



**Welcome**

Welcome to the fifth edition of the *Melbourne University Law Review* Alumni Association Newsletter! In this edition, we farewell the 2009 Editors, introduce the 2010 Editors and reflect on the major events of 2009.

**About the Alumni Association**

Established in 2001, the Alumni Association's principal functions are to maintain a database of alumni's contact details, publish this Newsletter and host a biennial alumni social event.

All former Members of the *Review* (collectively over 800 people) are automatically Members of the Alumni Association.

**Continued Call for Contact Details**

Thank you to the many alumni who contacted us to confirm or update their details last year. We now have contact details on file for over 600 alumni.

If you are yet to contact us, we would greatly appreciate it if you would provide us with your current occupation, place of work, postal address, email address and your preferred method of contact (mail or email).

In addition, if you are aware of any former Members who have not received a copy of this Newsletter, please advise us of their contact details (with their permission) or encourage them to contact us directly.



The 2009 Alumni Association Cocktail Party  
For information and more photos: see pages 8–9.

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# THE REVIEW IN 2010

This year the *Review* comprises 59 Members, including 29 General Members, 17 Executive Members and 3 Editors. The latter, introduced below, were elected on 14 October 2009 and took office on 1 January of this year.

The *Review* also has three Faculty Advisers — Associate Professor David Brennan, in his fifth year in the position, Professor Jenny Morgan, in her fourth year, and Professor Simon Evans, who joins us for the first time this year.



Kathryn Tomasic, Christopher Tran and Rudi Kruse

## Rudi Kruse

**Running for Editor:** Rudi considers the Editorship to be ‘one of the greatest opportunities available to a law student.’ In particular, he was keen to develop his editorial skills, gain exposure to legal scholarship and work closely with his co-Editors.

**Plans for the Review:** As a JD student, Rudi is particularly keen to ensure the *Review*’s smooth transition to a fully graduate student body.

**Plans for the future:** After more than 20 years of schooling, Rudi looks forward to graduating at the end of 2010. In 2011, he will commence as a Law Graduate at Minter Ellison and, like Chris, he hopes to travel to Europe to undertake further study in international trade law.

**Interests:** Carrying ‘ridiculously heavy packs’ while climbing mountains, building bikes and watching zombie movies.

## Kathryn Tomasic

**Running for Editor:** Kathryn considers it ‘a great privilege to serve as Editor of the *Review*’ and that the Editorship ‘offers a unique opportunity to engage with legal scholarship whilst working with our dedicated Members.’

**Plans for the Review:** Kathryn is looking forward to publishing some high quality articles and finding ways to add value to membership of the *Review*.

**Plans for the future:** Kathryn enjoyed her recent trip to the Dominican Republic for the Finals of the European Law Students’ Association EMC<sup>2</sup> Moot Court Competition and hopes to find time for another overseas trip later in the year.

**Interests:** Baking, watching detective shows and reading *Rumpole of the Bailey*.

## Christopher Tran

**Running for Editor:** After his positive experience as the Editorial Assistant of the *Public Law Review* in 2008–09, Christopher viewed the Editorship as a way to broaden the range of work he was editing.

**Plans for the Review:** Christopher is especially excited about setting up a buddy/mentor system which will pair older members with new members to help the latter settle into the *Review*.

**Plans for the future:** Next year, Christopher will commence as a Law Graduate at Mallesons Stephen Jaques. In July 2011, he is off to Geneva and Spain to take up a scholarship to the World Trade Institute and the International Economic Law and Policy Programme at the University of Barcelona.

**Interests:** Cooking, chess and cricket.

## 2009 IN REVIEW — A REFLECTION

No doubt like all previous Editors of the *Review*, we have found the Editorship to be both a rewarding and exhausting experience.

High on our agenda for 2009 was building on the foundations laid down by Editors from 2006 onwards for the transition of the *Review* to a postgraduate organisation, in line with the Melbourne Model. We widened membership eligibility requirements and took part in negotiations for a system of course credit with the Faculty. *MULR*-related subjects are now available for both Editors and Assistant Editors. So far, there are encouraging signs, with JD students undertaking the roles of Assistant Editor and, this year, even Editor.

