

# LAW Matters

NEWS FROM THE MONASH LAW SCHOOL COMMUNITY

ISSUE 1/07

## INTERNATIONAL LAW



### FEATURE:

The Future of International  
Criminal Law

### INSIDE:

Digital Voyeurs

Law Academic in the International  
Environmental Hot Seat

Invitation to gala event honouring  
Lawrie McCredie

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How to ensure privacy in public places.

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## DEAN'S MESSAGE

FOR MANY MONASH LAW ALUMNI, WHEN THEY THINK OF THE FACULTY AND THE SUPPORT IT PROVIDED DURING THEIR STUDY, THERE WAS ONE ACADEMIC STAFF MEMBER WHO WAS SYNONYMOUS WITH STUDENT SUPPORT – LAWRIE MCCREDIE.

Joining the faculty in 1966 and retiring as Sub Dean in 1999 Lawrie McCredie, together with Barbara Jones (who later became Student Services Manager), oversaw the management of thousands of students during his 33 years with the faculty. Many will also remember Lawrie for his teaching of wills, probate and administration and other subjects.

In appreciation of Lawrie McCredie's work, and in order to acknowledge his dedication to generations of students, the Faculty of Law will be holding a fundraising dinner in his honour on Wednesday, 20 June 2007 to establish the **Lawrie McCredie Student Support Program**. Your invitation to this important occasion is enclosed.

Our feature article in this edition of Law Matters is by Gideon Boas, one of our newest members of academic staff. Gideon's article gives an insight into the reforms of international criminal trials using the Milosevic trial as a best practice case study. Gideon is the former senior legal officer for Trial Chamber III of the International Criminal Tribunal for the former Yugoslavia (ICTY) and was the principal lawyer on the Milosevic case. He worked for the ICTY for eight years, as well as in international humanitarian law for the Red Cross.

Closer to home, anyone who followed the news during the Australian Open in Melbourne in January not only saw the papers filled with the exploits of Roger Federer on the tennis court, but may have noticed the reports of "upskirting".

Dr Jonathan Clough who has researched this and other forms of cybercrime looks at the police and public response to this disturbing conduct.

This edition of *Law Matters* also contains details of two of our latest student internships – one with the Hong Kong and Shanghai Bank in London and the other with Allen and Gledhill Lawyers in Singapore. Our internship program is an important part of the globalisation of legal education and I would be pleased to hear from alumni overseas who might be interested in offering our students such a position.

I will be visiting both Singapore and London in late May as well as Israel and Malaysia and I hope alumni in these countries will be able to join me at functions that we have planned in Kuala Lumpur, Singapore, London and Tel Aviv.

Finally, the annual Great Law Week Debate will be held on Wednesday 16th May in the Iwaki Auditorium at the ABC Southbank Centre, Melbourne where six of our alumni will debate the topic "Freedom of speech has gone too far". Further details are on the back page of *Law Matters*.

I look forward to seeing many of you at the dinner to honour Lawrie McCredie on Wednesday 20th June.

**Professor Arie Freiberg**  
Dean, Monash Law School

## DIARY DATES:

**MAY**  
13–19 May  
Law Week  
[www.vic.lawweek.com.au](http://www.vic.lawweek.com.au)

**16 May**  
The Great Law Week Debate  
Freedom of speech has gone too far  
[www.law.monash.edu.au](http://www.law.monash.edu.au) or  
[marketing@law.monash.edu.au](mailto:marketing@law.monash.edu.au)

**30 May**  
Monash Law postgraduate information evening  
6 – 7.30 pm  
Register at  
[marketing@law.monash.edu.au](mailto:marketing@law.monash.edu.au)

**JUNE**  
8 June  
Castan Centre – Dalai Lama to visit Monash  
[www.law.monash.edu.au/castancentre/](http://www.law.monash.edu.au/castancentre/)

**AUGUST**  
5 August  
Monash Open Day, Clayton campus  
[www.monash.edu.au/openday](http://www.monash.edu.au/openday)

# DIGITAL VOYEURS: HOW TO ENSURE PRIVACY IN PUBLIC PLACES

Dr Jonathan Clough

OVER THE SUMMER, MELBURNIANS BECAME AWARE OF A PHENOMENON THAT FEW HAD HEARD OF BEFORE; SO-CALLED 'UPSKIRTING'. WITHIN THE SPACE OF A FEW WEEKS, THERE WERE FOUR CASES OF MEN ALLEGEDLY TAKING PHOTOS UP WOMENS' SKIRTS, BOTH AT THE TENNIS AND ON PUBLIC TRANSPORT.



While this phenomenon was new to many, it has been of increasing concern to police. Although men looking up womens' skirts is not a new phenomenon, the advent of digital technology has made such conduct easier and its consequences more widespread.

## Increased miniaturisation makes it much easier to engage in covert surveillance.

In one alleged incident it was claimed that the man had concealed a camera in his shoe. Mobile phone cameras are particularly insidious in this regard as they have become so ubiquitous that they do not arouse suspicion in the way that a camera would.

The invasion of privacy is compounded where the images are circulated. Digital technology allows images, whether still or moving, to be reproduced and distributed easily and cheaply. This may be on a personal website created by the voyeur, on one of the popular image sharing websites or any one of numerous 'voyeuristic' adult websites which provide a ready market for such material. Once placed on the Internet the images are effectively irretrievable.

