



LAW Matters

NEWS FROM THE MONASH LAW SCHOOL COMMUNITY

ISSUE 2/08

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Tax and Society

INSIDE:
Virtual Worlds – At the cutting edge of law



Where are they now?

Monash Law School alumni share their career stories with us

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Tax has the power to affect all levels of society. It presents a challenge for individuals, businesses, governments and advisors.



Dean's message

Alumni magazines like *Law Matters* are Janus-like publications, simultaneously looking backwards and forwards.

For the ten thousand or so graduates of the law school who receive this publication and probably scan it briefly, it provides an opportunity to keep abreast of developments in the faculty: incoming and outgoing staff, new programs, events and courses. It also provides an opportunity to partly answer the eternal questions of "whatever happened to?" and "where are they now?"

For this edition we decided to take a closer look at the Honours Board which hangs in the basement and to follow up some of our Supreme Court Prize winners and LSS presidents, those who were then, or were likely to be, the movers and shakers, benders and breakers, leaders in the law, captains of industry or pillars of the public sector, to mention just a few of the career possibilities. Many of these graduates have been in the public eye for many years. For example Justice Mark Weinberg (1971), now a justice of the Victorian Court of Appeal, has been a Federal Court judge, a Commonwealth Director of Public Prosecutions and a dean of a law school. Inaugural Supreme Court winner of 1968, Professor Bob Williams led this law school for over ten years between 1988 and 1998.

Most of our successful graduates were not prize winners: there are only so many prizes to be awarded and not all success is due to academic excellence alone.

We asked thirteen of our alumni to tell us where they have been since they left Monash and where they are now. Their stories are extraordinarily diverse and it is striking to see how many career changes they have made. It's not only Gen X that is mobile, but also Gens A, B and C. Their stories also confirm that the law degree is an excellent foundation for many non-legal endeavours.

The alumni of the future are with us now studying a wide variety of undergraduate and graduate programs. The rich diversity of courses, our clinical programs at Clayton and Springvale, our international programs, local and overseas internships, mooting and advocacy programs, learning, counseling and student support services, as well as our mentoring, peer support and high achievers programs all require more resources than are provided by governments.

On page 10, Springvale Director Helen Yandell provides a 35th Anniversary up-date on our Professional Program at the Springvale Monash Legal Centre, and on page 12 we discuss our need for more scholarships in order to make the law degree more accessible and an even richer experience.

In this issue, we celebrate the successes of two of our current students, Nick Bearlin-Allardice, who is working with the Oaktree Foundation, established by Monash alumnus Hugh Evans, and Ronli Sifris, (Supreme Court Prize Winner 2004).

We also congratulate Emeritus Professor Christie Weeramantry who was awarded a Monash University 50th Anniversary Research Award and Emeritus Professor Richard Fox, Ms Catherine McKenzie and Ms Adele Byrne on their well-deserved Queen's Birthday honours.

We look forward to your continuing support. If you, your firm or organisation would like to support our students, please feel free to contact me at any time.

My best wishes for the New Year.

Professor Arie Freiberg
Dean, Monash Law School

DIARY DATES: 2008/09

25 November

Public Lecture – Anti-Counterfeiting Trade Agreement (ACTA) and the Coalition of the Willing. On the Possible Content, merits and Dangers of a 'Plurilateral' Anti-Counterfeiting Trade Agreement.
www.law.monash.edu.au

8 & 9 December

Nanotechnology and the Law: The legal nitty gritty for Nanofoods, Nanocosmetics and Nanomedicine
www.law.monash.edu.au/regstudies

3 March

Public Lecture – Justice Richard Goldstone (Holding Redlich Distinguished Visiting Fellow). Currently a visiting professor at Harvard Law School, formerly judge of the Constitutional Court of South Africa and chief prosecutor of the United Nations International Criminal Tribunals for the former Yugoslavia and Rwanda.
castan.centre@law.monash.edu.au

25 March

Monash Law School – Prize Ceremony, ANZ Pavilion The Arts Centre, Melbourne.
marketing@law.monash.edu.au

31 March

Public Lecture – 'Human Rights and Globalisation'
castan.centre@law.monash.edu.au

Alumni highlights

Queens Birthday Honours

Emeritus Professor Richard Fox

AM (LLD 1990)

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

For his service to the law and to legal education, particularly in the areas of criminal procedure and sentencing.



Ms Cathryn McKenzie

AM (BA 1972, LLB(Hons) 1973)

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

For service to the law and to the community as an advocate for human rights and equal opportunity.

Ms Adele Byrne

Public Service Award (BJuris 1977, LLB(Hons) 1979)

For outstanding public service in the establishment and administration of the Federal Magistrates Court of Australia.

Alumni Awards

Hugh Evans

Recent Monash Law graduate Hugh Evans was awarded The General Sir John Monash Award and plans to use it to study for a Doctor of Philosophy at Oxford University. Hugh was the 2004 Young Australian Of The Year and is the founder of the Oaktree Foundation. He also produced the Make Poverty History Concert in 2006.

Hugh Evans has completed a Bachelor of Science/Bachelor of Laws degree.

Research Prize

Christie Weeramantry

Emeritus Professor Weeramantry was awarded a Monash 50th Anniversary Research Award in August 2008. He also received two other prestigious awards for his significant contributions.

– Abhimanya Prize which only 5 people hold

– Lifetime Achievement Award for Distinguished Peace Leadership

Alumni achievements

Ms Johann Kirby (LLB(Hons) 2004)

The President of the Victoria Law Foundation, The Hon. Chief Justice Marilyn Warren AC, Chief Justice of Victoria, announced the appointment of Ms Johann Kirby as Executive Director of the Victoria Law Foundation.

Ms Kirby completed an applied science degree (conservation of cultural materials) at Canberra University and Bachelor of Laws at Monash University.

Judicial Appointments

Honourable Justice Mark Weinberg QC

– appointed to the Victorian Court of Appeal

Honourable Justice David Beach – appointed to the Supreme Court of Victoria

His Honour Mark Taft – appointed to the Country Court of Victoria

Magistrate Annabel Hawkins – appointed to Melbourne Magistrates Court

A night to remember...

Two Law School Ambassadors, Natalie Devitsakis and Rachel Hatton arranged and presented the first 'Justice and Equality in the Law' evening in late August with His Honour Justice Michael Kirby, Her Honour Judge Felicity Hampel and Executive Director of Public Interest Law Clearing House, Ms Kristen Hilton.

Each of the panellists presented their experiences of human rights and equality in the law and legal profession. His Honour Justice Kirby, used both personal and professional experiences while Ms Kristen Hilton spoke about her work through Public Interest Law Clearing House. Her Honour Judge Hampel further explored the common law and the development of the tort of privacy within Victoria.

With ninety-five students attending it was truly a night to be remembered.



Left to right: Rachel Hatton, His Honour Justice Michael Kirby, Natalie Devitsakis & Lloyd England

Costello Lecture: Social Justice and Climate Change

The BMW Edge theatre at Federation Square was the location for the annual Costello Lecture which was part of Monash University's 50th year celebrations.

Tim Costello, introduced the guest speaker Professor The Honourable John Thwaites who gave a lecture on the topic 'Social Justice and Climate Change'. He explored the social impacts of climate change and the effects it will have on poor people including low-income households in Australia and the ethical rules for developing a climate change policy.

This event was well attended with record numbers.



The next generation's challenge

Third year Law/Arts Student Nick Bearlin-Allardice was recently selected for 'Our Generation's Challenge', an initiative of the Oaktree Foundation to bring together a network of young global leaders to work towards the achievement of the United Nation's Millennium Development Goals.

The program took 12 young leaders from across Australia, and spent 3 weeks in India and Bangladesh meeting with the Indian and Bangladeshi governments, the United Nations, and international and national non-government organisations working in the field of development, human rights and disaster relief.