A second aim for 2009 was to increase the support provided to new Members of the *Review* in undertaking editorial tasks. This has involved, amongst other things, the creation of new manuals for General Members and the distribution of useful software. We hope this will help the *Review* to maintain its high editorial standards.

In addition to publishing three issues of the *Review*, our next biggest project was the publication of the third edition of the *Australian Guide to Legal Citation* ('AGLC3') in collaboration with the *Melbourne Journal of International Law*. This comprehensive revision of the second edition was a mammoth undertaking for us and many of our Members. AGLC3 has now been published (despite a few months' delay to ensure its quality, usability and completeness), and we have no

doubt that its users will find that the finished product does justice to the time and effort many Members of the *Review* put into it.

We now find ourselves gladly transitioning out of the role of Editors to move on to new things. David is currently undertaking a Traineeship at Mallesons Stephen Jaques and has also begun to play soccer after a few years' hiatus. Luke is spending the first semester (of his seventh year of university) finishing off his two remaining subjects, before taking a six-month break and starting at Mallesons in 2011. Anna is currently in the final stages of her law degree but this year is completing an Honours degree in economics and finance. She has recently returned from a well-earned break in Peru and Chile.

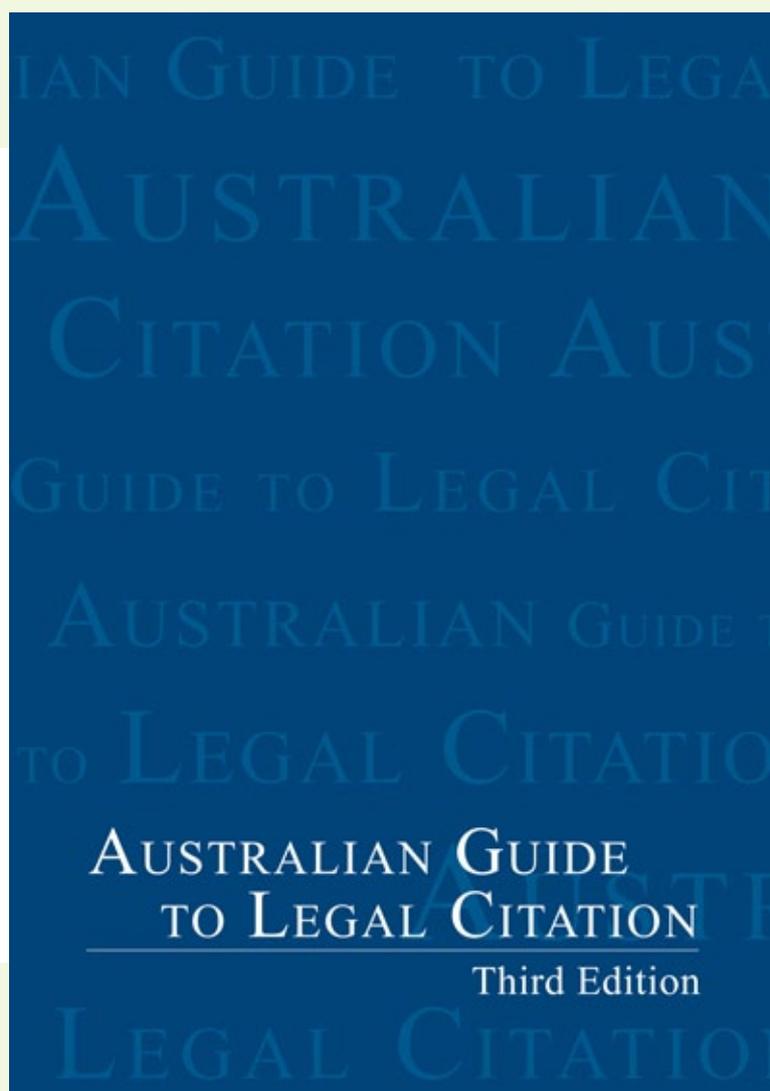
The three of us would like to thank the *Review*'s 2009 Faculty Advisers, Associate Professor David Brennan, Professor Richard Garnett and Professor Jenny Morgan, for their guidance and counsel on the often difficult situations student-run journals encounter. We also extend our thanks to past and present Members of the *Review* who supported our efforts in 2009 in myriad ways: by their tireless work on the *Review* and AGLC3, by attending *Review* functions, and by giving their time as referees. We wish everyone all the best.

