



THE UNIVERSITY OF  
MELBOURNE

MELBOURNE  
LAW SCHOOL



# Asian Law Centre Annual Report 2008-2012

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Report prepared and edited by Tim Lindsey, Pip Nicholson, Kathryn Taylor, Reagan Grayson-Morison and Tessa Shaw of the Asian Law Centre.

Front Cover Image: Photograph of 2009 Chuo Summer School students outside Parliament House, Melbourne.

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# DIRECTORS' REPORT

## Directors' Report

This report presents five years of the Asian Law Centre's work, bringing us well into the second decade of the 'Asia Century'.

Rhetoric about engagement with our on region is now commonplace but it is easy to forget that Asia literacy – in its broadest sense – is well and truly in decline in Australia, with only limited indications that governments are serious about reversing the disturbing trends of the last decade. There can be no doubt, however, that the rapidly transforming societies in our region will be key players in future global renegotiations on trade, security, rights, the environment, culture and religion. Understanding how law and policy work in the many and diverse states of Asia – the stock in trade of the Asian Law Centre – will therefore become an essential graduate skill in the next half century. We believe more Australians are coming to understand this and so we see preparing for renewed demand as a key challenge to be faced over the next five years. We believe the elements are already in place for the Centre to do this.

During the last five years, the Centre continued to offer the extensive programme of **public engagement** that has been a hallmark since its foundation as the Law School's first research centre in 1985. It has done this with a wide range of events, from regular lunchtime 'Brown Bag' seminars and evening Occasional Lectures to its innovative Asian Legal Dialogues, presented in Asian languages. The Centre has also been active in engaging with the media, policy makers and the private sector, from schools to law firms to government. These public events – and the policy papers and other publications that result from them – are central to the identity and influence of the Asian Law Centre in the wider community. They will remain fundamental to the life of the Centre in the years to come.

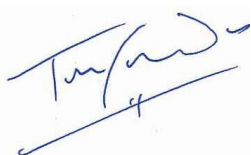
**Teaching** University of Melbourne students about Asian legal systems also continues to be an essential part of the Centre's activities. This is true even though the number of subjects offered by Centre members has decreased over the last half decade as a natural consequence of the reduction in the range of optional subjects offered in the Law School, as it taught out the LLB degree and began building the new JD programme. Centre members have risen to this challenge, creating innovative new thematic subjects and teaching in 'teams'. We look forward to expanding our MLM programme and gradually increasing offerings for JD students in the years ahead, and to exploring creative new ways of teaching Asian legal systems to graduate students from all over the world.

The core of the Centre's work for the last decade has, however, been **research** – it is the vital foundation for both teaching and engagement with public. This report shows clearly that the last five years has also been marked by real growth in the Centre's research output, with a significant collection of major monographs, refereed journal articles and edited volumes produced during that time, often to acclaim from our peers. The key to this has been the remarkable success of Centre members in winning competitive research grants, often in joint applications, at times in partnership with other universities, and sometimes competing against global fields. The research resulting from these grants leads to new publications, which in turn build reputation and attract new grants, as well driving cutting-edge teaching and public engagement programmes.

A reputation for research excellence has also helped expand our **international scholarly networks and collaborative relationships** in America and Europe and, of course, Asia, in the last five years. Here, the bilingual capacity of Centre members has been vital. This, and our web of linkages across the region, ensure that the work of Centre members – whether in the field or behind their desks – deals with the live issues currently preoccupying scholars, lawyers and policy makers in Asia. These linkages have also allowed us to attract a large pool of outstanding PhD students, who, in many cases, go on to become colleagues and co-researchers after they graduate and return to their home jurisdictions.

We look forward to finding new ways of developing and expanding these networks and relationships in the years ahead, and see Dr Farrah Ahmed's recent appointment to the Law School and as the Centre's Associate Director (India) as an important step in this process. It not only adds a new region to the Centre's existing countries of study (China, Japan, Indonesia, Vietnam and Malaysia), but also opens doors to an important world of scholarship as yet largely unexplored by the Law School. We are delighted to welcome Farrah.

Finally, in January 2013, Professor Pip Nicholson takes over as Director of the Centre. The former Director, Professor Tim Lindsey, takes on a new role as Director of the Law's School's new Centre for Indonesian Law, Islam and Society (CILIS). The ALC and CILIS are closely linked, as CILIS has grown out of the ALC's longstanding programmes on Indonesian law, and Tim remains an Associate Director of the ALC. We look forward to close cooperation between the twin Centres over the years ahead.



Professor Tim Lindsey  
Director, Asian Law Centre (2000-2012)




Professor Pip Nicholson  
Director, Asian Law Centre (2013 -)



## About the Asian Law Centre

The Asian Law Centre (ALC) commenced activities in 1985 and is the first and largest Australian centre devoted to the development of our understanding of Asian law and legal systems.

The Centre has pioneered extensive programs of teaching and research on the laws and legal systems of Japan, China, Indonesia, Vietnam, Taiwan, Malaysia, Islamic law, East Timor and the Philippines. It is now developing a new program on India. The Centre has also worked on Korea, Thailand, Laos and on traditional and customary law in Australia's region.

## Objectives

The Centre's objectives are to:

- improve knowledge and understanding of the laws of our region
- support the rule of law in Asia
- promote teaching and research on Asian legal systems in Australia, Asia and elsewhere
- promote the development of Asian studies and Asian languages in other disciplines, and to encourage links with legal studies
- promote the importance of comparative law in Asian legal studies and research
- promote knowledge exchange of staff and students between the Melbourne Law School and Asian universities and institutions
- provide networking opportunities between the Melbourne Law School and Asian Universities

## ABOUT THE ALC

### Virtual Advisory Board

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



**Associate Professor Gary Bell**

Associate Professor, Faculty of Law, National University of Singapore



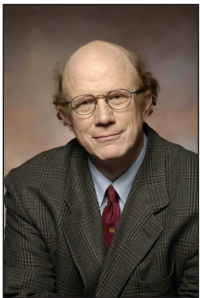
**Professor Hualing Fu**

Professor, Faculty of Law, The University of Hong Kong



**Professor Andrew Harding**

Director, Asian Law Institute, National University of Singapore  
Director, Centre for Asian Legal Studies, National University of Singapore  
Professor, Faculty of Law, National University of Singapore



**Professor Pitman Potter**

Professor of Law, Law Faculty, University of British Columbia  
HSBC Chair, Institute of Asian Research, University of British Columbia



**Professor Tay-sheng Wang**

Lifetime Distinguished Professor, College of Law, National Taiwan University  
Researcher, Academia Sinica, Institute of Taiwan History and Institutum Iurisprudentiae



## Finances

The Centre receives administrative support from the University of Melbourne of \$5,000, in addition to the paid salaries of 2 professional staff positions. 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 from 2008 to 2012, including salaries of research assistants, were therefore funded largely from research grants and, to a lesser extent, by donations from our sponsors.

In addition, Centre members have taught an extra subject in the Melbourne Law Masters to generate income for Centre activities. This was undertaken in 2008.

## Sponsors

We thank the following sponsors for their donations, which help support our research program and our public seminar activities (see 'Brown Bag' Seminar Series and 'Occasional' Seminar Series, below).

 <b>Australian Government</b> <b>Attorney-General's Department</b>	<b>2008-2011</b> Attorney-General's Department Seminar Series <ul style="list-style-type: none"> <li>• \$5,500 per year (2008-2010);</li> <li>• \$7,150 (2011)</li> </ul>
	<i>Asian Law Online</i> <ul style="list-style-type: none"> <li>• \$4,950 (2011)</li> </ul>
<b>Blake Dawson</b>	<b>2008-2009</b> \$6,600 per year
 <b>Maddocks</b>	<b>2008-2009</b> <i>Asian Law Online</i> <ul style="list-style-type: none"> <li>• \$5,500 per year</li> </ul>

## FINANCES

### Funded Visiting Scholar Programs

The Japan and Korea programs both manage funded visiting scholar programs. These activities are significant bridges between professionals in Japan, Korea and Australia. The funding also provides some support for the broader activities conducted by the Japan and Korea programs in the Asian Law Centre.

#### Supreme Court of Japan Overseas Training and Research Program

Each year since 2003, the Asian Law Centre has hosted a Judge from Japan as part of the Overseas Training and Research Program of the Supreme Court of Japan. The Program enables Judges from Japan to experience life in a jurisdiction outside Japan for a twelve-month period and provides them with a valuable opportunity to study Australian law courses, use University resources (including the library) and undertake research and training activities, including visits to Victorian courts and meetings with court personnel.

From 2008-2012, they included:

- **2012-2013 - Judge Sachiyo Kitagawa, Fukuoka District Court**

Judge Sachiyo Kitagawa is an assistant judge from Fukuoka District Court. Judge Kitagawa is researching alternative dispute resolution in Victoria, such as arbitration. She will also research the management and preservation of evidence in civil litigation in Australian courts.

- **2011-2012 - Judge Atsuyuki Taniike, Tokyo District Court**

Judge Atsuyuki Taniike is an Assistant Judge from the Tokyo District Court, Japan. Judge Taniike undertook research into Australia's contract laws, focussing on the differences between the Australian and Japanese systems. He also undertook research into the civil procedure and civil jury system in Australia.

- **2010-2011 - Judge Gen Ueno, Okayama Family Court**

Judge Ueno researched the process for solving divorce disputes, particularly how the Family Court, mediation, arbitration and court counsellors solve serious issues relating to parental authority, domestic violence and child abuse.

- **2009-2010 - Judge Toshiyuki Abe, Yokohama District Court**

Judge Abe undertook research into "the effectiveness and problems of the concurrent evidence in technical cases (especially malpractice litigation) in Australia" and the "public conciliation system of the Health Service Commissioner in Victoria".

- **2008-2009 - Judge Atsushi Shiraishi, Tokyo District Court**

Judge Shiraishi researched victims' participation in criminal justice and their influence on juries, verdicts and defendants.

- **2007-2008 - Judge Takamoto Hagiwara, Tokyo District Court**

Judge Hagiwara researched civil action procedure in Australia, especially how experts are used in specialised actions such as a medical lawsuits and intellectual property suits.

#### Supreme Court of Korea Overseas Research and Study Program

Each year since 2006, the Asian Law Centre has hosted a Judge from Korea as part of the Overseas Research and Study Program of the Supreme Court of Korea. The Program enables Judges from Korea to experience life in a jurisdiction outside Korea for a 6-12 month period and provides them with a valuable opportunity to study Australian law courses, access University resources and undertake research and training activities, including visits to Victorian courts and meetings with court personnel.

In 2009, the Supreme Court of Korea Overseas Research and Study Program was extended to include Clerks of Court.

From 2008-2012, the participants in this program included:

- **2012 (Semester 2) - Mr Jong Do Im, Court Clerk, Gwang-Ju District Court**

Mr Im studied Civil Execution procedure and civil proceedings in Australia. He is particularly interested in the role of the court and bailiffs in enforcement proceedings and the costs associated with this process.

- **2012 (Semester 1) - Mr Jeong Hyun Hwang, Public Prosecutor, Seoul Eastern District Prosecutors' Office**

During his time at the Melbourne Law School, Mr Hwang conducted comparative research on the procedural laws of Korea and Australia; post-investigation criminal procedure in Australia, including trials, sentencing, appeals and the jury system; and debates on the restriction of human rights from the viewpoint of protecting national security or other people's rights. He used his findings to assess the need to revise the Korean criminal procedure.

- **2011 (Semester 1) - Judge Hyungsoon Park, Seoul High Court**

Judge Hyungsoon Park has an extensive legal education background, graduating from Seoul National University (SNU), Seoul, Korea with a Bachelor of Laws, before furthering his qualifications, culminating in his appointment as a Judge of the Seoul Western District Court in 2001. Judge Park has also published a book entitled, *A Study on the Supplement of a Blank Bill in the Legal Procedures*. He is currently a Judge of the Seoul High Court, presiding over criminal cases.

- **2010 - Judge Oh Byung Hie, Seoul Central District Court**

Judge Oh researched the use of information technology in judicial proceedings. The main aim of his research is to provide ideas to the Korean Supreme Court, which has started to adopt an electronic litigation system. Judge Oh's research interests include intellectual property law, cyberspace law and private international law. He is also interested in civil procedure, particularly electronic litigation.

- **2009 (Semester 1) - Mr Donghoon Kim, Uijeongbu District Court**

Mr Kim is a Clerk in the Uijeongbu District Court in Korea. While visiting the Melbourne Law School he undertook a comparative study of Australian and Korean real estate registration systems.

- **2008 (Semester 2) - Judge Chan Ho Park, Changwon District Court**

Judge Park is a Judge at the Changwon District Court in Korea. Judge Park's research interests include the limitation of Korea's inherited continental law system, and its effects on consumer bankruptcy, as well as other preservative measures.



L-R: Judge Atsuyuki Taniike, Stacey Steele, Judge Oh Byung Hie, Judge Hyungsoon Park and David Park (Research Assistant).



Stacey Steele with Judge Sachiyo Kitagawa in Kyoto, Japan. Judge Kitagawa was a Visiting Research Scholar at the Asian Law Centre in 2012-13 and is now working in the Kansai region.

## FINANCES

## Grants Received

ALC Member(s)	Year(s)	Type of Grant	Title	Collaborator	Amount
Sarah Biddulph	2009-current	Major Collaborative Research Initiative (MCRI) funded by the Canadian Social Sciences and Humanities Research Council (SSHRC)	'Asia Pacific Dispute Resolution: Understanding Coordinated Compliance with International Trade and Human Rights Standards in Comparative Perspective' (Head of China team)	Pitman Potter (UBC)	CA\$2.5 million (for entire project)
Sarah Biddulph	2009-2012	ARC Post-doctoral Fellowship	'The Prospects for Justice in the Legal Reform of Police Administrative Detention Powers in China'		A\$321,248
Sarah Biddulph	2008-2009	Australia-China Council Special Grant in the field of human rights	'Legislative Reform of Police Detention Powers in China'		A\$15,000
Sarah Biddulph	2003-2008	Major Collaborative Research Initiative (MCRI) funded by the Canadian Social Sciences and Humanities Research Council (SSHRC)	'The Asia-Pacific Program on Cross Cultural and Comparative Approaches to Dispute Resolution'	Pitman Potter (UBC)	CA\$2.2 million (for entire project)
Sean Cooney	2010-2012	ARC Discovery Grant	'Legal Origins: The Impact of Different Legal Systems on the Regulation of the Business Enterprise in the Asia-Pacific Region'	Richard Mitchell (Monash), Ian Ramsay, Peter Gahan (Business and Economics)	A\$250,000
Sean Cooney	2008	Australia-China Council Alice Tay Memorial Award (in the field of Human Rights)	Workshop on 'Labour Law Enforcement in China'		A\$16,500



ALC Member(s)	Year(s)	Type of Grant	Title	Collaborator	Amount
Sean Cooney Sarah Biddulph	2007-2012	ARC Discovery Grant	'Enforcement of Chinese Employment Law: Regulatory Innovation and Wage Arrears'	Zhu Ying (Department of Management, UOM)	A\$140,000
Andrew Godwin	2013-2014	Centre for International Finance & Regulation (CIFR) Grant	'Financial System Regulation – Is Australia's "Twin Peaks" Approach a Model for China?'	Ian Ramsay, Li Guo (Peking University Law School)	\$57,548
Andrew Godwin	2012-2013	Centre for International Finance & Regulation (CIFR) Grant	'Financial Products and Short-form Disclosure Documents – Challenges and Trends'	Ian Ramsay	\$28,139
Tim Lindsey Pip Nicholson	2010-2013	ARC Discovery Grant	'Drugs, Law and Criminal Procedure in Southeast Asia: A Comparative Analysis'		A\$281,000
Tim Lindsey	2008	Collier Charitable Fund Grant	'Revealing Islam to a New Generation'	Kelly McDermott, Kathryn Taylor	A\$29,000
Tim Lindsey	2006-2013	ARC Federation Fellowship	'Islam and Modernity: Syari'ah, Terrorism and Governance in South-East Asia'		A\$3.48 million
Tim Lindsey Amanda Whiting	2006-2009	ARC Discovery Grant	'The Media and ASEAN Transitions: Defamation Law, Journalism and Public Debate in Indonesia, Malaysia and Singapore'	Andrew Kenyon (Centre for Media and Communications Law), Tim Marjoribanks (Sociology Program)	A\$335,000
Tim Lindsey	2005-2008	ARC Discovery Grant	'Islamic Law in Contemporary Malaysia, Singapore and Brunei: The Anglo-Malay Madhhab'		A\$170,000
Pip Nicholson	2012	Melbourne Law School Seed Funding	To further work on Japanese aid and its role in the development of Asian governance	Teilee Kuong (Nagoya University)	A\$6,000

## FINANCES

ALC Member(s)	Year(s)	Type of Grant	Title	Collaborator	Amount
Pip Nicholson	2010-2012	Teaching and Learning Fund	Enhancing Graduate Programs: Planning for Student Wellbeing at MLS	Wendy Larcombe, Ian Malkin	A\$27,700
Pip Nicholson	2009	Monash University	Funds to enable the co-hosting of 'Interpreting Legal Transfers', Prato, Italy	John Gillespie	A\$25,000
Pip Nicholson	2008-2012	ARC Discovery Grant	'Testing Court Reform Projects in Cambodia and Vietnam'	Camille Cameron	A\$275,000
Pip Nicholson	2006-2008	Teaching and Learning Fund	'Generic and Professional Skills Project'	Ian Malkin, Camille Cameron, Wendy Larcombe, Lee Godden	A\$101,036
Amanda Whiting	2010	Fieldwork grant from ARC Federation Fellowship 'Islam and Modernity: Syari'ah, Terrorism and Governance in Southeast Asia'	'Lawyers in Malaysia: Religious Orientation and Legal Professional Practice'		A\$30,000
Amanda Whiting	2009-2012	ARC Postdoctoral Fellowship/ Discovery Grant	'Lawyers, Civil Society and the State in Post-colonial Malaysia'		A\$280,000
Amanda Whiting	2008	Asia Pacific Futures Research Network Grant	2009 Postgraduate & Early Career Researcher Workshop On Leadership and Management in Research on Asia and the Pacific	Vera Mackie and team of 11 other scholars	A\$20,000

## Asian Law Centre Staff

### Director(s) and Associate Directors



**Director, Asian Law Centre (2013- )**  
**Associate Director (Vietnam) ( -2012)**  
**Director (Comparative Legal Studies Program)**

**Professor Penelope (Pip) Nicholson**

Professor Pip Nicholson is Associate Director (Vietnam) and Director of the Comparative Legal Studies Program at the Asian Law Centre. Her teaching and research are in dispute resolution, comparative legal studies, law and reform in Asia and law and society in Asia. Pip has degrees in Arts and Law from MLS, a Masters in Public Policy from the ANU and a doctorate from the MLS. Pip was admitted to practice and was a barrister and solicitor of the Supreme Court of Victoria between 1990 to 1992.

Pip's publications include: *Socialism and Legal Change: The Dynamics of Vietnamese and Chinese Reform* (Asia Pacific Press and ANU E Press, 2012) (co-edited with John Gillespie); *Borrowing Court Systems: the Experience of Socialist Vietnam* (Martinus Nijhoff, 2007); *Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia* (Martinus Nijhoff, 2008) (co-edited with Sarah Biddulph); *New Courts in Asia* (Routledge, 2009), co-edited with Professor Andrew Harding (Routledge, 2009); and *Law and Development and the Global Discourses of Legal Transfers* (Cambridge University Press, 2012) (co-edited with John Gillespie).

Pip, together with Professor Camille Cameron, holds an ARC grant to investigate court-oriented legal reform in Cambodia and Vietnam. She also holds an ARC grant with Tim Lindsey to analyse *Drugs, Law and Criminal Procedure in Southeast Asia*.

Her current research interests include law and legal change (including court reform) in transitional countries, drug trials in Asia and the cross-cultural legal research and development. Pip has spoken on these issues in the USA, Canada, Japan, Vietnam, France, Thailand, Hong Kong, Sweden, UK and the Netherlands. Pip is an internationally recognised expert in courts and legal reform (particularly within socialist states). She has consulted widely on these issues.



**Director, Asian Law Centre ( -2012)**

**Professor Tim Lindsey**

Professor Tim Lindsey joined the Centre in 1990 and was appointed to the Law School in 1994. His appointments include Malcolm Smith Professor of Asian Law (2006), ARC Federation Fellow (2006-2011), Director of the Asian Law Centre (2000-2012), Associate Dean (International) in the Faculty of Law (2002-2006), Director of the Centre for Islamic Law and Society (2005-2012) and Director of the Centre for Indonesian Law, Islam and Society (2013- ).

A graduate of the University of Melbourne Law School, Tim completed his doctoral thesis in Indonesian studies. His research interests are in the areas of Islamic law, Indonesian law, constitutional law, comparative law, law reform in developing countries and 'rule of law'. His Federation Fellowship *Islam and Modernity: Syari'ah, Terrorism and Governance in South-East Asia* dealt with all these themes. Tim researches and teaches in *bahasa Indonesia* and is a long-serving member and now Chair of the Australia-Indonesia Institute in the Department of Foreign Affairs. He is an Associate Member of the Academie Internationale de Droit Comparé and of the International Council of the Asia Society. Tim worked previously at Mallesons Stephen Jaques and has been a practising member of the Victorian Bar since 1990, now specialising in Indonesian matters. He has near-native fluency in *bahasa Indonesia* and is a Visiting Professor at Syarif Hidayatullah State Islamic University in Jakarta.

## ASSOCIATE DIRECTORS

Tim's publications include *Indonesia: Law & Society* (now in its second edition); *Indonesia: Bankruptcy, Law Reform and the Commercial Court*; *Corruption in Asia: Rethinking the Governance Paradigm* (with Howard Dick); *Indonesia After Soeharto: Prospects for Reform*; *Law and Labour Market Regulation in East Asia* (with Sean Cooney, Richard Mitchell and Ying Zhu); *Chinese Indonesians: Remembering, Distorting, Forgetting* (with Helen Pausacker, also in its second edition); *Law Reform in Developing and Transitional States*; and *The Constitution of Indonesia* (with Simon Butt). He recently published three major monographs on (i) Islamic laws in Indonesia, (ii) Malaysia and Brunei (with Kerstin Steiner), and (3) Singapore (with Kerstin Steiner). Tim is a Founder and Editor of *The Australian Journal of Asian Law*.



### Associate Director (China)

#### Associate Professor and Reader Sarah Biddulph

Associate Professor and Reader Sarah Biddulph joined the Centre in 1989 and was appointed to a lectureship in the Law School in 1992. She is a graduate of Sydney University in Law and Chinese Studies and studied in Shanghai as one of the Attorney-General's representatives under an exchange agreement with the PRC Ministry of Justice. She worked as a lawyer in Shanghai with the Australian law firm Blake Dawson Waldron between 1998 and 2001 and has near-native fluency in Mandarin.

Sarah completed her PhD in 2004, entitled *The Legal Field of Policing in China: Administrative Detention and Law Reform*. Her thesis looked at the development and legal reform of three administrative detention powers exercised by the Chinese public security organs; detention for education of prostitutes and clients of prostitutes; coercive drug rehabilitation; and re-education through labour.

