysia

The Malaysia study abroad program was also completed in June/July, with 34 students enrolled in the single LLB elective LAW 4126E, Malaysian and Singaporean Legal Systems. This unit was taught at the Monash Sunway Campus by Monash staff members Professor HP Lee and Associate Professor Judd Epstein along with teaching staff from the National University of Singapore. The program was enhanced by professional visits and guest lectures presented by senior members of the Malaysian legal profession and trade representatives from the Australian High Commission.

A major priority for 2009 was the establishment of a Prato-style program at the Monash Malaysia Sunway Campus to commence in 2010. The aim is for the program to draw upon partner institutions from the region, as well as North America and Europe. Units will be primarily international and comparative in focus, with an emphasis on the Asia-Pacific region. The 2010 program will consist of three units to be offered by Monash Law staff, another unit offered jointly by Monash Law (Professor HP Lee) and academics from the National University of Singapore, and the participation of the University of Windsor, Canada, City University of Hong Kong and the University of Malaya.

8.4 Internships


The Faculty also supported student organised internships to Thomas Philip (Advocates & Solicitors) Commercial litigation, Malaysia, the International Criminal Tribunal for Rwanda, Tanzania and the United Nations Youth Association of Australia, New York. Student mobility was assisted by the granting of 19 law equity bursaries.

New Castan Centre human rights internships were established with the Centre for Constitutional Rights in New York and with the Amazon Defence Coalition in Quito Ecuador. Internships were renewed with Herzog, Fox & Neeman in Israel and Friends of the Earth Middle East.

Skrine, Malaysia

Bronwyn Fraser, Arts/Law, 5th year

Skrine accepts Monash Law School students each year to undertake internships, this provides an extremely valuable learning experience for selected students, and gives them an international perspective as part of their studies.

Skrine is one of the largest commercial law firms in Kuala Lumpur, Malaysia with over 50 partners and a large support base. Their clients include Malaysian and international companies, governmental agencies and regulatory authorities.

Bronwyn Fraser rotated through the three main practice groups – one week in Intellectual Property, one week in Dispute Resolution, and two weeks in Corporate. “Islamic law plays a large part in Malaysian business due to Malaysia’s large Muslim population, and being able to spend a day doing some work in the newly created Islamic Banking group gave me a challenging perspective on different approaches to law. What impressed me most about my time at Skrine was the effort and lengths the lawyers went to teach me about the Malaysian legal system and how a legal practice functions”.

Malaysia

The Malaysia study abroad program was also completed in June/July, with 34 students enrolled in the single LLB elective LAW 4126E, Malaysian and Singaporean Legal Systems. This unit was taught at the Monash Sunway Campus by Monash staff members Professor HP Lee and Associate Professor Judd Epstein along with teaching staff from the National University of Singapore. The program was enhanced by professional visits and guest lectures presented by senior members of the Malaysian legal profession and trade representatives from the Australian High Commission.
9. Law School Activities

9.1 Events

To celebrate the start of the academic year and welcome new students to the faculty, a cocktail function was held in the Law Library on Thursday 26 February where over 300 first year students and their families joined Monash Law School staff.

The evening was hosted by the Dean, Professor Arie Freiberg AM and included speakers from the Law Students’ Society and the International Law Association.

The evening provided the opportunity for new students and family members to meet staff outside of the lecture theatre.

Monash Law School Prize Ceremony (Prizes for 2008 academic year)

The 2009 Monash Law School Prize Ceremony which acknowledges the achievements, hard work and dedication of the Faculty’s students in 2008 was held at the ANZ Pavilion at the Victorian Arts Centre with over 350 guests attending.

Monash Law alumnus The Honourable Justice Lex Lasry of the Supreme Court of Victoria addressed the audience about his experiences and his journey from undergraduate student to the Victorian Bar and appointment as Queen’s Counsel, through his work in the area of Human Rights cases and his current appointment as a Supreme Court Justice.

The Honourable Justice Mark Weinberg, himself a former Supreme Court Prize Winner, presented Natalia Blecher with the prestigious Supreme Court Prize. Natalia also received the Supreme Court Exhibition Prize for Best Honours Thesis. Other guests included His Honour Chief Judge Michael Rozenes and Chief Crown Prosecutor Gavin Silbert SC.

The faculty had an increase in sponsorship 2009 and welcomed two new sponsors, the Department of Justice and Maurice Blackburn Lawyers, and would like to thank all of our sponsors for their support of this year’s Prize Ceremony.

The 2008 Supreme Court Prize winner was Natalia Blecher.

2009 Great Law Week Debate

“They’re not morons: governments should butt out of young peoples’ lives”

As part of the annual Law Week celebrations on Wednesday 13th May 2009 two teams of respected Monash Law Graduates debated the controversial topic “They’re not morons: governments should butt out of young peoples lives.”

The event was held at Melbourne Exhibition and Convention Centre in the Auditorium. The debate was moderated by Cameron Grant, a current Monash Law student who did a brilliant job keeping the audience and debaters on track throughout the event.

The affirmative team were the winners as voted by the clapometer and panel of judges from the legal community. The
team was lead by Meg O’Sullivan who is a Barrister and former world debating champion. Her team members included Damien Carrick presenter of the Law Report on the ABC Radio National and Beth Wilson Victoria’s Health Services Commissioner.

The negative team comprised of team captain Barrister Shivani Pillai, David Galbally one of Melbourne most respected QC’s and Sally Cockburn, (aka Dr Feelgood) who presents on 3AW and Channel 7’s Morning Show.

The President of the Monash Association of Debaters, Damien Bruckard, delivered the unanimous decision that the affirmative team won.

9.2 Public Lectures

17th Lucinda Lecture ‘Section 92: markets, protectionism and proportionality – Australian and European perspectives’

Convened by Professor H P Lee, the 17th Lucinda Lecture was held at Monash University Law Chambers on Thursday 19 November. The Lucinda Lecture was presented by The Honourable Justice Susan Kiefel of the High Court of Australia on the topic ‘Section 92: markets, protectionism and proportionality – Australian and European perspectives’.

The topic was introduced by The Honourable Chief Justice Marilyn Warren who welcomed attendees and the patron of the Lucinda Lecture, The Honourable Sir Zelman Cowen AK, GCMG, GCVO, KStJ, QC. The lecture was attended by 100 guests.

Costello Lecture “It’s my body isn’t it” Children, medical treatment and human rights

The 2009 Costello Lecture, which is devoted to issues of ethics and social justice, was held on Thursday 23 July at the BMW The Edge theatre in Federation Square. Monash alumna, Chief Justice of the Family Court of Australia, Diana Bryant presented the 2009 lecture on the theme “It’s my body isn’t it” Children, medical treatment and human rights”. The Lecture was introduced by Patron Tim Costello, AO, Chief Executive of World Vision Australia, and had over 250 people in attendance.

Dean’s Lecture Series

A series of 5 lectures where held throughout the year on current legal issues from leading Monash Law School academics and the Monash Law Students’ Society. The lectures were held at Monash University Law Chambers and presenters where Professor Elizabeth Boros, Professor Ian Freckelton, Professor Marilyn Pittard, Professor Justin Malbon and Ms Catherine Lamble, Magistrate.
Annual Report

Gerber celebrated the launch of their books. The Honourable Michael Kirby AM CMG conducted the evening which was attended by 100 people.

Constitutional Advancement in a Frozen Continent Essays in Honour of George Winterton Edited by Professor H P Lee and Dr Peter Gerangelos
Professor H P Lee (Monash University) and Dr Peter Gerangelos (University of Sydney) jointly edited 'Constitutional Advancement in a Frozen Continent' in honour of Professor George Winterton who passed away on 6 November 2008. The launch was presented by The Honourable Sir Anthony Mason, AC KBE on Wednesday 25 November at Monash University Law Chambers.

The faculty held a number of book launches throughout 2009 by staff from the Castan Centre for Human Rights Law and the Centre for Regulatory Studies. These book launches are listed under the respective Centre reports.

Judging in Israel – Balancing Contradictions Justice Eliezer Rivlin, Vice-President of the Supreme Court of Israel
Held on Monday 2 November Justice Eliezer Rivlin Vice-President of the Supreme Court of Israel presented a lecture on ‘Judging in Israel – Balancing Contradictions’ at Monash University Law Chambers. The lecture covered Israel and the contradicting ideas, differences of beliefs, divergence of opinions and the complex reality in which the state is constantly required to handle complicated security challenges.

The American Drug Court Movement: A personal Journey, The Honourable Peggy Fulton Hora
Held on Tuesday 18 August Judge Peggy Fulton Hora (retired) presented a lecture titled ‘The American Drug Court Movement: A personal Journey’. Judge Hora spoke on the aspect of non-adversarial justice – the solutions – focussed Drug Courts which have been a feature of American criminal justice system for the last 20 years. The lecture was at Monash University Law Chambers.

