

SCHOOL OF LAW



**MURDOCH
UNIVERSITY**
PERTH, WESTERN AUSTRALIA

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FROM THE OFFICE OF THE DEAN

I am delighted to introduce this, the *forty fifth* issue of the *Newsletter*, the second (of three) for 2002. Like its predecessors, which go back in a continuous line to the foundation of our law school in 1990, this one records, in this case for the period of four months from May to August 2002, a broad range of staff and student activity and accomplishment. As with previous issues, there are entries in our regular 'departments' that include staff news, appointments, grants, teaching and learning highlights, news from our clinic (SCALES), the law library, alumni, student achievements, and presentations and publications in the School. There are also a range of special events this issue marks, including the launch of a videotape on combatting racism in sport, a 'hypothetical' style panel discussion led by one of our staff at a recent conference on indigenous treaty issues for Australia, and what has now become an annual event, 'Be a Law Student for a Day'.

However, I want to particularly deal here with three matters, two of which are referred to in this issue of the *Newsletter*, and one of which we will feature in our next issue. These all point to outstanding contributions, from members of the profession, our staff and our student body, to the School, or to enterprises in which we have been significantly engaged.

On 28 August teaching began in a pioneering program of continuing professional development of advocacy skills for lawyers, Trial Advocacy 2002. This is a joint venture between the Supreme Court and the School of Law. It will culminate in a trial on 23 November. The course is made possible through the efforts of members of the bench of the Supreme and District Courts in Western Australia and members of the legal profession in the state. The course also features the participation of students from the WA law schools who have volunteered to act as clients and witnesses in the presentations and workshops, thereby gaining the opportunity to sit in on the sessions for which they have volunteered. We are most grateful indeed for the support of all of them.

As I write, in October, the School is now in what we hope will be the successful concluding stages of our fundraiser for a new building for Law at Murdoch. Staff, students and alumni of the School have been very actively involved in the campaign, particularly in these concluding stages. The alumni of the School are working with current students on a variety of ways in which all of those interested in the work of the School and this cause can be involved in bringing this large project to a conclusion.

Finally, between 29 September and 2 October, the School hosted the 2002 Annual Conference of the Australasian Law Teachers Association. There will be more on this Conference in our next issue of the *Newsletter*. The Conference was made possible by the participation of staff of the School, who organised the Conference and many of whom were presenters at it, as well as student volunteers, who assisted in the set up of the Conference facilities and in providing guidance for registrants to those facilities. We are most grateful for the work of all of them!

The School and its reputation are the product of all of the sorts of contributions to it that I have mentioned here. It is most important we celebrate them. The *Newsletter* offers us one way of doing this that the School has been strongly committed to throughout its history.

I commend this issue of the *Newsletter* to you.

Ralph Simmonds
Dean and Professor of Law
October 2002



STAFF NEWS

Resignation

In August, **Stephanie Monck** left the staff of the School of Law. Stephanie joined the School of Law in November 2001 as Lecturer in Law and as co-ordinator of the Kooro Kudidj Pre Law Program for 2002. Her position was made possible by a collaboration between the School and the Kulbaradi Aboriginal Centre in the University. Stephanie will be taking up a two year position as Associate to Judge Yeats of the District Court. We are sad to lose her so soon after she joined us, but this is a wonderful opportunity for Stephanie and we wish her well.

APOLOGY

The Editor apologises for an error in the January/February/March/April 2002 issue of the *Newsletter*. The caption for one of the photographs in our report on the 'Dean's Awards Ceremony' is incorrect and should read: *"2002 MSLS President Amelia Macknay receives her prizes from Jenny Thornton of Allens Arthur Robinson."*

TEACHING AND LEARNING

Graduate Attributes at Murdoch

Murdoch University has dedicated itself to producing graduates with highly desirable attributes which are: Good Communication Skills, Analysis and Problem Solving Skills, Appreciation of Social Justice, Global Perspectives, Good Social Interaction, Indepth Professional Knowledge and Appreciation of Interdisciplinarity.

It is expected that across the range of required units in every Murdoch degree, including the LLB, all of these valuable traits will be developed to a high level. One step being taken across the University to meet this objective is a "mapping" exercise to compile a picture of which attributes are being emphasised in particular units.

The Teaching and Learning Committee of the School recently held a seminar to introduce law staff to the mapping process and to discuss graduate attributes as they relate to law. Staff from the University's Teaching & Learning Center led the discussion which produced some valuable ideas (and lively debate!).

Discussion centred around the relation of graduate attributes and preparation for practice. The Law School conducts a regular survey of employers of Murdoch graduates to help ensure its teaching is relevant and appropriate.

Teaching Consultancies

Prof Gary Meyers developed and co-ordinated a three-day short course/workshop for Land Council legal and policy staff from Queensland and New South Wales on the intersections of environmental and native title law, hosted by the North Queensland Land Council, Cairns, Queensland, 8-11 May 2002.

LAW LIBRARY

Reader Education

The WebCT online research quizzes for the units *L150 Australian Legal System* and *L170 Legal Process* provided a solid grounding in basic research skills. These quizzes provide a double challenge for many students coming to grips with both legal research and working in an 'alien' online research and teaching environment. Students staffing the *Legal Research Assistance Desk* established a good rapport with those taking the quizzes, providing encouragement and expert support. Their services were very much appreciated as the new students came to grips with the essential research materials and processes.

A workshop for students enrolled in SCALES provided some advanced research skills to support the practical aspects of their work in the clinic. A legal materials and research workshop was presented by Anne Greenshields and Tracey Summerfield, the lecturer for Rockingham engineering students enrolled in *G432 Engineering Law*.

Services

Induction Manual

Librarians in the BITL area compiled and distributed a draft of an induction booklet for new academic staff. Feedback and comments will be incorporated in the final version.

Resources

A review of library serials, including the law library collection, resulted in the cancellation of several costly non-core subscriptions. The potential impact of these cancellations will be monitored over the coming year to ensure the integrity of the collection is maintained.