Sarah is the co-founder of the *China Law Network* and teaches and researches in the area of Chinese law. Sarah's research focuses on the Chinese legal system with a particular emphasis on legal policy, law making and enforcement as they affect the administration of justice in China. Her particular areas of research are contemporary Chinese administrative law, criminal procedure, labour, comparative law and the law regulating social and economic rights.

Her recent publications include; *Legal Reform and Administrative Detention Powers in China* (CUP, 2007) and *Law and Fair Work in China: Making and Enforcing Labour Standards in the PRC*, co-authored with Sean Cooney and Ying Zhu (Routledge, 2013). She co-edited with Pip Nicholson, *Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia* (Brill, 2008). She is co-chair for the China team in the five country comparative project: *Asia-Pacific Dispute Resolution Program: Understanding Integrated Compliance with International Trade and Human Rights Standards in Comparative Perspective*, headed by Professor Pitman Potter at the University of British Columbia. Sarah has recently completed a research fellowship from the Australian Research Council looking at recent reforms to the legal regulation of police administrative detention powers in China. This project included an examination of reforms to measures for compulsory detention for treatment of drug dependent people.





## Associate Director

### Professor Sean Cooney

Professor Sean Cooney joined the Centre in 1992 after four years in legal practice and completed his LLM in Asian law in that year. He joined the Melbourne Law School in 1995 and completed his doctoral studies at Columbia University in 2005.

Sean's research interests include East Asian employment and labour law, international labour regulation, democratic transitions, comparative law, and regulatory theory, particularly in relation to enforcement. He researches and teaches in Chinese and is fluent in French and German. He has published in English and Chinese in a wide variety of domestic international law journals. His books include *Law and Fair Work in China* (with Sarah Biddulph and Ying Zhu, Routledge, 2013) and *Law and Labour Market Regulation in East Asia* (with Tim Lindsey, Richard Mitchell and Ying Zhu, Routledge, 2002).

Sean has consulted for the International Labour Organisation, the International Labour Rights Fund, the Fair Work Ombudsman, the Brotherhood of Saint Lawrence, the Australian Council of Trade Unions and the Uniting Church. He is currently engaged in a number of international collaborative research projects, including the examination of informal labour regulation in several Asian countries and the development of sectoral bargaining in China.



## Associate Director (Asian Commercial Law)

### Mr Andrew Godwin

Mr Andrew Godwin joined the Centre as an Associate Director in late 2006, after being appointed as an Associate of the Centre in early 2006. He was appointed Senior Lecturer in the Law School in early 2008.

Andrew Godwin holds a number of senior positions at Melbourne Law School, including Director of Transactional Law and Director of the Graduate Program in Banking and Finance Law.

Andrew spent over 15 years in private practice, 10 of which were spent in Shanghai where he was a partner and chief representative of the international law firm, Linklaters. During his time in practice, Andrew acted for commercial and investment banks in a wide range of finance transactions and was also actively involved with financial institutions and multinational companies in the area of cross-border merger and acquisition projects.

Andrew's teaching and research interests include transactional law subjects, securities regulation (risk disclosure), Chinese law, property law, finance and insolvency law and professional regulation and training. Andrew also trains lawyers in the area of contract drafting and negotiation. A fluent Mandarin speaker, Andrew has published extensively in professional and academic journals and contributes a regular bilingual column called 'Lexicon' to the *China Business Law Journal*.

Andrew is a well-known and highly regarded specialist on Chinese law and legal practice in Australia and greater China.

## ASSOCIATE DIRECTORS

**Associate Director (Japan)****Ms Stacey Steele**

Ms Stacey Steele joined the Centre in 1997 as a research associate and was appointed Associate Director (Japan) in January 2002. Born in Brisbane, Stacey holds degrees from the University of Queensland (BA (Jap)), Monash University (MA (Jap)) and the University of Melbourne (LLB (Hons) and LLM (by thesis)). Stacey commenced articles in March 2000 at a leading Australian commercial law firm and worked as a senior associate in its financial services group, focusing on project/infrastructure and corporate finance.

In October 2007, Stacey joined Standard and Poor's Melbourne office as Associate General Counsel with responsibilities for the Asia-Pacific. Stacey has taught Insolvency Law and Corporate Banking and Finance Law, as well as Issues in Japanese Law and in graduate subjects offered by the Centre. She recently co-edited *Legal Education in Asia: Globalization, Change and Contexts* (Routledge, 2010) with Kathryn Taylor.

Her research interests include Japanese insolvency law, law reform, the Japanese legal system and banking law. Stacey practices *Chanoyu* (The Way of Tea) and is a member of the Urasenke Melbourne Chapter. She is fluent in Japanese.

**Associate Director (Malaysia)****Dr Amanda Whiting**

Dr Amanda Whiting joined the Faculty of Law at The University of Melbourne as a Lecturer in 2004. She has been a member of the Asian Law Centre since 1999. Her research is in the area of human rights institutions and practices in the Asia-Pacific Region, gender and religion, and Malaysian legal history. She is Associate Director (Malaysia) of the Asian Law Centre.

Amanda completed her honours degree in Arts at the University of Melbourne in 1981 and then taught seventeenth and eighteenth century history at 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 LLB with First Class Honours in 2001. In 2007, she completed her doctorate - a feminist analysis of mid-seventeenth century English legal and political history. Her book *Deference, Difference and Dissent: Women and Petitioning in the Seventeenth-Century English Revolution* will be published by Brepols in 2014.

She is the author of several articles and book chapters about contemporary Malaysia, dealing with: human rights, gender relations, political Islam and Islamic law and the legal profession, and she is the co-editor (with Carolyn Evans) of *Mixed Blessings: Laws, Religions and Women's Rights in the Asia Pacific Region* (Leiden: Martinus Nijhoff, 2006); and (with Andrew Kenyon and Tim Marjoribanks) of *Democracy, Media and Law in Malaysia and Singapore: A Space for Speech* (Routledge, forthcoming).

Amanda is currently writing about the colliding and conflicting understandings of secular and religious law in Malaysia (particularly as they affect women and children); and she is preparing to write a history of the legal profession in Malaysia, using oral history accounts and focussing on its role as an agent of civil society.

Amanda has been involved with *The Australian Journal of Asian Law* since its inaugural issue in 1999 and has been an editor since 2002. With Professor Tim Lindsey, she edited and contributed to *Doing Business in Indonesia* (Singapore, CCH: 2000).

## Professional Staff



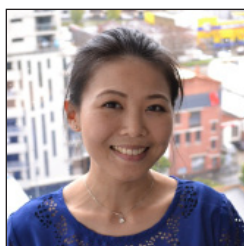
### Centre Manager

#### Ms Kathryn Taylor

Kathryn joined the Centre in 1998 as administrative assistant. She became Centre Administrator in 2001 and Centre Manager in 2004. Kathryn is also the Manager of the Centre for Indonesian Law, Islam and Society (formerly, Centre for Islamic Law and Society) and was Project Manager of Professor Tim Lindsey's ARC Federation Fellowship from 2006 to 2011. She has also previously been 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 spending 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.

Kathryn recently co-edited *Legal Education in Asia: Globalization, Change and Contexts* (Routledge, 2010) with Stacey Steele.



### Centre Coordinator

#### Ms Tessa Shaw

Tessa joined the Asian Law Centre in 2009. She is the Coordinator of the Asian Law Centre and the Centre for Indonesian Law, Islam and Society (formerly, Centre for Islamic Law and Society). She assisted with Professor Tim Lindsey's ARC Federation Fellowship from 2009 to 2011.

Tessa moved to Australia from Singapore in 2002. She graduated with an Arts degree, majoring in English Language, from the University of Melbourne in 2005. She also completed a postgraduate certificate in Editing and Communications at the University that year. Thereafter, she worked extensively in events management. She has also written for various publications in Australia, and later, in Singapore.

Returning to Australia to work at the University, Tessa is hoping to further develop her skills in communications, as well as in events and project management, especially within a diverse and internationally recognised organisation.



#### Ms Kelly McDermott (2007-2010)

Kelly McDermott was Coordinator of the Asian Law Centre, Centre for Islamic Law and Society and Professor Tim Lindsey's ARC Federation Fellowship from 2007-2010. She became the Coordinator of the Transactional Law Initiative in 2012, and is also the Assistant to the Associate Dean (JD). Kelly continues to be involved in the Asian Law Centre, working on the 'Islam for Schools' project.

Kelly completed a Bachelor of Arts at the University of Otago, New Zealand in 1999 and a Graduate Diploma of Teaching (Secondary) in 2002 at the same institution. In 2011 she obtained a Graduate Certificate in University Management from the University of Melbourne.

## HONORARY FELLOWS

**Administrator (Centre Operations)****Ms Vicky Aikman**

Ms Vicky Aikman joined the Asian Law Centre in December 2011, replacing Ms Kathryn Taylor who was on maternity leave until January 2013. Vicky has rejoined the staff of the University of Melbourne after time away for family responsibilities and part time study commitments.

Previously she held departmental manager roles in the Schools of Languages and Earth Sciences. She has also worked in the central administration of the University managing the examination and graduation processes, and in the Faculty of Science administering research and graduate studies. Vicky holds a Bachelor of Arts with majors in history and politics from the University of Melbourne. She is a qualified horticulturalist and is currently studying applied landscape design.

**Administrator****Ms Jessica Cotton (2008-2010)**

Jessica joined the Centre as an Administrator in 2008, replacing Kathryn Taylor on maternity leave. She has also worked as a Research Assistant for the Centre on various research projects. Jessica was previously the Centre Administrator for the Centre for Employment and Labour Relations Law in the Law School.

She completed her Arts/Law degree at Monash University in 2005. After spending her final semester at Leiden University in The Netherlands, Jessica spent time working in England and volunteering in Peru. She received her Graduate Diploma in Legal Practice in 2009 and was admitted as an Australian Lawyer to the Supreme Court of Victoria in 2010.

## Honorary Fellows

**Professor Carolyn S. Stevens**

Professor Carolyn S Stevens currently teaches in the School of Languages, Cultures and Linguistics at Monash University. She is also Professor of Japanese Studies at that University, and the Director of the Japanese Studies Centre.

Professor Stevens began her appointment in July 2012 after moving from the position of Associate Professor in Japanese Studies at the University of Melbourne. She is currently involved with teaching in the Asian Studies and International Studies programs, and is conducting research on disability and social problems in Japan, as well as projects on popular music and consumerism in postwar Japan. Her AB (magna cum laude) from Harvard College is in social anthropology, and her PhD in cultural anthropology is from Columbia University. Her main area of expertise with regard to Japanese law is in the field of social welfare.

**Professor Dr Iur Adnan Buyung Nasution**

Professor Dr Iur Adnan Buyung Nasution is widely regarded as Indonesia's leading advocate and trial lawyer. One of the founders of Indonesia's Legal Aid Institute, he is a pioneer of legal aid and law reform, as well as being a key figure in the development of human rights law and constitutionalism in Indonesia. A former member of Indonesia's prestigious Presidential Advisory Council, he was also Deputy Chair of Indonesia's Electoral Commission.

In 2010, he was appointed as Honorary Professorial Fellow in the Melbourne Law School, in recognition of his huge contribution to constitutional studies and scholarship on Indonesian law, and his commitment to building the rule of law in his home country.



## Members

ALC Members are academic members of the Melbourne Law School who are active in teaching and research relating to Asian legal systems, and have significant international reputations in this area. Their work is linked to one or more of the Centre's programs, each of which is headed by an Associate Director.



### Professor Richard Garnett

Richard Garnett has an LLM from Harvard University where he was a Fulbright and Lionel Murphy scholar. Prior to his appointment at the University of Melbourne in 2001, Richard was a senior lecturer at Monash University and before that, a solicitor practising commercial litigation and arbitration at Linklaters in London. Richard's major research interests are in the areas of conflict of laws, international dispute resolution and cross-border online conduct. He has published books and articles in major international journals in these fields, a number of which have been cited by leading international tribunals such as the European Court of Human Rights and US federal courts. Richard has also acted as legal adviser and counsel in private international law and international commercial arbitration matters before Australian and international tribunals, including the High Court of Australia. He is currently a consultant to the law firm Freehills.

In 2012, Richard's monograph *Substance and Procedure in Private International Law* was published in the prestigious *Oxford Private International Law Series* of Oxford University Press. This work was described in the foreword by the former Chief Justice of Australia, the Hon Sir Anthony Mason, as 'not just an admirable statement of the law as it currently stands [but one which] identifies and engages with deeper underlying issues and offers persuasive solutions to them. In addition, it presents a penetrating analysis of the existing rules and the decided cases.'

Other positions Richard has held include: Member of the Australian Government delegation of experts to the Hague Conference on Private International Law (Jurisdiction and Judgments Convention), Director of the Australian Centre for International Commercial Arbitration, Adviser to the American Law Institute in its project on transnational intellectual property adjudication, co-rapporteur on the International Law Association (ILA) project on transnational group actions, Consultant to the Australian Law Reform Commission on the Commonwealth Judiciary Act and Consultant to the European Commission on private international law and electronic commerce.



### Associate Professor Cally Jordan

Cally Jordan has degrees in both civil law and common law (LL.B/B.C.L. McGill University; D.E.A., Université de Paris I (Panthéon-Sorbonne)) which she obtained after a B.A., with distinction (Carleton) and a M.A. (University of Toronto). For her graduate work in Paris, she studied with Professors Jacques Ghestin, Genevieve Viney and Paul Lagarde. She has practised law in Canada, New York, California and Hong Kong and spent several years in the New York office of Cleary, Gottlieb, Steen & Hamilton working in the area of international finance.

Cally has spent over fifteen years with the World Bank, both as a consultant and as a full-time advisor, on commercial, financial, corporate governance and corporate law in numerous countries (Indonesia, Vietnam, Tunisia, China, Chile, Korea, Slovakia, Armenia, Macedonia, Lithuania, Egypt, Kenya, Uganda, Tanzania, Bahrain, Mauritius, Cambodia).

Between 1991 and 1996, she was an Associate Professor at the Faculty of Law at McGill University and member of the Institute of Comparative and Private Law. More recently, she spent 2010 as a Visiting Professor at Duke Law School, Durham, North Carolina and taught for a semester in 2011 at Georgetown's Center for Transnational Legal Studies in London. Since then she has been a visiting fellow at the Max Planck Institute for International and Comparative Law in Hamburg (2012), the London School of Economics (2013), the British Institute for International and Comparative Law (2013) and the inaugural P.R.I.M.E Finance Fellow at the Netherlands Institute for Advanced Studies outside The Hague (2013). In 2014, she will be a Dean's Visiting Scholar at Georgetown Law Center in Washington, DC.

She is a frequent speaker on corporate governance, capital markets and corporate law. She is the author of proposals for the reform of Hong Kong companies law and spent nearly five years living in Asia.

## ASSOCIATES



### Professor Ian Ramsay

Professor Ian Ramsay is the Harold Ford Professor of Commercial Law. He is also Director of the Law School's Centre for Corporate Law and Securities Regulation. Ian practised law in New York and Sydney and is a member of the Australian Securities and Investments Commission External Advisory Panel, the Corporations and Markets Advisory Committee, the Auditors and Liquidators Disciplinary Board and the Corporations Law Committee of the Law Council of Australia. Former positions he has held include Head of the Federal Government inquiry on auditor independence, member of the Takeovers Panel, member of the Audit Quality Review Board, member of the Law Committee of the Australian Institute of Company Directors and member of the International Federation of Accountants taskforce on rebuilding confidence in financial reporting. Ian has published extensively on corporate law and corporate governance issues both internationally and in Australia.

## Associates

ALC Associates are academic members from institutions external to the Melbourne Law School. They are renowned scholars in the fields of Asian Legal Systems and Asian Studies.



### Professor Kent Anderson

Kent Anderson is a comparative lawyer specialising in Asia. He joined the University of Adelaide in 2012 as Pro Vice-Chancellor (International) and Professor of Law in the Adelaide Law School. He has an eclectic background, doing tertiary studies in Japan, US, and UK in Law, Politics, Economics, and Asian Studies. Kent first worked as a marketing manager with a US regional airline in Alaska, then as a practicing commercial lawyer in Hawaii, and subsequently joining academia as associate professor at Hokkaido University School of Law. For the decade before joining the University of Adelaide, Kent held a joint appointment at the Australian National University College of Law and Faculty of Asian Studies, where he was Director from 2007-2011. He was the Foundation Director of the School of Culture, History and Language in the ANU's College of Asia and the Pacific.

His research and teaching are focused on insolvency, private international law, and recently the introduction of Japan's new quasi-jury system (*saiban-in seido*). He is editor of the *Journal of Japanese Law*, on the editorial board of the *Australian Year Book of International Law*, and on the editorial advisory board of *The Australian Journal of Asian Law*.



### Associate Professor Simon Butt

Simon Butt is a current ARC Australian Postdoctoral Research Fellow and Associate Director (Indonesia) for the Centre for Asian and Pacific Law at The University of Sydney, where he teaches Indonesian law.

Prior to joining the faculty as Senior Lecturer, Simon worked as a consultant on the Indonesian legal system to the Australian government, the private sector and international organisations, including the United Nations Development Programme (UNDP) and the International Commission of Jurists (ICJ). He has taught in over 70 law courses in Indonesia on a diverse range of topics, including intellectual property, Indonesian criminal law, Indonesian terrorism law and legislative drafting. He is fluent in Indonesian.

In 2008, Simon's thesis titled *Judicial Review in Indonesia: Between Civil Law and Accountability? A Study of Constitutional Court Decisions 2003-2005* was awarded the University of Melbourne Chancellor's Prize for Excellence in the PhD Thesis.

Simon has written widely on aspects of Indonesian law, including two recent books: *Corruption and Law in Indonesia* (Routledge 2012) and *The Constitution of Indonesia: A Contextual Analysis* (Hart, 2012, with Tim Lindsey).



### Professor Camille Cameron

Camille Cameron is Dean of the University of Windsor Law School, Canada. She was previously a Professor at the Melbourne Law School, and served a term as Associate Dean (Undergraduate) and as Director of the Civil Justice Research Group.

Camille obtained degrees in Arts and Law in Canada. She began her career in private practice in a large commercial law firm in Halifax, Nova Scotia where she specialised in civil litigation. While in practice, she was a frequent presenter at continuing legal education seminars and bar admissions courses, and taught Civil Trial Practice and Civil Procedure as a sessional lecturer. After obtaining her LLM at the University of Cambridge, she taught law in Hong Kong.

She was a founding member of the Advocacy Institute of Hong Kong and a member of its first Board of Governors and Board of Studies.

Camille's areas of research and teaching interest include the administration of civil justice, class actions, civil procedure, dispute resolution, comparative law and law reform in transitional legal systems. She has published articles on civil procedure and is the co-author of *The Principles and Practice of Civil Procedure in Hong Kong* (2001, Sweet and Maxwell Asia) and *Litigation: Evidence and Procedure* (7th edition, 2005, Lexis Nexis Butterworths, Australia).

Camille has worked as a consultant on international development projects in various countries, including Cambodia, Vietnam, Laos, Mongolia, China, Thailand and Indonesia.



### Mr Neri Colmenares

Neri Javier Colmenares joined the Centre in 2002 as a research assistant and was appointed as an Associate of the Centre in 2003. He is currently undertaking his Ph.D. on "The Writ of Amparo as a Legal Tool in Identifying Perpetrators of Extra Judicial Killings and Enforced Disappearances: The Case of Manalo, Cadapan and Balao". His research interests include human rights, election law, the process of constitutional amendments, the anti terrorism law, amnesty and the writ of amparo and habeas data and has published articles on these topics.

Neri gives lectures or briefings to congressional committees, university forums and the Supreme Court sponsored Legal Education for Lawyers. He has appeared on Oral Arguments before the Supreme Court regarding *President Gloria Arroyo's Executive Order 464* prohibiting her executive subordinates from testifying in Congress (2005), *President Arroyo's CPR Policy to Violently Disperse Rallies Without Permits* (2006), *Amending the Constitution through President Arroyo's Initiative* (2007) and the *US-Philippine Visiting Forces Treaty* (2008). He also argued before the Supreme Court against the discriminatory rule which deprived him of his seat in the legislature despite valid votes during the 2007 congressional elections. The Supreme Court ruled in his favor and he now sits in the House of Representatives.

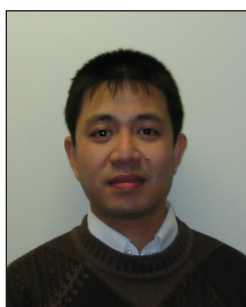
Neri is also an electoral lawyer and was lead counsel in a Supreme Court petition which resulted in the disqualification of all major political parties from participating in the Philippine party list elections. He appeared before the US District Court as one of the 10,000 martial law victims in the class suit against President Ferdinand Marcos, where the court granted a total of US \$2.1 Billion in damages, one of the largest ever awarded.

## ASSOCIATES



### Associate Professor Charles Coppel

After graduating in Law at the University of Melbourne, Charles Coppel practised as a barrister for five years, but developed a more enduring fascination for the modern history of Indonesia and its ethnic Chinese minority. His Monash PhD was published as *Indonesian Chinese in Crisis* (Oxford UP, 1983) and as *Tionghoa Indonesia Dalam Krisis* (Pustaka Sinar Harapan, 1994). His publications have covered such diverse areas as ethnic and race relations, ethnic identity, Confucian religion, language usage, colloquial Malay fictional and historical narratives, multiple migration, and the transformation of everyday life in colonial Java. These interests are reflected in his collected volume *Studying Ethnic Chinese in Indonesia* (Singapore Society of Asian Studies, 2002). He taught at Monash University and, from 1973 to 2002, at the University of Melbourne, and was a Fellow-in-Residence of the Netherlands Institute for Advanced Study in the Humanities and Social Sciences in 1995-1996. Since his 'retirement' in 2002 he has continued to publish on the Chinese in Indonesia and edited *Violent Conflicts in Indonesia: Analysis, Representation, Resolution* (Routledge, 2006). His work was honoured in the volume *Chinese Indonesians: Remembering, Distorting, Forgetting*, edited by Tim Lindsey and Helen Pausacker (Institute of Southeast Asian Studies, Singapore and Monash Asia Institute, 2005).



### Mr Hop Dang

Mr Hop Dang is a graduate of the Hanoi National University in languages and was the first Vietnamese national to graduate with an undergraduate law degree from an Australian university. He completed his DPhil at the University of Oxford in the area of international investment law. Hop completed articles in Australia in 2001 and was also Associate to Justice Chernov of the Court of Appeal, Supreme Court of Victoria.

Hop has over ten years of practical experience, specialising in large-scale infrastructure projects, international, commercial arbitration and general corporate matters.

Hop practises mainly in Vietnam, and is now a Partner with Allens Linklaters in Hanoi, where he has acted on some of the most significant infrastructure projects including the Nam Con Son Gas project and the Phu My 3 BOT power project. He also negotiated the EPC Contract for Vietnam's first refinery, Dung Quat. Currently he is advising Vietnam's second refinery, Nghi Son Refinery, and Vung Ang II BOT power project on key aspects of the projects ranging from investment and construction to financing issues.



