



Monash Law School

**Annual
Report
2008**

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1. Introduction to Monash Law School



The core activities of a university are relatively basic – teaching and research.

A professional faculty, such as law, will contribute to these activities and will seek to do so at the highest possible level, preparing its graduates not just for the practice of law, but for life more broadly. Instilling ethical values, providing advocacy, negotiation and inter-personal skills, enhancing research capabilities and engendering a broad understanding of the place of law in society are all elements of the Monash Law School educational experience.

Being one of Australia's largest law schools allows the Monash Law School to provide the courses, subjects and local and international programs that can meet the needs, and the individual preferences, of over 3,500 students. Eleven undergraduate law degrees allow students to combine law with such disciplines as engineering, arts, biomedical science, business, commerce, medicine, music, performing arts and science. These combined degrees are simultaneously broad, deep and comprehensive and allow students to acquire their professional qualifications efficiently and economically.

Our graduate law degree, the Juris Doctor, taught in the heart of the city, goes from strength to strength. In 2008 there were over 200 students enrolled in the Monash JD providing those already with an undergraduate degree, with an opportunity to study law with other graduates, part-time or full time, in small groups with highly qualified staff, drawn from both the law school and the profession.

For students, the quality of teaching is vital. Quality, in this respect, includes the personal and professional qualifications of staff, their engagement with their students and their ability to relate their own research to the subjects they teach. 2008 was a stellar year for both teaching and research in the Law School. Taxation law expert, Professor Stephen Barkoczy, who was awarded the Vice-Chancellor's Award for Teaching Excellence, was also given an Australian Learning and Teaching

Council Award for Teaching Excellence as well as the Prime Minister's Award for Australian University Teacher of the Year, selected from 22 winners of the Teaching Excellence awards.

Perhaps even more importantly, the Faculty has scored very highly on the University's Unit Evaluation measures. Unit evaluations require students to rate each unit (not the teacher), in every semester on a five-point scale. Over the past two years, the Law School has been rated as one of the top two Faculties on the important questions that related to Overall Satisfaction and Intellectual Stimulation.

The teaching-research nexus is vital for ensuring that the curriculum is up to date and students are exposed to not only the latest ideas, but the ideas that will shape the law in the future. Over the past two years the faculty has achieved its highest levels of research publications, including books, book chapters, journal articles and the like ranging over a vast range of topics including intellectual property, human rights, international law, taxation law, trusts, constitutional law, sentencing and advocacy.

This Annual Report records and reports on the wide range of activities of the Law School in 2008. What it cannot do is capture the enthusiasm of the students and staff, the diversity of its international activities, the energy of its law students associations and its continuing engagement with its alumni and the broader community through its public lecture and seminar programs, mentoring schemes, community legal services and competitions.

I hope that the snapshot of the Law School in 2008 provided by this publication offers a valuable insight into the work of a modern law faculty in one of Australia's finest universities.

Arie Freiberg
Dean, Faculty of Law

2. Campuses



2.1 Clayton

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

The Law School is located on the Clayton campus and houses the university's Law Library, three computer laboratories and five lecture theatres. The majority of our undergraduate teaching occurs at this location. The Law School's clinical training program operates from the Monash-Oakleigh Legal Service and the Springvale Monash Legal Service.

2.2 Monash University Law Chambers

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

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

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

2.3 Monash Education Centre, Prato, Italy

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

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

3. Research

3.1 Reflections on Research during 2008

The year began with an announcement by Kim Carr, federal Minister for Innovation and Industry, Science and Research on the new research quality exercise titled “Excellence in Research for Australia” to be coordinated by the Australian Research Council. In June all University Faculties were asked to respond to the preliminary ERA journal rankings list for each discipline. The Faculty’s Research Services Section sought input from academic staff and prepared detailed comments on the draft ranking, which included over 600 Law journals.

The Faculty held its annual Research Day at the Monash Law Chambers on Thursday 10 July. This year’s theme was “Aiding and Abetting your Research”. The Faculty’s special guests were Professor Paul Bonnington from the Monash eResearch Centre, Kay Tucker and Caroline Knaggs from the Law Library. The day included a meeting of all Faculty Research clusters and the launch of the new Research B.I.T.E.S. seminar program (Brief Insights To Encourage Scholarship). Participants included Professors Marilyn Pittard, HP Lee and Bernadette McSherry together with Dr Bronwyn Naylor and Dr Diana Bowman.

During 2008 the Faculty worked hard to significantly increase its research publications output and research income from research grants, consultancies and research donations. In July, following the annual University audit of research publications, the Faculty was advised that it had achieved its highest ever weighted score for research publications in the four DEEWR categories of authored books, book chapters, refereed journal articles and refereed conference publications for 2007.

In November the Faculty appointed a well-qualified Research Grant officer – Writing and Development to the Research Services section to assist academic staff with writing and editing their research grant applications.

The Faculty was awarded five postgraduate research scholarships in 2008. The Faculty welcomed new Higher Degree by Research candidates (both full-time and part-time) to the Master of Laws by Research, Doctor of Philosophy and Doctor of Juridical Science (SJD) programs.

The year ended with the appointment of a new Associate Dean (Research), Professor Bryan Horrigan, who takes over the position of Associate Dean (Research) from Professor Marilyn Pittard at the end of February 2009.

3.2 Books and Book Launches

The following books were authored, co-authored or edited by Monash Law staff and students and published or launched in 2008:

- Dr David Lindsay, *International Domain Name Law: ICANN and the UDRP* (Hart Publishing, Oxford, 2007) On Wednesday 20th February, a successful seminar was held at Monash University Law Chambers to coincide with the launch of David’s book. Over 90 people attended the seminar, including representatives from the top law firms. Speakers at the seminar included Dr Bruce Tonkin, Chris Disspain, the Honourable Neil Brown QC and David Lindsay. David’s book was launched by Dr Peter Gerrand, a pioneer in the domain name industry and the first CEO of Melbourne IT (as well as a Professorial Fellow in Telecommunications at the University of Melbourne).
- Professor Mark Davison, Professor Ann Monotti (Monash Law) and Associate Professor Leanne Wiseman (Griffith Univ) *Australian Intellectual Property Law* (Cambridge University Press, Australia, 2008).
- Dr Eric Wilson, *Savage Republic: De Indis of Hugo Grotius, Primitive Legal Scholarship and Dutch Hegemony in the Early Capitalist World Economy (c. 1600–1621)* (Martinus Nijhoff Publishers, the Netherlands, 2008).
- Associate Professor Greg Taylor, *The Law of the Land: The Advent of the Torrens System in Canada* (University of Toronto Press, for the Osgood Society for Canadian Legal History, 2008). Assoc Professor Taylor is currently on staff exchange at Osgoode Hall Law School in Canada.
- Dr Gideon Boas (Monash Law), Mr James Bischoff and Ms Natalie Reid, *International Criminal Law Practitioner Library – Volume II: Elements of Crimes Under International Law* (Cambridge University Press, Cambridge, 2008).
- Dr Paula Gerber, *From Convention to Classroom: The Long Road to Human Rights Education* (VDM Verlag Dr Muller, Germany, 2008).
- Dr Cosmas Moisisidis (PhD candidate), *Criminal Discovery: From Truth to Proof and Back Again* (Institute of Criminology Press, Sydney, 2008).
- Ms Susan Barkehall Thomas and Dr Vicki Vann, *Trusts* (LexisNexis, NSW, 2008)
- Professor Robin Woellner (James Cook Univ), Professor Stephen Barkoczy (Monash Law), Ms Shirley Murphy and Professor Chris Evans (Oxford), *Australian Taxation Law*, 18th Ed (CCH Australia Ltd, Sydney, 2008).
- Ms Melissa Castan, *Constitutional Law* (Pearson Education Australia, NSW, 2008).
- Professor Mark Davison (Monash Law), Ms Tracey Berger and Ms Annette Freeman, *Shanahan’s Australian Law of Trade Marks and Passing Off*, 4th Ed (Lawbook Co., NSW, 2008).
- Professor Arie Freiberg (Monash Law) and Ms Karen Gelb (Eds), *Penal Populism, Sentencing Councils and Sentencing Policy* (Hawkins Press, NSW, 2008).
- Professor Sarah Joseph (Monash Law), Lucy Amis and Rachel Chambers, *Human Rights Translated: A Business Reference Guide* (Castan Centre for Human Rights Law, New York, 2008).

- The Hon. Professor George Hampel, Ms Elizabeth Brimer, Mr Randall Kune, *Advocacy Manual. The Complete Guide to Persuasive Advocacy* (Australian Advocacy Institute, Melbourne, 2008).

3.3 Research Stories

Emeritus Professor Christie Weeramantry AM, former judge of the International Criminal Court in The Hague, received a Monash 50th Anniversary Research Award for “his contributions to peace and intercultural education, human rights, environmental protection and sustainable development, international law and disarmament.”

Professor Jeff Goldsworthy, an international expert in Constitutional law, was elected to the Fellowship of the Academy of Social Sciences in Australia. Fellows of the Academy are elected by their peers on the basis of having achieved a very high level of scholarly distinction and for having made a distinguished contribution to one or more disciplines of the social sciences.

The 2008 Faculty award for Excellence in Research by an Early Career Researcher was awarded to Dr Matthew Groves, for his research into public law and administrative law and the interface of government and society.

Ms Azadeh Dastyari was awarded a prestigious Fulbright Postgraduate Alumni (WG Walker) Scholarship, as the highest ranked postgraduate Fullbright scholar across all disciplines. Azadeh is conducting a comparative study of US and Australian immigration and refugee law at Georgetown University in Washington from September 2008 until September 2009.

The Prime Minister’s 2020 Summit, held in Canberra on 19th and 20th April, was attended by Professor Sarah Joseph, Director of the Castan Centre for Human Rights Law, one of only eighteen Monash staff invited to attend.

In June, Emeritus Professor Richard Fox was appointed a Member in the General Division of the Order of Australia (AM) “For service to the law and to legal education, particularly in the areas of criminal procedure and sentencing”.

Dr Diana Bowman was awarded a Monash University Fellowship at Kings College, London for the research project “Technology and Regulatory Evolution or Revolution? The Case of Nanotechnologies in the European Union”.

3.4 Faculty Research Seminars

The Faculty again organised a very successful Research seminar program on Tuesday lunch times at the Clayton campus. The Honourable Justice Christopher Maxwell, President, Court of Appeal of Victoria, launched the 2008 seminar series with his presentation on “Statutory interpretation matters: how should it be taught?”

Eighteen staff seminars were held across semesters one and two, six of which were presented by International guests from Universities and other Institutions in Canada, USA, China, Israel and Denmark.

On Tuesday 26 August, 2008 the Faculty held a very successful public seminar titled “457 Visas, Law and Policy” at the Monash Law Chambers, to coincide with Monash research month. The speakers were Professor Susan Kneebone and Professor Marilyn Pittard from the Law School, Mr Krung Kukoc (Principal Adviser, Migration Strategies, Department of Immigration and Citizenship) and Ms Barbara Deegan (an Australian Industrial Relations Commissioner). It was an honour for the Monash Law School that The Hon. Justice Tony North, Federal Court of Australia chaired this event.

On 9 October, 2008 Professor Bernadette McSherry, ARC Federation Fellow, gave a Public Lecture at the Clarendon Ballroom, as part of Monash University’s 50th Anniversary celebrations. Her lecture was titled “Open Minds, not Locking Doors: Rethinking Mental Health Laws”, based on the research that is being conducted for her Federation Fellowship program.



Azadeh Dastyari, 2008 Fulbright Postgraduate Alumni (WG Walker) Scholarship

Assistant lecturer Azadeh Dastyari, who completed a LLB with First Class Honours at the University of Sydney and is currently completing a PhD at Monash Law School, won the Fulbright Postgraduate Alumni (WG Walker) Scholarship in 2008 to undertake research at Georgetown University. She was one of 24 Australians to be selected in 2008.

3. Research

3.5 Research Cluster Seminars

The Faculty's eight research clusters met regularly during the year. The research clusters are chaired by a senior member of academic staff and are named as follows:

- Commercial and private law – chair Professor Justin Malbon
- Criminal law and justice – chair Professor Bernadette McSherry
- Family law – chair Dr Adiva Sifris
- Innovation and information law – chair Associate Professor Moira Paterson
- International, European and comparative law – chair Professor Susan Kneebone
- Legal philosophy and legal theory – chair Professor Jeff Goldsworthy
- Public law, government and regulation – chair Professor Marilyn Pittard
- The legal profession – chair Associate Professor Adrian Evans

3.6 Higher Degrees by Research Awarded

The following theses were accepted for higher degrees by research during 2008:

- Batagol, B. (2008). *Bargaining in the Shadow of the Law? The Case of Family Mediation*. PhD.
- Giblin, R. (2008). *The Code/Law Collision: Secondary Liability for P2P Copyright Infringement in the US and Australia*. PhD.
- Gray, S. (2008). *Pastoralists, Protectors and Thieves: The 'Stolen Wages' Issue in the Northern Territory of Australia*. PhD.
- Kimm, J. (2008). *The Family Court, Judges and Lawyers: Changing Practices of Victorian Family Lawyers*. PhD.
- Kyriakakis, J. (2008). *Corporation, Complementarity and the International Criminal Court*. SJD.

- Latipulhayat, A. (2008). *State Control and Privatisation of Indonesian Telecommunications Industry: From Ownership to Regulation*. PhD.
- Lindsay, D. F. (2008). *International Domain Name Law: ICANN and the UDRP*. PhD.
- Marich, M. (2008). *Confidentiality of Sensitive Investigative Information in Judicial Proceedings*. SJD
- McGrady, B. (2008). *Trade and Tobacco Control: The World Trade Organisation and the Framework Convention on Tobacco Control*. PhD.
- Mertova, P. (2008). *Quality in Higher Education: Stories of English and Czech Academics and Higher Education Leaders*. PhD.
- Smith, S. (2008). *Maverick Litigants: A History of Vexatious Litigants in Australia 1930-2007*. PhD.
- Tagini, P. (2008). *The Search for King Solomon's Gold: An Examination of the Policy and Regulatory Framework for Mining in Solomon Islands*. PhD.



3.7 Research Grants

| ARC Federation Fellowship (in progress) | |
|---|--|
| Bernadette McSherry | <i>Rethinking Mental Health Laws: An Integrated Approach</i> (Dec 2007 – Dec 2012) |
| ARC Discovery grants (new and in-progress) | |
| Susan Kneebone | <i>Law, Governance and Regulation of Intra-regional Labour Migration in South East Asia: An Agenda for Protection and Development</i> (2009–2011) |
| Bernadette McSherry (with Patrick Keyzer (Bond University), Sam Blay (UTS), John Pettila, Rajan Darjee) | <i>Preventive Detention of High-Risk Offenders: The Search for Effective and Legitimate Parameters</i> (2008–2010) |
| Susan Kneebone | <i>The Asylum Seeker in the Legal System: A Comparative and Theoretical Study</i> (2006–2008) |
| Matthew Groves (with Faculty of Arts) | <i>Religion and Governance in India, c.1000-2000 CE</i> (2005–2008) |
| Pam O'Connor (with QUT Law School) | <i>An Institutional Framework to Facilitate Sustainable and Integrated Natural, Cultural and Built Resources Governance</i> (2007–2009) |
| ARC Linkage grants (new and in-progress) | |
| Bronwyn Naylor, Arie Freiberg, Julie Debeljak, Stuart Thomas (Medicine, Nursing and Health Sciences) and Inez Dussuyer (Victorian Ombudsman's Office) with six Collaborating Organisations: <ul style="list-style-type: none"> • Ombudsman Victoria • Victorian Equal Opportunity and Human Rights Commission • Office of the Public Advocate • Office of the Inspector of Custodial services • Office of Police Integrity • Commonwealth Ombudsman | <i>Applying Human Rights Legislation in Closed Environments: A Strategic Framework For Managing Compliance</i> (2008–2011) |
| Gideon Boas (with Prof Tim McCormack, University of Melbourne and partners Australian War Memorial /Australian Defence Force) | <i>Australia's Post World War II War Crimes Trials: A Systemic and Comprehensive Law Reports Series</i> (2007–2009) |
| Jonathan Clough (with Professor J Ogloff, Victorian Institute for Forensic Mental Health (Monash) and others from the Faculty of Medicine, Nursing and Health Sciences with partner Victoria Police) | <i>Policing services and the mentally ill: An evidence-based good practice model</i> (2007–2011) |
| Susan Kneebone, Julie Debeljak and Bernadette McSherry (with partners HREOC, Attorney General's, World Vision and ACIL Australia) | <i>Australia's Response to Trafficking in Women: Towards a Model for the Regulation of Forced Migration in the Asia-Pacific Region</i> (2006-2008) |
| Bernadette McSherry (with Professor J Ogloff, Faculty of Medicine, Nursing and Health Sciences and international partners) | <i>Confidentiality in Therapeutic Relationships: Developing Guidelines for Mental Health Professionals</i> (2006–2008) |

3. Research

The other externally funded grants which were awarded in 2008 are:

| Chief Investigators | Title of project and funding body |
|--|---|
| Dr Renata Alexander, Dr Bronwyn Naylor and Dr Bernadette Saunders (Medicine, Nursing and Health Sciences) | <i>Lawful correction or child abuse: clarifying the boundaries, sanctions and decision-making surrounding the physical discipline of children.</i> Legal Services Board major grant |
| Dr Bronwyn Naylor, Professor Marilyn Pittard, Associate Professor Moira Paterson and Dr Georgina Heydon (Arts Faculty) | <i>Criminal Records Checks and Employment in Victoria</i> Legal Services Board project grant |
| Dr Michael King | <i>Problem Solving Benchbook: Assisting Judges and Magistrates to Adopt Problem Solving Approaches</i> Legal Services Board project grant |
| Dr Adiva Sifris | <i>All you need to know about Victoria's relationships register</i> Victoria Law Foundation small grant |
| Dr Adiva Sifris | <i>Relationship Breakdown: All you need to know about Relationship Agreements, Property and Maintenance</i> Victoria Law Foundation small grant |
| Ms Fay Gertner | <i>Prison Legal Education and Assistance Project (PLEA)</i> Victoria Law Foundation small grant |
| Dr Jeannie Paterson and Professor Graeme Hodge | <i>Protecting Vulnerable Credit Consumers: Towards Fair and Efficient Regulation</i> Department of Justice – Consumer Affairs Victoria grant |
| Dr Jeannie Paterson | <i>Consumer Law Roundtable</i> Department of Justice / Consumer Affairs Victoria grant |
| Professor Arie Freiberg | <i>Centre for Regulatory Studies Research</i> Department of Justice grant |
| Dr Paula Gerber | <i>Prevention is better than cure: What role can Human Rights Education Play in Preventing Human Rights Violations?</i> Geneva Academy of International Humanitarian Law and Human Rights grant (Swiss initiative to commemorate the 60th anniversary of the Universal Declaration of Human Rights) |
| Dr Adiva Sifris and Dr Becky Batagol with Professor Thea Brown from the Department of Social Work and nine researchers from other Faculties and Universities | <i>The Wellbeing of Children Following Parental Separation and Divorce.</i> Australian Research Alliance for Children and Youth (ARACY) Seeding Grant |
| Dr Michael King | <i>Problem Solving Benchbook proposal</i> Australasian Institute of Judicial Administration AIJA grant |

3.9 Other Externally Funded Research

| Chief Investigators | Title of project and funding body |
|---|---|
| Associate Professor Greg Taylor | <i>The scholarly work of Ulrich Hubbes (1805–1892)</i> Max-Planck Institute for European Legal Research |
| Professor Graeme Hodge and Professor Arie Freiberg | <i>Regulation and Governance Review of VicForests</i> Department of Sustainability and Environment Research contract |
| Associate Professor Moira Paterson | <i>Surveillance in Public Places Research</i> Victorian Law Reform Commission Research contract |
| Associate Professor Pam O'Connor | <i>Property Law Reform Scoping Paper</i> Victorian Law Reform Commission Research contract |
| Mr Kwame Mfodwo (with ANCORS, University of Wollongong) | <i>Development Impact of the Proposed Council Regulation Establishing a European Community System to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing on Commonwealth ACP Member Countries</i> Commonwealth Secretariat Research contract |
| Dr Diana Bowman with Professor Alan Petersen (Arts) | <i>Nanotechnology literature review</i> Department of Innovation, Industry, Science and Research (DIISR) Research contract |
| Professor Sarah Joseph | <i>Oxford Reports on International Law: Reports on UN Human Rights Decisions</i> Oxford University Press UK Research contract |
| Ms Melissa Castan | <i>Extension of the AURORA Project 'Provision of human services support and other products and services to Native Title Representative Bodies and Native Title Service Providers</i> Department of Families, Housing, Community Services and Indigenous Affairs Research contract |



4. Teaching

4.1 Reflections on Teaching during 2008

The Faculty continued to support the University's goal of advancing excellence in education by providing high quality Teaching. Dr Melissa de Zwart was Director of Teaching throughout 2008 and in January 2009 Professor Stephen Barkoczy commenced in this role.