While such conduct is clearly disturbing, it occupies a grey area in the law. In Victoria, as in most other Australian jurisdictions, there is no specific offence to deal with 'upskirting'. 'Surveillance devices' legislation generally applies only to a 'private activity' and does not extend to photographs taken in a public place.

Offenders are typically charged with stalking or offensive behaviour. While such prosecutions may be successful, their application to 'upskirting' may be problematic. For example, stalking requires proof that the defendant intended to cause apprehension or fear in the victim, or to have understood that the conduct would be likely to cause such apprehension or fear. The covert nature of upskirting may make it difficult to prove these elements. Similarly, 'offensive behaviour' is generally applied to threatening or overtly lewd behaviour, and may not be apt to describe such secretive conduct. Even if successful, such prosecutions do not punish the distribution of images, either by the defendant or another person.

While it may therefore seem desirable to criminalise such conduct, it is important to balance the privacy of the individual who is viewed, and the freedom of expression and communication of the viewer.

## There is some concern that voyeurism laws, if drafted too broadly, might restrict legitimate journalistic activity or the ability of photographers to take pictures in public places as a form of artistic expression.

Also, such laws must not unduly impinge on the ability of law enforcement agencies to engage in surveillance.

Although relevant provisions exist in Canada and the US, Queensland is the only Australian jurisdiction which has a specific offence to deal specifically with this issue. Under section 227A (2) *Criminal Code* 1899 (Qld) it is an offence for a person to observe or visually record another person's genital or anal region (whether or not covered by underwear), without their consent, in circumstances where a reasonable adult would expect to be afforded privacy in relation to that region, and where the observation or visual recording is made for the purpose of observing or visually recording that region. Importantly, section 227B makes it an offence to distribute such recordings where the person has reason to believe it is a prohibited visual recording. This applies whether the distributor is the person who made the recording or not.

These offences are misdemeanours carrying a maximum penalty of two years imprisonment. The requirement that the recording is made for the purpose of recording that region is important to allow for legitimate activities such as photography and journalism where the observation or recording of that region is merely incidental. The legislation also provides that such conduct is not unlawful if carried out for the legitimate purposes of law enforcement.

In other jurisdictions, legislative reform is on the agenda. This issue was considered by the Standing Committee of Attorney's General in 2005, and is currently the subject of a reference to the Victorian Law Reform Commission. In the meantime, existing offences will have to be relied upon. However, after so much publicity, we can expect that people will be a bit more vigilant about this old practice being carried out in new ways.

# AUSTRALIA DAY HONOURS

WE ARE VERY PLEASED TO CONGRATULATE THE FOLLOWING STAFF AND ALUMNI RECIPIENTS OF AUSTRALIA DAY HONOURS.

**Alumni**

**Mr Alan Schwartz, AM.** BEc, LLB(hons)

For service to the community, particularly through Jewish welfare organisations and as co-founder of the corporate social responsibility organisation, SEAL Force, and to business.

**Mr Christopher Chenoweth, OAM.** BJuris, LLB(hons)

For service to the law, and to the community of the Australian Capital Territory through contributions to a range of school, youth, cultural and welfare groups.

**Mr Peter Power, OAM.** LLB(hons)

For service to the community as a magistrate, particularly through developing improved case management procedures and training programs for bail justices, and raising public awareness of court processes.

**Former staff members:**

**Ms Susan Campbell AM** (staff 1980–2004)

For service to the law, particularly through the development of clinical legal education in Australia and community legal services in Victoria.

**The Honourable Frank Vincent AO** (staff 1997–2002)

For service to the judiciary and the law as a contributor to the reform of penal and parole systems, the rehabilitation of offenders, and Indigenous Australians involved with the criminal justice system; and to education as Chancellor of Victoria University, including efforts to increase educational opportunities for disadvantaged youth.

# END OF YEAR ANNUAL SOIRÉE

FOLLOWING THE SUCCESS OF THE 2005 ANNUAL ALUMNI SOIRÉE, ALUMNI AND STAFF GATHERED AT THE KELVIN CLUB IN MELBOURNE'S CBD IN MID-NOVEMBER TO CELEBRATE THE END OF 2006.

Alumni and their partners, along with an increasing number of new alumni faces, were entertained by Will Fowles (BCom, LLB) as he took us on an amusing journey into the future of Monash Law School in 2040.



# VALE

**The Hon. William C. Crockett** passed away earlier this year. The Faculty would like to acknowledge his assistance to the Law School in the formative years and his contribution to the legal profession. He was also the father of the late Louise Crockett (BA, LLB) for whom the Faculty, with the assistance of her family, has established a memorial student prize in family law.

**Mr Anthony John Peterson** (LLB(hons) 1994). Mr Peterson was a former student and former lecturer at the Law School.

# GENEROUS LONG TERM LOAN OF A PORTRAIT

The Hon. Chief Justice Marilyn L. Warren, AC, with the support of the Victorian Womens Lawyers, have presented the portrait to the Law School which will be displayed in the main entrance of the Law Building. The Law Faculty would like to thank the Chief Justice for her kind loan.