### Professor Howard Dick

Professor Howard Dick is an internationally-known Asia specialist working primarily on Indonesia and Southeast Asia. His interests include applied economics, economic history, international business and the Asian business environment. His current research focuses on corruption and governance and the difficulties of driving institutional change by formal legal reform. He has written extensively on state expansion, development and economic integration in Indonesia and Southeast Asia. He is Editor of the Asian Studies Association of Australia (ASAA) Southeast Asia Publications Series with NUS Press, and an occasional media commentator on Australia-Asia relations.



### Professor Michael Dutton

Professor Michael Dutton has studied in both Australia and China and was awarded his PhD from Griffith University in 1991. Michael is a Professor of Politics in the Department of Politics at Goldsmiths College, the University of London. He has previously taught at The University of Melbourne (Political Science), the University of Adelaide (Asian Studies) and at Griffith University (School of Humanities). He will be a visiting research professor at Griffith University from December 2007.

Michael's research interests generally revolve around China. He has a long standing interest in the political history of socialist policing and control in China. His current interests include an investigation of the politics of the gift, a study of the friend/enemy distinction, and an appreciation of the importance of everyday life and the consequent politics. In 2007, he was awarded the Levenson Prize by the American Asian Studies Association for the best book on post-1900 China.





#### **Mr Stewart Fenwick**

Stewart Fenwick has been a consultant on legal reform initiatives for several years, and between 2004-2008 managed Australia's legal and human rights reform program in Jakarta. He is currently the Manager of the Chief Judge's Chambers at the Federal Circuit Court of Australia. Stewart has experience as a legal practitioner in both the private and public sector, and served with the UNHCR in Mongolia, where he also taught at the National University between 2000-2001. Stewart currently works in judicial administration and is undertaking a PhD at Melbourne in Indonesian and Islamic law. He holds undergraduate degrees from Melbourne (Arts/Law) and an LLM (International Law) from the Australian National University.



#### **Dr Gitte Heij**

Dr Gitte Heij has a Masters Degree in Tax Law from the University of Groningen, and a PhD in Law from the same university in The Netherlands. Gitte worked at the Asia Research Centre at Murdoch University from 1993 to 2001, where she completed a variety of publications on tax and investment topics in Southeast Asia. In addition to her work as a researcher, she worked as an international/Asian tax advisor to Australian and European companies. Over the last 15 years she has been involved in various multi- and bi-lateral aid projects. She is a company director of several companies in Western Australia. She teaches an intensive course in Asian Comparative Tax Laws in the University of Melbourne's Tax Law program and she is a senior Adjunct at Murdoch University where she teaches an intensive course in development studies.



#### **Professor M.B. Hooker**

Professor M.B. Hooker 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 leading world authority on Islamic law and traditional customary law in Southeast Asia and is a Founder and Co-editor of *The Australian Journal of Asian Law*. Notable recent publications include *Indonesian Syariah: Defining a National Islamic Law* (ISEAS Singapore, 2008).



#### **Associate Professor David Linnan**

David Linnan is a scholar of comparative, economic and public international law with a special interest in Asian law. He studied humanities at Emory University (BA 1976) and law at the University of Chicago (JD 1979), where he was comment editor of the law review. He was in private law practice for six years in Los Angeles and has held research or teaching appointments elsewhere at the University of South Carolina, the University of Washington in Seattle, the Australian National University in Canberra (RSPAS & Faculty of Law), the University of Melbourne, the University of Indonesia Faculty of Law and Graduate Law Program in Jakarta (separately), and the Max-Planck-Institut (Strafrecht), Freiburg i.Br., Germany.

Since 2000 he has been the Program Director for the *Law & Finance Institutional Partnership*, a legal and financial sector reform project run from Jakarta as an academic consortium of Indonesian and foreign universities.



## ASSOCIATES

**Professor Vera Mackie**

Vera Mackie is Australian Research Council Future Fellow and Professor of Asian Studies in the Institute for Social Transformation Research at the University of Wollongong. Her research interests include the history of feminism in Japan, gender and the law in Japan and gender and social policy in Japan. She is currently researching human rights in the Asia-Pacific region.

**Professor Richard Mitchell**

Professor Richard Mitchell was the Director of the Centre for Employment and Labour Relations Law (CELRL) from 1994 until July 2004. He is now a Professorial Fellow in the Faculty of Law at the University of Melbourne and remains a member of the CELRL. He is also a staff member of the Department of Business Law and Taxation at Monash University and Vice President of the Australian Labour Law Association. He has studied labour law and industrial relations at the University of Melbourne and the London School of Economics and Political Science. He was joint editor of the *Australian Journal of Labour Law*, with Breen Creighton, until 2002 and remains joint editor of the *Monographs on Australian Labour Law Series*.

Professor Mitchell's areas of specialisation are labour law systems in the Asia-Pacific Region, the legal regulation of labour markets, the role of law in the construction of employment systems and the regulation of individual and collective bargaining in Australian labour law. His recent publications include *Law and Labour Market Regulation in East Asia* (with Sean Cooney, Tim Lindsey and Ying Zhu) (Routledge, 2002).

**Professor William Neilson**

Bill Neilson was the Director of the Centre for Asia-Pacific Initiatives at the University of Victoria in British Columbia, Canada, between 1992 and 2004 and also its Law Chair from 1996 to 2004. He retired as Professor Emeritus of Law in July 2004. Since the mid-1980s, Bill Neilson has been engaged in a variety of initiatives in the Asia-Pacific region involving law reform, institution building, legal research, comparative law and legal education in subject areas including governance principles, rule of law, judicial reform, constitutional review, public legal rights, and competition and trade law. His work has taken him to Malaysia, Thailand, Indonesia, Laos, Vietnam, Cambodia, China, Singapore, Fiji, Papua New Guinea, Japan, Taiwan and Australia.

A graduate of Toronto, UBC and Harvard, he was a faculty member at Osgoode Hall Law School, York University and the founding Deputy Minister of Consumer Services in British Columbia before joining the University of Victoria Law School in 1977, where he served as Dean of the Faculty from 1985-90. He continues to publish on comparative law subjects and maintains an active research and advisory program in the Asia-Pacific region.

**Professor Raul Pangalangan**

Raul C Pangalangan is a Professor of Law at the University of the Philippines. He received his SJD from the Harvard Law School, where he has served as Visiting Professor of Law. He holds the Diploma of The Hague Academy of International Law, where he has served as Director of Studies. He was a Philippine Delegate to the Rome Conference, which established the International Criminal Court, and was a member of the Drafting Committee.

He most recently served as court-appointed amicus curiae before the Philippine Supreme Court, in the case *Francisco v. House of Representatives* (unconstitutionality of impeachment complaint against the Chief Justice). He was earlier nominated as Supreme Court Justice by the Judicial and Bar Council, the constitutional body authorized to submit such nominations to the President of the Philippines.



**Dr Kerstin Steiner**

Dr Kerstin Steiner was appointed as an Associate of the Centre in 2008. She also held appointments as Associate at the Centre for Islamic Law and Society until 2013 and as lecturer at the National Centre of Excellence for Islamic Studies in 2008, both at The University of Melbourne.

Kerstin is a senior lecturer at the Department of Law and Taxation, Faculty of Business and Economics, Monash University. A law graduate of The University of Bielefeld, Kerstin completed her Master of Laws and doctoral thesis focusing on Asian legal studies and international law at The University of Melbourne.

Kerstin's research interests include the study of Southeast Asian legal systems, touching on issues such as comparative law methodology when undertaking Southeast Asian legal studies; notions of legal pluralism, in particular as regards the applicability of traditional and Islamic law in Southeast Asia; and implementation, adaptation and interpretation of international law in the Southeast Asian context.

She has presented her research at conferences and seminars nationally and internationally and published her work in English and German. She has also held visiting positions at various international institutions, including ASLI at National University of Singapore; the Department of Syariah and Law, Academy of Islamic Studies, University of Malaya; and the Graduate School of Politics and Law at Osaka University.



**Associate Professor Benny Tabalujan**

Associate Professor Benny Tabalujan has a Bachelor of Economics and Bachelor of Laws from Monash University and a Master of Laws and PhD (Law) from the University of Melbourne. He was admitted as a barrister and solicitor of the Supreme Court of Victoria and the High Court of Australia in 1985. He was previously a corporate and commercial lawyer with Minter Ellison and worked in Melbourne and Hong Kong before becoming an award-winning academic at the Nanyang Business School in Singapore.

Associate Professor Tabalujan is now director of a private consulting firm and a Principal Fellow at the Melbourne Business School where he teaches in the MBA program. He is regarded as a leading authority on corporate governance, ethics and regulation in the Southeast Asian region.

## PRINCIPAL RESEARCHERS

### Principal Researchers



#### **Ms Faye Chan (2008-current)**

Faye is a principal research assistant at the Centre for Indonesian Law, Islam and Society (formerly, Centre for Islamic Law and Society) and the Asian Law Centre. She translates Indonesian-language materials and researches Southeast Asian current affairs (with particular emphasis on Indonesia, Malaysia, Singapore and Brunei Darussalam). She has a B.A. (Hons.) in Indonesian and Chinese Studies and an M.A. in History from the University of Melbourne. Her research interests include gender and Islam (comparing Southeast Asia and the Middle East, particularly in the area of family law), Islamic banking and finance, the contextual reading of the Qur'an as a feminist text, and inter-faith dialogues between Muslims, Jews & Christians. Prior to joining the CILIS and ALC, she had spent a number of years in Europe, engaging in research and further studies at the Universities of Leiden and Amsterdam, freelancing as a proof-reader and editor, and travelling.

Faye considers herself to be a polyglot (not a linguist), speaking with varying degrees of fluency: Bahasa Indonesia, Bahasa Malaysia and Dutch. She also has a working knowledge of French and Modern Standard Arabic, as well as Modern Standard Chinese (Mandarin), and the Cantonese, Hokkien and Teochew dialects. She is enrolled part-time as a PhD candidate in Law and Arts. The working title of her thesis is: 'Control and Resistance: The Social and Legal Regulation of Indonesian Chinese Women, 1930-2009'. In 2013, Faye also tutored in the summer intensive subject 'Making China Modern' in the School of Historical & Philosophical Studies.



#### **Dr Melissa Crouch (2008-2012)**

Melissa is currently a Postdoctoral Fellow at the Law Faculty of the National University of Singapore. In July-August 2012, she was a Postdoctoral Fellow in the International Institute of Asian Studies in Leiden, the Netherlands.

Melissa joined the Asian Law Centre in 2005 as a Research Assistant to Professor Tim Lindsey. In 2006, Melissa completed Bachelor of Arts and Bachelor of Laws (Hons.) degrees at the University of Melbourne. After completing her Articles of Clerkship at Lewis Holdway Lawyers, Melissa commenced her PhD at the University of Melbourne in July 2009. This was supported by Professor Tim Lindsey's ARC Federation Fellowship doctoral scholarship. From 2008 to 2010, Melissa was also the Editorial Assistant for *The Australian Journal of Asian Law*, and remained involved as an Editor until July 2013.

Melissa's research interests include law in Southeast Asia, particularly Indonesia; Islamic law; religion and the law; and inter-religious relations. Melissa has had articles published in the *Asian Journal of Comparative Law*, *The Australian Journal of Asian Law*, and the *Singapore Journal of Legal Studies*.



### Dr Jeremy Kingsley (2008-2012)

Jeremy Kingsley joined the Asian Law Centre as a Research Assistant in 2003.

Dr Jeremy Kingsley is now a faculty member at Tembusu College, National University of Singapore. As a lawyer by training with an interdisciplinary academic background in anthropology, political science and Asian studies, Jeremy brings a wide range of complementary perspectives and skills to his teaching and scholarship. Jeremy's career as a legal anthropologist is based on studies undertaken during his LLM and PhD degrees in Law at the University of Melbourne and his BA and LLB from Deakin University. Jeremy's doctoral research was supported by an Endeavour Australia Cheung Kong Award and an ARC Federation Fellowship doctoral scholarship. His research focuses primarily upon religious and political authority in Indonesia and how this affects local governance.

Jeremy has recently completed a two-year Postdoctoral Research Fellowship at the Asia Research Institute, National University of Singapore. His dissertation, which is currently being finalised for publication, was entitled, "Tuan Guru, Community and Conflict in Lombok, Indonesia". Jeremy has undertaken extensive field research focused on Muslim religious leadership, conflict management, militia and the interplay between state and non-state actors in Indonesia. Jeremy's work has been published in academic and public affairs journals, including *Indonesia*; *Sojourn: Journal of Social Issues in Southeast Asia*; *Inside Indonesia* and the *Arizona Journal of International and Comparative Law*.



### Dr Helen Pausacker (2008-current)

Helen joined the Asian Law Centre in 1999 as a Research Assistant and is also the Editorial Assistant for *The Australian Journal of Asian Law*. She was Convenor of the Indonesia Forum, an inter-Faculty group at the University of Melbourne (2001, 2009 to 2011). Helen is an Arts graduate of the University of Melbourne (BA Hons, BLitt and Graduate Certificate in Gender and Development) and Monash University (MA) and her PhD is from the Law School. Helen has worked in a number of Indonesia-related positions, including as lecturer and tutor in History at the University of Melbourne (1995-1996) and Politics at Latrobe University (2000); as language facilitator and interpreter for a number of legal and non-government organisations; researcher with the Australian Council for Overseas Aid and as Office and Production Manager for the magazine, *Inside Indonesia*. Her research interests in the legal field include charges of 'pornography' and prosecution of religious sects, both under the Indonesian Criminal Code; and she also researches in the field of Javanese culture. Helen's publications include *Behind the Shadows: Understanding a Wayang Performance* (1996) and as joint editor (with Tim Lindsey) of *Chinese Indonesians: Remembering, Distorting, Forgetting* (2005).



## RESEARCH ASSISTANTS

## McKenzie Postdoctoral Fellow

**Dr Antje Missbach (2011-current)**

Antje joined the Asian Law Centre and the Centre for Indonesian Law, Islam and Society (formerly, Centre for Islamic Law and Society) in 2011 as a McKenzie Postdoctoral Fellow to research 'Heading Down-under: Migration Challenges of Conflict Refugees in the Indonesian Limbo'. Her present research project deals with transit migration in Indonesia. In particular, she is interested in how conflict-generated refugees and asylum seekers deal with being stuck in limbo – unable to return to their countries of origin, integrate into temporary host societies or relocate to permanent resettlement countries. She spent extensive time in the field in order to collect material for her latest project.

Antje studied Southeast Asian Studies and European Ethnology at Humboldt University in Berlin and obtained her PhD from the Australian National University, Canberra in 2010. Her previous research concentrated on the long-distance politics of the Acehnese Diaspora, which brought her to Malaysia, Aceh, Scandinavia, Australia and the USA. Her book *Politics and Conflict in Indonesia: The Role of the Acehnese Diaspora* was published in 2011 by Routledge and translated into Indonesian in 2012. Before coming to Melbourne, she held positions as post-doctoral fellow at the Berlin Graduate School for Muslim Cultures and Societies and as lecturer at the Ruprecht-Karls University in Heidelberg.

## Research Assistants

Profiles of Research Assistants have been updated to include current, up-to-date details, where possible.

**Mr Rival Ahmad (2009-2010)**

Rival joined the Asian Law Centre in 2009 as a Research Assistant to the Indonesia Program. He is a graduate of the University of Indonesia and majored in Constitutional Law. He has published many articles on Indonesian law and co-authored several books on social and legal policy in Indonesian. He is now Dean of the Jentera Law School in Jakarta, Indonesia.

**Mr Alfitri (2008-2010)**

Alfitri joined the Asian Law Centre in 2006 as a Research Assistant to the Indonesia Program while he was completing his LLM. Prior to his study in Melbourne, he obtained a Bachelor of Laws (Shariah) and Masters of Arts in Islamic Law from Sunan Kalijaga State Islamic University of Yogyakarta in Indonesia. Since 2009, he has pursued his PhD at University of Washington School of Law sponsored by Fulbright. He works as a tenured lecturer (on leave during PhD study) at the Faculty of Islamic Law, State Institute for Islamic Studies of Samarinda, in East Kalimantan. His research interests include Islamic legal theory and Islamic law in practice, particularly in the context of Indonesia and the International system.

**Mr Hean Leng Ang (2009)**

Hean Leng joined the Asian Law Centre in 2008 as a Research Assistant to Dr Amanda Whiting and is currently completing his LLM. Prior to his study in Melbourne, he practised in the area of constitutional and human rights law, media law and general civil, commercial and criminal law in his four years as an advocate and solicitor in Malaysia. He tutored on a part-time basis in the University of Malaya, from which he graduated in 2002.



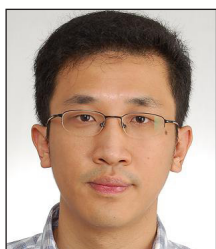
## RESEARCH ASSISTANTS

### **Ms Rebecca Apostolopoulos (2011-2012)**

Rebecca joined the Asian Law Centre in 2011 as a casual Research Assistant to Pip Nicholson and Camille Cameron on the ARC Discovery Grant, "Testing Court Reform Projects in Cambodia and Vietnam".

### **Ms Maria Bhatti (2009)**

Maria joined the Asian Law Centre in 2009 as a Research Assistant for the Malaysia and Brunei Programs.



### **Mr Bin Hao (2010-current)**

Bin Hao joined the Asian Law Centre in 2010 as a research assistant. He is currently completing his Juris Doctor at the Faculty of Law, the University of Melbourne. Prior to his study in Melbourne, he worked as a corporate lawyer specialising in Foreign Direct Investment at a Chinese law firm.



### **Ms Jacinta Bishop (2011-2012)**

Jacinta joined the ALC as a Research Assistant in 2011. She is in her third year of the Juris Doctor having completed a Bachelor of Arts (Political Science) at the University of Melbourne in 2008. Jacinta frequently travels to Asia, and aspires to undertake exchange or obtain legal work experience in Singapore or Hong Kong during her studies.



### **Mr Thomas Bray (2008-2012)**

Tom joined the Asian Law Centre in 2008 as a research assistant. He was also a research assistant for Professor Lindsey's ARC Federation Fellowship and the Centre for Islamic Law and Society. He graduated with a Bachelor of Science (Hons) from the University of Melbourne in 2012. Tom is currently living in China as a recipient of the Hamer Scholarship, and continues to develop his proficiency in Mandarin at Nanjing University.



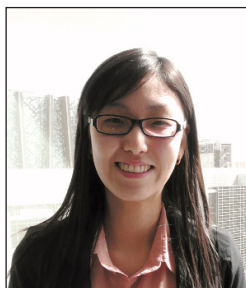
### **Dr Jeremy Broaden (2009-2011)**

Jeremy was a Research Assistant in the Asian Law Centre's Japan Program from 2009 to 2011 while completing a PhD in the Asia Institute on the internationalisation of Japanese higher education. His other research interests include the governance and administration of universities in Asia and the politics of community development in Japan. Jeremy now lectures in Japanese studies at Monash University, and continues to act as a translation and localisation consultant for clients in Japan, Australia and the United States.

## RESEARCH ASSISTANTS

**Mr Guanqiao (Jack) Chen (2008)**

Jack joined the Asian Law Centre as a Research Assistant to Sarah Biddulph. Jack was an MLM student employed by the Ministry of Foreign Affairs. He assisted with translation and accompanying visitors who were in Australia as part of the China Law Network.

**Ms Christine (Won Mi) Choi (2012-current)**

Christine joined the Asian Law Centre in 2012 as a Research Assistant to Stacey Steele in the Korea Program. She is a current JD student at the Melbourne Law School. She also holds a BA in Psychology and Criminology from the University of Melbourne. Christine was born in Korea and raised in Australia. Her academic interests lie in the field of intellectual property, and she hopes to learn more about Asian law, and the Korean legal system in particular, during her time at the Asian Law Centre.

**Mr Thomas Coghlan (2008-2009)**

Tom joined the Asian Law Centre as a research assistant in 2008. He completed an arts/law degree at the University of Melbourne and has worked as a lawyer at Minter Ellison. Tom has studied and travelled extensively in Indonesia. In 2008, he completed an Islamic Studies course at the Islamic University of Indonesia, and an internship with a legal aid organisation in Yogyakarta. In 2012, he undertook a 12-month volunteer assignment working with a legal aid organisation in Timor-Leste, advising on the implementation of an access to justice program. He currently works with the Office of National Assessments as an Indonesia and Timor-Leste analyst. His research interests include legal aid and access to justice in developing countries, the interaction of traditional justice mechanisms with formal legal systems, Islamic law and society in Indonesia, and governance and anti-corruption in Indonesia and Timor-Leste.

**Ms Nicola Colbran (2010)**

Nicola has a Bachelor of Asian Studies (Hons) and a Bachelor of Law (Hons) from the Australian National University. She also studied for two years at Gadjah Mada University, Yogyakarta in the Arts and Law faculties. Nicola worked at Allens Arthur Robinson in Sydney for 5 years before completing her Masters in Public International Law (cum laude) at Leiden University, the Netherlands. After graduating, she joined the Office of International Law at the Commonwealth Attorney General's Department. From 2006-2010, she was legal advisor in the Indonesia Program at the Norwegian Centre for Human Rights; in 2011-2013, was the Director of AusAID's flagship law and justice program in Indonesia, the Australia-Indonesia Partnership for Justice, and is currently Deputy Registrar - Native Title in the Federal Court of Australia. Nicola speaks Indonesian fluently.

**Ms Maya Costa-Pinto (2010)**

Maya joined the Asian Law Centre as a Research Assistant to Dr Amanda Whiting in 2010. She has a MA (by Research) in Asian (Indonesian) Studies from the University of Melbourne, and has also completed the JD from the Melbourne Law School. She also has a BA in Anthropology from Bryn Mawr College, Pennsylvania, USA. Her research interests include public international law, family law, human rights, property rights, gender, anthropology of law, South Asia (India) and Southeast Asia (East Timor). Maya is now based in the United States.

## RESEARCH ASSISTANTS



### **Dr Yuqiong Deng (2010-2011)**

Dr Yuqiong Deng is a casual research assistant at the Asian Law Centre and works with Professor Sean Cooney. Yuqiong comes from legal background in China where she worked as a lecturer and, later, Associate Professor (1999 - 2009) in the Chinese People's Public Security University, where she specialized mainly in financial crime.

She achieved her PhD (2005) and Masters (1999) degrees in the Renmin University of China. She has published numerous articles in financial crime in Chinese, one of which was published by the Criminal Law Science Centre.



### **Mr Arjuna Dibley (2010-2011)**

Arjuna joined the Asian Law Centre in 2010 to work with Professor Tim Lindsey on a book about the Indonesian Constitution. Arjuna is currently a lawyer at Baker & McKenzie in the Environmental Markets and Climate Change practice. In 2011, Arjuna was a Prime Minister's Australia-Asia Endeavour Award recipient during which time he worked with the Australia-Indonesia Partnership for Justice and wrote a thesis on public interest litigation in the Indonesian Constitutional Court. Arjuna's research interests include constitutional law, human rights, international environmental law and land and forestry law in Indonesia.



### **Mr Do Hai Ha (2011-current)**

Ha joined the Asian Law Centre in 2011 as a research assistant to Professor Pip Nicholson. He holds an LLB from the Hanoi Law University and an LLM from the University of Melbourne. He is currently enrolled as a PhD candidate at the Melbourne Law School. Since 2002, Ha has been a lecturer at the Ho Chi Minh City University of Law. He also worked for a US law firm, and provided legal consultancy to various companies in Vietnam.



