



MONASH University

Law



GROUP OF EIGHT

LAW Matters

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Many of our students look for opportunities to study overseas or practice overseas when they graduate.



Dean's message

It may come as a surprise to the Monash Law School community to learn that over 250 students are enrolled in our JD program.

The Faculty of Law at Monash is often thought of as an undergraduate law school, and indeed its teaching load is primarily found in its undergraduate combined courses and the undergraduate LLB. Nearly 900 students are enrolled in the very popular Arts/Law course, nearly 600 in the Commerce/Law course and around 700 are enrolled in our undergraduate LLB.

However, since 2002, Monash has offered a graduate entry law degree, taught at our city premises in a trimester format, completely separate from the undergraduate degrees and drawing its electives from the wide range of graduate units offered in Masters programs.

Monash remains firmly committed to maintaining its undergraduate programs particularly its combined courses. Between 2007 and 2008 our first preferences doubled and the demand for these programs continues to grow.

But we have also responded to the growing demand by graduates for a flexible and accessible law course tailored to the needs of those already in the workforce and seeking a change of career by developing the JD program. On page 3, we profile the JD program and one of the increasing number of international students enrolling in that program.

From 2010, students will be able to qualify for both an Australian and a United States degree through the innovative dual degree program with the Washington College of Law in Washington DC.

This new program is just one aspect of the Faculty's commitment to the University's vision of being a research intensive, internationally focused university.

Also in this issue we highlight the many ways in which our students can participate in international programs such as the Prato and Malaysia study abroad programs, international exchanges and internships and volunteer programs. In 2009, over 100 of our students will join with 70 students from five partner universities to study 16 international, comparative or European law subjects in Prato. We estimate that by the time they graduate, nearly half of each graduating cohort will have had some form of international experience.

Our aim is to provide a range of pathways into legal practice and a variety of educational practices. For those coming straight from school and wishing to study law immediately, the undergraduate degrees are available, though competition is fierce. Monash is now the first choice for school leavers. For those who wish to return to study, both the JD and the LLB are available. For those seeking further and higher legal education, the masters and diploma programs, taught in the city, provide a wide variety of skills. All of the subjects offered in these programs can be undertaken on a single subject basis, for credit or not, for those who wish to focus on just one area.

It is not only the breadth of offerings of which we are proud, but also of the quality of our teaching. In this issue we also profile Professor Stephen Barkoczy, taxation law specialist and winner of the 2008 Prime Minister's University Teacher of the Year Award. Stephen is inspiring new generations of tax lawyers, and any person who can do that surely deserves a prize.

Professor Arie Freiberg
Dean, Monash Law School

DIARY DATES: 2009

5 May

Dean's Lecture Series
Presenter: Dr Ian Freckelton SC
Suicide and Personal Injury Litigation
marketing@law.monash.edu.au

5 May

Hypothetical
Australian Indigenous Arts and the Law
– An Aboriginal Story
marketing@law.monash.edu.au

11–17 May

Law Week
www.victorialaw.org.au/lawweek

14 May

Great Law Week Debate
"They're not morons: governments should butt out of young peoples' lives"
marketing@law.monash.edu.au

20 May

Postgraduate Information Evening
marketing@law.monash.edu.au

2 June

Dean's Lecture Series
Presenter: Professor Marilyn Pittard
457 Visas and Labour Standard
marketing@law.monash.edu.au

17 July

2009 Annual Castan Centre Conference
The Changing Human Rights Landscape
castan.centre@law.monash.edu.au

23 July

Costello Lecture
marketing@law.monash.edu.au

1–2 August

Monash University Open Day

4 August

Law Students' Society Lecture
Presenter: Ms Catherine Lambie, Magistrate
Family Violence
marketing@law.monash.edu.au

Mick Dodson Australian of the Year

Monash alumnus Professor Mick Dodson AM (BJuris 1974, LLB 1978) is the 2009 Australian of the Year.

Professor Dodson is an academic and Indigenous issues advocate. He is the director of the National Centre for Indigenous Studies at the Australian National University and chair of Australian Institute of Aboriginal and Torres Strait Islander Studies. Professor Dodson received a Monash University Distinguished Alumni Award in 1997/98.

Presenting the award on Australia Day eve, Prime Minister Kevin Rudd thanked Professor Dodson for his lifetime commitment to improving the lives of Aboriginal people and promoting understanding between all Australians.

“Mick Dodson has been a courageous fighter for reconciliation and for closing the gap between indigenous and non-indigenous Australians,” said the Prime Minister.

“His efforts truly show that if we work together, we can achieve real progress.”

Professor Dodson is the second Monash alumnus to receive this prestigious national honour. Professor Tim Flannery (MSc 1981) was Australian of the Year in 2007.



Prime Minister Kevin Rudd, Professor Mick Dodson and Adam Gilchrist, Chair of the Australia Day Council

Awards

Alumni Awards

Patrick Dodson

Indigenous leader Patrick Dodson, was named Western Australia's Senior Australian of the Year, 2009. Mr Dodson is a member of the advisory board of Monash University's Castan Centre for Human Rights Law.

Australia Day Honours

Mick Dodson AO
(BJuris 1974, LLB 1978)

Australian of the Year
Officer of the Order of Australia (AO)
in the General Division

Mr Julian Burnside AO QC
(BEc 1972, LLB 1973)

Officer of the Order of Australia (AO)
in the General Division

For service as a human rights advocate, particularly for refugees and asylum seekers, to the arts as a patron and fundraiser, and to the law.

Professor David Cousins AM
(BEc (Hons) 1973, MEc 1978)

Member of the Order of Australia (AM) in the General Division

For service to the community through a range of executive roles contributing to the administration and development of consumer policy and legislation.

Mr William Horman AM APM
(LLB (Hons) 1976)

Member of the Order of Australia (AM) in the General Division

For service to the community through a range of executive roles with crime and injury prevention and anti-violence organisations and raising awareness of responsible gambling.

Mr Erskine Rodan AM
(GradDipFamLaw 1985)

Medal of the Order of Australia (AM) in the General Division

For service to the law, particularly through the Law Institute of Victoria and to the community through legal aid and as an advocate for refugees.

Judicial Appointments

Honourable Justice Jennifer Davies (LLB 1979, BJuris 1977) – appointed to the Supreme Court of Victoria

Ms Davies has been a barrister for 22 years and is a tax law expert. She has had extensive experience in insolvency and administrative law.

Magistrate Annabel Hawkins (LLM 2002, LLB(Hons) 1992, BA 1990) – appointed to the Victoria Magistrate Court

Ms Hawkins was a member of various tribunals including the Victorian Civil and Administrative Tribunal and a Legal Member of the Mental Health Review Board.

She has worked as a solicitor in Victoria since 1992 and was admitted to the New York Bar in 2001. She has experience in private practice and with various Government departments and legal aid agencies and was previously a registered nurse.

Magistrate Evelyn Bender – appointed to the Federal Magistrate Court of Australia

Ms Bender has been a senior family law advocate with the Family, Youth and Civil Division of Victoria Legal Aid since 2005. In 2004, Ms Bender was awarded the Chief Justice's Australia Day Medal for her contribution to the Family Court of Australia.

Magistrate Jane Gibson (LLB 1987, BA 1987) – appointed to the Children's Court of Victoria

Ms Gibson worked at VLA between 2001 and the end of 2006. Her roles included in-house counsel and Children's Court advocate. Ms Gibson was a barrister with extensive experience working on behalf of children and young Victorians.

Magistrate Francis Zemljak (LLB 1981, BA 1979) – appointed to Acting Magistrate to the Children's Court

Mr Zemljak is an Accredited Family Law Specialist, a qualified Arbitrator under the provisions of the Family Law Act 1975 and a trained Mediator. He is a member of the Victorian Legal Aid Panel of Child Representatives and has many years experience in all jurisdictions involving Family Law, including the Family Court, the Supreme Court of Victoria and the High Court.

Prize Ceremony

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

Distinguished 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 Queens' 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 this year 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.