Murdoch's contribution to the weblaw ARC REIF project's development of a centralised database continued with the addition of metadata and descriptions for Intellectual Property research sites.

- The static weblaw Intellectual Property page is: <<http://www.lib.murdoch.edu.au/internet/bitl/ip.html>>
- The searchable weblaw development database is: <<http://www.weblaw.edu.au/weblaw/index.phtml>>

Community Service

Nerida Gilbert (Law Reference Librarian) and Gary Meyers (Professor of Law) gave a paper and demonstration to the Australian Law Librarians Group (WA division). The paper "*Primary Sources: A 'Not-So-Anonymous' Review of US Legal Research Materials and Sources*" was presented to 25 law librarians in August. The presentation began with Gary presenting an overview of the US legal system and discussion of real experience in the US. This was followed by Nerida's review of legal research resources available to Australian legal researchers. The review included free and subscription services and recommendations for cost effective research methods. Mandy Everett from Butterworths gave an overview of relevant Lexis resources. This was followed by a productive round table discussion of US legal research approaches and methods available to Australian law librarians.

APIPLI WINE LAW SEMINAR

On 11 December 2002, the Asia Pacific Intellectual Property Law Institute, together with The Wine Industry Association of Western Australia and Deacons Lawyers, will present a one day seminar on wine law. The seminar, entitled "Wine Law for Non-Lawyers" will feature papers on a number of wine related legal issues. These will include, but will not be limited to, geographical indications, trademarks and business names, internet sales, quarantine issues, growers' agreements, taxation issues, plant breeders' rights and confidential information.



Speakers will include, amongst others, Dr Christopher Kendall (Director, APIPLI), Mr Chris Hewitt (Deacons), Mr Jeremy Curthoys (Francis Burt Chambers), Ms Lisa Teller (Teller & Associates), Mr Andrew McRobert (Deacons), Prof Ralph Simmonds (Dean, School of Law, Murdoch University), Prof Michael Pendleton (APIPLI), Dr Pauline Sadler (APIPLI) and Mr Roger Sullivan (Barrington Partners).

The seminar will cost \$150; this includes lunch and a wine tasting. For more information, please contact the Wine Industry Association of WA on (08) 9385 1699 or at <winewa@winewa.asn.au>.

APPOINTMENTS

Fernand de Varennes

- Senior Non Resident Research Associate, European Centre for Minority Issues, Flensburg, Germany
- Member, Working Group on Autonomy and Political Participation, Second International Conference on Regional Autonomy of Ethnic Minorities, Uppsala University, Sweden.

Mary Anne Kenny

- Interim Convenor, Centre for Advocacy Support and Education (CASE) for Refugees
- Board Member, Human Rights W.A.

Gary Meyers

- Member, Management Committee, Asia Research Centre, Murdoch University, effective August 2002.
- Elected President of the Fremantle Lawn Tennis Club for the 2002-03 season, having served for a year as Vice President.

Ralph Simmonds

- Chairman, Personal Property Security Reform Committee, Banking and Financial Law Association (August 2002).

LAW CLINIC (SCALES) REPORT

Student Advocates

Anna Copeland, Colin James and Glynnes Rynn ran an advocacy seminar for the clinic students in May 2002 using the facilities of the Rockingham Children's Court. The students are to be congratulated for the extra effort in attending a seminar in Rockingham. The seminar went well with the students getting into the swing of role-plays.

A number of students have been able to represent clients in the Rockingham Children's Court on simple pleas in mitigation and adjournments. Their level of preparation and presentation has been excellent. Congratulations to the first and second semester students, Shivon Daniele, Claudia Gan, Andrew Thangarajah, Marcus Procopio and Daniel Johnson.

First semester student Shivon Daniele also represented a client in a hearing before the Social Security Appeals Tribunal.

Law Week: 13–17 May 2002

The focus of law week was young people and the law. During Law Week Susanne and Anna organised a cyber demonstration of legal web sites for young people over at the Rockingham Court. Also Susanne acted as an interlocutor during a forum at the Octagon Theatre on "Young People and Public Space", which put the experts in "the hot seat".

Work with Asylum Seekers and Refugees

It has been a very busy 4 months in this area.

Mary Anne Kenny gave evidence at the Human Rights and Equal Opportunity Commission Enquiry into Children in Detention on 10 June 2002. She presented some findings and recommendations from a report that had been prepared by her with the assistance of the students who were enrolled in the Advanced Immigration Clinic in Summer 2001/2. SCALES was thanked by the Human Rights Commissioner, Dr. Sev Ozdowski, for the "substantial submission". The SCALES submission is available online at <http://www.humanrights.gov.au/human_rights/children_detention/submissions/scales.html>.

Mary Anne was also invited to meet with the United Nations Working Group on Detention which visited Perth on 25 May 2002 along with some other NGOs. She spoke to them regarding some of the legal issues for people in detention.

Anna Copeland, Mary Anne Kenny and Gai Walker have been working hard on the establishment of a new specialist community legal centre - the Centre for Advocacy Support and Education (CASE) for Refugees. Anna and Mary Anne participated in the training of volunteer teams to take statements from temporary protection visa holders in order to assist them in applying for permanent protection visas. Both have acted as supervisors for 6 teams of 4 volunteers. Volunteers have worked on weekends and after hours with the refugees, taking statements with the assistance of interpreters. Gai Walker has assisted in providing administrative support and advice in the establishment of the centre. It is exciting to see so many current and former SCALES students on the volunteer team for CASE for Refugees.

On 23 May 2002, over 750 people attended a forum, organized by the WA Amnesty International Refugee team - "Refugees In Australia Forum: Beyond The Rhetoric". The evening was chaired by The Hon Fred Chaney. There was an opening address by Phillip Adams AO, followed by addresses from Senator Ross Lightfoot, the Hon. Carmen Lawrence MP and Mary Anne Kenny. These addresses were followed by questions and comments from the audience.

Finally, Mary Anne Kenny appeared on the ABC Radio Law Report on Tuesday 18 July 2002 following the publication of an article on "Force Feeding Asylum Seekers" that appeared in the June edition of *Alternative Law Journal*.

