

# AsianLaw



Annual Report  
January — December 2002

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## Director's Report

After several years of consolidation and strengthening of both the Centre's staffing and our research and teaching programs, 2002 was a year of achievement. The Centre can now claim to have the largest teaching program covering the broadest range of Asian legal subjects in the world. Our standing was reflected in 2002 in the large number of senior scholars and practitioners from East Asia, Europe and North America who came through the Centre.

2002 was also a very important year in terms of staff consolidation. Dr Pip Nicholson joined the Faculty permanently as a Lecturer, confirming her role as Associate Director (Vietnam). This has allowed the Centre to develop real program strength on Vietnam, which is now taught in most of our graduate and undergraduate subjects. Stacey Steele was also appointed to a fractional appointment within the Faculty, confirming her appointment earlier in the year as Associate Director (Japan). Stacey now takes over the Centre's Japan program, established by Professor Malcolm Smith.

One of the strengths of the Asian Law Centre is its ability to cover both North Asia and Southeast Asia. Most other Centres that deal with Asian legal issues usually choose to focus on one of these regions. The Asian Law Centre, however, can now offer expertise, coupled with relevant language expertise, from its tenured staff members for Indonesia and Malaysia (Tim Lindsey), China (Sarah Biddulph and Kathryn Taylor), Vietnam (Pip Nicholson), Taiwan (Sean Cooney and Kathryn Taylor) and Japan (Malcolm Smith and Stacey Steele). Other Centre members cover Malaysia (Amanda Whiting) and the Philippines (Neri Colmenares), as well as Singapore (Professor Benny Tabalujan) and Islamic Law (Professor M.B. Hooker and Tim Lindsey).



Centre members:

Rear left to right: Associate Professor Tim Lindsey, Sarah Biddulph, Sean Cooney, Dr Pip Nicholson, Kerstin Steiner, Stacey Steele  
Front left to right: Kathryn Taylor, Alice Pung, Luke Arnold, Neri Colmenares, Professor Malcolm Smith



The Centre's research output in 2002 was also impressive and was marked by two major publications. The first was the publication by Routledge (London) of a major study of labour laws in East Asia, edited by Centre Associate Director (Taiwan) Sean Cooney, Centre Associate and Director of the Centre for Employment and Labour Relations Law, Richard Mitchell, Ying Zhu and myself. *Law and Labour Market Regulation in East Asia* makes an important contribution to understanding of the labour systems of East Asia and offers new insights to the discipline of comparative law. It is already in its second edition.

2002 also saw the appearance of *Corruption in Asia: Rethinking the Governance Paradigm* (Tim Lindsey and Howard Dick). This book brought together a range of experts from around the world to rethink approaches to law reform in the wake of Asia's devastating crisis. It is now widely referred to by lawyers and development agencies involved in law reform.

These books reflect the Centre's growing reputation outside the discipline of law in fields including economics, development studies and, of course, Asian studies.

The *Australian Journal of Asian Law*, our flagship journal, is also part of this expanding reputation, as is our free, online database, *Asian Law Online*. This is the only one of its kind in the world, and offers practitioners and scholars access to searchable bibliographic listings of English language materials on Asian legal topics, a service which is already being used by practitioners in Australia, America and East Asia.

Our established Occasional Seminar Series and popular 'Brown Bag' Seminar Series were more active in 2002 than ever before and covered a very broad range of issues but 2002 also saw the Centre responding directly to current events, with a seminar with the Institute for Comparative and International Law on "Islamic law after September 11". This event included speakers from the Middle East and Southeast Asia, as well as Dewi Fortuna Anwar, adviser to former President Habibie of Indonesia. This reflects the developing expertise in the Centre in relation to *syariah*, a subject of considerable interest to the community as the West grapples to come to terms with extremist Islamism.

The Centre's achievements in 2002 were, of course, entirely the result of the commitment and hard work of Centre members and research assistants and I take this opportunity to thank them for their enthusiasm and creativity. In particular, thanks must go to the Centre Manager, Kathryn Taylor, who has done a superb job in managing the Centre.



Associate Professor Tim Lindsey  
Director,  
Asian Law Centre



# The Asian Law Centre

## Goals of the Asian Law Centre

- To promote the teaching of Asian law in Australia at both graduate and undergraduate levels, and the teaching of Australian law in Asia.
- To promote the development of Asian studies and Asian languages in other disciplines and to encourage a linkage with law studies.
- To support the rule of law in Asia.
- To improve knowledge of the laws of our region.
- To research the legal framework for trade and investment in Asia.
- To promote exchanges of staff and students between the Law School and Asian universities and institutions.

## Asian Law Centre Advisory Board

The current Advisory Board of the Centre reflects the range of external interests and involvement in the activities of the Centre.

**Professor Michael Crommelin**

*Dean, Law School, The University of Melbourne*

**Mr David Laidlaw**

*Executive Chairman and Partner, Maddocks*

**Mr Stephen Spargo**

*Partner, Allens Arthur Robinson*

**Mr Richard St. John**

*Senior Counsel, BHP Limited, representing the University of Melbourne Law School Foundation*

## Graduate Diploma in Asian Law Advisory Board

The Asian Law Graduate Diploma programme continued to benefit from the professional input of its Advisory Board, comprising:

**Mr Jim Armstrong**

*Partner, Mallesons Stephen Jaques*

**Mr David Laidlaw**

*Executive Chairman and Partner, Maddocks*

**Mr Stephen Spargo**

*Partner, Allens Arthur Robinson*

# The Asian Law Centre Members

## Director

### Associate Professor Tim Lindsey



Associate Professor Tim Lindsey joined the Centre in 1990 and was appointed to the Law School in 1994. He has been Director since 2000. A graduate of the University of Melbourne Law School, Tim completed his doctoral thesis in Indonesian studies. He teaches Indonesian Law, Islamic Law, Malaysian Law, law, development theory and Traditional Customary Law. His research interests are in the areas of commercial law, insolvency law, constitutional law, comparative law, Islamic law, law reform in developing countries and the rule of law. He researches and teaches in Indonesian and is a member of the Board of the Australia-Indonesia Institute and a practising member of the Victorian Bar.

His publications include *Indonesia: Law & Society*; *Indonesia: Bankruptcy, Law Reform and the Commercial Court*; *Corruption in Asia: Rethinking the Governance Paradigm* (with Howard Dick); *Indonesia After Soeharto: Prospects for Reform*; and *Law and Labour Market Regulation in East Asia* (with Sean Cooney, Richard Mitchell and Ying Zhu). Tim is a Founder and co-Editor of the *Australian Journal of Asian Law*.

## Founding Director and Professor of Asian Law

### Professor Malcolm Smith



Professor Malcolm Smith was Director of the Centre from March 1987 to June 2000. He joined the Centre from the University of British Columbia, Canada, where he was Founding Director of the Japanese Legal Studies Programme. He is a graduate of the University of Melbourne Law School and Harvard Law School and specialises in Japanese Law. He now holds the Foundation Chair in Asian Law in the University. He is admitted to practice in Victoria.

Professor Smith is a member of the Executive Board of the Australian Centre for International Commercial Arbitration and the International Trade Law and Business Committee of the Law Council of Australia. He researches and teaches in Japanese.



# The Asian Law Centre Members

## Associate Director (China)

### Ms Sarah Biddulph



Ms Sarah Biddulph joined the Centre in 1989 on secondment from the firm Blake Dawson Waldron and was appointed to a lectureship in the Law School in 1991. She is a graduate of Sydney University in Law and Chinese Studies and is currently completing her doctorate. Sarah studied in Shanghai on an exchange of lawyers under a joint agreement of the Attorney-General's Department and the P.R.C. Ministry of Justice. She worked at Blake Dawson Waldron's Shanghai office from 1998 to 2000. Her research and teaching interests are Chinese law and society, administrative law, criminal procedure law, labour law and other issues affecting social control in China. She researches and teaches in Chinese.

## Associate Director (Taiwan)

### Mr Sean Cooney



Mr Sean Cooney joined the Centre in 1992 after four years in legal practice and completed his LL.M. in Asian law in that year. In 1994, he conducted research at the National Taiwan University and National Chengchi University in Taiwan. He was appointed to a lectureship in 1995. Sean's research interests include East Asian employment and labour law, democratic transitions and sovereignty issues (with a particular emphasis on Taiwan), comparative law, and contract and regulatory theory. He researches and teaches in Chinese and is fluent in French and German.

Sean holds LL.M. degrees from Columbia University and the University of Melbourne and is currently completing his Columbia doctorate. His publications include *Law and Labour Market Regulation in East Asia* (with Tim Lindsey, Richard Mitchell and Ying Zhu), as well as articles in a range of international journals in English and Chinese. He is currently examining alternatives to the current system of international labour standards.



# The Asian Law Centre Members

## Associate Director (Vietnam)

### Dr Pip Nicholson



Dr Pip Nicholson joined the Asian Law Centre in 1997 and was a Senior Fellow of the Faculty from 1998. She joined the Faculty permanently as a lecturer in 2002. A graduate in Law and Arts from the University of Melbourne with a Masters in Public Policy from the Australian National University, Pip teaches the Vietnamese legal system in both the undergraduate and graduate programs of the Law School.

Pip has worked as a consultant to the Faculty's International Programs, assisting to develop and run programs for overseas visiting groups. Pip's doctoral research focused on the Vietnamese court system between 1945 and 1976, analysing the extent to which the Vietnamese legal system mirrored or diverged from its Soviet parent. It will be published in the Law and Development Series in 2004.

Pip is interested in the challenges of cross-cultural legal research and legal reform, particularly within Asia. She has recently completed research on corruption within the Vietnamese court system and researches in Vietnamese. Current projects include analyses of the take-up of labour law reforms in Vietnam, Vietnamese attitudes to law reform and a study of the relationship of comparative law theory to legal reform in Vietnam.

## Associate Director (Japan)

### Ms Stacey Steele



Ms Stacey Steele joined the Centre in 1997 as a research assistant and was appointed Associate Director (Japan) in January 2002. She holds degrees from the University of Queensland (BA (Jap)), Monash University (MA (Jap)) and the University of Melbourne (LLB (Hons) and LLM (by thesis)) and works as a lawyer in the Financial Services Group at Blake Dawson Waldron. Stacey recently published a translation of the Law Relating to Recognition and Assistance for Foreign Insolvency Proceedings for the Ministry of Justice, Japan. Her research interests are in the areas of insolvency law, law reform and the Japanese legal system. Stacey practices Chanoyu (The Way of Tea) and is a member of the Urasenke Melbourne Chapter.