THE HON. CHIEF JUSTICE MARILYN L. WARREN, AC, IN A PORTRAIT BY CHARLOTTE CLEMENS

# PRATT FOUNDATION PLEDGES \$500,000 TO THE MONASH OAKLEIGH LEGAL SERVICE

'The experience has been sometimes challenging and extremely rewarding and I would not have swapped any of my time doing Professional Practice for the world'.

Fiona Geminder, *Reflections on Professional Practice*, 2006.

So positive did Fiona Geminder (BA 1985, LLB 2006), daughter of Dr Richard Pratt, AC, and Mrs Jeanne Pratt, AC, find her experience at the Monash Oakleigh Legal Service that after graduating she wanted to find a way to give something back to the Professional Practice Program from which she gained so much during her degree. Through the Pratt Foundation Fiona has donated \$500,000 over a period of five years to support the Law Faculty's clinical programs. Executive Director of the Foundation, Mr Sam Lipski AM was particularly impressed by the Service's commitment to the community in meeting the legal needs of those who could not afford legal services.

The Law School is grateful for the support of the Pratt Foundation which the Dean, Professor Arie Freiberg, says 'will allow for the maintenance and further development of the Legal Service and the high quality programs that the Law School offers in professional practice'.

# HUMAN RIGHTS LAW AWARD 2006

Congratulations to Mr Peter Seidel (LLB, BEc), Partner, Public Interest Law, Arnold Bloch Leibler who has won the Human Rights and Equal Opportunity Commission's Human Rights Law Award. The award recognises his efforts advising charitable, not-for-profit and Indigenous organisations and advancing Human Rights in Australia. Peter works with a range of organisations advising on elements critical to their viability, such as corporate governance.

He has been very active in social and environmental issues for Indigenous people and has represented the Yorta Yorta people for more than 10 years in their native title claim before the Federal and High Courts.

# W.J. AND G.M. GOLDSACK SCHOLARSHIP

Thanks to the support of anonymous donors, two students who would have been unable to afford to complete Trial Practice and Advocacy as part of the Prato program will now be able to attend. Mr Roman Rozenberg and Ms Helen Alexandra were selected from the applicants as being deserving recipients. We wish them well for their studies in Prato and acknowledge the generous assistance of the donors.

# STUDENT PRIZE CEREMONY

We wish to acknowledge the generous support of the Crockett family in establishing the Louise Crockett Memorial Prize in Family Law. Louise, daughter of the late The Hon. William C. Crockett, was an alumna of the Law School who passed away in 2004. The prize was awarded for the first time at the Student Prize Ceremony held on March 28th and was won by Sophie Mariole. The prize will be offered for many years to come.



Dr Brian Donovan Memorial Prize in Human Rights Law has also been bestowed for the first time. Dr Donovan was a much valued member of staff. Through the support of his family the prize will be offered for a period of 5 years. This year it was awarded to joint winners, Andrew Rosenzweig and Suzanne Craig.

# THE FUTURE OF INTERNATIONAL C

ONE OF THE MOST INTERESTING INTERNATIONAL LAW FACTS OF 2006 WAS THE DEATH OF THREE FORMER TYRANTS (SADDAM, PINOCHET AND MILOŠEVIĆ). ALL OF THEM HAD BEEN SUBJECTED TO SOME SORT OF JUDICIAL PROCESS IN RESPECT OF WIDESPREAD AND SYSTEMATIC MURDER, MISTREATMENT AND – FOR TWO OF THEM – GENOCIDE OF THEIR OWN OR OTHER PEOPLES. THE EXPERIENCE OF EACH REFLECTS SOME EXTRAORDINARY ISSUES AND CONCERNS FOR THE JUDICIAL PROCESSES AVAILABLE TO TRY AND PUNISH SUCH TYRANTS.

When Slobodan Milosevic died in the United Nations Detention Unit in The Hague over four years after his trial had begun, many feared – and some hoped – that international criminal justice was experiencing some sort of death itself. Yet the Milosevic case, the first trial of a former head of state by a truly international criminal tribunal and one of the most complex and lengthy war crimes trials in history, stands for much in the development and the future of international criminal justice, both politically and legally.

The Milosevic trial is a case study from which lessons can be learnt for the future development and improvement of international criminal trials. While consideration of these issues are mostly focused on reforms in International Criminal Law, their impact is at times of broader interest in the areas of general international law, human rights and domestic criminal law.

It is fundamental that international criminal trials must be fair and expeditious. How these precepts are defined and applied in a relatively new and *sui generis* system of law creates exciting opportunities for the development of international criminal law but also presents risks and pitfalls. The Milosevic case was in many ways the flagship of modern international criminal justice and the issues that arose during the case mirror the development and conduct fair and expeditious complex international criminal proceedings more generally.

It is important to consider the context in which trials such as Milosevic takes place. International criminal trials are inherently more complex than domestic criminal trials. This is particularly true of cases involving senior level accused whose responsibility is incorporated into criminal conduct encompassing broad geographic and temporal allegations. Therefore, it is important to acknowledge that these cases will be longer than even the most complex domestic trials. The international community, as well as victims, parties and courts, must accept this and construct a framework for expedition within the rarefied context of such trials.