### **Ms Philippa Duffy (2008-2009)**

Philippa Duffy joined the Asian Law Centre in 2008 as a research assistant to Pip Nicholson. She has an Arts/Law degree at the University of Melbourne. Philippa was a member of the *Melbourne Journal for International Law*. She worked at McKinsey & Company in Australia and the Middle East. She now works at Pearson, a global learning company.



### **Ms Heidi Edwards (2011)**

Heidi Edwards completed a Bachelor of Arts and Juris Doctor at the University of Melbourne. She has a keen interest in commercial litigation, public law and international criminal law. She will commence a graduate position at DLA Piper in Melbourne in 2014.

## RESEARCH ASSISTANTS

**Ms Anne-Sophie Gintzburger (2010)**

Anne-Sophie Gintzburger has an MPhil in international relations on Islamic finance from the Australian National University during which she was awarded the National Australia Bank Sheikh Fehmi El Imam scholarship. She is now a PhD candidate in emerging economic thought at the Ecole Normale Supérieure (France). She became founding director of Grapes, following consultancy work at Altran (France). Her research interests are Islamic finance in the Gulf Cooperation Council and Southeast Asia. She has conducted fieldwork research with Islamic finance practitioners in the UAE and Malaysia.

**Mr Rowan Gould (2009)**

Rowan Gould joined the Centre in 2002 as a research assistant to Professor Tim Lindsey. He completed his undergraduate studies in Law (Hons) and Commerce at the University of Melbourne in 2004. He is currently completing an MA in Islamic Studies here at the University. Rowan has been CEO of the Islamic Council of Victoria and Director of the Australia-Indonesia Muslim Exchange Program. Rowan is currently a project officer, researcher and tutor in Islamic Studies at the Asia Institute, and coordinates the Arabic Conversation Club at the Institute. Rowan has fluent Indonesian and intermediate Arabic, as well as reading ability in French, Spanish, and Malay. His research interests include Islamic law and the Qur'anic commentary tradition.

**Ms Reegan Grayson-Morison (2011-current)**

Reegan joined the Asian Law Centre in 2011 as a research assistant to Ms Stacey Steele. She is a current JD student and holds a BA (Hons) from the University of Queensland, majoring in Japanese and International Relations. Reegan first travelled to Japan on high school exchange in 2001 and, after graduating from university worked at Kobe City Hall as a Coordinator for International Relations on the JET Programme for 3 years. Upon her return to Australia, she was appointed as a 'tourism ambassador' for Kobe as part of the 25 year anniversary celebrations of the Brisbane-Kobe Sister-City Relationship during the Mayor's visit to Brisbane. Her research interests include international law and politics, Japanese law and comparative law. Reegan accepted a position in 2013 as the Administrator and Project Officer for the Centre for Corporate Law and Securities Regulation at the Melbourne Law School.

**Ms Chi Ha (2008)**

Chi Ha joined the Asian Law Centre in 2006 as a research assistant to Professor Pip Nicholson. Born and raised in Vietnam, Chi is familiar with the legal systems in both Vietnam and Australia, having graduated with a LLB/BComm from the University of Melbourne. Chi now works as a solicitor with Allens Linklaters in Ho Chi Minh City, having worked previously for Mallesons in their taxation group.

**Ms Melinda Han (2008-2010)**

Melinda Han joined the Asian Law Centre in 2008 as a research assistant to Stacey Steele, working mainly with visitors from Korea. She completed a Commerce/Law degree with a Diploma in Modern Languages (Japanese) at the University of Melbourne. Fluent in Korean, Melinda has worked as an interpreter and has undertaken legal work experience in South Korea. Melinda is currently undertaking an LLM degree at the University of Virginia School of Law.





## Mr Danny Haworth (2008)

Danny Haworth joined the Asian Law Centre as a research assistant in 2008. He graduated from Otago University, New Zealand in 2004 with BA (Hons), LLB, BCom.



## Ms Nurhidayah Muhammad Hashim (2011-2012)

Nurhidayah joined the Asian Law Centre in 2011 and completed her PhD at the University of Melbourne under Professor Tim Lindsey and Professor Abdullah Saeed in 2013. She is an Associate Professor at the University Teknologi MARA (UiTM), Shah Alam, Malaysia. Nurhidayah completed her Masters in Shariah from the University of Malaya in 2001, LL.B (Shariah) (Hons) in 1993 and LL.B (Hons) in 1992 from the International Islamic University, Malaysia. She has published six books and several articles in many journals on Islamic Family Law, Islamic civilization and practice of Syariah law in Malaysia. Her research interests are in the areas of Islamic law, family law, comparative law, law reform in developing countries and Islamic civilisation. She has been a member of the Executive Committee of the Malaysia Shariah Lawyers Association (PGSM) (2006-2009), a former President of the Victoria Malaysian Postgraduate Students Association (VMPGA) (2009-2010) and a member of the Malaysia Muslim Lawyers Association (PPMM) (2006-2013).

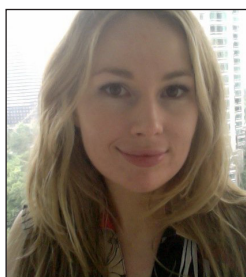


## Dr Vanessa Hearman (2008)

Vanessa Hearman joined the Asian Law Centre in 2008 as a Research Assistant for Professor Tim Lindsey's ARC Federation Fellowship. She is now lecturer in Indonesian Studies at the University of Sydney.

Vanessa holds a PhD in Indonesian history from the University of Melbourne, as well as Bachelor of Arts/Bachelor of Commerce degrees and a Master of Contemporary Asian Analysis.

She is a NAATI-accredited Bahasa Indonesia interpreter (both directions) and translator (into English), with experience of working for international organisations in East Timor and Indonesia.



## Ms Bonnie Hermawan (2010)

Bonnie is a Project Officer at the Asia Education Foundation at the University of Melbourne. She completed a Master of Arts (Asian Societies) at The University of Melbourne, for which she wrote a minor thesis on the politicisation of public expressions of religious identity in Indonesia. From 2005-2007, Bonnie taught in an Islamic university in Indonesia and has worked with the Asia Education Foundation on the BRIDGE Project since 2008, which supports the development of intercultural understanding and ICT skills to build capacity in participating schools.



## Mr Wawan Hermawan (2009-2010)

Wawan joined the Asian Law Centre in 2009 as a research assistant. He completed his Bachelor's degree (2007) at Gadjah Mada University, Yogyakarta, Indonesia. Before moving to Melbourne in mid 2007, he worked with Australian Consortium for In-Country Indonesian Studies (ACICIS), an organization for exchange students from Australia to Indonesia from 2003-2007. From 2006-2007 he managed Indonesian Internships, an Australian company based in Yogyakarta that organises internships for Australian students in Indonesia based on their industry focus. He is experienced in translating, proofreading, editing and interpreting from English to Indonesia.



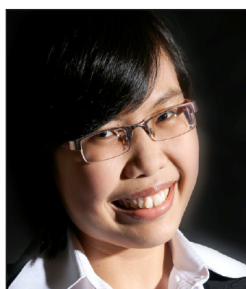
## RESEARCH ASSISTANTS

**Dr Nur Hidayah (2012)**

Nur Hidayah completed her masters degree in Islamic Studies at the University of Durham, England. An academic at Syarif Hidayatullah State Islamic University in Jakarta, she previously worked for the International Center for Islam and Pluralism (ICIP) in Indonesia as a researcher and a program coordinator for "Islam and Pluralism". In 2012, she completed her PhD on feminism and Islam in Indonesia at the University of Melbourne.

**Ms Samantha Hinderling (2008-current)**

Ms Samantha Hinderling holds an undergraduate law degree from the University of Basle, Switzerland and a Masters degree in law from the Melbourne Law School. She is currently a PhD candidate at the Melbourne Law School, where she is researching evaluation in international legal development. Previously Samantha worked as Associate Director for a consulting firm based in Australia specialising in legal reform and cross-cultural communication. Samantha was also principal research assistant on a project funded by the Australian Research Council on court reform in Vietnam and Cambodia at the University of Melbourne.

**Ms Ho Thuy Ngoc Tram (2012-2013)**

Tram Ho completed her Masters in Law in mid-2013. Tram holds a BA from Ho Chi Minh City University of Law in 2010. Before studying at the Melbourne Law School, Tram was a member of the Vietnamese Bar as a trainee lawyer and had been working for an international law firm. She joined the Asian Law Centre as a research assistant in 2012. She worked on Pip Nicholson's drug-related crime research team, and assisted with hosting Vietnamese delegations.

**Mr Wilfred Ho (2008)**

Wilfred joined the Asian Law Centre in 2007 as an editorial assistant to *The Australian Journal of Asian Law* and completed an Arts (Media and Communication) / Law degree at the University of Melbourne. Born in Singapore, Wilfred speaks Mandarin and English fluently and is keen to further explore the legal systems of Asia.

Wilfred was also Book Review Editor of the *Melbourne University Law Review* and, before that, Submissions Editor. He was also a member of the *Melbourne Journal of International Law*.

**Ms Sahrah Hogan (2010-2012)**

Sahrah joined the Asian Law Centre in 2010 as a Research Assistant for the Japan Program. She has recently graduated from the Melbourne JD at the Law School of the University of Melbourne, after undertaking an internship at the United Nations Environment Program (UNEP). She will commence as a graduate at Herbert Smith Freehills in 2013.

In 2009, Sahrah completed a Bachelor of Arts and a Diploma in Modern Languages, majoring in Economics, Political science and Japanese at the University of Melbourne. Sahrah enjoys travelling in Asia, particularly Japan, and thoroughly enjoys learning about the Japanese culture and its language.



## **Mr Rory Hudson (2012-current)**

Rory joined the Asian Law Centre in 2012 and is currently studying the JD at the University of Melbourne. From mid-2012, he studied at the Japan Foundation Language Institute, Kansai on a Japanese Language Program for Specialists in Cultural and Academic Fields scholarship. He returned to Melbourne in March 2013, where he resumed working for the ALC. Rory also volunteers one day per week at Victoria Legal Aid.

Rory holds a First Class BA (Hons) in Japanese and Asian Studies from La Trobe University. He has previously studied at Kumamoto Gakuen University on exchange and as a student fellow at Peking University. His interests include Environment Law and Human Rights.



## **Ms Penny Mimmie Ng (née Jackson) (2008)**

Penny joined the Asian Law Centre in 2006 as a research assistant to Ms Stacey Steele. She completed her Arts/Law degree and Diploma of Modern Languages (Japanese) at the University of Melbourne in 2008. While at the Asian Law Centre, Penny enjoyed co-ordinating the visits of Japanese Judges, academics and students (among other things). After graduating, Penny returned to her home town in South Gippsland and was elected to the South Gippsland Shire Council. Her four-year term included 16 months as Deputy Mayor. Penny currently works at a small rural law firm, practising mostly in property law and wills and estates. Her research interests include community and land-use planning, constitutional law and local government.



## **Ms Alisha Jung (2011-2012)**

Alisha joined the Asian Law Centre in 2011 as a Research Assistant for the Korea Program. Alisha completed her Bachelor of Science (Hons) in biomedical science (2003) as well as her PhD in neuroscience (2008) at the University of Auckland. After her PhD she worked for a cancer research company and a medical device company before deciding to study law. She completed her Juris Doctor at the University of Melbourne in 2012, and will start work at Piper Alderman in Sydney in 2013.



## **Mr Michael Keks (2010-2011)**

Michael joined the Asian Law Centre in 2010 as a research assistant. He is currently enrolled in the LLB at the University of Melbourne. He is also completing a BA (Hons) in Political Science. Michael's academic interests include international relations and comparative law.

## **Mr Wonhyo (Will) Kim (2009)**

Will joined the Asian Law Centre in 2009 as a research assistant. He completed a Bachelor of Laws (Hons) and Bachelor of Arts at the University of Melbourne in 2011. He was the Assistant Editor of the *Melbourne Journal of International Law* from 2007 to 2009. During his studies, he also spent time at Tsinghua University in China studying Chinese. Will joined the Brisbane office of Minter Ellison in February 2011.

## RESEARCH ASSISTANTS

**Mr Yue Shern (Jason) Kuan (2010)**

Jason graduated from the University of Melbourne in 2008, and joined the Asian Law Centre in 2010 as a casual Research Assistant. Prior to this he was an assistant researcher at CB Richard Ellis, and plans to become a property analyst. He also has previous experience as a tutor in Principle of Property Valuations at the University of Melbourne's Faculty of Architecture, Building and Planning.

**Ms Mai Kuroda (2008)**

Mai joined the Asian Law Centre in 2006 as a research assistant. She was born in Japan and moved to Singapore at the age of 4. She joined the Centre to learn more about Asian and, in particular, Japanese law and to use her Japanese language and cultural skills. Mai graduated from her combined Arts/Law degree from the University of Melbourne in 2007, with an Arts major in development studies. Since 2008, Mai has been working as a solicitor at Herbert Smith Freehills.

**Mr Adam Laidlaw (2008-2009)**

Adam joined the Asian Law Centre in 2007 as a research assistant to Andrew Godwin. He completed a Commerce/Law degree, and also studied Mandarin Chinese. Adam has lived in China on a number of occasions as a student of Chinese, a university lecturer in Qufu Shifang Daxue, and as a legal intern with Linklaters law firm in Shanghai. Adam worked on updating *Asian Law Online* (ALO), and also assisted with the creation of the *Islamic Law Online* (ILO) database.

**Ms Rozanna Latiff (2008)**

Rozanna Latiff joined the Asian Law Centre in 2007 as a research assistant for Professor Tim Lindsey's ARC Discovery Project "Islamic Law in Malaysia, Brunei and Singapore". She predominantly works on Islamic law and administration in Malaysia.

Rozanna was born and raised in Malaysia and Singapore and is fluent in both English and Malay. She is currently in the fourth year of a Law/Arts (Media and Communications) degree at the University of Melbourne. Her research interests include law in Malaysia, Islamic law and comparative media studies.

**Mr Simon Lee (2008)**

Mr Simon Spencer Reyner Lee joined the Asian Law Centre in 2008 as a research assistant. He graduated from Arts/Law at the University of Melbourne and is now an Australian lawyer, working at a commercial law firm in Melbourne. He has also completed a Masters of Laws at the Australian National University with Merits. Born in the Republic of Korea, Simon has also worked as an intern at a leading Korean law firm. He is fluent in English and Korean, and also speaks Japanese.

## RESEARCH ASSISTANTS



### **Ms Monica Lillas (2008- 2010)**

Monica joined the Asian Law Centre in 2008 as a research assistant to Ms. Stacey Steele. She completed a Bachelor of Arts and Law at the University of Melbourne. She is now a lawyer at K&L Gates. Monica is particularly interested in Japanese law and culture, and undertook a Japanese language major within her Arts degree.



### **Mr Tse Zhou Lim (2011)**

Tse Zhou Lim joined the Asian Law Centre in 2011 to assist with preparation for the JSAA Conference.



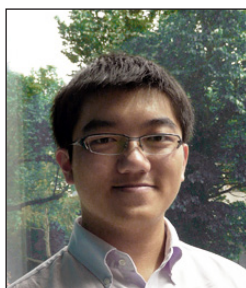
### **Ms Sally Low (2008-current)**

From 2008 - 2012, Sally Low assisted Professors Pip Nicholson and Camille Cameron on their ARC-funded grant, 'Testing Court Reform in Vietnam and Cambodia'. Sally holds an LLB (Hons) from Macquarie University and an LLM (coursework) from the University of Melbourne. She is currently enrolled in a PhD at the Melbourne Law School on the role of law during the French colonisation of Cambodia. Since 1993, she has worked in international development, focusing particularly on Cambodia, on Southeast Asia in general, and more recently in the Pacific.



### **Ms Rebecca Lunnon (2011-current)**

Becca joined the Asian Law Centre as a Research Assistant in 2011. After completing a BA in Anthropology and Indonesian from Monash University as a participant in the Dean's Scholars Program, she spent a year volunteering in Indonesia as a lecturer at UNY and as a translator with the Wahid Institute. She has returned from working as a research analyst with a leading terrorism research centre in Singapore. She hopes to be involved further with social/NGO initiatives, in particular those addressing religious tolerance/intolerance, radicalism and extremism in Indonesia.



### **Mr Chenjie Ma (2012-current)**

Chenjie joined the ALC as a Research Assistant in 2012 and is currently undertaking his Juris Doctor in the University of Melbourne. He is a Commerce graduate at the University of Melbourne majoring in Accounting and Finance. His current responsibilities include translating academic articles in relation to the recent Chinese Criminal Procedure Law reforms.



## RESEARCH ASSISTANTS

**Mr Rohan Mathai (2012)**

Rohan was a Research Assistant to Professor Pip Nicholson in 2012 during his final year in the University of Melbourne Juris Doctor program. In addition to a JD, he has a Certificate in Transnational Legal Studies from Georgetown University. He also holds a Bachelor of Arts and Science in Psychology and Mathematical Science from the University of Guelph. He is currently accrediting his law degree for practice in Canada and plans to commence an LLM shortly thereafter.

**Mr Nimmith Men (2009-current)**

Nimmith Men is an arbitrator of the Arbitration Council, Cambodia, and a PhD candidate at the Melbourne Law School. Many of his arbitration panel's arbitral awards have been published in Khmer and English. He has held many positions in various workplaces. He was most recently an advisory committee member of the Better Work Global Program, Geneva, and executive director of the Arbitration Council Foundation, Cambodia. Prior to these, he worked for over seven years as a program officer for democracy and human rights for a United States Agency for International Development and the European Commission, in Cambodia. He also lectured in law at the Royal University of Economics and Law and provided consultancy to a law firm. He has won two scholarships for his studies in the USA (Fulbright for an MS in law and policy studies), and Australia (Australian Leadership Award for PhD).

**Ms Sienna Merope-Synge (2010-2011)**

Sienna joined the Asian Law Centre in 2010 as a Research Assistant. She completed a Bachelor of Law/Arts and a Diploma in Arts (Asian Studies) at the University of Melbourne in 2011. She participated in the 2009 Jessup Competition, and was also a legal volunteer with the Asylum Seeker Resource Centre. She has been a member of the Editorial Board of the *Melbourne Journal of International Law* and is now a Researcher for the Chief Justice of New South Wales.

**Mr Stuart Moore (2010)**

Stuart Moore joined the Asian Law Centre in 2010 as a Research Assistant for Professor Tim Lindsey, whilst completing a double degree in Arts/Law (Indonesian major). Stuart has completed several trips to Indonesia and has studied the language since the age of 7. Stuart is particularly interested in the influence of Islam on Indonesian law and governance, and this interest led him to travel through the Middle East for further understanding and immersion.

**Ms Dina Nay (2011)**

Ms Dina Nay joined the Asian Law Centre in 2011 as Research Assistant to Professor Camille Cameron. Before joining the Asian Law Centre, she worked for the Cambodian government as a reporter in charge of political news. In 1991, Dina was associated with the United Nations Advanced Mission in Cambodia (UNAMIC) and the United Nations Transitional Authority in Cambodia (UNTAC) in the office of the UN Force Commander, Lt. General John Sanderson.

After the completion of the UNTAC mandate in September 1993, Dina was offered a post as Personal Assistant to the Country Manager of Telstra Cambodia for over eight years. From 2002 to 2007, she was the Director of the Khmer Institute of Democracy (KID).



## RESEARCH ASSISTANTS



### **Mr David Park (2010-2011)**

David joined the Asian Law Centre as a Research Assistant in 2010. He completed the Bachelor of Laws at the University of Melbourne in 2011. David is now a Solicitor with the Sydney insurance law firm Wotton + Kearney.



### **Ms Jemma Parsons (2008-2011)**

Jemma Parsons joined the Asian Law Centre in 2007 as a Research Assistant to Professor Tim Lindsey's Federation Fellowship, after completing a degree in Asian Studies (Indonesian) at the Australian National University in 2006. Jemma spent more than 2 years living and working in Indonesia while completing her undergraduate degree and speaks Bahasa Indonesia. After completing her Masters in Public and International Law at the University of Melbourne, Jemma obtained a senior position in Cardno Emerging Markets' office in Jakarta.



### **Mr Nicholas Parsons (2008-2011)**

Nic is currently completing a bachelors degree in Laws/Asian Studies (Indonesia) at the Australian National University. In 2007, he completed a year-long in-country studies program based in Jogjakarta, Indonesia and speaks Bahasa Indonesia with near-native fluency. While living in Indonesia Nic studied Indonesian law at one of the country's premier universities, Universitas Gadjah Mada (UGM), where he developed his passion for Indonesian constitutional law, public law, international criminal law and human rights. Nick also studied traditional Sundanese drums at one of Indonesia's most highly regarded arts institutes, STSI-Bandung. His interests include politics, human rights and good governance.



### **Ms Jacinth Pathmanathan (2008-2010)**

Jacinth joined the Asian Law Centre in 2008 as a research assistant for Professor Tim Lindsey. Jacinth holds a Bachelor of Laws (Hons) and Bachelor of Commerce degree from the University of Melbourne. Born in Malaysia, Jacinth speaks fluent English and Malay. Her research interests include commercial law, comparative law and law reform. In 2010, Jacinth accepted a position as a researcher at the Supreme Court of Victoria.



### **Dr Mark Pendleton (2011)**

Mark joined the Asian Law Centre as a Research Assistant in 2011, assisting with the JSAA Conference. He completed his PhD in History at the University of Melbourne in 2011. His doctoral thesis explored how the 1995 Tokyo subway gassing is remembered politically and culturally in Japan through various forms of life writing and memorial practices. Mark is now a Lecturer in the School of East Asian Studies at the University of Sheffield.

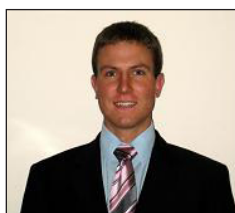
## RESEARCH ASSISTANTS

**Mr Robin Perry (2009)**

Robin Perry joined the Asian Law Centre in 2009 as a research assistant and is currently studying for his Masters in Public and International Law at the University of Melbourne. Before coming to Melbourne he worked on a number of overseas rule of law programs, including in Liberia, Yemen and Timor-Leste, and prior to this practised law as a solicitor in Perth for several years. Robin's current research interests include the relationship between formal and customary systems of law and transitional justice in post-conflict states. He speaks Bahasa Indonesia at an intermediate level.

**Mr Anesti Petridis (2011-current)**

Anesti joined the Asian Law Centre in 2011 and is a current JD student at the University of Melbourne. He holds a BA in International Relations and Japanese from Australian National University, and has previously studied at the Japan Foundation Institute in Osaka, Japan. Anesti's legal research paper "'Knocking at the Door of the Stone Fortress': Appeals to the Supreme Court under Japan's 1996 Code of Civil Procedure' was published in the *Journal of Japanese Law* in 2012, and won the ANJeL-Ashurst Essay Prize in Japanese Law and the Melbourne Law School Student Published Research Prize.