# The Asian Law Centre Associates

## Professor M.B. Hooker

Professor M.B. Hooker was appointed as an Associate of the Centre in 1997. He is Adjunct Professor of the Faculty of Law at Australian National University and was previously Professor of Comparative Law at the University of Kent at Canterbury. He is regarded as a world authority on Islamic law and traditional customary law in Southeast Asia and has published widely on these issues. He is a Founder and co-Editor of the *Australian Journal of Asian Law*.



## Professor Richard Mitchell

Professor Richard Mitchell was appointed as an Associate of the Centre in 1999 and is the Director of the Centre for Employment and Labour Relations Law. He has studied labour law and industrial relations at the University of Melbourne and the London School of Economics and Political Science. He is joint editor of the *Australian Journal of Labour Law*, and of the *Monographs on Australian Labour Law Series*. Among his areas of specialisation are labour law systems in the Asia-Pacific Region, the legal regulation of labour markets and the role of law in the construction of internal labour markets. His recent publications include *Law and Labour Market Regulation in East Asia*, Routledge, London, 2002 (with Sean Cooney, Tim Lindsey and Ying Zhu).



## Professor Ian Ramsay

Professor Ian Ramsay was appointed as an Associate of the Centre in 1999. He is the Harold Ford Professor of Commercial Law in the Law School at the University of Melbourne, where he is Director of the Centre for Corporate Law and Securities Regulation. He has practised law with the firms Sullivan & Cromwell in New York and Mallesons Stephen Jaques in Sydney. From 2002 to 2003, Professor Ramsay was Dean of the Law School.



## Centre Administrator

### Ms Kathryn Taylor

Kathryn Taylor joined the Centre in 1998 as the administrative assistant and became the Centre Administrator in 2001. She is also an editorial assistant to the *Australian Journal of Asian Law*. Kathryn completed her Arts degree with Honours in Chinese from the University of Melbourne in 1999, after 16 months studying Mandarin at National Cheng Kung University, Taiwan R.O.C. She completed a Master of Management (International Business) at Monash University in 2001. Kathryn has also completed a Winter Semester in Chinese Law at the East China University of Politics and Law. Her research interests include the Chinese language and culture, the Chinese legal system, law reform and China-Taiwan relations.



# Australian Journal of Asian Law

## Editors

**Professor M.B. Hooker** (see *Asian Law Centre Associates*, left)

**Associate Professor Tim Lindsey** (see *Asian Law Centre members*, page 5)

## Professor Veronica Taylor

Veronica Taylor is Professor of Asian Law and Director of the Asian Law Center at the University of Washington, Seattle. She was previously Associate Director (Japan) of the Asian Law Centre at the University of Melbourne.

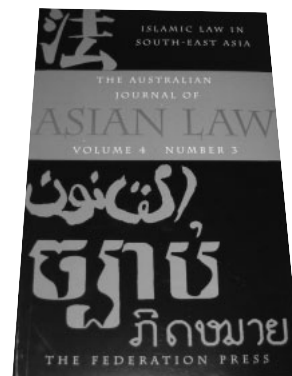
## Ms Amanda Whiting

Amanda Whiting joined the Centre in 1999 as a research assistant and as editorial assistant to the *Australian Journal of Asian Law*. In 2002, she became an Editor of the *Australian Journal of Asian Law*. She is currently involved in teaching in the undergraduate LL.B. program, teaching in 'Land, Race and Law in Southeast Asia' and 'Law and Society in Southeast Asia' since 2001; 'History and Philosophy of Law' in 2002 and 'Property Law' in 2003. She completed her honours degree in Arts at the University of Melbourne in 1981 and then taught in the University's History Department over the next decade. She also has a Diploma of Education (1988) and a Graduate Diploma of Indonesian (1995) which was partly undertaken at Universitas Kristen Satya Wacana, Indonesia. She completed her LL.B. with First Class Honours in 2002. She is currently completing her doctorate and her research interests include women, religion and law in Southeast Asia and human rights institutions and practices in the Asia Pacific region.



## Editorial Assistant

**Ms Kathryn Taylor** (see *Asian Law Centre Administrator*, left)



## Research Assistants

### **Ms Fiona Adams**

Fiona Adams joined the Centre in 2002 as a research assistant. Fiona completed a Bachelor of Planning and Design (Planning) with Honours at the University of Melbourne in 1995 and is currently completing a Bachelor of Laws. Fiona's research interests include environmental law and planning and development in the Asian region.



### **Mr Luke Arnold**

Luke Arnold joined the Centre in 2001 as a research assistant. He is completing an Arts/Law degree at the University of Melbourne with a focus on Indonesian studies, international development and labour law but is currently working with the ILO in Jakarta. He has spent a significant portion of the last eight years working, studying and travelling in various Asian countries. His current research interests include the regulation of migrant labour in Southeast Asia, employment law in Indonesia, law and economic development in China and Indonesia and the relationship between law and informal economies in Asia.



### **Mr Neri Colmenares**

Neri Colmenares joined the Centre in 2002 as a research assistant. He has been a practicing lawyer since 1996, primarily in criminal law, constitutional law and human rights litigation. He was the Executive Director of the Philippine National Amnesty Commission in 1999 and a member of the National Council of the Philippine Coalition for the ICC. He was actively involved in the action against the Marcos family, which won what was then the largest damages award against a natural person in history. He is also an electoral lawyer and recently succeeded in having several results reversed in the last Philippines election. Neri is currently undertaking a Ph.D. on human rights prosecution and the International Criminal Court. His research interests include human rights, electoral laws and proportional representation, alternative dispute resolution, amnesty and the peace process. In 2003, Neri was made an Associate of the Centre.



### **Mr Rowan Gould**

Rowan Gould joined the Centre in 2002 as a research assistant. He is currently completing a Commerce/Law degree at the University of Melbourne. Rowan has spent most of his life in Indonesia. He is fluent in Bahasa Indonesia and has trained and worked as a legal interpreter and facilitator. He also speaks some Arabic, having spent a semester studying at the University of Jordan and travelling in the region. He is currently Treasurer of the Australia-Indonesia Legal Development Foundation. Rowan's research interests include non-Western understandings of law, legal and religious pluralism, Asian customary law, Islamic law, Islamic banking and finance, Sufism and Asian culture and art (in particular, music, dance and martial arts).



## Research Assistants

### Mr Mohamad Hafiz Hassan

Mohamad Hafiz Hassan joined the Centre in 2002 as a research assistant. An Advocate & Solicitor of the High Court of Malaya in Malaysia and a Syariah Counsel in the Syariah Courts, Hafiz completed his law degree at the International Islamic University, Malaysia (IIUM) in 1992 and subsequently graduated with a Master of Comparative Law (MCL) from the same university. Hafiz also holds a Diploma in Syariah & Legal Practice (DSLPP) and practises as a Syariah Counsel in the Syariah Courts in Malaysia. He is currently undertaking a Ph.D. at the Faculty of Law at the University of Melbourne.



Hafiz has lectured at the Faculty of Law, IIUM and writes weekly to a Malay language daily in Singapore on the Syariah. His research interests include Syariah, comparative law, conflict of law and legal pluralism.

### Ms Helen Pausacker

Helen Pausacker joined the Centre in 1999 as a research assistant. She is primarily involved with the translation of Indonesian legal texts and book editing. Helen is an Arts graduate of the University of Melbourne (B.A. Hons., B.Litt. and Grad. Cert. in Gender and Development) and Monash University (M.A.). Her research interests include Indonesian culture and the *wayang* tradition.



### Ms Alice Pung

Alice Pung joined the Asian Law Centre in 2001 as a research assistant. She is currently completing an Arts/Law degree, majoring in Southeast Asian Politics. Her research interests include the study of ethnic holocausts in Southeast Asia, in particular Cambodia.



### Ms Kerstin Steiner

Kerstin Steiner joined the Centre in 2001 as a research assistant. She holds a Bachelor of Laws from the University of Bielefeld in Germany. In 2002 she completed her Masters of Laws at the University of Melbourne, focusing on Asian and Comparative Law.

She is currently undertaking doctoral studies on “Western Human Rights and Asian Values – Are the Differences Real?”, which compares the different notions of human rights with an emphasis on ‘Asian Values’. Her research interests include comparative law, Asian law and international law.



## Asian Law Centre Finances & Sponsors

The Centre receives administrative support from the University of Melbourne of \$5,000. The salaries of academic staff members of the Centre are borne by the Faculty, as members undertake standard teaching obligations in the Faculty.

The Asian Law Centre's research activities in 2002, including 11 salaries of research assistants, were therefore funded largely from research grants and donations by our sponsors.

We thank the following sponsors for their donations in 2002, which are essential to our research program and our public seminar activities (see 'Brown Bag' Seminar Series and 'Occasional' Seminar Series, below). The Centre could not function without the support of these sponsors.

Allens Arthur Robinson 



**Australian Government**  
**Attorney-General's Department**

BLAKE DAWSON WALDRON  
L A W Y E R S

**Freehills**



**Maddocks**

**MALLESON'S STEPHEN JAQUES**

### Grants Received

Cooney, S., Large ARC grant for project entitled *Rethinking International Labour Standards: Prospects for Australia and the Asia-Pacific* (with Richard Mitchell) (A\$82,000).

Lindsey, T., ARC Discovery grant for project entitled *Islamic Law in Contemporary Indonesia* (with Professor M.B. Hooker (ANU)) (A\$139,270).

Nicholson, P., ISSS Grant for project entitled *Law and Governance: Socialist Transforming Vietnam* (conference) (with Associate Professor John Gillespie (Deakin)) (A\$7,269.60).



## Conferences

### **Islam After September 11 — Islamic Law and the West: Can Secular Laws and *Syariah* Co-Exist?** (with the Institute for Comparative and International Law)

Thursday 19 September

Theatre G08, Ground Floor, Melbourne Law School

The Asian Law Centre ('ALC') and the Institute for Comparative and International Law ('ICIL') jointly convened a full-day seminar at the Melbourne Law School on 19 September 2002, titled 'Islamic Law and the West: Can Secular Laws and *Syariah* Co-Exist?'

This seminar examined the consequences of the events in Afghanistan and New York on September 11 for the interaction of Islamic law and Western legal systems. Speakers included experts on Islam from Southeast Asia and the Middle East.

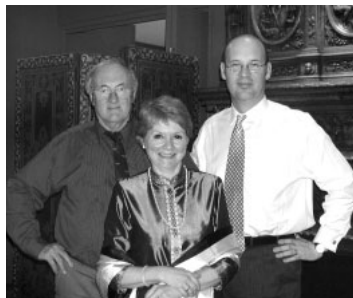
The aims of the seminar were to promote understanding of certain aspects of Islamic legal systems; to examine tensions between secular and religious laws; and to promote informed public debate on issues surrounding Islam and the West.