Ms Joanna Becker and Mr Lloyd England continued to support the portfolio of the Director of Teaching in their respective roles of Manager – Education Services and Manager – Student Experience.

4.2 Teaching Awards

- **Faculty awards** – In 2008 the Director of Teaching and Manager – Education Services introduced a new Teaching Awards scheme of three Awards worth \$1,000 each in recognition of outstanding teaching in the Law Faculty. These were in the categories of
 - Early Career Teacher – won by Dr Colin Campbell
 - Sessional Teacher – won by Dr Vicki Vann and Ms Nicole Mollard
 - Faculty Teacher – won by Mr Ross Hyams.
- **University awards** – The new Faculty Teaching Awards will feed into the *Vice-Chancellor's Award for Teaching Excellence* so Mr Hyams will now be the Law Faculty's nominee for this Award. The Law Faculty still has the greatest number of these Award winners in the University with eleven winners.
- **External awards** – Staff who win a *VC's Award for Teaching Excellence* are then nominated for an ALTC (Australian Learning and Teaching Council) Award. In 2008, Professor Stephen Barkoczy was awarded an *ALTC Award for Teaching Excellence*. He was also a winner of the prestigious *ALTC Prime Minister's Award for Australian University Teacher of the Year* where the winner is selected from the 22 winners of ALTC Awards for Teaching Excellence.

The Prime Minister's Award is given to an academic with an exceptional record of advancing student learning, educational leadership and scholarly contribution to teaching and learning.



Professor Stephen Barkoczy wins Prime Minister's University Teacher of the Year Award

In December, 2008 Professor Stephen Barkoczy, won the Prime Ministers University Teacher of the Year Award, The award is reserved for outstanding teachers who have an exceptional record of advancing student learning, educational leadership and scholarly contribution to teaching.

4.3 Teaching Professional Development

In 2008, the Director of Teaching and Manager – Education Services were engaged in a range of professional development activities for staff including:

- Sessional Tutors Orientation – both Semesters
- CLEAR (Communication and Language Enhancement for Academics and Researchers) Workshops
- Mental Health First Aid Training for sessional staff.

The Teaching and Learning website was expanded throughout the year to include new sections for Sessional staff, Improving the Student Experience and Teaching Manuals.

4.4 The VC's Showcase of Teaching Excellence

The Director of Teaching and Manager – Education Services attended the annual *Vice-Chancellor's Showcase of Teaching Excellence* in September which celebrated Teaching Excellence across the University. Professor Stephen Barkoczy and Mr Lloyd England presented sessions at this showcase which were well received.

4.5 Faculty Teaching Workshop

The Director of Teaching and Manager – Education Services introduced the inaugural Faculty Teaching Workshop in October as part of the Educate08 activities. Over 30 people attended and the guest speakers included:

- Professor Adam Shoemaker (the DVC – Education) on the *Monash University Passport Program*
- Ms Merav Bloch and Mr Chris Holmes on the *LSS Assessment survey*
- Dr Jonathan Clough, Associate Professor Moira Paterson and Professor Jeff Waincymmer on *Teaching in PG Programs*
- Associate Professor Adrian Evans and Mr Ross Hyams on *Opportunities for Clinical – Traditional interface*
- Dr Patrick Emerton hosted a discussion on *Closed book exams*
- Ms Trish Hughes on *Changes to the University Plagiarism Policy*

- Associate Professor Pamela O'Connor on the *Faculty Plagiarism Protocol*
- Dr Vicki Vann on *Giving efficient student feedback*
- Dr Normann Witzleb on *The Grading Matrix*.

4.6 Faculty Education Committee

The Faculty Education Committee chaired by the Director of Teaching met 4 times during 2008. Committee members included representatives from the Law Students' Society (LSS), the Faculty Manager, and the Law Library Manager, the Manager IT Services plus the nominated academic staff.

4.7 Quality

The Faculty continued to work closely with the Centre for Higher Education Quality (CHEQ) to implement a range of evaluation surveys. Unit Evaluations, Teaching Evaluations and the Monash Support Experience Questionnaire (MSEQ08) were conducted to help provide systematic feedback from students about their University and Faculty experience. This assisted the Faculty to identify which major areas of the student experience required improvement and to develop and monitor appropriate strategies to help achieve these outcomes.

The Faculty again had a pleasing number of Units rated in the top 10% of the University for their performance on Q8 (Overall Satisfaction) in Unit evaluation.

Semester 1 – 17 Units

LAW4129 – Law and Discrimination
 LAW4160 – Negotiation and Mediation Law
 LAW4180 – International Law of the Sea :Marine Resources and Management
 LAW4113 – Current Problems in Criminal Law
 LAW4137 – Legal Philosophy
 LAW5127 – Trial Practice and Advocacy
 LAW4225 – Non Adversarial Justice
 LAW5216 – Professional Practice
 LAW4156 – Conflict of Laws

LAW7418 – Human Rights Advocacy: Australian law and Practice
 LAW7263 – Australian Corporate Law
 LAW7026 – Overview of International Human Rights Law
 LAW7251 – Negotiation and Mediation Skills
 LAW7264 – Principles of Criminal Law and Procedure
 LAW7323 – International Banking and Finance; Law and Practice
 LAW7011 – Copyright
 LAW7040 – Current Issues in Evidence

Semester 2 – 16 Units

LAW4511E – International and Comparative Trademark Law
 LAW5127E – Trial Practice and Advocacy
 LAW5218 – FLAP – Family Law Assistance Program (Professional Practice)
 LAW4112 – Current Problems in Constitutional Law
 LAW5127 – Trial Practice and Advocacy
 LAW4184 – International Criminal Law
 LAW4193 – Biotechnology and the Law
 LAW4218 – Jessup Moot
 LAW5216 – Professional Practice
 LAW4160 – Negotiation and Mediation Law
 LAW7417 – Law of virtual worlds
 LAW7022 – Forensic Family Law
 LAW7025 – International trade finance: law and practice
 LAW7207 – Psychiatry, psychology and law
 LAW7268 – Principles of Constitutional law
 LAW7428 – Principles of Contract Law A

4.8 Other Activities

The Director of Teaching and Manager – Education Services attended meetings throughout the year with the architects in regards to the plans for the new building at Caulfield.



Monash Law School student wins fellowship

Monash Law School PhD student Ronli Sifris won a prestigious fellowship in 2008 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 to speak at the 12th Greek/Australian International Legal and Medical Conference.

The paper presented 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 stated.

5. Centre reports

5.1 Castan Centre for Human Rights Law

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

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

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

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



5.1.1 2008 Highlights

In 2008 the Castan Centre again led the way in promoting discussion, debate and learning in Human Rights Law in Australia. The centre hosted a number of key international figures in the human rights field including Kirsty Sword Gusmão, former first lady of East Timor and wife of current prime-minister Xanana Gusmão, John Pace, former Chief of the Human Rights Office, United Nations Assistance Mission for Iraq, Professor Larry May, expert on international criminal law and Professor Thomas Pogge, Leitner Professor of Philosophy and International Affairs at Yale University. Ideas and experiences in diverse topics including women's rights, just war theory, the politics of global pharmaceuticals and the treatment of prisoners were discussed in a number of popular events throughout the year.

2008 saw the centre's leading human rights education program reach new heights:

- Seven international human rights internships were undertaken by Monash students, with new internships at the UN Global Compact in New York, the International Commission of Jurists in Geneva and an Oxfam-affiliated local organisation in South Africa (part of the new agreement between Oxfam Australia and Monash).
- Twenty three in-house internships were undertaken, covering the summer and winter breaks, and both semesters.
- Four internships were undertaken at Native Title Representative Bodies and other indigenous organisations around the country as part of the Castan Centre's involvement in the government-funded Aurora Project.
- Four students were placed with Melbourne law firm Holding Redlich to work on pro bono cases as part of a human rights unit (Advanced Professional Practice).
- Two human rights career seminars were given by members of the human rights law community to educate students about career pathways open to human rights lawyers and to give

practical advice on achieving career goals in the field.

- The second annual Castan Centre Charter of Rights Mooting Competition involving teams from four Victorian universities and cash prizes (sponsored by Clayton Utz) was again a great success.
- Cash prizes for two human rights subjects in the LLM program were granted to the centre under a new arrangement with the Grey Group.

A major achievement of the year was the centre's symposium on the United Nations Declaration on the Rights of Indigenous Peoples (DRIP) held in August. The conference discussed DRIP and the impact it would have in Australia. The speakers at the conference were internationally-renowned figures in the field, including Mick Dodson, Director of the National Centre for Indigenous Studies (ANU), Professor Brad Morse of the University of Ottawa and Darren Dick the director of the Social Justice Unit of the Human Rights and Equal Opportunity Commission. The consensus of the speakers was that the Declaration should be supported, and that the need to educate Indigenous peoples and the broader community about its effect is paramount.

With an eye to the future, the Castan Centre was represented at the 2020 Summit in Canberra by centre director Sarah Joseph who was part of the "Future of Australian Governance" stream which discussed the issues of republic, recognition of Indigenous rights and the federal protection of human rights. In December 2008 a National Human Rights Consultation was announced by the Attorney General Robert McClelland. The Castan Centre will be looking to play a significant role through its own submission, and its support of the consultation process.

The Castan Centre's newsletter was recognised by Austlii, which requested that all issues be made available on Austlii's website. This will occur in the first half of 2009.

5.1.2 Structure

Director:

Professor Sarah Joseph

Deputy Directors:

Dr Julie Debeljak (Maternity leave)

Ms Melissa Castan

Ms Paula Gerber (OSP semester 2)

Professor Susan Kneebone

Dr Adam McBeth

Faculty Associates:

Ms Azadeh Dastyari

Dr Patrick Emerton

Ms Tania Penovic

Mr David Yarrow

Centre Personnel:

Mr Marius Smith

Ms Erica Contini

Mrs Kay Magnani

Advisory Board:

Professor Philip Alston,
New York University School of Law

Professor Virginia Dandan,
University of the Philippines

Mr Patrick Dodson,
Lingiari Foundation Inc

The Hon Elizabeth Evatt AC

Professor Claudio Grossman,
Washington College of Law

Judge Felicity Hampel,
County Court of Victoria

Professor Christof Heyns,
Centre for Human Rights, S.Africa

The Hon Justice Michael Kirby AC CMG,
High Court of Australia.

Professor Ivan Shearer,
UN Human Rights Committee

Judge Christie Weeramantry,
Weeramantry International Centre for
Peace Education and Research

5.1.3 Public events

Public lectures

- Professor Thomas Pogge, Columbia University and Centre for Applied Philosophy and Public Ethics, Australian National University, *'Incentives for Pharmaceutical Research – Must they exclude the global poor from advanced medicines?'*, 1 April
- Mr Dominik Vukovic, *'A Journey into Zimbabwe: Defining moments in a period of change'*, 23 July
- Dr Joo-Cheong Tham, Senior Lecturer, University of Melbourne Law School, *'Subverting Law and Liberty? The House of Lords, Control Orders and the UK Human Rights Act'*, 5 August
- Annual Lecture by Mr John Pace, Chief of the UN Human Rights Office in Iraq from 2004-2006, *'The Great Enterprise'*, 22 August
- Professor Larry May, Washington University, St Louis, USA, *'Habeas Corpus, Procedural Rights and Fundamental Law'*, 4 September
- Kirsty Sword Gusmão, the founder and chairwoman of the Alola Foundation, *'A Unique Insight into East Timor'*, 9 September
- Professor Marcia Langton, Chair of Australian Indigenous Studies, University of Melbourne, *'How human are Indigenous people in human rights discourse?'*, 22 October
- Mr Waleed Aly, School of Political and Social Inquiry, Monash University, *'What Does the US Election Signify?'*, 18 November

Conferences

- *'Best Practices for Refugee Status Determination: Principles and Standards for State Responsibility'*, organised by Professor Susan Kneebone, Deputy Director, Castan Centre for Human Rights Law, Monash University, Melbourne and Professor France Houle, Faculty of Law, University of Montreal, Canada, 29-30 May.

- DRIP Symposium hosted five leading commentators on International and Australian Indigenous Affairs, discussing the Impact of the recent *United Nations Declaration on the Rights of Indigenous Peoples*, organised by Melissa Castan, Deputy Director, Castan Centre for Human Rights Law, Monash University, Melbourne, 20 August.

5.1.4 Conference papers and public speeches

- S. Joseph, 'World Trade Organization and Human Rights' paper presented to the *Strategies for the Future: Protecting Human Rights in the Pacific conference*, Insel Fehmarn Hotel, Apia, Samoa, April 2008
- S. Joseph, 'Human Rights and Investment Arbitration', Kirby Lecture Series, *University of New England Faculty of Law*, Armidale, NSW, 4 November 2008.
- S. Kneebone, 'Regions at the Crossroads: Transregional Forced Migration on 'Australia's Regional Policies Regarding Forced Migration' Address to Plenary Session 3, *IASFM Conference*, Cairo, January 2008.
- S. Kneebone, 'Regional Responses to Trafficking in the Greater Mekong Sub-Region: Cambodia and Laos', paper presented at the *International Association for the Study of Forced Migration (IASFM) Conference*, Cairo, January 2008.
- S. Kneebone, 'Non-State Actors and State Responsibility – 'Well-founded Fear of being Persecuted' and the Refugee Definition', *Best Practices for Refugee Status Determination: Principles and Standards for State Responsibility Conference*, Monash Prato, Italy, May 2008.
- S. Kneebone, 'Migration Control at Sea – the Australian case', paper presented at *Queen Mary College Workshop 'Extra-territorial Migration Law'*, London, June 2008.
- S. Kneebone, 'Researching Trafficking Issues – Australia's Response' to *Inaugural Australian Trafficking Forum*, Sydney, 24 July 2008.

5. Centre reports

- S. Kneebone, Presentation to *Research Matters Forum* at MULC on 457 Visas, '457 Visas, Law and Policy: The global context and its importance for Australia', 26 August 2008.
- A. McBeth, 'Every Organ of Society: The Responsibility of Non-State Actors for the Realization of Human Rights', paper presented to *Hamline Journal of Public Law and Policy Symposium 'The Universal Declaration of Human Rights' A Reality Check*, Hamline University, St Paul, Minnesota, March 2008.
- A. McBeth, 'Crushed by an Anvil: A Case Study on Corporate Responsibility for Human Rights in the Extractive Sector', paper presented to *Yale Human Rights and Development Law Journal Symposium, 'Corporate Social Responsibility in the Extractive Industries'*, Yale University, New Haven, Connecticut, March 2008
- A. McBeth, 'A Right by any Other Name: The Evasive Engagement of the International Financial Institutions with Human Rights', paper presented to *University of Oslo and George Washington University Conference 'Transnational Corporate Responsibility for the 21st Century'*, George Washington University, Washington DC, April 2008.
- B. Batagol and M. King, 'Enforcer, Manager or Leader? The Judicial Role in Family Violence Courts', paper presented at the *Family Violence and Specialist Courts Conference*, Canberra, May 2008.
- B. Batagol, 'Re-visiting the Shadow of the Law? The Case of Family Mediation in Australia', paper presented at the *Research Committee in the Sociology of Law, Annual Meeting*, Milan-Como, July 2008.
- B. Batagol, 'Bargaining in the Shadow of the Law? The Case of Family Dispute Resolution', paper presented at the *National Legal Aid Dispute Resolution Forum*, Perth, 9 September 2008.
- B. Batagol, 'Reading the Landscape of Power: How Family Dispute Resolution Practitioners Understand Power' paper presented at the *9th National Mediation Conference*, Perth, 10-12 September 2008
- A. Kaempf, "Community Treatment Orders in the Light of a New Human Rights Framework" paper presentation at the *28th Annual Congress of the Australian and New Zealand Association of Psychiatry, Psychology and Law*, Sydney, 23-26 October 2008.
- B. Naylor, 'External scrutiny: can it facilitate the application of human rights in custodial settings?' (with Inez Dussuyer) paper presented at the *Discovering Balance: Prison reform and Restorative Justice Conference*, Murdoch University, Perth, 2-4 October 2008
- B. Naylor, 'Getting the balance right: protecting human rights in custodial settings' (with Inez Dussuyer) paper presented at the *ANZ Society of Criminology Conference*, Canberra, 26-28 November 2008

5.1.5 Courses offered

Postgraduate units

- Human rights advocacy: Australian law and practice (K. Eastman)
- Overview of international human rights law (S. Joseph and K. Eastman)
- Human Rights in the global economy (S. Joseph)
- Indigenous rights and international law (M. Castan)
- International humanitarian law (G. Boas)
- International refugee law and human rights (S. Kneebone)
- International criminal justice (G. Boas)
- Children's rights in international and domestic law (P. Gerber)

Undergraduate units

- Citizenship and migration law (S. Kneebone)
- International human rights law (A. McBeth)

- Indigenous peoples and the law (S. Gray)

Short courses, seminars and training programs

- Provision of Human Rights Training for DFAT:
 - S. Joseph, P. Gerber, and A. McBeth – September
 - S. Joseph and A. McBeth – October.
- Training for officers of the Iraqi Ministry of Human Rights as part of the *Rehabilitation Assistance Facility: Iraq* project, Melbourne, 25 August 2008
- S. Joseph, International Human Rights Law (Masters program, Auckland University), August 2008.
- S. Joseph, presenter on 'Corporations and Human Rights' for the Norwegian Centre for Human Rights, Indonesia Program, Yogyakarta, 6-8 May 2008.
- S. Joseph, 'Investment Treaties and Human Rights', Academy of Trade and Investment, Macau, July 2008.

5.1.6 Submissions

Submissions

- A. Kaempf, Submission to the Australian Government, Attorney-General's Department, Disability Discrimination Section on the *Possible Ratification of the United Nations Convention on the Rights of Persons with Disabilities (CRPD)*, 11 March.
- S. Joseph and A. Pung, Submission to the Australian Government, Attorney-General's Department, Human Rights Unit on the *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – National Interest Analysis*, 17 June.
- M. Castan, J. Tilley and D. Yarrow, Submission to the Senate Legal and Constitutional Committee on the *Inquiry into the Stolen Generation Compensation Bill 2008*, 7 April.
- P. Emerton, S. Cheligoy, M. Grose, H. Pearson, F. Ransom and P. Ross, Submission to the Senate Legal and Constitutional Committee on the *Inquiry into the Telecommunications (Interception and Access) Amendment Bill 2008*, 9 April.