Sponsors:

- > Allens Arthur Robinson
- > Arnold Bloch Leibler
- > Australian Advocacy Institute
- > Australian Finance Conference
- > Blake Dawson
- > Clayton Utz
- > Commonwealth Director of Public Prosecutions
- > Corrs Chambers Westgarth
- > County Court of Victoria
- > Davies Collison Cave
- > Deacons
- > Department of Justice – Victoria
- > DLA Phillips Fox
- > Freehills
- > Hall & Wilcox
- > Herbert Geer
- > Holding Redlich
- > Hunt & Hunt
- > International Commission of Jurists (Victoria)
- > Kumar Amarasekara Bequest
- > LexisNexis
- > Mallesons Stephen Jaques
- > Maurice Blackburn Lawyers
- > Monahan + Rowell
- > National Australia Bank
- > Office of Public Prosecutions
- > Sir Charles Lowe Trust
- > Supreme Court of Victoria
- > The Dr Brian Donovan Memorial Trust
- > The Family of Ms Louise Crockett
- > Thomson Reuters Legal and Tax Australia
- > Transport Accident Commission
- > Victorian Government Solicitor
- > Victorian Institute of Forensic Medicine



The Honourable Justice Lex Lasry QC



Natalia Blecher



The Monash Law School Prize Ceremony provides an excellent opportunity to showcase some of the Law School's finest talent.

Recognising and encouraging outstanding academic achievement contributes to the personal and professional growth of our students and is a vital element in the development of a university education. The financial rewards offered with our prizes are only made possible through the generous support of the many sponsors both within and outside the legal profession who join with us in recognising the efforts of our high achievers.

If you would like to sponsor an award please contact Rob Cioffi – Rob.Cioffi@law.monash.edu.au

Alumni Highlights:

The Monash JD is booming

Students from around the world study law at Monash, exchanging knowledge and ideas and contributing to the cultural wealth of the faculty community.

The Monash JD is designed for non-law graduates wanting to obtain a degree in law. The JD meets the academic requirements for admission as a legal practitioner however you must complete a practical legal training program or participate in a period of supervised workplace training.

The January 2009 intake for the JD was the highest ever and the course is continuing to increase in popularity amongst non-law graduates.

The JD provides a convenient CBD location based at the Monash University Law Chambers on Bourke Street, the flexibility to work while you study, the ability to tailor your workload to suit professional and personal commitments, small class sizes, innovative teaching by highly qualified legal academics and practitioners and the ability to undertake electives from the Masters program.

In addition JD students have the opportunity to study internationally either at our Prato or Malaysia Campus. Students can also enrol in the new international dual degree program offered between Monash Law School and Washington College of Law in Washington DC. Students studying the Monash JD can complete their degree at Washington College of Law, obtaining a Juris Doctor from both law schools.

Canadian student Danae Carling commenced her Master of Laws (Juris Doctor) in 2008 at Monash Law School.



"I have a BScH and MSc from Queen's University in Life Science and Pharmacology. I am currently taking the LLM (JD) with an interest in Intellectual Property.

I haven't had too many obstacles throughout my education, but studying and practicing law was not something that I always considered doing. I didn't realise I could have a career with a scientific focus and still be a lawyer. Problem solving and analytical reasoning are two things that attracted me to pursue the JD and once I realised the many options a lawyer has I was compelled to pursue my degree.

Combining my science background with a law degree was an opportunity to problem solve daily, but not be in a lab. I chose Monash because it was a reputable university and I liked the flexibility of having trimesters instead of semesters. This will allow me to complete my degree more quickly and start working as a legal practitioner sooner.

I hope my degree from Monash will open many doors so I can marry my science background with my legal knowledge and have an exciting career in IP or pharmaceutical law."

Danae Carling (current JD student)

First Oxfam interns share volunteer experience

Three Monash Law students have completed a five-week internship in South Africa where they worked directly on human rights and HIV/AIDS campaigns with Oxfam Australia.

Monash signed a formal agreement with Oxfam Australia last year to create new collaboration opportunities including voluntary opportunities for students.

Honours student Laura Dortmans was placed at the Hillcrest Aids Centre in Durban.

Laura said it was great to be able to put what she had learnt in the classroom into practice.

"To be on the ground and to see change every day was so inspirational," Laura said.

"I've realised that you don't really have to be involved in policy development at the top level to effect change – you can do so much at a grass roots."

Jessica Malin and Neda Monshat from the Castan Centre for Human Rights Law were placed at Lawyers for Human Rights, interviewing clients in relation to permit extensions and refugee status determination.

Jessica, who also studies community development, said it was great to be able to see human rights law in practice.

"To hear people's stories and see the hope they have to improve their lives had such an incredible impact on me and encouraged me to follow human rights law as a career path," Jessica said.

Deputy Vice-Chancellor (Education) Professor Adam Shoemaker said the program, a first for an Australian university, was a fantastic opportunity for Monash students and the aid organisations involved.

"It is so exciting to see that in four to five weeks students who may have known little about a country or its health challenges have returned with a cross-cultural understanding they may never have dreamed of," Professor Shoemaker said.

Professor Shoemaker said Monash would now evaluate the program's success in conjunction with Oxfam to determine what will happen in the future.

"It is likely we will have another short term internship in South Africa and also look at a semester-long program at Monash South Africa that may even be for academic credit."

"This is part of our plan to make for a richer learning experience for our students – all part of the Monash Passport."

Grand Final Moot

The Monash Law Students' Society cordially invites you to attend the Grand Final of the annual General Moot Competition.

The General Moot is the largest and most prestigious of the competitions run by the Law Students' Society, with over 200 students participating in junior and senior divisions. Our esteemed Judges include Justice Hayne of the High Court, Justices Jessup and Gordon of the Federal Court and Chief Judge Rozenes of the County Court.

The moot will be held at 6pm on Tuesday 5 May in the Commonwealth Law Courts. No RSVP is necessary.

Furthermore, if you were interested in judging the rounds of this competition in late April or for any other enquires, please contact the Law Students' Society via email at competitions@monashlss.asn.au

Class notes:

If you would like to share your career or have an interesting Monash Law School story please contact Kate Daley – kate.daley@law.monash.edu.au

Leanne Howard

On graduating from Monash with Law (Hons)/Arts in 1995, I commenced articles with Mallesons Stephen Jaques. From 2000 to 2002 I worked in Baker & McKenzie's London office, specialising in Information Technology and Intellectual Property (ITTP) law. I returned to Mallesons where I was until 2004 a Senior Associate practising Competition Law. With my husband, Jack Mordes (also Monash Law alumni 1995), I established bgv group, a business valuation specialist firm. In 2008, bgv group was bought by Helfen Corporate Advisory and Jack has remained in the business as a partner. I am currently at home with my baby girl, Kate (8 months) and my sons John (5 years) and Nicholas (3 years) are at school and kinder.

Rowan Russell

After graduating in 1979 with a BA and LLB (Hons), I have spent the last 30 years with Mallesons Stephen Jaques, first as a banking and capital markets partner and then as a managing partner based in Melbourne, then as a banking and capital markets partner in Sydney for 3 years and for the last 4 years as the partner in charge of the firm's office in London. For the last 3 years I have enjoyed teaching the law of financial transactions to students at the Monash campus at Prato Italy.

Kristie Churchill

I finished my LLB in Feb 2008 and started articles in March 2008. Since leaving Monash I have worked as an Articled Clerk with the Office of Public Prosecutions, here I have had responsibility for prosecuting various crimes on behalf of the State. I have worked in the following sections; general crime, including homicides, drugs, sex offences and appeals. I finished my articles in March 2009 and have applied for admission to practice.

Fiona Miles

After graduating from Monash in 1995 in Law and Arts (Honours in Psychology), I commenced work at Arthur Robinson & Hedderwicks, now Allens Arthur Robson, where I completed my articles and ended up specialising in intellectual property law. After a year of travelling (whilst on leave of absence) in Europe and Australia in 2003, I decided to change path and work for a smaller boutique IP practice. I started working at Griffith Hack (a firm of patent and trade mark attorneys and IP lawyers) in 2004 as a IP lawyer and now Senior Associate and have worked there ever since apart from a stint of maternity leave after the birth of my son Noah (age 3). In this role (part time at the moment) combined with a very supportive husband and family I am lucky to have achieved a real work, motherhood and life balance! Currently I am on secondment for 9 months to a client, Rio Tinto, as an IP advisor.