**Mr Simon Pitt (2008-2010)**

Simon Pitt joined the Asian Law Centre in 2005 as a research assistant to Professor Pip Nicholson, working on comparative and Vietnam-related projects. Simon graduated with a Diploma of Modern Languages in Chinese (Mandarin), and a Commerce/Law Degree. While with the Asian Law Centre, Simon was also an Assistant Editor of *The Melbourne University Law Review*. Simon now works at Boston Consulting Group.

**Ms Trish Prentice (2009-current)**

Trish joined the Asian Law Centre in 2009 as a research assistant to Professor Tim Lindsey. Prior to undertaking post-graduate studies, Trish spent time working in Australia and overseas in various fields, including secondary teaching, as a human rights officer in Geneva, Switzerland, and as a legal case officer for a federal government department.

Prior to joining the ALC, Trish spent two years working in Cairo, Egypt, for an NGO focusing on inter-cultural dialogue and as an English editor for an Iraqi news service. The experience exposed her to both the theoretical and practical aspects of Islamic law, which sparked her interest in this area.

After returning to Melbourne, Trish completed her LLM in 2009 at the Law School, University of Melbourne, focusing on human rights and international law. In 2011, she was appointed Associate Director of a consulting firm based in Melbourne.



### Ms Rheny Pulungan (2011)

Rheny joined the Asian Law Centre in 2011. She is currently enrolled as a PhD candidate in the Asia Institute and Law School under the supervision of Professor Tim Lindsey and Associate Professor Andrew Mitchell. In 2003, she graduated with an LLB from Gadjah Mada University, Indonesia, where she received the university medal; and an LLM in 2007 from the Melbourne Law School, majoring in international law. Rheny's research interests include international law, international law of the sea, international human rights law and Indonesian law. Her PhD thesis is about piracy and maritime terrorism in the Malacca Strait.

Before undertaking her PhD, Rheny worked as a journalist with *Tempo Newspaper* in Jakarta and taught international law at a university in Sumatra, Indonesia. She plans to live in Australia and hopes to be involved further in academia.



### Ms Jessica Rae (2008-2012)

Jessica Rae joined the Asian Law Centre in 2006 as a research assistant. She holds a BCom/LLB(Hons) and Diploma of Modern Languages in Indonesian from The University of Melbourne. Jessica lived and worked in Indonesia in 2010-2011 as a recipient of an Prime Minister's Australia Asia Endeavour Award, where she undertook research on Reducing Emissions from Deforestation and forest Degradation (REDD+) projects with a local NGO, international research organisation and AusAID. She has since worked as a Research Fellow and Project Manager at the Centre for Resources, Energy and Environmental Law and as Editorial Assistant for *The Australian Journal of Asian Law*. Her research interests include international climate change and environmental law, and forest governance and tenure in tropical developing countries.



### Ms Jothie Rajah (2007-2009)

Jothie Rajah joined the Asian Law Centre in 2007 as a research assistant. She was awarded her PhD from the University of Melbourne in April 2010. She was awarded the Law Faculty's 2010 Harold Luntz Graduate Research Thesis Prize for her work, *Legislating Illiberalism: Law, Discourse and Legitimacy in Singapore*, which also won the University of Melbourne's Chancellor's Prize for Excellence in the PhD Thesis and an Honorable Mention in the Law and Society Association Dissertation Prize competition. She was appointed to the faculty of the American Bar Foundation from September 2011.

Jothie is a graduate of the Faculty of Law, National University of Singapore, where she also graduated with Honours in English. Jothie has taught with the Legal Writing and Research Skills Programme of the Faculty of Law of the National University of Singapore, where she has also lectured on Hindu Legal Traditions. She has also taught with the English departments of the National University of Singapore, the Institute of Education and Open University, Singapore. Jothie has been a member of the consultancy team working on the official translations of Lao laws, a United Nations Development Project. In Melbourne, Jothie guest-lectured in postgraduate programmes at the Melbourne Law School and also tutored with the Department of Management at the University of Melbourne.

She is a co-ordinator of the Law and Society Association Collaborative Research Network on *British Colonial Legalities*. She recently published *Authoritarian Rule of Law: Legislation, Discourse and Legitimacy in Singapore* (Cambridge University Press, NY, 2012).



### Ms Shuang Ren (2008-current)

Shuang Ren joined the ALC as a research assistant in 2008. She holds a Master of Commerce in Management (with honors) and is now studying her PhD in human resource management at the Department of Management and Marketing, University of Melbourne. She is also a tutor at the Department of Management and Marketing. Prior to her studies in Melbourne, Shuang Ren completed a Bachelor of Law in China. She enjoys translation and RA work in the ALC.

## RESEARCH ASSISTANTS

**Mr Alistair Robertson (2010-current)**

Alistair joined the Asian Law Centre in 2010 and is now in his final year of the Melbourne JD / CUHK LLM partnership degree program. He holds a BA from Latrobe University and has also studied at the Taiwan National Normal University and Beijing Normal University. Alistair's main academic interests centre around Chinese law and politics.

**Mr Nicholas Rudd (2008)**

Nick joined the Asian Law Centre team in late 2007 as a research assistant. He is currently completing his postgraduate law program at the Australian National University, having finished a Chinese language major at Griffith University. As part of his Arts degree, Nick has spent time in Shanghai and Beijing. His interests include the development of law in China, and the emergence of China as a global power.

**Ms Joanne Sharpe (2010)**

Joanne joined the Asian Law Centre as a Research Assistant in 2010. She was a Consultant in Aceh, managing a series of activities designed to improve community engagement with and oversight of development projects. Joanne is now working in the public service.

**Ms Katerina Stevenson (2012-current)**

Katerina joined the Asian Law Centre in 2012 as a Research Assistant. She is currently a third year JD student at Melbourne Law School. She also holds Bachelor of Arts/Bachelor of Commerce degrees from the University of Melbourne, majoring in history and management and marketing. Katerina has previously travelled extensively around South East Asia.

**Mr Nik Tan (2009)**

Nikolas Feith Tan joined the Asian Law Centre in 2009 and is a 5th year Arts/Law student at the University of Melbourne. He has lived and worked in both Indonesia and Timor Leste as a volunteer teacher, project officer and interpreter, and was a delegate and panelist at the 2009 Australia-Indonesia Conference in Sydney. Nikolas has a strong interest Australian relations with Asia, particularly with Indonesia and Timor Leste, and is also Overseeing Coordinator of the Sudanese Australian Integrated Learning (SAIL) Program.



## RESEARCH ASSISTANTS



### **Mrs Joy Taylor (2011)**

Joy Taylor joined the Asian Law Centre in 2011 to assist with editing publications for Professor Tim Lindsey's Federation Fellowship. She completed a Bachelor of Education at Toorak Teachers' College and was previously a primary school teacher.



### **Ms Nanako Touhei (2010)**

Nanako joined the Asian Law Centre in 2010 as a research assistant to Ms. Stacey Steele. She is in her fourth year of social sciences degree, majoring cultural anthropology at Hitotsubashi University in Japan, whilst she is currently completing an exchange program at the University of Melbourne. Her interest includes not only sociology but also comparative law and political law in connection with international relations.



### **Ms Mollie Tregillis (2010-2011)**

Mollie is a second year JD student with a previous degree in Media & Communications and a Diploma in Mandarin. Mollie lived in Singapore for the final years of high school and has travelled extensively in Asia. Her most memorable experience in Asia was three months living and volunteering in an orphanage in Bangkok. Mollie hopes to retain strong links to Asia and to return regularly in the future. Mollie's other areas of interest are Media and Arts Law and she hopes to work in a related field in the future.



### **Mr Dylan Tromp (2009)**

Dylan joined the Asian Law Centre as a Research Assistant in 2009. Since then, he has been working on access to justice, focusing on legal aid in Vietnam and legal developments in Malaysia. Following an international legal internship with the Office of the High Commissioner for Human Rights (OHCHR) Regional Office for South-East Asia (Bangkok) and completion of his Master of Public and International Law at Melbourne Law School in 2009, Dylan now works as an Advisor in the Human Rights and Business Department of the Danish Institute for Human Rights (the national human rights institution of Denmark), where he counsels world-leading companies on implementing the United Nations Guiding Principles on business and human rights within their global operations and advises the United Nations Working Group on business and human rights.



## RESEARCH ASSISTANTS

**Ms Lucy Watts (2008)**

Lucy Watts joined the Asian Law Centre for the summer of 2008, as a research assistant to Stacey Steele. She is currently a student at the University of Tasmania, where she will graduate with a Bachelor of Arts (Japanese) and Laws. Additionally, in 2006 she completed a Graduate Diploma in Japanese at Kinjo Gakuin University, Nagoya. Her interests are Asian law, specifically the legal system of Japan, corporate governance issues and international relations.

**Mr Charles Westh (2009)**

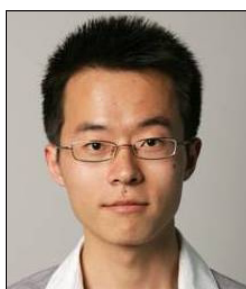
Charles Westh joined the Asian Law Centre in 2009 as a research assistant to Andrew Godwin. Charles completed a Commerce/Law degree and Diploma of Modern Languages in Chinese (Mandarin) at The University of Melbourne. Charles has spent time in Mainland China on an Australia-China Council language study program, as well as a semester at The University of Hong Kong as a Law Faculty exchange student.

Charles also completed a seasonal clerkship in the Hong Kong office of Mallesons Stephen Jaques. His research interests include cross-border M&A transactions and insolvency, with particular emphasis on China.

**Ms Marcia Wibisono (2006-2008)**

Marcia Wibisono joined the Asian Law Centre in 2006 as a research assistant to Professor Tim Lindsey. She was born and grew up in Indonesia, and is fluent in both Bahasa Indonesia and English. Marcia completed her Bachelor Degree in Law at the University of Trisakti and her Master Degree in Business Law at the University of Indonesia before taking the LLM Degree at the Melbourne Law School.

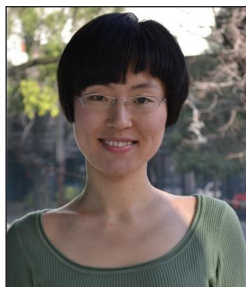
Marcia has extensive experience as a lawyer in Indonesia, particularly in the area of corporate and commercial litigation. Before she went to Melbourne, she had been working as an associate in one of the biggest litigation firms in Indonesia and as an Internal Legal Counsel for one of the largest paper companies in Asia. After returning to Jakarta, Marcia joined a well-known law firm in Jakarta, which mainly provides legal services to foreign companies, as a senior associate specialising in commercial litigation and corporate law. She is currently the Managing Partner of a law firm, established by her and two other partners in 2010: Law Office Yang & Co.

**Mr Hao Zhang (2010-current)**

Hao joined in the Asian Law Centre in 2010 as a research assistant to Professor Sean Cooney and Associate Professor and Reader Sarah Biddulph. Hao holds Bachelor and Master degrees in Law and he is now studying for his PhD at the Centre for Resources, Energy and Environmental Law (CREEL), as well as the Asian Law Centre, under the supervision of Professor Lee Godden and Assoc. Professor Sarah Biddulph.

In 2007, Hao had an internship in London working as a research assistant with the Parliamentary Renewable and Sustainable Energy Group (PRASEG) and Combined Heat and Power Association (CHPA). He has also been actively engaged in projects relating to environmental law, forestry carbon offsets and low carbon strategies in China before concluding his Masters by Research in China and commencing his PhD research in Australia.

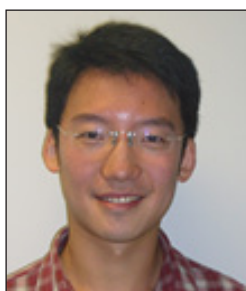
## RESEARCH ASSISTANTS



### **Ms Xinyu Zhang (2012)**

Xinyu is a current JD student who joined the Asian Law Centre in 2012 as a research assistant to Associate Professor and Reader Sarah Biddulph. She is a native Mandarin speaker and received her primary and secondary education in the People's Republic of China.

She holds a BMus (Hons) from Victoria University of Wellington New Zealand, majoring in classical performance (violin). Prior to her JD study, she worked as an orchestral violinist in New Zealand and Singapore. Xinyu is interested in international commercial dispute resolution and hopes to work in a related field in the future.



### **Mr Kevin Zhou (2008-2009)**

Kevin Zhou joined the Asian Law Centre in 2007 as a research assistant. He is currently completing his Juris Doctor at the Faculty of Law, the University of Melbourne. As a native Chinese speaker, Kevin is fluent in Mandarin and English. He received his Bachelor degree from Beijing Normal University. Prior to his study at Melbourne, he worked as a partner's assistant in a Chinese law firm. His academic interests include comparative law, commercial law and fiscal law. He is also interested in Chinese law reform.



### **Ms Sonja Zivak (2008-2011)**

Sonja Zivak joined the Asian Law Centre as a research assistant in 2008. She was a student in the Juris Doctor degree at the University of Melbourne. Sonja holds a BA in Communication and Cultural Studies from Curtin University (2005) and an Honours degree in English Literature from the University of Melbourne (2007). Her research interests include Public International Law, Employment and Labour Relations Law and Dispute Resolution.

## VISITING SCHOLARS

## Visiting Scholars

Arrival Date	Visiting Scholar
9 August 2007-31 July 2008	Professor Shoichi Tagashira, Professor of Law, Sophia University, Japan
20 August 2007-20 February 2008	Judge Cheol Min Jung, Judge, Supreme Court of Korea, Republic of Korea
1 February – 9 September 2008	Professor Gu Weichen, Hebei Normal University, People's Republic of China
1 February – 31 March 2008	Ms Jin Chun, Kyoto University, Japan
10-14 February 2008	Professor Daniel Rosen, Chuo Law School, Japan
12-25 February 2008	Professor Satoru Osanai, Chuo Law School, Japan
16-23 February 2008	Professor Hisaei (Chuck) Itoh, Chuo Law School, Japan
20-21 February 2008	Professor Kent Anderson, Director, Faculty of Asian Studies, ANU College of Asia-Pacific and ANU College of Law, The Australian National University
21-26 February 2008	Judge Yoshihisa Denda, Saitama District Court, Japan
21-26 February 2008	Judge Sumiko Ikemoto, Utsunomiya District Court, Japan
26 February 2008	Delegation from Australia China Legal Profession Development program
5-12 March 2008	Judge Hiroshi Oshima, Tokyo District Court, Japan
10-11 March 2008	Professor Hiroyuki Onuki, Chuo Law School, Japan
31 March 2008	Delegation from Australia-Indonesia Muslim Leaders Exchange Program, Indonesia <ul style="list-style-type: none"> <li>• Ms Artati Haris</li> <li>• Ms Jubaedah Yusuf</li> <li>• Ms Melati Adidamayanti</li> <li>• Ms Yulianingsih Riswan</li> </ul>
14 April – 11 July 2008	Mr Hamid Chalid, Lecturer, Faculty of Law, University of Indonesia, Indonesia
6-17 May 2008	Associate Professor Andrew White, School of Law, Singapore Management University, Singapore
10-24 May 2008	Professor Fan Chongyi, Honorary Chief, Procedural Law Research Institution, China University of Political Science and Law, People's Republic of China
10-24 May 2008	Professor Han Xiangqian, Professor of Law, Procedural Law Research Institution, China University of Political Science and Law, People's Republic of China

Arrival Date	Visiting Scholar
19-31 May 2008	Delegation from International Law Department, Ministry of Justice, Vietnam <ul style="list-style-type: none"> <li>• Mr Dang Trung Ha</li> <li>• Mr Nguyen Khanh Ngoc</li> </ul>
10 June 2008 – 10 June 2009	Judge Atsushi Shiraishi, Criminal Division 16, Tokyo District Court, Japan
16-20 June 2008	Associate Professor Professor David Linnan, Law School, University of South Carolina, USA
1 August – 15 September 2008	Ms Jin Chun, Kyoto University, Japan
1 August 2008 – 28 February 2009	Judge Chan Ho Park, Chang-won District Court, Republic of Korea
25 August 2008 – 20 January 2009	Professor Xue Gangling, China University of Political Science and Law (CUPL), People's Republic of China
20-24 October 2008	Mr Yosep Adi (Stanley) Prasetyo, Commissioner, Indonesian National Commission of Human Rights, Indonesia
12-27 November 2008	Professor Peter Leyland, Department of Law, Government and International , London Metropolitan University, United Kingdom
15-19 November 2008	Mr Yamada, Deputy Director of the Secretariat, Kyoto District Court, Japan
23-30 November 2008	Mr Amien Sunaryadi, Senior Operations Officer, World Bank Jakarta Office, Indonesia
30 November 2008 – 30 June 2009	Ms Li Xiang, Law Institute of Qingdao University of Science and Technology, People's Republic of China
9-20 February 2009	Judge Daisaku Kaneko, Criminal Judge, Tokyo High Court, Japan
17-20 February 2009	Delegation from Beijing Migrant Legal Resource Centre, People's Republic of China <ul style="list-style-type: none"> <li>• Associate Professor Tongxian Shen</li> <li>• Professor Feng Tongqing</li> <li>• Professor Liu Cheng</li> <li>• Mr Jianxi Wang</li> <li>• Associate Professor Xiumei Huang</li> <li>• Mr Jing Qiang</li> <li>• Mr Zhiru Zhang</li> <li>• Associate Professor Xiumei Huang</li> <li>• Dr Wei Zhao</li> <li>• Associate Professor Chang Zheng Zhou</li> <li>• Professor Hinan Su</li> <li>• Professor Kungang Li</li> <li>• Ms Wang Fang</li> <li>• Mr Apo Leung</li> <li>• Professor Jingyi Ye</li> </ul>
19-24 February 2009	Judge Yoshimitsu Kawai, Naha District Court, Japan

## VISITING SCHOLARS

Arrival Date	Visiting Scholar
7-15 March 2009	Professor Dr Jimly Asshiddiqie, former Chief Justice, Constitutional Court, Indonesia
13-22 March 2009	Mr Hamid Chalid, Faculty of Law, University of Indonesia, Indonesia
26-27 March 2009	Associate Professor Ryu Kojima, Faculty of Law, Kyushu University, Japan
26 March – 7 April 2009	Associate Professor Xie Chuanyu, Chinese People's Public Security University, People's Republic of China
1 April – 5 October 2009	Mr Donghoon Kim, Civil Affairs Division, Uijeongbu District Court, Republic of Korea
17-28 April 2009	Mr Neri Javier Colmenares, human rights lawyer, The Philippines
6 May 2009	Mr Trevor Ryan, College of Law, Australian National University
11 June 2009 – 10 June 2010	Judge Toshiyuki Abe, Yokohama District Court, Japan
27 July 2009 – 1 May 2010	Professor Zhan Kun Sun, Faculty of International Studies, Meijigakuin University, Japan
29 July 2009	Associate Professor Yanning (Cathryn) Yu, Faculty of Law, Zhejiang Gongshang University, People's Republic of China
1 August 2009 – 31 January 2010	Mr Injin Park, Chief Clerk of Court in Auction Section and Registrar of Court, Civil & Judicial Department, In-Cheon District Court, Republic of Korea
10-17 August 2009	Professor Taniguchi Yasuhei, Counsel, Matsuo & Kosugi (Tokyo); Kyoto University (Em.); Distinguished Visitor, University of Sydney, Japan
16-19 August 2009	Dr Arskal Salim, Postdoctoral Fellow, Max Planck Institute for Social Anthropology, Germany (originally from Indonesia)
1 September 2009 – 1 August 2010	Professor Kota Fukui, Associate Professor of Law, School of Law and Politics, Osaka University, Japan
7 September 2009	Professor Nie Jianqiang, Law School, Wuhan University; Vice-Director, Wuhan University Institute of International Law, People's Republic of China
1 October 2009 – 1 April 2010	Ms Kristin van Zwieten, PhD Candidate, Law and Finance, University of Oxford, United Kingdom
15 October 2009	Delegation from Tsinghua University, People's Republic of China <ul style="list-style-type: none"> <li>• Mr Shi Zongkai, Vice Chairman of the University Council</li> <li>• Professor Xu Zhangrun, Professor of Jurisprudence and Constitution Law, School of Law</li> <li>• Mr Wu Jianping, Associate Professor, and Deputy Director, Policy Research Office</li> <li>• Cao Li, Professor of English Language, School of Humanities and Social Sciences</li> </ul>
30 October – 12 November 2009	Judge Hiroki Morishita, Intellectual Property Court of Japan, Japan



Arrival Date	Visiting Scholar
1 November 2009 – 1 August 2010	Dr Gunbileg Boldbaatar, National University of Mongolia, Mongolia
8 December 2009	Delegation from the Supreme People's Court of Vietnam <ul style="list-style-type: none"> <li>• The Hon Truong Hoa Binh (Chief Justice)</li> <li>• Mr Ngo Cuong</li> <li>• Mr Tong Anh Hao</li> <li>• Mr Nguyen Huy Du</li> <li>• Mr Nguyen Quang Loc</li> <li>• Mr Le Hong Quang</li> <li>• Mr Nguyen Van Thuan</li> <li>• Mr Nguyen Van Thin</li> <li>• Mr Ha Tuan Hiep</li> </ul>
16 January – 15 July 2010	Mr Cai Wei, SJD Candidate, Hong Kong University, Hong Kong
18 February 2010	Professor Yachiko Yamada, Chuo Law School, Japan
22-23 February 2010	Delegation from Japan Association on Access to Justice (JAAJ), Japan <ul style="list-style-type: none"> <li>• Mr Tadashi Yoshino, Director, Fukuoka Office of Japan Legal Support Center (JLSC); Attorney-at-law</li> <li>• Ms Tokiko Kamei, Director, Japan Association on Access to Justice (JAAJ); Vice-Director of Tokyo Office, JLSC, Attorney-at-law</li> <li>• Mr Kensuke Niwa, Director, JAAJ; Former President, Daiichi – Tokyo Bar Association; Attorney-at-law</li> <li>• Mr Gotaro Ichiki, Former Secretary, JLSC; Attorney-at-law</li> <li>• Mr Tomoki Ikenaga, Special Researcher, JLSC; Attorney-at-law</li> <li>• Mr Tsutomu Sato, Head, Houterasu Fukuoka Law Office JLSC; Attorney-at-law</li> <li>• Mr Takashi Sagawa, Director, JAAJ; Secretary, JLSC Tokyo Office</li> <li>• Mr Keita Abe, Head, Department of Business, JLSC Tokyo Office</li> <li>• Mr Tetsuo Oishi, Secretary, JAAJ; Head, Audit Section, JLSC</li> </ul>
23-28 February 2010	Judge Eiji Uesugi, Judge, Nagoya High Court, Japan
26 March 2010	Delegation from Australia-China Legal Profession Development
18-25 April 2010	Kyai Muhammad Husein, Commissioner, National Commission on Violence Against Women, Indonesia
18-25 April 2010	Marzuki Wahid, Lecturer, Islamic Law Faculty, State Islamic University (UIN) Bandung, Indonesia; former Member of the Department of Religion's Gender Mainstreaming Team
19 April 2010	Delegation from All Australian Indonesian Muslim Exchange Program, Indonesia <ul style="list-style-type: none"> <li>• Dr Reza Ahmad Zahid, Dean, Islamic Education Faculty, Agama Islam Tribakti Institute, Kediri</li> <li>• Dr Imam Kanafi, Lecturer in Islamic Studies, Agama Islam Negeri University, Pekalongan</li> <li>• Mr Zacky Khairul Umam, Researcher and Writer, Centre for Middle Eastern and Islamic Studies, University of Indonesia</li> </ul>