- S. Kneebone, C. Liaskos and J. Voon, Submission to the Commonwealth Joint Standing Committee on Immigration regarding the *Inquiry into Immigration Detention in Australia*, (with C. Liaskos and J. Voon), 29 July.
 - P. Gerber, S. Austin, E. Contini, J. Devenish, S. Herreen, L. Lee, S. Mahendren, S. Quinn and F. Simons, Submission to the Senate Standing Committee on Legal and Constitutional Affairs regarding the *Inquiry into the effectiveness of the Commonwealth Sex Discrimination Act 1984*, 7 August.
 - S. Kneebone, Met a policy advisor to the Minister for Immigration re views on refugee status processes, 10 September.
 - S. Kneebone, Gave evidence before the Joint Standing Committee on Migration on the reference into immigration detention in Australia, 11 September.
 - P. Emerton and S. Hereen, Submission to the Senate Legal and Constitutional Affairs Committee regarding the *Inquiry into the Independent Reviewer of Terrorism Laws Bill 2008 [No. 2]*, 12 September.
 - P. Emerton, Gave evidence before the Senate Legal and Constitutional Affairs Committee on the reference into *Independent Reviewer of Terrorism Laws Bill 2008 [No. 2]*, 18 September.
 - S. Joseph, A. McBeth and E. Contini, Submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade regarding the *Inquiry into Human Rights Mechanisms and the Asia-Pacific*, 21 November.
 - S. Joseph, *Human Rights Translated: A Business Reference Guide*, co-authored with Rachel Chambers (Castan Centre), Lucy Amis (International Business Leaders Forum) and Lene Wendland (UNHCHR) (UN Global Compact, 2008), 164 pages
 - P. Emerton, *Anti-Terrorism Laws: A guide for community lawyers* (with M. Dias, Federation of Community Legal Centres (Vic) Inc), 2008.
 - B. McSherry, *International Trends in Mental Health Laws* (ed) (Annandale: Federation Press, 2008) Special Edition of *Law in Context*, 159 pages plus index.
 - M. Smith and E. Contini (eds), *Human Rights 2007: The Year in Review* (Monash Print Services, 2008)
- ### Book chapters
- S. Joseph, 'Liability of Multinational Corporations: International and Domestic Laws and Procedures', in Malcolm Langford (ed) *Social Economic Rights Jurisprudence: Emerging Trends in International and Comparative Law* (Cambridge University Press, 2008), pp. 613-627
 - J. Debeljak, 'Combating Transnational Crime in the Greater Mekong Sub-Region: The Cases of Laos PDR and Cambodia', in Les Holmes (ed) *Trafficking and Forced Migration: Australian, European and Global Perspectives*, (Edward Elgar, 2008) (with S. Kneebone)
 - P. Gerber, 'From Convention to Classroom: The Long Road to Human Rights Education' in Newell, Christopher & Offord, Baden (eds) *Activating Human Rights in Education: Exploration, Innovation and Transformation* (Australian College of Educators 2008)
 - S. Kneebone, 'The Legal and Ethical Implications of Extra-territorial Processing of Asylum Seekers: The "Safe Third Country" Concept', chapter 5 in J. McAdam (ed) *Moving On: Forced Migration, Human Rights and Security*, (Hart Publishing, Oxford, 2008)
 - S. Kneebone, 'Combating Transnational Crime in the Greater Mekong Sub-Region: The Cases of Laos PDR and Cambodia', in Les Holmes (ed) *Trafficking and Forced Migration: Australian, European and Global Perspectives*, (Edward Elgar, 2008) (with J. Debeljak)
 - S. Kneebone, 'The trafficking dialogue: women as agents, victims and refugees' in F. Crepeau et al (eds) *La dynamique complexe des migrations internationales*, published by Presses de l'Universite de Montreal (2008).
 - B. McSherry, "International Trends in Mental Health Laws: Introduction" in B. McSherry, (ed) *International Trends in Mental Health Laws* (Annandale: Federation Press, 2008) Special edition Volume 26(2) of *Law in Context* 1-9.
 - B. McSherry, "Protecting the Integrity of the Person: Developing Limitations on Involuntary Treatment" in B. McSherry, (ed) *International Trends in Mental Health Laws* (Annandale: Federation Press, 2008) Special edition Volume 26(2) of *Law in Context* 111-124.
- ### Articles
- S. Joseph, 'The Human Rights Record of the Howard Government', (2008) 27 *Australian Yearbook of International Law* 45-67
 - J. Debeljak, 'Balancing Rights in a Democracy: The Problems with Limitations and Overrides of Rights under the Victorian *Charter of Human Rights and Responsibilities Act 2006*' (2008) 32 *Melbourne University Law Review* 422-469.
 - M. Castan and D. Yarrow, 'Charter Rights: Self-Determination for Indigenous Victorians', *Indigenous Law Bulletin*, (2008) pp 9-13
 - S. Kneebone and B. McSherry, 'Trafficking in Women and Forced Migration: Moving Victims Across the Border of Crime into the Domain of Human Rights' (2008) 12, *International Journal of Human Rights* pp 67 – 87.

5.1.7 Publications

Books

- P. Gerber, *From Convention to Classroom: the Long Road to Human Rights Education*. (2008) VDM Publishers, Germany
- M. Castan, *Law Briefs: Constitutional Law*, Pearson Education Australia (2008)

5. Centre reports

- A. McBeth, 'Every Organ of Society: The Responsibility of Non-State Actors for the Realization of Human Rights', (2008) 30 *Hamline Journal of Public Law and Policy*
- A. McBeth, 'Crushed by an Anvil: A Case Study on Corporate Responsibility for Human Rights in the Extractive Sector', (2008) 11 *Yale Human Rights and Development Law Journal*, 127-66.
- B. McSherry, 'Mental Health and Human Rights: The Role of the Law in Developing a Right to Enjoy the Highest Attainable Standard of Mental Health in Australia' (2008) 15(5) *Journal of Law and Medicine* 773-781.
- B. McSherry, 'The UN Convention of the Rights of Persons with Disabilities' (2008) 16(1) *Journal of Law and Medicine* 17-20.
- B. McSherry, "Justice for Individuals with Mental Illnesses" (2008) *Pandora's Box* 39-45.
- B. Batagol, 'Fomenters of strife, gladiatorial champions or something else entirely? Lawyers and family dispute resolution', (2008) 8, *QUT Law and Justice Journal*.
- R. Cantley-Smith, 'Energy, Human Rights and the Environment: An Irreconcilable Trinity? in *Human Rights 2007: The Year in Review* (Castan Centre for Human Rights Law 2008, Melbourne), 11-38
- J. Clough, 'Punishing the Parent: Corporate Criminal Complicity in Human Rights Abuses' (2008) 33, *Brooklyn Journal of International Law*, 899.
- A. Kaempf, 'The UN Convention on the Rights of Persons with Disabilities and its Consequences for Mental Health Laws in Australia' (2008) 26(2) *Law in Context* 10-36.
- J. Kyriakakis, 'Corporations and the International Criminal Court: The Complementarity Objection Stripped Bare', (2008) 19 (1) *Criminal Law Forum*, 115-151.
- M. O'Sullivan, 'Withdrawing Protection under Article 1C(5) of the 1951 Convention: Lessons from Australia' 20(4) (2008) *International Journal of Refugee Law* 586-610
- T. Penovic, 'Mental Harm as an instrument of Public Policy' (2008) 15(1) *Psychiatry, Psychology and the Law*, 140-152
- T. Penovic, 'Testing the Boundaries of administrative detention through the tort of false imprisonment', (2008) 16 *Torts Law Journal*, 156-181
- ARC Linkage Grant 'Applying Human Rights Legislation in Closed Environments: A Strategic Framework for Managing Compliance', B. Naylor, A. Freiberg, J. Develjak, S. Thomas and I. Dussuyer.
- Legal Services Board Grant 'Lawful Correction or Child Abuse: Clarifying the boundaries, sanctions and decision-making surrounding the physical discipline of children', B. Naylor, R. Alexander and B. Saunders.

5.1.8 Media

- S. Joseph, Interview on *US Supreme Court decision on Habeas Corpus and Guantanamo Bay detainees*, SBS Radio, 13 July
- S. Joseph, *Extradition of Tony Mokbel and human rights*, interview by Lindy Burns of 774 Radio, 20 May
- A. McBeth, Interview with Radio Adelaide, Breakfast Show, regarding *humanitarian intervention in Zimbabwe*, 3 July
- A. McBeth, Interview with news Agency ADN Kronos International, Rome, regarding the *Australian government's proposal to take Mahmoud Ahmadinejad to the International Court of Justice or the International Criminal Court*, 28 May
- A. McBeth, Interview with Australian Jewish News regarding the *Australian government's proposal to take Mahmoud Ahmadinejad to the International Court of Justice or the International Criminal Court*, 20 May

5.1.9 Research projects

- Oxford University Press, Analysis of all decisions of UN Human Rights treaty monitoring bodies. S. Joseph
- Commonwealth of Australia, Services for Native Title Representative Bodies, M. Castan, D. Yarrow and R. Potok.
- Geneva Academy of International Humanitarian Law and Human Rights, project relating to the 60th anniversary of the Universal Declaration of Human Rights, 'Human Rights Education as a Means of Preventing Human Rights Abuses', P. Gerber
- ARC Discovery Grant 'Law, Governance and Regulation of Intra-regional Labour Migration in South East Asia: An Agenda for Protection and Development', S. Kneebone

5.1.10 Visiting fellows

The Holding Redlich 'Distinguished Visiting Fellowship Program', under the auspices of the Castan Centre, is designed to attract one or more high profile international or domestic human rights scholars or experts each year to the centre. Visiting Fellow for 2008 was Kirsty Sword Gusmão, the founder and chairwoman of the Alola Foundation, an organisation seeking to improve the lives of women and their families in East Timor.

5.1.11 Student programs

- **Global Internship Program**
The Castan Centre Global Internship Program selected seven interns for the following organizations with funding from the Student Mobility Fund, Daniel and Danielle Besen and the DVC Education Fund:
 - Human Rights First, New York
 - Australian Delegation to the United Nations Human Rights Council, Geneva
 - International Women's Rights Action Watch – Asia Pacific, Kuala Lumpur
 - International Commission of Jurists, Geneva
 - United Nations Global Compact, New York
 - Oxfam Australia, Durban, South Africa

An information session on the program was held for students at Monash University Clayton in July 2009.

- **In-house Internship Program**

During 2008 we selected 23 interns for the centre's In-house Internship Program covering the summer and winter breaks, and both semesters. This program provides community-minded Monash law students the opportunity to assist the centre in developing and implementing its suite of human rights programs.

- **Human Rights Career Series Seminars**

Anna Forsyth, Legal Officer, Victorian Equal Opportunity and Human Rights Commission

Vanessa Zimmerman, Legal Adviser to the Special Representative of the UN Secretary General on Business and Human Rights

- **Charter of Rights Moot**

Victorian Charter of Human Rights and Responsibilities Moot, with Law School teams competing from Monash University, La Trobe University, Melbourne University and Victoria University, was sponsored by Clayton Utz and held at the Court of Appeals from 27 August – 5 September. A Melbourne University team was the winner of the 2008 Moot.

- **Advanced Professional Practice**

S. Joseph and A. McBeth were the academic conveners of the Human Rights Clinic run in the LL.B subject 'Advanced Professional Practice' by the Castan Centre in conjunction with Holding Redlich.

- **The Aurora Project**

Four interns were placed at a number of bodies, including native title representative bodies, the Northern Land Council and the Cape York Institute. The centre's Deputy Director M. Castan and Project Manager M. Smith interviewed all the applicants from Monash, Latrobe, Deakin and Victoria Universities and assisted Aurora personnel with selection of appropriate interns and recipient bodies. In addition they continued administration, financial control and editing duties in regard to this project.

- The centre helped to facilitate two human rights related international internships for Monash Law students on an ad hoc basis for Reprieve.

5.2 Centre for Regulatory Studies

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

The objectives of the Centre are to:

- Promote interdisciplinary post-graduate teaching and higher degree research programs
- Foster interdisciplinary innovative research in regulatory theory and practice
- Encourage engagement in the national and international academic activities of the discipline and contribute to public policy making
- Develop opportunities for research grants and other research funding
- Make a significant contribution to the faculties participating in this initiative
- Provide a scholarly presence, that is recognised nationally and internationally, in the interdisciplinary study of regulation
- Undertake and encourage training, research and consultancy activities in the public and private sectors in Australia and overseas
- Run seminars, workshops and short courses for the public and private sectors.

5.2.1 Structure

Director:

Professor Graeme Hodge

Members and Associates:

Dr. Diana Bowman (Senior Research Fellow), Dr. George Gilligan (Senior Research Fellow), Ms. Meli Voursoukis (Centre Administrator), Dr Sandra Webb (Business Development).

Advisory board:

Ms Penny Armytage, Secretary, Department of Justice

Mr Wayne Byres, Executive General Manager, Diversified Institutions Division, Australian Prudential Regulation Authority

Mr Richard Clarke, Director, Victorian Competition and Efficiency Commission

Ms Jo Daniels, Partner, Clayton Utz

Mr Rex Deighton Smith, Director, Jaguar Consulting Pty Ltd

Mr Joe Dimasi, Commissioner, Australian Competition and Consumer Commission

Ms Wendy Peter, Partner, Allens Arthur Robinson

Mr John Price, Australian Securities and Investment Commission

Advisory Board Meetings: 17 June 2008 & 25 November, 2008

5.2.2 Public events and lectures

Public lectures

- **24 January 2008:** Book launch – Bowman, DM, GA Hodge and K Ludlow (2007) 'New global frontiers in regulation: the age of nanotechnology', Edward Elgar.
- **20 February 2008:** Book launch and seminar
- Seminar – 'Domain Name Law and Regulation'.
- Lindsay, D (2008), 'International domain name law: ICANN and the UDRP'.
- **7 May 2008:** Seminar – 'Can whaling in Antarctica be stopped?'
- **9 May 2008:** Seminar – 'Green Power: An environmental audit of the NEM'
- **25 June, 2008:** Seminar – 'Law and regulation of virtual worlds'
- **26 and 27 May, 2008:** Executive two day workshop – 'Regulatory Revolution: survival skills for professionals'
- **27 and 28 October, 2008:** Executive two day workshop – 'Regulatory Revolution: survival skills for professionals'

5. Centre reports

- **18 November, 2008:** 'Water Trading – Future Directions' Forum in conjunction with ACCC
- **21 November, 2008:** symposium (by invitation), 'Nanotechnology: Science Policy and Public Perspectives', in conjunction with the Faculty of Arts
- **8 & 9 December, 2008:** Two day international colloquium in Belgium, 'Nanotechnology and the Law: The legal nitty-gritty for Nanofoods, Nanocosmetics and Nanomedicine, KU Leuven.

Internal seminars

1 April 2008: Frontiers of Regulatory Research

Presented by MCRS and Centre Management Committee

October 2008: Understanding Regulatory Change in East Asia

Presented by Professor John Gillespie, Director, Asia Pacific Business Group, Faculty of Business and Economics

21 October 2008: Employee collaboration: The new compliance paradigm.... Fairy tale or Imperative?

Presented by Lisa Interligi, School of Psychology, Psychiatry and Psychological Medicine presents

5.2.3 Staff members' activities

Conference papers

- Bowman, DM (2008), 'Going Green Through New Technologies', paper presented at the Green Power: An Environmental Audit of the NEM workshop, Melbourne, 9 May.
- Bowman, DM and G van Calster (2008), 'Flawless or Fallible? A Review of the Applicability of the European Union's Cosmetics Directive in relation to Nano-Cosmetics', paper presented at the Managing the uncertainties of nanotechnology: Challenges to law, ethics, and public policy making international conference, Università Degli Studi Di Padova, Rovigo, 22-23 May.

- Bowman, DM and GA Hodge (2008), 'Counting on Codes: An Examination of Transnational Nano-Codes as a Regulatory Governance Mechanism', paper presented to the (Re)Regulation in the Wake of Neoliberalism: Consequences of Three Decades of Privatization and Market Liberalization Conference, Utrecht, 5-7 June.
- Bowman, DM (2008), 'Big Research Questions for a Small Technology: An Exploration of the Scientific and Regulatory Risks Posed by Nanotechnologies', Keynote Address to the Identity of the Mind, Body and Spirit, FIDIS Interdisciplinary Doctoral Consortium, Crete, 17-20 June.
- Hodge, GA and C, Greve (2008) 'The PPP Debate: Taking Stock of the Issues and Renewing the Research Agenda', International Research Society for Public Management, Brisbane, 27 March.
- Hodge, GA and C, Greve (2008) 'Regulating Public-Private Partnerships: The Challenges in Governing Respected Family Members and Illegitimate Children, paper presented at the European Consortium for Political Science: Standing Group on Regulatory Governance, 2nd bi-annual conference, Utrecht, The Netherlands, 6 June.
- Hodge, G.A. and Greve, C. (2008) 'The Passage of Time Permits Some Sober Reflections on Evaluating PPPs, presentation to UBC P3 Project Research Workshop, Phelps Centre for the Study of Government and Business, Sauder School of Business and Department of Civil Engineering, Sheraton Wall Centre, Vancouver, B.C., December 4-5, 2008

Public addresses

- Hodge, GA (2008) 'Gaps and Triggers in Nanotechnology Regulation', invited presentation to the International Conference on Nanotechnology, Melbourne, 28 February.
- Bowman, DM (2008), 'Nanotechnology: The Science, the Law and Current Challenges Posed by Small Things', presentation to the Master of Occupational Health and Safety, University of South Australia, 31 March.

- Hodge, GA (2008) 'Consumer Protection Frameworks in a Deregulated Energy Market', presentation to the Electricity Retailers Association of Australia Forum, 7 April.
- Bowman, DM (2008), 'Going Green Through New Technologies', paper presented at the Green Power: An Environmental Audit of the NEM workshop, Melbourne, 9 May.
- Bowman, DM and G van Calster (2008), 'Flawless or Fallible? A Review of the Applicability of the European Union's Cosmetics Directive in relation to Nano-Cosmetics', paper presented at the Managing the uncertainties of nanotechnology: Challenges to law, ethics, and public policy making international conference, Università Degli Studi Di Padova, Rovigo, 22-23 May.
- Bowman, DM and GA Hodge (2008), 'Counting on Codes: An Examination of Transnational Nano-Codes as a Regulatory Governance Mechanism', paper presented to the (Re)Regulation in the Wake of Neoliberalism: Consequences of Three Decades of Privatization and Market Liberalization Conference, Utrecht, 5-7 June.
- Bowman, DM (2008), 'Big Research Questions for a Small Technology: An Exploration of the Scientific and Regulatory Risks Posed by Nanotechnologies', Keynote Address to the Identity of the Mind, Body and Spirit, FIDIS Interdisciplinary Doctoral Consortium, Crete, 17-20 June.
- Hodge, GA (2008) 'Regulatory Frameworks Nanotechnology: Gaps and Triggers', invited presentation to Nanotechnology Ministerial Roundtable, Canberra, 8 July.
- Hodge, GA (2008), 'Transport Planning Professionalism' presentation to the Good Governance for Transport Infrastructure Forum, Melbourne University. The Australasian Centre for the Governance and Management of Urban Transport (GAMUT), Melbourne, 1 August.
- Hodge, GA (2008) 'Regulatory Issues and Best Practice' invited presentation to the Department of Primary Industries executive workshop, Melbourne, Friday 22 August.

- Hodge, GA (2008) 'Public-Private Partnerships: An International Review of Performance and Politics', presentation to Public Policy, Melbourne University, Melbourne, 4 September.
- Hodge, GA (2008), 'Regulatory Reform: Reconceptualising, Rethinking, Reducing, Remixing & Renewal' invited chair and presentation to Australian Regulatory Reform, Canberra, 9 and 10 September
- Hodge, GA (2008) 'Regulatory Challenges of Nanotechnologies', invited presentation to the 2nd Annual Nanotechnology 'Safety Success' Dialogue Workshop, European Commission, Brussels, 2 and 3 October.
- Hodge, GA (2008) 'Public-Private Partnerships: An International Review of Performance and Politics (The Passage of Time Permits a Sober Reflection!)', invited presentation to Master of Politics and Economics, Koc University, Turkey, 6 October
- Hodge, GA, (2008) 'Protecting Energy Consumers in an Emissions Trading Era', invited presentation to Sydney TruEnergy Stakeholders Board, Sydney, 17 October.

Submissions to Parliamentary committees

- Bowman, DM, GA Hodge and K Ludlow (2008), Submission to the 'Inquiry into nanotechnology in New South Wales', Standing Committee on State Development, January.
- Brooks, B and DM Bowman (2008), Submission to the National OH&S Review, Department of Education, Employment and Workplace Relations, July.

Evidence before Parliamentary committees

- Hodge, GA and DM, Bowman (2008) 'Inquiry into nanotechnology in New South Wales', verbal evidence to the NSW's Standing Committee on State Development, 28 April.

5.2.4 Monash courses and units offered

Postgraduate courses

- Graduate Diploma in Regulatory Studies
- Master of Regulatory Studies

Postgraduate units

- Regulatory fundamentals: concepts, constructs and context, 12-14,17-18 March, LAW7313 (Hodge and Deighton-Smith).
- Regulating the professions, 14-16, 19-20 May, LAW7335 (Hodge)
- Regulatory methods, 16, 17, 18, 21, 22 July, LAW7315 (Freiberg)
- The privatising state: reform, regulation and reinvention, 5 & 6 August and 9 & 10 October LAW7329 (Hodge)
- Evaluating what works in regulation, LAW7317 (Hodge)

5.2.5 Publications

Books

- Hodge, G.A. and C Greve (forthcoming 2009/10) 'International Handbook in Public-Private Partnerships', commissioned by Edward Elgar, Cheltenham, (in progress).
- Hull, M and DM Bowman (eds) (forthcoming 2009), Risk Governance of Nanotechnology, London: William Andrew.

Book chapters

- Gergely, A, DM Bowman and Q Chaudhry (forthcoming 2009), 'Small Ingredients in a Big Picture: Regulatory Perspectives on Nanotechnologies in Foods and Food Contact Materials', in Qasim Chaudhry (ed), Applications and Implications of Nanotechnologies for Foods and Food Contact Materials.
- Bowman, DM and G van Calster (forthcoming 2009), 'Smoke that Thunders – Risk, Confusion and Regulatory Frameworks for New Technologies', in Kamilla Kjølberg and Fern Wickson (eds), Nano Goes Macro, London: Pan Stanford Publishing.