Stand out memories for me of Monash Law are running late for lectures after madly trying to find a car park, sitting on the steps of the law faculty building waiting to meet friends, HP Lee Admin lectures and Bernadette McSherry Crim lectures which always kept us interested.

Kate Harry

I graduated from Monash Law School in 2004. After graduating, I spent 12 months undertaking my articles of clerkship in a suburban firm, learning about general litigation and family law. Once I completed my articles, I moved into the city and worked for a small two-partner law firm. At this time, I also became involved with the Young Lawyers Section at the LIV. After a year on the social committee, I was elected to the position of Co-Chair and am now the Vice-President of the Young Lawyers Section.

I was employed by Cornwall Stodart and have been working in their litigation team since August 2007. I am now fortunate to work with and be mentored by high-calibre lawyers who love what they do.

Law School Ambassador's encourage students to dig deep for 'Black Saturday'

The tragic loss of life and property that occurred recently as a result of the Victorian bushfires touched many of us. The horrific images have filled our television sets and made newspaper headlines. The stories of survival have filled our radio airwaves. Their stories have had a great effect on us. These bushfires were the worst natural disaster Australia has ever endured, with reports of over 173 lives lost and over 1,800 principal houses destroyed.

In light of such a catastrophe it is often difficult to know how to help the victims. However, with O-Week fast approaching – which meant hundreds of excited first year students scattered around the Monash Clayton Campus – it was the perfect opportunity to collect donations from students wishing to assist in some way.

Having applied and gained confirmation that the event was indeed an authorized Red Cross Community Fundraiser, a group of over 20 volunteers were assembled, made up of Monash Law School Ambassadors and students from other universities, keen to lend a hand for such a worthy cause. Throughout O-Week these volunteers gave up their time to tin-rattle their way around campus.

Thanks to the generosity of Monash students, \$2,592.40 was raised in O-Week alone, with 100% of the funds donated to the Red Cross Bushfire Appeal. This was a fantastic result, especially given the fact that this was done in the tough economic climate of today.

Undoubtedly, the funds raised will go towards rebuilding shattered communities. Many thanks must be expressed to all the volunteers over the week and to Lloyd England who offered a helping hand during the fundraiser.



L to R: Lucas Hopkins, Mae Comber, Tom Paule, Kenny Velos

Corporate Insolvency: Update

By Dr Oren Bigos, Barrister

Every day corporate insolvency is in the news. Numerous companies are falling victim to the global financial crisis and the tighter credit conditions. Some are in external administration, while other distressed companies struggle to avoid it.

Directors have to make decisions about whether to continue to trade, thereby risking liability for insolvent trading, or to appoint administrators. Should a business judgment defence be introduced (reflecting the Canadian position), in order to prevent the premature entry into external administration, particularly in large corporations? The federal Treasury's 'Review of Sanctions in Corporate Law' (2007) invited submissions on this topic but no action has been taken yet as a result.

The most drastic form of external administration is winding-up. This is a last resort as it represents the sudden death of the company, with adverse consequences for the directors, creditors, employees, members and customers. Company liquidations have increased rapidly since the financial crisis began.

There are alternatives to winding-up, both informal and formal. Under an informal reconstruction or private work-out, the company and its major creditors negotiate a restructure of debt that allows the company to survive. Recent examples include Centro Properties Group and Babcock & Brown. The recent decision in *The Bell Group Ltd (in liq) v Westpac Banking Corporation (No 9)* [2008] WASC 239 (one of the longest and most expensive civil actions in Australian history) sounds a warning. If the directors and major lenders negotiate a work-out without considering the interests of other creditors, they open themselves to attack. When a company is insolvent or approaching insolvency, the lenders cannot bury their head in the sand; they are at risk of secondary liability for a breach of the directors' duty to take into account the interests of the company as a whole (including the interests of creditors, which come to the fore).

As for formal rehabilitation, the most common regime is voluntary administration, which may lead to a deed of company arrangement. The law on this topic was streamlined with the passage of the *Corporations Amendment (Insolvency) Act 2007* (Cth), and further procedural improvements may be expected following the publication of the federal government's Corporations and Markets Advisory Committee (CAMAC) report on 'Issues in external administration' (November 2008). A less common rehabilitation regime, requiring court approval, is a creditors' scheme of arrangement. This is currently proposed in order to give effect to the settlement of claims by former clients of Opes Prime.

Another form of external administration of companies is receivership. Secured creditors have become less hesitant in enforcing their securities and exercising their right to appoint a receiver. Recent examples include Allco Finance Group, ABC Learning Centres and Storm Financial. Secured creditors will be affected by the proposed Personal Property Securities legislation (currently a bill exposure draft), a national system based on Canadian and New Zealand laws set to replace many State and Territory statutes on the topic.

Many of the casualties of the global financial crisis are corporate groups. This complicates matters both for directors and lenders. For example, in *The Bell Group* judgment, the directors came under criticism for considering the interests of the group, rather than those of the individual companies. One reform introduced by the *Corporations Amendment (Insolvency) Act 2007* is the pooling of assets and liabilities among group companies that are wound up.



Dr Oren Bigos
(LLB(Hons) 1999,
BCom 1997)
Barrister

Some companies affected by the crisis operate internationally. Overseas the financial picture is even more dire than in Australia. Australia adopted the UNCITRAL Model Law on Cross-Border Insolvency by enacting the *Cross-Border Insolvency Act 2008* (Cth). This gives a foreign liquidator (or other insolvency 'representative') the right to apply to an Australian court for recognition of both his or her status and the foreign insolvency proceeding. The consequences of recognition include various moratoria on enforcement in Australia. Recently the liquidator of Betcorp used an overseas equivalent of the legislation (chapter 15 of the *Bankruptcy Code* (US)) to obtain recognition of the Australian winding up in the United States.

In two recent reports, CAMAC considered whether law reform is necessary in the area of proof and ranking of claims. According to 'Long-tail liabilities: The treatment of unascertained future personal injury claims' (May 2008), a court should have the power to order a liquidator to set aside funds for individuals whose personal injury claims against the company have not yet crystallised but will arise at some indefinite future time, eg a person exposed to asbestos fibres that does not yet suffer from asbestosis. 'Shareholder claims against insolvent companies' (December 2008) advocates against a legislative reversal of the High Court's decision in *Sons of Gwalia Ltd v Margaretic* (2007) 231 CLR 160 which enables shareholders who acquired shares as a result of misleading conduct by a company to be treated as unsecured creditors in insolvency.

Part of the role of ASIC, the corporate regulator, is to investigate corporate collapses and take enforcement action against directors and others. In addition, liquidators are frequent litigants in proceedings for the recovery of assets. The lighter stance towards litigation funding taken by the High Court in *Campbell's Cash & Carry Pty Ltd v Fostif Pty Ltd* (2006) 229 CLR 386 may also encourage investors to commence class actions to recover their losses in the aftermath of a corporate collapse.

Dr Oren Bigos is a member of the Victorian Bar, specialising in insolvency, banking & finance, corporations & securities, equity & trusts and property. In 2009 he will teach Corporate Insolvency in the Masters of Laws program at Monash. He was the Supreme Court Prize Winner in 1998.

Going International

Like all aspects of modern life, the practice of law has become increasingly global. Many of our graduates look for opportunities to study or practice overseas after they complete their degree. Those practising in Australia may be dealing with parties in more than one jurisdiction. The challenge for law schools is preparing Victorian law students for the global environment in which they will practice.

One way in which Monash Law School addresses this challenge is by providing students with the opportunity to undertake an international study program during the course of their law degree. The aim of these opportunities is to give students the chance to experience other legal cultures and to develop the skills necessary to work in a global legal environment.

Prato and Malaysia Study Abroad

Established in 2001, the Monash Prato Program provides Monash students with the opportunity to take up to one semester of units at the Monash Prato Centre, near Florence, Italy. This year, a record 109 Monash undergraduate law students will join approximately 70 students and faculty from our partner universities to study up to one semester of international and comparative law units. The Prato Program provides a unique experience for students to study with students from around the world, as well as being taught by faculty from overseas universities. Participating universities include the University of Florence (Italy), Osgoode Hall Law School, York University (Canada), Université Paris XI (France), Arizona State University (USA), Georgian American University (Republic of Georgia) and University of Haifa, Barilan University and Tel Aviv University (Israel).