## VISITING SCHOLARS

Arrival Date	Visiting Scholar
28 April 2010	Professor Mark Van Hoecke, Research Professor, Legal Theory & Comparative Law, Department of Jurisprudence & Legal History, Faculty of Law, Ghent University, Belgium
4 May 2010	Professor Yukiko Hasebe, Professor of Law, School of Law, Gakushuin University, Japan
14 June 2010 – 9 June 2011	Judge Gen Ueno, Judge, Okayama Family Court, Japan
12-17 July 2010	Professor Dr Iur. Adnan Buyung Nasution, Honorary Professorial Fellow, Melbourne Law School, The University of Melbourne
23 July – 9 August 2010	Dr Susi Harijanti, Lecturer and Researcher, Faculty of Law, Padjadjaran University, Indonesia
16 August 2010 – 15 August 2011	Judge Oh Byung Hie, Judge, Seoul Central District Court, Republic of Korea
6-17 September 2010	Mr Kyung Soo Yun, Labour Attorney, Republic of Korea
20-23 September 2010	Rev Professor James Haire, Professor of Theology, Charles Sturt University, Australia
10-12 October 2010	Dr M. Syafi'i Anwar, Executive Director, International Center for Islam and Pluralism (ICIP), Indonesia
18-23 October 2010	Professor Dr Iur. Adnan Buyung Nasution, Honorary Professorial Fellow, The University of Melbourne
23-26 October 2010	Delegation from China University of Politics and Law, People's Republic of China <ul style="list-style-type: none"> <li>• Professor Bing He</li> <li>• Professor Xiaojian Xue</li> <li>• Professor Shanchun Liu</li> <li>• Associate Professor Hongzhe Wang</li> <li>• Associate Professor Xiuquan Bian</li> <li>• Mr Youwei Wang</li> <li>• Associate Professor Yi Chen</li> </ul>
13-20 November 2010	Judge Naoshi Shimobaba, Judge, Nagasaki District Court, Omura Branch, Japan
22 November 2010	Professor Kwangbai Park, Department of Psychology, Chungbuk National University, Republic of Korea
9-12 December 2010	Mr Kazuki Ishida, Assistant Chief of General Affairs Division, Financial Bureau, General Secretariat, Supreme Court of Japan, Japan
9-12 December 2010	Mr Kunihiro Tomoyasu, Chief Technical Official of Construction and Repairing Division, Financial Bureau, General Secretariat, Supreme Court of Japan, Japan
25 January – 11 February 2011	Mr Noritomo Hato, Ritsumeikan University, Japan
14-25 February 2011	Ms Jin Chun, Kyoto University, Japan
21 February 2011 – 20 August 2011	Judge Hyungsoon Park, Seoul High Court, Republic of Korea

Arrival Date	Visiting Scholar
7-18 March 2011	<p>Delegation from Legal Policy Department, Ministry of Justice and Home Affairs of Mongolia, Mongolia</p> <ul style="list-style-type: none"> <li>• Mr Boldkhuu Luvsandagva</li> <li>• Ms Enkhtuya Erdenee</li> <li>• Mr Batbaatar Dashdondov</li> <li>• Ms Suvdaa Gonchigdash</li> <li>• Ms Ariuntuya Dorjgochoo</li> <li>• Mr Amgalan Dugarjav</li> <li>• Mr Mandakhbat Sereenov</li> <li>• Mr Ganbaatar Tuulkhantai</li> <li>• Ms Dondogmaa Chuluunbaatar</li> </ul>
8-18 March 2011	Judge Hiroko Ogiwara, Judge, Tokyo District Court, Japan
4-11 April 2011	Professor Dr. Iur Adnan Buyung Nasution, Honorary Professorial Fellow, Melbourne Law School
10-18 April 2011	Ms Nani Zulminarni, National Coordinator, Pemberdayaan Perempuan Kepala Keluarga (PEKKA) (Women Headed Household Empowerment), Indonesia
13-19 April 2011	Professor Donald Clarke, George Washington University Law School
1 July 2011 – 30 June 2012	Judge Atsuyuki Taniike, Judge, Tokyo District Court, Japan
13-24 July 2011	Ms Ratnawati Binti (Ratna) Osman, Acting Executive Director, Sisters in Islam, Malaysia
14-20 September 2011	Professor Andrew Harding, Professor of Asia-Pacific Legal Relations; Director and Law Program Chair, Centre for Asia-Pacific Initiatives, University of Victoria, Canada
19 September 2011	Delegation from the People's Republic of China - Ministry of Human Resources and Social Security, International Labour Organization and the Department of Education, Employment and Workplace relations and the All China Federation of Trade Unions.
22-29 October 2011	Professor Dr. Iur Adnan Buyung Nasution, Honorary Professorial Fellow, Melbourne Law School
25 October 2011	Dato' Ambiga Sreenevasan, Chairperson, BERSIH 2.0 & Former President of the Malaysian Bar (2007-2009)
13 December 2011 – 1 December 2012	Mr Jeong Hyun Hwang, Public Prosecutor, Seoul Eastern District Prosecutors' Office, Republic of Korea
6-10 February 2012	Judge Kazumi Ohama, General Secretariat, Supreme Court of Japan, Japan
8 February 2012	Dr Daniel Puchniak, Assistant Professor, Faculty of Law, National University of Singapore, Singapore
13-17 February 2012	Justice Kiyoko Okabe, Supreme Court of Japan, Japan
13-17 February 2012	Judge Motoko Miki, Supreme Court of Japan, Japan
13-27 February 2012	Professor Satoru Osanai, Chuo Law School, Japan

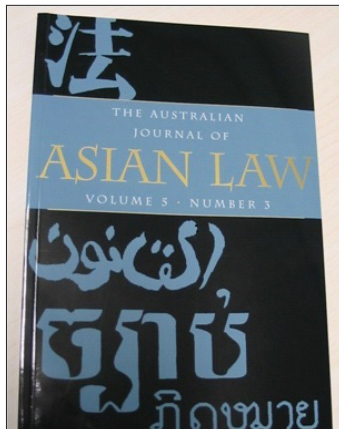
## VISITING SCHOLARS

Arrival Date	Visiting Scholar
13-27 February 2012	Associate Professor Noboyuki Sato, Chuo Law School, Japan
13-27 February 2012	Professor Dan Rosen, Chuo Law School, Japan
14 February 2012	Delegation from Faculty of Law, Seoul National University, Republic of Korea <ul style="list-style-type: none"> <li>• Associate Dean Heyok-Joon Rho</li> <li>• Professor Hyowon Lee</li> <li>• Associate Professor Sunseop Jung</li> </ul>
18-23 February 2012	Professor Isamu Mori, Chuo Law School, Japan
29 February 2012	Professor Amy Huey-Ling Shee, College of Law, National Chung Cheng University, Taiwan
29 February 2012	Professor Yoshiharu Matsuura, Nagoya Graduate University, Japan
1-2 March 2012	Ms Yuri Hatakeyama, Court Clerk, General Secretariat, Supreme Court of Japan, Japan
1-2 March 2012	Mr Masato Miyazaki, Court Clerk, General Secretariat, Supreme Court of Japan, Japan
5 March 2012	Professor Hirano, General Secretariat, Supreme Court of Japan, Japan
6-7 March 2012	Dr Lynette Chua, Assistant Professor, Faculty of Law, National University of Singapore, Singapore
12-19 March 2012	Judge Hiroki Inoue, Osaka High Court, Japan
29-30 March 2012	Professor Yasunobu Sato, Faculty of Law, University of Tokyo, Japan
1 June 2012 – 30 May 2013	Judge Sachiyo Kitagawa, Fukuoka District Court, Japan
17-24 June 2012	Judge Mitsuyoshi Shindo, Tokyo District Court, Japan
19 June 2012	Associate Professor Christopher Lamb, Honorary Associate Professor, School of Social and Political Sciences, The University of Melbourne; former Ambassador to Myanmar
19 June 2012	His Excellency Mr Paw Lwin Sein, Ambassador of Burma to Australia
31 July – 5 August 2012	Associate Professor Teilee Kuong, Center for Asian Legal Exchange, Nagoya University, Japan
6-10 August 2012	Associate Professor David Linnan, School of Law, University of South Carolina, USA
8 August 2012 – 28 February 2013	Mr Jong Do Im, Court Clerk, Gwang-Ju District Court, Republic of Korea
21-27 August 2012	Professor Dan Rosen, Chuo Law School, Japan
3-9 September 2012	Professor Dr Iur. Adnan Buyung Nasution, Honorary Professor, Melbourne Law School, Indonesia
3-13 September 2012	Dr Euis Nurlaelawati, Senior Lecturer, Syarif Hidayatullah, State Islamic University (Universitas Islam Negeri/UIN), Jakarta, Indonesia

Arrival Date	Visiting Scholar
3-11 November 2012	Professor Chen Rui Hua, Law School, Peking University, People's Republic of China
3 September-11 November 2012	Associate Professor Li Kungang, Law School, Anhui University, People's Republic of China
10-12 November 2012	Professor Fu Hualing, Faculty of Law, University of Hong Kong, Hong Kong
14 November 2012	<p>Delegation of sociologists from Taiwan R.O.C.</p> <ul style="list-style-type: none"> <li>• Professor Ming-Chang Tsai, Head, NTPU; Convenor, Sociology Division, NSC, National Taipei University; National Science Council, Taiwan</li> <li>• Professor Jyh-Jer Roger Ko, Departmental Chair, Department of Sociology, National Taiwan University, Taiwan</li> <li>• Associate Professor Liu Yia-Ling, Chair of Department, Department of Sociology, National Chengchi University, Taiwan</li> <li>• Professor Wang Hong-zen, Chair, Department of Sociology, National Sun Yat-sen University, Taiwan</li> <li>• Professor Liu Jeng, Chair, Department of Sociology, Tunghai University, Taiwan</li> </ul>
20-26 November 2012	Mr Tatsuya Ooshima, Court Clerk, Fukuoka High Court, Japan
3-7 December 2012	<p>Delegation from the Ministry of Justice, Vietnam</p> <ul style="list-style-type: none"> <li>• Nguyen Thai Phuc, Director, Judicial Academy (Head of Delegation)</li> <li>• Nguyen Xuan Tung, Chief of Personnel Division, Department of Personnel and Organization, Ministry of Justice</li> <li>• Nguyen Ngoc Hoa, Vice Headmaster, Hanoi Law University</li> <li>• Le Duong Hung, Vice Chief of Personnel Department, General Department of Civil Judgment Enforcement, Ministry of Justice</li> <li>• Nguyen Thi Tuyet Thanh, Senior Expert Department of Judicial Support, Ministry of Justice</li> <li>• Nguyen Thi Thanh Xuan, Vice Chief of Division of General Affairs on Law Research, Institute of Law Research, Ministry of Justice</li> <li>• Van Thi Khanh Thu, Expert of the Board of Secretaries of Leaders, Ministry of Justice</li> <li>• Bui Thi Nguyet Anh, Vice Chief of Education and Training Division, Department of Personnel and Organization, Ministry of Justice</li> <li>• Doan Thi Thu Trang, Expert Department of Planning and Finance, Ministry of Justice</li> <li>• Doan Thanh Huyen, Legal Expert, Department of International Law, Ministry of Justice (Interpreter)</li> <li>• Tuan Van Nguyen, Ministry of Justice Official, La Trobe University</li> </ul>
5 December 2012 – 4 December 2013	Mr Kim Sang Hyun, Public Prosecutor, Seoul Central District Public Prosecutors' Office, Republic of Korea



## ***The Australian Journal of Asian Law***



*The Australian Journal of Asian Law* (AJAL) is a forum for debate for scholars and professionals concerned with the laws and legal cultures of Asia. It aims for recognition as a leading medium for scholarly and professional discourse in a region characterised by rapid growth and social change. It is a joint initiative of the members of the Asian Law Centre at the University of Melbourne and the Law Faculty of the Australian National University, with support and advice from Australian and international colleagues, and is edited in the Melbourne Law School by Professor Tim Lindsey, Ms Helen Pausacker and (until July 2013) Dr Melissa Crouch.

*The Australian Journal of Asian Law* publishes two issues annually. The journal was initially available in hardcopy, published by Federation Press. From issue 13(1) in 2012, *The Australian Journal of Asian Law* has been available without charge in electronic form through SSRN. For the websites, see: <<http://www.law.unimelb.edu.au/ajal>>, and <[http://papers.ssrn.com/sol3/JELJOUR\\_Results.cfm?form\\_name=journalbrowse&journal\\_id=2020682](http://papers.ssrn.com/sol3/JELJOUR_Results.cfm?form_name=journalbrowse&journal_id=2020682)>.

## **Editors**



**Dr Melissa Crouch, National University of Singapore**

(see Asian Law Centre Staff – Principal Researchers, above)



**Professor Richard Cullen, University of Hong Kong**

Richard is a Visiting Professor in the Faculty of Law at the University of Hong Kong. Prior to his current appointment, Richard was a lecturer and senior lecturer in the Faculty of Law at Monash University from 1987 until 1991; and Professor and Head of the Department of Business Law and Taxation from mid-1999 to mid-2001. He was an Associate Professor at the School of Law at Deakin University in 1997. Richard has also held positions at the School of Law at the City University of Hong Kong from 1991-1997, including as Acting Head of the Department of Professional Legal Education from 1992 to 1994 and was a Visiting Professor at this university from August 2001-August 2003.

Richard has written and co-written several books and more than 100 articles, notes and commentaries and has been the recipient of a range of major and minor research grants. Richard's books include *Federalism in Action* (1990) and *Media Law in the PRC* (1996) with H.L. Fu, *Electing Hong Kong's Chief Executive* (2010 - English, 2011 - Chinese) with Simon Young; and *Green Taxation in East Asia* (2011) edited Xu, Yan and Jefferson VanderWolk).



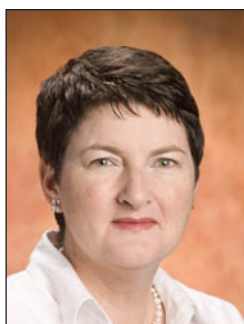
**Professor M.B. Hooker, Australian National University**

(see Asian Law Centre Associates, above)



**Professor Tim Lindsey, The University of Melbourne**

(see Asian Law Centre members, above)



**Professor Veronica Taylor, Australian National University**

Veronica joined the Regulatory Institutions Network (RegNet) in 2010 as Professor and Director. She also serves as the Director of the School of Regulation, Justice and Diplomacy.

Prior to joining the ANU she was Director of the Asian Law Center at the University of Washington, Seattle from 2001-10 and remains an Affiliate Professor of Law and Senior Advisor there. In 2010 she was the inaugural Hague Visiting Professor in Rule of Law – a chair funded by the City of the Hague and hosted by the Hague Institute for the Internationalization of Law and Leiden University's Van Vollenhoven Institute.

Veronica has over twenty five years' experience designing and leading rule of law and governance projects for the U.S. Department of State, the U.S. Agency for International Development, the World Bank, the Asian Development Bank and AUSAID. Her projects have focused on Afghanistan, Armenia, Australia, Azerbaijan, Bulgaria, China, Egypt, Indonesia, Japan, Mongolia, Vietnam and the United States.

Her previous academic appointments include periods as Visiting Associate Professor at the University of Tokyo, research affiliation with the Australia-Japan Research Center at ANU and as an Associate Director of the Asian Law Centre, University of Melbourne.



**Dr Amanda Whiting, The University of Melbourne**

(see Asian Law Centre members, above)

## Editorial Assistant



**Ms Helen Pausacker**

(see Asian Law Centre Staff – Principal Researchers, above)

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## Conferences

Biographical details of presenters were correct at the time the events were held. Some of these details, particularly organisational affiliations, may now have changed.

### 2009

**15-16 October, 2009**

#### **Interpreting Legal Transfers: A Comparative Analysis**

The Asia-Pacific Business Regulation Group, Department of Business Law and Taxation at Monash University and the Asian Law Centre at The University of Melbourne hosted a two day conference at Monash University's Prato Facility, in Italy on 15-16 October 2009. **Pip Nicholson** was co-convenor of the conference with **John Gillespie**.

Over recent years the globalisation of legal and regulatory regimes has significantly increased. Much analysis of this phenomenon assumes that asymmetries in power and economic development among countries correspond to underlying levels of social and legal development. This analysis perpetuates an assumption that legal knowledge is concentrated in the 'developed core' and is suboptimal, albeit 'evolving', in the 'developing' world. With these assumptions it is easy to assume that 'good' law (usually from western sources) should displace, or augment regulatory norms existing in non-western legal systems. Not only is it assumed that Western transfers will benefit developing legal systems, it is also assumed, at least in conventional analysis, that laws and regulatory systems are transferable and can engineer particular types of behavioral change in recipient countries. This conference sought to analyse legal/regulatory transfers from an interpretive perspective that treats transfers as narratives rather than instruments.

This conference brought together those working empirically on the interpretation of legal transfers to debate how local knowledge influences law and legal change within Asia. It followed a round-table format, aiming to allow participants the opportunity to present their work in a collegial atmosphere, resulting in the publication of an edited collection of papers.

### 2010

**10-11 June, 2010**

#### **Malaysia and Singapore Workshop: Media, Law, Social Commentary, Politics (with Centre for Media and Communications Law)**

The Asian Law Centre and Centre for Media and Communications Law co-hosted a workshop on media, law, social commentary and politics in Malaysia and Singapore. Co-organised by **Amanda Whiting** and **Andrew Kenyon**, the workshop was by invitation only and involved presenters from Malaysia, Singapore and Australia.

The papers will be published in a book edited by **Andrew Kenyon**, **Amanda Whiting** and **Tim Marjoribanks**, *Democracy, Media and Law in Malaysia and Singapore: A Space for Speech* (Routledge, forthcoming).

## CONFERENCES

### 2011

4-7 July, 2011

#### Internationalising Japan: Sport, Culture and Education Biennial Conference of the Japanese Studies Association of Australia

The Japanese Studies Association of Australia's (JSAA) 17th biennial conference was hosted by the Asian Law Centre and the Asia Institute at the University of Melbourne from 4-7 July 2011. **Stacey Steele** was co-convenor of the conference with **Carolyn Stevens**.

The Conference theme was 'Internationalising Japan: Sport, Culture and Education', with special keynote sessions being devoted to each topic.

Held at the Melbourne Law School, the conference helped to advance JSAA's goal to promote study and research on Japan and featured a wide array of panels. More than 230 people from within Australia and overseas attended the event.

The Conference aimed to break stereotypes associated with "Japan" engaging with the "International" by exploring the synergies and discords of internationalisation and highlighting the processes and agents of change, both passive and active.

The keynote speakers included **Professor William W. Kelly** from Yale University, **Professor Roger Goodman** from Oxford University, and **Professor Seiichi Makino** from Princeton University. A postgraduate workshop facilitated by **Professor J.A. Stockwin** from Oxford University also provided participants with insight into working with Japanese publishers.

The JSAA is the professional association for those in Australia who teach, research or study Japan. The Association was established in 1978, and membership is open to Japanese Studies practitioners in Australia or overseas. The JSAA holds a conference every two years.



**14-17 July, 2011**

**Law and Society in Malaysia: Pluralism, Islam and Development**

The Asian Law Centre co-hosted an international workshop with the Centre for Asia-Pacific Initiatives, University of Victoria, British Columbia on 'Law and Society in Malaysia: Pluralism, Islam and Development'. **Amanda Whiting** was co-convenor of the workshop with **Professor Andrew Harding**.

Presenters were from Canada, Australia, USA, United Kingdom, Singapore and Malaysia. It was the first international conference about law and society in Malaysia.

This workshop was predominantly funded by a grant from the Canadian Social Studies and Humanities Research Council, with support from the Asian Law Centre. Presentations will be published in a volume currently being edited by **Amanda Whiting** and **Andrew Harding**.

**2012**

**28-29 March, 2012**

**Recent Reforms in the Administration of Justice in China (with China Law Network)**

China's justice system has been the subject of a great deal of critical scrutiny in recent years. As Australia's relationship with China deepens, so does our day to day engagement with China's justice system. The law and practical aspects of the administration of justice in China are not only relevant at the academic and governmental level, but also impact directly upon individual Australians doing business in China. This conference invited some of China's leading experts on China's justice system to discuss issues and reforms in criminal and administrative justice. The reforms to China's Criminal Procedure Law in March marked the culmination of many years of work to address some of the major shortcomings in the functioning of China's criminal justice system. This conference examined some of the core areas of reforms to the Criminal Procedure Law.

**Sarah Biddulph** jointly organised this international workshop with Griffith University. Presenters included senior academics who have participated in drafting the amendments to the Criminal Procedure Law as well as in local trials of some of the proposed amendments to the law.





## MAJOR EVENTS

### Major Activities and Events

#### 2008

11 February, 2008

##### Roundtable Seminar - Reaching Out: Participation in Asian Legal Exchange

This Roundtable Seminar discussed the experiences of the panel members in mentoring, hosting and dealing with overseas visitors and, in particular, Japanese judges. Panel members discussed: how/why they became involved in legal exchange; benefits derived from legal exchange; why they continue to participate in legal exchange; and why they would encourage others to get involved in legal exchange. Distinguished panel members included: **Judge Pamela Jenkins**, County Court of Victoria; **Mr Rudy Monteleone**, Juries Commissioner of Victoria; and **Mr Michael Gronow**, Barrister.

11-22 February, 2008

##### Chuo Summer School

The 4th annual Chuo Summer School was hosted by the Asian Law Centre. Eleven students from Chuo Law School studied comparative constitutional law in the first week and comparative corporate governance law in the second week. **Professor Satoru Osanai**, **Professor Dan Rosen** and **Professor Chuck Itoh** accompanied the students. They visited the Supreme Court of Victoria, Federal Court of Australia, Office of the Juries Commissioner, Blake Dawson Lawyers, Deacons Lawyers and the Australia-Japan Society of Victoria. They also spent time with Australian students studying Issues in Japanese Law. The students lived at Trinity College during their stay.



9 April 2008

##### Vietnamese Legal Studies Graduate Student Workshop

The Vietnamese Legal Studies Graduate Student Workshop brought together postgraduate students from around Australia who were researching topics relating to Vietnamese legal studies.

6 May, 2008

##### Book Launch - Indonesia: Law and Society, 2nd Edition, edited by Professor Tim Lindsey

*Indonesia: Law and Society* surveys the legal system of the world's largest Muslim society, the gigantic Southeast Asian democracy with the world's fourth-largest population. It tracks and explains the extraordinary process of *Reformasi*,

the radical program of legal, political and social change that replaced authoritarianism after the fall of Soeharto in 1998. The authors covered a wide range of current legal issues in Indonesia including, for example, commercial law, constitutional change, corruption, crime and violence, environmental law, human rights, Islamisation, judicial reform, labour law and terrorism. With 29 chapters and extensive reference lists, *Indonesia: Law and Society* is the most comprehensive English language analysis of current Indonesian law. Contributors include leading scholars and lawyers from Indonesia, Europe, USA and Australia. Designed for use by both specialists and beginners, it offers a detailed insight into legal and social controversies in contemporary Indonesia, as well as a general introduction to its complex legal system and a guide to internet resources on Indonesian law.