**Slobodan Milosevic's trial got underway with the words of the ICTY Prosecutor, 'Today, as never before, we see international justice in action'. Four years and one month later, Milosevic lay dead in his cell, the trial unconcluded and the grand project of international criminal justice apparently in jeopardy.**



# CRIMINAL LAW

Recognition of this fact, however, does not require acceptance of the inevitability of unduly long or open-ended trials. There are a variety of ways in which a failure to ensure expedition in the conduct of complex international criminal trials can also have a negative impact on their fairness. The longer a trial is allowed to run, the broader its scope and the more voluminous the evidence, the less manageable the trial becomes for all involved, particularly the accused. This can itself violate discrete fair trial rights (such as the right to trial without undue delay and the equality of arms) and may amount ultimately to an unfair trial.

## **The Milosevic trial is a case study from which lessons can be learnt for the future development and improvement of international criminal trials.**

The greatest threat to the fairness of the Milosevic trial was the inequality in resources between the parties. Despite the efforts made by the Trial Chamber and the International Criminal Tribunal for the former Yugoslavia (ICTY) as an institution, the resources available to the prosecution dwarfed Milosevic. The sheer volume of material and capacity to cope with that material posed challenges to the fairness of the trial in respect of the accused.

However, despite this, Milosevic clearly had considerable information on which to base his cross-examination of prosecution witnesses and was able to deliver a prepared and relatively effective defence case.

It is generally not possible to truly determine whether a fair trial has been given until it is over and all the relevant factors have been weighed and considered. However, consideration of all the factors suggests that the Milosevic trial was, to the extent that it is possible to make such a determination, fair. Yet, the factors which threatened its fairness require attention if future complex international criminal trials are to meet the required standards of fairness, let alone achieve best practice. The main lessons learnt from the Milosevic trial for the future of international criminal law include:

### **1 The prosecution case must be focused, comprehensible and manageable**

The prosecution approach to the Milosevic case was zealous and overly expansive, creating a trial that was unmanageably complex and long. A clearer and more focused case will invariably affect favourably the fairness of the trial, if for no other reason than the accused (and court) will comprehend better the prosecution case and the volume of issues and material will be less likely to offend the principle of the equality of arms.

### **2 Sound Case Management**

The Milosevic case represented the turning point in the development of issues in international criminal law. The case was so broad and complex that it compelled the ICTY to consider and take radical action to try to contain and manage it. The action taken by the Trial Chamber, in turn, spilled over into other trials (before the ICTY and other international tribunals) and into the regulatory activities of those tribunals.

### **3 Managing resource and representation issues in complex international criminal law cases**

Possibly the single greatest challenge facing the conduct of the Milosevic trial was the elected and permitted self-representation by the accused. It threatened the trial's fairness, impacted fatally on the accused's health and required constant radical action by the Trial Chamber to endeavour to keep the trial on track. Self-representation was a profound procedural challenge to the Milosevic trial and it is a spreading problem in international criminal law.

There appears to be a clear legal proposition in international criminal law to the effect that the right to self-representation will be taken away or limited in circumstances where it threatens the overall fairness and expedition of the trial.

### **4 The outdated common law/civil law divide: time for international criminal law to evolve**

There has been an overinvestment in the common law/civil law dichotomy and its perceived impact on the fair and expeditious conduct of international criminal proceedings. Freedom from this preoccupation with the common and civil law approach will facilitate a clearer application of principle developed in the context of that legal system and encourage lawyers and judges to look at these issues in their context, rather than through the lens of their own domestic legal experience.

## **It is important that international criminal law continues to be administered by international criminal courts and tribunals more removed from the constraints of domestic political concerns.**

The Milosevic trial has provided important lessons for how to conduct fair and expeditious ICT's. Piecing together the indicia of investigation, pre-trial, trial and interlocutory appeal activity from the Milosevic trial begins to build a picture of what best practice in the conduct of international criminal trials might be: focused investigations that are lawyer-driven; indictments that are restrained, focused and subject to rigorous judicial scrutiny and include the opportunity for adversarial challenge; greater judicial intervention in and control over all aspects of the pre-trial and trial processes; strict and enforced case management, with an increasing but balanced disposition to be more radical and creative; ensuring adequate resources and representation for accused, including a willingness to limit or finesse particular aspects or constituent parts of the fair trial right to ensure overall fairness; stricter limitation on the right to self-representation; the informed, considered but strict imposition of time limits by a court on parties and the case; and an uncompromising attention to the forensic purpose of the trial process.

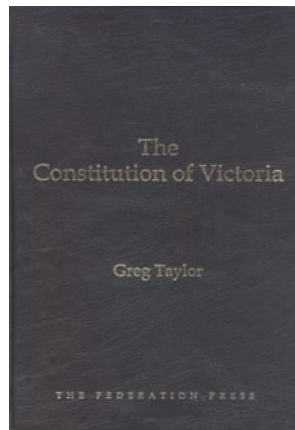
The experience of the Milosevic trial and other complex ICT's provide a clear message for the future successful conduct of complex international criminal trials. If the lessons of the Milosevic trial are heeded and adjustments made to the conduct of future trials, then in the short time that modern international criminal law has existed and flourished, the prospect of conducting fair and expeditious complex international criminal trials will have been created virtually from the ashes of persecution and genocide.