For more information, including some conference papers, see

[http://www.law.unimelb.edu.au/alc/conferences/conf\\_2002\\_syariah/index.html](http://www.law.unimelb.edu.au/alc/conferences/conf_2002_syariah/index.html)



*Left to right:*  
Associate Professor Abdullah Saeed,  
Professor Merle Ricklefs, Professor M.B. Hooker  
and Associate Professor Tim Lindsey



*Left to right:*  
Professor M.B. Hooker,  
Professor Virginia Hooker  
and Associate Professor Tim Lindsey



Dr. Dewi Fortuna Anwar,  
former advisor to President Habibie  
of Indonesia

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## Major Activities & Events

### Lunch with Professor Noboru Kashiwagi

Monday 11 March, 1:00–2:15pm

Room 0731, Level 7, Melbourne Law School

Professor Kashiwagi, a distinguished visitor from the University of Tokyo, spoke at a sushi lunch on Monday 11 March to members of the Law School.

Professor Kashiwagi is currently chair of a Committee revamping the Bar Exam system in Japan, and another reviewing the position of foreign lawyers. As a former Deputy Head of the Legal Department of Mitsubishi Corporation Japan and Head of the Legal Department of Mitsubishi USA, based in New York, he is also very conversant with practical aspects of international transactions from a Japanese perspective.



Professor Kashiwagi introduced issues relating to foreign lawyers and international transactions in Japan, followed by questions from the group, which included members from the Centre for Corporate Law and Securities Regulation.

### Asian Graduate Afternoon Tea

Friday 22 March, 3:00–4:00pm

Room 0631, Level 6, Melbourne Law School

On Friday 22 March, the Asian Law Centre hosted an afternoon tea for postgraduate law students from Asia. Approximately 40 students were welcomed by Asian Law Centre and Law School staff. Associate Professor Tim Lindsey informed the students of Asian Law Centre activities and services.

### Asian Law Online Launch

Thursday 19 September, 5:30–6:30pm

Theatre G08, Ground Floor, Melbourne Law School

*Asian Law Online* was launched by Professor Virginia Hooker, Dean, Faculty of Asian Studies, Australian National University on 19 September, 2002.



*Asian Law Online* is the first online, searchable bibliographic database of Asian law materials in the world. Offered to the public as a service to assist students and scholars of Asian legal systems, it is the biggest collection of English language materials on Asian laws available throughout the world and includes books, chapters in books, journal articles and theses.





## Occasional Seminar Series

The Asian Law Centre regularly hosts 'Occasional Seminars' by distinguished scholars and leading practitioners on current Asian legal issues.

### What Went Wrong With Indonesian Law Reform?

Wednesday 10 April, 6:00–7:30pm

Room 0630, Level 6, Melbourne Law School



The Asian Law Centre hosted a seminar by Professor Hikmahanto Juwana on Wednesday 10 April on the issues surrounding Indonesian law reform.

Since the fall of Soeharto in 1998 and the rise of the *reformasi* movement, Indonesian laws have been subject to a flood of amendments, repeals and new statutes. On paper, the reform movement has achieved significant success. Indonesia now has a legal regime more suited to a modern democratic market economy. However, Indonesia's formalism has not yet been complemented by real reform of substance and many commentators now regard *reformasi* as having failed. Professor Hikmahanto's paper spelled out what went wrong with law reform in Indonesia. In particular, he indicated the detrimental role of frequent changes in government to law reform in Indonesia.

**Hikmahanto Juwana** is a Professor of Law at the Faculty of Law, University of Indonesia, the youngest in that country's history. He is currently a member of the Expert Council in the Department of Justice and Human Rights of the Republic of Indonesia. He was formerly Senior Legal Adviser to the Coordinating Minister for Economic Affairs and Special Assistant to the Minister of Foreign Affairs of the Republic of Indonesia. Professor Juwana is frequently asked to assist government agencies in drafting laws and regulations. Between 1994–1997, he practiced law at the law firm Lubis, Ganie, Surowidjojo and between 1987–1988 at OC Kaligis & Associates, a leading Jakarta firm.

Approximately 45 people attended the evening seminar, including law firm representatives, academics, members of the local Indonesian community and students.

### Socialist Understandings of Privatisation: The Vietnam Experience

Wednesday 29 May, 6:00–7:30pm

Room 0920, Level 9, Melbourne Law School

The Asian Law Centre hosted a seminar by Mr Hop Dang on Wednesday 29 May on privatisation in Vietnam.

Vietnam is currently in transition from a state-controlled, centralised system to a market economy. In an attempt to expand its private economic sector, Vietnam has embarked upon a campaign to privatise some of its 6,500 state-owned enterprises, however only 900 enterprises have been privatised since 1992. Although this is largely due to economic factors, legal problems have also contributed significantly to this lack of progress. For example, lack of adequate laws, inconsistent regulations and attempts to maintain state control of privatised companies result in a lack of private investor confidence. The legal issues involved in the privatisation process have demonstrated the tensions that exist when a developing country like Vietnam endeavours to transform itself into a market economy.



## Occasional Seminar Series

**Hop Dang** is a solicitor with the Australian law firm Phillips Fox, working out of their Melbourne and Hanoi Offices. A graduate of the Hanoi National University in languages in 1994 and in law in 1996, Mr Dang was the first Vietnamese national to obtain an undergraduate law degree from an Australian university, graduating in 1999 with first class honours from Bond University.

Mr Dang offered a comparative perspective on Vietnamese privatisation. His Western legal training combined with extensive experience of the Vietnamese investments sector (both as a lawyer and formerly as a bureaucrat working to facilitate investment in Hanoi) enabled him to speak with authority on Vietnamese privatisation.

Almost 40 people attended the seminar, including legal practitioners, staff and students.



### Administrative Justice in China

Tuesday 6 August, 6:00–7:30pm

Room 0920, Level 9, Melbourne Law School

The Asian Law Centre hosted a seminar by Dr Chen Duanhong and Judge Liu Yuenan on Tuesday 6 August on recent reforms in Chinese administrative law.

In China, administrative law is at the forefront of efforts to create a legal system that protects the rights of citizens and imposes constraints on the exercise of state power. Administrative litigation has been at the forefront of reforms in Chinese administrative law. It was the first law to allow citizens to challenge the decisions of government officials in a broad range of areas. Since the system of administrative litigation was introduced in 1990, there have been a range of other legislative reforms which have sought to place increasing constraints on the ways in which government agencies exercise their powers as well as to introduce principles of procedural fairness into government decision-making. The latest of these reforms is set out in the draft Administrative Licences Law.

**Dr Chen Duanhong** (*above*) is Associate Professor in Peking University Law School. In addition to his work on development of the system of rule of law in China, he specialises in the development of China's administrative legal infrastructure. Dr Chen has participated in the negotiation and drafting of China's key administrative legislation, including, most recently, the draft Administrative Licences Law.



**Judge Liu Yuenan** is the chief judge in the Administrative Division of the Intermediate People's Court in Guangzhou. The administrative divisions of the courts in Guangzhou were selected to carry out reform of the system for conduct of court trials. This experiment was intended to move away from the current inquisitorial system to introduce a system with more features of the adversarial system. Judge Liu has been instrumental in the implementation of these reforms in his court, and has extensive experience and expertise in the operation of the fledgling system of administrative litigation.

## Occasional Seminar Series

Dr Chen discussed the reform process and provided insight into the institutional and practical hurdles of the establishment of a comprehensive set of rules of administrative procedure in China. Judge Liu discussed the difficulties of administrative reform in China.

Almost 40 people attended the seminar, including law firm representatives, academics and students.

### A Secret Process? Policy, Economy and Reform in Vietnam

Wednesday 21 August, 6:00–7:30pm

Room 0920, Level 9, Melbourne Law School

The Asian Law Centre hosted a seminar by Dr Adam McCarty on Wednesday 21 August on the policy-making process in Vietnam.

The Vietnamese Communist Party has maintained its legitimacy over 15-20 years of rapid economic development and social upheaval. Integral to this achievement has been its ability to make formal changes to policies in response to pressures for change (or to legitimise changes that happen informally). Yet the Vietnamese 'policy making process' remains obscure and complex, particularly since public scrutiny of policy processes is not seen as a virtue.



**Dr Adam McCarty** is Chief Economist of Mekong Economics and concurrently directs the Masters in Development Economics based at the Hanoi National Economics University, a project initiative of the Institute of Social Studies, The Hague. He has a Ph.D. in Economics from the Australian National University and a B.Comm. from the University of Melbourne. Dr McCarty has previously been based at the School of Oriental and African Studies at the University of London and the ANU.

Dr McCarty has been working and researching in Vietnam since 1990, both as a consultant to business and to multilateral and bilateral donors. Policy research conducted by Dr McCarty includes studies of trade policies, the labour market, governance structures, social sector transition and the impact of globalisation on Vietnam. He regularly contributes journal articles and reports on these issues.

Dr McCarty outlined the formal economic policy-making process in Vietnam, particularly exploring how it works in practice and the role of the Communist Party. Integral to his analysis was an assessment of the roles of central and local governments and the enhanced role for 'legal instruments'. In particular, the paper asked what drives Vietnamese policy decisions? What forces *push* the Government of Vietnam to make changes ("bottom-up"), and how? What forces *pull* from inside the Government ("top-down"), and how? Finally, the paper addressed the impacts of both economic crises and changing economic doctrine on the reform process.

More than 30 people attended the seminar, including law firm representatives, academics, members of the local Vietnamese community and students.



## Occasional Seminar Series

### Hong Kong: A Tiger Ready To Retire?

Wednesday 11 September, 6:00–7:30pm

Room 0920, Level 9, Melbourne Law School

The Asian Law Centre hosted a seminar by Professor Richard Cullen on Wednesday 11 September on the challenges facing Hong Kong.

Hong Kong has faced an array of problems since its handover to China in July 1997. Some difficulties were predicted. Many were not. Certain challenges have arisen from within Hong Kong – others (though, so far, comparatively few) have originated in Beijing. Hong Kong has also been buffeted by regional and global stresses (most notably the Asian Financial Crisis and the dotcom meltdown, respectively).

**Richard Cullen** is a Professor in the Department of Business Law and Taxation in the Faculty of Business and Economics at Monash University. Since 1992, he has spent around eight years working in the School of Law at the City University of Hong Kong. He completed his LLB (Hons) at the University of Melbourne in 1982 and his Ph.D. at Osgoode Hall Law School in Canada in 1986. He is admitted to practise law in Australia, England, Wales and Hong Kong. Professor Cullen is the author or co-author of several books including *Media Law in the PRC* and *Federalism in Action* and has been a visiting scholar at universities in Austria, Belgium, Canada, England, Japan and Switzerland. His research interests include public law, taxation law, media law, professional ethics and Asian business law.