Water and Peace in the Middle East Gideon Bromberg
This public lecture by Gidon Bromberg, the Israeli Director and co-founder of EcoPeace/Friends of the Earth Middle East (FoEME), was held on Thursday 8 January at the Monash University Law Chambers.

9.3 Book Launches

Non-Adversarial Justice By Dr Michael King, Professor Arie Freiberg AM, Dr Becky Batagol and Mr Ross Hyams
This book was launched by Mr Ian Gray, Chief Magistrate, Magistrate’s Court of Victoria at the lecture which Judge Peggy Fulton Hora presented at on Tuesday 18 August at Monash University Law Chambers.

Refugees, Asylum Seekers and the Rule of Law by Professor Susan Kneebone and From Convention to Classroom: The Long Road to Human Rights Education by Dr Paula Gerber
Held on Friday 5 June at the Immigration Museum in Melbourne, two academics, Professor Susan Kneebone and Dr Paula Gerber celebrated the launch of their books. The Honourable Michael Kirby AM CMG conducted the evening which was attended by 100 people.

Constitutional Advancement in a Frozen Continent Essays in Honour of George Winterton Edited by Professor H P Lee and Dr Peter Gerangelos
Professor H P Lee (Monash University) and Dr Peter Gerangelos (University of Sydney) jointly edited ‘Constitutional Advancement in a Frozen Continent’ in honour of Professor George Winterton who passed away on 6 November 2008. The launch was presented by The Honourable Sir Anthony Mason, AC KBE on Wednesday 25 November at Monash University Law Chambers with close to 70 people attending.

The faculty held a number of book launches throughout 2009 by staff from the Castan Centre for Human Rights Law and the Centre for Regulatory Studies. These book launches are listed under the respective Centre reports.

Queens Birthday Honours – Arie receives medal of the Order of Australia (AM)
Professor Arie Freiberg was appointed a Member of the Order of Australia (AM) for service to the law, particularly in the fields of criminology and reform relating to sentencing, legal education and academic leadership.

“It’s a great honour to be recognised by one’s community for one’s work, especially in an area as sensitive, emotive and controversial as sentencing, where I hope I have been able to inject some reason into the debate,” Professor Freiberg said.

“It is also pleasing to be recognised for my contribution to legal education in law and criminology. It has been a pleasure engaging with, and possibly influencing, young minds for over three decades at both Monash and the University of Melbourne.”

9.4 Media Involvement
Monash Law School gained substantial media coverage during 2009 with over 100 press, radio and online stories featuring Monash Law School staff. Staff were involved in a wide range of substantial law issues ranging from Euthanasia to Anti-money laundering legislation. The faculty also had the opportunity to celebrate one of its law alumna being appointed the 2009 Australian of the Year.

The Age and The Australian covered a majority of media stories quoting Monash Law School staff, followed by The Herald-Sun and ABC Radio.

Dr Gideon Boas made several contributions to the The Age, ABC and The Australian regarding the Karadzic case and Professor Arie Freiberg AM and Professor Bernadette Mc Sherry commented on child sex offenders. Other staff members who commented on various topics throughout 2009 included, but was not limited to Professor Graeme Hodge, Associate Professor Adrian Evans, Dr Bronwyn Naylor, Professor Ann Monotti and Professor Susan Kneebone.
10. Advancement and Alumni Relations

10.1 Advancement

Donor Alumni and Community Relations

In June of 2009, Professor Arie Freiberg was appointed a Member (AM) of the Order of Australia for service to the law, particularly in the fields of criminology and reform relating to sentencing, to legal education and academic leadership. Professor Freiberg is Monash University’s Dean of the Law Faculty and a member of the Victorian Sentencing Advisory Council.

In 2009 major alumni and donor activities that relate to the Monash Law School included:

- The 2009 Distinguished Alumni Awards which was presented at the BMW Edge at Federation Square. The Awards are the flagship component of the alumni recognition program which also includes promotion of alumni achievements in Monash Alumni eNews, Monash Magazine and on the website, and letters of congratulations to law alumni for their successes, such as honours on Australia Day or the Queen’s Birthday. 2009 Young Alumni Award recipient was Mr Hugh Evans (BSc 2008, LLB 2008). Mr Evans is a social movement’s campaigner and the 2004 Young Australian of the Year.
- The new Vice-Chancellor and President, Professor Ed Byrne hosted a breakfast for our distinguished alumni in Malaysia.
- A cocktail evening for Monash law post-graduate students was hosted by the Monash International Law Alumni Association. The evening supported postgraduate students wanting to learn more about the legal profession, potential career posts and the realities of working in the law.
- Regular face-to-face meetings with prospective supporters to the Law School, as well as meetings with current donors to continue to steward them for their generous gifts.
- The hosting of a small group of dedicated volunteers and alumni for the Monash Oakleigh Legal service was held at a football match in late August at the Melbourne Cricket Ground.

Fundraising in the Faculty has continued to grow with alumni seeking ways to support students through equity bursaries, undergraduate and postgraduate scholarships and prizes for outstanding academic excellence. Under the umbrella of the Lawrie McCredie Student Support Program, an appreciation and commitment to supporting students with work-life balance has become a priority. This program is integral to the law profession and one the Monash Law School takes seriously. The first direct mail appeal was launched in November with support focusing on the Monash Law School Foundation for student support initiatives.

The Faculty appreciates the support of Clayton Utz for their founding support for the Centre for Regulatory Studies, the Pratt Foundation for their continued support of the Monash Oakleigh Legal Service, all alumni who supported the annual appeal, supporters of the Castan Centre for Human Rights Law, with a special thanks to Daniel and Danielle Besen for their ongoing support of the Global Internship Program, and to all donors who support the work of the Monash Law School Foundation. A special thanks goes to the Chairman of the Monash Law School Foundation, and Deputy Chancellor of Monash University, Mr Ian Pyman, for his leadership and ongoing support of all alumni, students, donors and staff at the Monash Law School.

Law Graduate receives 2009 distinguished Young Alumni Award – Hugh Evans

Monash Arts/Law student Christopher was appointed the 2009 Australian Youth Representative to the United Nations by the Department of Foreign Affairs and Trade and the United Nations Youth Associations (UNYA). Christopher became a fully-accredited member of the Australian delegation to the UN and travelled to New York in September to deliver an address to the General Assembly focussed on youth participation in Australia.

Before taking the position in New York, Christopher travelled throughout Australia, speaking to young people in an effort to ensure their views are represented at the UN. Representing his generation was an amazing honour and privilege. “Young people play a vital role in their communities today. I am thrilled to have this opportunity to elevate the voices of Australia’s youth on the world stage”. Christopher said the youth representative position was testament to Australia’s commitment to respecting and developing young people’s perspective and place in social discussion.
10.2 Monash Law School Foundation Board

The effort and commitment of the Board Members and the Chair, Mr Ian Pyman, is much appreciated by the faculty. The 2009 Foundation Board were:

Mr Ian Pyman (Chair)
Director, Merchant Capital Limited and member of the Monash University Council

Professor Arie Freiberg AM
Dean, Faculty of Law

Ms Evelyn Danos
Executive Director
James Richardson Corporation Pty Ltd

Mr Jack Fagjenbaum QC
Owen Dixon Chambers

Mr Ron Fairchild
Vice President (Advancement)
Monash University

Ms Jane Hodder
Partner, Freehills

Professor Ann Monotti
Associate Dean, Postgraduate studies
Faculty of Law

Ms Rhonda Ohis
(Secretary)
Executive Officer, Monash University Development

Mr Geoffrey Murray
Treasury Manager, Monash University

His Hon Justice Michael Rozenes
Chief Judge, County Court of Victoria

Mr Will Fowles
Investment Analyst, Piper Capital

The Faculty completed many additional projects and offered additional services to law students in 2009 as a result of the funds made available by the Foundation Board. These included:

- Monash Law School Foundation professorships
- Higher degree by research scholarships
- Rural bursaries
- Support for the Monash-Oakleigh Legal Clinic
- Support for the Vis Arbitration Moot program
- Support for the Lawrie McCredie Student Support Program by:
  - Providing leadership skills training and opportunities to enhance graduate employability.
  - Promoting student engagement and learning
  - Providing a suite of co-curricular support activities and services.
- Encouraging and acknowledging academic excellence Engaging alumni in the activities of the Monash Law School.

10.3 Alumni Relations

Monash Law School held a range of events for Law Alumni which provided opportunities to connect with the Faculty through contact with past students, current staff and current students. These have been outlined to keep a strong link between Monash University and our alumni were held throughout the year, these have been outlined in the “Law School Activities” section.
11. Student Activities

11.1 Monash Law Students’ Society

Founded in 1964, the Monash Law Students’ Society is one of the largest and most dynamic student organizations within Monash University. Over the past few years, and in particular in 2009, the LSS has worked hard to strengthen and maintain the previous year’s expansions. In 2009 the LSS had just under two thousand members. The LSS is proud of its ongoing ability to enhance the student experience within the Faculty of Law at Monash and work with the Faculty to ensure that Monash is producing the best possible graduates.