# NEW BOOK RELEASES FROM LAW STAFF

CONGRATULATIONS TO THE FOLLOWING LAW FACULTY ACADEMIC STAFF WHOSE PUBLICATIONS HAVE BEEN LAUNCHED IN THE PAST FEW MONTHS.

## Dr Greg Taylor

– *Constitution of Victoria*



The Victorian Constitution has recently undergone far-reaching change, making it markedly different from other Australian State Constitutions in a number of respects.

Dr Greg Taylor's text is the first book dedicated to the Victorian State Constitution to be published since 1897.

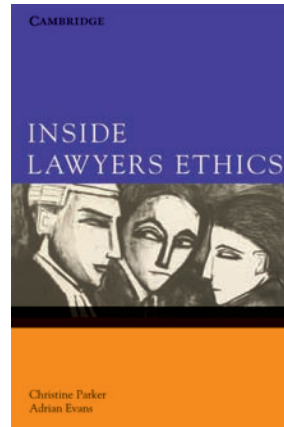
Dr Taylor traces the history of the State of Victoria from a Victorian perspective and this text provides an important vehicle in educating the community about the Victorian constitution and enables the student of Victorian government to understand the workings of government at all important levels. It analyses and comments on the new and old provisions of the Victorian Constitution and is essential for understanding the effect of the changes.

It explains the structure of government in Victoria and its workings and practice, and provides important information and analysis about the office of Lieutenant Governor and Chief Justice.

Available through Federation Press.

## Associate Professor Adrian Evans

– *Inside Lawyers' Ethics*



'*Inside Lawyers' Ethics*' is designed to help law students and new lawyers understand and modify their own ethical priorities and exposes the values that underlie current practice and set out the alternatives ethical lawyers might follow.

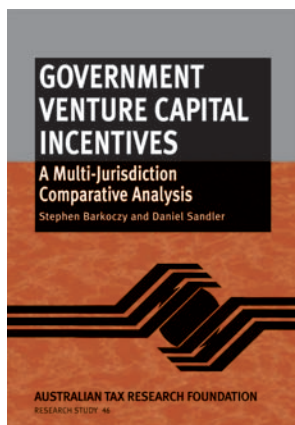
Amid the recent problems with tobacco litigation and corporate restructures, some special commissioners have commented that professionals in general, and lawyers in particular, do not seem to have a clear idea of their responsibilities when challenged with ethically demanding decisions. Associate Professor Adrian Evans, together with Dr Christine Parker (University of Melbourne), explains that this text provides a scheme or decision-making framework, expressed in positive terms, for lawyers to use when they need to balance community interests with their own or clients' interests.

The majority of case studies of ethical scandals and dilemmas throughout the text are from real life legal practice in Australia and highlight the challenges discussed.

Available through Cambridge University Press, Australia.

## Associate Professor Stephen Barkoczy

– *Government Venture Capital Incentives: A Multi-Jurisdiction Comparative Analysis*



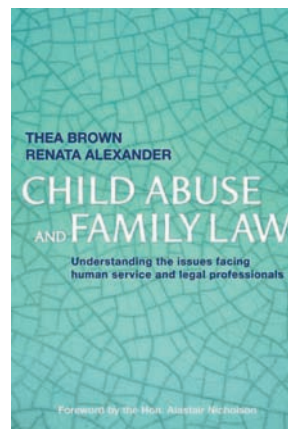
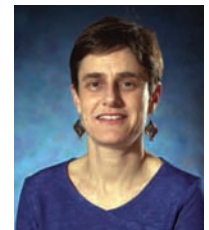
This book is a unique international comparative study of venture capital tax expenditure programs and related government spending and investment programs designed to support the growth of small and medium-sized enterprises. The study focuses on schemes that operate in Australia and compares these schemes with those in other nations.

With creative new schemes being implemented all the time, Associate Professor Stephen Barkoczy and Professor Daniel Sandler show that venture capital programs "are continually evolving around the world, with creative new schemes being implemented all the time". They analyse the structures of those schemes and where they may succeed or fail and how Australia can benefit from the world's best practice.

Available through Australian Tax Research Foundation.

## Dr Renata Alexander

– *Child Abuse and Family Law*



Dr Renata Alexander (Faculty of Law) and Professor Thea Brown (Faculty of Medicine, Nursing and Health Sciences) discovered that professionals working with separated and divorced families require better understanding of the nature of abuse that impact children of these families. In response they have developed a much-needed practice framework for professionals in the family law system.

'*Child Abuse and Family Law – Understanding the issues facing human service and legal professionals*' uses case studies to outline strategies for family lawyers, child legal representatives, social workers, child protection workers, psychologists, psychiatrists, health workers and teachers.

The authors draw on research to identify the causes, features and impact of child abuse in parental separation and divorce. They bring their many years of experience in social work and Family Court issues together to produce a text that should be essential reading for those dealing in child protection systems.

Available through Allen & Unwin.