Professor Cullen described how Hong Kong has coped with the challenges it has faced and explained that the signs are mixed. On the one hand, the first HKSAR Government often seemed engulfed by one crisis after another – leaving little time for it to provide convincing and creative leadership. On the other hand, there are clear signs that Hong Kong has – not without considerable pain — begun the process of reinventing itself over the last few years. It did this in the 1950s and in the 1970s. To a large extent this latest reinvention, like its predecessors, is a “bottom-up” phenomenon.

More than 30 people attended the seminar, including practitioners, staff and students.

## 'Brown Bag' Seminar Series

The Asian Law Centre regularly hosts its lunchtime 'Brown Bag' Seminars. In this series, postgraduates and academics who are researching and writing on Asian legal topics present papers on work in progress or rehearse a conference or article submission. The forum provides a collegial atmosphere for peer feedback.

### Human Rights in the Philippines: Implementing the Rome Statute for the International Criminal Court

Wednesday 27 March, 1:00–2:15pm

Room 0731, Level 7, Melbourne Law School

**Neri Javier Colmenares** was the Executive Director of the Philippine National Amnesty Commission until July 1999. A graduate of the College of Law, University of the Philippines, he is currently undertaking his Ph.D. at the University of Melbourne and is a research assistant at the Asian Law Centre. Neri was a student leader during the period of martial law under President Marcos and was active in human rights advocacy. He was arrested twice under a Presidential Commitment Order and was imprisoned and tortured for a total of four years. Following the Marcos human rights case, which decided that the ex-President could not be charged under domestic law with a criminal offence, Neri became involved in the movement to establish the International Criminal Court (ICC). He is now a member of the national council of the Philippines Coalition for the Establishment of the ICC. Neri's doctoral research focuses upon the impact that the ICC will have upon the Philippines legal system generally, and the domestic prosecution of human rights violators in particular.



The Philippines is a signatory to major UN conventions on human rights and humanitarian law and has made policy pronouncements declaring its commitment to respecting and advancing human rights. However, Philippine state practice since it signed the UN Human Rights Declaration in 1948 is a dismal record of failure to fulfil its human rights obligations. The same failure could attend the implementation of the Rome Statute, which the Philippines recently signed. Neri's seminar indicated that for the ICC not to suffer the same fate as previous human rights commitments, there is a need to determine the nature of the impediments to carrying out the state's human rights obligations.

### Fatwa: Islamic Law in South-East Asia

Wednesday 10 April, 1:00–2:15pm

Room 0630, Level 6, Melbourne Law School

**Professor M.B. Hooker** is considered a leading international expert on comparative law in South-East Asia, in particular *syariah* (Islamic law) and *adat* (traditional customary law). Now Adjunct Professor in the Law Faculty at the Australian National University, he was previously a Professor of Comparative Law at the University of Kent at Canterbury. He is an Associate of the Asian Law Centre and has published extensively on Islam and traditional legal systems in Southeast Asia.

Professor Hooker's seminar focused on the role that *fatawa* (Islamic legal rulings/opinions) have played in building a new Islamic jurisprudence and the contradictions that exist within the various forms of *fatawa*. The presentation covered issues such as contraception, abortion, organ transplants, IVF, banking, drugs, gambling and the role of women.



## 'Brown Bag' Seminar Series

### Indonesia: Politics Update

Wednesday 1 May, 1:00–2:15pm

Room 0920, Level 9, Melbourne Law School

**Associate Professor Tim Lindsey** is Director of the Asian Law Centre at the University of Melbourne, where he established a South East Asian law program in 1994. Tim is an internationally recognised specialist in Indonesian law and society and holds the degrees of BA (Hons), LLB, BLitt (Hons) and Ph.D. from the University of Melbourne. He has taught at the Australian National University, as well as the Centre for Asia-Pacific Initiatives at the University of Victoria, British Columbia.



Tim has worked extensively as a consultant on international legal education programs and on law reform, particularly in Indonesia. He consults regularly to policy makers in Indonesian government Ministries and within international aid organisations. He is a member of the Australia-Indonesia Institute, an advisory board within the Australian Department of Foreign Affairs and Trade.

Tim Lindsey had recently visited Jakarta with the Australia-Indonesia Institute and met with Indonesian leaders, including President Megawati Soekarnoputri and Islamic community figures. Since Megawati's replacement of Abdurrahman Wahid as President, Indonesia has stabilised and political activity is now focused on the 2004 elections. Tim spoke of his impressions from his visit and speculated on events over the next 18 months.

### Corporate Governance in Japan

Wednesday 8 May, 1:00–2:15pm

Room 0731, Level 7, Melbourne Law School

**Minako Homma** has been an associate professor of law at Kurume University in Japan since 1999. Minako is a specialist in company law and holds the degrees of B.A. in law (1993) and LL.M. (1995) from Waseda University. She is currently a visiting scholar at the Asian Law Centre and is undertaking research into Australian company law. She will be a visiting scholar at the Institute of Advanced Legal Studies, the University of London from June 2002, where she will be conducting research into English company law reform and the chartered directors system of the Institute of Directors.



Corporate governance has been a matter of contention in many countries in the 1990s and 2000s. In recent discussions on corporate governance, sound and fair management, as well as efficient management have tended to be emphasised. For these reasons, amendments have been made to the Commercial Code and the Audit Special Exceptions Law in Japan in 2002. In this seminar, after explaining the history and the existing system of Japanese corporate governance in brief, Japan's company law reform on corporate governance in 2002 was analysed.



## 'Brown Bag' Seminar Series

### China and Religious Freedom

Wednesday 22 May, 1:00–2:15pm

Room 0920, Level 9, Melbourne Law School

**Dr Carolyn Evans** is a senior lecturer in the Faculty of Law at the University of Melbourne. After completing her LL.B. at the University of Melbourne, Carolyn Evans went to Oxford University on a Rhodes scholarship, where she wrote a dissertation on *Religious Freedom Under the European Convention on Human Rights*, published by Oxford University Press in 2001. She is also the co-editor of *Religion and International Law* (Kluwer, 1999). She currently teaches 'International Law', 'Advanced International Law' and 'History and Philosophy of Law'.



The status of religious groups in China is a controversial one. While many Western states and NGOs accuse China of religious persecution, China maintains that it respects the religious freedom of all its people. In this seminar, Carolyn Evans questioned the extent to which China's laws and policies comply with the international law relating to religious freedom. Issues such as the laws regulating Falun Gong and politico-religious behaviour in regions such as Tibet were put in the context of the international debates over the appropriate treatment of religion. The seminar illustrated that a number of the areas in which China has been criticised have also been a problem for other states, but it also argued that there is a fundamental inconsistency between the excessively state-controlled religious system in China and respect for religious freedom. The talk was based on an article that is to be published by the *Journal of Church and State*.

### Land Law Reform Policy in Indonesia

Monday 12 August, 1:00-2:15pm

Seminar Room G27, Ground Level, Melbourne Law School

**Dr Rainer Adam** is the Representative of the Friedrich Naumann Foundation in Jakarta. He has also worked for the Foundation in Beijing, Singapore and New Delhi. He specialised in rural development during his studies in Agriculture and Economy, which led to a Ph.D. from Bonn University in 1987. Dr Adam has also been a representative at the FAO in the Department of Human Resources, Institutions and Land Reforms, stationed at the UN in Rome.



Since 1998 there has been a rapid increase in illegal resource extraction across Indonesia. Decentralisation has aggravated the problem by shifting the benefits of exploitation from central to local elites. The Indonesian government has reacted by issuing a number of decrees, aiming at a more sustainable natural resource use. But this requires a change to the Constitution. Article 33 of the Constitution places community rights in a subordinate role to that of the State and ignores existing traditions (*adat*). Without legally enforceable recognition of the rights of communities, other reform measures will not deter further destruction of forests. He argued that rehabilitation of indigenous property rights would empower local stakeholders, indigenous people and tribal groups, reduce violent conflict and lend dignity to many marginalised communities.





## 'Brown Bag' Seminar Series

### Globalisation, Regulatory Character and Reform: Understanding Safety Reform Following the Kader Toy Factory Fire in Bangkok, Thailand

Wednesday 11 September, 1:00–2:15pm

Room 0920, Level 9, Melbourne Law School

**Dr Fiona Haines** is a senior lecturer in the Department of Criminology, University of Melbourne. She completed her BA (Hons) and Ph.D. at the University of Melbourne. She teaches in a range of areas including 'Compliance, Regulation and Crime' and the 'Sociology of Crime and Deviance'. Her research interests are primarily in the area of corporate harm and regulation. A central theme of her work is to locate corporate harm and its regulation within its social, economic and political context. She has published a range of articles in both the popular and academic press as well as two books, including *Corporate Regulation: Beyond 'punish or persuade'*.



Regulatory effectiveness remains a high priority but an elusive goal for many governments. Regulations change, often spurred by developments in other jurisdictions and often justified by the epithet global "best practice". An underlying assumption of such reform is that "best practice" will provide an optimal outcome irrespective of the particular economic, political and cultural context within which the regulator has to work. A means of understanding the unique contribution of place in moulding both regulatory reform and its enforcement is sorely needed in order to assess the worth of reforms within a particular context.

Fiona Haines' paper explored the possibility of regulatory character as a means of understanding the importance of place and involves an understanding of culture, economic and political elements arranged schematically according to the dimensions of authority and social ordering. The paper outlined the concept and then used it to understand the significance of regulatory reform and regulatory effectiveness in Thailand following the Kader Toy Factory Fire, the largest factory fire in history.

### Law and the Ethnic Chinese in Southeast Asia: A Post-Crisis Update

Wednesday 16 October, 1:00–2:15pm

Room 0920, Level 9, Melbourne Law School

**Professor Dr Leo Suryadinata** was professor in the Department of Political Science at the National University of Singapore until June 2002. He is currently Senior Research Fellow in the Institute of Southeast Asian Studies, Singapore. He has published extensively on the ethnic Chinese in Southeast Asia, Indonesian politics and foreign relations. His most recent books include *Ethnic Chinese and Nation Building in Southeast Asia* (1999); *Ethnic Chinese in Singapore and Malaysia: A Dialogue Between Tradition and Modernity* (2002); *Elections and Politics in Indonesia* (2002); and *Negara dan Etnis Tionghoa: Kasus Indonesia* (forthcoming).



## 'Brown Bag' Seminar Series

States in Southeast Asia favoured the principle of "indigenism" in formulating laws and regulations. In other words, they favoured the indigenous population at the expense of non-indigenous people (that is, the ethnic Chinese). With globalisation and democratisation, many Southeast Asian states have been forced to "readjust" their laws and regulations to conform to the principle of equality. The financial crisis has further pressured these states to adjust their policy towards ethnic Chinese. Dr Suryadinata examined discriminatory laws and regulations in Indonesia and Malaysia after the rise of globalisation and democratisation, with special reference to their citizenship laws and regulations relating to Chinese minority rights in the political, cultural and economic fields. He discussed the question of whether post-crisis Southeast Asia has adopted equality in the treatment of the ethnic Chinese.