Award nominations

Murdoch University has nominated SCALES for two awards – the Premier's Award for Excellence in Public Sector Management 2002 (Social and Community Development Category) and Department for Community Development Community Service Industry Awards 2002.

Funding

SCALES was successful in obtaining funding from the Law Society's Public Purposes Trust to fund the South West Youth Legal Project.

Congratulations

Stephanie Monck, who had been working at SCALES as an articled clerk part-time, has recently left SCALES to commence work as an Associate to Judge Yeats in the District Court of Western Australia.

Closure of Kwinana Office

Sadly, SCALES has had to close its office in Kwinana as from August 2002. All of its operations will now be based in Rockingham. SCALES had been operating out of the Kwinana office on a part time basis since August 2000.

Maintaining a service from the office was difficult due to limited staff and capital resources. The decision to close was made after a long period of trialling different methods of operation.

The decision was made to take further office space in Rockingham Lotteries House and to plan for future larger purpose built premises for SCALES.

Colin has negotiated with Bob Searle, Chief Executive Officer at the Town of Kwinana, to allow SCALES the use of a meeting room within the Council Offices for Family Law Info forums in Kwinana until early 2003. A review will then be done of how this is working.

'AFL: NOT JUST A GAME'

'AFL: Not Just A Game' puts the spotlight on racism in football

THE 30-minute documentary video, 'AFL: Not Just A Game', was launched by WA's Equal Opportunity Commissioner Moira Rayner as part of Murdoch University's three-day Treaty Conference last June.

Directed by Murdoch University Senior Lecturer in Law Tony Buti and Media Studies Senior Lecturer Martin Mhando, 'AFL: Not Just a Game' investigates racism in sport and its wider consequences.

The documentary - the most up to date account of the issues surrounding racism in the Australian Football League - follows the events through the eyes and voices of players, coaches, umpires, journalists and administrators.

"In 'AFL: Not Just a Game' we discover that the AFL and the people involved in the industry have moved a long way forward in a relatively short period," said Mr Buti.

"This is based in the strategies that the AFL undertook a few years back by instituting anti-racial vilification rules. The video is a celebration of AFL as an organisation and as a sport that has made a difference in our society through changing peoples' perceptions of racism in sports."

The documentary features interviews with many central football figures including players Scott Chisholm, Peter Bell, and Clem Michael, coaches Mick Malthouse and Kevin Sheedy and AFL official Tony Peek.

Other interviews include those with sports journalist Michael Sheahan, Essendon Director Beverly Knight, player agent and former Minister the Honourable Gordon Hill, umpire Derek Humphrey-Smith and former Equal Opportunity Commissioner June Williams.

Insightful commentary is provided by TV personality Dennis Cometti.

(by courtesy of Mike Peeters, Community Relations, Murdoch University)



*Guests at the launch:
Front row (fr left): Scott Chisholm, Barry Cable, Moira Rayner (Equal Opportunity Commissioner for W.A.)
Second row (fr left): Chris Marcinowski (Murdoch School of Law), Tony Buti, Prof Mal Nairn (Acting Vice Chancellor, Murdoch University)*



Tony Buti (2nd fr right) with the musicians (fr left) Mark Burt, Adam Darcey (seated), Chris Marcinowski and Ronniel Orlando

Copies Available

Copies of the documentary are available for purchase from the School of Law Office, Murdoch University. Please send a cheque for \$25 (incl GST) plus \$5 postage, payable to Murdoch University, to Sharon Owens, School of Law, Murdoch University.



'AFL: Not Just A Game' – Second Screening

On 30 July 2002, the Murdoch Student Law Society organised a public screening of the documentary at the University's Nexus Theatre. It was a very well attended event, with the audience including politicians, sporting administrators, AFL players, current students, academics and alumni. Cameron Schwab, the CEO of the Fremantle Dockers, introduced the documentary and spoke about his involvement with a number of high profile racial vilification cases in the AFL. Prior to the screening of the documentary, the title song ("Don't Close Your Eyes to the Words", written by Mandy Buti and Adam Darcey) was performed by Adam Darcey, Ronni Orlando, Chris Marcinowski and Julian Peppinck.



Vocalist and Murdoch Law student, Julian Peppinck



Back Row: (fr left) Martin Mhando, Tony Buti, Daniel Haines (Fremantle Dockers), Terry Dean (President, South Fremantle Football Club)
Front Row: (fr left) Camern Schwab (CEO, Fremantle Dockers), Brian Ciccotosto (General Manager, South Fremantle Football Club), Arthur Marshall MLA



Dockers footballers who attended the public screening (fr left) Daniel Haines, Roger Hayden, Steve Koops, Andrew Shipp (behind)

HYPOTHETICAL

A hypothetical based around a treaty between Aboriginal Australia and non-Aboriginal Australians was held at the conference "Treaty - Advancing Reconciliation" at Murdoch University on 27 June 2002. The hypothetical was introduced by Murdoch Law student Shourik Chatterjee, who had the audience laughing with his impersonations of Prime Ministers John Howard and Tony Blair. Senior Lecturer in Law **Tony Buti** was the moderator of the hypothetical which included a panel of eminent guests, including The Hon David Malcolm, Chief Justice of the Supreme Court of Western Australia, The Hon Fred Chaney, Nova Peris-Kneebone and Michael Mansell.



Hypothetical Participants: (fr left) Shourik Chatterjee, David Ritter (Yamatji Land & Sea Council), the Hon Fred Chaney, Clarie Isaacs, Colleen Hayward, The Hon David Malcolm (Chief Justice of W.A.), Mark Donovan (WMC), Rev. Cedric Jacobs, Stephanie Monck, Cameron Syme, Dennis Eggington and Tony Buti.

BUILDING LAW AT MURDOCH

A cocktail function held on 24 July 2002 thanked initial sponsors and officially launched the second and final phase of the campaign.