"Major highlights included meeting senior bureaucrats at India's National Planning Commission, having dinner with India's chief international negotiator on Climate Change, meeting senior officials from the UN Development Program & UNICEF, playing cricket with former child slaves and seeing the incredible economic development resulting from micro-credit and Grameen Bank" Nick said.

The participants spent time in New Delhi (India), Mumbai (India), Dhaka (Bangladesh) and a number of rural areas.

"The challenges that both countries are facing are incredible. The fact that 600 million Indians live without electricity, and 800 million live on less than US\$2 a day is often overshadowed by the positive economic growth that India has achieved. Undoubtedly as a country it has made incredible gains, and shows strong signs of ongoing development. However the reality is that one third of the world's poor live in India, and face the harsh reality of malnutrition, disease, lack of access to education and the exploitation and abuse which comes with that."

"Bangladesh also faces several challenges – any one of which would be enough to debilitate another country. Endemic corruption, natural disasters, democratic parties which are even worse than the military government which is currently in power, and the fact that all of Bangladesh is less than 10 metres above sea level means that the world's most densely populated country is also its most vulnerable to climate change" Nick said.



Nick focused specifically on the role that education can play in addressing issues of development. He says that the trip reinforced for him that there are no quick fix solutions, and that the answer lies in empowering the world's poor through education.

"Despite all the challenges that those in the developing world face, they have a tremendous optimism about their future. I saw so many examples of the triumph of human spirit over adversity, and can't help but have faith that if they are only helped out initially through education or micro-credit, then they have the capacity to lift themselves out of the poverty trap in which they are caught."

Nick is the Victorian Director of the Oaktree Foundation. Their mission is to "empower developing communities through education in a way that is sustainable", and it is through their work in advocacy and fundraising that Nick believes real change in the developing world can be made.

Nick was able to participate in the program with the support of the Law Faculty and Vice Chancellor Professor Richard Larkins. For more information on the Oaktree Foundation see www.theoaktree.org

Monash Law school student wins fellowship

Ronli Sifris
(BA 2003, LLB(Hons) 2004)

Monash Law School PhD student Ronli Sifris won a prestigious fellowship to deliver a conference paper arguing that countries that place legal restrictions on early-term abortion violate international laws protecting women's right to optimum health.

Ronli was awarded the inaugural Professor John Harber Phillips Fellowship and will travel to the Greek island of Samos next year to speak at the 12th Greek/Australian International Legal and Medical Conference.

A panel of legal and medical experts selected Ronli for the fellowship on the basis of her Curriculum Vitae and a 1500 word abstract of her paper, *Laws Prohibiting Abortion: A violation of the right to health?*

The paper presents research showing that women living in countries with legal restrictions on abortion experience significantly increased incidence of serious health problems resulting from unsafe abortion practices.

"An estimated 5.3 million women each year suffer temporary or permanent disability resulting from unsafe abortion procedures," the paper states.

"The empirical evidence demonstrates that there is a direct correlation between laws relating to abortion and the safety of abortion procedures – the more restrictive the laws, the higher the incidence of unsafe abortion practices."

Ronli's paper highlights that Article 12 of the United Nation's International Covenant on Economic, Social and Cultural Rights provides for "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health".

Ronli argues that given the negative health consequences of legally restricting access to abortion, such restrictions constitute a violation of international law.

"Approximately 26 per cent of the world's population reside in countries where abortion is generally prohibited," her paper states.

"It is argued that the time has come for the international community to take a stance and to assert that restrictions on abortion violate the international legal right to health."



Where are they now?

Recently we have contacted a number of LSS Presidents and Supreme Court Prize winners and asked them to share information on their careers with us. If you have an interesting story to share please contact Kate Daley – kate.daley@law.monash.edu.au



Mary Amerena
(LSS President, 1982)

Since graduating from Monash in 1982, I have worked in large firms (Deacons, Phillips Fox), small firms (Solomon & Associates), Tasmania (Crisp Hudson & Mann, Burnie) and my own firm (doubling up as Taxi driver and 'Tuck Shop Mum'). With litigation as my great love, I have worked in the fields of building and construction, personal injuries and insurance law.

Approximately 5 years ago I joined State Trustees as the Manager of their Estate Planning area. Three roles later, I am still at State Trustees as Manager, Executor Services currently focusing on sales and business growth. Moving from practising as a traditional lawyer to a management role has been challenging but rewarding. And at 50 working for an organisation that doesn't just give lip service to the need for work-life balance is a real bonus!!!! I remain married to Peter (after 20+ years why change?), have 3 daughters (all as beautiful as their mother) and 2 dogs (1 blue heeler and a dingo cross). I continue to live bayside, remain a ferocious St Kilda supporter (I was there in '66!!!) and still drink copious amounts of beer (some things never change!).



Phoebe Dunn
(Supreme Court Prize Winner, 1993)

I am currently the CEO of the Australian Commercial Galleries Association. My career has been interesting and varied since graduating from Monash Law with Honours in 1993. After a short period of tutoring at Monash, intercepted by overseas travel, I then worked at a commercial law firm, Blake Dawson Waldron, for nearly six years as a lawyer and senior associate and spent another four years as senior adviser to the

Federal Attorney-General. After having my first child, my career then segued into various strategy roles within the private, not for profit and non-government sectors. More recently I have undertaken postgraduate study in the visual arts and am currently managing the peak body for commercial art galleries whose members are amongst the most exciting and respected in Australia. I have held various board positions, including as a Director of the Law Institute of Victoria, and am currently a council member of the International Commission of Jurists (Vic).

I live in Melbourne with my partner and two children age 5 and 2. I am forever grateful for the excellent foundations obtained through my Monash law degree and, despite my career changes, still retain a passion for legal policy and practice.



Simon Gardiner
(LSS President, 1978)

I commenced at Monash in 1974 and with full and part time studies was almost continuously enrolled there until 1991. In 1978 I was President of the Law Students Society. After completing undergraduate degrees in Economics and Law I did articles at Ellison Hewison and Whitehead (now Minter Ellison) and practised as an employee solicitor at that firm until 1981 when I left to become a judge's associate for a short period before

going to the Bar. I signed the Roll of Counsel of the Victorian Bar in November 1983 and read with Gerry Nash (who was a Professor and the Dean of the Law School during my time there prior to his return to the Bar). In the first several years at the Bar I practised in the civil and criminal jurisdictions but over the past 10 years I have specialised in commercial law, more particularly company law and insolvency in the Supreme and Federal Courts. In my time at Monash, the Law School was a very relaxed and friendly place with some excellent lecturers including Louis Waller, Laurie McCredie, Pat Kildbride, Ron McCallum and a number of very colourful members of the student body."



Joshua Frydenberg
(LSS President, 1994)

I am currently a Director of Global Banking at Deutsche Bank and based in Melbourne. Following the completion of my LLB (Hons) and BEc (Hons) at Monash I undertook my articles of clerkship at Mallesons before completing a Masters in International Relations (MPhil) at Oxford University and later a Masters in Public Administration (MPA) at the Kennedy School of Government at Harvard

University. Between Oxford and Harvard I spent over five years working in Canberra as a Senior Adviser to the Foreign Minister, Alexander Downer (1999–2003) and then as Senior Adviser to the Prime Minister, John Howard (2003–4). Thinking back to my time at Monash Law School brings back many great memories in and out of the class room. The LSS BBQs which seemed to go all afternoon or the Law Balls that went all night were particularly memorable. I also remember a number of inspiring teachers like Professor Richard Fox and his classes in Federal Criminal Law or Richard Garnett taking us for International Law. But most importantly my time at Monash Law School saw the beginning of many friendships which have continued to this day.



Marnie Lassen
(Supreme Court Prize Winner, 1995)

One of my strongest memories of law school is of Professor Waller's introduction to the criminal concept of attempt, through his painstaking recreation of the assassination scene in *The Day of the Jackal*.