**David Heaton, Luke Pallaras and Anna Zhang**  
2009 Editors



David Heaton, Anna Zhang and Luke Pallaras

# AGLC3: ON SALE NOW



## **Introducing AGLC3**

The *Review* is proud to announce that the third edition of the *Australian Guide to Legal Citation* ('AGLC3') has recently been published. Hardcopies can be purchased directly from the *Review* for AU\$20.00 each (excluding postage and handling) using the order form available for download from our website. Hardcopies can also be purchased from retailers across Australia, including the Melbourne University Bookshop. Alternatively, a free online version can be downloaded (for viewing only) from our website.

## **About the AGLC**

The *AGLC* is an easy-to-read, user-friendly reference manual for legal citation in Australia. Designed for academics, law students, legal practitioners and the judiciary, the *AGLC* provides an invaluable tool for legal writing and research.

## **History of the AGLC**

The *AGLC* was first published by the *Review* in 1998. The second edition, marking a significant revision and expansion of the *AGLC*, was published in 2002. Since its first publication, the *AGLC* has become the most widely used and recognised legal citation guide in Australia, having been adopted by most Australian law schools, over 42 law journals and (in part) some courts.

## **The Third Edition**

The third edition of the *AGLC* is, for the first time, a product of collaboration between the *Review* and the *Melbourne Journal of International Law*. Combining the expertise of both journals, it marks a comprehensive restructure and revision of the *AGLC*, featuring expanded rules on international legal materials and materials from overseas domestic jurisdictions including Canada, China, France, Germany, New Zealand, Singapore, the United Kingdom and the United States.

# ANNUAL DINNER 2009

The *Review* held its 52nd Annual Dinner at the Langham Hotel on 29 October 2009. It was a delightful evening of delicious food, stimulating speeches and social interaction. The event was well attended by members of the judiciary, Melbourne Law School academics and past and present *Review* authors, referees and Members.

The keynote speaker for the 2009 Annual Dinner was the Honourable Chief Justice Robert French AC. The Chief Justice presented a speech on the historical precedents for the provision of advice by Chief Justices to Governors and Governors-General. His Honour concluded by expressing his approval of the following words of Sir Gerard Brennan, made in relation to Sir Garfield Barwick's advice to Sir John Kerr: 'It was, and remains, a controversial matter but, if only on that account, will not happen again.'<sup>1</sup> We were delighted to see the speech noted by a number of newspapers (including the *Australian Financial Review* and the *Sydney Morning Herald*), who drew links between the timing of the speech and the possibility of a double dissolution before the next federal election. The speech is to be published as a feature in issue 33(3) of the *Review*.

[1] 'The Late Sir Garfield Barwick' (1997) 187 CLR v, viii.

Professor Ian Malkin, representing the Faculty, then gave an entertaining, reflective speech about 'Change and the *MULR*' over the 23 years that he has been at the Melbourne Law School. He focused on the impact of new technology and facilities on the *Review*, but also highlighted the *Review's* constant commitment to legal scholarship, diverse content and a connection to the wider world.

Ian began by reflecting on technological change and its impact on research:

This is a matter that is great fun for me to think about and chat about, as I'm so the wrong person to be talking about technology! ... I'm PowerPoint-less; I stick to overheads, which I might add were innovative at one point; and the whiteboard too (compared to blackboards, about which I still think fondly). For me, the mobile phone is the technological change that has almost defeated me. ...

I tried to recall what life was like in the mid to late 80s: there was a time before the Internet; before Westlaw; before Lexis; before we knew what a database was — nothing was online. A time when the sheer notion of being able to print an article using your computer was beyond our imagination. ... It was also a time many lecturers think about fondly: an era when one's promotion wasn't based in part on how



The Hon Chief Justice French AC



Prof Ian Malkin

many times one's articles had been downloaded; a time that predates the tyranny of meaningless and misguided statistics and benchmarking.