Professor Ralph Simmonds, Dean and Foundation Professor, School of Law, formally welcomed guests, thanked the WA legal profession and individuals for their commitment, support and financial generosity - this has been instrumental in the establishment and growth of the School of Law. Professor Simmonds then introduced newly appointed Vice-Chancellor, Professor John Yovich. Professor Yovich announced, through the efforts of the Leadership Gifts Committee and from individual donations the campaign had raised \$980 000. The second and final phase of the campaign to be led by members of the profession who have volunteered their services as members of the Major Gifts and Alumni Committees have a target of \$500 000 to raise by December 2002. Professor Yovich concluded by stating that the University has committed \$2.2 million to the project.



Campaign Chairman, Rory Argyle (left) in conversation with the Vice Chancellor of Murdoch University, Prof John Yovich



Prof John Yovich, Vice Chancellor of Murdoch University, with Campaign Patron, Sir Ronald Wilson



Fr left: Cressie Walwork (Alumni Committee Member), Damian Cooper (Law tutor), Tony Chong (Alumni Committee Member) and Senior Lecturer in Law Archie Zariski

The Senate and senior administration of the University have now given the go ahead to this project so that construction can begin in February 2003, subject to the Campaign raising a total of \$1 500 000 by the end of December 2002. To date the generous pledges from major firms and individual donors total \$1.1 million.

The School of Law has a proud tradition – it has already established an enviable reputation in legal education in just ten years. From its first five graduating classes, the School has produced a Rhodes Scholar, a Fulbright Scholar, a Lionel Murphy Scholar and several winners of the Rotary Graduate Fellowship.

Professor Simmonds says: “The School’s history has been one of energy, enthusiasm and practical innovation, in partnership with those our work serves. This campaign is the latest expression of that tradition. We now need to build upon this tradition in order to provide a superior legal education to our students. To achieve this, we must offer the right facilities and research materials”.

BUILDING LAW AT MURDOCH (Cont.)

Murdoch School of Law was, and remains, accommodated in a building and with teaching facilities shared with Economics and Commerce.

A Law Building with its own dedicated teaching areas and facilities is essential – if Murdoch is to offer a competitive student learning environment.

The new School of Law building will meet several urgent needs. In particular, it will:

Ensure Western Australia remains a vibrant, energetic contributor in the success of national and local legal practices.

Ensure that the contribution Murdoch has made to the profession through the graduates it has produced continues to strengthen by building on the skills that graduates will need when entering the profession.

Increase the potential to recruit and maintain experienced staff to lecture in their speciality area of law. This will help to increase diversity of staff and the development of new teaching practices.

Address the critical lack of a moot court/law centre, mooted and other smaller teaching spaces and work areas to accommodate staff and students year round. This will assist in overcoming the current difficulty in organising practical activities, such as moot and forensic classes, in lecture rooms which can replicate reality.

Our target for the second phase of the Campaign is achievable through the continued efforts of the Major Gifts and Alumni Committees and initiatives being organised through the campaign office. We are looking forward to the involvement of all of those who have supported the School in the past to assist us in our efforts to reach our goal!

SUPREME COURT/MURDOCH UNIVERSITY TRIAL ADVOCACY COURSE 2002

On 28 August the first seminar in this new certificate course of continuing professional development was presented at the District Court of Western Australia. It represents a joint venture between the Supreme Court of Western Australia and the School of Law at Murdoch, and is directed by an organising committee made up of representatives from both as well as senior members of the legal profession. The course is aimed at lawyers wishing to develop their skills as advocates, particularly in the superior courts of Western Australia.

The course will feature 12 seminars, held weekly, with a three week break between the fifth and sixth seminars. Each seminar will run for approximately two and a half hours. They will feature presentations by members of the bench and by members of the profession, as well as from some staff in the School of Law. Most seminars will also feature workshops led by members of the bench and the profession in which registrants are given the opportunity to practise what they have learnt. In many of these workshops participants' performances will be videotaped. The participants will review the recordings with a reviewer, also from the profession. The course will culminate with trials involving all of the participants as counsel, on 23 November.

The course has proved to be very popular, with numbers capped at 40 registrants. The course would not have been possible without the tremendous support of members of the bench and the profession who have given their time and the benefit of their experience to present and to participate in workshops. In addition, students in the School of Law at Murdoch as well as the Law School at the University of Western Australia are volunteering their time to play the roles of clients and witnesses.

We also gratefully acknowledge the support for the course of the District Court of Western Australia, The Western Australian Bar Association, The Law Society of Western Australia and the Australian Advocacy Institute.

Consideration is being given to the possibility of mounting the course again in 2003.



'BE A LAW STUDENT FOR A DAY'

The School of Law hosted its third successive 'Be A Law Student For a Day' on Sunday 4 August 2002.

As in previous years, the event was advertised through secondary schools and to students on the University's prospective students database who had indicated an interest in studying Law. The limited places available were rapidly filled.

About 80 high school students were welcomed to the event by the Dean of the School of Law, Prof Ralph Simmonds. The program included 'mini lectures' on the topics "Hate, speech and equality" (Dr Christopher Kendall), "Treatment of Violent Offenders" (Guy Hall) and "Sex, drugs and sport" (Tony Buti). As part of his lecture, Tony Buti showed his newly released documentary "AFL – Not Just A Game" which was very well received by the student audience. The formal part of the program also included a presentation by the President of the Murdoch Student Law Society on what it is like to be a Law student and a question and answer session, conducted by the Dean.

About a dozen Murdoch Law students turned out on what was a freezing cold morning to lend their assistance as guides and to chat with the 'schoolies' during the breaks. As always, this assistance was valuable and greatly appreciated.

As on the previous two occasions, the event was a resounding success, with nearly all participants stating that they are more likely to choose to attend Murdoch Law School as a result of their participation. This outcome is most certainly due to the manner in which the event brought into focus the passion that our staff feel about the law and their role as legal educators as well as the friendliness and approachability of our staff and students.

The School of Law plans to continue with 'Be A Law Student For A Day' as an annual event. It has become a much anticipated one with secondary school students who are interested in studying law as well as a great opportunity for us to demonstrate what it is that makes the Murdoch School of Law a great place at which to do so.