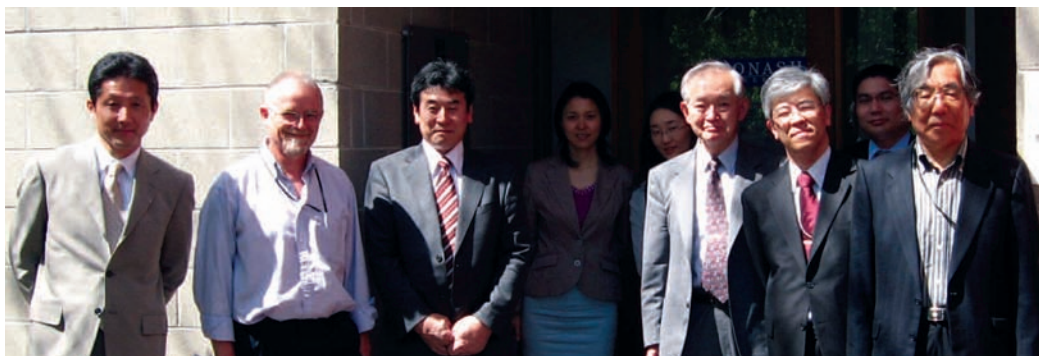
# LEADING LEGAL SERVICE AT MONASH

A DELEGATION OF PROFESSORS FROM VARIOUS JAPANESE LAW SCHOOLS HAVE BEEN LEFT WITH FIRST-CLASS IMPRESSIONS OF THE MONASH OAKLEIGH LEGAL SERVICE (MOLS) IN A RECENT TOUR OF ITS SERVICES AND FACILITIES.

With professional practice now a compulsory element of the Japanese curriculum, the academics are on a world tour of leading law schools to gain knowledge and 'best practice' ideas on conducting clinical legal services. The delegates were quick to compliment the hard work and dedication of staff and students at MOLS, and took away valuable information for their future services.

MOLS, which commenced operation from the Law School building in the early 1970's, has grown from a small student participation to a waiting list of students wishing to learn outside the lecture theatre. Not only do students work on files at the MOLS centre based in Clayton, but the Craig Family Centre in Ashburton, and the Power Neighbourhood House in Ashwood also benefit from the legal service on offer.

Faye Gertner, Director of MOLS, explains "The students learn respect from their role in helping the community". She has seen the request for Monash students services grow as word of their good reputation spreads.



Having just completed her summer semester at MOLS, fifth year student Yijune Ding was overwhelmed by the experience and says "It was the most useful course of my law degree, one that has set the foundations of my legal career. I have gained skills that will stay with me for an entire life".

With the growing number of students realising the benefits of practical legal training during their study, and the high quality service MOLS provides to the

general community, Centre staff are constantly under pressure to provide a quality service on limited funding. A recent donation from the Pratt Foundation will go towards the ongoing administration costs of the Centre which will benefit staff, students and clients alike and will assist in keeping the service provided by MOLS up to the standards that has impressed international counterparts.

## NEW INTERNATIONAL INTERNSHIPS FOR MONASH LAW

MONASH LAW SCHOOL HAS ADDED TO ITS LIST OF INTERNATIONAL INTERNSHIPS AVAILABLE FOR 2007, WITH NEW PROGRAMS AT HSBC IN LONDON AND ALLEN AND GLEDHILL LAWYERS IN SINGAPORE.

The HSBC London internship is open to students enrolled in a double degree in law and business and runs for 10 weeks from mid-July. It includes a comprehensive induction program, followed by 9 weeks fully integrated into a core business area.

Singaporean nationals in their penultimate year of a Monash Law degree have the opportunity to complete an internship with Allen and Gledhill Lawyers for four weeks from November each year. Allen & Gledhill Lawyers has grown from a colonial partnership of two to become the largest law firm in Singapore with over 200 lawyers.

With employers looking for graduates who have broadened their perspective with practical experience and who understand the globalised world, the faculty provides students with the opportunity to participate in relevant and interesting professional work experience during their study.

## NEW DEPUTY DIRECTORS FOR CASTAN CENTRE

THE CASTAN CENTRE RECENTLY ANNOUNCED THE APPOINTMENT OF TWO NEW DEPUTY DIRECTORS, PROFESSOR SUSAN KNEEBONE AND ADAM MCBETH.

Professor Kneebone is an authority of refugee issues and has published widely in the area as well as in administrative law and tort liability. Whilst lecturer Adam McBeth is a former postgraduate research fellow and has published on globalisation, human rights and international law.

They are joined by newly appointed associates Azadeh Dastyari, Tania Penovic, David Yarrow and Patrick Emerton who are all academic staff members of the Law Faculty and assist the Centre on a regular basis.



## CORRS PRIZE WINNER

Wendy Lee, a final year Law student, was recently announced as one of three winners in the Corrs essay competition. The competition was established to recognise Corrs' commitment to exploring thoughts on important legal issues facing Australian businesses today.

Wendy's outstanding paper entitled 'The Appropriateness of Moral or Ethical Considerations in Legislating New Technologies' was based on her LLB Honours research paper. Her win in the undergraduate category netted her a prize of \$5,000 which was presented to her by Mr Phil Catania, the Partner-in-Charge of the Corrs Chambers Westgarth Melbourne office. In addition the Law Faculty was also awarded \$5,000 which will be used to purchase learning resources. This cheque was accepted by Professor HP Lee.