The success of the Prato Program has led the law school to look at expanding its study abroad opportunities. In 2010 we aim to have a similar program established at the Monash Sunway Campus near Kuala Lumpur, Malaysia. Drawing upon partners from the Asia-Pacific region, as well as North America and Europe, the program will again have an international and comparative focus, while reflecting the distinct legal culture of the region. When combined, the two programs will provide an integrated study abroad opportunity for Monash Law School students which is unique in Australia.

Exchange

A popular way for students to incorporate an international experience as part of their degree is to take part in a student exchange with one of our many international partners. In 2008, 40 law students were on exchange overseas, at universities including York University (Canada), Washington College of Law (USA), University of Copenhagen (Denmark), Utrecht University (Netherlands), University of Jean Moulin – Lyon III (France), King's College, London (UK), University of Hong Kong and Tel Aviv University (Israel). Students generally receive credit towards their degree, and are supported by funding from Monash Abroad. The university is equally enriched by students from our exchange partners studying with us.

Internships

Another way in which students can gain invaluable 'real life' experience working overseas is through internships. Through its Student Mobility Fund, the Faculty supports students engaging in a range of internship opportunities. Faculty Managed Internships are supported by an agreement between the Law Faculty and the provider. These include the Castan Centre Global Internships, with 2009 interns taking up positions with Human Rights First, New York City; Australian Delegation to the Human Rights Council, Geneva; International Women's Rights Action Watch – Asia Pacific, Kuala Lumpur; Global Compact, New York City; Oxfam, South Africa and the International Commission of Jurists, Geneva. The faculty also offers internships with Zaid Ibrahim, Malaysia's largest law firm, Herzog, Fox and Neeman in Israel and Reprieve, an organisation providing assistance to death penalty inmates in the United States. The faculty also encourages students to locate their own internships which, if approved, will receive some financial assistance. Recent examples include students undertaking internships with the International Criminal Tribunal for the Former Yugoslavia, in the Hague, and the Amazon Defense Coalition in Ecuador.

The Faculty is also conscious that cost may prohibit some students from undertaking such opportunities. In addition to Study Mobility Funding, the faculty provides equity bursaries to students who fall within university defined categories of disadvantage.

Bridi Rice BA/LLB(Hons) 2008



It was early in my study at Monash University that I realised the importance of international experience if I wanted to pursue a career in human rights. I set about indulging my passion for cultural anthropology with various fieldwork stints in Uganda, Guatemala, Peru and Samoa before embarking on a year's worth of overseas work and study after the third year of my Arts/Law degree.

I landed in Cambodia and took up a position as an intern for four months for the United Nations working on the Extraordinary Chambers in the Courts of Cambodia (Khmer Rouge Tribunal).

I conducted fieldwork and research into many of the suspects currently before the Court and particularly focused on examining evidence of potential genocide committed against Cambodian minorities, as well as torture and starvation related offences.

From Cambodia, I switched cultures, languages and temperatures, trading my tan for my winter coat, and arrived in Geneva to work for the Department of Foreign Affairs and Trade as a Castan Centre Global Intern. For two months, I worked on negotiating resolutions, making presentations to the United Nations and participating in the creation of the United Nations Human Rights Council on behalf of Australia.

From Geneva, it was a small trip down to Florence where I traded my suit for my jeans and sandals and returned to life as a student, studying at Monash University's Prato campus for two months. It was there that I was able to bring my real life experience to my academic pursuits, studying comparative criminal law under my now mentor, the Hon. Stephen Charles QC.

I recount my whirlwind year with passion, 'trading legal blows with the Chief Prosecutor at the Court, writing his Conference papers, sharing coffees with the Ambassador for Djibouti, indulging in Tuscan scenery with 'Judge' (the Hon. Stephen Charles QC) – it was the stuff of dreams.' I see my experiences overseas as an instrumental part of my time at Monash. 'I wasn't a great student, I almost dropped out, but the opportunity to get into the field somehow put my studies into perspective. Speaking with people who were living my dreams was inspiring. It's not in the class room that you learn what it's like to have lived through torture, nor is it the place that you learn the harsh reality of international relations – to be given a taste of your dream job whilst still being a student put all of my study into context. It certainly got me through the final year or two of my degree.'

I also see my experience overseas as a reason for why I was employed by the Attorney-General's Department as a Legal Officer on the National Human Rights Consultation – 5 days after handing my honours thesis in. The Consultation was launched last December and I see working on the Consultation as a once in a life time opportunity to participate in shaping the future of human rights in Australia. 'Travelling all over the country with the Consultation Committee and engaging with people in Australia about what human rights means to them is a humbling experience. I see many parallels between my experiences in remote parts of other countries, and my experiences here. I also find that I am putting to use the skills I learnt during my time at Monash, every day in this incredibly challenging job. If nothing else, the experience I have up until now just reconfirms how much there is to learn, and that's exciting.'

Natalia Blecher (BA/LLB (Hons), 2009)



Prato is a wonderful place to study law. For one thing, you needn't (but can) learn another language to attend class.

For another, the lecturers who are chosen to teach at Prato are some of the best teachers I've ever had. The Monash Law School has gathered some of the most passionate, dedicated, bright and engaging individuals, both from its own staff pool and from abroad, to run the Prato units. One of the units I took, comparative criminal law, was taught jointly by The Honourable Stephen Charles QC and Dr Michele Papa of

Firenze University. The passion and interest that only years of experience can engender was patent in the teaching styles of these two lecturers. Perhaps it was just the European air, but I suspect that the passion of these lecturers filtered down to the students, making the whole learning experience wonderfully Socratic.

The content of the Prato law units was distinctly comparative. Many of the subjects taught in Prato were concerned with the interplay between civil and common law, touching on cases and principles drawn from international law. The international flavour of the Prato course content opened my eyes to the place of Victorian (and Australian) law within the global legal system. It also brought to my attention the ways in which domestic laws which might seem banal on their face can emerge either as progressive or archaic when viewed through a comparative lens. Chances are, had I not studied at Prato, I would not have truly appreciated the uniqueness of our legal system.

Another fantastic thing about studying law at Prato is that it is completely unlike studying at home. Units are run on an intensive basis, so students have four weeks in which to get their heads around what at home they have four months to digest. Far from causing students to stress uncontrollably, this intensive form of learning seemed to make students better at coping: they just learn what is and what is not salient for the purposes of studying and revision. Intensive teaching requires that students absorb and synthesise materials fast, without overanalysing. This form of learning equipped me with skills that remained useful for the remainder of my law degree.

Prato offers excellent teachers, highly stimulating course content, and a study environment unlike any other. I wholeheartedly recommend studying in Prato. It was without doubt the highlight of my Monash Law School experience.

Andrew Vincent (BA/LLB, current student)



My law exchange program at King's College London was undoubtedly the most enjoyable and rewarding experience I've had during my tertiary education.

Initially, it was the pure rush of living in the middle of London that was so attractive. I spent ten months at Wolfson House, a student residence five minutes from Tower Bridge. Every morning, I walked along the River Thames to the KCL School of Law, passing landmarks like Millennium Bridge and St Paul's Cathedral along the way.

Eventually I would arrive at KCL – right in the heart of London's legal district – across the road from the Royal Courts of Justice and next door to Temple Inn, one of the four great Inns of Court where barristers work and train. I was amazed by the beautiful KCL law library, apparently one of the best examples of gothic architecture in London and also a film location for both Harry Potter and The Da Vinci Code!

When classes kicked off, I immediately noticed the different style of teaching. Most of my classes didn't even have lectures (brilliant!) and everything was instead taught through seminars (long tutorials). I found this method of teaching to be a refreshing change and thoroughly enjoyed studying in a different jurisdiction with a focus on both English and EU law.