### Has East Timor's Legal System Already Failed?

Thursday 31 October, 1:00—2:15pm

Seminar Room 0222, Level 2, Melbourne Law School

**Colin McDonald QC** was first admitted as a solicitor in Victoria in 1975. He moved to the Northern Territory in November 1981 to practice law and commenced work as a solicitor with the North Australian Aboriginal Legal Aid Service in 1981. Colin has been at the Northern Territory independent Bar since May 1984. He was appointed Queen's Counsel on 24 January 1997. Colin is admitted to practice law in Western Australia, South Australia and Victoria. He speaks some Bahasa Indonesia.



East Timor achieved independence from Indonesia after almost three decades, with support from all around the world. Assistance from countries such as Australia and Portugal was not limited to armed intervention, but also focused on attempts to establish the rule of law in the world's newest country. East Timor, however, decided to adopt Indonesian law, despite the many problems of that system. Today, nearly half a year after independence, East Timor's legal system is already showing fault-lines. The judiciary are locked in a confrontation with the executive; the language problems of Portuguese, Indonesian, English and Tetum make judicial administration complex and slow; public defenders and prosecutors already appear dysfunctional; and the judges have been on strike. Complaints from litigants, especially foreigners, are widespread. They claim the courts are biased against them. Can the rule of law survive? Colin McDonald spoke from personal experience as counsel in litigation in East Timor, drawing on long-standing links between Darwin and East Timorese legal communities.



## ALC / ICIL Discussion

### The Origins of the UN Universal Declaration of Human Rights

Friday 31 May, 12:30–1:30pm

Room 0920, Level 9, Melbourne Law School

The Asian Law Centre jointly hosted an informal discussion with the Institute for Comparative and International Law on Friday 31 May. **Professor Mary Ann Glendon**, the Learned Hand Professor of Law at Harvard University, discussed her research into the origins of the Universal Declaration of Human Rights.

**Professor Glendon** received Bachelor of Arts, Juris Doctor and Master of Comparative Law degrees from the University of Chicago and subsequently held a two-year postgraduate fellowship studying European law at the Université Libre de Bruxelles. She has received honorary doctorates from numerous universities, including the Universities of Chicago and Louvain. In 1994, she was appointed to the Pontifical Academy of Social Science. In 1995, she headed the delegation of the Holy See to the Fourth U.N. Women's Conference in Beijing.



Professor Glendon writes and teaches in the fields of human rights, comparative law, constitutional law and legal theory. She is the author of *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (Random House, 2001).

Almost 40 people attended the ALC / ICIL Discussion, including staff and graduate students. The Discussion was chaired by Associate Professor Richard Garnett, a former student of Professor Glendon.

# Multimedia IT

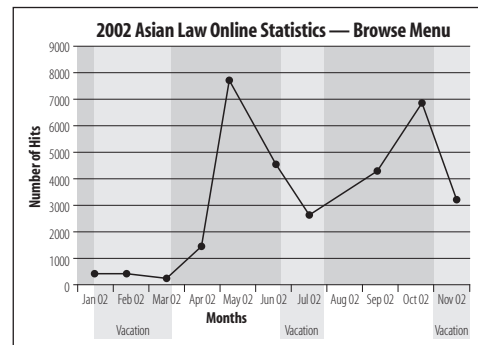
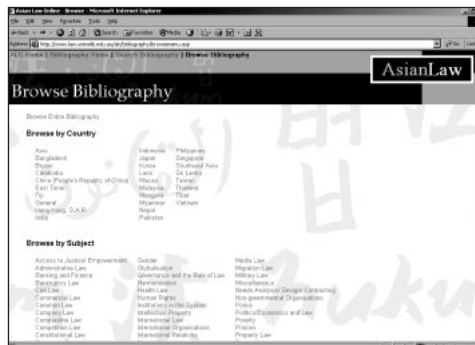
## Asian Law Online – <http://www.law.unimelb.edu.au/alc/bibliography>

*Asian Law Online* was developed by the Asian Law Centre and is the result of five years of research. It has been supported by grants from the Australian Research Council, a Special Initiatives Grant in 1998 and the Asian Laws in Transition ARC Large Grant in 1999.

*Asian Law Online* is the first online, searchable bibliographic database of Asian law materials in the world. Offered to the public as a service to assist students and scholars of Asian legal systems, it is the biggest collection of English language materials on Asian laws available throughout the world and includes books, chapters in books, journal articles and theses.

The database is organised according to countries in East Asia and a selection of basic legal areas. The database can be searched for any word or a more specific advanced search can be conducted. The database is also linked to a list of useful websites for each country and legal area.

The *Asian Law Online* website, which can be accessed at <http://www.law.unimelb.edu.au/alc/bibliography>, received 46,766 hits in 2002, with an average of 3,897 hits per month. The Browse menu alone represented 77.6% (36,296) of these hits. Given that *Asian Law Online* was launched formally only in September, these statistics are proof of the popularity of this searchable database amongst academics, researchers, practitioners and students.



## Useful Research Links

Linked to *Asian Law Online*, the Useful Research Links website is a searchable database of useful websites.

The database is organised according to countries in East Asia and a selection of basic legal areas and can be searched for any word. It can be accessed at [http://www.law.unimelb.edu.au/db/useful\\_links/alc/](http://www.law.unimelb.edu.au/db/useful_links/alc/) or through *Asian Law Online*.



# Multimedia IT

## Law and Finance Institutional Partnership – <http://www.lfip.org>

The Asian Law Centre provides support to interactive live, online law teaching in Indonesia for under-resourced universities through the Law and Finance Institutional Partnership (LFIP).

Led by Associate Professor David Linnan from the School of Law at the University of South Carolina and a frequent visitor to the Asian Law Centre, LFIP is a joint initiative between the University of Indonesia Graduate Law Program (*Program Pasca Sarjana Fakultas Hukum UI*), the Jakarta Stock Exchange (*Bursa Efek Jakarta*) and the University of South Carolina. As of July 2002 LFIP included five new Indonesian and foreign university partners: Gadjah Mada University Graduate Law Program (*UGM Program Hukum Bisnis dan Kenegaraan*), the University of Washington Asian Law Program, the University of Melbourne Asian Law Centre, the Centre for Asia-Pacific Initiatives at the University of Victoria, Canada and Lehrstuhl II of the Kriminalwissenschaftliches Institut at the University of Cologne, Germany.

This Partnership provides a content-based distance education network for graduate law programs, relying on instructional videoconferencing and web-based materials. LFIP can be accessed at <http://www.lfip.org>.



## Visiting Scholars 2002

Date of Visit	Visiting Scholar
15 October 2001 — 14 May 2002	Mr Dong-yoel Lee, <i>Kwangju Public Prosecutor's Office</i> , Korea
16 January–31 July	Mr Ary Nugroho, <i>Australia-Indonesia Merdeka Fellow 2001-2002</i> , Indonesia
3–13 March	Professor Noboru Kashiwagi, <i>Professor of Law, University of Tokyo</i> , Japan
15 March	<p>Delegation from <i>China University of Politics and Law</i>, People's Republic of China</p> <ul style="list-style-type: none"> <li>■ Mr Shi Ya-Jun, Chairman, University Council, China University of Politics and Law</li> <li>■ Professor Tian Wei-Min, China University of Politics and Law</li> <li>■ Professow Wang Yong, China University of Politics and Law</li> <li>■ Mr Yang Qin-Huo, Director-Chief, Section of International Academic Exchange and Cooperation, China University of Politics and Law</li> <li>■ Professor Zhu Yong, Vice-President, University Administrative &amp; Procedure Law, China University of Politics and Law</li> </ul>
7–13 April	Professor Hikmahanto Juwana, <i>Professor of Law, Faculty of Law, University of Indonesia</i> , Indonesia
8–19 April	Professor M.B. Hooker, <i>Adjunct Professor, Faculty of Law, Australian National University</i> , Australia
16 May	Ms Yoko Kurono, <i>Waseda University</i> , Japan
29 May	Mr Hop Dang, <i>Solicitor, Phillips Fox Lawyers</i> , Vietnam
31 May	Professor Mary Ann Glendon, <i>Learned Hand Professor of Law, Harvard Law School</i> , U.S.A.
12–15 June	<p>Ms Nini Halim, <i>Partner, Hutabarat, Halim &amp; Rekan Lawyers</i>, Indonesia</p> <p>This visit was part of a program of visits for Indonesian lawyers, under the auspices of the International Legal Services Advisory Council (ILSAC), a department of the Commonwealth Attorney-General's Office.</p>
30 July–9 August	Dr Chen Duanhong, <i>Associate Professor, Law School, Peking University</i> , People's Republic of China
30 July–9 August	Judge Liu Yuenan, <i>Chief Judge, Administrative Division, Guangzhou Intermediate People's Court</i> , People's Republic of China
12 August	Dr Rainer Adam, <i>Friedrich Naumann Foundation</i> , Germany



## Visiting Scholars 2002

Date of Visit	Visiting Scholar
21 August	Dr Adam McCarty, <i>Chief Economist, Mekong Economics, Vietnam</i>
11 September	Professor Richard Cullen, <i>Department of Business Law and Taxation, Faculty of Business and Economics, Monash University, Australia</i>
18–20 September	Dr Dewi Fortuna Anwar, <i>Deputy Chair for Social Sciences and Humanities at the Indonesian Institute of Sciences (LIPI); Director for Programs and Research, Habibi Center, Indonesia</i>
18–20 September	Professor Dr Shad Saleem Faruqi, <i>Professor of Law, Universiti Teknologi MARA, Malaysia</i>
18–20 September	Professor M.B. Hooker, <i>Adjunct Professor, Faculty of Law, Australian National University, Australia</i>
18–20 September	Professor Virginia Hooker, <i>Dean, Faculty of Asian Studies, Australian National University, Australia</i>
18–20 September	Ms Jamila Hussain, <i>Faculty of Law, University of Technology, Sydney, Australia</i>
22–24 September	Ms Wiwiek Awiati, <i>Executive Director, Indonesian Center for Environmental Law (ICEL); Lecturer, Faculty of Law, University of Indonesia, Indonesia</i>  This visit was part of a program of visits for Indonesian lawyers, under the auspices of the International Legal Services Advisory Council (ILSAC), a department of the Commonwealth Attorney-General's Office.
16–18 October	Professor Dr Leo Suryadinata, <i>Senior Research Fellow, Institute of Southeast Asian Studies, Singapore</i>
20–22 October	Mr Kent Anderson, <i>Faculty of Law, Australian National University, Australia</i>
25 October	Delegation from <i>Henan Province, People's Republic of China</i>
28 October	Delegation from <i>Henan Provincial Establishment Organisation Committee Office (EOCO), People's Republic of China</i>  <ul style="list-style-type: none"> <li>■ Mr Cheng Leyi, <i>Director, Research &amp; Service Centre, Henan Provincial EOCO</i></li> <li>■ Ms Feng Li, <i>Researcher, Henan Bureau of Foreign Experts; Assistant Secretary-General, Henan Association of International Exchange of Personnel</i></li> <li>■ Mr Gao Changqing, <i>Director, Zhoukou Municipal EOCO, Henan Province</i></li> <li>■ Mr Han Shousheng, <i>Director, Shangqiu Municipal EOCO, Henan Province</i></li> <li>■ Mr Kou Bingcan, <i>Deputy Director, Henan Provincial EOCO; Deputy Chief, Henan Provincial Personnel Department</i></li> <li>■ Mr Li Jianjun, <i>Division Chief, Zhengzhou Municipal EOCO, Henan Province</i></li> <li>■ Mr Liu Lei, <i>Division Chief, Personnel Division, Henan Provincial News Publishing Bureau</i></li> </ul>