It was a time when undertaking research was a really hard physical slog: sitting in the library, before it transformed into a Legal Resource Centre, then transformed back to a Library, all after dozens of committee meetings. We would work our way through hard copy report series, statute books (often years out of date); journals; when we updated our research by using the *Australian Digest* and its labyrinthine square bracket system, connecting topics by subject headings and sub-headings: a true nightmare. A time when we tried to teach it: a true nightmare.

He then considered the impact of new facilities and equipment.

Thinking about the old office facilities, all I can say is, 'Oh my!' In the old days ... the *MULR* was located in one room, an interior room; windowless; air-less; everyone was located in there. Honestly, it was no bigger than the compactus room in your new digs. ... The upside, I dare say, was the development of great collegiality and camaraderie.

The equipment in the office and how that has all changed is also worth noting: there were three or four computers. At one stage, a group of editors affectionately named them Gleeson CJ, Gummow J, Hayne J and Kirby J. It was always a little embarrassing when they'd complain about their machines or seek IT support: 'Gleeson CJ is slowing

down — again; 'Gummow J is frozen — again'; 'Kirby J is dissenting — again.'

Next, he discussed the *Review's* editorial work:

The scrutiny, oversight and editorial work by *Review* members, on every piece submitted and accepted for publication, is truly exceptional. ... All of you work awfully hard to make the *Review* as high-quality as possible. This has been the case for many years; it has never slackened. The standards have been maintained in a remarkable way. No one knows this better than all of you: you use spreadsheets galore and tracked changes, you insert comments; you scrutinise every single word, every footnote, every source. ... What a machine!

The presence of modern technology has clearly affected the editorial process. ... Even when email finally came along, in the early to mid-90s, exchanging documents was hazardous; often fatal. ... We'd lose all the footnotes; but the text remained. Fun times ... And if we did have a problem like that, I'd ring the office in the old building. I'd ask for help. The standard response, when I'd finally calm down, rather agitated with the lost footnotes was: 'Um ... oh ... try turning off the machine ... It should be OK then.' And, it never was ... and I'd end up in tears — and that was a normal part of a typical work week.

Ian also reflected on the role of the *Australian Guide to Legal Citation* ('AGLC'):

Before the *AGLC*, the Law School issued a skinny little citation guide, which amounted to about ten A4 pages. Now, with the *AGLC*, we have an industry ...

The *AGLC* has been a vital contribution to legal writing in Australia, having really turned things around for students and authors. It has made life so much easier than it had been. Never underestimate its significance.

But, to be honest, I had never before dreamt that the presence or absence of a full stop could be so darn contentious. Let's face it: it's a curious old world when this can be the subject of serious debate. Now, I *can* understand controversies about semi-colons; that makes perfect sense.

I used to have a couple of old *MULR* t-shirts that had cartoons which encapsulated these major controversies. One said something like: 'Do we need a full stop here? We'll have to have a committee meeting'.

Finally, Ian concluded with a consideration of the constants:

Interestingly, for many years, the *Review* has provided a space for different voices, which has only improved over the years, with even greater diversity — including a greater gay and lesbian and feminist presence. ... The scholarship continues to be first rate: it is a journal of choice for authors (evident from the number of

submissions received). One reason for this is the high quality, accuracy and attention to detail provided by *Review* Members in the editorial process.

And the pedigree of the Editorial Board also has not changed. Just thinking about Law School colleagues who were graduates of Melbourne University and on the *Review*, it's a rather long and impressive list. This is of course aside from the number of alumni who have remarkable positions outside the Law School — in practice, at the bar, among the judiciary.

The friendships, close relationships, skills-development and commitment to quality among *Review* Members: that has not changed. I'm certain you'll look back at your time on the *Review* — and at the Law School more generally — as a very special time of your life in which you developed deep, long-standing friendships. And in which I hope you enjoyed many joyful, joyous, happy times.

The *Review* extends its heartfelt thanks to both speakers and to all who attended.

Erratum: In our coverage of the 2008 Annual Dinner on page 4 of last September's Newsletter, Nirmalakanthan Amirthanesan was incorrectly identified as Aakash Desai in the top right hand photograph. We apologise to both people for this error.