A picture of concentrated attention!



MSLS students who assisted on the day



A packed lecture theatre enjoys Senior Lecturer in Law Guy Hall's lecture



STUDENT ACHIEVEMENTS

Western Australian/Hyogo Prefecture Japanese Studies Scholarship

Congratulations to Law student **Kate Norman**, who has been awarded the Western Australian/Hyogo Prefecture Japanese Studies Scholarship for 2003. The scholarship is worth \$40,000 and will enable Kate to study at Konan University in Kobe, Japan next year.

Academic Challenge

The Murdoch team, comprising **Marina Tinning, Matthew Ireland** and **Shourik Chatterjee**, were victors in this year's Butterworths University Academic Challenge. Teams from the three Law Schools compete in the event and competitors are asked a series of questions, both law related and general knowledge. Murdoch became the first Law School in the short history of the Challenge to win in succeeding years. As last year's winners, Murdoch hosted this year's event and a great job was done under the direction of Murdoch Student Law Society's Education Vice President, Elouise Dellit. The quiz master was the Solicitor General, Robert Meadows QC. The prize which was provided by Butterworths and presented by the President of the W.A. Law Society, Clare Thompson, has been donated to the Murdoch Law Library.

ALSA Competition Results

Murdoch Law students competed well at this year's ALSA conference which was held in Adelaide from 7 to 14 July and was co-hosted by Law Schools at The University of Adelaide and Flinders University. Highlights were as follows:

- **Matthew Potter** and **Fiona Harma** made it to the final of the Client Interview Competition but were beaten by UWA in a Western Derby!
- **Matthew Ireland, Daniel Sawyer** and **Jessica Evans** made the semi-final of the Mooting Competition.

Youth Community Service Awards

Murdoch Law Students **Amelia Macknay** and **Gehann Perera** have both been awarded Law Week Youth Community Service Awards worth \$250. Amelia is a final year Law student and President of the Murdoch Student Law Society, while Gehan is the Murdoch Student Law Society's Third Year Education Representative. Amelia and Gehann received their awards, which are sponsored by the Department of Community Development and Youth Affairs, in recognition of their work in helping to improve the understanding of the policing of young people in public places. In addition to their personal award, Amelia and Gehann received a cash prize of \$500 to donate to a youth group of their choice which was the Youth Legal Service. Well done, Amelia and Gehann!



Amelia Macknay and Gehann Perera

2002 Plain English Drafting Competition

The School is proud to announce that the six winners of the Law Society of Western Australia's 2002 Plain English Drafting Competition for Law Students were Murdoch Law students. The winners – **Katy Stanlake, Lydia Wells, Brett Lester, Susan McCarrey, Michael Panegyres** and **Imogen Scanlan** - were presented with their prizes by Justice Steytler of the Supreme Court at a ceremony at the Law Society's premises on 27 August.

Appointments as Judge's Associates

Congratulations to **Andrew Thangarajah** who has been appointed Associate to the Chief Justice for W.A., the Hon. David Malcolm, and **Wendy Meggison** who has been appointed Associate to newly appointed Justice Michael Barker. Both Andrew and Wendy will take up their appointments next year.

ALUMNI

'Missing' Graduating Year Photographs

The School of Law is missing photographs of several of our earlier graduating year groups. If you graduated in 1994, 1995, 1996 or 1997 and have a photograph of your graduating year group that you are willing to lend to the School so that they can have a copy made, please contact Moira Dawe in the School of Law Office on (08) 9360 6192 or at <M.Dawe@murdoch.edu.au>.

News from our Alumni

We are always looking for news of our alumni to share by way of the *Newsletter*. In this issue, we have updates from several of our past Murdoch Student Law Society (MSLS) Presidents. If you have news to share, please forward it by email to the Editor at <M.Dawe@murdoch.edu.au>.

Daniel Mah (Law with First Class Honours, 1993)

Daniel has recently completed his JSD from Stanford University. His thesis, "The Tale of Two Networks", is a study of unregulated networking interconnection in telecommunications, comparing the early 20th century in the US with the present day Internet. Having done the Virginia Bar Exam, Daniel will be starting work in Washington DC with Steptoe & Johnson, in their Telecommunications Group, on 3 September. However, he will have to go to classes of 26 credits of DC Bar Exam subjects at George Washington University Law School, for the privilege of writing the DC bar exams, so that he can practise in Washington.

Jeremy Rosenthal (Law/Commerce, 1996; MSLS President in 1995)

After graduating at the end of 1996, I commenced articles with Dwyer Durack and continued with that firm throughout my first year of practice. In that time, I also tutored in Property Law at Murdoch. In 1999, I joined Melbourne firm Arnold Bloch Leibler, where I currently practise as a senior associate in commercial law. As a point of interest, Arnold Bloch Leibler is also home to Murdoch alumni Niv Tadmor, Cathy Fitzgibbon and Sabra Easterday. Another alumnus, Tamara Kamien, was also at Arnold Bloch Leibler prior to relocating to the United States.

Robert Hurley (Graduate Law with First Class Honours, 1996)

In 1997 I commenced articles at the Perth office of Blake Dawson Waldron where I worked in the area of professional indemnity. The bulk of my practice was defendant based medical negligence litigation. Our principle clients were medical defence organisations and public hospitals. I have subsequently found it very eerie to watch a TV soapie - MDA on ABC - about this very juncture of law and medicine. Still, what I wouldn't give to come against Jason Donovan in a pre trial conference! One highlight of Blakes was cruising around Kings Park in my Valiant Charger (I am a rev head from way back) as part of a photo shoot for a recruitment brochure.

After two very enjoyable years at Blakes, I temporarily left legal practice and took the opportunity to travel.

I recently resumed my legal career at the Sydney office of Clayton Utz in the product liability section. Our major clients are various manufacturers of medical devices and several large pharmaceutical companies, who are the subject of class action claims. This has offered many new challenges, not the least of which has been trying to get my head around the nuances of the Trade Practices Act.