Speakers at the Book Launch included: **Mr Ibrahim Assegaf**, Founder, Hukum Online (Indonesia's leading online legal news and information service); and **Dr Simon Butt**, who lectures on Indonesian law at the University of Sydney. An Indonesian movie, *Berbagi Suami*, on Islam, law and polygamy, was also screened.



**29 May, 2008**

### **Law and Development Reading Roundtable with Alvaro Santos**

This research workshop, co-hosted by the Asian Law Centre, the Centre for Employment and Labour Relations Law and Institute for International Law and the Humanities, discussed two texts; one, an extract from *The New Law and Economic Development: A Critical Appraisal*, edited by **Alvaro Santos** and **David Trubeck**, the other *The Relationship between Law and Development: Optimists Versus Skeptics*, a recent article by Michael Trebilcock and Kevin Davis.

Associate Professor Alvaro Santos was visiting from Georgetown Law School where he teaches and researches in international law and legal theory, focusing on the impact of global economy on domestic labour regimes. He has been a Visiting Assistant Professor at University of Texas and has taught international law at Tufts University, and taught law and development at University of Turin.

**2009**

**9-20 February, 2009**

### **Chuo Summer School**

The Asian Law Centre hosted its fifth annual Chuo Summer School from 9-20 February 2009.

Fourteen students from Chuo and Waseda Universities were accompanied to Melbourne by Chuo Law School academics **Professor Dan Rosen** and **Professor Chuck Itoh**. Students were able to attend classes during the Summer School, including Australian Corporations Law, Australian Property Law and Contract Law, Australian Financial Law, Australian Constitutional Law, Comparative Constitutional Law and Immigration and Refugee Law and Human Rights Law. The classes were presented by academics at the Melbourne Law School, in English. The two-week program also involved a visit to the High Court, Federal Court, Juries Commissioner's office, the Victorian Parliament, two local law firms and opportunities to see the best of Melbourne.



**17 February, 2009**

### **Enforcement of Labour Law in China and Australia (with Centre for Employment and Labour Relations Law)**

This workshop was designed to promote improved enforcement of labour law in China and Australia, through an exchange between scholars, community workers and government representatives. In both China and Australia, labour law 'on the books' is fairly comprehensive, and generally reflects international standards in areas such as the guarantee of a minimum wage, reasonable hours of work, and leave entitlements. Notoriously, however, breaches of labour law are widespread. This is true of China, especially in industries involving large numbers of workers migrating to cities from rural areas. In Australia, although, as the country is an advanced economy non-compliance with the law is less severe, there are still many instances of evasion of labour standards.

The workshop had both a scholarly and a practical aspect, and included seminars in which Chinese participants were able to discuss issues with both governmental institutions and assistance organisations in operation.



## MAJOR EVENTS

**13 March, 2009**

### **Transnational Judging: A Judicial Conversation on Foreign and International Law in Domestic Courts (with the Centre for Comparative Constitutional Studies)**

The Asian Law Centre and Centre for Comparative Constitutional Studies co-hosted the 'Judicial Roundtable: Transnational Judging'.

A panel of five Australian judges and the former Chief Justice of the Constitutional Court of Indonesia, Professor Jimly Asshiddiqie, discussed the use of foreign and international law in domestic courts.

The judges involved were:

- Chief Justice French, High Court of Australia
- Professor Jimly Asshiddiqie, Constitutional Court of the Republic of Indonesia
- Justice Hayne, High Court of Australia
- Chief Justice Black, Federal Court of Australia
- Justice Weinberg, Court of Appeal of Victoria
- Justice Vickery, Supreme Court of Victoria

**16 March, 2009**

### **Book Launch: *Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia*, edited by Associate Professor Pip Nicholson and Associate Professor and Reader Sarah Biddulph**

Legal transplantation and reform in the name of globalisation is central to the transformation of Asian legal systems. The contributions to *Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia* analyse particular legal changes in China, Indonesia, Malaysia, Singapore, Thailand, Taiwan, and Vietnam. The contributions also critically analyse the utility of scholarly developments in comparative legal studies, particularly discourse analysis; regulatory theory; legal pluralism; and socio-legal approaches the study of Asian legal systems. While these approaches are regularly invoked in the study of transforming European legal systems, debate on their relevance and explanatory capacity beyond the European context is recent. By bringing together these diverse analytical tools and enabling a comparison of their insights through empirical case studies from Asia, this book makes an invaluable contribution to the debates concerning legal change and the methods by which it is analysed both globally and within Asia.

**The Hon. Justice Susan Kenny**, who formally launched the volume, was appointed to the Court of Appeal of the Supreme Court of Victoria in 1997. At the time of her appointment, she was a part-time Commissioner of the Human Rights and Equal Opportunity Commission. She has also been President of the Administrative Review Council, Counsel Assisting the Commonwealth Solicitor-General, and Member of the Advisory Committee on Executive Government for the 1987 Constitutional Commission.



## 2010

8-20 February, 2010

### Chuo Summer School

The 6th annual Chuo Summer School was attended by 11 Chuo Law School students. The students were accompanied by **Professor Satoru Osanai**, **Professor Dan Rosen**, **Professor Chuck Itoh** and **Professor Yachiko Yamada**. During their program, they visited the County Court of Victoria, Federal Court of Australia, Juries Commissioner's Office, Parliament of Victoria, Blake Dawson Lawyers and Standard & Poor's.

24 September, 2010

### China Labour Law Workshop

A small workshop was held in Beijing to discuss the ARC Project "Enforcement of Chinese Employment Law: Regulatory Innovation and Wage Arrears". **Sarah Biddulph**, **Sean Cooney** and **Zhu Ying** (Department of Management) attended.

13 October, 2010

### Book Launch – *Legal Education in Asia: Globalization, Change and Contexts*, edited by Stacey Steele and Kathryn Taylor

*Legal Education in Asia: Globalization, Change and Contexts* (Routledge, 2010) has been published in remembrance of **Professor Malcolm Smith**, founding Director of the Asian Law Centre. Legal education is undergoing rapid change throughout Asia. Edited by **Stacey Steele** and **Kathryn Taylor**, this book is a critique of the changing nature of legal education in Asian jurisdictions. A highlight is its detailed coverage of Japan, whose legal education system has been used as a model by many Asian countries.

**The Hon. Justice Kenneth Hayne** launched the book. He was appointed to the High Court of Australia in September 1997. At the time of his appointment, he was a judge of the court of Appeal of Victoria, having been appointed one of the foundation judges of the Court in 1995. He graduated in Arts and Law from the University of Melbourne and has a Bachelor of Civil Law from the University of Oxford. Elected Rhodes Scholar for Victoria in 1969, he joined the Victorian Bar in 1971 and was appointed Queen's Counsel for Victoria in 1992. He practiced in State and Federal courts principally in commercial, constitutional and general civil matters. Justice Hayne was appointed a Companion in the General Division of the Order of Australia in 2002.



L-R: Professor Tim Lindsey, Professor Michael Crommelin, Kathryn Taylor, Dr Ros Smith, The Hon. Justice Kenneth Hayne and Stacey Steele

## MAJOR EVENTS

20 October 2010

### Inaugural Professorial Lecture – “Towards Constitutional Democracy in Indonesia”

**Professor Dr Iur. Adnan Buyung Nasution** is widely regarded as Indonesia’s leading advocate and trial lawyer. He is a pioneer of legal aid and law reform, as well as being a key figure in the development of human rights law and constitutionalism in Indonesia. In 1992, he earned a PhD from Rijksuniversiteit Utrecht, Holland, the topic of his thesis being “The Aspiration for Constitutional Government in Indonesia”. Later published in The Hague, it has become the classic text on Indonesian constitutional history. From 1957 to 1968, Dr Nasution was a Public Prosecutor and, from 1966-1968, a member of Parliament. After leaving both these posts, Dr Nasution established his law office and in 1970 took the historic step of founding the first legal aid and human rights office in Indonesia, which later became Indonesia’s key reform organisation. In doing so, he was inspired by his studies in Melbourne’s Law School in the 1950s. Under the authoritarian rule of President Soeharto, Dr Nasution became the leading dissident lawyer in Indonesia, and was involved in hundreds of subversion trials as defense counsel, usually on a pro bono basis. He became an influential and powerful critic of human rights and rule of law violations by Indonesia’s military-backed government. As a result he suffered arrest, imprisonment, loss of his practicing rights and threats against his life. At the same time, he continued to act for the poor and dispossessed, again on a pro bono basis in countless routine criminal and civil cases. Dr Nasution’s outstanding contribution to human rights and access to justice in Indonesia were acknowledged in 1976 and 1977 by International Awards for Legal Aid in Stockholm and London. Following the fall of Soeharto and the beginning of democratisation in Indonesia, Dr Nasution received the Bintang Maha Putra of the Republic of Indonesia in 2000. Early in 2007, Dr Nasution retired from the Legal Aid Foundation Board of Trustees and was appointed to Indonesia’s Presidential Advisory Council, a highly prestigious constitutional body. He has also served as Deputy Head of Indonesia’s independent Electoral Commission. In 2010, he was appointed a Honorary Professorial Fellow in the Melbourne Law School, in recognition of his huge contribution to constitutional studies and scholarship on Indonesian law and to his commitment to building the rule of law in his home country.



L-R: Professor Michael Crommelin, Professor Dr Iur. Adnan Buyung Nasution and Professor Tim Lindsey



Professor Dr Iur. Adnan Buyung Nasution receives a gift from Professor Tim Lindsey - a framed photo of his time at the Melbourne Law School as a student.



**25 October, 2010**

**Roundtable – “The Role of Law in Balancing the Rights of Citizen and State in the PRC” (with Centre for Comparative Constitutional Studies and China Law Network)**

The Asian Law Centre and Centre for Comparative Constitutional Studies co-hosted a Roundtable Seminar with various speakers from the China University of Political Science and Law. The Roundtable Seminar was separated into 3 sessions: administrative and constitutional law; property and lawyers.

Administrative and Constitutional Law - **Professor HE Bing, Professor XUE Xiaojian, Professor LIU Shanchun**

Property - **Mr WANG Hongzhe, Associate Professor BIAN Xiuquan**

Lawyers - **Associate Professor CHEN Yi**



**16 December, 2010**

**Vietnamese Legal Studies Graduate Student Workshop – “Researching and Writing: Vietnamese Legal Change”**

This Workshop brought together postgraduate students around Australia and New Zealand who are researching topics relating to Vietnamese legal studies.

**2011**

**7-18 February, 2011**

**Chuo Law School Melbourne Summer School**

The 7th annual Chuo Summer School was attended by 21 Chuo Law School students. The students were accompanied by **Professor Satoru Osanai, Professor Dan Rosen and Professor Chuck Itoh**. During their program, they visited the County Court of Victoria, Federal Court of Australia, Juries Commissioner’s Office, Parliament of Victoria and Blake Dawson Lawyers.

**7-18 March, 2011**

**Training Program – Legal Drafting for Law and Development Leaders Program (Ministry of Justice and Home Affairs of Mongolia)**

This program was funded by the AusAID Australian Leadership Awards Fellowships. Nine participants from Mongolia took part in the two-week training program, aimed to enhance the quality of governance in Mongolia by providing workshop training to Ministry of Justice and Home Affairs officers in leading the development and drafting of legislation. The training, over a two week period in Australia:

- developed and strengthened concepts of managing participatory drafting exercises in Mongolia, using principles of targeted stakeholder consultation, regulatory impact analysis and human rights impact analysis;
- demonstrated, by site visits, the roles and functioning of Australian agencies involved in legislative policy development and the leadership functions associated with drafting and review of legislation; and
- included simulated drafting exercises intended to develop skills in legislative development and identification of alternative approaches to achieving legislative objectives.



## MAJOR EVENTS

26 May, 2011

### Burmese Studies Workshop

A one-day Burmese Studies Workshop was hosted by the Asian Law Centre, Melbourne Law School at the University of Melbourne. This workshop was a unique opportunity for academics and PhD students from a wide-range of disciplines to present their research and to receive valuable feedback from established academics in the field. **Associate Professor Christopher Lamb**, former Ambassador to Burma, attended.

25 October, 2011

### Free Public Lecture – “Electoral Reform and the Quest for Democracy in Malaysia”

BERSIH 2.0, the Coalition for Free and Fair Elections, has issued a set of eight basic demands to reform the conduct of elections in Malaysia so they can be fair, democratic, and untainted by corruption and money politics. BERSIH 2.0 held a massive public rally in Kuala Lumpur on 9 July 2011 to draw attention to these demands. Tear gas and water cannon were used on the participants, and nearly 1,700 were arrested. But afterwards, the government indicated its willingness to consider some of BERSIH 2.0's electoral reforms, and it has since even stated that repressive laws such as the Internal Security Act, could be revised or repealed.

In this talk, **Dato' Ambiga Sreenevasan** (LLB Exeter, 1979) explored the days prior to and after 9 July 2011, the significance of the rally, and whether the government's announced undertaking to amend or repeal some of the most oppressive laws is a reason for Malaysians to hope for a more democratic future. She is a practising litigation lawyer in Malaysia and a Director of the Securities Industry Dispute Resolution Centre. She was called to the English Bar at Gray's Inn in 1980 and to the Malaysian Bar in 1982. She has long been an active member of the Malaysian Bar Council, and has been involved in drafting many memoranda on issues relating to the rule of law, the judiciary and administration of justice, legal aid, religious conversion, the rights of Orang Asli (indigenous persons), and other human rights issues. On 25 September 2007, Dato' Ambiga led the Malaysian Bar in its historic Walk for Justice, to express concern over the state of the judiciary. This action led directly to the setting up of a Royal Commission of Inquiry and ultimately to the establishment of a Judicial Appointments Commission. She served as President of the Malaysian Bar from 2007 to 2009, and is one of eight recipients of the U.S. Secretary of State “International Women of Courage” Award for 2009. She was also awarded the Chevalier de Legion d'Honneur (Knight of the Legion of Honour) by France in September 2011. Dato' Ambiga heads BERSIH 2.0, a citizen's movement for free and fair elections in Malaysia.

Video footage can be viewed at:

- Part 1: [http://www.youtube.com/watch?v=ItL38UqG\\_\\_g](http://www.youtube.com/watch?v=ItL38UqG__g)
- Part 2: <http://www.youtube.com/watch?v=stK56I7BICM>
- Part 3: <http://www.youtube.com/watch?v=nT8niWcD0I4>
- Part 4: <http://www.youtube.com/watch?v=EP8tT3fS33g>



L-R: Dr Amanda Whiting, Dato' Ambiga Sreenevasan, Professor Dr Iur. Adnan Buyung Nasution and Professor Carolyn Evans



## 2012

13-24 February, 2012

### Chuo Summer School

The theme of the Chuo Summer School in 2012 was media and intellectual property. Students attended seminars prepared by Melbourne Law School lecturers on topics such as Australian Property Law, the Constitution and freedom of speech in Victoria, and specialised lectures on Australian media and intellectual property law. At the conclusion of the program, students also gave their own presentations to Melbourne University students comparing aspects of Australian law and legal practise with that of Japan. During the program, students visited the County Court of Victoria, the Federal Court of Australia (meeting **Justice Michelle Gordon**), the Juries Commissioner (where they participated in a mock jury trial), law firm Allens Linklaters, and the Parliament of Victoria.

Students were accompanied by Chuo Law School's **Professor Satoru Osanai**, **Professor Dan Rosen** and **Professor Noboyuki Sato**.



7 September, 2012

### Religion, Equality and Law in Indonesia



The Asian Law Centre and Centre for Islamic Law and Society co-hosted a one-day symposium at the Melbourne Law School on 'Religion, Equality and Law in Indonesia'. The symposium was funded by Professor Tim Lindsey's ARC Federation Fellowship, "Islam and Modernity: Syari'ah, Terrorism and Governance in South-East Asia", as one of its final activities.

It is nearly a decade and half since the fall of Soeharto, and the Yudhoyono era will end in two years. Many Indonesians are concerned about the future, and some argue that the promises of Reformasi that accompanied the end of the New Order have still not been met. Others are concerned that those reforms that have been achieved are incomplete or vulnerable to reversal. A key area of criticism is the issue of equality, particularly in relation to gender and the rights of religious and ethnic minorities. This roundtable symposium sought to explore these themes, offering a range of case studies based on recent research by

scholars of Indonesia and drawing on fieldwork conducted in that country. The aim of this event was to create an opportunity for free discussion of their research and the insights it offers into controversies about gender, ethnic and religious equality in Indonesia – and to encourage some informed speculation on the crucial years ahead. Those attending included **Associate Professor Simon Butt**, **Dr Nadirsyah Hosen** and **Dr Dina Afrianty**.

29 November, 2012

### Vietnam Legal Studies Graduate Workshop

This Workshop brought together postgraduate students around Australia and New Zealand who are researching topics relating to Vietnamese legal studies. It was held at the Department of Business Law and Taxation at Monash University.

3-7 December, 2012

### Study Tour – Ministry of Justice, Vietnam

The Asian Law Centre hosted 11 Ministry of Justice ('MOJ') officials to explore the regulation of lawyers in Victoria. In Vietnam, the MOJ regulates admission to practice and cancellation of practice rights, ethics and educational standards. The visitors benefited enormously from direct accounts from those involved in the regulation of lawyers in Victoria, including time with: Council of Legal Education; Law Institute of Victoria; Leo Cussen Institute; Law Services Commission; **Justice Kyrou** (Supreme Court of Victoria); College of Law; **Mr David O'Callaghan SC** (Chairman, Bar Reader's Course); and **Jonathan Beach QC** (Chairman, Victorian Bar Council), together with other senior members of the Bar. The group were also welcomed at Hunt & Hunt and Allens Lawyers. The delegation was supported at the Law School by **Professor Pip Nicholson** and **Dr Linda Haller**. Deputy Vice Chancellor (Academic), **Professor Pip Pattison**, also addressed the group on how universities are regulated in Australia.



## A-G DEP'T SEMINARS

## Attorney-General's Department Occasional Seminar Series

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

2008

24 November, 2008



Australian Government

Attorney-General's Department

## Combating Corruption in Indonesia: How the KPK Catches the Big Fish

Indonesia has been ranked by Transparency International as one of the most corrupt countries in the world, yet the Indonesian Corruption Eradication Commission, KPK, is a rising star in the international anti-corruption community. The Commission has been able to put a number of high-profile corruptors behind bars – corruptors who work in the key branches of government, including the executive, legislative and judicial branches. The questions arises how the KPK has been so successful in catching these 'big fish', often catching them red-handed.



When selecting **Amien Sunaryadi** as one of the three recipients of the 2008 Bung Hatta Anti Corruption Award (BHACA), the award committee identified him as the man responsible for building the capacity of the KPK. In this presentation Amien Sunaryadi discussed his experiences in managing the capacity building of the KPK, which consequently led to the successful investigation and prosecution of major corruption cases. He gave an historical account of the Indonesian experience of fighting against corruption in the period from 1956 until KPK was set up in 2003, and then presented his analysis of these experiences and how they contributed to the direction of the current fight against corruption in Indonesia.

**Amien Sunaryadi** was vice-chairman and one of the five commissioners of the Indonesian Corruption Eradication Commission (KPK) from 2003 to December 2007. Before joining KPK, He worked for three years with Pricewaterhouse Coopers in Jakarta on forensic accounting, fraud investigations, and computer forensics, as well as the development of anti-money laundering measures. Mr. Sunaryadi also served for 18 years at the Indonesian Government Audit Agency (BPKP), where he developed a comprehensive national anticorruption strategy (SPKN), published in March 1999.

2009

11 March, 2009

## Creating a Constitutional Court for a New Democracy

Indonesia's dramatic transition to democracy after the fall of Soeharto in 1998 led to the creation of a new court to safeguard the new system. Professor Dr Jimly Asshiddiqie spoke at this public lecture on the major challenges he faced as Indonesia's first Chief Justice of the Constitutional Court, covering new approaches pioneered in relation to protecting human rights, writing judgments and the role of dissent, judicial reasoning, defining constitutional powers and combating judicial corruption.

**Professor Dr Jimly Asshiddiqie** served as the foundation Chief Justice of the Constitutional Court of the Republic of Indonesia from 2003 - 2008. Currently he serves as the Head of the Election Commission Ethic Committee and Head of the Selection Committee for Corruption Eradication Commission Advisory. He was previously a Senior Advisor to the Secretariat General of the People's Deliberative Assembly of the Republic of Indonesia (MPR) (2002-2003), an expert advisor of the Sub-committee for Constitutional Amendment of the Indonesian People's Representative Council (DPR) (2001-2002). From 1998 to 1999 he was Assistant to President B.J. Habibie and the Secretary of the National Council for Security and Law Enforcement System.





10 August, 2009

**Enforcement Problem in the WTO – Success, Limitations and Possible Improvement (with Institute for International Law and the Humanities)**

The rate of compliance with WTO reports is reported to be between 80% and 90%, which is widely accepted as a success. There are, however, several infamous cases in which compliance has been delayed for a very long time. The WTO dispute settlement system is therefore widely recognised as incomplete in respect to compliance. WTO relief is not retroactive and there is no incentive for early compliance except for informal pressure from the international community. Because a “recommendation/ruling” is usually general (not specific, as allowed under DSU 19), disputes continue about the existence of compliance. Even if non-compliance has become clear, the ultimate relief by way of a retaliation is not only cumbersome but also maybe ineffective and even detrimental. Various proposals have been made by academics to correct these shortcomings and have been discussed by the member states in the DSU review project but the prospects are not very good.

**Professor Yasuhei Taniguchi** is renowned world-wide for his expertise in insolvency law, civil procedure, arbitration and the World Trade Organisation. He has taught mainly at Kyoto University and advised on major law reform initiatives in Japan. He has arbitrated dozens of cross-border commercial disputes (especially under ICC Rules), was a judge on the WTO Appellate Body from 2000 to 2007, and is currently working as Counsel for Matsuo & Kosugi (Tokyo). Professor Taniguchi is an ICCA Council member, President of the Japan Association of Arbitrators, a former Vice-President of the International Association of Procedural Law and a former President of the Japan Association of Civil Procedure. He has also advised the Sydney Centre of International Law, and was a Distinguished ANJEL/CAPLUS Research Visitor at Sydney Law School.

7 September, 2009

**The Enforcement of Intellectual Property Rights in China: Institutional Challenges (with Intellectual Property Research Institute of Australia)**



The enforcement of intellectual property rights in China is a serious and controversial issue. Professor Nie discussed how intellectual property rights are enforced in China with a focus on procedural and institutional challenges. The discussion was in the context of conceptual interrelations between IP rights and enforcement power in the Chinese legal and political system. Some tentative suggestions were put forward concerning Chinese IPR enforcement.

**Professor Nie Jianqiang** received his PhD in law from the University of Bern (World Trade Institute), Switzerland. He is Professor of Law at Wuhan University, China and vice-director of its prestigious Institute of International Law ([www.translaws.com](http://www.translaws.com)). Nie Jianqiang teaches international economic law, with a strong emphasis on his research agenda of World Trade Organization law and in particular, intellectual property law. He is the author of the book *Enforcement of Intellectual Property Rights in China*, published in 2006 by Cameron May.