After finishing at Monash I did my articles at Minter Ellison, then completed an associateship with Justice Heerey at the Federal Court. Not only did Justice Heerey provide me with a fascinating year inside the court system, he arranged my next role – an associateship with his friend Judge Woodlock in the US District Court in Boston. I had planned to return to Australia after finishing the associateship, but in the meantime I met my future husband in the States. This led to me settling in Los Angeles for 5 years, where I worked as an environmental and planning lawyer for one of the major LA firms, Gibson Dunn & Crutcher.

In 2005 my husband and I moved back to Melbourne, and I decided to put my project-based experience in LA to use as a project manager with the engineering/consulting firm Arup. I have since had two children – a daughter Molly and a son Jasper – and am currently on maternity leave.

Where are they now?



Bruce Moore
(Supreme Court Prize Winner, 1975)

I graduated from Monash in 1976, after completing B.Ec. (Hons) and LL.B. (Hons.) and being jointly awarded the Supreme Court Prize.

In addition to the drama of activism on campus over the Vietnam War and many other issues, an outstanding memory of university life was the enthusiasm and passion which lecturers without exception demonstrated for their subjects – although

the Socratic teaching techniques were not without challenges, giving occasional anxiety about the adequacy of preparation for class! In any case, the technique provided a beneficial grounding for the Moot Court subject – in which I won the Sir Charles Lowe Prize.

After graduating, I worked as Associate to Dr J E Isaac (Deputy President of the Australian Conciliation and Arbitration Commission), before undertaking articles at Mallesons. A partner from 1985, my focus was on industrial and employment law, whilst maintaining a strong role in administrative law and commercial litigation. One highlight of my career at Mallesons was acting pro bono with the Refugee Advisory and Casework Service to challenge the constitutional validity of the detention under the Migration Act of refugee claimants (Chu Kheng Lim (1992) 176 CLR 1). I have been a Board member of the Public Interest Law Clearing House (Vic.) Inc. ('PILCH') since 1998 and Treasurer since 2003. I was appointed as Special Counsel in the Workplace Services team at Maddocks after retiring from the partnership of Mallesons Stephen Jaques in 2004.

I have been delighted to return to teaching labour law and contract law through the JD program at Monash Law Chambers – I hope in some small way to emulate the commitment of my own lecturers at Monash.



Wendy Peter
(Supreme Court Prize Winner, 1981)

I attended Monash Law School from 1977 to 1981, completing a Bachelor of Jurisprudence and Bachelor of Laws with Honours. After leaving Monash, I worked for two years at Holding Redlich and completed four Monash LLM by coursework subjects before being awarded a joint Monash/Cambridge scholarship to complete an LLM at Cambridge University. Following this, I

commenced work at Arthur Robinson & Hedderwicks, now Allens Arthur Robinson, where I am now a partner specialising in competition and regulatory work. I was a member of the Monash University Council from 1999 to 2005 and a director of Monash Commercial from 2004 to 2006, and are currently on the advisory boards of the Monash University Centre for Regulatory Studies and Monash Law Faculty LLM by coursework (commercial). I am married with two teenage children, two dogs, a cat, goldfish and six zebra finches.

Memories of Monash in the late 70's and early 80's include sitting in the sun on the steps of the law faculty building in late March, terrible LSS coffee in the basement, queues for the ladies' loos, the silence of working on the first floor of the library, and attending lectures by luminaries such as Professors Enid Campbell, Laurie McCredie, Louis Waller and HP Lee, as well as Sir Richard Eggleston who taught the delightfully esoteric LLM subject "Proof, probability and the Law".



Nelle Pierce
(LSS President, 2005)

I was quite overwhelmed on my first day of law school and I distinctly remember being helped by a group of friendly Law Student Society (LSS) members. They made such an impression that over the years I became heavily involved in the LSS and eventually became president. This experience was unbelievable for my confidence and professional skills and gave me the opportunity to meet students,

faculty staff and members of the wider legal community who have become great friends and mentors. Many other fond memories of law school include buying and reading endless new, thick and heavy law books, developing a dependence on caffeine, late night cramming with mates, attending endless LSS functions and, on the rare occasion, watching a heated class debate ensue among rival factions in the front row whilst others groaned and loaded solitaire on their laptops.

While at university I worked part time as a criminal law paralegal, instructing on trials with some very inspiring barristers. I was also intrigued and humbled by the stories of many of my clients and their families during that time. I wanted to mention barrister Nathan Crafty who passed away some time ago. As well as our mutual interest in the Monash baseball club (he often umpired my team on the weekends) he offered me friendship and generous professional support for which I am very grateful.

After finishing university I worked for a short time in sales before starting as a graduate with the Victorian Public Service. Although I was originally recruited to work on economic policy, I couldn't have dreamed of broader scope. My work ranged from developing tax and insurance policy, energy regulation and alternative fuels policy to providing advice to the Premier on arts and community development, including aspects of the 2008 budget.

I took leave in February this year to play music and travel Australia which has reaffirmed just how lucky we are to live in such a big beautiful country. We can travel from one end to the other with complete freedom, experience a full range of climates and pick up a job just about anywhere!



Kevin Pose
(Supreme Court Prize Winner, 1969)

My time as a student at Monash Law School (1965 to 1969) was a most interesting, enjoyable and rewarding period. The first years in temporary accommodation did not dampen the excitement and enthusiasm. Many hours were spent in the makeshift law library and neighbouring cafeteria, meeting people, having fun and reading the law reports! I did my articles with Grant & Co. in 1970.

In 1971 I went to Oxford to read for the BCL. When I returned to Melbourne I lectured at Monash for three great years before moving to a senior lectureship at Melbourne University in 1977. That year Louis Waller invited me to prepare a new edition of the legal process casebook, which I did with my colleague Mal Smith, who has since sadly died.

I spent 11 years at the Bar, initially part-time then full-time. My main focus was in tax, but I also did admin law and some general commercial work.

In 1987, I was seduced by Michael Robinson of Arthur Robinson & Hedderwicks (now Allens Arthur Robinson) to join the firm as a partner to establish a tax practice. Over the next 20 years I built a practice of eight partners and about 16 lawyers.

I retired from the firm in early 2007, to a somewhat more relaxed lifestyle. I have returned to the Bar and to a little university teaching. I have continued as an external representative on the Public Rulings Panel of the Australian Tax Office. I have also served on consultative committees of the ATO. I now have a lot more time for my wonderful family and for travel and holidays.

I have been active with the Law Council Tax Committee for the last 22 years, with time in leadership roles. For some years I was honorary solicitor to the Corporate Tax Association.

Throughout my career I have retained strong links to Monash Law School. I will always cherish the wonderful opportunities that Monash gave me for a rich, varied and fascinating career in the law.



Charles Power
(LSS President, 1990)

For me, Monash Law School was cheap coffee to survive back to back Constitutional and Administrative Law lectures. I remember having my HQ Holden stolen from the Law School car park and collecting it in Mulgrave with my stereo gone (but someone else's underneath the car seat). As LSS president in 1990 I remember the LSS committee and I waiting in panic for Law Ball

tickets to sell in our second attempt, only to have a last minute rush of sales culminating in the best Law Ball ever (remember San Remo ballroom guys?).

I can't believe I did Contract when I was 18 – I wish I could remember a bit more of what I was taught! The mooted competitions were lots of fun. I think you only really get law when you have to make a legal argument

When I finished my law degree at Monash in 1991, I served as an associate for Justice Boulton at the Australian Industrial Relations Commission. I then completed articles at Corrs Chambers Westgarth and did a stint as a ministerial adviser for Simon Crean MP. Since 2002 I have been a partner at Holding Redlich practising employment and industrial law.