2009 Melbourne University Law Review



L to R: Jing Chang, Andrew Godwin, Kathryn Tomasic, Assoc Prof Fiona Haines and Assoc Prof David Brennan



L to R: Sir Zelman Cowan and Anna Zhang



Prof James Hathaway



L to R: Lu Li, Qiao-Lin Cheong, Kristina Ong, Assoc Prof Helen Anderson and David Davies

## 2010 SPONSORS

The *Review* gratefully acknowledges the support of its current sponsors. Their generous support makes the publication of the *Review* possible.



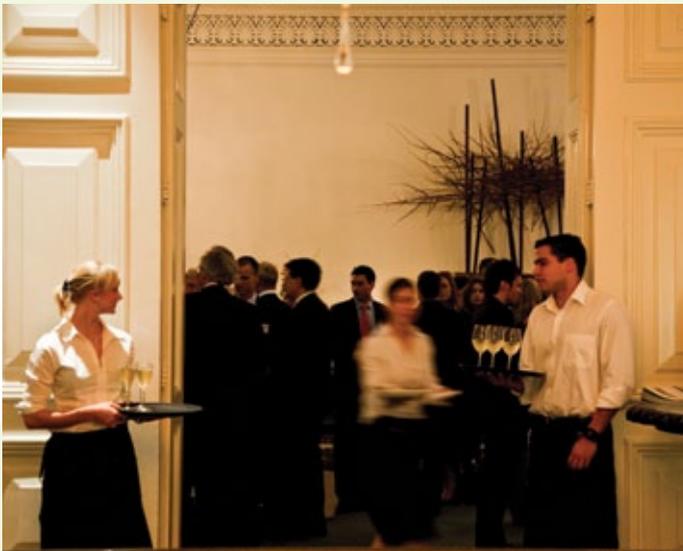
# ALUMNI ASSOCIATION COCKTAIL PARTY 2009

The *Review's* biennial Alumni Association Cocktail Party was held at Comme on 20 October 2009. We were delighted that so many people could join us for a drink, with over 100 alumni and 20 Members of the 2009 Executive attending on the night. The group consisted of former Members from as far back as 1957 and demonstrated the wide variety of careers which Members pursue after their time on the *Review*. A number of Justices of the Supreme Court and Judges of the County Court of Victoria, prominent members of the Victorian Bar, senior practitioners from many of Victoria's major law firms, academics, civil servants, business figures and many others were in attendance.

We were also joined by representatives from three of our four sponsor firms and by Associate Professor Ann O'Connell, Associate Dean (Undergraduate), herself an alumna, on behalf of the Melbourne Law School.

We have received much positive feedback about the event and would like to sincerely thank all those who responded to the invitation and all attendees, especially those who travelled from regional Victoria or interstate.

To those who were unable to attend or whose contact details we have only recently acquired, we hope to see you at our next event in 2011!



L to R: Miranda Webster (2007–09), Shu Qing Tan (2006–08) and Kai Xi Liu (2005–06)



L to R: John Connor (1957–58) and John Healy (1958)



L to R: Benjamin Kiely (2004–06), Annabelle Parsons (2004–07) and Michael Griffith (2005–06)



L to R: Kathleen Kelly (2003–05), Ka-Chi Cheung (2002–03), Nicholas Walter (2004–06) and Shaun Gladman (2002–04)



L to R: The Hon Justice Mark Weinberg (1984–85), The Hon Frank Callaway (1966–68) and Paul Holdenson QC (1987)



L to R: Natasha McNamara (2007–08) and Assoc Prof Kristen Walker (1990–91)



L to R: Rowan Minson (2006–10), Alexandra Whelan (2008–10), Assoc Prof Ann O'Connell (1977) and David Heaton (2006–09)

# PAST MEMBER PROFILE: PROFESSOR THE HON GARETH EVANS AO QC



Born into a working-class family in 1944 and educated at Melbourne High School, Professor the Hon Gareth Evans AO QC served as a General Member of the *Review* from 1965–66 and as President of the Melbourne University Student Representative Council from 1964–66. He graduated with Bachelors of Arts and Laws (Hons) in 1967, sharing the Supreme Court Prize for the top law student at the University, and later that year completed articles with Collins Street firm Gair & Brahe.