- Hodge, GA (in press), 'The PPP Phenomenon: Performance and Governance Insights, Australian and New Zealand School of Government School of Government' monograph.
- Hodge, GA and C Greve (forthcoming 2008), 'PPPs: Reviving the PPP Research Agenda, in Mark Hayllar and John Wanna (eds), Public-Private Partnerships: Promises, Politics and Pitfalls, (in press).

Refereed journal articles

- Bowman, DM (forthcoming 2009), 'Sunscreen Safety: In That Case – Response', Journal of Bioethical Inquiry.
- Fitzharris, M and DM Bowman (forthcoming 2008), 'Booster seat use by children aged 4–11 years: evidence of the need to revise current Australasian standards to accommodate overweight children', Medical Journal of Australia.
- Bowman, DM and GA Hodge (forthcoming 2008), 'Governing Nanotechnologies with Civility', International Journal of Nanotechnology.
- Bowman, DM and G Gilligan (forthcoming 2008), 'Australian women and corruption: The gender dimension in perceptions of corruption', Journal of Administration & Governance, 2(2).
- Gilligan, G and DM Bowman (forthcoming 2008), 'Netting Nano': Regulatory challenges of the internet and nanotechnologies', International Review of Law Computer & Technology, 3.
- Faunce, TA, K Murray, H Nasu, and DM Bowman (forthcoming 2008), 'Sunscreen Safety: The Precautionary Principle, The Australian Therapeutic Goods Administration and Nanoparticles in Sunscreens', NanoEthics, 2(3)
- Lindsay, D (2008) 'Does Regulating Telecommunications Interconnection Amount to Compulsory Acquisition of Property? The High Court's Decision on the Regulation of ULLS and LSS and its Implications for Structural Separation' 58(1) Telecommunications Journal of Australia 06.1-06.9.

5. Centre reports

- Bowman, DM (2008), 'Governing Nanotechnologies: Weaving New Regulatory Webs or Patching Up the Old?', *NanoEthics*, 2(2), 179-182.
- Bowman, DM and GA Hodge (2008), 'A Big Regulatory Tool-Box for a Small Technology', *NanoEthics*, 2(2), 193-207.
- Bowman, DM and GA Hodge (2008), 'Governing Nanotechnology without Government', *Science and Public Policy*, 35(7), 475-487.
- Hodge, G.A. (forthcoming 2008) 'Accountability', in Phillip O'Hara (ed), *International Encyclopaedia of Public Policy: Governance in a Global Age*.

Media

- Hodge, GA, Bowman, DM and K Ludlow (2008), 'New Global Frontiers in Regulation – Podcast', Interview with Dr Cameron Chai, *AZoNano.com*, 22 January, available at: <http://www.azonano.com/sale.asp?saleID=144>
- Hodge, GA (2008), Interview with Janine Gilchrist on ABC Radio on Privatisation of NSW Power Industry, 21 February, 9.00am.
- Hodge, GA (2008), Interview with ABC North Coast (NSW) Radio on Privatisation of NSW Power Sector, 27 February, 8.30am.
- Bowman, DM (2008), 'Nanotechnology on the Radar', *Australian Science Media Centre Business & Media Panel*, Melbourne, 28 February.
- Bowman, DM (2008), Interviewed by Michael Lallo for 'Sweating the small stuff', *The Age, Epicure*, 11 March.
- Hodge, GA (2008), *Powerless Victims of Windy Spin*, Opinion piece in *Herald-Sun*, 7 April.
- ABC TV, *Stateline*, interview with Josephine Kathania on Powers of Victorian Auditor General.
- ABC Radio Darwin, interview on public-private partnerships in health

- ABC Radio National, *Late Night Live*, interview with Philip Adams on corporate social responsibility
- Interview reported in *Monash Review* local paper on nanotechnology regulation.

5.2.6 Grants and fundraising

Grants

- Bowman, DM (2008), 'Overseas Travel Fellowship', funding obtained from the Australian Research Council Nanotechnology Network (\$A4900)
- Bowman, DM (2008), 'Nanotechnologies, Risk and Communication: Science, Policy and Public Perspectives', sponsorship for one day symposium obtained from the Australian Research Council Nanotechnology Network (\$A2000).
- Bowman, DM (2008), 'Early Career Researcher Travel Grant', Faculty of Law, Monash University (\$A3000).
- Bowman, DM (2008), 'Nanotechnologies, Risk and Communication: Science, Policy and Public Perspectives – Early Career Researcher Small Grant', Faculty of Law, Monash University (\$A2000).
- Freiberg, A, GA Hodge and E Russell (2008), 'Review of the regulatory system around VicForests' (\$A78,870)
- Hodge, GA and DM Bowman (2007/2008) 'Consumer Protection in a Deregulated Retail Energy Market', Centre commissioned by Electricity Retailers Association of Australia (\$A85,000)
- Lenne, M, E Mitsopoulos, D Bowman, and G Hodge (2008) 'VicRoads Graduated Licensing for Motorcyclists' project commissioned by VicRoads (\$A60,000).

5.3 International Institute of Forensic Studies

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

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

Since its inception, the Institute has conducted two international conferences in Prato and a conference in Broome.

There was a variety of high quality speakers from many professions dealing with the controversial and difficult questions arising from the various changes to the way courts receive and deal with expert evidence.

Speakers included:

- Justice Ken Crispin, Supreme Court of ACT
- Caroline Edwards, Registrar, Federal Court of Australia
- Dr Ian Freckelton, Barrister
- Professor Raphael Grzebeita, DVExperts International
- Professor Gabriel Kune, Emeritus Professor of surgery University of Melbourne
- Randall Kune, Barrister, Lecturer
- Ian McIntyre, Principal of Evans and Peck

- Professor James Ogloff, Head of Psychology at the Vic Institute of Forensic Mental Health
- Andrew Ross, Chair of the Forensic Accounting Special Interest Group (FASIG)
- Judge Felicity Hampel SC, County Court of Victoria
- Murray McInnis, Federal Magistrate
- Dr Jacqueline Horan, Lecturer, University of Melbourne

The institute has also delivered numerous workshops, lectures and presentations at conferences. (see 4.3.2)

5.3.1 Structure

The original structure of the Institute was as follows:

Director:

Professor the Hon. George Hampel AM QC

Associate Director:

Adjunct Professor Ian Freckelton

Director of Education:

Dr Jonathan Clough

Informal Advisory Committee:

Judge Felicity Hampel SC

Professor Stephen Cordner

Professor Jim Ogloff

Professor Paul Mullen

Associate Professor David Wells

Associate Professor Brian Cherry

Associate Professor Raphael Grzebieta

Hugh Selby

Paul Vincent FCA

5.3.2 Courses offered

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

Postgraduate courses

- Graduate Certificate in Forensic Studies (Accounting)

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

- Advocacy, Theory and Practice (LLM)

Undergraduate unit

- Trial practice and advocacy
- Short courses, seminars and training programs
- International Advocacy Conferences, Prato Italy

- Continuing Medico Legal Conferences, Cortina Italy
- Court Network Pilot programme
- Melbourne Uni Advocacy Courses
- Victorian Bar Readers' Courses
- Police Prosecutors' Workshops
- Monash Criminal Law – Guest Lectures
- IIR Executive Workshops
- Hanover Lectures
- Monash Professional Workshops
- Inner Temple Advanced Workshop, Latimer, UK
- University of Western Australia Advocacy Course
- La Trobe University Advocacy Course
- Adelaide Magistrates Judicial Training Workshops
- Minters Advocacy Course
- IIR Executive, Guest Lecture

5.3.3 New developments

The International Institute of Forensic Studies continues to develop short courses and workshops for the legal and other professions.



6. Curriculum

6.1 Undergraduate Courses

Bachelor of Laws

Bachelor of Aerospace Engineering/
Bachelor of Laws

Bachelor of Arts/Bachelor of Laws

Bachelor of Biomedical Science/
Bachelor of Laws

Bachelor of Business (Banking and
Finance)/Bachelor of Laws

Bachelor of Commerce/Bachelor
of Laws

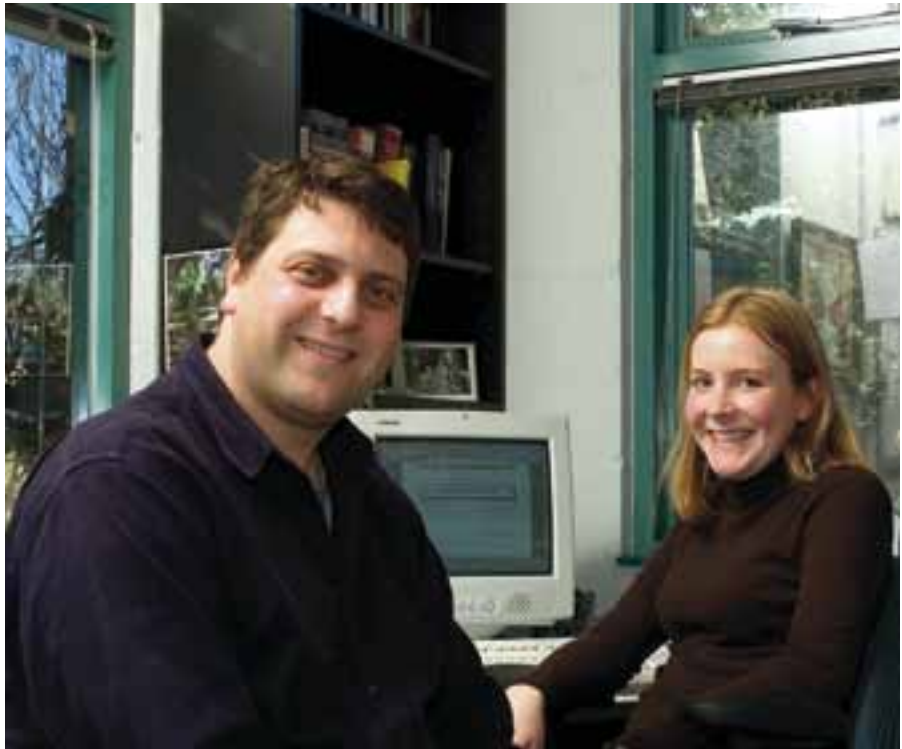
Bachelor of Engineering/Bachelor
of Laws

Bachelor of Music/Bachelor of Laws

Bachelor of Performing Arts/Bachelor
of Laws

Bachelor of Science/Bachelor of Laws

Bachelor of Medicine/Bachelor of
Surgery/Bachelor of Laws



6.2 Monash Law Malaysia Program

In response to a very successful pilot program in 2006 the Faculty of Law once again offered 30 law students an opportunity to participate in the Monash Law Malaysia Program in July 2007. Participating Students were also supported by a Monash Abroad Travel Grant.

This program comprises one 6 credit point law unit on Asian Legal Systems offered in semi-intensive mode as part of a short study abroad program located at Monash Malaysia, Kuala Lumpur, Malaysia.

The program commenced with eight hours of the program pre-taught at Clayton, the balance of up to 30 hours including field work was offered in Malaysia by Faculty of Law staff and local guest lecturers from the Malaysian Bar and legal profession. The study program was supplemented by professional visits to the national parliament, the courts, related legal institutions and local law practices.

6.3 Clinical Legal Education

The faculty's clinical legal education program was the first in the country and has since been emulated in many other Australian law schools. It involves later-year law students undertaking the units Professional Practice, working at Monash-Oakleigh Legal Service or at Springvale Monash Legal Service in the general clinics, or participating in the Family Law Assistance Program (FLAP) at Monash-Oakleigh Legal Service, advising on family law litigation in property and children's' issues. Students can also participate in Advanced Professional Practice working under supervision at either Monash-Oakleigh Legal Service or Springvale Monash Legal Service, providing legal advice and assistance.

Advanced Professional Practice allows students to enrol in one of three clinics:

- **Joint Sexual Assault Clinic**

Providing legal service to victims of sexual assault in conjunction with the South-East Centre against Sexual Assault (SECASA) at Springvale Monash Legal Service

- **Human Rights Clinic**

Litigation involving human rights dimensions, in conjunction with the Castan Centre for Human Rights Law and Holding Redlich, Solicitors

- **Criminal Defence Clinic**

Criminal defence advocacy, in conjunction with Rob Starry and Associates, Solciitors



6.4 Postgraduate Courses

Masters degrees

Master of Laws

Master of Laws (Legal Practice, Skills and Ethics)

Master of Laws (Advanced Legal Practice)

Master of Laws (Banking and Finance Law)

Master of Laws (Commercial Law)

Master of Business Administration/
Master of Laws (Commercial Law)

Master of Laws (Digital Economy Law)

Master of Laws (Human Rights)

Master of Laws (Intellectual Property Law)

Master of Laws (International and Comparative Law)

Master of Laws (Tribunal Procedures)

Master of Laws (Workplace and Employment Law)

Juris Doctor

Master of Commercial Law

Master of eLaw

Master of Human Rights Law

Master of Intellectual Property Law

Master of International and Comparative Law

Master of Regulatory Studies

Master of Workplace and Employment Law

Practical legal training

Postgraduate Certificate in Legal Practice, Skills and Ethics (PCLP)

Postgraduate Diploma in Legal Practice, Skills and Ethics (PDLP)

Graduate diplomas

Graduate Diploma in Law

Graduate Diploma in Law (Banking and Finance Law)

Graduate Diploma in Law (Commercial Law)

Graduate Diploma in Law (Digital Economy Law)

Graduate Diploma in Law (Human Rights)

Graduate Diploma in Law (Intellectual Property)

Graduate Diploma in Law (International and Comparative Law)

Graduate Diploma in Law (Tribunal Procedures)

Graduate Diploma in Law (Workplace and Employment Law)

Graduate Diploma in Local Government Law

Graduate Diploma in Regulatory Studies

Graduate certificates

Graduate Certificate in Forensic Studies (Accounting)

Graduate Certificate in Forensic Studies (Construction and Engineering)

Graduate Certificate in Law (Tribunal Procedures)

Graduate Certificate in Law Teaching

Research degrees

Doctor of Philosophy

Doctor of Juridical Science

Master of Philosophy

Master of Laws (by major thesis)



7. Equity and Diversity

7.1 Membership 2008

- Dr Bronwyn Naylor Director, Equity (*ex officio*)
- Ms Liz Anderson, Human Resources Manager (*ex officio*)
- Ms Heather Beeching, Disability Liaison Officer (Staff)
- Mr Stephen Gray, Indigenous Liaison officer/indigenous students' mentor (*ex officio*)
- Ms Kelly Tsagournos, Manager, Student and Academic Services
- Mr Gerard Shanahan, Faculty Manager (*ex officio*)
- Ms Paula Gerber/ Dr Heli Askola Student Equity Officer (*ex officio*)
- Mr Nicholas Beardin-Allardice, Undergraduate Student Representative
- Secretary: Ms Dianne Wiltshire/ Ms Cathy Meredith

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

The Equity and Diversity Committee met on four occasions in 2008. The Chair represents the Faculty on the University Workplace Equity Committee. She attended this Committee's meetings and reported back to the Faculty Committee.

7.2 Faculty Priorities

The Faculty's priorities for 2008, and progress on these priorities, were as follows:

Retention: Rural and international students

- Financial support: 7 bursaries provided were offered to rural students and accepted for the 2008 year.
- Awareness raising: Ms Shae McGregor, Senior Disability Officer, Equity & Diversity Centre, attended an E&D Committee meeting to advise on current University strategies to address the needs of rural students.

Access and attrition: Indigenous students

Financial support and enrolment: The Faculty made offers to two indigenous students to commence in 2008, one student being offered a scholarship. The law faculty also enrolled an indigenous cross-institutional student.

Awareness-raising – 'Black students/ white curriculum?': a staff seminar was held on 26 May with the President of the Indigenous Lawyers and Law Students Association (Tarwirri Committee), on issues for indigenous students considering law studies, and during their law studies

Promotion of Monash as a valuable place for Indigenous students to undertake tertiary students: A Cross Faculty Twilight Seminar for Indigenous students was held on 14 October: Law Faculty, Arts Faculty and the Centre for Australian Indigenous Studies (CAIS): 'Yarning up: Making a difference through Higher Education' 5-7pm.

The Faculty was recognised for this program in the 2008 Vice-Chancellor's Equity & Diversity Awards.

Space for Indigenous students at Caulfield campus: The Committee sent a submission to Monash Facilities Group, Project Director, Virginia Kneebone on 21 August, 2008 proposing acquisition of a room for Indigenous students at the Caulfield campus.

Supervisor training in equity issues
The University has a comprehensive on-line training program on equity issues, which all staff are encouraged to complete. In 2008 the Faculty held a competition to promote completion of the on-line equity training, and the Dean wrote to all staff reminding them to complete the training. Completions increased from 23 (2007) to 68 (2008) – the largest increase for any Faculty in 2008. 83 of the 135 Law Faculty staff have now completed the training.



7.3 Activities in 2008

Student mentoring: The Faculty's 2008 Peer Mentor Program, under the direction of Lloyd England, was delivered to 480 new Law student Mentees. The new students were mentored by 89 Volunteer Mentors, who were in turn being mentored by 20 Ambassadors.

Training in mental health first aid for staff: 28 March. Topics covered include the common mental health problems – depression, anxiety, psychosis, personality disorders, and how they present in the classroom setting. Trainers were psychologists from the Counseling Service at Health, Wellbeing & Development experienced in mental health assessment, treatment and education.

International Women's Day speech and lunch 'Black students/white curriculum?': Seminar on 26 May with Ms Abbie Burchill, President of the Indigenous Lawyers and Law Students Association (Tarwirri Committee), on issues for indigenous students considering law studies, and during their law studies.

Showcasing inclusive teaching practices at clayton: interactive session for staff 29 May.

Seminar by faculty student counsellor Anthony Lester, "Inappropriate and Threatening Behaviour: A Safer Monash Community" for staff members 18 September. The presenter discussed difficult student behaviours within the Monash context and how to respond within the university's broader Safer Community strategy.

Cross faculty twilight seminar for indigenous students to enhance access to Monash University: Law Faculty, Arts Faculty and the Centre for Australian Indigenous Studies (CAIS): 'Yarning up: Making a difference through Higher Education' 14 October

Presentations by invited speakers to the faculty E&D committee meetings: Ms Nareida Wyatt (CAIS), Ms Shae McGregor(DLU), Ms Lynda Nicholson (Equity & Diversity Centre), Ms Leah Zaks, (Equity & Diversity Centre).

'Equity and diversity notices' in the weekly faculty online gazette, including:

- Completion of the online equity training program
- Informing students of the availability of the Disability Liaison Unit
- Informing students of the availability of the Faculty Counsellor
- Setting assessment dates with reference to the Cultural Calendar
- Availability of the Faculty's Adaptive Technology Room
- Availability of the Inclusive Technologies Resource Kit
- Notice inviting nominations for Equity & Diversity Awards
- Invitation to International Women's Day Lunch



8. International

During 2008, the Faculty continued the internationalisation of its activities in line with the Faculty's Operational Plan. In particular, focusing on attracting more high quality international students at both undergraduate and postgraduate level, increasing the number of international study opportunities for our students and engaging with prestigious international institutions.

8.1 Recruitment

The Faculty has identified Malaysia, Singapore and Hong Kong as key markets for the undergraduate program, while at the postgraduate level our focus is on Canada, Thailand and Indonesia. The Faculty's International Relations Coordinator, Ms Thila Nadarajah, participated in education exhibitions in Singapore, Malaysia and Thailand. Key agent visits were carried out in Malaysia, Singapore and Thailand to create awareness of our undergraduate and postgraduate courses.

In Canada the Faculty Manager attended the Toronto Go-Abroad Fair as well as promotional activities at the University of Western Ontario, York University, the University of Guelph and McMaster University. The Director International attended the University of British Columbia Professional and Postgraduate Schools Fair in Vancouver.

Following Ms Nadarajah's resignation to take up a position in the Monash Research Graduate School, Ms Michaela Hill was appointed to that position in November 2008. Ms Hill comes to us with a background in international education with the Commonwealth Government.

The Faculty recognises that an increasing intake of international students requires increased learning support. From February 2008 the Law Faculty increased its funding for learning skills support. In addition, the Faculty has been working with Monash College, with a view to improving entry pathways for students granted conditional entry to law courses.

8.2 Engagement with Partner Institutions

Washington College of Law, American University

Following approval by the Pro Vice-Chancellor (Planning), the Dean signed the Memorandum of Agreement outlining the proposed dual JD program with Washington College of Law. This agreement will allow students who wish to take up the option to undertake study at both Monash and WCL, graduating with a JD from each institution. The first intake of students is expected to be in late 2009.