Gary Sebo
(Supreme Court Prize Winner, 1973)

I studied law at Monash for 7 years (1967–73) – 5 years part time and 2 years full time. The Law Faculty shared the Engineering Faculty building in 1967 and moved into the Law Faculty building in 1968. Monash was far less crowded in those days. Ample car parking for students was available very close to the Faculty buildings at first, but there was tremendous growth during those 7 years and by 1973 we were parking much further away.

I graduated B.Juris in 1972 and LLB Hons (1st class) in 1974. I was privileged to share the Supreme Court prize with Stephen Kaye (now Mr Justice Kaye of the Supreme Court). I was also elected by my fellow students to be one of the inaugural student members of the Law Faculty Board in 1972–73. I have very fond memories of being a regular attendee at 'the Nott' in 1972–73. Life as a full time student at Monash was very enjoyable. Following my graduation I was employed by Monash as a part time tutor in Taxation law in the Law Faculty in 1974–75.

I returned to my employment at the State Taxation Office in 1974 and became Commissioner of State Taxation in 1979 – a position I held until 1992. I then moved to Ernst & Young as their Director of Employment Tax Practice – a position I held until 1996 when I decided that I would finish my career practising law at Hall & Wilcox. I became an articled clerk in 1996 at the age of 55 and I was admitted as a partner at that firm in 2000. Three of my partners are Keith James, Noel Batrouney and Daryl Batrouney who were with me at Monash (1968–72). I am still with Hall & Wilcox as a partner, but part time these days.

I have been married to Pat for 43 years and we have 3 children and 7 grandchildren. My significant other interests apart from my family are golf (I am a member of Victoria Golf Club), AFL football (I am a long suffering supporter of Melbourne in the AFL and I was President of Ormond in the VAFA in 1997–99) and freemasonry where I have been Grand Master of Freemasons in Victoria since 2007."



Dr Ann Shorten
(Supreme Court Prize Winner, 1985)

A key reason why I studied law was to enable me to research, teach and write about the legal context of education. I did my LLB course as a part-time student from 1979–1985, receiving the Supreme Court Prize at the end of my final year. I thoroughly enjoyed my studies. The lecturers and tutors were excellent. I took leave from my work in 1986 to undertake articles at the Leo Cussen

Institute, and in 1989–1990 to complete the reading requirements of the Victorian Bar. Later, I completed short courses in alternative dispute resolution at Bond University and at the Harvard Law School.

From 1985 until I retired at the end of 1996 I taught about education and the law in the postgraduate programs of the Faculty of Education, Monash University and I was a Visiting Research Fellow at the Centre for Employment and Labour Relations Law at the University of Melbourne, from May, 1997 to April, 1998. From 1991–1993, I was the founding president of the Australia and New Zealand Education Law Association.

My publications have covered many aspects of the legal context of education. They included a book and a substantial research report, which were both collaborative endeavours, many journal articles, conference presentations, both in Australia and overseas, and research for publications dealing with current developments in education and the law.

And where am I now? Very happily retired!

Ambassador Program 2008

Following from a pilot launched under the Lawrie McCredie Student Support initiative in Semester 2, 2007, the Law School Ambassador Program continues to grow from strength to strength.

Designed to supplement the Vice Chancellor's *Ancora Imparo* Leadership Program, the Ambassadors represent community-focused law undergraduates wanting to make a difference. Starting with a group of 24 students, the program now has close to 40 participants who receive leadership and skills training throughout their annual term. Exceptional Ambassadors return to assist in the following year's program as Senior Ambassadors.

'Lunchtime Topical Discussion Forums' held by faculty staff educate and inform of legal research and career interests, whilst breaking down student and staff barriers. 'Alumni Sunset Seminars' facilitate relaxed and informal discussions with a range of speakers, from Will Fowles to their Honours Tony Howard and Lex Lasry.

"Another unique feature of the Law School Ambassadors is their desire to generate substantive, community-based projects and then hand those on to upcoming Ambassadors the following year." says Lloyd England, Manager, Student Experience.

"This year has seen two Senior Ambassadors conceiving and organising the excellent Equality and the Law evening with special guest His Honour Justice Kirby, and another committed Senior Ambassador, Michael Beaconsfield, working closely with the Faculty in rolling out the pilot Peer Mentor Program with the LSS this year, also a huge community enhancing success. I hope we can all look forward to more innovative Ambassador Projects in the future. The students are fantastic and so grateful for our Alumni's continuing goodwill towards them."

If you would like to support this initiative, share some of your time and legal experience, whatever it may be, the Ambassadors would be keen to hear from you. Please contact Lloyd England on 9905 3385 to support the Program with your input or by contributing to the Laurie McCredie Student Support fund.

Tax and Society: Current Developments

By Geoff Mann, Partner, Blake Dawson

Tax has the power to affect all levels of society. It presents a challenge for individuals, businesses, governments and advisors. This is particularly true in Australia, where the tax system is a complex, many layered and ever-changing landscape.

There have been some significant recent developments in the Australian tax system, including the Federal Government's proposed 'root and branch' review of the entire tax system and its proposed changes to the tax system as part of broader measures to tackle climate change. These developments highlight the interaction between tax and society, and the continuous need to update and adapt the tax system to keep pace with economic and social changes.

On 13 May 2008, the Treasurer outlined the Government's intention to undertake a comprehensive review of the Australian tax system that will address all Federal and State taxes other than the GST. He stated that the review is intended 'to create a tax structure that positions us to deal with the demographic, social, economic and environmental challenges of the 21st century'. The Treasurer noted that there has not been a comprehensive review of the Australian tax system in 50 years and that there have been dramatic changes in Australian society since that time.

The initial discussion paper, titled 'Architecture of Australia's Tax and Transfer System' (**Discussion Paper**), was released by the review committee on 6 August 2008 for public comment. The terms of reference for the discussion paper were as follows:

- (a) the appropriate balance between taxation of the returns from work, investment and savings, consumption (excluding the GST) and the role to be played by environmental taxes;
- (b) improvements to the tax and transfer payment system for individuals and working families, including those for retirees;
- (c) enhancing the taxation of savings, assets and investments, including the role and structure of company taxation;
- (d) enhancing the taxation arrangements on consumption, property, and other forms of taxation collected primarily by the States;
- (e) simplifying the tax system, including consideration of appropriate administrative arrangements across the Australian Federation; and
- (f) the interrelationships between these systems as well as the proposed emissions trading system.

The Discussion Paper highlights some of the significant issues confronting Australia, including globalisation, new technologies, climate change and an ageing population. The discussion paper does not make specific proposals for reform, rather it sets out the architecture of the tax system at present and makes some international comparisons.

The need for simplification of the Australian tax system is emphasised in the Discussion Paper. It is noted that Australia has at least 125 different types of taxes, with 90% of total revenue raised from only 10 taxes.

There are also a number of international comparisons made relating to corporate tax in Australia that suggest that this may be an area that is the focus of reform. The Discussion Paper states that the Australian corporate tax rate is now above the OECD average of 26%. This average has dropped 6% since 2001. It is suggested that this drop is partly due to concerns about global capital mobility and economic efficiency. The Discussion Paper also notes that Australia is one of the few countries with a dividend imputation system.

The review panel is currently receiving public submissions on the Discussion Paper and is due to deliver its final report to the Treasurer in December 2009.



Geoff Mann
BEC(Hons) 1986, LLB 1989, MTax 1998
Partner, Blake Dawson

Another recent development in the Australian tax system involves proposed changes to the tax system as part of broader measures to tackle climate change. On 16 July 2008, the Federal Government released its Carbon Pollution Reduction Scheme Green Paper (**Green Paper**) which outlines its proposed Australian emissions trading scheme. The proposed scheme involves a cap and trade design model, which is the same model used by the European Union Emissions Trading Scheme. Essentially, the scheme involves the introduction of a requirement to hold a permit for every tonne of emissions produced. Permits will initially be allocated up to the level of the emissions cap and then these permits can then be freely traded.