After winning a Shell Scholarship, Gareth Evans moved to Oxford in 1968 to undertake a Masters of Arts in Politics, Philosophy and Economics. Upon graduating at the end of 1970 with first class honours, he returned to Australia and began his professional career as a lecturer, later senior lecturer, in law at the University of Melbourne from 1971–6, teaching constitutional law, criminal law and torts.

In 1975, he was appointed a foundation Commissioner of the Australian Law Reform Commission, serving under the Hon Michael Kirby AC CMG's chairmanship. In 1976, he read at the Victorian Bar with respected barrister Don Ryan (later a justice of the Federal Court) and, specialising in industrial relations law, became Queen's Counsel in 1983.

In 1977, Gareth Evans' political career proper took off when he was elected as a Senator for Victoria — a position he would hold until 1996. In total, he was a member of the Australian Parliament for 21 years, serving as Deputy Leader (1987–93) and then Leader (1993–96) of the Government in the Senate, and as Deputy Leader of the Opposition (1996–98) while the Member of the House of Representatives for Holt from 1996–99. He is one of the ALP's two longest-serving Cabinet Ministers, having occupied posts in the Hawke and Keating governments for 13 years as Attorney-General (1983–4), Minister for Resources and Energy (1984–87), Minister for Transport and Communications (1987–88) and, most famously, Minister for Foreign Affairs (1988–96). In this latter position, he became best known internationally for his roles

in developing the UN peace plan for Cambodia, bringing to a conclusion the *International Chemical Weapons Convention*, founding the Asia Pacific Economic Forum ('APEC'), and initiating the Canberra Commission on the Elimination of Nuclear Weapons.

After resigning from Parliament in September 1999, Gareth Evans was from January 2000 until June 2009 based in Brussels as President and CEO of the International Crisis Group, the well-known and highly regarded independent global conflict prevention and resolution organisation. During this time, he was also heavily involved in a number of international commissions and panels, including as Co-Chair of the International Commission on Intervention and State Sovereignty and as a member of the UN Secretary-General's High Level Panel on Threats, Challenges and Change and the Blix Commission on Weapons of Mass Destruction. In June 2008, he was appointed by the Australian government as Co-Chair of the International Commission on Nuclear Non-Proliferation and Disarmament and is currently, amongst other things, Co-Chair of the International Advisory Board of the Global Centre for the Responsibility to Protect.

Throughout his career, Professor Evans has maintained strong academic and scholarly connections, lecturing at many universities around the world and being a member of advisory boards at various times at Stanford, Yale, Johns Hopkins, Leuven and Cambridge. In May 2004, he was elected as an Honorary Fellow of Magdalen College, Oxford and, in July 2009, was appointed an Honorary Professorial Fellow at the University of Melbourne. From 1 January 2010, he has been Chancellor of the Australian National University.

Gareth Evans has received many awards and prizes for his work over the years, including the 2010 Roosevelt Stitching Four Freedoms Award for Freedom from Fear, the prestigious 1995 Grawemeyer Prize for Ideas Improving World Order, the 1994 ANZAC Peace Prize, the 1990 Australian Humanist of the Year Award and the Chilean Order of Merit (Grand Cross). He has also been awarded Honorary Doctorates of Laws by the University of Melbourne, Carleton University and the University of Sydney and in 2001 was made an Officer of the Order of Australia for service to the Australian Parliament.

He is married to Professor Merran Evans, an econometrician, who is Pro Vice-Chancellor (Planning and Quality) at Monash University. They have two adult children and three grandchildren. His leisure interests include reading and writing, travel, architecture, opera, golf and Australia Rules football.

# PAST MEMBER PROFILE: THE HON JOHN S WINNEKE AC RFD QC

The Hon John S Winneke AC RFD QC was born in 1938 to the Hon Sir Henry Winneke, the former Solicitor-General, Chief Justice and Governor of Victoria. He was educated at Scotch College from 1946–56 and the University of Melbourne from 1957–60, where he was a General Member of the *Review* from 1958–60. After graduating from law school, his Honour undertook articles with Josh Shaw of Middleton, McEachern, Shaw and Birch and was admitted to practice on 1 March 1962. Eight days later, he signed the Bar Roll, reading with Gordon Just (later a Judge of the County Court), and in 1976 took silk.