City University of Hong Kong

During June 2008, 49 students from City University completed their 4 week visit to the Faculty. The students spent two weeks at the Clayton Campus, and two weeks at the Law Chambers, studying an intensive unit, *Law 4641 – Intellectual Property-Theory, Copyright and Design*.

8.3 Overseas Programs

Prato

The Prato program was successfully completed with approximately 100 Monash undergraduate students enrolled. They studied with students from our partner universities including Osgoode Hall, York University (17), Universite Paris Sud (11), Arizona State University (11) and Georgian American University (3). Students were able to choose from 15 international and comparative law units, with professors from each of the partner institutions, as well as distinguished guest lecturers, teaching into the program.



Monash Law Prato Program, Italy

In 2008, nearly 140 law students from around the world met at the Monash University Prato Centre near Florence in the beautiful Tuscan region of Italy for a semester of law studies. The Prato program reached its seventh year in 2008, and is one of the flagship programs of the Monash Law School.

Bringing together students and academics from partner universities, together with international experts, Monash offers a truly international study experience.

Malaysia

The third Malaysia study abroad program was also completed in June, with 38 students enrolled in the LLB elective LAW 4126E, *Asian Legal Systems*. This unit, taught by Stephen Gray at the Monash Sunway Campus, studies the major Asian legal systems, including those of China, Indonesia, Thailand, Japan, Singapore and Malaysia. The program is also enhanced by professional visits and guest lectures presented by senior members of the Malaysian legal profession and trade representatives from the Australian High Commission. In 2010 the Faculty intends to expand the Malaysia program along the lines of the Prato Program but with a focus on Asian comparative law.

Equity funding for Study Abroad

With the success of the Prato and Malaysia programs, the Faculty has been concerned to ensure that as many students as possible are able to take advantage of these opportunities. Accordingly, Equity Funding is now available to students enrolled in the Prato or Malaysia Study Abroad programs who came from one or more of the University's defined equity or personal disadvantage groups.

8.4 Internships

The faculty negotiated two new international internship opportunities for our students. Zaid Ibrahim and Skrine are two of the largest and most prestigious law firms in Malaysia. Both firms agreed to take interns from Monash Law, commencing in the second half of 2008.

Monash University South Africa, in conjunction with Oxfam Australia, established an internship scheme in South Africa in 2008. Two Castan Centre Global Interns will be placed in local human rights NGOs. The interns will be based in or near Durban in the Kwa Zulu Natal province and will work on human rights law surrounding the issues of HIV and AIDS and poverty in South Africa.



Water water everywhere

Fifth year Arts/Law student Anna Landau travelled to the Middle East in 2008 to look at an issue close to home – water management. Her visit was made possible through the Monash Law Faculty Internship program, which has developed arrangements with 11 organisations – mostly international – to offer unique opportunities for law students at Monash. The Ecopeace/Friends of the Earth Middle East internship is offered to one student each year who has the chance to work with the largest grassroots environmental organisation in the world

9. Law School activities

9.1 Events

New students welcome cocktail evening

To celebrate the start of the academic year and welcome new students to the faculty a cocktail function was held in the Law Library on Wednesday 20 February for incoming law students and their families.

The evening was hosted by the Associate Dean (Undergraduate), Associate Professor Pam O'Connor and was attended by 120 students and family members who had an opportunity to meet faculty staff as well as students from the Law Students' Society and the International Law Association.

Monash Law School Prize Ceremony

(Prizes for 2007 academic year)

Held in the ANZ Pavilion at the Victorian Arts Centre, the Monash Law School Prize Ceremony acknowledged the hard work and dedication of the Faculty's students in the 2007 academic year.

Distinguished Monash Law alumna Her Honour Judge Jennifer Coate, State Coroner addressed the 300 guests, outlining the career path that led to her studying law and her initial career through to her recent appointment as State Coroner.

Hosted by the Dean, Professor Arie Freiberg, on Wednesday 19 March, the ceremony saw the presentation of three inaugural postgraduate awards supported by The Hon. Justice Pagone in the field of tax law. These new prizes extended the recognition of outstanding academic achievement to postgraduate units.

The Hon. Justice Pagone presenting Jonathan Mackie with the 2007 Supreme Court Prize

See Appendix II for list of prize winners, donors and sponsors



2007 Supreme Court Prize winner, Jonathan Mackie with Justice Pagone from the Supreme Court of Victoria.

2008 Great Law Week Debate

“What do you mean you don't know Bradman's test average? Immigrants need to assimilate into Australian culture.”

As part of the annual Law Week celebrations on Wednesday 14th May 2008 two teams of 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.”



Great Debate winning team members: Shivani Pillai, David Galbally and Kim Little.

The event was held at Melbourne Exhibition and Convention Centre. 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.

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.

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

9.2 Public Lectures

16th Lucinda Lecture

The parameters of constitutional change

Convened by Professor HP Lee, the 16th Lucinda Lecture was held at the Monash University Law Chambers on 13 November. The Lucinda Lecture was presented by the Honourable Gerard Brennan and attended by 160 Law alumni, current law students, and faculty staff.

Costello Lecture

Social justice and climate change

The 2008 Costello Lecture, which is devoted to issues of ethics and social justice, was held on 19 June at the BMW The Edge theatre in Federation Square. Professor The Hon. John Thwaites, former Victorian Deputy Premier and Minister for Environment, Water and Climate Change and Chairman of the Monash Sustainability Institute presented the 2008 lecture on the theme "Social Justice and Climate Change". The Lecture was introduced by Patron Tim Costello, AO, Chief Executive of World Vision Australia, and had over 270 people in attendance.

Seventh Fiat Justitia Lecture

Australia's Growing Debt to the European Court of Human Rights

The Hon. Justice Michael Kirby AC CMG, Justice of the High Court of Australia presented this well attended lecture which was held at the Monash University Law Chambers on Monday 5th May on the topic "Australia's Growing Debt to the European Court of Human Rights".

Law and culture in Israel at the threshold of the twenty-first century

Professor Menachem Mautner, Tel Aviv University

Held on 18th August 2008 at the Monash University Law Chambers this public lecture by Professor Menachem Mautner was attended by 35 people. The lecture was introduced by Professor Arie Freiberg and looked at the far-reaching changes recorded in the jurisprudence of the Supreme Court of Israel during the 1980s and 1990s and their impact on law and culture in Israel.

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 and Mr Stephen Stern, Partner, Corrs Chambers Westgarth

This public lecture attended by 45 alumni and legal practitioners was held at the Monash University Law Chambers on 25 November and hosted by Associate Dean (Postgraduate) Professor Ann Monotti. The lecture outlined the merits and dangers of the controversial new treaty on intellectual property enforcement, the Anti-Counterfeiting Trade Agreement (ACTA) which is being negotiated outside the framework of established international institutions such as the WIPO and WTO.

The Mason Court's legacy in a post-Howard High Court

Dr Jason Pierce, University of Dayton, USA

This public lecture which was held on 11 February was attended by 55 people and discussed Dr Pierce's landmark book on the High Court of Australia and our judiciary, his unique research on the history of the High Court and the insights it might provide about the future of the Court.

457 Visas, Law and Policy

Professor Marilyn Pittard, Professor Susan Kneebone, Mr Kruno Kukoc, and Ms Barbara Deegan,

Held as part of Monash Research Month 2008, this seminar on 457 Visas, Law and Policy, was held on Tuesday 26 August at the Monash University Law Chambers and attended by 42 people. The seminar explored the scope and operation of 457 visas, global labour migration and labour standards and was chaired by The Hon. Justice Tony North, Federal Court of Australia

9.3 Book Launches

The faculty held a number of book launches throughout 2008 by staff from the Castan Centre for Human Rights Law and the Centre for Regulatory Studies.

These book launches are listed under the respective Centre reports.

9.4 Faculty Seminars

Semester 1

| Date | Presenter | Topic |
|-------|---|---|
| 06/03 | Justice Christopher Maxwell | Statutory interpretation matters: how should it be taught? |
| 18/03 | Associate Professor Lisa Phillips | Helping out in the family firm: The legal treatment of unpaid market labour |
| 15/04 | Associate Professor Pam O'Connor | New property rights in environmental regulation: lawyers v economists |
| 22/04 | Professor Sarah Joseph and Ms Melissa Castan | Academic discourse in a conflict zone: Castan Centre research tour to Israel |
| 29/04 | Associate Professor Adrian Evans | Movie, "Michael Clayton" from 11.15 am followed by discussion about integrating legal ethical issues into other substantive law units from 1:15 am to 2 pm. |
| 13/05 | Mr Michael Eburn, School of Law, University of New England, NSW | International disaster response law |
| 03/06 | Associate Professor Luke Nottage (Co-Director, Australian Network for Japanese Law (ANJeL), University of Sydney) | Re-regulating unsecured consumer credit markets: empirically-informed normativism |

Semester 2

| Date | Presenter | Topic |
|-------|--|---|
| 22/07 | Prof Peter Joy (School of Law, Washington University in St. Louis) | Exploring how large US Law firms promote ethical practice |
| 28/07 | Prof Cindy Schipani (University of Michigan) | Fiduciary Constraints; Correlating liability with responsibility |
| 05/08 | David Lindsay, Melissa de Zwart, Jonathan Clough, Lisa Spagnolo | Research BITES: Myself, my avatar, my rights? Rights of avatar identity and integrity in virtual worlds; Making Good Faith Work in Hong Kong; Crimes in Cyberspace: A World of Opportunity in a Borderless World |
| 20/08 | Prof Menachem Mautner (Faculty of Law, Tel-Aviv University) | "Autonomy", "Diversity" and Human Rights: How should a liberal state treat non-liberal cultural groups? |
| 02/09 | Mr Ross Hyams | Arrangements for separated families in Australia and children's experience of contact with parents |
| 03/09 | Prof Stephen Colbran, Project Leader, Australian Law Postgraduate network (ALPN) | ALPN Roadshow |
| 16/09 | Dr Yanning Yu, Faculty of Law, Zhejiang Gongshang University, Zhejiang, China | Circumvention and anti-circumvention measures: The impact on anti-dumping practice in international trade |
| 07/10 | Prof John Gillespie (Faculty of Business and Economics) | Asia Pacific Business Regulation |
| 14/10 | Associate Professor Moira Paterson Dr Becky Batagol Associate Professor Stephanie Ben-Ishai, Osgoode Hall Law School, Canada | Research BITES: Privacy in Public Places and Consultancy Research; Is there room for law? The shadow of the law over private negotiations; The Democratization of Insolvency Procedures |
| 21/10 | Lisa Interligi (Faculty of Medicine, Nursing and Health Sciences) | Culture and Regulation |

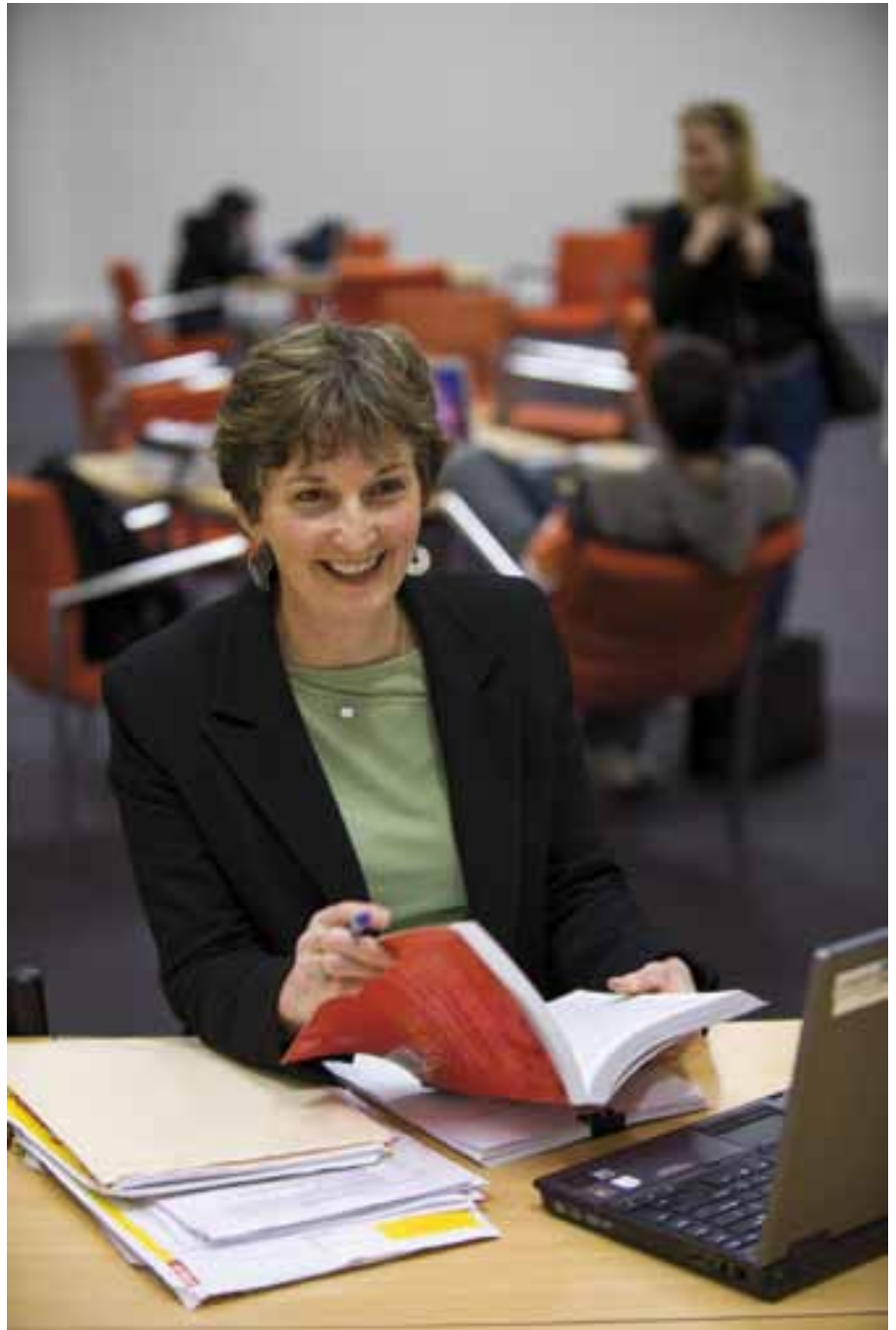
9.5 Media Involvement

Monash Law School gained substantial media coverage during 2008 with over 100 press, radio and online stories featuring Monash Law School staff. The faculty had involvement in a wide range of substantial law issues ranging from Japanese whaling ships to unlawful driving.

Melbourne newspapers The Age and Herald Sun covered the bulk of media stories quoting Monash Law School staff, followed by The Australian and ABC Radio.

Early on in the year Professor Arie Freiberg made frequent inputs into the decision to move sex offender trials from lower court Judges to the Supreme Court. The Herald Sun called upon Arie to also make several comments regarding the abolishment of suspended sentences.

Professor The Hon George Hampl AM QC, made several contributions to both The Age and The Herald Sun on various topics in the middle of the year. Dr Gideon Boas, Professor Stephen Barkoczy, Dr Rebecca Giblin-Chen, Dr Bronwyn Naylor and Mr Kwame Mfodwo also appeared in a variety of media stories throughout 2008.



10. Advancement and Alumni Relations

10.1 Advancement

Donor Alumni and Community Relations

In May 2008, Monash University announced an ambitious philanthropic campaign to raise more than \$200 million over three years to support student scholarships, teaching and learning, research and campus facilities. Campaign chair Trevor O'Hoy (BEC 1976) made the campaign announcement at Monash University's 50th Anniversary Gala Dinner. Mr O'Hoy said that the campaign is a key part of Monash's quest to become one of the world's greatest universities.

"Through this campaign, we all have the opportunity to make a positive, sustained and truly significant impact on the lives of Australians and people around the world," Mr O'Hoy said. Mr O'Hoy encouraged all Monash alumni to be part of the campaign. "Please join me in supporting this bold, spirited adventure that will transform lives here in our own backyard and around the globe".

In 2008 other major alumni and donor activities relating to Monash Law School included:

- The 2008 Distinguished Alumni Awards were presented at the 50th anniversary gala dinner. The Awards are the flagship component of the alumni recognition program which also includes promotion of alumni achievements in Monash Alumni eNews, Monash Magazine and on the website, and letters of congratulations to law alumni for their successes, such as honours on Australia Day or the Queen's Birthday.
- Law alumni who were selected to attend the 2020 Summit were also recognised with letters from the Vice-Chancellor. This list included at least ten law alumni such as Mr Julian Burnside AO QC (BEC 1972, LLB 1973) and Professor the Hon John Thwaites (BSc 1978, LLB(Hons) 1981)
- Regular face-to-face meetings with prospective major donors to the Law School, as well as meetings with current donors to steward them for their generous gifts.

- The hosting of a small group of alumni and donors at a football match in late August at the Melbourne Cricket Ground.
- An October event, hosted by the Dean Professor Arie Freiberg, for senior law alumni working in the judicial system as judges and magistrates, plus QCs and SCs. The event showcased the Monash moot program and featured young alumni who spoke about the benefits of the program.

Fundraising in the Faculty continued to grow rapidly with a very special gift of \$500,000 from the Pratt Foundation. This generous donation is supporting the Monash Oakleigh Legal Service for five years which started in 2007. The Law School is grateful to the Pratt Foundation for their continued support. The Monash-Oakleigh Legal Service (MOLS) is a partnership between Monash Law School, Victoria Legal Aid and local municipalities. Through the service, members of the community can obtain free legal advice on a variety of legal matters.

The Faculty appreciates the support of Clayton Utz for the Centre for Regulatory Studies, CMA Legal for their support for the Law Research Project – non-adversarial project, The Chartered Institute of Arbitrators (Australia) for their support of the Moot Competition, all alumni who supported the annual appeal, supporters of the Castan Centre for Human Rights Law, with a special thanks to Daniel Besen for his ongoing support of the Global Internship Program, and to all donors who support the work of the Monash Law School Foundation. A special thanks goes to the anonymous donor who established the W.J. and G.M. Goldsack Scholarship for students to participate in the Internship Program in Prato.

10.2 Monash Law School Foundation Board

The effort and commitment of the Board Members and the Chair, Mr Ian Pyman, is much appreciated by the faculty. The 2008 Foundation Board were:

Mr Ian Pyman (Chair)

Director, Merchant Capital Limited and member of the Monash University Council

Professor Arie Freiberg

Dean, Faculty of Law

Ms Evelyn Danos

Executive Director
James Richardson Corporation Pty Ltd

Mr Jack Faggenbaum QC

Owen Dixon Chambers

Mr Ron Fairchild

Vice President (Advancement)
Monash University

Ms Jane Hodder

Partner, Freehills

Professor Ann Monotti

Associate Dean, Postgraduate studies
Faculty of Law

Ms Anne Murphy Cruise

Senior Associate, Mallesons Stephen Jaques

Mr Geoffrey Murray

Treasury Manager, Monash University

His Hon Justice Michael Rozenes

Chief Judge, County Court of Victoria

Secretary

Ms Rhonda Ohis

Foundation and Volunteer Support
Donor, Alumni Relations and Community Relations

In attendance

Mr Gerard Shanahan

Faculty Manager, Faculty of Law

Ms Louise Zygier

Law Faculty Campaign Director
Donor, Alumni Relations and Community Relations

The support of the Foundation Board has enabled the faculty to undertake a number of projects and programs, including:

- Monash Law School Foundation Professorships
- Monash Law School Foundation Rural Bursaries
- Monash Law School Foundation HDR Scholarships
- Vis Moot Program
- Lawrie McCredie Student Support Program

10.3 Alumni Relations

Monash Law School held a range of events for Law alumni which provided opportunities to connect with the Faculty through contact with past students, current staff and current students. The following activities were undertaken in 2008.

May

Law Matters – Monash Law School Magazine, Issue 1/08

The focus of this edition was Indigenous law, and was mailed to 9,505 alumni in the second week of May

Law School Foundation 2007 Annual Report

Distributed with Issue 1/08 of Law Matters to 9,505 alumni in the second week of May.