The Green Paper discusses the potential tax consequences of transactions involving permits at length. The focus of the Government is to ensure that the tax consequences of transactions involving permits do not undermine the objective of reducing emissions in a cost effective way.

In relation to income tax, the Government proposes to introduce a new regime into the income tax legislation that will apply specifically to permits and permit transactions.

By contrast, in relation to GST, the Government suggests that permits can be taxed under the existing GST rules. Under these rules, the supply of a permit for consideration would generally be subject to GST.

The Green Paper also proposes to reduce fuel taxes on a cent for cent basis to offset any increase in the price of fuel associated with the introduction of the Carbon Pollution Reduction Scheme. This is intended to assist households adjust to the introduction of the scheme.

The Carbon Pollution Reduction Scheme is due to be implemented in 2010.

Geoff Mann is a partner in the tax team at Blake Dawson specialising in goods and services tax, stamp duty, land tax and human resources taxes. In 2009, he will be co-lecturing the unit Goods and Services Tax in the Masters of Laws program with Professor Stephen Barkoczy.

Virtual worlds – At the cutting edge of law

Monash Law School, through senior lecturers Melissa De Zwart and David Lindsay, is playing a leading role in research and teaching in the rapidly-growing area of the law of virtual worlds.

As part of a range of Monash Law initiatives in this field, the Centre for Regulatory Studies held a well-attended seminar on “The Law and Regulation of Virtual Worlds” at Monash University Law Chambers, on 25 June 2008. The seminar, which featured experts on virtual worlds and on the law of virtual worlds, introduced the audience to the wide variety of current and emerging virtual worlds, and to some of the novel legal and policy issues that these new online spaces give rise to.

Gary Hayes, the Director of the Australian Laboratory for Advanced Media Production (LAMP) at the Australian Film, TV and Radio School (AFTRS), explained the nature of virtual worlds, and gave examples of the practical issues he has encountered in building presences in virtual worlds for Australian companies, including Telstra and the ABC. Professor Dan Hunter, from New York Law School, introduced the challenges associated with thinking about property rights in virtual worlds, arguing that the nature of creativity in virtual worlds requires fundamental changes to our thinking about intellectual property rights.

Melissa De Zwart examined the range of new legal issues raised by virtual worlds, including issues relating to rights in avatars and problems of dealing with user-generated content. Dr De Zwart also explained the central role of the terms of service of virtual world service providers, and how close attention to the actual terms may give quite a different picture of user rights to the common conceptions of most users.

David Lindsay explained some of the difficulties encountered in applying the current, technology-specific categories of protection under copyright laws to virtual worlds, and how these issues might be resolved differently under Australian and US law.



Left to right: Melissa De Zwart, Gary Hayes, Dan Hunter and David Lindsay

The issues canvassed at the seminar, and raised by audience members in their questions, indicate that we are just at the very beginning of understanding the legal implications of the increasing number of people engaging in social, entertainment and business activities in virtual worlds. As David Lindsay explained, “The ongoing development of virtual worlds will eventually raise as many legal and policy issues as did the internet in the mid- to late-1990s. Ensuring that the social and economic potential of these worlds is maximised requires carefully balancing the promotion of innovation, while protecting the rights of users”.

The legal and regulatory issues arising from virtual worlds are explored in more detail in the Monash Law post-graduate unit, “The Law of Virtual Worlds”, offered for the first time by Dr De Zwart in second semester 2008. The power-point slides of the presentations given at the 25 June seminar are available at <http://www.law.monash.edu.au/regstudies/seminars.html>.

Faculty appoints new Louis Waller Chair of Law

Professor Bryan Horrigan has been appointed to the Louis Waller Chair of Law.

Professor Horrigan, a Rhodes Scholar (1985), has a BA (Hons) *Queensland*, LLB (Hons) *Queensland*, and DPhil *Oxford*. He is currently the Associate Dean (Research) at Macquarie University's Division of Law. He is also a consultant to a national law firm and the immediate past Director of the National Centre for Corporate Law and Policy Research. He was Professor of Law, School of Law, University of Canberra, 2000–2005.

His competitive research grants include: ARC Discovery Grant, ‘The High Court of Australia's International Impact and Engagement – Enhancing Judicial Accountability and Australia's Place in International Law’ (as sole investigator), 2006–2010, \$231,000 in ARC funding; ARC Linkage Grant, ‘Corporate Governance in the Public Sector: An Evaluation of its Tensions, Gaps and Potential’ (co-holder, 2003–2006), \$290,000 in ARC funding; ARC SPIRT Grant (co-holder, 1999–2001).

In addition he has written many books and journal articles.

Professor Horrigan will commence his appointment as the Louis Waller Professor of Law and Associate Dean (Research) on 1st February 2009.

Public Seminar ‘457 Visas, Law and Policy’

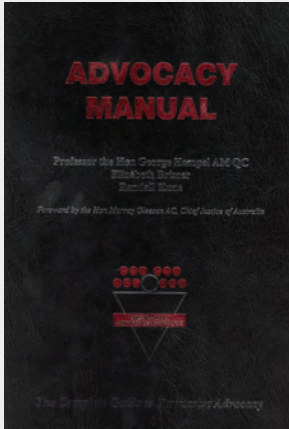
As part of Monash University's Research Month, the Faculty held a public seminar ‘457 Visas, Law and Policy’ on Tuesday 26 August at the Law Chambers in Bourke Street, Melbourne. This seminar was very topical – it coincides with the current review of the government to reform the subclass visa 457 which allows businesses to respond quickly to skill gaps in Australia by sponsoring skilled workers from overseas to work in management, professional and skilled tradesperson positions..

There were four speakers, comprising two academic staff from the Monash Law School, Professor Susan Kneebone and Professor Marilyn Pittard, as well as Mr Kruno Kukoc (Principal Adviser, Migration Strategies, Department of Immigration and Citizenship) and Ms Barbara Deegan (an Australian Industrial Relations Commissioner appointed by the Deputy Prime Minister and the Minister for Immigration and Citizenship to review integrity issues with the Subclass 457 visa arrangements).

It was an honour for the Monash Law School that The Hon. Justice Tony North, Federal Court of Australia chaired this event.

New Books

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



Advocacy Manual

– Professor the Honourable George Hampel, Elizabeth Brimer & Randall Kune

The purpose of this manual is to provide a practical guide to the philosophy, practice and teaching of advocacy developed by the Australian Advocacy Institute, a world leader in this field.

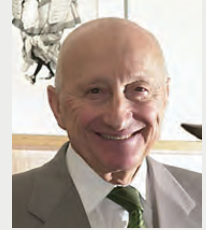
This manual is a guide to the fundamentals of advocacy and its teaching by practical training. It is designed to enhance the workshop experience.

Two case studies are used as illustrations, as well as other practical examples. The main case study is used for most of the illustrations and a second case study is used to illustrate pleas in mitigation.

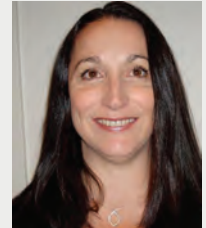
The aim of the manual is to enhance quality and consistency in advocacy training. It is based on the work and experience of hundreds of teachers over the past thirty five years.

The former Chief Justice of Australia, The Hon. Murray Gleeson AC, introduces the manual with his foreword.

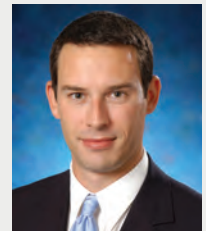
Available through Australian Advocacy Institute, www.advocacy.com.au



Professor The Hon. George Hampel



Elizabeth Brimer



Randall Kune



Kwame Mfodwo



Negotiating equitable fisheries access agreements

– Kwame Mfodwo

This manual is available in English, French and Portuguese. It provides instructions and advice on all aspects of fisheries agreements including negotiation, strategy, implementation and evaluation of financial returns.