During his 33 years at the Bar, his Honour developed and maintained a wide practice, acting in cases involving such disparate areas as criminal law, defamation law, administrative law, personal injury, probate and town planning. He also appeared before a number of high profile boards of inquiry and royal commissions, including as counsel assisting William Kaye QC (later Justice Kaye of the Supreme Court of Victoria) in the ‘abortion graft inquiry’ of 1970 and as counsel in the Royal Commission into the Westgate Bridge collapse, the Tasman Bridge Inquiry and the Board of Inquiry into the Victorian Housing Commission. Perhaps most famously, he appeared as Senior Counsel for the Chamberlains in the 1986 Royal Commission that ultimately led to the quashing of their convictions for the murder of their infant daughter.

In 1981, his Honour was himself appointed as a Royal Commissioner by the Commonwealth and Victoria to inquire into the affairs of the Australian Building Construction Employees’ and Builders’ Labourers’ Federation. His report, published in 1982, resulted in fundamental reform of the building industry.

Meanwhile, his Honour was for many years an officer in the Royal Australian Naval Reserve, appearing in a number of Naval Courts Martial as prosecutor, defence counsel and judge advocate. Later, he was appointed a Defence Force Magistrate and a Reviewing Officer under the *Defence Force Discipline Act 1982* (Cth).

Most significantly, in June 1995, his Honour was appointed a judge of the Supreme Court of Victoria and inaugural President of the Court of Appeal, a position he would fill until his retirement in July 2005. While on the bench, his Honour:

wrote or participated in a large number of significant judgments, which constitute landmarks in the law ... In criminal law, he played a key role in expounding the fundamental principles concerning topics such as similar

fact evidence, consciousness of guilt, provocation, relationship evidence, sentencing, and appeals by the Director of Public Prosecutions. In transport accident and accident compensation law, his judgments made a critical contribution to explaining and interpreting difficult pieces of legislation, onto which had been engrafted a hotch potch of poorly drafted reforms ... He [also] joined in key decisions relating to claims in tort against public officials and police officers.<sup>1</sup>

At the same time, his Honour ‘create[d] a unified and harmonious court which, as a team, developed into the pre-eminent intermediate Court of Appeal in the Commonwealth of Australia.’<sup>2</sup> As was noted upon his retirement from the Court, ‘[i]t is no coincidence that throughout his term in office, only one criminal appeal, and twelve civil appeals, from the Court of Appeal to the High Court succeeded.’<sup>3</sup>

Outside of law, his Honour led a highly successful football career, playing for the Scotch College 1st XVIII from 1955–56, the University Blacks from 1957–59 and some 50 games as Number 12 for the Hawthorn Football Club from 1960–62, most notably as ruckman in Hawthorn’s first VFL Premiership side in 1961. Off the field, he later served as Chairman of the VFL Tribunal and as one of the founding Commissioners of the AFL Commission. He is a life member of the Victorian Amateur Football Association.

In 1999, his Honour was admitted as an Officer of the Order of Australia for service to the judiciary, the defence force and the community, particularly as an advocate and arbitrator. In 2004, he was made a Companion of the Order for his leadership in the law as President of the Court of Appeal.

His Honour lives with his wife Sue, a former barrister, to whom he has been married for 25 years. He has three children by a previous marriage.