I have found working at the Sydney office of a national law firm to be quite a culture shock. The scale of operations make the 'big end of town' in Perth look very small. In my office there are nearly 400 lawyers, 13 levels of offices and over a dozen library staff (and they will even do the research for you). Although there are only half a dozen paralegals in my section currently, during one large matter this number temporarily swelled to 65.

The diverse of backgrounds of my fellow employees is also surprising. In my section there are three PhD graduates (in molecular biology, history and health law), a retired Federal Court judge, a lecturer from Sydney University, an ex copy writer for "A Current Affair", a full time pro bono co-ordinator and a former architect.

Working for a major law firm offers lots of opportunities. I intend to make full use of the Clayton Utz's national rotation policy to hopefully be seconded to the Canberra office to obtain some government experience. Clayton Utz also expect all their solicitors to be involved in at least one pro bono matter each year. The scheme aims to assist non-profit organisations and individuals who are unable to obtain Legal Aid funding.

Finally, for all you avid readers of legal pulp fiction, my time in Sydney certainly hasn't been 'hell', despite the 'harbour views' from my office.

Peter McNally (Law/Science, 1997)

After completing articles with Blake Dawson Waldron in Melbourne, I spent the better part of a year in Sydney and then returned to Perth. During that time I mainly worked in the corporate and commercial area and did some intellectual property work as well. In March this year I accepted a position as a commercial lawyer with Woodside Energy Ltd and also made an appearance in Cleo's list of Australia's 50 most eligible bachelors. All in all a pretty busy month! At Woodside I have been doing a broad range of work and have been involved in some exciting new projects. I have also been travelling extensively throughout the best country in the world (Australia) and regularly indulging my passions of cycling, running, bushwalking and rockclimbing.

Jay Leary (Law/Politics, 1998)

After leaving University, I, along with half of our class, travelled around Europe and then India. I completed my articles at Freehills and then became a judge's associate at the Federal Court (an experience I enjoyed immensely). I have since recommenced employment with Freehills and for the past eighteen months have been seconded to a mining company. To my great delight, on 26 October 2002 I will marry alumna Sally Shine!

(Editor: Congratulations and best wishes to Jay and Sally on their forthcoming nuptials!)

Cameron Cross (Law/Asian Studies, 1999)

I completed University in November 1999 and then commenced Articles at the Crown Solicitor's Office in 2000. After completing my Articles at Crown, I relocated to Sydney and took up a position in the Corporate Advisory Group in Blake Dawson Waldron, where I am presently located. Sydney is a lot of fun and the work is very challenging and interesting although you can never quite beat Perth for the outdoors lifestyle!

Matthew Meyerink (Law/Politics & International Studies, 2000)

Since graduating from Murdoch, I have moved to Melbourne, where I have completed my articles at Freehills. I am now working as a lawyer in the firm's project and structured finance group. Since moving here, I've slipped into the Melbourne mode of living, catching the tram to work, enjoying the huge variety of excellent Melbourne food and, weather permitting, spending lots of weekends exploring the rest of Victoria. I'm still missing the W.A. sunshine!! I've also been experiencing the growing reach of Murdoch alumni, whether it be bumping into alumni who are also now living in Melbourne or here for a brief stay, or more unusually, bumping into someone at the top of the Eiffel Tower!

Adam Baxter (Law/Commerce, 2001)

After graduating from Murdoch at the end of 2001, I travelled through Adelaide, Melbourne and Sydney before eventually moving to Melbourne. After taking some time off, I commenced my Master of Laws at Monash University, focusing predominantly on corporate and international commercial law. After a stint at the Insolvency and Trustee Service (part of the Commonwealth Attorney General's Department), I accepted articles at Mallesons Stephen Jaques in Melbourne, which I commenced in September 2002.

When not revelling in the joys of law firm life, I can usually be found exploring the incredible array of cafes, restaurants, bars and lounges that Melbourne has to offer. The arts, shopping and band scene also provides ample opportunity to get out and experience some of the things Melbourne is best known for.

STAFF SEMINAR SERIES

The following seminars were presented as part of the School's Staff Seminar Series during the reporting period.

Seminar Topic: Continuing Connections: Conflicts between Notions of Native Title
Presented By: **David Ritter**, Principal Legal Office, Yamatji Land & Sea Council
Date: Tuesday 6 August 2002

Seminar Topic: Prostitution the German Way
Presented By: **Dr Thomas Crofts**, Senior Lecturer in Law, Murdoch University
Date: Thursday 29 August 2002

MINTER ELLISON SEMINAR SERIES

The Minter Ellison Seminar Series is conducted by the Murdoch Student Law Society with the assistance of Minter Ellison.

A seminar in this series was held on Friday 30 August when Mr Robin McKenzie was the guest speaker.

Rob graduated from Murdoch in 1998 with a Bachelor of Laws and a Bachelor of Asian Studies. He was one of the 25 graduates from across Australia who was offered a position at the Department of Foreign Affairs and Trade and was posted overseas in his first year, which is almost unheard of. This posting was to the Pacific Island of Tarawa which is part of the Republic of Kiribati.

Rob had some incredible stories to tell about his experiences in Tarawa. There were only two people working at the High Commission in Tarawa so when the High Commissioner was away, Rob took his place. As Francis Leach from the Triple J Breakfast Show said (in an interview with Rob), an amazing achievement for someone straight out of university! Rob also had the opportunity to meet John Howard when he visited the High Commission as well as dignitaries from various other nations. Rob's talk was accompanied by photos which depicted an island paradise with beautiful beaches of clear blue water and white sand. Quite a contrast to his current home – Canberra!

Rob was an extremely entertaining and informative speaker and has no doubt inspired a lot of students to join the Department of Foreign Affairs and Trade after they graduate.

Murdoch Student Law Society wish to take this opportunity to thank Minter Ellison for their continuing generous sponsorship of the Seminar Series.

GRANTS AWARDED IN AID OF RESEARCH AND TEACHING

As is our practice in each issue of the School of Law *Newsletter*, we report under this heading staff initiatives in attracting money to the School of Law in support of their academic endeavours.