More than 130 trade, economics, fisheries and law officials from fisheries-rich West African countries including Senegal, Sierra Leone, Mauritania, Gambia, Guinea, Guinea Bissau and Cape Verde have attended workshops based on the manual.

The countries are using the manual to negotiate fisheries access agreements with economic heavyweights such as the European Union (EU), Russia, China, South Korea, Taiwan and Japan.

The manual, is supported by a website providing information on fisheries agreements, was written as part of a project sponsored by the International Union for the Conservation of Nature (IUCN) and the World Wildlife Fund.

The manual has already had a significant global impact and is now being prepared for worldwide distribution by the IUCN and OceanLaw Press.

Big collect for Monash tax man

Making the difficult subject of taxation law interesting and engaging for students has helped Monash Law faculty Professor Stephen Barkoczy win a prestigious national teaching award.

Professor Barkoczy has won an Australian Award for University Teaching Excellence from the Australian Learning and Teaching Council (ALTC).

Not only is this the first time a staff member from the Law Faculty has won this award, it is also the first time a lecturer from Monash University has won it.

Professor Barkoczy has been teaching and researching at Monash for 20 years and is also a consultant to 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 researching into the classroom,” he said.

Professor Barkoczy often uses public commercial documents, in addition to his textbooks, to illustrate how tax law applies in practice.

“I try to make it real for the students and get them to think laterally and creatively about how the law is applied. My aim is to bridge the gap between academic theory and legal practice to produce better lawyers and legal thinkers.”

Professor Barkoczy’s achievement in receiving this award was recognised at the University Graduation Ceremony on the 23rd October 2008.



Professor Stephen Barkoczy

Monash Law School to offer international dual degree with Washington College of Law

In an Australian-first agreement with a US law school, Monash Law School has established a dual degree program with Washington College of Law, American University (WCL). The international dual degree program offered between Monash and WCL enables Monash Law students studying the Master of Laws (Juris Doctor) to complete their degree at Washington College of Law (WCL) in Washington DC, obtaining a Juris Doctor degree from both law schools.

In an increasingly competitive environment, the international Juris Doctor program provides exceptional opportunities for students from both law schools to acquire valuable on-site education and skills to work as "local" lawyers in both Australia and the US.

Under the agreement, Monash Law School and WCL have agreed to facilitate each other's students enrolling in their respective JD courses, and have agreed to credit students for some of the units they undertake while on exchange.

Students who take part in the program will graduate with a JD from Monash and WCL which will satisfy the academic course of study requirements for admission to legal practice in both Australia and the US.

Monash Law faculty Director International Dr Jonathan Clough said WCL had similar exchange agreements with universities in France, Spain and Canada but this was WCL's first agreement with an Australian and also the first time an Australian university law school had established such a program with an international law school.

"This is the first time that law students enrolled at an Australian university have had the opportunity to gain dual JD degrees in different countries by completing one course," Dr Clough said.

"This agreement is part of Monash's commitment to engendering international perspectives in our students and equipping our graduates with the skills for learning and working in the global sphere.



"Knowledge of legal systems of multiple countries is crucial for professional success in an increasingly globalised workplace of lawyers."

The JD has been offered by Australian university law schools as an alternative to the traditional Bachelor of Laws (LLB) degree for several years now.

Monash's Master of laws (Juris Doctor) is open to applicants who have an undergraduate degree in a discipline other than law. The JD takes three-years full-time study or six years part-time.

Great Law Week Debate

As part of the annual Law Week celebrations on Wednesday 14th May 2008 two teams of highly respected Monash Law Graduates debated the controversial topic "What do you mean you don't know Bradman's test average? Immigrants need to assimilate into Australian culture."

The event was held at Melbourne Exhibition and Convention Centre in the Auditorium. Will Fowles, the effervescent Monash Law graduate who became the youngest ever member of the Melbourne Cricket Club Committee was again the moderator.

The negative team were the winners as voted by the clapometer and panel of judges from the legal community. The team was lead by Kim Little who is currently a Team Leader for the Department of Premier and Cabinet. Her team members included one of Melbourne's most respected QC's David Galbally and Shivani Pillai who is a Barrister.

Shivani Pillai opened for the negative team and set the tone with "diverse cultures that come to Australia should they assimilate themselves or as per the government. Whilst Australia is culturally diverse it mirrors the Australian white policy of yesterday. Who are the real Australians? Aboriginals! So everyone else is an immigrant."

Fellow team member David Galbally QC reinforced the argument by stating "if they are going to bring assimilation into Australia then get rid of Greek restaurants, Chinese restaurants and make us all look the same!"

The affirmative team comprised of captain Meg O'Sullivan, Barrister and former world debating champion; Victor Perton Company Director, Barrister, Regulatory Affairs Advocate; and Roland Dillon who is a Solicitor in the Regulatory Innovation Unit of the EPA.

Victor Perton argued first for the affirmative team with "It's good to fit in. It allows freedom of speech, freedom of religion and quality of opportunity. The person who fits in does well, if you fit in you will get ahead."

Roland Dillon debated that "Immigrants are taking short term pain for long term gain. Learning a new language is difficult but leads to employment"

The closing argument for the affirmative team was given by Meg O'Sullivan stating "The stage before citizenship is permanent residency which is very difficult. People who have done that want to live here. The people have chosen Australia for its culture and its not hard work to take the next step to become a citizen. They have done the hard work."

Team captain Kim Little closed for the negative team which sealed the win. "Melbourne is an example to the world about how to do it right and we should rightly be proud of that. Assimilation doesn't work. To assimilate is a matter for the individual. It's up to new citizens to decide if they want to know the rules of cricket."

The President of the Monash Association of Debaters, Melissa Birch, delivered the unanimous decision that the negative team won.



Great Debate affirmative team left to right: Roland Dillon, Meg O'Sullivan, Victor Perton



Great Debate negative team left to right: Shivani Pillai, David Galbally, Kim Little

Professional practice at Springvale Monash Legal Service

By Helen Yandell, Director
Springvale Monash Legal Service

This year has seen the anniversary of 35 years of Monash Law student involvement with the Springvale Monash Legal Service (SMLS). From the early days of Springvale Legal Service to today, law students have been undertaking the unit Professional Practice (Prof Prac) towards their law degrees.

What they have gained in addition is a practical understanding of the law, of the court system and the impacts on community members, particularly those from culturally and linguistically diverse communities.

Students doing Prof Prac have the opportunity to see clients at the first instance and then take responsibility for all aspects of that client's matter. This may involve negotiating settlements with other drivers or lawyers in motor vehicle accidents, negotiating with the police in relation to criminal or family violence proceedings and assisting the client to take the matter to court. This is all done with the support and supervision of experienced legal practitioners.

In some instances the students will seek the leave of the court to appear for the client and enter a guilty plea and argue with a Magistrate for a reduced sentence on the basis of the client's personal circumstances. In other cases, the student may prepare a detailed brief for a barrister whose services we enlist to represent the client in court.

As SMLS is a generalist community legal centre, we can be asked for legal advice on many areas of law. Students get the opportunity to put theory into practice in many different areas of law from criminal, family, civil and administrative law. Many students have commented that it has helped them understand the theory. In each clinical period, Prof Prac students can undertake their placement at SMLS or at the Monash Oakleigh Legal Service (MOLS) in Clayton.

Students are primarily marked on their casework and report or journal. Some marks are given to involvement in a community activity. Students have been involved in giving talks to schools or community groups, organising and coordinating an event for the community or a conference, working with prisoners and preparing materials to help clients understand the law.

Professional Practice runs for 19 weeks with the final two weeks requiring an exiting student to teach a new student the ways of the legal service and to hand over the files that the new student will be working on.