The LSS is voluntarily staffed and managed by 37 committee members. This committee works hard to ensure that a large range of events and services are offered as a supplement to the formal academic education provided through the university. These include careers advice, educational support, competitions and social activities to provide both personal and professional development.

The LSS has four main portfolios which allow for a clear review of the society as a whole.

Activities

The Activities portfolio offers a large number of events for students at a range of price points to help promote a collegiate atmosphere amongst the law student body. The LSS firmly believes that the activities portfolio serves a highly important function of ensuring that students are integrated into their degree. The LSS therefore runs numerous activities throughout the year including First Year Camp, O-Week, First Year Dinner, BBQs, Intro Night, Pub Crawls, Valedictory Dinner, River Cruise and Law Ball.

The Peer Mentor Program is continuing to be expanded to ensure all first years are comfortable in the new environment of law school. The LSS is very proud of how this program has continued to grow and how the LSS has been able to work with the faculty to provide this invaluable service.

Careers

The Careers portfolio aims to ensure that all students are well informed as to the many different careers paths available to them and provides targeted services to ensure that Monash graduates are competitive in the job market.

The O week guide is produced to ensure that all first years are given a broad understanding of the many services offered to them by the LSS, faculty and university. This is then followed by a tri-yearly magazine which includes interest pieces across a broad range of topics, written by law students.

The Careers Guide is fast becoming the most valuable publication of the LSS. This guide gives a broad overview as to the process of applying for seasonal clerkships, as well as firm profiles, relevant articles about corporate life and all the dates a student might need in applications. The careers portfolio also produces the Graduate Guide which highlights the many other career paths available.
In supplementing these guides, the LSS also provides two seminar series which run for five weeks in each semester to allow students to partake in interactive forums. These seminars ensure that students are given broad exposure to many different individuals in the legal profession and a chance to ask questions of them.

Competitions
The competitions portfolio is an integral part of the LSS and is going from strength to strength. In 2009 the LSS saw a large increase in numbers of competitions involved, including more than 300 students in the general moot.

The competitions offered by the LSS are:

• General Moot (Senior and Junior Division)
• First Year Moot
• International Humanitarian Law Moot
• Negotiation
• Witness Examination
• Client Interview
• Letter Writing
• Paper and Oral

The winning team from each competition represent Monash in the Victorian Council of Law Students’ Societies (VCCLSS) Victorian Championships and the Australian Law Students’ Association (ALSA) National Championships. In 2009 the LSS made a clean sweep of the Victorian Championships winning the Negotiation, Witness Examination, Client Interview and Mooting competitions and the IHL team came runner up at the National Championships. This team then went on to compete in the IHL Red Cross regional competition, held in Hong Kong.

Education
The LSS is working constantly, in conjunction with the Faculty to provide students with the best possible legal education. The Student Tutorial Program continues to provide students with supplementary tutorials, run by paid, high achieving students, which provides regular reinforcement and practical applications of the materials taught in lectures.

2009 saw the first ever release of the Pro Bono Guide. The LSS was very proud of this initiative as it expanded on commitment to providing careers advice beyond that of the corporate mainstream. Monash also held the position of Vice President (Equality) on the VCLSS. This involved the running of the Women in the Law Breakfast which was a great success.

The LSS also continues to represent students on a number of faculty committees to ensure that there remains effective communication between the faculty and its students. Finally, as part of our commitment to equality, the LSS has continued to expand its book sale and equity scholarship to ensure that all students are given access to the materials required for law and that nobody suffers disadvantage due to their socio-economic background.

Looking Forward
The LSS is very proud of the relationship it has with the faculty and looks forward to continuing to strengthen and expand it into 2010. We are incredibly thankful for the support offered to us by the Faculty.

11.2 International Law Association
The Monash International Law Association (ILA) is run by students and based within the law faculty. The ILA encourages its Monash law students to explore career and study opportunities beyond Australia. Its membership includes undergraduates and postgraduates, as well as domestic and international students. The organisation hosts formal and informal events throughout the year for students interested in pursuing an international career.

11.2.1 2009 Highlights

International Careers and Opportunities Guide
The International Careers and Opportunities Guide was launched at Cube at the Australian Centre for the Moving Image in October 2009. The International Careers and Opportunities Guide is the flagship publication of the International Law Association, and was made available to all law students. The Guide featured a collection of articles written by both students and practicing lawyers, providing reflections on experiences working and studying abroad. The Guide provided comprehensive information on major firms worldwide, and their application procedures. The Guide also provided information for students seeking to become qualified to practice in foreign jurisdictions. The Guide was more detailed compared to previous years, and in particular, featured more information on career opportunities in South East Asia and Dubai.

Koko Black Evenings
In 2009, the International Law Association hosted two Koko Black evenings, one in March for students about to apply for seasonal clerkships, and one in July for JD students. The evenings allowed students to connect with representatives from major firms in a relaxed setting, while enjoying drinks and chocolates. The response from firms was overall positive.

11.2.2 Other events
Throughout 2009, the International Law Association hosted various career information sessions for students. These events included representatives from Mahlab Recruiting, the New York Bar Association and the Hong Kong office of Allen & Overy.

11.3 Monash University Law Review
The Monash University Law Review is managed by an editorial committee, comprising student editors, staff faculty advisers and student committee members. There are approximately 25 law students who work on these different committees to ensure the smooth running of the Law Review.

Student editors
The student editors for 2009 were: Marianna Perry Eleni Stamboulakis Sylvester Urban

Issues Published
During 2009, the editors (with the assistance of the members of the student editorial committee) published Volume 35. The contents of these issues were:

Volume 35(1), Number 1 2009

Addresses
The Parameters of Constitutional Change
The Hon Sir Gerard Brennan AC KBE
Remarks on the Occasion of the 19th International Symposium on the Forensic Sciences
The Hon Chief Justice Marilyn Warren AC

The Move towards Pre-emption in the Criminal Law
The Hon Justice Mark Weinberg

Articles
The Quit Rent System in Colonial New South Wales
Enid Campbell AC OBE

Implied Fetters on the Exercise of Discretionary Contractual Powers
Dr Jeannie Marie Paterson

Keeping It in the Neighbourhood? Neighbourhood Courts in the Australian Context
Sarah Murray

The Recovery of Wages: Legal Services and Access to Justice
Chris Arup and Carolyn Sutherland

Food Advertising and Obesity in Australia: To What Extent Can Self-regulation Protect the Interests of Children?
Sarah Mackay

Dr Aleardo Zanghellini

Book reviews
Ron McCallum, McCallum’s Top Workplace Relations Cases: Labour Law and the Employment Relationship as Defined by Case Law
Karen Wheelwright

Ross Hyams

Volume 35(1), Number 2 2009

Tributes
Tribute to Professor Francis Trindade
Tribute to Professor Bryan Dwyer

Articles
It’s my Body, Isn’t It? Children, Medical Treatment and Human Rights
The Hon Chief Justice Diana Bryant

The Inquiry into Pediatric Forensic Pathology in Ontario, Canada: Some Reflections
The Hon Justice Stephen Goudge

Legislating for Sustainability: A Framework for Managing Statutory Rights, Obligations and Restrictions Affecting Private Land
Pamela O’Connor, Sharon Christensen and Bill Duncan

Can Socially Responsible Investment Provide a Means of Environmental Regulation?
Benjamin J Richardson

Genetic and the Transformation of the Personal
Belinda Bennett

Waiver of the Rule against Bias
Dr Matthew Groves

Copyright as (Decentred) Regulation: Digital Piracy as a Case Study
Chris Dent

Patentability of Non-physical Inventions: Lessons from the United States
Ben McEnery

When does ‘Fraud on the Market’ Induce a Right to Damages?
Mark Humphery

Book reviews
Nicholas Aroney, Scott Prasser and John Nethercote (eds), Restraining Elective Dictatorship: The Upper House Solution?
Dr Greg Taylor

New South Wales Law Reform Commission, Young People and Consent to Health Care
Dr Penny Weller

Activities
In November 2009 the Law Review Committee held its annual dinner, which was attended by contributors to the Review, members of the Law Faculty, the editors and committee members of the Review, as well as many members of the legal profession. The speaker was the Honourable Michael Kirby, a former Justice of the High Court of Australia.

Faculty Advisers
The Academic Advisers to the Monash University Law Review during 2009 were:

Semester 1 – Dr Matthew Groves and Dr Gideon Boas
Semester 2 – Dr Matthew Groves, Dr Gideon Boas and Dr Dale Smith
11.4 The Student Experience

To honour and continue his work, the Lawrie McCredie Student Support Program offers a range of important programs designed to assist Monash Law students to enhance their student experience, build community and help to develop leadership, communication and other valued graduate attributes. The key elements of the program include leadership development, the acknowledgement of academic excellence, community engagement and service, peer-to-peer and alumni mentoring, pastoral care, counselling, and careers advice.