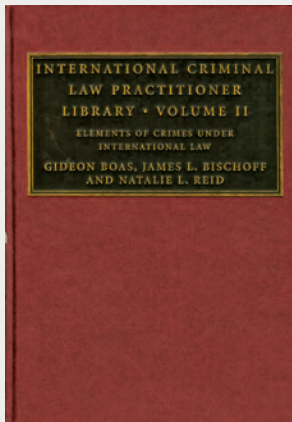
Aside from the scenery and the study, the exchange program provided me with an opportunity to live an entirely different lifestyle and make new mates from all over the world. I now have great friends from England, France, Germany, Greece and the USA just to name a few places. When I travelled around Europe, I crashed at the homes of these friends wherever possible! A particularly memorable experience was spending a long weekend at a mate's cabin in the French Alps, snowboarding with about a dozen fellow students!

The exchange program was equally rewarding for all its unexpected opportunities. During the mid-semester break, I completed an internship with Skadden, Arps, Slate, Meagher & Flom LLP, one of the largest commercial law firms in the world. After my final exams, I completed a mini-pupillage with a barrister at Gray's Inn and got the chance to observe her in action in the Court of Appeal of England and Wales as well as the High Court.

My exchange program at KCL was an unbeatable experience. I had a fantastic time living, working and studying in London, meeting new people and travelling all over Europe. I strongly encourage all Monash students to take advantage of the study abroad programs – they really are the experience of a lifetime!

New Publications

<http://www.law.monash.edu.au/research/book-releases.html>



International Criminal Law Practitioner Library: Volume 2, Elements of Crimes under International Law

– Gideon Boas, James L Bischoff, Natalie L Reid

Volume II of the *International Criminal Law Practitioner Library* series focuses on the core categories of international crimes: crimes against humanity, genocide, and war crimes. The authors present a comprehensive and critical review of the law on the elements of these crimes and their underlying offences, and examine how they interact with the forms of responsibility discussed in Volume 1. They also consider the effect of the focus in early ICTY and ICTR proceedings on relatively low-level accused for the development of legal definitions that are sometimes ill-suited for leadership cases, where the accused had little or no physical involvement in the crimes. The book's main focus is the jurisprudence of the ad hoc Tribunals, but the approaches of the ICC and the various hybrid tribunals are also given significant attention. The relevant jurisprudence up to 1 December 2007 has been surveyed, making this a highly useful and timely work.



Gideon Boas



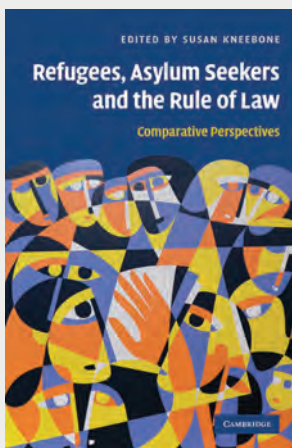
James L Bischoff



Timothy LH McCormack



Natalie L Reid



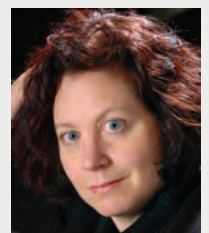
Refugees, Asylum Seekers and the Rule of Law: Comparative Perspectives

– Audrey Macklin, Andy Macklin, Susan Kneebone,
Maria O'Sullivan – Monash Law School

The purpose of this book is to provide a comparison of how asylum law issues have tested and impacted upon the operation of the Rule of Law in five common law jurisdictions, namely the UK, Australia, Canada, the USA and New Zealand. It explains the international context for the responses of these jurisdictions, and evaluates the responses from the perspective of respect for human rights.



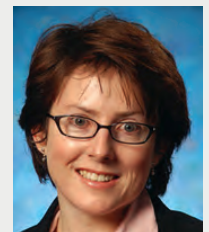
Andy Macklin



Audrey Macklin



Susan Kneebone



Maria O'Sullivan

Legal ethics winner

At the recent LIV legal awards Monash University Associate Professor Adrian Evans was the winner for the Legal Ethics category.

He has taught, practised law and consulted in a clinical legal education context for 20 years. He has been a member of the LIV Ethics Liaison Group since it began in 2003 and is a bi-monthly author of the LJ ethics column.

Adrian is currently researching values-based approaches to teaching legal ethics and systemic opportunities to secure the ethical future of the legal profession. Adrian is also a recipient of the Monash Vice-Chancellor's Award for Distinguished Teaching and is the Convenor of Legal Practice Programs at Monash Law School.



Lawrie McCredie program donation

Recently Monash Law Alumni James Kimpton donated to the Lawrie McCredie program. His donation will ensure that students are effectively mentored in a situation where access to staff is not as easy as it was in earlier times. James was involved in discussions with staff and students which led to the program.

Other reasons for his donation were that he was very grateful for what 'Monash law' gave him over 40 years ago (1967–68) and was happy, to 'give back'. There is perhaps some irony in this. The first irony is that he only attended Monash for the last two years of an Arts-Law course which was started at the ANU but he was, on the basis of his ANU results, invited to join the honours course. A key element of this was the 'fifth year honours seminar' which involved detailed consideration of how a range of consumer protection issues might be dealt with in the courts and by legislation; he suspected the model was Hart and Sacks' The Legal Process.

In review book launch

On Tuesday 24th February Monash Law held a book launch at the Monash Law Chambers to celebrate the many books released by Monash Law staff since 2007.

Chief Justice Marilyn Warren spoke about the wonderful achievements of the staff and said next time “we should open a book stall” as there were 53 books featured on the night with 30 on display. There was an overwhelming response and there are now plans to make it an annual launch every two years. Below is a list of the books and authors from the night:



L to R: Professor Marilyn Pittard, Professor HP Lee, The Hon. Marilyn Warren (Chief Justice of the Supreme Court of Victoria), and Dr David Lindsay

International Trends in Mental Health Laws
– Bernadette McSherry

Regulating Deviance The Redirection of Criminalisation and the Futures of Criminal Law – Bernadette McSherry, Alan Norrie, Simon Bronitt

Criminal Discovery From Truth to Proof and Back Again – Cosmas Moisidis

Penal Populism, Sentencing Councils and Sentencing Policy – Arie Freiberg, Karen Gelb

Provocation in Sentencing Research Paper
– Arie Freiberg, Felicity Stewart

Expert Evidence 4th Edition Law, Practice, Procedure and Advocacy – Ian Freckelton, Hugh Selby

Australian Intellectual Property Law – Mark J. Davison, Ann L. Monotti, Leanne Wiseman

International Domain Name Law ICANN and the UDRP
– David Lindsay

Shanahan's Australian Law of Trademarks and Passing Off 4th Edition – Dan Shanahan, Mark Davison, Annette Freeman, Tracey Berger

Intellectual Property 4th Edition Cases, Materials & Commentary – Ricketton, Richardson, Davison

Australian Federal Constitutional Law Commentary and Materials – G Winterton, HP Lee, A Glass, J Thompson

Constitutional Landmarks in Malaysia The First 50 Years 1957-2007 – Andrew Harding, HP Lee

Constitutional Law – Melissa Castan

Australian Administrative Law Fundamentals, Principles and Doctrines – Matthew Groves, HP Lee
Government of the Shadows Parapolitics and Criminal Sovereignty – Eric Wilson

Savage Republic De Indis of Hugo Grotius, Republicanism and Dutch Hegemony Within the Early Modern World-System (C.1600-1619) – Eric Wilson

Public Sector Employment in the Twenty-First Century
– Marilyn Pittard, Phillipa Weeks

New Global Frontiers in Regulation The Age of Nanotechnology – Graeme Hodge, Diana Bowman, Karinne Ludlow

The Law of Torts in Australia 4th Edition
– Francis Trindade, Peter Cane, Mark Lunney

Tort Law in Principle 5th Edition
– Bernadette Richards, Karinne Ludlow, Andy Gibson

Australian Property Law 8th Edition – P A O'Connor, BJ Edgeworth, C J Rossiter, M A Stone

Australian Media Law 3rd Edition – Des Butler, Sharon Rodrick

Corporate Law – Elizabeth Boros, John Duns

Equity – Susan Barkehall Thomas, Vicki Vann

Trusts – Susan Barkehall Thomas, Vicki Vann

Government Venture Capital Incentives A Multi-Jurisdiction Comparative Analysis – Stephen Barkoczy, Daniel Sandler

Interpreting and Implementing the TRIPS Agreement Is it fair? – Justin Malbon, Charles Lawson