In addition to Prof Prac, a smaller number of students elect to undertake the unit Advanced Professional Practice in a specialist area. Four students are able to work in the joint sexual assault clinic with the South Eastern Centre Against Sexual Assault and SMLS. Another two are able to work in a human rights clinic with practitioners from the firm Holding Redlich and one student is able to work in the area of criminal defence with Rob Stary and Associates, a firm which is working on the counter terrorism defence trials.

Following a review of the clinical legal education program in 2006/2007, a new elective was offered to law students called Law Reform and Community Development. Twelve students can enroll in this unit and get involved in law reform or community activities that are relevant to community legal centre clients. Activities to date have included involvement in writing submissions to parliamentary and law reform commission enquiries. Others have worked with vulnerable groups in the community to assist with information about the legal system. These may include newly arrived community members, people who are homeless, people who may have a gambling addiction or women and children experiencing family violence.

Past Prof Prac students have gone on to work in all aspects of the law. Many have retained a connection to community legal centres and volunteer their time to provide advice sessions in Springvale and other CLCs around the state. Others have returned to SMLS and MOLS as supervisors or offer their time and skills in a pro bono capacity to legal centre clients. Many speak favourably of the skills learnt in Prof Prac and the insights they gained into the law and the barriers that are faced by certain groups in the community.

Information on all the clinical subjects is available on the faculty website. www.law.monash.edu.au



LLM Specialisation: Workplace Relations

By Professor Marilyn Pittard,
Associate Dean, Research



Workplace relations law has undergone revolutionary changes since 1996 and more changes are proposed to occur by 1 January 2010. A major development in 1996 was the introduction of Australian Workplace Agreements ('AWAs'), a new statutory form of agreement. *Work Choices* was introduced after major legislative changes of 2005.

Work Choices made AWAs the dominant form of agreement which were not subject to independent scrutiny in respect of employment standards, introduced strict strike ballot laws, prohibited the making of new awards, reduced the role of the Australian Industrial Relations Commission, essentially dismantled unfair dismissal laws, introduced the Australian Fair Pay and Condition Standard (providing for five minimum employment standards) and established the Australian Fair Pay Commission to set minimum adult and casual rates of pay.

Units in the Workplace Relations and Employment Law Specialisation in the Monash Master of Laws program reflects the development and changes in this area of Law. New units for 2009, which have been developed to analyse and address the changes, include Workplace Bargaining and Agreements Law; the Law of Workforce Management; and Forward with Fairness: New Labour Law.

The newly revised unit, Forward with Fairness: New Labour Law, will focus on the new workplace relations law regulatory framework after Work Choices. It will critically examine the recent developments proposed or enacted in federal labour law since the Work Choices changes, in 'Forward with Fairness' law and policy, and will include changes to workplace bargaining and bargaining in good faith, collective agreements, individual agreements, dispute resolution, industrial action, strike ballots laws, new institutions, legislated safety net conditions and award modernisation, unfair dismissal, implications for unions, and use of the Constitution's corporations power establishing a national system.

Workplace Bargaining and Agreements Law focuses on the current and proposed new framework for bargaining collective agreements with new good faith bargaining principles. It will examine the international concept and basis of collective bargaining including through international law, International Labor Organisation conventions and their interpretation and the adoption of international standards and their concept in Australian labour law. The role of the courts, industrial tribunals and the legislature in developing the right to bargain and collective bargaining, as well as the right to strike in the context of bargaining in collective agreements and its international basis, will be discussed. The limits of industrial action in collective bargaining, and when protected industrial action ballots (compulsory strike ballots) might be sought and ordered are also examined. A novel concept for Australia in *Forward with Fairness* policy is the duty to bargain and the concept of good faith bargaining and this will be a focus of analysis.

Other legal issues will be the legal status of collective agreements and parties to agreements; the 'no disadvantage test' and the protection of labour standards; and the role, content, termination and enforcement of agreements. The role of unions and employers in bargaining will be examined. Changes in the law will be evaluated, together with the use of individual flexibility arrangements and common law contracts.

The Law of Workforce Management will examine the law of managing workforce behaviour which relates to aspects of the individual employment relationship, under the contract of employment, legislative regimes, negotiated agreements and employment practice and policy. Questions of how far employers can control the behaviour of employees at the workplace and in their private lives and what legal controls, limits and freedoms are available to employers, employees and fellow employees will be addressed.

In addition, Law of Employee Relations (LAW7083) will be offered twice in 2009. It provides an overview and focus on the function and sources of rights and obligations of the parties in the contract of employment, legislation (including legislated employment standards), awards and the new modernised award and collective agreements.

Current Issues in Workplace Law (LAW7310) will also allow focus in depth on particular issues of relevance to labour law, examining significant and contemporary issues in employment and labour relations law that arise in response to changes in legislation. Key court decisions, international developments, and government-, business- and union-driven approaches will be analysed. Comparative aspects, where relevant, will illuminate the issues selected, and areas of law reform will also be discussed. The unit has a contemporary nature and current issues will be the focus.

The content of Workplace Anti-Discrimination Law (LAW7327) is the legislative framework for rights and remedies in discrimination and equal opportunity in the workplace at federal and state levels including the *Disability Discrimination Act 1992*; *Human Rights and Equal Opportunity Commission Act 1986*; *Racial Discrimination Act 1975*; *Sex Discrimination Act 1984*; *Age Discrimination Act 2004*; *Equal Opportunity Act 1995*; and *Victorian Charter of Human Rights and Responsibilities Act 2006*. *Provisions in the Workplace Relations Act 1996* prohibiting discriminatory termination of employment, the concepts of direct and indirect discrimination, and relevant case law will be reviewed and analysed.

The Workplace Relations and Employment Law Specialisation is suitable for persons already working in the fields of labour law and employment law, and human resources law, and for those who wish to study the area for the first time. Single unit enrolment is available for lawyers and non-lawyers wishing to update their knowledge in a particular area.

For further details visit www.law.monash.edu.au/postgraduate or email graduate@law.monash.edu.au

Women's Career Pathways Breakfast

The Honourable Justice King and The Honourable Justice Neave AO where some of the women who spoke at a breakfast at the National Australia Bank building for some of Monash Law Schools female students.

The aim of the breakfast was to encourage students to select workplaces where they see women succeeding and working in a good environment. The women shared their stories of success, how they achieved them and how their lives changed and they coped with a career and a family. Held in May the breakfast gave valuable insight to students and was a fantastic networking opportunity.



New scholarships focus

Monash Law School aims to gain donor support to increase the number of scholarships available to its students.

Dean of Monash Law School, Professor Arie Freiberg said that scholarships would be a major fundraising priority for the law school.

"We are seeing increasing competition among students for the limited number of scholarships available. Because government and university funding is insufficient to provide the required number of scholarships, we need to meet the growing demand. Philanthropy is the answer. To help address this need, the Law School is fundraising to increase the number and range of undergraduate and postgraduate scholarships that it can offer," Professor Freiberg said.

The current range of scholarships focuses on students from rural or isolated areas, on student mobility for exchanges for the faculty's programs in Prato and Malaysia and PhD students. The Faculty is keen to provide more support for students who wish to study overseas and to undertake internships.

"We would also like to provide more scholarships that will help our postgraduate students focus more fully on their research, rather than having to juggle work and study."

The scholarships' fundraising initiative also includes support for talented undergraduate students, particularly those for whom the financial burden of study is a disincentive or a complete barrier.

"It is clearly important to offer opportunities for undergraduate students who might not otherwise be able to afford to attend university," Professor Freiberg said.



LLB students outside Monash Law School

"The Law School wants to increase the number of scholarships given on the basis of financial need. We also aim to gain donor support for new undergraduate scholarships that reward excellence – for our top applicants for first year positions. These scholarships also help to enhance Monash Law School's reputation for excellence by attracting more of the highest achieving students."