The Law School Peer Mentor Program is a joint faculty and Law Students’ Society (LSS) initiative, piloted in 2008, was fully operational in 2009. The program is offered to all the 400 new students to the Faculty and it provides the support and assistance of two Peer Mentors within a group of fellow Mentees to share experiences, advice, information and referrals to the range of support services and facilities offered at Monash. The 97 volunteer Mentors are second year and above law students, who exercised initiative and leadership skills in their role, learning to work as a team and developing interpersonal skills as they contact their mentees regularly throughout their first year of Law School. Regular events are held to bring these groups together to further enhance relationships and create a sense of community within the faculty.

By encouraging civic responsibility during education, students are prepared for a responsible, community-focussed life post graduation. The Program has been a great success with those involved noting a much tighter more integrated community amongst the first years, aiding their transition to university life and their tertiary studies.

The Law School Ambassador Program, launched in 2007 to supplement the Vice Chancellor’s Ancora Imparo Leadership Program, continued to grow during 2009. Community minded law students receive leadership and project management training and a variety of developmental experiences to facilitate personal growth. Community outreach and engagement projects are selected by students under their own initiative, and offer those experiences to the wider law school student community. A highlight event was the Ambassadors organising the inaugural Staff vs Student debate at Monash Law Chambers in September. Aiming to break down staff and student barriers, the light hearted debate was entitled ‘Law students these days have it too easy’ and drew a crowd of 100 students and was adjudicated by Professor Arie Freiberg AM. The Ambassador’s self-stated goals are to develop relationships between students, students and faculty, and faculty and community. His Honour Tony Pagone entertained and enlightened the Ambassadors during an intimate Alumni Sunset Seminar that will be remembered by all.

The Law School High Academic Achievers’ Program, launched in 2008 also developed in 2009, aiming to reward and inform high achieving students of the possibilities open to them in the areas of higher degrees by research, academia and other non-traditional career pathways. Voice coaching, stress management and other developmental activities are provided to our outstanding students to engage and inform. A highlight was an Alumni Dinner held at the University Club at the end of the year with prestigious Alumni Professor The Hon John Thwaites, His Honour Justice Shane Marshall, The Hon Tony Lupton MP, barrister Mr Declan Hyde and solicitor Leonie Bailey in attendance to mix with the high achievers and senior faculty staff.

The initiatives conceived and delivered under the Lawrie McCredie Student Support Program are designed to enhance the Law School’s core curricular activities and support the vocational and student experience provided by existing programs and activities such as the Monash Oakleigh Legal Service and Springvale Community Legal Service. An update of activities and the original 5 year plan is available at: www.law.monash.edu/alumni/lawriemccredieprogram.pdf
12. Law Library

12.1 Monash Law Library

The Law Library, one of the largest and best resourced in Australia, is part of the Monash University Library system of eight branch libraries on six campuses. It is located over four levels in the centre of the Law Faculty building on the Clayton campus, and provides an extensive collection of high quality print and electronic legal resources. An emphasis on providing an environment conducive to both group and individual study saw use of the Law Library’s physical environment continue to increase in 2009 with a door count of 414,299. This was an increase of 41,285 or 11% more than the previous year.

12.2 2009 Highlights

In Semester 2, 2009, the Research and Writing (RAW) (LAW1104) undergraduate unit was taught for the second time. A major focus in 2009 has been reviewing the feedback from the first year the unit was taught and refining the program. The research component now has an increased focus on engagement and practice using specially designed scenario-based research problems and exercises which students work on in groups using laptops. Law Library staff contributed significantly to this unit, with law librarians coordinating and teaching the research component over 6 weeks and the Law Library’s learning skills adviser teaching classes on avoiding plagiarism and good academic writing.

The Law Faculty Team received the Vice-Chancellor’s Award for Exceptional Performance by Professional Staff for collaborating with the Faculty of Law to develop undergraduate students’ legal information research and communication skills within the Bachelor of Laws curriculum. The team have helped develop and implement two core law units, Skills, Ethics, Research (SER) D and RAW, which combine face to face and online learning components and demonstrate a commitment to student-centred teaching and continuous improvement.

Other units in the curriculum which directly involved Law Library staff included:

- LAW1101 Introduction to Legal Reasoning (LLB)
- LAW4166 Citizenship & Migration Law (LLB)
- LAW7079 Legal Research & Problem Solving (JD)
- LAW7212 Australian Legal System (LLM)
- LAW7285 Legal Research & Communication (LLM)

The Law Library also provided support to the PLEA Program in which volunteer law students provide court readiness education to people held on remand at the Metropolitan Remand Centre (MRC) and to women on remand at the Dame Phyllis Frost Centre, Deer Park. Library orientation and research class were also held for the G-LEAP students from University of Hong Kong who visited Melbourne to study intellectual property.

Classes on legal research and EndNote were provided to Law Honours students. Law units being taught on the Sunway campus, Malaysia were supported through the creation of online readings lists and liaison with the Library in Malaysia for the purchase of required texts.

Additional programs, drop-in sessions and consultations were conducted outside the curriculum to help students with information research and learning skills. Undergraduate support was intensive in semester 2 with referrals from the Research & Writing unit, consultations, drop-in sessions and seminars. Development and teaching of programs into LAW1104 was an important focus in semester 2 (as described above), in addition to sessions on avoiding plagiarism and using Turnitin for postgraduate units.

The Library has continued the successful program for Law postgraduates operating out of the City Chambers. Learning skills advisers attended the City Chambers every Thursday, providing seminars, workshops and consultations. These sessions provide students with effective writing, research and referencing skills.

Extra copies of required texts for JD units were purchased at the end of 2009 and located at Pharmacy Library in Parkville for the convenience of city based law students. Pharmacy Library evening hours have extended to 9 pm on Mondays to Thursdays.

A writing group for Law and Business, Law and Taxation HDR students, run by Dr. Jan Pinder, learning skills adviser at Matheson Library, has been popular with those participating.

Planning for a new Law building and library for the Caulfield campus continued to a detailed design stage until July when it was announced that the redevelopment of the Caulfield campus would not go ahead in its current form. Whilst a further announcement is anticipated, de-duplication of the collection is proceeding.

Print journals available on Hein Online have been identified and these will be sent to the off-site store as time allows. Duplicate monographs with zero borrowing for the last five years have also been weeded from the collection.

12.3 Facilities and Services Highlights

During 2009, the following improved facilities and services became available to Monash students and staff:

- Fifteen new tables with desktop power were installed. Excess shelving and older carrels are being progressively removed and replaced with powered tables for group and individual study.
- A Smartboard was installed in the Law Library’s meeting room for use in information research and learning skills programs.
- LanSchool software was installed in one of the training rooms and will be incorporated into 2010 programs by sending short quizzes to individual PCs.
12.4 Collection Highlights
The budget available for the acquisition of new print and electronic materials remained steady for 2009. Some notable purchases included:

- the electronic archives of Oxford University Press journals.
- IBFD electronic subscription (International Bureau of Fiscal Documentation - international tax materials)
- Climate Change Policy & Law in Australia commentary (online via LexisNexis AU)
- Journal of Media Law (online)

- National Workplace Relations (via Legal Online)
- WorkPlace Law – Fair Work (via LexisNexis AU)
- Commercial Damages (via Legal Online)
- International Encyclopaedia of Laws – Medical Law
- OEGL (Oil, Gas & Energy Law) journal

A library wide serials review took place in mid-2009. As a result some law print subscriptions were identified for cancellation where duplicated electronically. This also enabled some important new subscriptions to be entered into, for example an electronic subscription to IBFD.

12.5 Law Library Senior Staff

Law Library Manager
Kay Tucker

Law contact librarians
Caroline Knaggs, Sandra Pyke, Geraldine Woodhatch, Dawn Carroll

Learning skills advisers
Patricia Hughes, Rosemary Shaw

12.6 Journal Affiliations and External Committees

Kay Tucker
Editorial Board – Australian Law Librarian

Caroline Knaggs
ALIA Pathways (Information Literacy) Committee
CAVAL Reference Interest Group – Seminar Committee: Information Literacy (SCIL)
13. Staff

13.1 Staff List

Dean
Professor Arie Freiberg AM, LLB (Hons) Dip Crim Melb. LLM Monash LLB Melb., FASSA, Practitioner (Vic.)