MR PHIL CATANIA CORRS CHAMBERS WESTGARTH WITH WENDY LEE AND PROFESSOR HP LEE

# HIGH ACHIEVERS RECOGNISED

MONASH LAW SCHOOL'S STUDENTS WERE ONCE AGAIN RECOGNISED IN THE ANNUAL PRIZE CEREMONY HELD TO CONGRATULATE THE LAW SCHOOL'S HIGHEST ACHIEVERS FOR THE 2006 ACADEMIC YEAR.

The ceremony, held at the State Library of Victoria, provided an opportunity to acknowledge the hard work and dedication of the Faculty's students and to encourage the continuing development of their knowledge and career.

Distinguished Monash alumna Her Honour Judge Susan E Pullen, who has recently been appointed to the County Court of Victoria, addressed the crowd on her inspirational rise from a student at Monash University through the legal ranks, from solicitor to Senior Counsel, which was achieved through sheer hard work, determination and a will to succeed.

This year, two inaugural memorial awards were presented honouring individuals of outstanding calibre in the teaching and practice of law. Dr Brian Donovan was a much respected faculty member and is remembered by the Brian Donovan Memorial Prize for Human Rights in Australian Law. Ms Louise Crockett is honoured through the Louise Crockett Memorial Prize for Family Law, and is remembered by her teachers as a fiercely intelligent student with a passion for the law.

The financial rewards offered with the prizes are only made possible through the generosity of the many organisations within the legal profession and beyond.

## These sponsors are:

- > Allens Arthur Robinson
- > Arnold Bloch Leibler
- > Australian Advocacy Institute
- > Australian Financial Conference
- > Blake Dawson Waldron
- > Clayton Utz
- > Commonwealth Director of Public Prosecutions
- > Corrs Chambers Westgarth
- > County Court of Victoria
- > Davies Collison Cave
- > Freehills
- > Grice and Grice
- > Hall & Wilcox
- > Herbert Geer & Rundle
- > Holding Redlich
- > Hunt & Hunt
- > International Commission of Jurists
- > Kumar Amarasekara Bequest
- > LexisNexis
- > Mallesons Stephen Jaques
- > Monahan + Rowell
- > National Australia Bank
- > Office of Public Prosecutions Victoria
- > Phillips Fox
- > Sir Charles Lowe Trust
- > Supreme Court of Victoria
- > Taxpayers Australia
- > The family of Dr Brian Donovan
- > The family of Ms Louise Crockett
- > Thomson Legal & Regulatory



# REGU-*pedia* – NEW INITIATIVE IN REGULATION

THE MONASH CENTRE FOR REGULATORY STUDIES HAS LAUNCHED A NEW INITIATIVE WHICH WILL ASSIST PEOPLE IN SOURCING REGULATORY MATERIALS.

Regu-pedia, an online bibliographic database of regulatory publications, will assist students, researchers and scholars in searching for existing references in all areas of regulation.

Professor Arie Freiberg, Dean of the Faculty of Law, said that the database was created in order to bring together the vast range of regulatory publications and make them easily accessible to persons with an interest in regulation.

The database is designed so users are able to add their own references, as well as conduct a free search on numerous bibliographic references, including books, chapters in books, journal articles, reports, theses and newspaper articles. Selected references can then be exported to the users' own PC.

Like Wikipedia, it will rely upon user contributions to grow and thrive. The more people use and add to the database, the more useful it will be.

To access the database visit [www.law.monash.edu.au/regstudies/regupedia/html](http://www.law.monash.edu.au/regstudies/regupedia/html)

## LAW ACADEMIC IN THE ENVIRONMENTAL HOT SEAT!

A MONASH LAW ACADEMIC IS GETTING READY TO TURN UP THE HEAT IN THE INTERNATIONAL AND DOMESTIC CLIMATE CHANGE DEBATES. IN JUNE 2007, THE INTERNATIONAL UNION FOR THE CONSERVATION OF NATURE AND NATURAL RESOURCES (IUCN) ACADEMY OF ENVIRONMENTAL LAW COLLOQUIUM WILL TAKE PLACE IN RIO DE JANEIRO AND PARATI, BRAZIL.

This prestigious international event, entitled *Rio+15: A Legal Critique of Ecologically Sustainable Development* will be attended by representatives of the IUCN Commission on Environmental Law, IUCN Environmental Law Centre, United Nations Environment Programme, Brazilian government and Universities. As the colloquium is 'invitation only', it is a mark of distinction for the Faculty of Law that one of its academics, Rowena Cantley-Smith, has been invited to attend this colloquium and present a paper on her research into environmental regulation of Australian and European Union (EU) energy markets. The fact that this event is taking place in Brazil is significant, with the renowned 1992 *United Nations Conference on the Environment and Development* having been held in Rio de Janeiro. Commonly referred to as the 'Earth Summit', one of the major achievements of that conference was the creation of the 1992 *UN Framework Convention on Climate Change*.

Over 150 nations signed up to this important international treaty at the Earth Summit and it has since been added to by the 1997 *Kyoto Protocol*. As such, the 2007 conference is one of the most significant and important environmental law conferences to be held this year.