Principles of Contract 3rd Edition – Jeannie Paterson, Andrew Robertson, Arlen Duke

Contract: Cases and Materials 11th Edition
– Jeannie Paterson, Andrew Robertson, Arlen Duke

Core Tax Legislation & Study Guide 10th Edition
– Stephen Barkoczy

Core Tax Legislation & Study Guide-11th Edition
– Stephen Barkoczy

Core Tax Legislation & Study Guide-12th Edition
– Stephen Barkoczy

Australian Taxation Law 18th Edition
– Woellner, Barkoczy, Murphy, Evans

Australian Taxation Law 19th Edition
– Woellner, Barkoczy, Murphy, Evans

Australian Tax Casebook 8th Edition
– Stephen Barkoczy

Australian Tax Casebook 9th Edition
– Stephen Barkoczy

Foundations of Taxation Law – Stephen Barkoczy
Advocacy Manual The Complete Guide to Persuasive Advocacy – Professor the Hon George Hampel AM QC, Elizabeth Brimer, Randall Kune

Lawyers Practice Manual Victoria – Ross Hyams
Practical Legal Skills 3rd Edition – Ross Hyams, Susan Campbell, Adrian Evans

Innovation in Clinical Legal Education Educating lawyers for the future – Bronwyn Naylor, Ross Hyams

Inside Lawyers' Ethics – Christine Parker, Adrian Evans

Child Abuse and Family Law – Thea Brown, Renata Alexander

Family Law 3rd Edition – Geoff Monahan, Ross Hyams

New Regionalism and Asylum Seekers Challenges Ahead – Susan Kneebone, Felicity Rawlings-Sanaei

International Law Practitioner Library Volume 1 Forms of Responsibility in International Criminal Law – Gideon Boas, James L. Bischoff, Natalie Reid

International Criminal Law Practitioner Library Volume 11 Elements of Crimes Under International Law – Gideon Boas, James L. Bischoff, Natalie L. Reid

The Milosevic Trial Lessons for the Conduct of Complex International Criminal Proceedings
– Gideon Boas

Human Rights Translated A Business Reference Guide
– Sarah Joseph

From Convention to Classroom: The Long Road to Human Rights Education – Paula Gerber

A Practical Guide to Legal Research – Sue Milne, Kay Tucker

Using Narrative Inquiry as a Research Method
– Leonard Webster, Patricie Mertova

Appealing to the Future Michael Kirby and His Legacy
– Ian Freckelton, Hugh Selby

The year before Gerald Dworkin had put his Property honours students to work on drafting a bill to rationalise the rule against perpetuities.

James also remembers Legal History with Enid Campbell where he did research on aspects of regulation of the pastoral industry; this left him with a life-long interest in the subject.

The honours course gave him a very solid grounding in law as a public policy instrument (as well as a mechanism for resolving disputes) which he was able to put to good use later in life. The second irony is that he never practised law – James initially worked for the family's business before doing other things which eventually edged him to the point where he could apply the learning he had acquired at Monash. While Executive Assistant to the Deputy Premier/ Minister of Mines and Energy for South Australia between 1979 and 1982 he was directly involved in the Pitjantjatjara Land Rights Act and the state agreements for the Roxby Downs (now known as Olympic Dam) and Cooper Basin Liquids Scheme Projects.

From 1983 until 1999 he was responsible for Ansett's relations with Government, which involved policy development, legislation and, to a lesser extent, litigation in the context of aviation policy as well as commercial and diplomatic negotiations (the last after the government allowed Australian airlines other than Qantas to fly internationally).

For the government, he chaired reviews of CASA which included direct involvement of the drafting of aviation safety regulations and the need for that purpose to consider not just what 'mischiefs' needed to be dealt with but ascertain how other countries had tackled these problems as well as previous Australian approaches. In all of this he said that “the Monash grounding was invaluable.”



Lawrie McCredie

Law lecturer wins Prime Minister's teaching award

Monash University Law Professor Stephen Barkoczy has won the 2008 Prime Minister's University Teacher of the Year Award. It is only the second time that a Monash academic has been honoured in this way and the first in a decade.

Professor Barkoczy was recognised for making the difficult subject of taxation law interesting and engaging for students. He was chosen from 22 university teachers who this year received an Australian Award for University Teaching from the Australian Learning and Teaching Council (ALTC). The Prime Minister's Award is reserved for outstanding teachers who have an exceptional record of advancing student learning, educational leadership and scholarly contribution to teaching.

Professor Barkoczy has been teaching and researching at Monash University for 20 years and is also a consultant to major Australian law firm Blake Dawson. His main areas of expertise are taxation law, superannuation law and venture capital law.

Professor Barkoczy said he actively blended his research and practice into his teaching and focused on illustrating to students how complex taxation principles were applied commercially.

"I make an effort to bring the issues I come across through my consulting and research into the classroom," Professor Barkoczy said.

He said he often used public commercial documents, in addition to his textbooks, to illustrate how tax law is applied in practice.

"In my advanced tax classes, we often work from the documents back to the law rather than concentrate purely on theory. I try to make it real for the students and get them to think laterally and creatively about how the law is applied."

Acting Vice-Chancellor, Professor Adam Shoemaker congratulated Professor Barkoczy on his achievements.

"This is wonderful recognition for an outstanding University teacher. I am sure I speak for all of Stephen's friends and colleagues and, of course, the Dean of Law, Professor Arie Freiberg, when I say this reward is well-deserved," Professor Shoemaker said.

The Australian Learning and Teaching Council promotes excellence in higher education by recognising, rewarding and supporting teachers and professional staff through a suite of award, fellowship and grant schemes.



Professor Stephen Barkoczy

Castan Centre Annual Conference

An outstanding line-up of speakers including The Honourable Robert McClelland, Australia's Attorney General will present at this year's Castan Centre Annual Conference. The conference will focus on the changing human rights landscape.

In light of the Rudd Government's announcement of the National Human Rights Consultation, Mr McClelland will address the issue of the legislative protection of human rights in this country. Considering the emotional debate that the consultation has already unleashed, Mr McClelland's speech will be closely followed in the human rights world.

The debate on a national bill of rights follows hot on the heels of the creation of the Victorian Charter of Human Rights and Responsibilities Act in 2006. The Charter clearly sets out Victorians' rights, freedoms and responsibilities and ensures that government departments and all public bodies observe and respect these rights and freedoms in the fulfilment of their responsibilities. Mr Alistair Pound, a barrister who recently authored (with Kylie Evans) An Annotated Guide to the Victorian Charter of Human Rights and Responsibilities, will assess the success of this revolutionary Charter from a lawyer's perspective. The Hon. Justice Chris Maxwell, the current President of the Court of Appeal, Victoria, will follow with a judge's perspective on the achievements of this fascinating piece of legislation.

The afternoon sessions of the conference will focus on international human rights issues and will be headlined by the Hon. Robert Hill, who will retire from his role as Australia's Ambassador and Permanent Representative to the United Nations in April this year. Mr Hill will speak on Australia's record of international engagement in the area of human rights, focusing on the Howard and Rudd years. Professor Hilary Charlesworth, the Director for the Centre for International Governance and Justice at the Australian National University, will follow him with her perspective on Australia's recent history of engagement in this area.

The UN Human Rights Council, a controversial body whose main purpose is to make recommendations to the General Assembly about situations in which human rights are violated, will be appraised by Mr Chris Sidoti, a prominent human rights lawyer and spokesman for the Human Rights Council of Australia. He will look at the progress and problems which the UN Human Rights Council has encountered since its inception in 2006. Finally, Professor Sarah Joseph, the Director for the Castan Centre for Human Rights Law will update participants with a run through of major international human rights cases decided in the past year.



The Honourable Robert McClelland

Date Friday, 17 July 2009
Venue State Library of Victoria
Latrobe Street, Melbourne
Time 8.45 am – 4.30 pm
RSVP castan.centre@law.monash.edu.au

Castan Centre Global Interns

In October 2008 the Castan Centre awarded seven internships to Monash law students who have shown a strong and continuing interest in the study and practical application of human rights.