[1] The Victorian Bar, ‘The Honourable Justice Winneke AO QC’ (2005) 134 *Victorian Bar News* 24. [2] *Ibid.* [3] *Ibid.*

# CURRENT ISSUE: VOLUME 33 NUMBER 3

The *Review* has recently published its third edition for 2009. It features the following pieces:

## **Feature**

The Chief Justice and the Governor-General

*The Hon Chief Justice Robert French AC*

## **Articles**

Working with Judicial Review: The New Operation of the Takeovers Panel

*Emma Armson*

After *Tabcorp*, for Whom Does the *Bellgrove* Toll? Cementing the Expectation Measure as the 'Ruling Principle' for Calculation of Contract Damages

*Matthew Bell*

Andrew Inglis Clark's Draft Constitution, Chapter III of the *Australian Constitution*, and the Assist from Article III of the *Constitution of the United States*

*William G Buss*

Effective Regulation by the Australian Securities and Investment Commission: The Civil Penalty Problem

*Vicky Comino*

Sexual Offences Law Reform in Pacific Island Countries: Replacing Colonial Norms with International Good Practice Standards

*Christine Forster*

Poisoned Chalice? A Critical Analysis of the Evidence Linking Personal Injury Compensation Processes with Adverse Health Outcomes

*Genevieve Grant and David M Studdert*

Tax Uncertainty

*The Hon Justice G T Pagone*

Civil Penalties and Responsive Regulation: The Gap between Theory and Practice

*Michelle Welsh*

## **Critique and Comment**

The Australian Unfair Contract Terms Law: The Rise of Substantive Unfairness as a Ground for Review of Standard Form Consumer Contracts

*Jeannie Paterson*

## **Case Notes**

*Wurridjal v Commonwealth* — The Northern Territory Intervention and Just Terms for the Acquisition of Property

*Sean Brennan*

*Australian Securities and Investments Commission v Macdonald [No 11]* — Corporate Governance Lessons from James Hardie

*Anil Hargovan*

## **Book Review**

*Calling Out the Troops* — *The Australian Military and Civil Unrest: The Legal and Constitutional Issues* by Michael Head

*Cameron Moore*

## **Conversation**

A Public Conversation on Constitutionalism and the Judiciary between Professor James Allan and the Hon Michael Kirby AC CMG

*James Allan and the Hon Michael Kirby AC CMG*

# FORTHCOMING ISSUE: VOLUME 34 NUMBER 1

The *Review* expects to publish the following pieces in its next edition, however, this list is subject to change.

## **Articles**

Judicial Attitudes to Judicial Review: A Comparative Examination of Justifications Offered for Restricting the Scope of Judicial Review in Australia, Canada and England

*Anthony E Cassimatis*

A Critical Examination of How Contract Law Is Used by Financial Institutions Operating in Multiple Jurisdictions

*David Chaikin*

Time Out for *Longman*: Myths, Science and the Common Law

*Annie Cossins*

The Liability of Accessories under Statute, in Equity, and in Criminal Law: Some Common Problems and (Perhaps) Common Solutions

*Joachim Dietrich*

Legal Challenges to University Decisions Affecting Students in Australian Courts and Tribunals

*Patty Kamvounias and Sally Varnham*

Treating Like Alike: The Principle of Non-Discrimination as a Tool to Mandate the Equal Treatment of Refugees and Beneficiaries of Complementary Protection

*Jason Pobjoy*

Inquisitorial Adjudication: The Duty to Inquire in Merits Review Tribunals

*Mark Smyth*

Twilight of the Neanderthals, or are Bilateral Double Tax Treaty Networks Sustainable?

*C John Taylor*

## **Case Note**

*Pape v Commissioner of Taxation* — Pushing the Boundaries of Executive Power: *Pape*, the Prerogative and Nationhood Powers

*Anne Twomey*

## **Critique and Comment**

Good Faith: Where Are We at?

*The Hon Chief Justice Marilyn Warren AC*

## **Newsletter Contributions and Feedback**

Contributions by alumni for subsequent editions of this Newsletter are warmly welcomed. We also welcome feedback on this Newsletter and alumni events.

## **Privacy Policy**

The Alumni Association is concerned to store and deal with your personal details responsibly. A full copy of the Alumni Association's privacy policy is available on our website.

## **Submissions to the Review**

Submissions for Volume 35 Number 1 (April 2011) are now open and will close on 31 December 2010.

Past Members are warmly invited to submit academic articles, case notes or book reviews for possible publication in the *Review*. Information regarding submission dates and processes, as well as the *Review's* Publication Policy, can be accessed on our website. Alternatively, past Members should feel free to contact the *Review* directly for further information.

To date, over 60 alumni have published scholarly pieces in the *Review*.

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