Ms Cantley-Smith has also been invited to attend and present a paper on her research into the legal and economic impediments to demand management and energy efficiency in the Australian energy market at the *8th Global Conference on Environmental Taxation*, in Munich, October 2007. Her papers; *Demanding Less to Save More: Reducing Greenhouse Gas Emissions by Changing Energy Supply and Use* (Brazil) and *Environmental Demand Management: Improving Efficiency in Australian Electricity Markets* (Munich), will be published as chapters in edited texts produced by Cambridge University Press and Oxford University Press respectively.



This work complements Ms Cantley-Smith's current doctoral research into the ramifications of changes in international environmental law and human rights law for traditional stakeholders in international energy markets and the consequences of these developments for EU energy policy and security of supply.

Closer to home, Ms Cantley-Smith and one of her colleagues, Ms Diana Bowman, a Faculty of Law Research Fellow, have recently won a sizeable grant from the Victorian Consumer Utilities Advocacy Centre. The moneys will be used to fund an expert seminar/workshop on environmental issues affecting consumers in the Australian energy market and the subsequent publication of an edited text of selected workshop papers. The event is currently planned for August 2007 and will be attended by a range of stakeholder representatives from government, industry, lawyers and community groups. International, EU and domestic presenters will lead the discussion on this highly topical issue.

### Postgraduate programs for law and non-law graduates

Find out how to advance your career, by attending our **Postgraduate Information Session** on Wednesday 30 May from 6 – 7.30pm at the Monash University Law Chambers, 472 Bourke St, Melbourne.

Register your interest by calling +61 3 9641 6206 or email [marketing@law.monash.edu.au](mailto:marketing@law.monash.edu.au) [www.law.monash.edu.au/postgraduate](http://www.law.monash.edu.au/postgraduate)

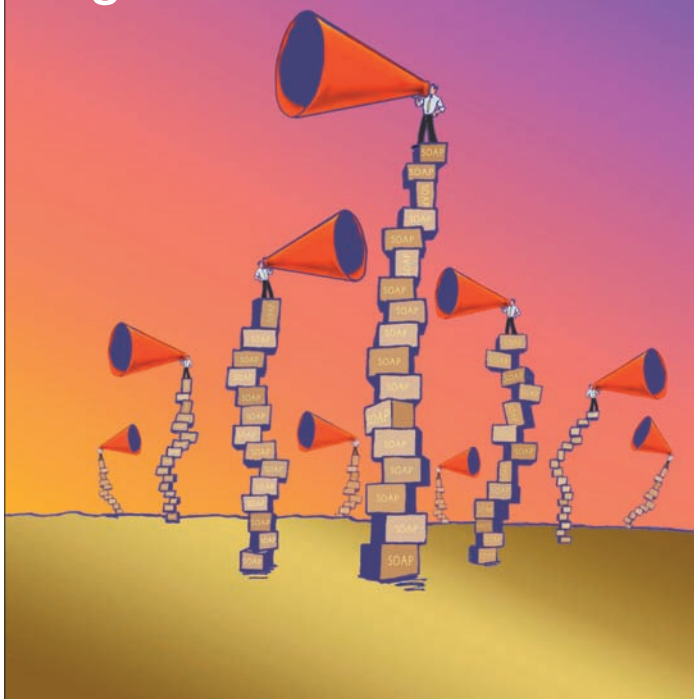
13-19 May 2007

# Law Week

www.vic.lawweek.com.au



## 'Freedom of speech has gone too far'



## 2007 Great Law Week Debate

### Date

Wednesday,  
16 May 2007

### Time

5.30 pm for  
6 pm start

### Where

Iwaki Auditorium  
ABC Southbank Centre  
120 Southbank Blvd, Southbank

### RSVP

Monday, 14 May 2007  
Email: [marketing@law.monash.edu.au](mailto:marketing@law.monash.edu.au)  
Phone: (03) 9905 2630



MONASH University

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# Invitation

You are invited to a gala event  
to honour educator and administrator  
**Lawrie McCredie**

Please join your fellow alumni as we express our appreciation for Lawrie's outstanding career and contribution.

**Date:** Wednesday 20 June 2007

**Time:** 7pm for 7.30 pm

**Venue:** Palladium at Crown

**Cost:** \$125 per head (includes a three-course meal and beverages)

**Dress:** Semi-formal

**Partners welcome**

Crown is located in Whiteman Street, Southbank (Melways ref: 2F C7). Parking is available for \$6 in the Crown car parks. Entry from Kings Way (travelling north or south), Whiteman Street or Southbank Boulevard.

**RSVP:** by Wednesday 6 June 2007 to the Monash Events Management Office (please see enclosed invitation for further information). You can also register online at [www.law.monash.edu.au](http://www.law.monash.edu.au)

**For further information:** please contact Sarah Wall on telephone + 61 3 9905 8680 or email [sarah.wall@law.monash.edu.au](mailto:sarah.wall@law.monash.edu.au)



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## LAW Matters

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

Want to include something in the next edition of *Law Matters*?

If you have an interesting story of something you wish to say, please contact Liz Jones on + 61 3 9905 2630 or email [liz.jones@law.monash.edu.au](mailto:liz.jones@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 Liz Jones on + 61 3 9905 2630 or email [liz.jones@law.monash.edu.au](mailto:liz.jones@law.monash.edu.au)

### Update your contact details

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