These internships take place from November 2008 to May 2009 at Human Rights First, New York City; the Australian Delegation to the Human Rights Council, Geneva; International Women's Rights Action Watch – Asia Pacific, Kuala Lumpur; United Nations Global Compact, New York City; Oxfam Australia, South Africa (2 positions); and International Commission of Jurists, Geneva.

These seven students are given the unique opportunity to experience and contribute to international human rights organisations first hand. The Castan Centre will again be offering global internship opportunities in 2010 and all internships will be available to eligible Monash Law students. To find out more about the organisations and the background of the Castan internships, visit www.law.monash.edu.au/castancentre/internships/global-intern-program.html



L to R: Marianna Linnick, Neda Monshat, Carly Price, Divina Naidu, Felicity Simons, Jessica Malin and Tania Marcello

Lucinda Lecture

The 16th Annual Lucinda Lecture was held on Thursday 13th November, 2008 at the Law Chambers in Bourke Street.

The lecture series canvass some of the most fundamental issues in Australian Constitutional Law. The topic for this years lecture was 'The parameters of Constitutional Change' and was delivered by The Honourable Sir Gerard Brennan AC KBE. Like previous years the lecture was very popular with close to 150 people attending.



L to R: The Hon Michael Black (Chief Justice of the Federal Court of Australia), Sir Gerard Brennan, Lady Brennan, The Hon. Marilyn Warren (Chief Justice of The Supreme Court of Victoria)

'Yarning up' – Making a difference through Higher Education

Monash University's Equity and Diversity Committee held the first seminar for an on-going series called 'Yarning Up'.

This seminar aimed to inspire Indigenous people to consider careers as lawyers, archaeologists, criminologists, and native title consultants. Students had the opportunity to speak to current and past Indigenous students who had studied at Monash University.

The next seminar for the series is being held on Tuesday 5th May, 2009 for further information please visit www.law.monash.edu.au/news/events/



True Stories: art and Australian crime

In July 2009 the Monash University Museum of Art will showcase highly acclaimed Melbourne-based New Zealand artist Richard Lewer.

Richard Lewer: *'Nobody likes a show off'* continues MUMA's ongoing series of survey exhibitions focussing upon the work of significant artists at mid-career.

The exhibition covers the scope of the artist's practice, from painting, drawing and animation to performance and installation. Marked by a sceptical humour and a focus upon the darker sides of human behaviour, place and social identity, Lewer's work involves close observation and highly subjective encounters with family, sport and criminal perpetrators and their subjects, leading to insightful and absurd narrative reflections on good and evil, confession and redemption and life and mortality.

In the major series of paintings, *True stories – Australian crime 2008*, the artist investigates the relationship between art and criminal violence. This complex and confronting body of work references a number of infamous Australian crimes including the Walsh Street shootings, the disappearance of Peter Falconio and the Port Arthur massacre.

Rather than traditional canvas, Lewer has chosen an unconventional support for his paintings; acoustic tiles sourced from the interrogation room of police stations. One can only wonder at chilling stories that have been absorbed by the tiles' surface.

Responding to the subject matter of Lewer's True Stories series The Honourable Paul M Guest QC says: "The quest to understand any challenging social issue is central to the attainment of knowledge."

"In True Stories, Lewer provokes the viewer in a most direct and confrontational manner. He does so without fear or favour and with stimulating artistic licence. Each of the panels carries a disturbingly true criminal story which he researched in microscopic detail and through interpretative art recorded important clues and facts, both raw and sensitive for scrutiny by a viewer open to the task. It is an accomplished body of work unveiling his unique and undoubted talent."

Richard Lewer's work was included in the exhibition *True crime: murder and misdemeanour in Australian art*, at the Geelong Art Gallery in 2008.

Richard Lewer: 'Nobody likes a show off' will open on 1 July and continue through to 5 September 2009.

A number of public programs will coincide with the exhibition. For further information visit: www.monash.edu.au/muma or contact the Museum on 03 9905 4217.



Richard Lewer: *'Nobody likes a show off'*

1 July – 5 September 2009
Monash University Museum of Art (MUMA)
Ground Floor, Building 55
Monash University, Clayton Campus
Wellington Road, Clayton

Image: Richard Lewer, *True stories – Australian crime 2008* (detail)
Courtesy of the artist and Block Projects, Melbourne

Centre for Regulatory Studies

The Centre was established to provide a better understanding of the nature, extent and implications of the contemporary regulatory environment. It is a joint initiative between the faculties of Law, Business and Economics, Arts, Medicine, Nursing and Health Sciences, and Pharmacy and Pharmaceutical Sciences bringing together the wide range of knowledge and expertise within Monash University to provide a focus for teaching and research in regulation.

The Centre aims to integrate theory and practice through a broad, cross-disciplinary approach by addressing regulatory issues with flexible postgraduate teaching and research programs.

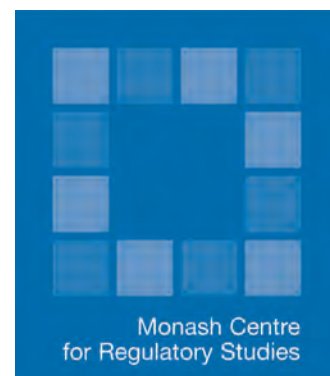
The Centre Director, Professor Graeme Hodge, leads a multi-disciplinary team with expertise in regulation, public policy, business and economics, as well as matters directly pertaining to emerging technologies, such as biotechnology and nanotechnology, and the protection of consumers in energy and resource markets.

Postgraduate programs for law and non law graduates include a Master of Regulatory Studies, Graduate Diploma of Regulatory Studies and Executive Workshops. These programs are based on the following postgraduate units – Regulatory fundamentals: concepts, constructs and context, Regulatory methods, Evaluating what works in regulation, Economics of regulation, Consumer protection: regulation and compliance, Energy law, regulation and policy and Communications law and regulation.

Research areas of interest are essential services, emerging technologies, resources and consumer protection. The Centre has an international reputation for its work in the areas of nanotechnology and public private partnerships.

The Centre is committed to public education and debate. Recent seminars have focused on aspects of effective regulatory reform and topics of interest in the emerging technologies such as Reducing the Regulatory Burden: Challenges for Victoria, Domain Name Law and Regulation, Law and Regulation of Virtual Worlds, Water Trading – Future Directions and National Consumer Law and Unfair Contract Terms.

More information about our forthcoming seminars in the Rethinking Consumer Regulation series and timetable for postgraduate units and executive workshops can be found on the Centre's home page <http://www.law.monash.edu.au/regstudies/>



Special Summer Staff Seminar

Professor Schwenzer was invited by the Faculty to present a seminar on 5 February 2009 on "The United Nations Convention on Contracts for the International Sale of Goods (the CISG) – A Story of Worldwide Success". The seminar was well attended by staff, students and non-Faculty participants.

Professor Schwenzer runs the Global Sales Law Project, a comparative law and empirical research project at the University of Basel. Ms Spagnolo is an Australian National Correspondent for the Project. Both will present papers at the forthcoming event, "Issues on the CISG Horizon: Conference in Honour of Peter Schlechtriem (1933-2007)" on 2 April 2009 in Vienna, being hosted by the Moot Alumni Association of the Vis Moot.



L to R: Professor Marilyn Pittard (Associate Dean, Postgraduate), Professor Ingeborg Schwenzer (University of Basel, Switzerland) and Ms Lisa Spagnolo, Assistant Lecturer.

Postgraduate Law Units: July – December 2009

Subjects are listed alphabetically.