Professors
Professor Stephen Barkoczy, BA LLB MTaxLaw PhD Monash FTIA Practitioner (Vic.)
Professor Elizabeth Boros, LLB (Hons) Adel. LLM PhD Cantab. Practitioner (Vic. and S.Aust.) Solicitor (Eng. and Wales) High Court (Aust.)
Professor David Cousins, BEc (Hons) MSc Monash; DipEd Rсудen; PhD Manchester
Professor Mark Davison, LLB (Hons) Qld DipLP Qld.UT Dip Lang LLM PhD Monash Practitioner (Qld.) (Vic.)
Professor Ian Freckleton SC, BA (Hons) LLB Syd. PhD Griff. Dip Th M ANH Practitioner (Vic. ACT S.Aust.) Practitioner (NSW Qld. Tas. N.Territory) Practitioner High Court (Aust.)
Professor Jeffrey Goldsworthy, LLB (Hons) Adel. LLM Illinois MA PhD Berkeley LLB Adel. FASSA Practitioner (S.Aust.)
Professor The Hon. George Hampel AM, QC, LLB Melb. QC Practitioner (Vic. NSW ACT Tas. and W.Aust.) Middle Temple (Eng.)
Professor Graeme Hodge, BE MEngSc MBA PhD Monash
Professor Bryan Horrigan, BA LLB (Hons) Qld. DPhil Oxon.
Professor Sarah Joseph, BA LLB (Hons) Syd. LLB (Hons) Cantab PhD Monash
Professor Susan Kneebone, LLB Adel. MA HK DipEd Melb. PhD Monash Practitioner (S.Aust. and Vic.)
Professor Hoong Phun (HP) Lee, LLB (Hons) Sing. LLM Malayia PhD Monash (The Sir John Latham Chair of Law)
Professor Justin Malbon, LLB Adel, LLM Yorke, Can. PhD NSW Practitioner (Qld)
Professor Bernadette McSherry, BA (Hons) LLB (Hons) LLM Melb. PhD York (Can.) Grad Dip Psych Monash Practitioner (Vic.) High Court (Aust). (Australian Research Council Federation Fellow)
Professor Ann Monotti, LLB (Hons) LLM Melb. PhD Monash Practitioner (Vic.)
Professor Marilyn Pittard, BEd (Hons) LLB (Hons) Monash Practitioner (Vic.)
Professor Jeff Waincymer, BCom LLB Melb. LLM Monash Practitioner (Vic.)
Professor Bob Williams, BJuris LLB (Hons) Monash BCL Oxon. LLD FASSA Practitioner (Vic.) (The Sir John Barry Chair of Law)
Emeritus Professors
Professor Enid Campbell AC, OBE, BEc (Hons) LLB (Hons) LLD (Hon.) Tas., Syd., Mon. PhD Duke Practitioner (Tas.) High Court (Aust.)
Professor Richard Fox AM, LLB Melb. DipCrim Melb. LLM Melb. LLD Monash Practitioner (Vic.) High Court (Aust.)
Professor Francis Trindade, LLB Karachi MA Oxon. Gray’s Inn Barrister-at-Law, Practitioner (Vic.)
Professor Louis Waller AO, LLB (Hons) Melb. BCL Oxon. Hon LLD Monash FASSA FAAL Practitioner (Vic.)
Professor Christie Weeramantry, BA LLD D.Lit (Hon.) Lond. Hon LLD Colombo Hon. LLD Monash Hon LLD National Law School of India Advocate of Supreme Court of Ceylon Practitioner (Vic.)

Associate Professors
Dr Jonathan Clough, BSc LLB (Hons) Monash LLM Cantab. PhD Grad Cert Higher Ed Monash Practitioner (Vic.) High Court (Aust.)
Associate Professor John Duns, BCom LLB (Hons) Melb. LLM PhD Monash Practitioner (Vic.)
Associate Professor Judd Epstein, AB Syr. BJuris Stan. Caseflow Mgmt Cert Mediation Cert Attorney-at-Law (Calif.) Member Chart. Inst. Arbit. (Lond)
Associate Professor Adrian Evans, BCom LLB Melb. Assoc in Theology ACT LLM PhD Monash Practitioner (Vic.)
Associate Professor John Glover, BA (Hons) LLB (Hons) Melb. BCL Oxon. PhD Monash Practitioner (Vic.)
Associate Professor Gaye Lansdell, LLB (Hons) Tas MPhil Camb. PhD Tas. Practitioner (Tas. and W.Aust.) High Court (Aust.) Solicitor (Eng. and Wales)
Associate Professor Pamela O’Connor, BA LLB Monash LLM Melb. MBA Grad Cert Higher Ed PhD Monash Practitioner (Vic.)
Associate Professor Moira Paterson, BEdc LLB (Hons) Melb. LLM Lond. Grad Cert Higher Ed PhD Monash Practitioner (Vic.)
Associate Professor Greg Taylor, BA (Hons) LLB (Hons) Adel. LLM Marburg GCLP S.Aust. LLB Marburg Grad Cert Higher Ed Monash Practitioner (S.Aust.)

Senior Lecturers
Dr Renata Alexander, BA LLB DipFamLaw LLM PhD Monash Practitioner (Vic.) High Court (Aust.)
Dr Heli Askola, LLB LLM Turku, Finland PhD EUI
Ms Susan Barkehall-Thomas, BA LLB (Hons) Monash Practitioner (Vic.) Federal Court (Aust.) High Court (Aust.)
Dr Gideon Boas, BA LLB Monash LLM PhD Melb. Practitioner (Vic. and NSW) High Court (Aust.)
Ms Melissa Castan, BA LLB (Hons) Monash LLM Melb. Practitioner (Vic.) High Court (Aust.)
Dr Julie Debeljak, BEc LLB (Hons) Monash PhD Melb. Grad Cert Law Teaching Monash Practitioner (Vic.)
Dr Melissa de Zwart, BA (Hons) LLB (Hons) Melb. LLM Grad Cert Higher Ed Monash Practitioner (Vic.)
Dr Paula Gerber, LLB QUT MSc Kings Coll Lond. LLM Monash PhD Melb Practitioner (Qld. NSW and Vic.) (Eng. and Wales) Attorney (California)
Dr Stephen Gray, BA LLB (Hons) LLM Monash, Practitioner (Vic.)
Dr Matthew Groves, BA LLB (Hons) PhD Monash Practitioner (Vic.)
Dr Sirko Harder, Doctor iuris Tubingen Qld. PhD Aberdeen
Mr Ross Hyams, BA LLB LLM Monash Practitioner (Vic.)
Dr Michael S King, B.Juris LLB (Hons) UWA MA PD MUM Practitioner (WA)
Dr Emmanuel Lanyea, LLB (Hons) Ghana LLM Glas. PhD Bond Grad Cert Higher Ed Monash Practitioner (Ghana)
Dr David Lindsay, BA LLB Syd. LLM Melb. PhD Monash Practitioner (NSW)
Ms Oyiela Litaba, MA Cantab. PG Dip Teach Sheff. Solicitor (England and Wales) Barrister & Solicitor (Fiji)
Dr Karinne Ludlow, BSc LLB (Hons) PhD Monash Practitioner (Vic.) High Court (Aust.)
Dr Adam McBeth, BA LLB (Hons) PhD Monash Grad Cert Higher Ed Deakin, Practitioner (Vic) High Court (Aust.)
Dr Bronwyn Naylor, BA (Hons) LLB (Hons) LLM Monash MPhil(Crim) PhD Cantab. Practitioner (Vic.) High Court (Aust.)
Dr Jeannie Paterson, BA LLB (Hons) ANU, PhD Monash Practitioner (Vic.) High Court (Aust.)
Mrs Sharon Rodrick, BA LLB (Hons) LLM Melb. Practitioner (Vic.)
Ms Jenny Schultz, BA LLB Monash LLM Michigan Practitioner (Vic.) High Court (Aust.)
Ms Adiva Sifris, BProc Witw. LLM PhD Monash Practitioner (Vic.) High Court (Aust.)
Dr Dale Smith, BA (Hons) LLB (Hons) MA Melb. DPhil Oxon.
Dr Normann Witzleb, State Law Exam Würzburg, Ass. Iur. Berlin, Dr. Iur. EUV Frankfurt(O),
DipLegSt London, LLB(Hons) Murdoch, GradDisLegPac ANU, Practitioner (ACT), High Court (Aust.)
Dr Eric Wilson, BA (Hons) MA Dal. PhD Camb. LLB Br.Col. LLM Washington SJD Melb.
Ms Helen Yandell, DipTeach Murray Park BEd Warmambool LLB Deakin GradDipLP ANU Practitioner (Vic.)