7th Fiat Justitia Lecture. 'Australia's Growing Debt to the European Court of Human Rights'

The Honourable Justice Michael Kirby
Monday 5 May

Monash University Law Chambers

Convened by Professor HP Lee the 7th Fiat Justitia Lecture was attended by 240 law alumni, members of the legal community, current law students and Faculty staff

Great Law Week Debate – “What do you mean you don't know Bradman's test average?” Immigrants need to assimilate to Australian Culture

Wednesday 14 May 2008

Melbourne Exhibition Centre

Alumni participating in the debate were: David Galbally, QC, Meg O'Sullivan, Roland Dillon, Victor Purton, Shivani Pillai, and Kim Little, with Will Fowles moderating. This event was sold out with 300 attendees.

Monash 50th Anniversary Gala Dinner

Thursday 29 May

The Great Hall, National Gallery of Victoria

Attended by 100 University alumni and staff and including the 2008 Distinguished Alumni Awards which recognise the achievements of members of Monash University's alumni community.

June

Monash Law School Costello Lecture – 'Social Justice and Climate Change'

Professor The Hon. John Thwaites, former Victorian Deputy Premier and Minister for Environment, Water and Climate Change and Chairman of the Monash Sustainability Institute.

Thursday 19 June

BMW The Edge Theatre, Federation Square

Introduced by patron, Tim Costello, AO, CEO of World Vision Australia the 2008 Costello Lecture was attended by 280 Monash alumni, staff, students and the wider community.

August

Law and culture in Israel at the threshold of the twenty-first century

Professor Menachem Mautner, Tel Aviv University

Monday 18 August 2008

Monash University Law Chambers

Presented by Monash Law School and the Australian Centre for Jewish Civilisation in the Faculty of Arts, this lecture by Professorn Mautner was attended by 43 Law alumni, staff and members of the legal community.

October

Law Matters – Monash Law School Magazine, Issue 2/08

The focus of this edition was tax and society

Mailed to 9,777 alumni in early October

November

16th Annual Lucinda Lecture

'The Parameters of Constitutional Change'

The Hon. Sir Gerard Brennan AC KBE (Chief Justice of the High Court of Australia 1995- 1998)

Thursday, 13 November 2008

Monash University Law Chambers

Convened by Professor HP Lee the 16th Lucinda lecture was attended by over 160 Law alumni, current students, and Faculty staff.

11. Student Activities

11.1 Monash Law Students' Society

Founded in 1964, the Monash Law Students' Society is one of the largest and most dynamic student organisations within Monash University. In 2008, the LSS had approximately 2000 student members. During 2008 the LSS expanded its efforts across a range of services with the goal of enhancing the student experience for all of our members and law students within the Faculty of Law.

Our society is voluntarily staffed and managed by 36 committee members. These committee members work on delivering a large range of services to supplement the formal academic education provided by the university through a vast range of opportunities for personal and professional development.

The Law Students' Society is best reviewed by examining each of its four portfolios.

Activities

We are proud to report that the LSS Activities portfolio was recognised by Student Networks Australia in 2008 as offering the most extensive university social program in Australia. The portfolio offers a large number of high quality events and activities to students, bringing the Law School to life.

The aim of the portfolio is to improve the student experience of our members, create a strong sense of culture and vibrancy in our community and ensure that new students are successfully integrated into the Law School.

In 2007-2008 the LSS offered more than 20 specifically social activities, such as the First Year Camp, O-week, First Year Dinner, Mentor Program, Annual Dinner, Pub Crawls, Winery Tour, Law Ball, Valedictory Dinner, Ski Camp, River Cruise, regular BBQs... and more!

The Monash Law Comedy Revue with more than 20 years of tradition within the faculty and our society saw record-breaking crowds once again in 2007 and raised money for the Leukemia Foundation with funds raised from the McComas Charity Night.

The Peer Mentor Program underwent a dramatic expansion to now include every first year law student and brought the program's participation up to 500 students. This program is co-branded with the Faculty of Law with the goal of facilitating friendship and support for students beginning their education in the faculty.

Careers

The LSS Careers portfolio provides targeted career assistance and advice to the specific needs of law students. We distribute publications such as the annual *Careers Guide and Graduate Recruitment Guide*, the latter replacing the Articles Guide. These guides provide students with information about opportunities for vacation and graduate employment respectively within the Legal Industry, and other industries that seek law graduates.

The *Orientation Guide* is published to help first year students to understand life in the faculty. *Claytons Law*, the LSS magazine is published quarterly with student sourced articles on challenging social, legal and environmental issues of faculty, university, state, national and international interest.

The two major seminar series of the portfolio were the *Seasonal Clerkship Seminar Series*, held in March and featuring 16 of Australia's leading firms, and the *Pathways Seminar Series* which informed members of the wide range of career opportunities that are available as a law graduate. These programs also incorporate seminars on application preparation such as CV and cover-letter writing and interview skills, and provide students with an opportunity to undertake a mock interview with a graduate recruitment consultant.

Monash LSS hosted the Victorian Council of Law Students' Societies (VCLSS) Careers Fair at

the Melbourne Convention Centre and was a huge success in 2008. Our society continues to work with the Faculty on promoting the seminars run at Monash by international firms such as Linklaters, Freshfields Bruckhaus Deringer and Clifford Chance.

Competitions

The LSS Competitions give students the opportunity to participate in situations that mimic the professional environment, providing invaluable experience for participants and often compelling entertainment for spectators. Thanks to the generous support of our sponsors, the LSS has run a large number of high quality competitions in the last year. Our competitions are judged by legal professionals and academics and towards the finals often see high profile Judges, Barristers and Partners adjudicating and providing feedback to our students.

Competitions included:

- General Moot (Senior and Junior divisions)
- First Year Moot
- International Humanitarian Law Moot
- Negotiation
- Witness Examination
- Client Interview
- Letter Writing

The winning team from each competition represented Monash in the VCLSS Governors' Competition and the Australian Law Students' Association (ALSA) competitions.

We are pleased to report that the Senior Mooting Team of Alex Fawke, Michael Beaconsfield and Glen Berman were successful in the VCLSS State Championship Mooting competition.

Education

The LSS continues to work with the Faculty to provide students with educational research. The LSS Student Tutorial Program provides regular reinforcement and practical application to lecture materials in core subjects from paid student tutors. The goal of the program is to offer study tips and provide an informal group learning environment to facilitate student discussion.

Throughout the year the Education Portfolio provides guidance to students that have concerns about their academic progress or are facing a university-related grievance.

In 2008, the LSS hosted a Justice and Equality Evening with the assistance of members of the faculty and were privileged to present a range of high profile speakers to students including Justice Michael Kirby.

The LSS Second Hand Book Sale was again a huge success, providing students with an opportunity to sell their law books through the LSS Office without a fee.



Looking forward

The LSS looks forward to continuing its role within the Faculty of Law. We give thanks to the various Faculty staff that have offered support to the LSS over the past year and look forward to working with you again in 2009.

Without the Law Faculty's support we would not be able to provide many of our services at their current high standard

11.2 International Law Association

The Monash International Law Association (ILA) is a Law faculty based student organisation. The ILA encourages its members and Monash Law students to explore the world of opportunities and study beyond Australia's shores. Its membership consists of both undergraduate and postgraduate students from Australia and around the globe. Throughout the year it holds social and career orientated events to support members in their pursuit of an international career.

2008 Highlights

Legal Careers Dinner

The annual Legal Careers Dinner is the ILA's most key career development event. In 2008 it was held in the elegant and engaging surrounds of the Melbourne Museum. Attendees were afforded the opportunity to network with representatives from a number of major law firms and employers over a three course meal. Feedback from the event was highly positive and we hope to see such success again in 2009.

International Careers and Opportunities Guide

The Legal Careers Dinner served as a launch to the ILA's flagship publication, its International Careers and Opportunities Guide. The Guide was 100+ page printed guide containing comprehensive information on international firms and their application procedures. This information was complimented by a wide range of 'experience' articles outlining the experiences of others who had worked or studied overseas. The Guide also provided information on qualification to practice in a variety of key international jurisdictions, and comprehensive application information for a number of international organisations such as the United Nations and the International Monetary Fund.

Koko Black Evening

The ILA held its Koko Black Evening in May 2008. The event afforded students the opportunity to mingle with a number of representatives from a variety of law firms and employers whilst enjoying gourmet chocolates, drinks and desserts.

Other events

Throughout the year the ILA ran many other social and careers events. These events included: a Bunnings Fundraising BBQ, a Fawkner Park BBQ, a Mahlab international legal careers information session and a Hong Kong recruitment information session by major US firm Skadden, Arps, Slate, Meagher & Flom.



11. Student Activities

11.3 Monash University Law Review

The *Monash University Law Review* is a scholarly refereed law journal ranked in the 'A' category by the Australian Research Council. Editions typically contain a number of articles with critical analysis of contentious legal issues written by professors, judges and legal practitioners.

The Review is managed by an editorial committee, comprising student editors, staff faculty advisers and student committee members. Approximately 20 students are involved in producing the Review.

Student editors

Ms Merav Bloch
Mr Cameron Miles
Mr Albert Ounapuu

Faculty advisers

Semester 1 – Professor Marilyn Pittard and Associate Professor John Duns

Semester 2 – Professor Marilyn Pittard and Dr Matthew Groves

Activities

In November 2008 the *Review* Committee held its annual dinner, which was attended by contributors to the *Review*, members of the Law Faculty, the editors and committee members of the *Review* and many members of the legal profession. The speaker was the Honourable Kenneth Hayne AC, a Justice of the High Court of Australia.

Issues published in 2008

During 2008 the editors, with the assistance of the members of the student editorial committee prepared and had published Volume 33 (issues 1 and 2) and Volume 34 (issue 1). The contents of these issues were:

Volume 33, Number 1 – Contents

Parliamentary Sovereignty and Dialogue under the Victorian Charter of Human Rights and Responsibilities: Drawing the Line between Judicial Interpretation and Judicial Law-Making. Julie Debeljak

Suffering in Silence: Prohibitions on Interviewing Prisoners in Australia, the US and the UK. Tamara Walsh

Victim Impact Statements and Sentencing. Sam Garkawe

A Comparative Analysis of the Australian Patent Office's Examination of Biotechnology Reach-Through Patent Claims. Amanda S Y Lim and Andrew F Christie

Assessment of Law Relating to the Transfer of Mortgagee's Rights to the Trustee Issuer in Mortgage Securitisation. Pelma Jacinth Rajapakse

A Universal Duty of Good Faith: An Economic Perspective. Arlen Duke

BOOK REVIEW

James C Hathaway, *The Rights of Refugees Under International Law*

Maria O'Sullivan

Volume 33, Number 2 – Contents

Tribute. Vidal Vanhoof and Marilyn Pittard

Protecting Human Rights in a Federation. Pamela Tate SC

Inflexibly Inflexible: Why Choice of Law in Tort Questions Still Won't Go Away. Janey Greene

The Sentencing Provisions of the International Criminal Court: Common Law, Civil Law, or Both? Adrian Hoel

Prejudice to Honour or Reputation in Copyright Law. Dennis Lim

The Torrens System's Migration to Victoria. Greg Taylor

Volume 34, Number 1 – Contents

Implications of the Crown's Radical Title for Statutory Regimes Regulating the Alienation of Land: 'Crown Land' v 'Property of the Crown' Post-Mabo. Dr Ulla Secher

Coordinate Citation between Australian State Supreme Courts Over the Twentieth Century. Russell Smyth and Dietrich Fausten

What's in a Name? Goodwill in Early Passing-Off Cases. Ian Tregoning

Abolition or Reform: The Future for Directness as a Requirement of Trespass in Australia. Albert Ounapuu

Possibilities for Multidisciplinary Collaboration in Clinical Practice: Practical Ethical Implications for Lawyers and Clients. Margaret Castles

Implied Undertaking: Express Reform Required. Robert Williams

Playing for Keeps? Tobacco Litigation, Document Retention, Corporate Culture and Legal Ethics. Matthew Harvey and Suzanne Le Mire

BOOK REVIEW

D Fairgrieve and S Green – Child Abuse Claims Against Public Bodies: A Comparative Law View. Dr Renata Alexander

11.4 The Student Experience

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

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

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

The Law School Ambassador Program, launched in 2007 to supplement the Vice Chancellor's Ancora Imparo Leadership Program, continued to grow during 2008. Community minded law students receive leadership training and a variety of developmental experiences to facilitate personal growth. Community outreach and engagement projects are selected by students under their own initiative, and offer those experiences to the wider law school student community. A highlight event was two Ambassadors organising the 'Equality and the Law' evening in the City Chambers attended by 100 law students with speakers including His Honour Justice Kirby. The Ambassador's self-stated goals are to develop relationships between students, students and faculty, and faculty and community. His Honour Tony Howard entertained and enlightened the Ambassadors during an intimate Alumni Sunset Seminar that will be remembered by all.

The new Law School High Academic Achievers' Program was also launched in 2008, which aims to reward and inform high achieving students of the possibilities open to them in the areas of higher degrees by research, academia and other non-traditional career pathways. Voice coaching, stress management and other developmental activities are provided to our outstanding students to engage and inform.

The initiatives conceived and delivered under this program are designed to enhance the Law School's core curricular activities and support the vocational and student experience provided by existing programs and activities such as the Monash Oakleigh Legal Service and Springvale Community Legal Service.



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.

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

12. Law Library

12.1 Monash Law Library

The Law Library, one of the largest and best resourced in Australia, is part of the Monash University Library system of eight branch libraries on six campuses. It is located over four levels in the heart of the Law Faculty on the Clayton campus, and combines the best of both print and electronic legal resources. An emphasis on a pleasant study environment catering for both group and individual study saw use of the Law Library's physical environment continue to increase in 2008 with a door count of 373,014. This was 25,300 or 7.3% more than the previous year.

12.2 2008 Highlights

In Semester 2, 2008, the Faculty of Law introduced a new first year undergraduate unit, Research and Writing, to its LLB. This unit aims to develop and improve the skills of new law students to ensure that they cope well with assignments throughout their degree as well as with requirements for entering the workforce. Law Library staff contributed to this unit, with law librarians coordinating and teaching the research component over 6 weeks and the Law Library's Learning Skills adviser teaching classes on avoiding plagiarism and good academic writing.

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

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

Extra classes, drop-in sessions and consultations were also conducted outside class time to help students with information research and learning skills. Classes were conducted by the learning skills adviser for NESB undergraduate students to meet eligibility criteria for exam considerations.

The Library developed a successful support program for Law postgraduates, operating out of the City Chambers. A Learning Skills adviser attended the Chambers once a week, providing consultations and three one-hour seminars, some of which were jointly run with Law Library librarians, to provide students with effective writing, research and referencing skills. The Learning Skills adviser also provided staff and student training and support in use of the anti-plagiarism software, Turnitin.

Facilities and Services Highlights

During 2008, the following improved facilities and services became available to Monash students and staff:

- A self-loans machine to facilitate quicker and easier borrowing of books.
- Free registration for SMS notification of due library books and Holds.
- A book returns service for postgraduate students located at the City Law Chambers.
- 16 new tables with desktop power points for laptop use on levels 1 and 3 of the Law Library
- A Web gallery of database information sheets to help students choose the best database for their research needs.
- An expanded Online Chat service, with operating hours extended until 9 pm to provide access to people studying in the evening.

Collection highlights

The budget available for the acquisition of new print and electronic materials remained steady for 2008. Some notable purchases included:

- **TVNews:** provides Monash staff and students with online access through the Library to full video of all news and current affairs broadcast on Australian free to air television.
- **UK Statutes:** available online from 1235 to present.
- **BestCase:** electronic access to Canadian case law.
- **Oxford Reports in International Law:** a new online service bringing together decisions on public international law from international courts and tribunals, domestic courts and ad hoc tribunals.
- New additions to **CCH Online** for tax and company law in Malaysia and Singapore.
- Electronic back files of all **Lawbook journals** (from vol.1).
- **International Law Reports** and the **Irish Law Reports**
- **ACT Law Reports:** new, authorised report series for the Australian Capital Territory, in print and online.
- **Media and Internet Law and Practice** online
- **Kluwer Law Journal** back files available online.
- **Index to Legal Periodicals Retrospective 1908-1981** online,
- **Sound Education in Victorian Law:** a legal news service available to podcast or as transcripts.

12.3 Law Library Senior Staff

Law Library manager

Kay Tucker

Law contact librarians

Caroline Knaggs, Poh York Lee,
Geraldine Woodhatch, Dawn Carroll

Learning skills adviser

Patricia Hughes

12.4 Publications and Conference Presentations

Milne, Sue and Tucker, Kay, *A Practical Guide to Legal Research* (Pymont, N.S.W. Lawbook Co, 2008).

Tucker, Kay and Hughes, Trish, 'Collaborating on Teaching the RAW Materials for a Law Degree – Research and Writing' (2008) 16(4) *Australian Law Librarian* 256. (also presented at the Australian Law Librarians' Conference, Perth, 17-19 September 2008).

12.5 Journal Affiliations and External Committees

Kay Tucker

Editorial Board – Australian Law Librarian

Caroline Knaggs

ALIA Pathways (Information Literacy) Committee



13. Staff

13.1 Staff List

Dean

Professor Arie Freiberg,
LLB (Hons) Dip Crim *Melb.* LLM Monash
LLD *Melb.*, FASSA, Barrister and
Solicitor (Vic.)

Professors

Professor Stephen Barkoczy,
BA LLB MTaxLaw PhD *Monash* FTIA
Barrister and Solicitor (Vic.)

Professor Elizabeth Boros,
LLB (Hons) *Adel.* LLM PhD Cantab.
Barrister and Solicitor (Vic. and S.Aust.)
Solicitor (Eng. and Wales) High Court
(Aust.)

Professor David Cousins,
BEc (Hons) MEc *Monash*; DipEd
Rusden; PhD *Manchester*

Professor Mark Davison,
LLB (Hons) Qld DipLP *Qld.UT* Dip Lang
LLM PhD *Monash* Solicitor (Qld.)
Barrister and Solicitor (Vic.)

Professor Ian Freckelton SC,
BA (Hons) LLB *Syd.* PhD *Griff.* Dip Th M
ANH Barrister and Solicitor (Vic. ACT
S.Aust.) Barrister (NSW Qld. Tas. N.
Territory) Barrister High Court (Aust.)

Professor Jeffrey Goldsworthy,
LLB (Hons) *Adel.* LLM *Illinois* MA PhD
Berkeley LLD *Adel.* Barrister and
Solicitor (S.Aust.)

**Professor The Hon. George Hampel
AM, QC,**
LLB *Melb.* QC Barrister and Solicitor
(Vic. NSW ACT Tas. and W.Aust.) Middle
Temple (Eng.)

Professor Graeme Hodge,
BE MEngSc MBA PhD *Monash*

Professor Sarah Joseph,
BA LLB (Hons) *Syd.* LLM (Hons) *Cantab*
PhD *Monash*

Professor Susan Kneebone,
LLB *Adel.* MA HK DipEd *Melb.* PhD
Monash Barrister and Solicitor (S.Aust.
and Vic.)

Professor HP Lee,
LLB (Hons) *Sing.* LLM *Malaya* PhD
Monash (The Sir John Latham Chair of
Law)

Professor Justin Malbon,
LLB *Adel.* LLM *Yorke, Can.* PhD NSW
Barrister (Qld)

Professor Bernadette McSherry,
BA (Hons) LLB (Hons) LLM *Melb.* PhD
York (Can.) Grad Dip Psych *Monash*
Barrister and Solicitor (Vic.) High Court
(Aust.). (Australian Research Council
Federation Fellow)

Professor Ann Monotti,
LLB (Hons) LLM *Melb.* PhD *Monash*
Barrister and Solicitor (Vic.)

Professor Marilyn Pittard,
BEc (Hons) LLB (Hons) *Monash*
Barrister and Solicitor (Vic.)

Professor Jeff Waincymer,
BCom LLB *Melb.* LLM *Monash* Barrister
and Solicitor (Vic.)

Professor Bob Williams,
BJuris LLB (Hons) *Monash* BCL *Oxon.*
LLD FASSA Barrister-at-Law (Vic.) (The
Sir John Barry Chair of Law)

Emeritus Professors

Professor Enid Campbell AC, OBE,
BEc LLB (Hons) LLD (Hon.) *Tas., Syd.,*
Mon. PhD *Duke* Barrister and Solicitor
(Tas.) High Court (Aust.)

Professor Richard Fox AM,
LLB *Melb.* DipCrim *Melb.* LLM *Melb.*
LLD *Monash* Barrister and Solicitor (Vic.)
High Court (Aust.)

Professor Francis Trindade,
LLB *Karachi* MA *Oxon.* Gray's Inn
Barrister-at-Law Barrister and Solicitor
(Vic.)

Professor Louis Waller AO,
LLB (Hons) *Melb.* BCL *Oxon.* Hon LLD
Monash FASSA FAAL Barrister and
Solicitor (Vic.)