## Visiting Scholars 2002

### Date of Visit

### Visiting Scholar

- Mr Luo Xiangsheng, *Deputy Division Chief, Personnel Division, Henan Provincial Forestry Department*
- Mr Shao Xinmin, *Deputy Division Chief, Personnel Division, Henan Provincial Water Resource Department*
- Mr Song Xinwen, *Researcher, Personnel Assignment Division, Henan Provincial Personnel Department*
- Mr Wang Guangming, *Director, Nanyang Municipal EOCO, Henan Province*
- Mr Wang Yunfeng, *Deputy Director, Xuchang Municipal EOCO, Henan Province*
- Mr Xiao Qiuping, *Director, Zhu-Ma-Dian Municipal EOCO, Henan Province*
- Mr Yang Jinxue, *Director, Luoyang Municipal EOCO, Henan Province*
- Ms Zhang Yunfeng, *Section Chief, Personnel Division, Henan Provincial Education Department*
- Mr Zhou Zeliang, *Director, Jiyuan Municipal EOCO, Henan Province*

30 October

Mr Colin McDonald QC, *Barrister, William Forster Chambers, Australia*



Dinner with Ms Nini Halim, Partner, Hutabarat, Halim & Rekan Lawyers, Indonesia

*Rear Left to Right:* Kathryn Taylor, Lanita Lindsey, Helen Pausacker, Tim Lindsey, Nini Halim, Bruce Johnston (Allens Arthur Robinson), Yeow Choy Choong (University of Malaya)

*Front Left to Right:* Neri Colmenares, Geoff Musgrove (Maddocks), Commissioner Hingley (Australian Industrial Relations Commission), Gillian Triggs, Justin Fox (Corrs Chambers Westgarth)



# Faculty Teaching & Education

Members of the Centre again contributed a full programme of Asian Law related subjects at the undergraduate and graduate levels. The Law School continues to offer the best coverage of Asian Law in Australia. It is seen as an East Asian leader in this field and its program is among the most extensive Asian law teaching programs in the world.

Subjects in the Law School's programme for 2002 included:

## **Undergraduate Programmes**

- Commercial Law in Asia – Semester 2
- Land, Race and Law in Southeast Asia – Semester 1
- Law and Society in Japan – Summer semester
- Law and Society in Southeast Asia – Semester 2

## **Not Offered in 2002 — Undergraduate**

- Issues in Chinese Law
- Law and Civil Society in Asia
- Law and Labour Relations in East Asia
- Law and Society in China

## **Postgraduate Programmes**

- Commercial Law in Asia – Semester 2
- Comparative Companies Law in the Asia Pacific Region – Semester 2 (intensive)
- Debt Recovery in Asia – Semester 1
- Globalisation, APEC and Law – Semester 1
- International Franchising, Distribution and Licensing – Semester 2 (intensive)
- Islamic Law and Politics in Asia – Semester 1 (intensive)
- Law and Economic Reform in Asia – Semester 2

## **Not Offered in 2002 — Postgraduate**

- Alternative Commercial Dispute Resolution in Asia
- Asia-Pacific Constitutional Systems
- Aspects of Comparative and International Labour Law
- Harmonisation of Commercial Laws in the APEC Region
- Legal Aspects of Finance in Asia

# Major Institutional Contributions

## Chulalongkorn University, Bangkok

**Professor Malcolm Smith** participated for the third time in the teaching of a graduate course at Chulalongkorn University on Commercial Alternative Dispute Resolution.

**Associate Professor Richard Garnett** also taught the course, together with Judge Vichai of the Board of International Trade of Thailand. The subject was offered in the LL.M. Business Law at Chulalongkorn University and was taught in English.

## Graduate School for International Development, Nagoya University

**Professor Malcolm Smith** spent three months from October 1, 2002 at the Graduate School for International Development (GSID) at Nagoya University. His research program was supported by a Fellowship from the Japanese Ministry of Education, Science and Culture.

GSID was established ten years ago as a postgraduate Institute for Development Studies. Four Professors from the program have previously visited the Asian Law Centre, including Professor Iwasaki, Professor Yasuda, Professor Kubota and Professor Nakahigashi. The Law Faculty at Nagoya University hosts one of Japan's largest programs for legal exchanges with the countries of Asia, especially from the former Socialist countries.

While researching at Nagoya, Malcolm Smith participated in a Seminar on Asian Law hosted by the Institute of Developing Economies, Tokyo, and a Conference on Asian Law hosted by Kyushu University, where he was the keynote speaker. He gave papers on Australian legal education at Nagoya University and at Osaka City University, and a paper on Corporate Governance in Australia at Nagoya University. Revised versions of these presentations have been accepted for publication in 2003.

While in Japan, he also facilitated the new exchange program with the Supreme Court of Japan, which has already seen short visits by Judge Handa of the Tokyo High Court and Judge Hosoda of the Tokyo District Court, and a one year visit by Judge Nakajima of the Osaka District Court, which is to begin in July 2003.

## ANU MBA

**Associate Professor Tim Lindsey** taught "Legal Frameworks of Business in Asia" as part of the MBA at Australian National University for the fifth time. The ANU MBA program attracts students from across Asia, Europe and USA, as well as Australia and has been a prize-winning initiative.

## Chinese Delegations

On 25 October, **Ms Sarah Biddulph** gave a lecture to a delegation from Henan province, People's Republic of China, on the Australian legal system. She also presented a lecture to the Henan Provincial Establishment Organisation Committee Office on 28 October.



# Research Degree Completions

## Research Students Under Supervision of Centre Members

Members of the Centre continued to offer supervision to a large group of Australian students interested in Asian law and international students studying at the Law School, most of whom are Ph.D. candidates. This is the largest Doctoral group working on Asian law in a single Centre in the world. In addition, Centre members are involved on a daily basis with assistance for LL.M. and Graduate Diploma by coursework students.

Higher degree research candidates who submitted or successfully completed in 2002 were:

### Mr Ryad Chairil (Ph.D.)

- Supervisors: Michael Crommelin, Tim Lindsey  
*"The Indonesian Mineral Regime: A Model for the Future — Learning From Other Countries in Implementing Regulatory Change"*

### Mr Yeow Choy Choong (Ph.D.)

- Supervisors: Michael Tilbury, Tim Lindsey  
*"Summary Disposition in the New Procedural Landscape: Proposals for Reform in Malaysia"*

### Mr Sunseop Jung (Ph.D.)

- Supervisor: Malcolm Smith  
*"Legal Aspects of OTC Derivatives: Reducing Uncertainty Through Legislative Reform"*

### Ms Kate McGregor (Ph.D. (Arts))

- Supervisor: Tim Lindsey  
*"The Military and History in Indonesia"*

### Ms Inge Resdiano (LL.M.)

- Supervisor: Tim Lindsey  
*"Corporate Governance in Indonesia, Singapore and Australia – A Comparison"*



Ms Kerstin Steiner, Ph.D. Candidate



Mr Nguyen Hien Quan, Ph.D. Candidate

# Research Students

Research students under the supervision of Centre members included:

## Ms Sarah Biddulph (Ph.D.)

- Supervisors: Cheryl Saunders, Michael Dutton, Pip Nicholson
- Expected Year of Completion: 2004
- "Controlling Detention for Investigation: Legal Accountability of the Chinese Public Security Organs"*

## Mr Simon Butt (Ph.D.)

- Supervisor: Tim Lindsey
- Expected Year of Completion: 2005
- "District Courts in Indonesia"*

## Mr Ryad Chairil (Ph.D.)

- Supervisors: Michael Crommelin, Tim Lindsey
- Submitted in 2002
- "The Indonesian Mineral Regime: A Model for the Future — Learning From Other Countries in Implementing Regulatory Change"*

## Mr John Chellew (Ph.D.)

- Supervisor: Malcolm Smith
- Expected Year of Completion: 2004
- "Derivatives Regulation: Drafting the Best Legal Definition of 'Derivative'"*

## Mr Yeow Choy Choong (Ph.D.)

- Supervisors: Michael Tilbury, Tim Lindsey
- Submitted in 2002
- "Summary Disposition in the New Procedural Landscape: Proposals for Reform in Malaysia"*

## Mr Neri Colmenares (Ph.D.)

- Supervisors: Tim Lindsey, Tim McCormack
- Expected Year of Completion: 2004
- "Curbing Impunity Through the International Criminal Court: The Case of the Philippines"*

## Mr Budi Darmono (Ph.D.)

- Supervisor: Tim Lindsey
- Expected Year of Completion: 2003
- "Adat and Forestry Laws in a Plural System: A Study of Indonesian 'Legal Development'"*

## Ms Alice de Jonge (SJD)

- Supervisor: Malcolm Smith
- Expected Year of Completion: 2004
- "Media and Markets in Hong Kong and the People's Republic of China: Maintaining Corporate standards in China's H-Share Market"*

## Mr Joseph Eng (Ph.D.)

- Supervisor: Tim Lindsey
- Expected Year of Completion: 2003
- "A Critical Review of the Customary Land Rights of the Natives of Sarawak"*

## Ms Susi Harijanti (Ph.D.)

- Supervisors: Cheryl Saunders, Tim Lindsey
- Expected Year of Completion: 2005
- "The Role and Function of the National Ombudsman Commission in Creating Good Governance in Indonesia"*

## Mr Mohamad Hafiz Hassan (Ph.D.)

- Supervisors: M.B. Hooker, Tim Lindsey
- Expected Year of Completion: 2004
- "The Syariah Court of Singapore — A Study of a Court of Law From the Civil and Islamic Perspective"*