Lecturers
Dr Becky Batagol, BA (Hons) LLB (Hons) PhD Monash
Mr Malcolm Bennett, LLB Melb. Practitioner (Vic.)
Dr Colin Campbell, BA LLM Melb. LLM PhD Cantab. Practitioner (Vic.)
Ms Rowena Cantley-Smith, BEd LLB Monash LLM Leiden Practitioner (Vic.) High Court (Aust.) Practitioner (Vic.)
Ms Rachel Chrapot, BA (Hons) LLB (Hons) MA Melb. PhD Monash
Ms Fay Gertner, BA LLB Monash Practitioner (Vic.)
Dr Patrick Emerton, BA (Hons) LLB (Hons) MA Melb. PhD Monash
Ms Fay Gertner, BA LLB Monash Practitioner (Vic.)
Dr Rebecca Glibin, LLB (Hons) PhD Monash Practitioner (Vic.)
Mr Kwame Mfodwo, LLB (Hons) Ghana MintiLaw ANU
Dr Sarah Middleton, BA LLB (Hons) PhD Tas.
Dr Gerry Nagtzaam, LLB, M.Env.Sci Monash PhD Melb. Practitioner (Vic.)
Ms Maria O’Sullivan, BA LLB (Hons) GradDipLP ANU LLM Essex Practitioner ACT High Court (Aust.)
Ms Tania Penovic, BA LLB (Hons) Melb. MSc (Dist) Oxon. Grad Cert Law Teaching Monash Practitioner (Vic.) High Court (Aust.) Solicitor of the Supreme Court (Eng.and Wales)
Ms Karen Wheelwright, BA GradDipEd La Trobe LLB (Hons) Melb. Practitioner (Vic.)

Assistant Lecturers
Ms Kathryn James, BA LLB (Hons) Monash Practitioner (Vic.)
Ms Lisa Spagnolo, BCom LLB (Hons) Deakin Practitioner (Vic.) High Court (Aust.)

Honorary Associates
Mr Stephen Charles, BA LLB (Hons) Melb.
Dr Fiona Hanlon, B.Juris. LLB Monash LLM PhD Melb. Practitioner (Vic.)
Mr Raymond Hind, BSc (Eng) Lond. Patent Attorney, European Patent Attorney
Dr Elise Histed, BA (Hons) LLB (Hons) Melb. PhD Cantab, Grad Cert Higher Ed Monash Practitioner (Vic.)
Mr Andrew Monotti, BCom LLB (Hons) LLM Melb. Practitioner
Dr Guy Powles, BA LLB LLM Well. PhD ANU Practitioner (NZ) Solicitor (Eng.) Practitioner (Vic.)
Mr Ian Pyman, B.Juris. LLB Monash Practitioner (Aust.)
Mr Chris Sidoti, BA LLB Syd.
Professor Les Stein, BA Suny LLB Osgoode LLM York
Dr David Yarrow, BSc LLB Qld. MSc Griffith PhD Osgoode

Senior Research Fellows
Dr Diana Bowman, BScL PhD Monash
Dr Penny Weller, BA LLB Monash MA LaTrobe PhD Victoria

Adjunct Staff
Professor Greg Reinhardt, BA LLB (Hons) Melb.
13.2 Academic Governance Positions
Portfolios, charts and senior administrative staff
See Appendix I

13.3 Promotions
Jonathan Clough – senior lecturer to associate professor
Adam McBeth – lecturer to senior lecturer
Adiva Sifris – lecturer to senior lecturer

13.4 Appointments
Dr Heli Askola
Professor David Cousins
Professor Justin Malbon
Dr Normann Witzleb

13.5 Resignations
Professor Elizabeth Boros
Dr Diana Bowman
Dr Melissa De Zwart
Associate Professor Judd Epstein
Associate Professor John Glover
Dr Sarah Middleton
Dr Jeannie Paterson

13.6 Outside Studies Program
Azadeh Dastari, Semester 1
Adrian Evans, Semester 1
Jeff Goldsworthy, Semester 1
Stephen Gray, Semester 1
Matthew Groves, Semester 1
Emmanuel Laryea, Semester 1
Ann Monotti, Semester 1
Dale Smith, Semester 1
Becky Batagol, Semester 2
Graeme Hodge, Semester 2
Sarah Joseph, Semester 2
Greg Taylor, Semester 2
Karen Wheelwright, Semester 2
Bob Williams, Semester 2
Eric Wilson, Semester 2

13.7 Visitors
Dr Niels Ejersbo, Political Science and Public Management, University of Southern Denmark.
1 August 2008 to 31 July 2009
Dr Yanning Yu, Zhejiang Gongshang University.
2 September 2008 to 1 June 2009
Professor Tony Anghie, S.J. Quinney School of Law, University of Utah, USA.
1 December 2008 to 31 March 2009
Ms Alice Nah, National University of Singapore.
20 February to 10 June and 1 August to 30 September
Dr Steven Tudor, Faculty of Law and Management, La Trobe University.
12 January to 16 June.
Professor Ingeborg Schwenzer, University of Basel, Switzerland.
4-6 February.
Professor Steven Chanenson, Villanova University School of Law, USA.
20-23 April
Professor Dana Muir, Stephen M Ross School of Business, University of Michigan, USA.
12 May
Professor Ruth Kanai, Bar Ilan University, Ramat Gan, Israel.
3 June to 31 July
Professor Allan Borowski, Faculty of Health Science, La Trobe University
6 July to 31 December
Professor Robert Vaughn, American University, Washington College of Law
13 July to 28 November
Professor Jiangiang Nie, Wuhan University School of Law, China
6 August to 4 October
Honourable Peggy Hora, Retired Judge, California Superior Court, USA
24-25 August
Dame Rosalyn Higgins, DBE QC
4 -12 December
14. Staff Activities

14.1 External Boards and Committees

**External boards and committees**

**Renata Alexander**
- Member, Prostitution Control Act Ministerial Advisory Committee, Department of Justice

**Stephen Barkoczy**
- Consultant, Blake Dawson

**Becky Batagol**
- Member, Board of Family Mediation Centre

**Gideon Boas**
- Member, Australian Red Cross Victoria, International Humanitarian Law Committee
- Member, AustLLi Victorian Support and Advisory Committee
- Member, International Expert Framework Group on International Criminal Procedure

**Elizabeth Boros**
- Consultant, Blake Dawson
- Member, Legal Committee of Corporations and Markets Advisory Committee CAMAC
- Member, Corporations Committee, Business Law Section, Law Council of Australia
- Member, E-Commerce Committee, Business Law Section, Law Council of Australia

**Rowena Cantley-Smith**
- Committee Member, Australian Red Cross Victoria, International Humanitarian Law Department
- Associate Fellow, Clingendael International Energy Programme, Netherlands Institute of International Relations Clingendael
- Member, ANZSIL (Australian and New Zealand Society of International Law)

**Jonathan Clough**
- Member, Cancer Council Legal Policy Advisory Group

**David Cousins**
- Commissioner (part-time) State Services Authority Victoria
- Member, Building Advisory Council Victoria

**Mark Davison**
- Member, Intellectual Property Committee, Business Law Section, Law Council of Australia
- Member, International Trademark Association (INTA)
- Special Counsel, Knightsbridge Lawyers

**Julie Debeljak**
- Member, Advisory Committee, Human Rights Law Resource Centre

**Richard Fox**
- Chair, Board of Management, Australian Institute of Criminology

**Ian Freckelton**
- Member, Coronial Council of Victoria
- Member, Mental Health Review Board
- Member, Psychosurgery Review Board
- Member, Suitability Panel of Victoria
- Member, Investigation Review Panel of Victoria
- Member, Expert Advisory Panel on Mental Health Act Reform
- Immediate Past-President, Australian and New Zealand Association of Psychiatry, Psychology and Law (Vic Branch)
- Vice-President, International Institute of Forensic Studies
- Vice-President, International Academy of Law and Mental Health (Australasian Branch)
- Board Member, Council of Australasian Tribunals
- Vice-President International Organisation of Mental Health Review Tribunals
- Member, The Netherlands Scientific Council of the Expertise Center for Forensic Psychiatry

**Arie Freiberg AM**
- Member, Council of the Australian Institute of Judicial Administration
- Chair, Victorian Sentencing Advisory Council
- Member, Sexual Assault Advisory Committee, Department of Justice, Victoria
- Member, Leo Cussen Institute Board

**Paula Gerber**
- Member, Victorian Civil and Administrative Tribunal (Civil Claims, Domestic Building and Anti-Discrimination Lists)
- Member, Victorian Law Institute Human Rights Committee
- Member, Victorian Human Rights Education Committee
- Member, Jewish Care Building Committee

**John Glover**
- Committee member, Commercial Bar Association (Victoria)
- Committee member and Hon. Secretary, Equity Interest Group, Commercial Bar Association (Victoria)
- State Revenue Committee, Law Institute of Victoria
- Taxation and Revenue Committee, Law Institute of Victoria
- Committee member, Taxation Interest Group, University of Melbourne Law Faculty
- Member, Victorian Civil and Administrative Tribunal (General List)
- Education Committee, Taxation Institute of Australia (Vic. Division)