Professor Freiberg called on Monash Law School alumni to support the new scholarships.

"It's quite extraordinary to see the difference that scholarships can make to the life of a student. Monash Law School provided its alumni with the foundations of their successful careers and I hope that they will take this opportunity to give back to the faculty by supporting our scholarship schemes."

To make a donation to support scholarships at Monash Law School visit www.monash.edu.au/giving or use the form on the address sheet sent with this edition of Law Matters. To discuss your donation to scholarships, contact Louise Zygier, Faculty Campaign Director, on +61 3 9903 4609.

High Academic Achievers' Program 2008

March 2008 saw the launch of the Law Faculty's High Academic Achievers' Program. Around 40 students, identified as consistently achieving during their legal studies, enjoyed a variety of seminars and training throughout the year, designed to educate and inform of the plethora of opportunities available post-graduation.

In April, various speakers outlined postgraduate pathways both internationally and domestically; staff members who had undertaken postgraduate studies shared their experiences, and information was also provided about overseas exchanges and internships available during the course of their undergraduate studies.

In May a number of speakers discussed the broad range of career opportunities open to astute law graduates. These included roles in government solicitors' offices, branches of the civil service, and in non-governmental organisations.

'The High Achiever and Stress' training session discussed the particular stresses to which they may be subject, and provided useful strategies for dealing with such.

Undoubtedly a highlight for the students was a lunch with Justice Chris Maxwell, President, Victorian Court of Appeal, in his chambers in August.

A Public Speaking workshop was held in September conducted by Ms Kim Little, a Supreme Court Prize winner from Monash University, and formerly a winner of the World Debating Championships.

If you feel you have something to share and contribute to the future rising stars of the Faculty's High Achievers' Program next year, we would love to hear from you. Please contact Lloyd England on +61 3 9905 3385.



Kim Little BA(Hons) 2001, LLB(Hons) 2003, MA 2003

Postgraduate Law Units: January to June 2009

Subjects are listed alphabetically.

LAW7303	Advocacy: theory and practice Professor The Hon George Hampel AM QC	3 March <i>Semi-intensive</i>
LAW7212	Australian legal system Associate Professor Gaye Lansdell	21 February <i>Intensive</i>
LAW7322	Communications law and regulation Mr David Lindsay	18 June <i>Intensive</i>
LAW7278	Comparative competition law Associate Professor John Duns	6 January <i>Semi-intensive</i>
LAW7056	Competition law Associate Professor John Duns/ Mr Andrew Monotti	2 March <i>Semester</i>
LAW7011	Copyright Mr David Lindsay	25 March <i>Semi-intensive</i>
LAW7306	Corporate governance and directors' duties Professor Elizabeth Boros	3 March <i>Semester</i>
LAW7309	Current issues in intellectual property Professor Geoffrey Scott	10 June <i>Intensive</i>
LAW7437	Equity capital markets law in Australia Dr Greg Golding/Ms Evie Bruce	18 June <i>Intensive</i>
LAW7317	Evaluating what works in regulation Professor Graeme Hodge	2 April <i>Intensive</i>
LAW7308	Expert evidence Professor Ian Freckelton SC	2 March <i>Semi-intensive</i>
LAW7438	Globalization and international economic law Professor Frank Garcia	1 April <i>Intensive</i>
LAW7262	Goods and services tax Professor Stephen Barkoczy/ Mr Geoff Mann	1 May <i>Semi-intensive</i>
LAW7439	Human rights and intellectual property Professor Sam Murumba	21 May <i>Intensive</i>
LAW7286	International criminal justice Dr Gideon Boas	20 April <i>Intensive</i>
LAW7318	International law and economic, cultural and social rights Dr Paula Gerber	15 June <i>Intensive</i>
LAW7028	International trade law Professor Justin Malbon	20 March <i>Intensive</i>
LAW7436	Introduction to Australian legal process <i>(International students only)</i> Mr Leighton Morris	16 February <i>Semi-intensive</i>

LAW7083	Law of employee relations Mr Richard Naughton	2 March <i>Semester</i>
LAW7285	Legal research and communication Mr Leighton Morris	19 February <i>Semi-intensive</i>
LAW7087	Local government law Mr Mark Hayes	30 April <i>Intensive</i>
LAW7251	Negotiation and mediation skills Mr Shawn Whelan	30 April <i>Intensive</i>
LAW7432	Non-adversarial family law Dr Becky Batagol/Mr Ross Hyams/ The Honourable Justice Nahum Mushin	21 May <i>Intensive</i>
LAW7442	Overview of comparative banking law Mr Rhys Bollen	28 May <i>Intensive</i>
LAW7263	Overview of corporate law Mr Scott Wotherspoon	5 March <i>Semester</i>
LAW7223	Overview of intellectual property Mr Ian Horak	16 March <i>Intensive</i>
LAW7026	Overview of international human rights law Professor Sarah Joseph	10 March <i>Intensive</i>
LAW7433	Patenting for commercialisation <i>(restricted entry)</i> Dr Richard Brown	17 April <i>Intensive</i>
LAW7276	Principles of taxation Professor Stephen Barkoczy	20 February <i>Semi-intensive</i>
LAW7246	Privacy and information security in law cyberspace Associate Professor Moira Paterson	4 March <i>Semi-intensive</i>
LAW7313	Regulatory fundamentals: concepts, constructs and context Professor Graeme Hodge	12 March <i>Intensive</i>
LAW7320	Terrorism and human rights Professor Sarah Joseph	30 March <i>Intensive</i>
LAW7434	The law of climate change Ms Rowena Cantley-Smith	28 May <i>Intensive</i>
LAW7327	Workplace anti-discrimination law Ms Joanna Betteridge	7 May <i>Intensive</i>
LAW7435	Workplace bargaining and agreements law Professor Marilyn Pittard	26 March <i>Intensive</i>
LAW7326	World Trade Organization (WTO) law Professor Jeff Waincymer	29 April <i>Semi-intensive</i>

Australian Law Postgraduate Network (ALPN) Roadshow

Professor Stephen Colbran, a senior academic from the University of New England and the ALPN Project Leader, visited Monash Law School on Wednesday 3 September 2008. This visit was to promote the activities of the ALPN to universities which are the members of this network.

The ALPN is a national network established under a Carrick Institute Leadership grant. It seeks to facilitate collaboration and leadership amongst Australia's 29 law schools in supporting higher degree research students in law and related disciplines.

The ALPN has the support of the Council of Australian Law Deans, which also acts as a referee group. Its aim is to provide supervisory training, multiple qualified expert supervisors, methodological and statistical support for law higher degree research students, and the promotion of modern collaborative supervisory strategies across Law Schools.

Professor Colbran presented the online resources which are provided by the ALPN and how it will benefit Law HDR students and supervisors, i.e. Postgraduate Guide for Law Students, HDR Supervisor's Professional Development Program. The ALPN is exploring the sharing of other information which will benefit Law Schools within Australia, i.e. information on visiting scholars from overseas.



Left to right Professor Jeff Goldsworthy, Higher Degrees by Research Convenor, Professor Stephen Colbran and Professor Marilyn Pittard, Associate Dean Research



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Free public lecture

'ACTA and the Coalition of the Willing. On the Possible Content, Merits and Dangers of a 'Plurilateral' Anti-Counterfeiting Trade Agreement'

Professor Bernt Hugenholtz,
University of Amsterdam (ViR)

Mr Stephen Stern,
Partner, Corrs Chambers
Westgarth (Melbourne)

Date: Tuesday 25 November 2008

Time: 6.00 pm – 7.00 pm

Venue: Monash University
Law Chambers
472 Bourke Street, Melbourne

RSVP: Essential

Email: marketing@law.monash.edu.au
or phone (03) 9905 3389



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.

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Faculty of Law
Monash University
Clayton, Victoria 3800, Australia