Applicant: **Prof Gary Meyers**
 Project: Bibliographic research assistance to facilitate completion of a project entitled "Towards Self-Determination: A Socio-Legal History of the Land Rights Movement in Australia (1688-2000)"
 Funding Body: Murdoch University Research Quantum (Productive Researcher) Award
 Amount Awarded: \$2,185

Applicant: **Prof Gary Meyers & Dr Christopher Kendall** (Director, Asia Pacific Intellectual Property Law Institute)
 Project: To develop a proposal for a conference entitled "A Sustainable and Equitable Future: Biodiversity Conservation, the Protection of Indigenous Knowledge and Intellectual Property Rights"
 Funding Body: Murdoch University Research Quantum (Productive Researcher) Award
 Amount Awarded: \$3,000

NEW BOOK

Senior Lecturer in Law, **Dr Thomas Crofts**, is the author of a new book entitled *The Criminal Responsibility of Children and Young Persons: A comparison of English and German law*, published by Ashgate Publishing.

Using a comparative and historical analysis of the relevant law and practice in England and Germany, this incisive volume examines the issue of whether there is still a need in modern society for an individual assessment of the criminal responsibility of children and young persons. After finding that the evidence suggests that there is a need, the author addresses the question of how these special rules could best be formulated and applied in practice. The book provides a thorough and comprehensive approach to this highly controversial issue, critically evaluating the recent abolition of the presumption of *doli incapax* in England and also providing valuable material on the German Law in this area.

If you are interested in purchasing a copy of this book, please send your order to Ashgate-Gower Asia Pacific, 3/303 Barrenjoey Road, Newport, NSW 2106 or email to <info@ashgate.com.au>

PRESENTATIONS

Buti, T., "Assimilation and Aboriginal Affairs Policy in Western Australia", presented at *Law's Enterprise*, 21st Annual Conference of Australia and New Zealand Law and History Society, Katoomba, 11-13 July 2002.

Crofts, T., "The History of the Criminal Liability of the Young in Germany", presented at *Law's Enterprise*, 21st Annual Conference of Australia and New Zealand Law and History Society, Katoomba, NSW, July 2002.

Crofts, T., "Prostitution the German Way", presented at School of Law Staff Seminar Series, Murdoch University, Perth, 29 August 2002.

de Varennes, F., "Language Policies and International Standards: United Nations Instruments", presented at *Unity in Diversity*, National Language Policies, European Standards and the Elimination of Discrimination against Minorities in the Caucasus, Tbilisi, Georgia, 28 June 2002.

de Varennes, F., "The Oslo Recommendations on the Linguistic Rights of National Minorities", presented at *Unity in Diversity*, National Language Policies, European Standards and the Elimination of Discrimination against Minorities in the Caucasus, Tbilisi, Georgia, 29 June 2002.

de Varennes, F., "Minority Rights within the OSCE", presented at Summer Academy on the Organisation for Security and Cooperation in Europe, Austrian Study Center for Peace and Conflict Resolution, Stadtschlaining, Austria, 8 July 2002.

de Varennes, F., "Free Speech and Minority Rights", presented at seminar for international students at the Summer Institute of International and Comparative Law in Paris, Cornell Law School and Université Paris I Panthéon-Sorbonne, Paris, France, 22 July 2002.

de Varennes, F., "Rights of Minorities and Stability", presented at Pro Minoritate Foundation 13th Summer University, Bálványos, Romania, 26 July 2002.

McLeod, N., "Compensation for Bloodshed", presented at Brehon Law Symposium, Dublin, Ireland, 11-13 January 2002.

McLeod, N., "The Brehon Law of Contracts", for Law Society of Ireland, Dublin, Ireland, 14 June 2002 (presentation by video).

Meyers, G.D. & Gilbert, N., "Primary Sources: A 'Not-So-Anonymous' Review of US Legal Research Materials and Sources", presented to Australian Law Librarians Group (W.A. Division), Perth, 23 August 2002.

Young, L., "Do Hard Cases Make Bad Law", presented as part of plenary panel with Prof John Dewar and the Hon Justice O'Ryan, 2002 Annual Family Law Practitioners' Residential, Gold Coast, 16 August 2002.

Young, L., "Special Contributions", presented at 2002 Annual Family Law Practitioners' Residential, Gold Coast, 17 August 2002.

Simmonds, R.L., "Marshalling Securities in the Context of Insolvency – a Guide", presentation for the Continuing Legal Education series of the Law School, Flinders University of South Australia, Adelaide, 7 February 2002.

Simmonds, R.L., "Customary Law and Treaty", for conference *Treaty – Advancing Reconciliation* of Murdoch University, supported by ATSIC, the Department of Indigenous Affairs and the Lotteries Commission of Western Australia, Murdoch University, Perth, 26 June 2002.

Simmonds, R.L., "Does a quality system provide a quality outcome?", to Association for Tertiary Education Management (ATEM), ATEM Conference, *Quality: Is it a waste of time?*, St Catherine's College, The University of Western Australia, Perth, 19 July 2002.

PUBLICATIONS

Books, Book Chapters & Monographs

Crofts, T., *The Criminal Responsibility of Children and Young Persons* (Aldershot: Ashgate, 2002), ISBN 0-7546-2265-7.

de Varennes, F., *A Guide to the Rights of Minorities and Language* (Hungary: COLPI, 2001), ISBN 963 7316 84 1.

Mugambwa, J., *Principles of Land Law in Uganda* (Kampala: Fountain Publishers, 2002), ISBN 9970 02 287 3.

Mugambwa, J., *Source Book of Uganda's Land Law* (Kampala: Fountain Publishers, 2002), ISBN 9970 02 288 1.

Mugambwa & Amankwah, H.A., *Land Law and Policy in Papua New Guinea* (2nd ed.) (London: Cavendish Publishing, 2002), ISBN 1 87690 514X.

Pendleton, M.P. (with Garland, P. & Margolis, J.), *The Law of Intellectual and Industrial Property in Hong Kong* (Issue 11) (Singapore: LexisNexis, 2002), ISBN 981 236 258 4.