## Ms Paloma Hatami (Ph.D.)

- Supervisor: Tim Lindsey
- Expected Year of Completion: 2006
- "Are Islamic Principles Sufficient for a Stable Economy? Implications for Trade, Investment and Banking in Islamic Countries: Case Study of Iran and UAE"*

## Mr Peter Holland (Ph.D.)

- Supervisor: Tim Lindsey
- Expected Year of Completion: 2007
- "The OECD Convention on Bribery of Foreign Government Officials: The Impact on Australian Business in Asia"*



# Research Students

## Mr Denny Indrayana (Ph.D.)

- Supervisors: Cheryl Saunders, Tim Lindsey
- Expected Year of Completion: 2005
- "Constitutional Reform and Transition from Authoritarian Rule: The Indonesian Experience 1999–2002"*

## Mr Sunseop Jung (Ph.D.)

- Supervisor: Malcolm Smith
- Completed in 2002
- "Legal Aspects of OTC Derivatives: Reducing Uncertainty Through Legislative Reform"*

## Ms Kate McGregor (Ph.D. Arts)

- Supervisor: Tim Lindsey
- Completed in 2002
- "The Military and History in Indonesia"*

## Mr Nguyen Hien Quan (Ph.D.)

- Supervisors: Tim Lindsey, Pip Nicholson
- Expected Year of Completion: 2005
- "Institutional Efficiency and Commercial Dispute Resolution in Southeast Asia — A Game Theory Analysis"*

## Ms Inge Resdiano (LL.M.)

- Supervisor: Tim Lindsey
- Completed in 2002
- "Corporate Governance in Indonesia, Singapore and Australia — A Comparison"*

## Mr Arskal Salim (Ph.D. Arts)

- Supervisors: Tim Lindsey, Merle Ricklefs
- Expected Year of Completion: 2006
- "Islamisation of Laws in a Modernising State: Sharia in Indonesia 1945–2005"*

## Adv. Andy Schmulow (Ph.D. Arts)

- Supervisor: Tim Lindsey
- Expected Year of Completion: 2005
- "Problems Associated with Prudential Regulatory Enforcement in the Indonesian Banking Sector"*

## Ms Chenxia Shi (Ph.D.)

- Supervisors: Tim Lindsey, Sean Cooney
- Expected Year of Completion: 2004
- "Can Corporate Governance and Directors' Duties Converge? — From a Chinese Perspective"*

## Ms Kerstin Steiner (Ph.D.)

- Supervisor: Tim Lindsey
- Expected Year of Completion: 2005
- "Western Human Rights and Asian Values: Are the Differences Real?"*

## Ms Ann Wardrop (Ph.D.)

- Supervisor: Tim Lindsey
- Expected Year of Completion: 2006
- "Public Interest in the Insolvency of Privatised Essential Services"*

## Dr Eric Wilson (SJD)

- Supervisors: Gillian Triggs, Tim Lindsey
- Expected Year of Completion: 2003
- "That Fiery Hunt": Indigenous Subsistence Whaling and the Geo-governance Regime of International Marine Resources Management"*

## Ms Phoebe Wynn-Pope (Ph.D.)

- Supervisor: Tim Lindsey
- Expected Year of Completion: 2009
- "What are the Criteria for Determining When a Threat to or Violation of Human Security Should Justify an External Intervention?"*

## Ms Julia Se Se Zhang (Ph.D.)

- Supervisors: Malcolm Smith, Sarah Biddulph
- Expected Year of Completion: 2004
- "Technology Transfer to China: An Examination on the Nature of the Contractual Relations between Recipients and Suppliers"*

## Mr Ming Zhou (Ph.D.)

- Supervisors: Malcolm Smith, Gillian Triggs
- Expected Year of Completion: 2006
- "Antidumping Law and Practices in China and the WTO"*

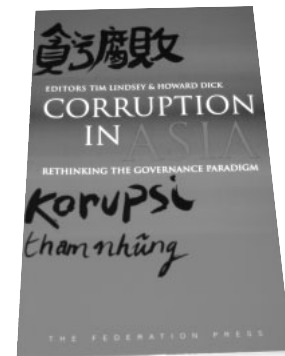


# Publications

## Corruption in Asia

*Corruption in Asia: Rethinking the Governance Paradigm* was published by Federation Press in January 2002. This book is a result of the Asian Law Centre/Australian Centre for International Business conference in 2000, "Rethinking the Good Governance Paradigm: Corruption and Social Engineering in Indonesia and Vietnam".

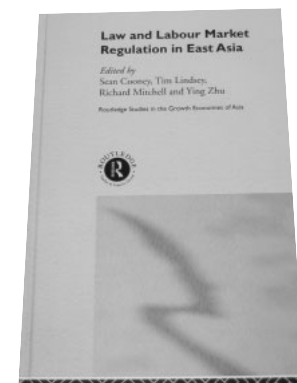
The book is edited by Tim Lindsey with Associate Professor Howard Dick of the Australian Centre for International Business. Dr Pip Nicholson (Associate Director (Vietnam)) is one of a range of Asian, Australian and North American contributors with chapters on why law reform in Asia has failed to stop corruption and how governance reform can be improved.



## Law and Labour Market Regulation in East Asia

*Law and Labour Market Regulation in East Asia* (Routledge, 2002) was launched by Justice Peter Gray of the Federal Court of Australia on Friday 4 October.

Co-edited by Centre members Sean Cooney and Tim Lindsey with Centre Associate Professor Richard Mitchell of the Centre for Employment and Labour Relations Law and Dr Ying Zhu from the Department of Management, this edited collection examines the labour laws of seven industrialising East Asian societies – China, Indonesia, Malaysia, South Korea, Taiwan, the Philippines and Vietnam – and discusses the variation in their impact across the whole region. Justice Peter Gray stated that it fills a major gap in current scholarship.



Labour conditions in many East Asian countries are often poor; stories of abuses are commonly reported in the press. It would seem that local laws frequently do not provide much assistance to workers. Is this because the laws themselves are inadequate, or because laws exist only 'on the books' and have little practical effect?

Leading scholars from each country consider not only laws pertaining to working conditions and industrial relations, but also those that regulate the labour market as a whole. Thus, legislation concerning migrant labour, gender equality, employment creation and skill formation is considered. Adopting their own distinct theoretical perspectives, the authors of the country studies trace the historical development of labour regulation and reveal that most countries in the region now have quite extensive frameworks.





## Publications

An introductory chapter provides an overview of relevant literature from law and other social sciences. The final chapter (by Centre Associate, Professor Richard Mitchell and Centre Associate Director (Taiwan), Sean Cooney) considers how East Asian systems of labour regulation differ from their Western counterparts and provides an original account of the diverse relationships between law and its changing political, economic and cultural environment. This book will be particularly useful to people interested in the place of labour law, and law in general, in contemporary East Asian societies.



Launch of *Law and Labour Market Regulation in East Asia*  
(From left to right: Justice Peter Gray, Anthony Forsyth, Tim Lindsey, Centre Associate Richard Mitchell and Sean Cooney).

# Publications

## Publications of Members, Associates & Researchers

### Books

- Cooney, S., Lindsey, T., Mitchell, R. & Zhu, Y. (eds.) (2002), *Law and Labour Market Regulation in East Asia*, Routledge, London.
- Hanrahan, P., Ramsay, I. & Stapledon, G. (2002), *Commercial Applications of Company Law*, 3rd edition, CCH Australia, North Ryde.
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- Ramsay, I. (ed.) (2002), *Key Developments in Corporate Law and Trusts Law: Essays in Honour of Professor Harold Ford*, Butterworths, Sydney.

### Chapters in Books and Monographs

- Baxt, B., Ramsay, I. & Stapledon, G., "Corporate Governance in Australia: The Evolving Legal Framework and Empirical Evidence", in Low, C.K. (ed.) (2002), *Corporate Governance: An Asia-Pacific Critique*, Sweet & Maxwell Asia, Hong Kong, 159–200.
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- Lindsey, T., "Anti-corruption and NGOs in Indonesia", in Holloway, R. (ed.) (2002), *Stealing from the People — 16 Studies on Corruption in Indonesia — Book 4: Clampdown — In Search of New Paradigms*, Aksara Foundation, Partnership for Governance Reform, Jakarta, 29–70.



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- Ramsay, I., "Institutional Investors, Corporate Governance and the New International Financial Architecture", in Goo, S., Arner, D. & Zhou, Z. (2002), *International Financial Sector Reform: Standard Setting and Infrastructure Development*, Kluwer Law International, The Hague.
- Ramsay, I. & Stapledon, G., "Institutional Investors, Corporate Governance and the New International Financial Architecture", in Ramsay, I. (ed.) (2002), *Key Developments in Corporate Law and Trusts Law: Essays in Honour of Professor Harold Ford*, Butterworths, Sydney, 73–104.
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- Colmenares, N. (2002), "The Rome Statute and Universal Jurisdiction: Impact on Human Rights", *The Voice*, 2(2), 29–37.
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Lindsey, T. (2002), "Indonesian Constitutional Reform: Muddling towards Democracy", *Singapore Journal of International and Comparative Law*, 6, 244–301.

Ramsay, I. & Stapledon, G. (2002), "Corporate Governance: The Role of Superannuation Trustees", *ICFAI Journal of Corporate Governance*, 1, 57–89.

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Mitchell, R. & Murray, J. (2002), "Legal Regulation of the Employment Relation", *Industrial Law Journal*, 31, 199–205.

## Translations

Steele, S. & Matsushita, J. (2002), Translation of *Law Relating to Recognition and Assistance for Foreign Insolvency Proceedings* (Law No. 129 of 2000) (Japan), Ministry of Justice, Japan.

## Working Papers

Mitchell, R. & Fetter, J. (2002), *Human Resource Management and the Individualisation of Australian Industrial Relations*, Centre for Employment and Labour Relations Law, Working Papers.

## Newspaper Articles

Lindsey, T. (2002), "A greedy, corrupt journey from rooster to feather duster: The man who demanded too much" (on Soeharto), *The Age*, 5 January.

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Lindsey, T. (2002), "Boat People: Why the Indonesia Solution won't work either", *Dissent*, 8, Autumn/Winter, 42–44.

Lindsey, T. (2002), "Getting to know our neighbours is a start" (interview on Islam, terrorism and Indonesian politics), in 'Asia Pacific' by Rowan Callick, Asia Pacific Editor, *The Australian Financial Review*, 26–27 October.

Lindsey, T. (2002), "Indonesia Belum Miliki Yurisprudensi HAKI [Indonesia lacks an Intellectual Property Jurisprudence]" (interview), *Republika*, 6 August.