LAW7443	Arbitration of domestic commercial disputes Professor Jeff Waincymmer	16 September <i>Semi-intensive</i>
LAW7212	Australian legal system Associate Professor Gaye Lansdell	11 July <i>Intensive</i>
LAW7071	Commercial alternative dispute resolution Associate Professor Judd Epstein	31 August <i>Semi-intensive</i>
LAW7333	Comparative bills of rights Dr Angela Ward Mr Julian Burnside AO QC	27 August <i>Intensive</i>
LAW7258	Consumer protection: regulation and compliance Dr Bronwyn Naylor	24 September <i>Semi-intensive</i>
LAW7304	Corporate and white collar crime Associate Professor Jonathan Clough	23 July <i>Semi-intensive</i>
LAW7031	Corporate insolvency Dr Oren Bigos	2 July <i>Intensive</i>
LAW7310	Current issues in workplace law Mr Richard Naughton	20 July <i>Semester</i>
LAW7140	Defamation law Dr Matt Collins	20 August <i>Intensive</i>
LAW7254	Design law and practice Mr Warwick Rothnie Mr Raymond Hind	15 October <i>Intensive</i>
LAW7444	Economics of regulation Professor David Cousins	19 Oct <i>Intensive</i>
LAW7324	Energy law, regulation and policy Ms Rowena Cantley-Smith	20 August <i>Intensive</i>
LAW7019	European Union law and policy Dr Heli Askola	22 July <i>Semi-intensive</i>
LAW7066	Forced migration and human rights Professor Susan Kneebone	20 July <i>Semi-intensive</i>
LAW7338	Forward with fairness: new labour law Professor Marilyn Pittard	8 October <i>Intensive</i>
LAW7431	Health law and human rights Professor Ian Freckelton SC	17 September <i>Semi-intensive</i>
LAW7244	Intellectual property and the internet Mr Chris Doidge Mr Simon Minahan	14 September <i>Intensive</i>
LAW7077	International aspects of intellectual property Professor Alison Firth	13 August <i>Intensive</i>
LAW7311	International human rights law and women Ms Kate Eastman	22 October <i>Intensive</i>
LAW7025	International trade finance: law and practice Dr Emmanuel Laryea	20 July <i>Semi-intensive</i>

LAW7436	Introduction to Australian legal process Mr Leighton Morris	6 July <i>Semi-intensive</i>
LAW7083	Law of employee relations Professor Marilyn Pittard	23 July <i>Intensive</i>
LAW7213	Law of the internet Mr Simon Minahan	21 July <i>Semester</i>
LAW7441	Law of workforce management Ms Joanna Betteridge Mr Richard Naughton Mr Bruce Moore	22 July <i>Semester</i>
LAW7285	Legal research and communication Mr Leighton Morris	9 July <i>Semi-intensive</i>
LAW7223	Overview of intellectual property Dr Stephen Gray	23 July <i>Intensive</i>
LAW7026	Overview of international human rights law Dr Julie Debeljak	23 July <i>Intensive</i>
LAW7119	Patents for invention Professor Ann Monotti Mr Raymond Hind	28 August <i>Intensive</i>
LAW7059	Planning law Dr Yet Bryant Ms Jennifer Moles Mr John Rantino	14 September <i>Intensive</i>
LAW7332	Principles of construction law Mr Greg Campbell Mr Paul Woods	12 November <i>Intensive</i>
LAW7420	Principles of environmental law Dr Yet Bryant	5 October <i>Intensive</i>
LAW7330	Protecting the rights of minorities, marginalised and vulnerable people Dr Paula Gerber	30 November <i>Intensive</i>
LAW7315	Regulatory methods Professor Arie Freiberg	15 July <i>Intensive</i>
LAW7243	Shareholders' remedies Professor Elizabeth Boros Mr Scott Wotherspoon	21 July <i>Semester</i>
LAW7122	Superannuation law and practice Professor Stephen Barkoczy	21 August <i>Semi-intensive</i>
LAW7045	Takeovers Mr Bruce Dyer Mr Michael Hoyle	5 August <i>Intensive</i>
LAW7224	Trade mark practice Mr Ian Horak	5 November <i>Intensive</i>
LAW7075	Trade marks and commercial designations Professor Mark Davison	15 July <i>Intensive</i>

Postgraduate law in the city

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- Award-winning academics and leading practitioners
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Postgraduate Information Evening

Wednesday 20 May, 2009

6 – 7 pm

Monash Law Chambers, 472 Bourke Street, Melbourne

Register on-line at www.law.monash.edu.au/postgraduate or marketing@law.monash.edu.au or contact (03) 9903 8500

Tailored Course Information Sessions for Law Firms and Private Organisations

Law firms and other organisations can request an in-house Postgraduate Information Session for their staff. These sessions can be tailored to suit your specific interest areas and are run by academics teaching the program as well as course administrators.

Monash Law School offers Masters and Graduate Diplomas in general and specialised areas including:

- Commercial Law
- Human Rights Law
- Intellectual Property Law
- International and Comparative Law
- Local Government Law (*Graduate Diploma only*)
- Regulatory Studies
- Workplace and Employment Law

To book an in-house information session, please contact Rob Cioffi on (03) 9905 3389 or email rob.cioffi@law.monash.edu.au. To learn more about our postgraduate programs, please visit www.law.monash.edu



Photo: Penny Stephens Fairbairn/Photos

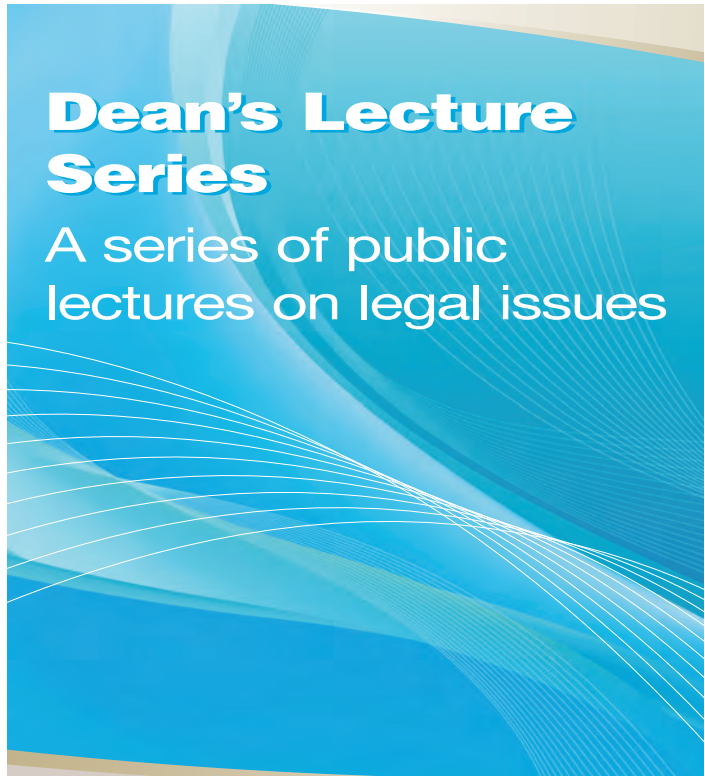
2009 Great Law Week Debate

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

Witness two teams of internationally respected Monash graduates debate this highly controversial topic at the annual Great Law Week Debate.

- Date:** Wednesday, 13 May 2009
- Time:** 6 pm sharp
- Where:** Melbourne Exhibition and Convention Centre Auditorium (Level 2)
2 Clarendon Street, Southbank
(opposite Crown Casino)
- RSVP** Friday, 8 May 2009
Email: marketing@law.monash.edu.au
Phone: (03) 9905 2630

This years debate includes former World Debating Champion **Meg O’Sullivan**, **Damien Carrick**, presenter on ABC Radio National, **Beth Wilson**, Victoria’s Health Services Commissioner, **Shivani Pillai** barrister, **David Galbally QC** and **Sally Cockburn**, aka Dr Feelgood. Overseeing the Great Law Week Debate as moderator is **Will Fowles**, who in 2008 ran for Lord Mayor of Melbourne.



Dean’s Lecture Series

A series of public lectures on legal issues

Tuesday 5 May
‘Suicide and Personal Injury Litigation’
Presenter: Professor Ian Freckelton

Tuesday 2 June
‘457 Visas and Labour Standards’
Presenter: Professor Marilyn Pittard

Tuesday 4 August
Law Students’ Society Lecture – ‘Family Violence’
Presenter: Ms Catherine Lambie, Magistrate

Tuesday 1 September
‘Why We Are Suckers For an Unfair Deal’
Presenter: Professor Justin Malbon

Venue
Monash University
Law Chambers
472 Bourke Street
Melbourne

RSVP
marketing@law.monash.edu.au
(03) 9903 8525

Time
6 – 7 pm



LAW Matters

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

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

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

For additional copies

Contact Kate Daley on + 61 3 9905 2630
or email Kate.Daley@law.monash.edu.au

Update your contact details

Online: www.monash.edu.au/alumni/faq/address.html

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