Refereed Articles

Crofts, T., "The Right of the Individual or the Common Good? – The Euthanasia Debate in Australia" (2002) 2 *Medizinethik*, 133-152.

Crofts, T., "Prostitution Law Reform" (2002) 27 *Alternative Law Journal*, 184-187.

Goodie, J. (with Wickham, G.), "Calculating 'Public Interest': Common Law and the Legal Governance of the Environment" (2002) 11(1) *Social & Legal Studies*, 37-60.

Kenny, M., "Force Feeding Asylum Seekers" (2002) 27(3) *Alternative Law Journal*, 107-111.

Lewins, K., "Australia Proposes Marine Insurance Reform" (May 2002) *Journal of Business Law*, 292-303.

Pendleton, M.P., "Intellectual Property Problems Faced by Contemporary World Information Industry" (2002) 12 *Intellectual Property Studies*, 149-191.

Other Articles

Kenny, M., "Review of *Borderline* by Peter Mares", (2001) 2(2) *Asia Pacific Journal on Human Rights and the Law*, 144-148.

Meyers, G.D. & Hohnholt, S., "Tri-M Waste Treaty Project – Discussion Paper 1: An International Waste Convention Needs Assessment" (2002) 9(1) *E-Law – Murdoch University Electronic Journal of Law*, <<http://www.murdoch.edu.au/elaw/>>.

INTERVIEWS

de Varennes, F., Interview on Aceh Conflict for television documentary, produced by Paramount Media Productions, Perth, Australia, 25 May 2002.

de Varennes, F., Interview with "The Nations", New York, on the detention of refugee claimants in Australia, 21 August 2002.

de Varennes, F., Interview with 6ABA morning radio concerning US attempts to circumvent International Criminal Court, 30 August 2002.

SCHOOL OF LAW PUBLICATIONS

The School of Law is responsible for the publication of four journals. Two of these journals are electronic journals and the other two are print journals.

E Law - Murdoch University Electronic Journal of Law

Volume 9 Number 1 (March 2002) and Volume 9 Number 2 (June 2002) appeared during the reporting period. The Tables of Contents of these issues are as follows:

Volume 9, Number 1 (March 2002)

NetWatch

- NetWatch March 2002, Anne Greenshields

Current Developments

- "Tri-M Waste Treaty Project: A Discussion Paper", Sarah Hohnholt & Gary D Meyers
- "The 'Rule of Law' as an Australian Constitutionalist Promise", Andrew Sykes
- "The Long and Winding Road to Stony Batter: Implied Dedication in the Torrens Title Context", Kimberly McMurray-Cathcart

Materials for Comment/Works in Progress

- "Telecommunications Convergence Law in India – A Critique", Pavan Duggal
- "ISP Liability in Singapore: Lessons for Canada?", Dan McDonald

Refereed Articles

- "The (Re)Introduction of Restorative Justice in Kahnawake: 'Beyond Indigenization'", Susan Haslip
- "Teaching Business Law to Non-Law Students", Lillian Corbin

Volume 9, Number 2 (June 2002)

NetWatch

- NetWatch June 2002, Anne Greenshields

Current Developments

- "Report on a Recent Romanian Pharmaceutical Patent Case", Marius Petroiu
- "Meta Tag Litigation: An Overview and Some Policy Conclusions", Katia Bodard

Materials for Comment/Works in Progress

- "Plea Bargaining in International Criminal Prosecutions", Kirby Faciane
- "The Uniform Domain Name Dispute Resolution Policy as an Alternative to Litigation", Peter Chan

Refereed Articles

- "The UK's Cloning Laws: A View from the Antipodes", Brendan Gogarty
- "Perceptions of Procedural Justice and Legitimacy in Local Court Mediation", Jill Howieson

E Law – Murdoch University Electronic Journal of Law can be accessed at <<http://www.murdoch.edu.au/elaw/>>.

The Digital Technology Law Journal

Digital Technology Law Journal is an on-line periodical published by the School of Law's Asia Pacific Intellectual Property Law Institute. It publishes refereed articles, comments and reviews on intellectual property law issues concerning the digital environment and can be accessed at <<http://wwwlaw.murdoch.edu.au/dtlj/index.html>>.

The latest issue of *Digital Technology Law Journal* was Volume 3 No 1 which appeared in December 2001. The Table of Contents for that issue appeared in a previous issue of the Newsletter.

Contributions to *Digital Technology Law Journal* should be forwarded to the Contributions Editor, Ms Tanya Aplin, c/ - School of Law, Kings College London, The Strand, London, WC2R 2LS or <tanya.aplin@kcl.ac.uk>. Details of the types of contributions that we seek to publish are available at <<http://wwwlaw.murdoch.edu.au/dtlj/submissions/>>.

Asia-Pacific Journal on Human Rights and the Law

The journal is the world's only law journal offering scholars a forum in which to present comparative, international and national research dealing specifically with issues of law and human rights in the Asia-Pacific region. The Editorial Advisory Board is composed of an outstanding panel of jurists, scholars and human rights experts from all parts of the Asia-Pacific region.

The third issue of *Asia-Pacific Journal on Human Rights and the Law*, Volume 2 Issue 1, was published late in 2001 and its Table of Contents appeared in the last issue of the Newsletter.

Please feel free to contact the Editor-in-Chief at <devarenn@murdoch.edu.au> for further information on the journal or guidelines on submitting a paper. Information on subscription to the journal may be obtained through Kluwer Law International's website at <<http://www.kli.com/cgi-bin/journal.pl>>.

Sister in Law: A Feminist Law Review

Sister in Law: A Feminist Law Review is published annually by the Enid Russell Society at the School of Law. The Table of Contents of the most recent issue, Volume 5 (2000), appeared in a previous issue of the Newsletter. Volume 6 (2001/2002) of *Sister in Law* is due for publication in 2002.

If you wish to purchase a copy of any issue of the journal or to make submissions or contributions to the journal, please contact Catriona Macleod and Sarah Meddin at <sisterinlawjournal@yahoo.com>.





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