Professor Christie Weeramantry,
BA LLD D.Lit (Hon.) *Lond.* Hon LLD
Colombo Hon. LLD *Monash* Hon LLD
National Law School of India Advocate
of Supreme Court of Ceylon Barrister
and Solicitor (Vic.)

Associate Professors

Associate Professor John Duns,
BCom LLB (Hons) *Melb.* LLM PhD
Monash Barrister and Solicitor (Vic.)

Associate Professor Judd Epstein,
AB Syr. BJuris *Stan.* Caseflow Mgmt

Cert Mediation Cert Attorney-at-Law
(Calif.) Member Chart. Inst. Arbit. (Lond)

Associate Professor Adrian Evans,
BCom LLB *Melb.* Assoc in Theology
ACT LLM PhD *Monash* Barrister and
Solicitor (Vic.)

Associate Professor John Glover,
BA (Hons) LLB (Hons) *Melb.* BCL *Oxon.*
PhD *Monash* Barrister and Solicitor
(Vic.)

Associate Professor Gaye Lansdell,
LLB (Hons) *Tas* MPhil *Camb.* PhD *Tas.*
Barrister and Solicitor (Tas. and W.Aust.)
High Court (Aust.) Solicitor (Eng. and
Wales)

**Associate Professor Pamela
O'Connor,**
BA LLB *Monash* LLM *Melb.* MBA Grad
Cert Higher Ed PhD *Monash* Barrister
and Solicitor (Vic.)

Associate Professor Moira Paterson,
BEc *Monash* LLB (Hons) *Melb.* LLM
Lond. Grad Cert Higher Ed PhD *Monash*
Barrister and Solicitor (Vic.)

Associate Professor Greg Taylor,
BA (Hons) LLB (Hons) *Adel.* LLM
Marburg GCLP *S.Aust.* LLD *Marburg*
Grad Cert Higher Ed *Monash* Barrister
and Solicitor (S.Aust.)

Senior Lecturers

Dr Renata Alexander,
BA LLB DipFamLaw LLM PhD *Monash*
Barrister and Solicitor (Vic.) High Court
(Aust.)

Dr Heli Askola,
LLB LLM *Turku, Finland* PhD *EUI*

Ms Susan Barkehall-Thomas,
BA LLB (Hons) LLM *Monash* Barrister
and Solicitor (Vic.) Federal Court (Aust.)
High Court (Aust.)

Dr Gideon Boas,
BA LLB *Monash* LLM PhD *Melb.*
Barrister and Solicitor (Vic. and NSW)
High Court (Aust.)

Ms Melissa Castan,
BA LLB (Hons) *Monash* LLM *Melb.*
Barrister and Solicitor (Vic.) High Court
(Aust.)

Dr Jonathan Clough,
BSc LLB (Hons) *Monash* LLM *Cantab.*
PhD Grad Cert Higher Ed *Monash*
Barrister and Solicitor (Vic.) High Court
(Aust.)

Dr Julie Debeljak,

BEC LLB (Hons) *Monash* LLM *Cantab.*
PhD Grad Cert Law Teaching *Monash*
Barrister and Solicitor (Vic.)

Dr Melissa de Zwart,

BA (Hons) LLB (Hons) LLM *Melb.* PhD
Grad Cert Higher Ed *Monash* Barrister
and Solicitor (Vic.)

Dr Paula Gerber,

LLB QUT MSc *Kings Coll Lond.* LLM
Monash PhD *Melb* Solicitor (Qld. NSW
and Vic.) (Eng. and Wales) Attorney
(California)

Dr Matthew Groves,

BA LLB (Hons) PhD *Monash* Barrister
and Solicitor (Vic.)

Mr Ross Hyams,

BA LLB LLM *Monash* Barrister and
Solicitor (Vic.)

Dr Michael S King,

B.Juris LLB (Hons) *UWA* MA PhD *MUM*
Barrister and Solicitor (WA)

Dr Emmanuel Laryea,

LLB (Hons) *Ghana* LLM *Glas.* PhD *Bond*
Grad Cert Higher Ed *Monash* Barrister
and Solicitor (Ghana)

Dr David Lindsay,

BA LLB Syd. LLM *Melb.* PhD *Monash*
Solicitor (NSW)

Ms Oyiela Litaba,

MA *Cantab.* PG Dip Teach *Sheff.*
Solicitor (England and Wales) Barrister
and Solicitor (Fiji)

Dr Karinne Ludlow,

BSc LLB (Hons) PhD *Monash* Barrister
and Solicitor (Vic.) High Court (Aust.)

Dr Bronwyn Naylor,

BA (Hons) LLB (Hons) LLM *Monash*
MPhil(Crim) PhD *Cantab.* Barrister and
Solicitor (Vic.) High Court (Aust.)

Dr Jeannie Paterson,

BA LLB (Hons) *ANU*, PhD *Monash*
Barrister and Solicitor (Vic.) High Court
(Aust.)

Mrs Sharon Rodrick,

BA LLB (Hons) LLM *Melb.* Barrister and
Solicitor (Vic.)

Ms Jenny Schultz,

BA LLB *Monash* LLM *Michigan* Barrister
and Solicitor (Vic.) High Court (Aust.)

Dr Dale Smith,

BA (Hons) LLB (Hons) MA *Melb.* DPhil
Oxon.

Dr Normann Witzleb,

State Law Exam *Würzburg*, Ass. Iur.
Berlin, Dr. Iur. *EUV Frankfurt(O)*,
DipLegSt *London*, LLB(Hons) *Murdoch*,
GradDipLegPrac *ANU*, Barrister and
Solicitor (ACT), High Court (Aust.)

Dr Eric Wilson,

BA (Hons) MA *Dal.* PhD *Camb.* LLB *Br.*
Col. LLM *Washington* SJD *Melb.*

Ms Helen Yandell,

DipTeach *Murray Park* BEd
Warrnambool LLB *Deakin* GradDipLP
ANU Barrister and Solicitor (Vic.)

Lecturers

Dr Becky Batagol,

BA (Hons) LLB (Hons) PhD *Monash*

Mr Malcolm Bennett,

Barrister and Solicitor (Vic.)

Dr Colin Campbell,

BA LLB *Melb.* LLM PhD *Cantab.*
Barrister and Solicitor (Vic.)

Ms Rowena Cantley-Smith,

BEC LLB *Monash* LLM *Leiden* Barrister
and Solicitor (Vic.) High Court (Aust.)
Barrister-at-Law (Vic.)

Ms Rachel Chrapot,

BA (Hons) *Monash* LLB *Bond* LLM
Melb. Barrister and Solicitor (Vic.)
Barrister-At-Law (Vic.)

Dr Patrick Emerton,

BA (Hons) LLB (Hons) MA *Melb.* PhD
Monash

Ms Fay Gertner,

BA LLB *Monash* Barrister and Solicitor
(Vic.)

Dr Rebecca Giblin,

LLB (Hons) PhD *Monash* Barrister and
Solicitor (Vic.)

Dr Stephen Gray,

BA LLB (Hons) LLM *Melb* PhD *Monash*

Dr Matthew Harvey,

BA (Hons) LLB *Melb.*
GradDiplntCompLaw PhD Grad Cert
Higher Ed *Monash* Barrister and
Solicitor (Vic)

Dr Dennis Lim,

BCom LLB (Hons) *Adelaide* SJD
Monash Barrister and Solicitor (S.Aust.)

Dr Adam McBeth,

BA LLB (Hons) PhD *Monash* Grad Cert
Higher Ed *Deakin*, Barrister and Solicitor
(Vic) High Court (Aust.)

Mr Kwame Mfodwo,

LLB (Hons) *Ghana* MIntLaw *ANU*

Dr Sarah Middleton,

BA LLB (Hons) PhD *Tas.*

Ms Maria O'Sullivan,

BA LLB (Hons) GradDipLP *ANU* LLM
Essex Barrister and Solicitor *ACT* High
Court (Aust.)

Ms Tania Penovic,

BA LLB (Hons) *Melb.* MSt (Dist) *Oxon.*
Grad Cert Law Teaching *Monash*
Barrister and Solicitor (Vic.) High Court
(Aust.) Solicitor of the Supreme Court
(Eng.and Wales)

Ms Adiva Sifris,

BProc *Witw.* LLM PhD *Monash* Barrister
and Solicitor (Vic.) High Court (Aust.)

Ms Karen Wheelwright,

BA GradDipEd *La Trobe* LLB (Hons)
Melb. Barrister and Solicitor (Vic.)

Assistant Lecturers

Ms Azadeh Dastyari,

BA LLB (Hons) *Syd* GradDipLP *Technol.*
Syd.

Ms Kathryn James,

BA LLB (Hons) *Monash* Barrister and
Solicitor (Vic.)

Ms Lisa Spagnolo,

BCom LLB (Hons) *Deakin* Barrister and
Solicitor (Vic.) High Court (Aust.)

Honorary Associates

Mr Bryan Dwyer,

LLB *Melb.* LLM *Mich.* Barrister and
Solicitor (Vic.)

Dr Elise Histed,

BA (Hons) LLB (Hons) *Melb.* PhD
Cantab. Grad Cert Higher Ed *Monash*
Barrister and Solicitor (Vic.)

Dr Guy Powles,

BA LLB LLM *Well.* PhD *ANU* Barrister
and Solicitor (NZ) Solicitor (Eng.)
Barrister and Solicitor (Vic.)

Senior Research Fellows

Dr Diana Bowman,

BSc LLB PhD *Monash*

Dr Penny Weller,

BA LLB MA *LaTrobe* PhD *Victoria*

13. Staff

Adjunct Staff

Professor Berndt Hugenholtz,
LLM *Groningen* PhD *cum laude*
Amsterdam

Professor Greg Reinhardt,
BA LLB (Hons) *Melb.*

13.2 Administrative Structure

Portfolios, charts and senior administrative staff

See *Appendix I*

13.3 Promotions

Diana Bowman – research fellow to senior research fellow

Dale Smith – lecturer to senior lecturer

Greg Taylor – senior lecturer to associate professor

13.4 Appointments

Dr Heli Askola

Professor David Cousins

Professor Justin Malbon

Dr Normann Witzleb

13.5 Resignations

Dr Matthew Harvey

Dr Dennis Lim

Associate Professor Len Webster

13.6 Outside Studies Program

Renata Alexander, semester 1

Stephen Barkoczy, semester 1

Elizabeth Boros, semester 2

Mark Davison, semester 1

Paula Gerber, semester 2

John Glover, semester 2

Kathryn James, semester 2

David Lindsay, semester 2

Karinne Ludlow, semester 1

Adam McBeth, semester 1

Jeannie Paterson, semester 2

13.7 Visitors

Ms Anna Szajkowska, Law and Governance Group, Department of Social Sciences, Wageningen University, The Netherlands.

8 February to 8 May

Justice Christopher Maxwell, President, Court of Appeal, Supreme Court of Victoria.

6 March

Associate Professor Lisa Philipps, Osgoode Hall Law School, York University, Canada.

18 March

Mr Michael Eburn, School of Law, University of New England.

28 April to 7 June

Dr Luke Nottage, Sydney Law School.

3 June

Associate Professor Greta Bird, School of Law and Justice, Southern Cross University.

1 July to 19 December

Professor Peter Joy, School of Law, Washington University in St. Louis.

10 to 25 July

Professor Cindi Schipani, University of Michigan.

28 July

Professor Menachem Mautner, Faculty of Law, Tel-Aviv University.

14 to 28 August

Dr Niels Ejersbo, Political Science and Public Management, University of Southern Denmark.

1 August 2008 to 31 July 2009

Dr Yanning Yu, International Law Department, Faculty of Law, Zhejiang Gongshang University, China.

2 September 2008 to 1 June 2009

Ms Nira Duskin, Judge and Vice President of Court at Rechovot in Israel.

8 to 12 December

14. Staff Activities

14.1 External Boards and Committees

Renata Alexander

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

Stephen Barkocz

- Consultant, Blake Dawson
- Member, Taxation and Revenue Committee, Law Institute of Victoria
- Member, Melbourne Tax Discussion Group

Becky Batagol

- Member, Board of Family Mediation Centre
- Member, Board of Springvale Monash Legal Service

Gideon Boas

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

Elizabeth Boros

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

Rowena Cantley-Smith

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

Jonathan Clough

- Member, Cancer Council Legal Policy Advisory Group

David Cousins

- Commissioner (part-time) State Services Authority Victoria
- Member, Building Advisory Council Victoria
- Member, Expert Working Group National Licensing Initiative
- Member, Council of Queens College Melbourne

Mark Davison

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

Julie Debeljak

- Member, Advisory Committee, Human Rights Law Resource Centre

Richard Fox

- Chair, Board of Management, Australian Institute of Criminology

Ian Freckelton

- Member, Mental Health Review Board
- Member, Disciplinary Appeals Board
- Member, Suitability Panel of Victoria
- Member, Investigation Review Panel of Victoria
- Member, Northern Football League Tribunal
- Member, Expert Advisory Panel on Mental Health Act Reform
- President, Australian and New Zealand Association of Psychiatry, Psychology and Law (Vic Branch)
- Vice-President, International Institute of Forensic Studies
- Vice-President, International Academy of Law and Mental Health (Australasian Branch)
- Board Member, Council of Australasian Tribunals

Arie Freiberg

- Member, Council of the Australian Institute of Judicial Administration
- Chair, Victorian Sentencing Advisory Council
- Member, Sexual Assault Advisory Committee, Department of Justice, Victoria

- Member, Leo Cussen Institute Board
- Member, International Penal and Penitentiary Foundation

Paula Gerber

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

John Glover

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

Stephen Gray

- Member, Charles Darwin University Press Committee
- George Hampel
- President, International Institute of Forensic Studies
- Chairman, Australian Advocacy Institute
- Member, Council of Legal Education
- Member, Legal Services Board, Continuing Education Committee
- Chairman, Funding Committee of 'More than Opera'

Elise Histed

- Convenor, Legal History Interest Group, Australasian Law

Sarah Joseph

- Member Advisory Board, Academy on Human Rights and Humanitarian Law, American University

14. Staff Activities

- Member, International Board of Advisers, Jindal Global Law School, Sonapat, Haryana, India
- Member, Advisory Board, Centre for Civil and Political Rights, Geneva

Hoong Phun Lee

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

Karinne Ludlow

- Victorian Biotechnology Ethics Advisory Committee

Justin Malbon

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

Bernadette McSherry

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

Ann Monotti

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

Bronwyn Naylor

- Member, Board of Management, Australian Institute of Public Safety
- Member, Architects Tribunal Panel, Architects Registration Board of Victoria
- Director, Springvale Monash Legal Service

- Member and Newsletter Editor, Board of Management, Australian and New Zealand Society of Criminology
- Academic Advisor, Victorian Energy and Water Ombudsmans's Case Handling Advisory Committee

Pamela O'Connor

- Board Member, Judicial College of Victoria
- Board Member, Leo Cussen Institute

Marilyn Pittard

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

Dale Smith

- Treasurer, Australian Society of Legal Philosophy

Lisa Spagnolo

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

Jeff Waincymer

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

Bob Williams

- Member, Mental Health Review Board
- Member, Victorian Civil and Administrative Tribunal, Guardianship List

14.2 Journal Affiliations

Stephen Barkoczy

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

Gideon Boas

- General Editor, Leiden Journal of International Law

Diana Bowman

- Editorial Board, Nanotechnology Law & Business Journal

Mark Davison

- Editorial Board, International Journal of Information Policy and Law
- Editorial Board, Intellectual Property Law Bulletin

Melissa de Zwart

- Editorial Board, Journal of Law, Information and Science

Ian Freckelton

- Editor, Journal of Law and Medicine
- Editor-in-Chief, Psychiatry, Psychology and Law
- Editor, The Bar Review
- Editorial Board, Law in Context
- Editorial Board, Family Law in New Zealand

Arie Freiberg

- Editorial Board, Punishment and Society
- Editorial Board, Criminal Justice
- Editorial Board, Queensland University of Technology Law and Justice Journal
- Editorial Board, Canadian Journal of Criminology and Criminal Justice

- Editorial Board, Judicial College of Victoria, Victorian Sentencing Manual

John Glover

- Editorial Board, Journal of Australian Taxation

Jeff Goldsworthy

- Editorial Board, University of Queensland Law Journal

Stephen Gray

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

Matthew Groves

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

Ross Hyams

- Editor, Lawyers Practice Manual (Vic)

Kathryn James

- Editorial Committee, Alternative Law Journal

Sarah Joseph

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

Michael King

- Editorial Committee, Alternative Law Journal

Susan Kneebone

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

Hoong Phun Lee

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

David Lindsay

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

Bernadette McSherry

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

Sarah Middleton

- Editorial Board, Australian Journal of Family Law

Ann Monotti

- Editorial Board, International Journal of Information Policy and Law, (Inderscience Publishers, Geneva, Switzerland)
- Australian Correspondent, European Intellectual Property Review (Sweet and Maxwell Ltd, Great Britain)

Bronwyn Naylor

- National Convenor, Editorial Board, Alternative Law Journal

Marilyn Pittard

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

Guy Powles

- International Advisory Board, International Journal of the Legal Profession, (Institute of Advanced Legal Studies, University of London)
- Editorial Board, Journal of South Pacific Law, (School of Law, University of South Pacific)

Jeff Waincymer

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

Bob Williams

- Assistant Editor (Criminal Cases), Victorian Reports

Normann Witzleb

- Section Editor, 'Privacy', Australian Business Law Review
- Editorial Committee, Alternative Law Journal

15. Publications

15.1 Staff and Student Publications

Books (authored)*

Boas, G. J, Bischoff, J. L, Reid, N., *International Criminal Law Practitioner Library – Volume II: Elements of Crimes Under International Law*. Cambridge University Press, Cambridge UK, (2008), 471pp

Davison, M. J, Monotti, A. L, Wiseman, L., *Australian Intellectual Property Law*. Cambridge University Press, Port Melbourne Australia, (2008), 704pp

Gerber, P., *From Convention to Classroom: The Long Road to Human Rights Education. Measuring States' Compliance with International Law Obligations Mandating Human Rights Education*. VDM Verlag Dr. Muller, Saarbrücken Germany, (2008), 400pp

+Moisidis, C., *Criminal Discovery: From Truth to Proof and Back Again*. Institute of Criminology Press, Sydney, NSW, (2008), 290pp

Taylor, G., *The Law of the Land: The Advent of the Torrens System in Canada*. University of Toronto Press Inc, Toronto Canada, (2008), 221pp

Wilson, E., *The Savage Republic: De Indis of Hugo Grotius, Republicanism and Dutch Hegemony within the Early Modern World-System (c.1600-1619)*. Martinus Nijhoff Publishers, Leiden, The Netherlands, (2008), 541pp

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

Barkehall Thomas, S. J, Vann, V. J, *Trusts*. LexisNexis, Chatswood NSW, (2008), 384pp

Castan, M., *Constitutional Law*. Pearson Law Briefs. Pearson Education Australia, Frenchs Forest NSW, (2008), 248pp

Davison, M. J, Berger, T., Freeman, A., *Shanahan's Australian Law of Trade Marks and Passing Off*. 4th Ed. Lawbook Co Thomson Reuters (Professional) Australia Ltd, Pyrmont NSW, (2008), 1005pp

Freiberg, A., Gelb, K., (Eds) *Penal Populism, Sentencing Councils and Sentencing Policy*. Hawkins Press and Willan Publishing, Leichhardt NSW and Devon UK, (2008), 254pp

McSherry, B. M, Darvall, L. W, (Eds) *Public Health and Human Rights*. Lawbook Co, Pyrmont NSW, (2008), 148pp

McSherry, B.M., (ed) *International Trends in Mental Health Laws* (Annandale: Federation Press, 2008) Special edition Volume 26(2) of Law in Context 159 pp.