**Stephen Gray**
- Member, Charles Darwin University Press Committee

**George Hampel**
- President, International Institute of Forensic Studies
- Chairman, Australian Advocacy Institute
- Member, Council of Legal Education
- Member, Legal Services Board, Continuing Education Committee
- Chairman, Funding Committee of ‘More than Opera’

**Bryan Horrigan**
- Consultant, Allens Arthur Robinson
- Panel Member, Expert Panel to advise the Commonwealth Minister for Small Business, Competition Policy, and Consumer Affairs on matters under the Trade Practices Act and Franchising Code of Conduct
14. Staff Activities

Sarah Joseph
- Member Advisory Board, Academy on Human Rights and Humanitarian Law, American University
- Member, International Board of Advisers, Jindal Global Law School, Sonipat, Haryana, India
- Member, Advisory Board, Centre for Civil and Political Rights, Geneva

Hoong Phun Lee
- Vice-Chairman, Australian Press Council
- Deputy Chairman, Policy Development Committee, Australian Press Council
- Member, International Board of Advisers of the Weeramantry International Centre for Peace Education and Research
- External Assessor, Faculty of Law, University of Malaya in respect of Appointment/Promotion to Associate Professor and Professor
- External Examiner for the Degree of Bachelor of Laws Examinations, University of Malaya
- Associate External Examiner, School of Law, City University of Hong Kong
- Adjunct Professor, School of Law, City University of Hong Kong
- Member, International Board of Advisers, Jindal Global Law School, Sonipat, Haryana, India

Karine Ludlow
- Victorian Biotechnology Ethics Advisory Committee

Justin Malbon
- Member, Queensland Competition Authority
- Panelist, Financial Ombudsman Service Ltd

Bernadette McSherry
- Legal Member, Mental Health Review Board (Vic)
- Legal Member, Psychosurgery Review Board (Vic)

Ann Monotti
- Intellectual Property Committee, Business Law Section, Law Council of Australia

Bronwyn Naylor
- Member, Board of Management, Australian Institute of Public Safety
- Member, Architects Tribunal Panel, Architects Registration Board of Victoria
- Director, Springvale Monash Legal Service
- Member and Newsletter Editor, Board of Management, Australian and New Zealand Society of Criminology
- Academic Advisor, Victorian Energy and Water
- Ombudsman’s Case Handling Advisory Committee

Pamela O’Connor
- Board Member, Judicial College of Victoria
- Board Member, Leo Cussen Institute
- Commissioner, Victorian Law Reform Commission

Marilyn Pittard
- Executive Committee Member, Australian Labour Law Association
- Member, Industrial Relations Society of Victoria
- Convenor, Victorian Chapter, Australian Labour Law Association
- Member, Egleston Society Committee
- Member, Advisory Committee, the Australian Institute of Employment Rights
- Workplace Relations Law Advisory Committee for Specialist Accreditation, Law Institute of Victoria
- Legal Member, Cancer Council of Victoria Human Research Ethics Committee
- Labour Law Consultant, Clayton Utz
- Associate member, Centre for Employment and Labour Relations Law, University of Melbourne

Dale Smith
- Treasurer, Australian Society of Legal Philosophy

Lisa Spagnolo
- Alternate Member, Cancer Council Victoria’s Human Research Ethics Committee
- National Correspondent, Global Sales Law Project, University of Basel, Switzerland
- Rapporteur and Chair, Protection Against Counterfeit Goods Working Group, Global Principles of International Consumer Contracts Project

Jeff Waincymer
- Co-Chair, International Trade and Business Interest Group, International Law Section, Law Council of Australia
- Council of Australia

Weller, Penelope
- Member, Health Services Review Council
- Member, Department of Justice Human Research Ethics Committee

Bob Williams
- Member, Victorian Civil and Administrative Tribunal, Guardianship List

14.2 Journal Affiliations

Stephen Barkoczy
- Advisory Board, Revenue Law Journal
- Editorial Board, Journal of Australian Taxation

Gideon Boas
- General Editor, Leiden Journal of International Law

Diana Bowman
- Editorial Board, Nanotechnology Law & Business Journal

Mark Davison
- Editorial Board, International Journal of Information Policy and Law

Melissa de Zwart
- Editorial Board, Journal of Law, Information and Science

Ian Freckelton
- Editor, Journal of Law and Medicine
- Editor-in-Chief, Psychiatry, Psychology and Law
- Editorial Board Member, Family Law in New Zealand
Arie Freiberg AM
- Editorial Board, Punishment and Society
- Editorial Board, Criminal Justice
- Editorial Board, Queensland University of Technology Law and Justice Journal
- Editorial Board, Canadian Journal of Criminology and Criminal Justice
- Editorial Board, Judicial College of Victoria, Victorian Sentencing Manual

John Glover
- Editorial Board, Journal of Australian Taxation

Jeff Goldsworthy
- Editorial Board, University of Queensland Law Journal
- Editorial Board, Legal Theory
- Editorial Board, Philosophy Compass

Stephen Gray
- Northern Territory Editor, Criminal Law Journal
- Editorial Board, Alternative Law Journal Committee

Matthew Groves
- State Editor, Criminal Law Journal
- Legal Adviser, South Asia

Graeme Hodge
- Editorial Board, International Journal of Public Policy

Bryan Horrigan
- Editorial Advisory Board, Social Responsibility Journal
- Advisory Board, QUT Law and Justice Journal

Ross Hyams
- Editor, Lawyers Practice Manual (Vic)
- Member, Board of Family Mediation Centre

Kathryn James
- Editorial Committee, Alternative Law Journal

Sarah Joseph
- Editorial Board, Human Rights Law Review
- Editorial Board, Journal of Human Rights and the Environment

Michael King
- Editorial Committee, Alternative Law Journal

Susan Kneebone
- Editorial Board, Australian Institute of Administrative Law Forum
- Editorial Board, Around the Globe

Hoong Phun Lee
- Panel of International Referees, Singapore Academy of Law Journal
- Advisory Board, Constitutional Law and Policy Review
- Advisory Board, Singapore Journal of Legal Studies
- Advisory Board, Australian Journal of Asian Law
- Board of Editorial Advisors, Asian Journal of Comparative Law

David Lindsay
- Editorial Board, Australian Intellectual Property Journal
- Editorial Board, Media and Arts Law Review
- Editorial Board, Privacy Law and Policy Reporter
- Editorial Board, Telecommunications Journal of Australia

Bernadette McSherry
- Co-editor, Legal Issues Column, Journal of Law and Medicine
- Editorial Board, Psychiatry, Psychology and Law
- Editorial Board, Monash Bioethics Review
- Editorial Board, International Journal of Forensic Mental Health
- Editorial Board, Psychology, Public Policy and Law

Sarah Middleton
- Editorial Board, Australian Journal of Family Law

Ann Monotti
- Australian Correspondent, European Intellectual Property Review (Sweet and Maxwell Ltd, Great Britain)

Bronwyn Naylor
- Editorial Board, Alternative Law Journal

Marilyn Pittard
- Editor, Employment Law Bulletin
- Editorial Board, Australian Journal of Labour Law
- Faculty Adviser, Monash University Law Review

Jeff Waincymer
- Advisory Board, Vindobona Law Journal
- Advisory Board, University of New South Wales E-Journal of Taxation Law
- Advisory Board to the publisher Kluwer, as to its International Trade Manuscript Series

Bob Williams
- Assistant Editor (Criminal Cases), Victorian Reports

Normann Witzleb
- Section Editor, ‘Privacy’, Australian Business Law Review
- Editorial Committee, Alternative Law Journal
- Advisory Board to the publisher Kluwer, as to its International Trade Manuscript Series
15. Publications 2009

* Meet criteria as DISR research publications + student

15.1 Staff and Student Publications

Books (authored)*


Books (other) – authored (other), editorship, revision or new edition


Book Chapters


Davidson, M, J. ‘Cadbury Schweppes v Pub Squash: What is all the fuzz about?’, in Andrew Kenyon, Megan Richardson, Sam Rickleton (Eds.) Landmarks in Australian Intellectual Property Law. Cambridge University Press, Port Melbourne Victoria, (2009), 126-141


Gerber, P. ‘Scientific experimentation on animals: Are Australia and New Zealand implementing the 3Rs’ in Peter Sankoff and Steven White (Eds.) Animal Law in Australasia. The Federation Press, Leichhardt NSW, (2009), 212-229


McSherry, B, M. ‘Criminal law’, in Ian Freckleton and Hugh Selby (Eds.) Appealing to the Future: Michael Kirby and His Legacy. Thomson Reuters, Pymont, NSW, Australia, (2009), 291-311