Lindsey, T. (2002), "Indonesia's New Anti-Terrorism Laws: Damned If You Do, Damned If You Don't", *JURIST Forum*, 30 October.

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- Cammack, M. (2002), "Islamic Inheritance Law in Indonesia: The Influence of Hazairin's Theory of Bilateral Inheritance", *Australian Journal of Asian Law*, 4(3), 295–315.
- Fung, J.G. & Lam, A.T. (2002), "The PRC and Sovereignty at International Law: A Growing Symbiosis?", *Australian Journal of Asian Law*, 4(2), 127–159.
- Hooker, M.B. (2002), "Introduction: Islamic Law in South-east Asia", *Australian Journal of Asian Law*, 4(3), 213–231.
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- Hosen, N. (2002), "Revelation in a Modern Nation State: Muhammadiyah and Islamic Legal Reasoning in Indonesia", *Australian Journal of Asian Law*, 4(3), 232–258.
- Islam, M.R. & Solaiman, S.M. (2002), "The Enforcement of Rulings of the Supreme Court on Judicial Independence in Bangladesh: When Enforcer Becomes Violator", *Australian Journal of Asian Law*, 4(2), 107–126.
- Kamiya, M. (2002), "Narrowing the Avenues to Japan's Supreme Court: The Policy Implications of Japan's Code of Civil Procedure Reforms", *Australian Journal of Asian Law*, 4(1), 53–75.
- McGeachy, H. (2002), "The Invention of Burmese Buddhist Law: A Case Study in Legal Orientalism", *Australian Journal of Asian Law*, 4(1), 30–52.
- Onzivu, W. (2002), "The Public Health Implications of the Association of South East Asian Nations (ASEAN) Legal Regime on Tobacco Control", *Australian Journal of Asian Law*, 4(2), 160–187.
- Tan, E.K.B. (2002), "'We' v 'I': Communitarian Legalism in Singapore", *Australian Journal of Asian Law*, 4(1), 1–29.
- Triggs, G. (2002), "The New Timor Sea Treaty Between East Timor and Australia", *Australian Journal of Asian Law*, 4(2), 188–206.

## Asian Law in Translation

- Lawson, C. & Thornley, S. (2002), "Perceptions of the Current State of the Japanese Legal System": Interview with Koji Sato, Chairman of Japan's Judicial Reform Council, *Australian Journal of Asian Law*, 4(1), 76–91.

## Case Notes

- Hooker, M.B. (2002), "Native Title in Malaysia Continued — Nor's Case", *Australian Journal of Asian Law*, 4(1), 92–105.

## Book Reviews

- Taylor, V. (2002), Review of Willem M. Visser-T Hooft, *Japanese Contract and Anti-Trust Law: A Sociological and Comparative Study*, *Australian Journal of Asian Law*, 4(2), 207–209.

# Conference Papers

## Conference Papers and Seminars Delivered by Members

- Biddulph, S., "The Rule of Law and Administrative Detention in China", at *The Reach of Law in the Pacific Rim*, University of British Columbia, 28–29 May 2002.
- Biddulph, S., "Law and the Quest for Public Order: Rule by Law and the Problem of the Political-legal in the Construction of Administrative Detention Powers in China", at *Law and Society Conference*, Vancouver, 30 May–2 June 2002.
- Colmenares, N., "Human Rights in the Philippines: Implementing the Rome Statute for the International Criminal Court", at *Asian Law Centre Brown Bag Seminar*, The University of Melbourne, Melbourne, 27 March 2002.
- Colmenares, N., "Legal System Impediments to Human Rights Prosecution and the Rome Statute", at *Postgraduate Law Students' Association Seminar*, The University of Melbourne, Melbourne, July 2002.
- Colmenares, N., "The ICC and International Human Rights", at *Terrorism in a Globalized World Conference* (organised by the World Council of Churches and the Christian Conference of Asia), Bayview Hotel, Manila, 26 September 2002.
- Colmenares, N., "The Rome Statute and its Impact on the Philippine Legal System", at *Briefing for Members of Congress*, House of Representatives of the Philippines, Quezon City, 7 October 2002.
- Colmenares, N., "The Rome Statute: Changing State-NGO Relationship", at *All Leaders Forum*, National Council of Churches in the Philippines, Quezon City, 11 October 2002.
- Colmenares, N., "The Rome Statute in the Context of the War on Terror", at *PILCH and New South Wales Public Interest Advocacy Centre Lawyer's Forum*, Sydney, 22 October 2002.
- Colmenares, N., "International Human Rights: Australia's Obligations Under the Refugee Convention", at *Conference* (organised by the Migrant and Workers Resource Centre and the Deputy Speaker of the Queensland Parliament), Queensland State Parliament, Brisbane, 15 November 2002.
- Cooney, S., "The Application, and Non-application, of Rule of Law Principles in Taiwan", *Rule of Law in Asia: Comparative Conceptions*, University of Hong Kong, Hong Kong, 20–21 June 2002.
- Cooney, S., "Towards More Effective Implementation of Labour Standards in China: The Coordination of Non-Governmental Initiatives", at *Conference on Workers' Rights and International Labor Standards: Human Rights and Business*, Wuhan University, Wuhan, 25–27 October 2002.
- Lindsey, T., "Asia, You're Standing in it", at *Young Asian Leaders*, Asialink, Melbourne, 18 March 2002.
- Lindsey, T., "Rethinking the Australia Indonesia Bilateral Relationship", at *National Group Annual Meeting*, Asia Education Foundation, Melbourne, 18 March 2002.
- Lindsey, T., "Corruption in Indonesia", at *Young Asian Leaders*, Asialink, Melbourne, 25 April 2002.
- Lindsey, T., "Indonesia: Politics Update", at *Asian Law Centre Brown Bag Seminar*, The University of Melbourne, Melbourne, 1 May 2002.
- Lindsey, T., "Reply to Former Minister of Justice, Muladi: Australia and Indonesia", at *Indonesia-Australia Young Leaders Dialogue*, Bogor, Indonesia, 22–24 May 2002.
- Lindsey, T., "Why Indonesia Matters", at *Asian Connections 2002*, Asian Studies Conference, Strathfield, Sydney, 18 June 2002.
- Lindsey, T., "Judicial Reform in Indonesia", at *International Commission of Jurists*, Darwin, 28 July 2002.
- Lindsey, T., "Australia-Indonesia Bilateral Relations", at *Asia Foundation*, Melbourne, August 2002.
- Lindsey, T., "Islamic Law in Indonesia", at *Islamic Law in Indonesia*, World Bank Staff Forum, Jakarta, September 2002.



# Conference Papers

## Conference Papers and Seminars Delivered by Members

Lindsey, T., "Does Islamic Law Work in Indonesia", at *Islam After September 11: Islamic Law and the West: Can Secular Laws and Syariah Co-Exist?*, Asian Law Centre & Institute of Comparative and International Law Conference, The University of Melbourne, Melbourne, 19 September 2002.

Lindsey, T., "Current Labour Law in Indonesia", at *Employment Law and Practice in Asia*, CCH, 26 September 2002.

Lindsey, T., "Islam and Family Law in Indonesia", at *Identity and Code Switching*, Melbourne, 26 September 2002.

Lindsey, T., "The Bali Bombing and Islam: Indonesian Government Responses", at *Terrorism at Australia's Front Door: A Public Forum on the Future of Islam and Politics in Indonesia*, Radio Australia, Asialink & Melbourne Institute of Asian Languages and Societies, 23 October 2002.

Lindsey, T., "Corporate Governance in Asia: Can Independent Institutes of Directors and Codes of Conduct Ever Work in 'Insider' Corporate Systems?", at *Corporate Governance and the Role of Independent Directors/Commissioners Institutes in Asia*, USAID, University of Indonesia, University of South Carolina, Jakarta Stock Exchange, BAPPEPAM (together the Law & Finance Institutional Partnership) and Udayana University Conference, Sanur, Indonesia, 21 December 2002.



# Contributions

## Contributions to the University of Melbourne and the Community

### Ms Sarah Biddulph

- China-Australia Chamber of Commerce (Shanghai, China)
- Advisory Committee, *Australian Journal of Asian Law*
- Law Society of NSW

### Mr Sean Cooney

- Member, Centre for Employment and Labour Relations Law, The University of Melbourne
- Advisory Committee, *Australian Journal of Asian Law*
- Ethical Advisory Committee, Brotherhood of St. Laurence
- Liaison Officer, International and Non-English Speaking Background Students

### Associate Professor Tim Lindsey

- Associate Dean (International)
- Director of Studies, Graduate Diploma in Asian Law
- Australia-Indonesia Institute (DFAT)
- Editor, *Australian Journal of Asian Law*
- Associate, Melbourne Institute of Asian Languages and Societies
- Member of Board, Melbourne Institute of Asian Languages and Societies
- Member of Board, Institute for Comparative and International Law, The University of Melbourne
- Associate, Centre for Employment and Labour Relations Law, The University of Melbourne
- Associate, Centre for Corporate Law and Securities Regulation, The University of Melbourne
- International Students' Consultative Committee, The University of Melbourne
- Program Committee, Graduate Studies, Faculty of Law, The University of Melbourne
- Asian Studies Association of Australia

### Dr Pip Nicholson

- Advisory Committee, *Australian Journal of Asian Law*
- Equal Opportunity Committee, Faculty of Law, The University of Melbourne
- Unsatisfactory Progress Committee, Faculty of Law, The University of Melbourne
- Asian Studies Association of Australia
- Vietnam Studies Association of Australia



# Contributions

## Contributions to the University of Melbourne and the Community

### Professor Malcolm Smith

- Dean of Studies, Ormond College
- Advisory Committee, *Australian Journal of Asian Law*
- Advisory Board, *Journal of Korean Law*
- Associate, Melbourne Institute of Asian Languages and Societies
- Associate, Centre for Corporate Law and Securities Regulation, The University of Melbourne
- Member of Board, Institute for Comparative and International Law, The University of Melbourne
- Member of Board, Melbourne Institute of Asian Languages and Societies
- Member of Board, Australian Centre for International Commercial Arbitration
- Member of Board, Leo Cussen Institute
- Member of Board, Penleigh and Essendon Grammar School
- Member of Board, International Trade Law and Business Committee, Law Council of Australia

### Ms Stacey Steele

- Solicitor, Blake Dawson Waldron
- Member, Urasenke Melbourne Chapter
- PILCH volunteer, Homeless Persons' Legal Clinic

## Asian Law Centre Mailing List

If you would like to be included on the Asian Law Centre mailing list, please fill in the form at <http://www.law.unimelb.edu.au/alc/events/questionnaire.pdf> and send it to the Asian Law Centre.



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Allens Arthur Robinson 



Australian Government  
Attorney-General's Department

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