Hampel, G., Brimer, E. M, Kune, R., *Advocacy Manual: The Complete Guide to Persuasive Advocacy*. Australian Advocacy Institute, Melbourne Victoria, (2008), 269pp

Joseph, S. L, Amis, L., Chambers, R., *Human Rights Translated: A Business Reference Guide*. Castan Centre for Human Rights Law and International Business Leaders Forum, New York USA, (2008), 165pp

Malbon, J. (Ed), *Interpreting and Implementing the TRIPS Agreement: Is it fair?* Edward Elgar, Cheltenham, UK, (2008) 192pp

Woellner, R., Barkoczy, S. L, Murphy, S., Evans, C., *Australian Taxation Law*. 18th Ed. CCH Australia Ltd, North Ryde NSW, (2008), 2147pp

Book chapters*

Freckelton, I., 'Expert Evidence' in Katarina Fritzon and Paul Wilson (Eds.) *Forensic Psychology and Criminology: An Australasian Perspective*. McGraw-Hill Australia Pty Ltd, North Ryde NSW, (2008), 203-217

Freckelton, I., 'Further Evidence on Appeal' in Graeme Blank and Hugh Selby (Eds.) *Appellate Practice*. The Federation Press, Sydney, NSW, (2008), 131-165

Freckelton, I., 'Post-traumatic Stress Disorder: The Backlash After the New Dawn' in Belinda Bennett, Terry Carney, Isabel Karpin (Eds.) *Brave New World of Health*. The Federation Press, Sydney, NSW, (2008), 195-217

Freiberg, A., 'The Victorian Sentencing Advisory Council: incorporating community views into the sentencing process' in Arie Freiberg and Karen Gelb (Eds.) *Penal Populism, Sentencing Councils and Sentencing Policy*. Hawkins Press and Willan Publishing, Leichhardt NSW and Devon UK, (2008), 148-164

Freiberg, A., Gelb, K., 'Penal populism: sentencing councils and sentencing policy' in Arie Freiberg and Karen Gelb (Eds.) *Penal Populism: Sentencing Councils and Sentencing Policy*. Hawkins Press and Willan Publishing, Leichhardt NSW and Devon UK, (2008), 1-14

Goldsworthy, J. D, 'Unwritten Constitutional Principles' in Grant Huscroft (Eds.) *Expounding the Constitution: Essays in Constitutional Theory*. Cambridge University Press, New York USA, (2008), 277-312

Groves, M. N, 'The Surrogacy Principle and Motherhood Statements in Administrative Law' in Linda Pearson, Carol Harlow and Michael Taggart (Eds.) *Administrative Law in a Changing State. Essays in Honour of Mark Aronson*. Hart Publishing, Oxford UK, (2008), 71-97

Hodge, G., Greve, C., 'The PPP Phenomenon: performance and governance insights' in Janine O'Flynn and John Wanna (Eds.) *Collaborative Governance: A new era of public policy in Australia?*. ANU E Press, Canberra ACT, (2008), 93-112

Joseph, S. L, 'Liability of Multinational Corporations' in Malcolm Langford (Eds.) *Social Rights Jurisprudence: Emergin Trends in International and Comparative Law*. Cambridge University Press, New York USA, (2008), 613-627

Kaempfer, A., 'The UN Convention on the Rights of Persons with Disabilities and its Consequences for Mental Health Laws in Australia' in Bernadett McSherry (Eds.) *International Trends in Mental Health Laws. Law in Context Special Issue*. The Federation Press, Leichhardt NSW, (2008), 10-36

- King, M. S., 'Therapeutic Jurisprudence, Criminal Law Practice and the Plea of Guilty' in David B Wexler (Eds.) *Rehabilitating Lawyers*. Carolina Academic Press, Durham, North Carolina USA, (2008), 230-239
- Kneebone, S. Y., 'The Legal and Ethical Implications of Extraterritorial Processing of Asylum Seekers: The Safe Third Country Concept' in Jane McAdam (Eds.) *Forced Migration, Human Rights and Security*. Hart Publishing, Oxford UK & Portland Oregon, (2008), 129-154
- Malbon, J. E., 'TRIPS-plus treaty terms: Dealing with coercion' in Justin Malbon and Charles Lawson (Eds.) *Interpreting and Implementing the TRIPS Agreement: Is it fair?* Edward Elgar Publishing, Cheltenham UK, (2008), 159-184
- McSherry, B. M., 'Dangerous Legislation' in Katarina Fritzon and Paul Wilson (Eds.) *Forensic Psychology and Criminology: An Australasian Perspective*. McGraw-Hill Australia, North Ryde NSW, (2008), 227-236
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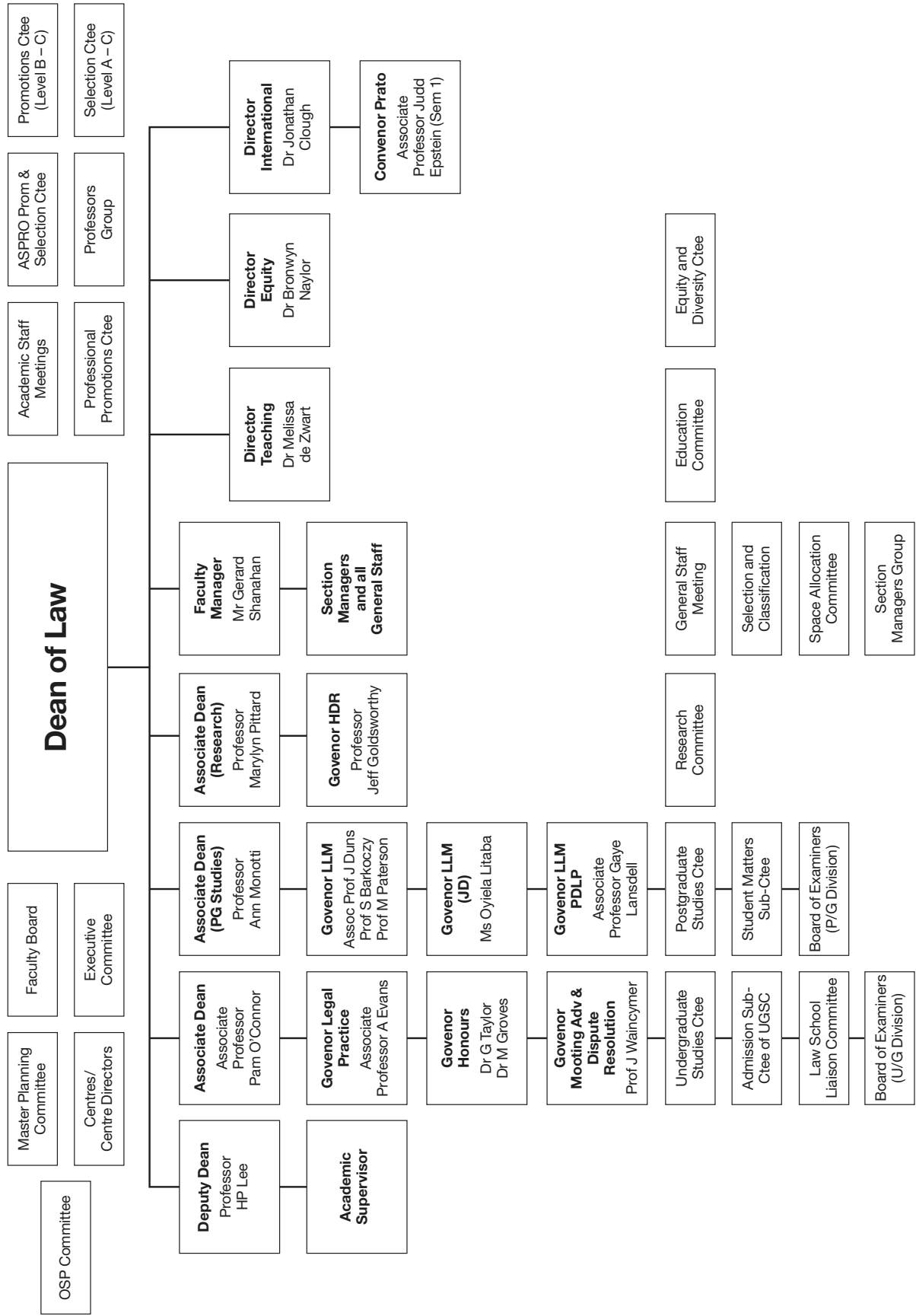
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* Meet criteria as DEEWR research publications
+ student

Academic Governance Positions

Faculty of Law 2008



Appendix II

Prize Winners 2008

| Prize Won | Supporter | First Name | Surname |
|--|--|-----------------------|--------------|
| County Court of Victoria Prize for Comparative Criminal Law | County Court of Victoria | Kezia | Adams |
| Monash Law School Prize for Consumer Law | Monash Law School | Rifaa | Al-Harthy |
| Sir Charles Lowe Prize for the Best Senior Advocate | Sir Charles Lowe Trust | Karen | Allardice |
| Clayton Utz Prize for Torts A | Clayton Utz | Andrew | Asten |
| Arnold Bloch Leibler Prize for Taxation Law | Arnold Bloch Leibler | Bradley | Barr |
| Sir Owen Dixon Prize for International Law Supported by the International Commission of Jurists – Victoria | International Commission of Jurists (Victoria) | William | Bartley |
| Sir Owen Dixon Prize for International Law Supported by the International Commission of Jurists – Victoria | International Commission of Jurists (Victoria) | Sally-Ann | Bast |
| Arnold Bloch Leibler Prize for Insolvency | Arnold Bloch Leibler | Jacqueline | Bastiani |
| Monash Law School Prize for the Best Junior Advocate | Monash Law School | Michael | Beaconsfield |
| Australian Advocacy Institute Prize for the Vis Arbitration Moot | Australian Advocacy Institute | Keren | Benjamin |
| Kumar Amarasekara Prize for Criminal Law Supported by the Kumar Amarasekara Bequest | Kumar Amarasekara Bequest | Jason | Bernard |
| County Court of Victoria Prize for Negotiation and Mediation Law | County Court of Victoria | Aviva | Berzon |
| Supreme Court Prize for Best Honours Student | Supreme Court of Victoria | Natalia | Blecher |
| Supreme Court Exhibition Prize for Best Honours Thesis | Supreme Court of Victoria | Natalia | Blecher |
| LexisNexis Prize for Administrative Law | LexisNexis | Natalia | Blecher |
| Monash Law School Prize for Conflict of Laws | Monash Law School | Merav | Bloch |
| Allens Arthur Robinson Prize for Corporate Governance and Shareholders Remedies | Allens Arthur Robinson | James | Cork |
| Monash Law School Prize for International Law of the Sea I: Marine Resources and Management | Monash Law School | Malcolm | Crang |
| Thomson Reuters Legal and Tax Australia Prize for Introduction to Legal Reasoning | Thomson Reuters Legal and Tax Australia | Elouise | Davis |
| Monash Law School Prize for Research Unit A & B | Monash Law School | Joshua | Dellios |
| Herbert Geer Prize for International and Comparative Trademark Law | Herbert Geer | Hilary | Duffy |
| Monash Law School Prize for Capital Markets Regulation: A Comparative Perspective | Monash Law School | Hilary | Duffy |
| Enid Campbell Prize for Constitutional Law Supported by the Victorian Government Solicitor | Victorian Government Solicitor | Matthew | Eglezos |
| Monash Law School Prize for Restitution | Monash Law School | Daniel Patrick Lee | Elliott |
| Monash Law School Prize for Research Unit A & B | Monash Law School | Hugh | Evans |
| Department of Justice Prize for Administration of Criminal Justice | Department of Justice | Zehra | Fikret |
| Australian Finance Conference Prize for the Law of Financial Transactions | Australian Finance Conference | Jennifer | Findlay |
| Alec Masel Prize for Civil Procedure Supported by DLA Phillips Fox | DLA Phillips Fox | Jennifer | Findlay |
| Australian Advocacy Institute Prize for the Vis Arbitration Moot | Australian Advocacy Institute | Jennifer | Findlay |
| Monash Law School Prize for Research Unit A & B | Monash Law School | David | Fixler |
| Blake Dawson Prize for Contract B | Blake Dawson | Jenna | Friedman |
| Monash Law School Prize for Construction Law | Monash Law School | Anne | Garner |
| Monash Law School Prize for Professional Practice | Monash Law School | Anne | Garner |
| Monash Law School Prize for International Criminal Law | Monash Law School | Jedidiah | Gilbert |
| Monash Law School Prize for International Criminology | Monash Law School | Sarah | Griffin |
| Arnold Bloch Leibler Prize for Insolvency | Arnold Bloch Leibler | Timothy | Guy |
| Deacons Prize for International Environmental Law | Deacons | Tom | Haines |
| Monash Law School Prize for Asian Legal Systems | Monash Law School | Ryan | Hamilton |

Appendix II

| Prize Won | Supporter | First Name | Surname |
|---|--|-------------|--------------|
| Blake Dawson Prize for Law and Discrimination | Blake Dawson | Sophie | Herreen |
| Holding Redlich Prize for Law, Gender and Feminism | Holding Redlich | Sophie | Herreen |
| County Court of Victoria Prize for Current Problems in Criminal Law | County Court of Victoria | Rachel | Hatton |
| Thomson Reuters Legal and Tax Australia Prize for Torts B | Thomson Reuters Legal and Tax Australia | Sarah | Holloway |
| Freehills Prize for Equity | Freehills | Christopher | Holmes |
| Monahan + Rowell Prize for Skills, Ethics and Research B | Monahan + Rowell | Michael | Howard |
| Commonwealth Director of Public Prosecutions Prize for Federal Criminal Law (1st Prize) | Commonwealth Director of Public Prosecutions | Allison | Jones |
| Monash Law School Prize for the Jessup Moot Seminar | Monash Law School | Yasmine | Khan |
| National Australia Bank Prize for International Banking Law | National Australia Bank | Philip | Klejn |
| Department of Justice Prize for Non-adversarial Justice | Department of Justice | George | Kosmas |
| Mallesons Stephen Jaques Prize for Legal Philosophy | Mallesons Stephen Jaques | George | Kosmas |
| Monash Law School Prize for the Jessup Moot Seminar | Monash Law School | George | Kosmas |
| Monash Law School Students' Publication Prize (1st Prize) | Monash Law School | Joanna | Kyriakakis |
| Monash Law School Prize for International Organisations | Monash Law School | Christopher | Lane |
| Peter Twining Prize for the Best Honours Thesis in Common Law Supported by DLA Phillips Fox | DLA Phillips Fox | Catherine | Langley |
| County Court of Victoria Prize for Current Problems in Criminal Law | County Court of Victoria | Yardena | Lankri |
| Hall & Wilcox Prize for Lawyers, Ethics and Society | Hall & Wilcox | Danny | Li |
| Thomson Reuters Legal and Tax Australia Prize for Media Law 1 | Thomson Reuters Legal and Tax Australia | Jaclyn | Lontos |
| Corrs Chambers Westgarth Prize for Law of Employment | Corrs Chambers Westgarth | Timothy | Ma |
| Carol Keating Prize for Criminal Law and Procedure Supported by the Office of Public Prosecutions | Office of Public Prosecutions | Parag | Manihar |
| Australian Advocacy Institute Prize for the Vis Arbitration Moot | Australian Advocacy Institute | David | Markham |
| Commonwealth Director of Public Prosecutions Prize for Federal Criminal Law (2nd Prize) | Commonwealth Director of Public Prosecutions | Elisha | Marriott |
| Lawrie McCredie Prize for Wills, Probate and Administration Supported by Monash Law School | Monash Law School | Jerome | Martin |
| Thomson Reuters Legal and Tax Australia Prize for Contemporary Workplace Relations Law | Thomson Reuters Legal and Tax Australia | Penelope | Mason |
| Monash Law School Prize for Capital Markets Regulation: A Comparative Perspective | Monash Law School | Timothy | McDonald |
| Holding Redlich Prize for International Human Rights | Holding Redlich | Angus | McLeod |
| Monash Law School Prize for Modern European Civil Codes: Comparative Tort | Monash Law School | Annika | Memery |
| Davies Collison Cave Prize for Biotechnology and the Law | Davies Collison Cave | Dilini | Mendis |
| Monash Law School Prize for Cyberlaw | Monash Law School | Matthew | Merry |
| Monash Law School Prize for Comparative European Legal Systems | Monash Law School | Rebecca | Milton |
| Arnold Bloch Leibler Prize for Indigenous Peoples and the Law | Arnold Bloch Leibler | Pamela | Mitropoulos |
| Transport Accident Commission Prize for Advanced Professional Practice | Transport Accident Commission | Sharynn | Moors |
| Maurice Blackburn Prize for Law Reform and Community Development | Maurice Blackburn Lawyers | Sharynn | Moors |
| County Court of Victoria Prize for Comparative Criminal Law | County Court of Victoria | Anna | Morris |
| Mallesons Stephen Jaques Prize for Current Problems in Constitutional Law | Mallesons Stephen Jaques | Juan | Munoz |
| LexisNexis Prize for Restrictive Trade Practices | LexisNexis | Sherenthi | Narayanasamy |
| Australian Advocacy Institute Prize for the Vis Arbitration Moot | Australian Advocacy Institute | Sherenthi | Narayanasamy |
| Brian Benjamin Prize for Trusts Supported by DLA Phillips Fox | DLA Phillips Fox | Alexandra | Neal |
| National Australia Bank Prize for Australian Commercial Law | National Australia Bank | David | O'Loughlin |
| Allens Arthur Robinson Prize for Corporations Law | Allens Arthur Robinson | David | O'Loughlin |

| Prize Won | Supporter | First Name | Surname |
|--|--|-------------|--------------|
| Freehills Prize for Equity | Freehills | David | O'Loughlin |
| Hunt & Hunt Prize for Property B | Hunt & Hunt | David | O'Loughlin |
| Monash Law School Prize for Research Unit 412 | Monash Law School | Rogan | O'Shannessy |
| Monash Law School Prize for United States Foreign Relations Law | Monash Law School | Erin | O'Sullivan |
| Herbert Geer Prize for International and Comparative Trademark Law | Herbert Geer | Gabrielle | Palmieri |
| Corrs Chambers Westgarth Prize for Intellectual Property Law 1: Copyright, Designs and Confidential Information | Corrs Chambers Westgarth | Sarah | Parkinson |
| Hunt & Hunt Prize for Property A | Hunt & Hunt | Marianna | Parry |
| Blake Dawson Prize for Contract A | Blake Dawson | Milica | Petronijevic |
| Monash Law School Prize for Collective Labour Rights | Monash Law School | Brendan | Richardson |
| Jeffrey L Sher Prize for Trial Practice and Advocacy Supported by the Australian Advocacy Institute | Australian Advocacy Institute | Nick | Rimington |
| Alec Masel Prize for Civil Procedure Supported by DLA Phillips Fox | DLA Phillips Fox | Elizabeth | Rivalland |
| Dr Brian Donovan Memorial Prize for Citizenship and Migration Law supported by the Dr Brian Donovan Memorial Trust | Dr Brian Donovan Memorial Trust | Philippa | Ross |
| Victorian Institute of Forensic Medicine Prize for Elements of Forensic Medicine | Victorian Institute of Forensic Medicine | Joy | Russell |
| Jeffrey L Sher Prize for Trial Practice and Advocacy Supported by the Australian Advocacy Institute | Australian Advocacy Institute | Jade | Ryan |
| Monash Law School Prize for Research and Writing | Monash Law School | Brodie | Same |
| Monash Law School Students' Publication Prize (Runner Up) | Monash Law School | Adam | Sauer |
| Monash Law School Prize for Introduction to Family Law | Monash Law School | Anna | Schneider |
| Monash Law School Prize for Family Property and Financial Disputes | Monash Law School | Anna | Schwartz |
| Louise Crockett Memorial Prize for Family Law (Parents, Children and the State) Supported by the Louise Crockett Memorial Fund | Louise Crockett Memorial Fund | Anna | Schwartz |
| Monash Law School Prize for Asian Legal Systems | Monash Law School | Andrew | Sinclair |
| Blake Dawson Prize for Comparative Antitrust Law | Blake Dawson | Alice | Smith |
| Monash Law School Prize for International Organisations | Monash Law School | Jessica | Taft |
| Monahan + Rowell Prize for Legal Issues in Medicine | Monahan + Rowell | Jayr Tejada | Teng |
| Monash Law School Prize for Secured Transactions in the Context of Law and Development | Monash Law School | Jane | Tiller |
| Monash Law School Prize for International Law of the Sea I: Marine Resources and Management | Monash Law School | Anna | Tucker |
| Monash Law School Prize for the Family Law Assistance Program – Professional Practice | Monash Law School | Christopher | Twidale |
| Australian Advocacy Institute Prize for the Vis Arbitration Moot | Australian Advocacy Institute | Sylvester | Urban |
| Monahan + Rowell Prize for Legal Issues in Medicine | Monahan + Rowell | Elyse | Waller |
| LexisNexis Prize for Evidence | LexisNexis | Margaret | Walsh |
| Clayton Utz Prize for International Commercial Arbitration | Clayton Utz | Katarzyna | Wawrzykowska |
| Davies Collison Cave Prize for Intellectual Property 2: Patents, Trade Marks and Unfair Competition | Davies Collison Cave | Rachael | Wong |
| Sir Owen Dixon Prize for International Law Supported by the International Commission of Jurists – Victoria | International Commission of Jurists (Victoria) | Wendy | Zukerman |

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