Annual Report 47
<table>
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<tr>
<th>Title</th>
<th>Journal/Conference</th>
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<tr>
<td>Spagnolo, L. ‘Rats in the kaleidoscope: Rationality, irrationality and the economics &amp; psychology of opting in and out of the CISG (Kaleidoscope part II)’</td>
<td>The Vindobona Journal of International Commercial Law and Arbitration</td>
<td>2009</td>
<td>157-178</td>
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<td>Taylor, G. ‘Ulrich Hubbe’s doctoral thesis – A note on the major work of an unusual figure in Australian legal history’</td>
<td>Legal History</td>
<td>2009</td>
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<td>Villaroman, N. ‘To kill or not to kill: The legality of targeting a country’s leader under the law of armed conflict’</td>
<td>The IBP Journal: Integrated Bar of the Philippines</td>
<td>2009</td>
<td>101-113</td>
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<td>Waincymer, J M. ‘Sovereign risk and investment protection’</td>
<td>Australian Resources and Energy Law Journal</td>
<td>2009</td>
<td>226-257</td>
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<td>Waincymer, J M. ‘International commercial arbitration and the application of mandatory rules of law’</td>
<td>Asian International Arbitration Journal</td>
<td>2009</td>
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<td>Webster, L L &amp; Merto, P. ‘The Academic voice in English and Czech higher education quality?’</td>
<td>Quality Assurance in Education</td>
<td>2009</td>
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<td>Wilson, E. ‘The republic of heterology: De Indis of Hugo Grotius, deconstruction and the political ontology of the Dutch Stat’</td>
<td>Journal of the Philosophy of International Law</td>
<td>2009</td>
<td>57-76</td>
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<td>Witzel, N &amp; Carroll, R. ‘The role of vindication in tort damages’</td>
<td>Tort Law Review</td>
<td>2009</td>
<td>16-44</td>
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<td>Witzel, N &amp; Skead, N. ‘A bottom-up approach to developing LLB course outcomes and an integrated curriculum’</td>
<td>The Law Teacher</td>
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**Journal Articles – other – refereed**

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<tr>
<td>Davison, M J. ‘Australia: Copyright protection for databases’</td>
<td>Computer Law Review International</td>
<td>2009</td>
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**Journal Articles – non – refereed**

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<td>Barkocy, S L &amp; Edmundson, P. ‘Australasian and South East Asian venture capital tax expenditure programs’</td>
<td>International Tax Review</td>
<td>2009</td>
<td>57-63</td>
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<td>Boas, G J. ‘Moving from Milosovic’</td>
<td>The European Lawyer</td>
<td>2009</td>
<td>54-56</td>
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<td>Pittard, M J. ‘Legislations to refer employers and employees in state systems to federal fair work system’</td>
<td>Employment Law Bulletin</td>
<td>2009</td>
<td>89-90</td>
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<td>Smith, G &amp; Pittard, M J. ‘Modernised awards and operational dates’</td>
<td>Employment Law Bulletin</td>
<td>2009</td>
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<td>Van Calster, G &amp; Bowman, D M. ‘Regulatory design for new technologies: Spaghetti junction or Bauhaus principles for regulating innovative cosmetic products’</td>
<td>Notizie di Politeia</td>
<td>2009</td>
<td>75-93</td>
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Journal Articles – letter or note


Emerton, P C. ‘Comment on law and irresponsibility’ (2009) 34 Australian Journal of Legal Philosophy 234-240


Freckelton, I R. ‘Voluntary madness: My year lost and found in the loony bin’ (2009) 16 (3) Psychiatry, Psychology and Law 329-332

Freckelton, I R. ‘Forensic issues in mental health displayed in art’ (2009) 16 (1) Psychiatry, Psychology and Law 1-6

Freckelton, I R. ‘The curious incident of the dog in the night-time’ (2009) 16(1) Psychiatry, Psychology and Law 163-164


Freckelton, I R. ‘Conceiving life: Reproductive politics and the law in contemporary Italy’ (2009) 16(5) Journal of law and medicine 905-906

Freckelton, I R. ‘Safeguarding the vulnerable in custody’ (2009) 17(2) Journal of law and medicine 157-164

Freckelton, I R. ‘Disputed family claims to bury or cremate the dead’, Journal of law and medicine (2009) 17 (2) 178-183


Minor Reviews


Conference Publications

(fully refereed)*


Conference Publications 
**other** and public presentations


James, K. A. ‘Antagonism and acceptances: Case studies of consumption tax’, in Reform in Australia, Canada and the US, Public perceptions, 7th July 2009, Institute of Chartered Accountants, Canberra ACT Australia, Canberra Australia (2009)

James, K. A. ‘The politics of tax reform: A comparative analysis of the adoption of value added taxes in Australia, Canada and the United States’, in Assaf Likhovsky, Tsilly Dagan, Yoram Margalioth and Rick Krever(Eds.), Comparative Tax Law and Culture, 8th June 2009, Faculty of Business and Economics, Monash University Prato Italy (2009)

**Expert Commentary**

Debeljak, J. F. ‘Submission to the national human rights consultation’, incorporated as part of a Government submission, Published by Castan Centre for Human Rights, Monash University, 15th June 2009

Debeljak, J. F, Kneebone, S. Y. +Cullen, M & Ransom, M. A. Submitted a background paper for workshop, Published by Castan Centre for Human Rights, Monash University, 1-39, 9th September 2009 titled ‘The legislative framework for combating trafficking in persons’


Freckelton, I. R. Expert commentary in (2009) 16(2) Psychiatry, Psychology and Law 165-174, titled ‘Sentencing offenders with Munchausen syndrome by proxy’

McSherry, B. M. Interview in The Age, for an article appearing 16th May 2009, ‘A grandmother who gave comfort as Angie took her life’

Witzleb, N., Interview on SBS Radio – German SBS 4, Broadcasted, 46.33, Special Broadcasting Services, Australia on the 14th August 2009 in a story titled ‘EU erklart’

**Reports and Submissions**


**Other**


## Prize Winners 2009

<table>
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<th>Prize Won</th>
<th>Supporter</th>
<th>First Name</th>
<th>Surname</th>
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<tr>
<td>County Court of Victoria Prize for Comparative Criminal Law</td>
<td>County Court of Victoria</td>
<td>Kezia</td>
<td>Adams</td>
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<td>Monash Law School</td>
<td>Rifaa</td>
<td>Al-Harthy</td>
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<td>Sir Charles Lowe Prize for the Best Senior Advocate</td>
<td>Sir Charles Lowe Trust</td>
<td>Karen</td>
<td>Allardice</td>
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<td>Clayton Utz Prize for Torts A</td>
<td>Clayton Utz Trust</td>
<td>Andrew</td>
<td>Asten</td>
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<td>Bradley</td>
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<td>Arnold Bloch Leibler Prize for Insolvency</td>
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<td>Jacqueline</td>
<td>Bastiani</td>
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<td>Australian Advocacy Institute</td>
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<td>Kumar Amarasekara Prize for Criminal Law Supported by the Kumar Amarasekara Bequest</td>
<td>Kumar Amarasekara Bequest</td>
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<td>Bernard</td>
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<td>Allen Arthur Robinson Prize for Corporate Governance and Shareholders Remedies</td>
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<td>Commonwealth Director of Public Prosecutions Prize for Federal Criminal Law (1st Prize)</td>
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### Appendix II

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<th>Prize Won</th>
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<td>David</td>
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<td>O’Loughlin</td>
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<td>Hunt &amp; Hunt Prize for Property B</td>
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<td>David</td>
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<td>Corrs Chambers Westgarth Prize for Intellectual Property Law 1: Copyright, Designs and Confidential Information</td>
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<td>Brendan</td>
<td>Richardson</td>
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<td>Monash Law School Prize for Research and Writing</td>
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<td>Brodie</td>
<td>Same</td>
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<td>Monash Law School Students’ Publication Prize (Runner Up)</td>
<td>Monash Law School</td>
<td>Adam</td>
<td>Sauer</td>
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<td>Monash Law School</td>
<td>Anna</td>
<td>Schneider</td>
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<td>Monash Law School Prize for Family Property and Financial Disputes</td>
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<td>Louise Crockett Memorial Prize for Family Law (Parents, Children and the State) Supported by the Louise Crockett Memorial Fund</td>
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<td>Monash Law School Prize for Asian Legal Systems</td>
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<td>Blake Dawson Prize for Comparative Antitrust Law</td>
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<td>Alice</td>
<td>Smith</td>
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<td>Jessica</td>
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<td>Monahan + Rowell Prize for Legal Issues in Medicine</td>
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<td>Jaye</td>
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<td>Monash Law School Prize for Secured Transactions in the Context of Law and Development</td>
<td>Monash Law School</td>
<td>Jane</td>
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<td>Twidale</td>
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<td>Katarzyna</td>
<td>Wawrzykowska</td>
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<td>Davies Collison Cave</td>
<td>Rachael</td>
<td>Wong</td>
</tr>
</tbody>
</table>
Further Information

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Building 12
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For more details about the relocation of Monash University Law Chambers to new premises, visit the dedicated website at www.law.monash.edu/mulcmove

www.law.monash.edu