9 November, 2009

**An Introduction to the Intellectual Property High Court of Japan**

In light of his extensive experience in Intellectual Property Law **Judge Hiroki Morishita** provided an introduction to the Intellectual Property High Court of Japan. Judge Morishita focused in particular on the establishment of the Court, its jurisdiction and staffing and provided his audience with some examples of the proceedings that occur in the Court.

**Judge Hiroki Morishita** graduated from Kyoto University's Faculty of Law in 1993. In 1996 he was appointed an assistant judge. Between 1996 and 2006 Judge Morishita has been assigned to the Fukuoka District Court, the Tokyo District Court and the Ishigaki Branch of the Naha District Court and has worked at the Supreme Court of Japan General Secretariat in the General Affairs Bureau. In 2006 he was appointed a judge and from 2007 he has served on the Intellectual Property High Court of Japan.

## A-G DEP'T SEMINARS

## 2010

22 September, 2010

**Inter-religious Conflict in Eastern Indonesia: The Background, Dynamics and Resolution of the Inter-religious Conflict in the North Molucca Islands, Indonesia, 1999 – 2002**

From 1999 until 2000, inter-religious conflict in the North Molucca (Maluku) Islands, Indonesia, saw intense community violence in the period immediately following sustained democratisation of Indonesia's national institutions. This came after a long history of peaceful relations between religious and ethnic groups, sustained by systems of alliances of common cause in the islands. There occurred a period of many months of brutal attacks from either side of the conflict, led by religious militias. The conflict resulted in thousands of deaths and hundreds of thousands of people made homeless. This paper analysed the background and dynamics to the conflict and the processes by which resolution was achieved. Professor Haire was involved in the process of reconciliation and resolution.

**The Reverend Professor James Haire AM KSJ MA PhD DD DLitt DUniv** is Professor of Theology, Executive Director of the Australian Centre for Christianity and Culture, and Director of the Public and Contextual Theology Research Centre, all at Charles Sturt University, Canberra. He was previously Professor of Theology at Griffith University, President of the Uniting Church in Australia and President of the National Council of Churches in Australia. He was educated at the University of Oxford (Worcester College), and did post-graduate work in the Universities of Leiden and Birmingham. He lectured in theology in Indonesia for 13 years, and has been a visiting professor in various institutions in that country for over 35 years. In 2010 he became a Presidential Friend of Indonesia. Between 2000 and 2005, at the request of the Indonesian authorities, he took part in the process of reconciliation for the North Molucca Islands. He has three honorary doctorates from universities in the United Kingdom and Australia, and is a Member of the Order of Australia.

## 2011

12 September, 2011

**The Social Contract and the Malaysian Constitution Revisited (with Centre for Comparative Constitutional Studies)**

Malaysia's social contract was originally a deal between ethnically-based parties that formed the basis for Malaysia's independence constitution in 1957. Following inter-ethnic violence in 1969, the social contract was reformulated and strengthened in several respects. This renewed social contract in turn formed the basis for Malaysia's striking economic growth since the early 1970s, as well as the basis of its social and political stability. In the 2000s, new questions have arisen about the nature and future of the social contract, as it appears to have outlived its utility. These questions place the nature of the Malaysian state, always a contested issue, once more in doubt. This lecture examined the nature and origins of Malaysia's developmental state in the light of questions over the social contract's continued relevance.

**Professor Andrew Harding** is a leading scholar in comparative Asian legal studies who has specialised in law and society in Southeast Asia over three decades. For further information, see Asian Law Centre Associates, above.



## 2012

19 June, 2012

**The Law in Burma/Myanmar**

Reform in Burma since President Thein Sein's inauguration on 30 March 2011 has fascinated the world. Most of the attention has been on human rights issues, Daw Aung San Suu Kyi and the economy.

Recently, however, the President has also spoken of the importance to development of the rule of law within Myanmar. It is therefore timely to assess the place of law in the country's governance, and the role that might be played by countries with similar traditions in resuscitating what was once a proud and distinguished legal system. This is as important for its citizens in their daily life as it is for the economy and the entire sustainability of the Thein Sein reform agenda.

**Associate Professor Christopher Lamb** is a Special Adviser to the Australian Red Cross and an honorary Associate Professor in the School of Social and Political Sciences at the University of Melbourne, where he specialises in research into authoritarian regimes. His Excellency was previously Ambassador to Myanmar on two occasions.

**2 August, 2012**

**Japanese International Cooperation: Objectives, Strategies and Impacts in Legal Sector Projects**

Development of Japanese international cooperation programs has evolved since the 1950s. More particularly, since the late 1990s, Japan has increased its cooperation projects with developing and transitional countries in Asia to help implement legal and institutional reforms. This presentation focused on the Japanese legal cooperation/assistance experiences in Cambodia and Vietnam by reviewing the objectives, strategies and impacts of such cooperation/assistance as they have developed conceptually and empirically in the course of the last one-and-a-half decades.



**Associate Professor Teilee Kuong** is a Cambodian national and currently an Associate Professor at the Nagoya University Center for Asian Legal Exchange in Japan. His current research focuses particularly on legal development in Cambodia and Vietnam, particularly in the areas of constitutional and property law, development of the judicial institutions and influences of foreign law in the Cambodian context. Teilee is also a visiting associate professor at the Graduate School of Arts and Sciences of the University of Tokyo, teaching a course on human security and peace-building in the Indochinese context. Before arriving in Japan as a graduate student at Nagoya University in 1997, he worked in Cambodia as a human rights assistant at the legal assistance unit of the Cambodia Office of the United Nations High Commissioner for Human Rights. Prior to that, Teilee worked at the Information/Education Division of the UNTAC during Cambodia's 1993 transition to democracy.

**Professor Pip Nicholson**, Associate Director (Vietnam) and Director of the Comparative Legal Studies Program, Asian Law Centre, commented on Associate Professor Kuong's presentation. Pip currently holds an Australia Research Council grant, investigating the impacts of aid on court reform in Cambodia and Vietnam.

**12 November, 2012**

**The Court and the Party in China's Political-Legal Order**

Both China's political and constitutional systems demand a compliant and subservient judiciary. Politically, the court is a marginal institution in China's political system and the Party controls the judiciary effectively through the Political-Legal Committee. But political control and a resulting judicial compliance and subservience are not the only story of the past 30 years in China. The political and economic changes in China have generated demands for the rule of law to supply political legitimacy, promote economic development and improve social governance. Within the Party, there has been a reformist tradition which advocates a functional separation between the Party and the legal institutions, an enhanced role of law and an expansive institutional autonomy of the courts.

The relationship between the Party and the court is thus a dynamic one. While the Party has the absolute power, it has to refrain from intruding into the daily operation of the court and leave judges alone to handle the business of judging. The Party has its own objectives and repeatedly reminds the court of keeping the Party's interest the priority in adjudication, but judges have to follow legal rules, procedures and their own professional standard in handling individual cases.

**Hualing Fu** is a professor of law in the Faculty of Law of the University of Hong Kong. He graduated from the Southwestern University of Politics and Law in Chongqing and received post-graduate degrees in Canada. His research interest includes criminal justice, human rights and legal institutions in China and has published widely in those areas. His most recent publication is *Liu Xiaobo, Charter 08 and the Limits of China's Political Reform* (Hong Kong University Press, 2012, co-edited with Jean Philippe Beja and Eva Pils).





## OCCASIONAL SEMINARS

## Occasional Seminar Series

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

## 2008

1 February, 2008

### Homosexuality, Transgenderism and Islam in Indonesia

A whole range of different constructions of homosexual behaviour, whether connected or not to lesbian and gay identities or cultural or religious practices, occur in Indonesian society, often unknown to mainstream society. Different constructions of transgendering are better known, due to their high visibility. Islam as a majority religion provides a complex context for lesbian and gay behaviour in Indonesia. Certainly there are doctrinal and legal prohibitions of homosexual behaviour, but less so against transgendering. In the 1980s, there were official meetings of *ulamas* (religious scholars) to debate the position of transgenders. Discussion of homosexuality and transgenderism in the media, together with other issues related to gender and sexuality, was on the increase in the 1980s and 1990s, partly provoked by the need to discuss HIV and AIDS. Things took a different turn in the late 1990s. On one hand, the more progressive elements among young Muslim activists picked up the lesbian, gay and transgender cause as part of a broader process of democratisation. On the other hand, more conservative elements, some connected to thuggery (which was also acquiring a more Islamic appearance), started harassing gay and transgender venues. This presentation ended with examples of more recent positive developments in attitudes to lesbians and gays in Indonesia.

**Dr Dédé Oetomo** completed his PhD in linguistics and Southeast Asian studies at Cornell University (1984). In March 1982 he helped found Indonesia's first homosexual organisation, Lambda Indonesia (1982-1986). He is also co-founder (1987) and a member of the board of trustees of Gaya Nusantara Foundation, an organisation originally working for the sexual health of gay men, transgenders and male sex workers, based in Surabaya, East Java, Indonesia. Early in 2004 the organisation expanded its mandate into research, education, public awareness, advocacy, networking and provision of services in the area of gender, sexuality, and sexual health and well-being.

Dédé is also active in the Asia/Pacific Rainbow network of lesbian, gay, bisexual, transgender, intersex/indigenous and queer (LGBTIQ) organisations. He received the Felipa de Souza Award from the International Gay and Lesbian Human Rights Commission (1998), the Utopia Award for Pioneering Gay Work in Asia (2001) and the First Generation of HIV and AIDS Activists in Indonesia from the National AIDS Commission (2007). Academically, he is a Special Reader at the Faculty of Economics, Universitas Surabaya and was also active in Indonesia's pro-democracy movement.

22 October, 2008

### The Sidoarjo Mud Flow Disaster: Abuse of Human Rights?



The Sidoarjo mud flow began in May 2006 after a drilling accident at an exploratory gas site managed by the company Lapindo Brantas. The mud flow that resulted caused devastation to villages and agriculture in East Java and displacing tens of thousands of people. Studies indicated that the eruption is likely to discharge between 7,000 and 150,000 cubic meters of mud a day, possibly for many years to come. In early 2007, Komnas HAM, Indonesia's National Human Rights Commission, stated that the mud flow amounted to a violation of human rights, since it deprived people of their home and land. They called for the government to set up an independent body to investigate the disaster. This seminar discussed why the Commission reached this conclusion, and what its implications are both for victims of the mudflow and for those ultimately responsible for causing the disaster.

**Mr Yosep Stanley**, one of the Commissioners of Komnas HAM, discussed why the Commission reached this conclusion, and what its implications are both for victims of the mudflow and for those ultimately responsible for causing the disaster.

## 2009

18 August, 2009

### Politics and Islamisation in Aceh: An Update (with the Indonesia Forum)

Aceh has been the site of a most radical and far-reaching attempt at legal Islamisation in modern Indonesia. As a result of the April 2009 election in Aceh, however, a non-religious party (Partai Aceh) dominated the provincial legislature. The governor, Irwandi Yusuf, who commenced his term in early 2007, supported this party's more secular objectives. These developments are likely to change the direction of forthcoming Islamic legislation and thus the implementation of shari'a (Islamic law) in Aceh. Some critics even doubt that the current Islamisation of laws in Aceh will continue at all. This is because the implementation of shari'a-influenced legislation in Aceh is, in fact, part of a broader struggle between different groups contesting social and political control. The next five years are thus crucial in deciding whether legal Islamisation in Aceh will be halted or deepened.

**Dr Arskal Salim** completed his undergraduate degree at the Syariah Faculty, Syarif Hidayatullah State Islamic University (UIN) Jakarta, Indonesia. He received his PhD from the Faculty of Law, University of Melbourne in August 2006. Since then, he has been a researcher at the Max Planck Institute. He spent ten months in 2007 and 2008 in Aceh conducting fieldwork on legal pluralism and preparing a monograph with the working title, "Law as Contested Field: Custom, Religion and the State in Aceh". Arskal's publications include *Shari'a and Politics in Modern Indonesia* (Singapore: ISEAS, 2003); *The Shift in Zakat Practice in Indonesia* (Chiang Mai: Silkwormbooks, 2008); and *Challenging the Secular State: The Islamization of Law in Modern Indonesia* (Honolulu: University of Hawai'i Press, 2008).

## 2011

5 April, 2011

### Ahmadiyah and Religious Persecution in Indonesia

The Ahmadiyah movement is highly controversial in the Muslim world. Its critics claim Ahmadis recognise a further prophet after Muhammad, something considered heretical by orthodox Muslims. Ahmadis have therefore suffered persecution in many Muslim societies, including Pakistan and, more recently, Indonesia. This lecture looked at recent attacks on Ahmadis in Indonesia by Islamist vigilante groups and their influence on recent government decrees that severely restrict Ahmadis' rights to publicly express their religious beliefs. Involved in the drafting of these decrees, Professor Dr Iur Adnan Buyung Nasution discussed the tense politics leading up to their proclamation and the impact they have had on Ahmadiyah in Indonesia.

**Professor Dr Iur Adnan Buyung Nasution** is widely regarded as Indonesia's leading advocate and trial lawyer. For further information, see Asian Law Centre Honorary Fellows, above.



## OCCASIONAL SEMINARS

13 April, 2011

**Access to Justice: The Journey of Poor Female Heads of Households in Indonesia to Achieve Lives with Justice and Dignity**

PEKKA, a non-government organisation (NGO) established in 2001, was the first to organise campaigns at a grassroots level on behalf of female-headed households, in support of their economic, social, political and justice rights. Since then, it has worked with more than 12,000 households in more than 350 villages across 14 provinces of Indonesia. In this presentation, Nani discussed the challenges PEKKA faces, and the experiences of its workers in the field.



**Iur. Zulminarni (Nani)** is the National Coordinator of PEKKA (Women Headed Households Empowerment), a National NGO established in 2001, based in Jakarta, Indonesia. PEKKA currently aids more than 525 grassroots groups of poor women heads-of-household on economic, social, political and justice issues. Nani first started working towards women's empowerment in 1987 - especially for the poorest women in rural areas and slums - by joining an NGO called The Center for Women's Resources development (PPSW). In 1995, she was elected as an executive director of PPSW (until 2001) and continues to serve on its advisory board. In addition, she has also been a part of several NGO networks. These include the National Network for NGOs working on Women in Micro Businesses (ASPPUK) as founder and chairperson for two terms from 1995-2001; the South East Asia Popular Communication Program SEAPCP) as chairperson; the Asia South Pacific Association for Basic and Adult Education (ASPBAE), as a member of its Executive Committee from 2000-2008; the Just Associates South East Asia (JASS-SEA) as a regional coordinator; and as a member of Indonesia Muslim Activists and Scholars Network (ALIMAT). Nani received an ASHOKA FELLOWSHIPS (Global Social Entrepreneur Fellowships) award in 2007, and the Saparinah Sadli Award (an award for women scholars and activists in Indonesia) in 2010, in recognition of her work with PEKKA.

18 July, 2011

**Sisters in Islam: A Study of the Impact of Polygamy on Muslim Families in Malaysia (with Centre for Islamic Law and Society)**

Polygamy is a practice that is legalized for Muslim men under the Islamic Family Law in Malaysia. Sisters in Islam (SIS), an NGO committed to promoting an understanding of Islam based on the principles of equality, justice and freedom enjoined by the Qur'an, conducted research in collaboration with academics from the National University of Malaysia, University of Malaya and Malaysia University of Science on understandings and practice of polygamy among Muslims in Peninsular Malaysia. The primary goals of this research were, first, to look at how polygamy affects the quality of family life; and, second, to develop better understanding of the dynamics of polygamous families, their different experiences, needs and concerns. This paper discussed some of the key findings of the research.

**Ms Ratna Osman** is the Acting Executive Director of Sisters in Islam, a Muslim women's NGO committed to promoting an understanding of Islam that recognises the principles of Justice, Equality, Freedom and Dignity within a democratic nation state. Her work at Sisters in Islam includes creating public awareness and advocating reform in laws and policies by promoting and developing a framework of women's rights in Islam, taking into consideration women's experiences and realities. Ms Osman received her LLB (Law & Shariah) from the International Islamic University, Islamabad. She worked in the corporate world before joining Sisters in Islam in 2009 as the Programme Manager for its Advocacy, Legal Services and Reform Unit.





23 August, 2011

**Centralization of Taxing Power and Economic Development: Chinese Evidence (with The Tax Group)**

In trying to understand China's economic development in the last 30 years, a vigorous debate, with implications for developing countries in general, has taken place among social scientists concerning what role fiscal decentralization played in Chinese reform. Theorists of "market-preserving federalism" argue that decentralization created effective incentives for local governments to promote growth, but critics contend that centralization, most importantly as embodied by the system of cadre management within the Communist Party, is what made China economically successful. This paper examined a crucial embodiment of centralization that is still little discussed and poorly understood, namely the centralization of tax legislative power. The paper showed: (1) the degree of centralization cannot be taken for granted and should be understood in terms of political cycles; (2) the evidence consistently points to the risk of vicious tax competition upon decentralization; but (3) centralization leaves reform in the hands of those arguably least motivated to carry it out.

**Wei Cui** is an Associate Professor at the China University of Political Science and Law (CUPL) in Beijing. He participated in a World Bank- supported project producing an expert draft of the China's VAT Law (2009) and is consultant to the Budgetary Affairs Commission of the National People's Congress on VAT reform, and has also advised the State Council's Legislative Affairs Office, the Ministry of Finance, and the State Administration of Taxation on rulemaking in the income tax area. During 2009-2010, he served as Senior Tax Counsel to the China Investment Corporation and founded the Center for Comparative Fiscal Research at CUPL. His current research interests include consumption tax theory and practice, international taxation, the rule of law in tax administration, and taxation of real estate. Professor Wei Cui received his B.A. from Harvard College, M.A. (philosophy) from Tufts University, JD from Yale Law School, and LL.M. (Tax) from New York University Law School. Before starting to teach in Beijing, he practiced US tax law in New York with Simpson Thacher & Bartlett. He was in Melbourne to teach Chinese Tax and Investment Law in the Melbourne Law Masters as a Senior Fellow of the Law School.



2012

21 May, 2012

**Normalisation and Neoliberalism in Japanese Disability Welfare Law, 1946-2000s**

This presentation examined changes in the way disability welfare services are delivered in Japan, with a specific focus on the introduction of the Shōgaisha Jiritsu Shien Hō (Services and Supports for Persons with a Disability Act, enacted 31 October 2005). Professor Stevens argued that postwar policies have shifted from prioritising 'rehabilitation' to restore productivity and the 'professional management' of medicalised conditions to notions of 'normalisation' and 'integration with the mainstream'. While these changes seem positive, because of another concomitant policy directive — neoliberalism — many of these changes actually made it more difficult for many people to expand or even maintain their welfare benefits.

**Professor Carolyn Stevens** was appointed the Professor of Japanese Studies at Monash University. For further information, see Asian Law Centre Honorary Fellows, above.

25 June, 2012

**Disputed Churches in Jakarta**

Melissa Crouch explained the key findings of the report *Disputed Churches in Jakarta*, first published by Indonesia's Paramadina Foundation and now translated by Rebecca Lunnon of the Asian Law Centre, with an Introduction by Dr Crouch. The product of extensive fieldwork and research by a team of Indonesian researchers of different religious backgrounds, the report provides an in-depth, socio-legal analysis of disputes regarding the construction of churches in Jakarta. Its findings are relevant for government bodies, community groups and advocacy organisations seeking to understand inter-religious tensions over places of worship in Indonesia. Crucial insights can be drawn from this research, including regarding the complicity of local governments and enforcement agencies in exacerbating permit disputes, and the need to support respected community leaders at the grassroots level who can act as mediators between disputing parties.

**Dr Melissa Crouch** was a Principal Researcher of the Asian Law Centre at the Melbourne Law School, the University of Melbourne. For further information, see Asian Law Centre Staff - Principal Researchers, above.



## OCCASIONAL SEMINARS

23 August, 2012

**Reserving the Window Seat: Whistleblowers in Japan (with Centre for Corporate Law and Securities Regulation)**

The window seat is often the most coveted location in a train or plane. In an office, especially in big cities where space is at a premium, having a window in one's workspace is typically an emblem of "having arrived." In Japanese workplaces, however, the symbolism can be completely different. *Madogiwa* means being assigned to do nothing but look out the window. It is how--and where--employers pressure workers who "fall out of line" to quit. Whistleblowers, those who disclose dangerous or illegal activities, are often escorted to the window. The presentation examined the social reasons why this happens and the legal remedies (or lack thereof), in light of recent corporate and government misadventures.



**Professor Dan Rosen** has lived in Japan for nearly 20 years and taught at many of its best-known universities. Dan has been a professor at Chuo University Law School since 2004 and an adjunct professor at Waseda University since 2005. From 1997-2004, Dan was a member of the Faculty of Law at Doshisha University in Kyoto. He also has been an adjunct or visiting professor at Kobe, Osaka, Ritsumeikan, and Ryukoku Universities. In the United States, Dan was a member of the faculty at Loyola University Law School in New Orleans. Before that, he served as a law clerk to James R. Browning, Chief Judge of the U.S. Court of Appeals for the Ninth Circuit. Rosen received J.S.D. and LL.M. degrees from Yale Law School and a J.D. from Southern Methodist University (SMU), where he was Editor-in-Chief of the law journal. In addition to Dan's regular teaching and research, he comes to Melbourne every year in connection with a joint program conducted by Chuo and Melbourne Law Schools.

**Dr Janine Pascoe** has spent many years lecturing in corporations law and finance law in both undergraduate and postgraduate programs at Monash University; the MBA program at the Australian Graduate School of Management (UNSW); and the corporate law program at the University of Melbourne. Her major research interests are in company law and finance law. Janine has undertaken research on the regulation of corporate sector whistleblowing. She wrote an empirical study of whistleblowing programs in the ASX top 200 listed companies that was awarded the best paper prize at the Australian Corporate Law Teachers' Conference in 2010 and was subsequently published.

5 September, 2012

**Women and Islamic Justice in Indonesia: Why do Women Keep Winning in Indonesia's Islamic Courts? (with Centre for Islamic Law and Society)**

Euis Nurlaelawati's research showed that women in Indonesia's Religious Courts have become strong and empowered. Having gained access to legal advocacy, they now understand legal rules better. The increasing sensitivity of Religious Courts judges to gender issues has also helped women become more positive about these courts and more optimistic about their legal rights. This has led women to increased and better access to justice. This is particularly true of divorce. Empirical work in four districts in Jakarta and West Java (including interviews, analysis of judgments and attendance of hearings) shows that women are not only able to present convincing grounds in their divorce petition but are also effective in court, negotiating the judicial process and convincing judges by deploying a range of different strategies. Interestingly, although most women remain relatively powerless in the polygamy cases, when suing for divorce they are much more effective. Religious Court judges now see women as having equal rights to men to decide the fate of their marriages.

**Dr Euis Nurlaelawati** is a Senior Lecturer in Islamic law at the Faculty of Sharia and Law, at Syarif Hidayatullah State Islamic University (Universitas Islam Negeri/UIN), Jakarta, and a researcher in the Centre for the Study of Law and Human Rights at the same university. Her research areas include the development of Islamic family law in Indonesia, judicial practices, and gender issues. She has published a book, *Modernization, Tradition and Identity: The Kompilasi Hukum Islam and Legal Practices in Indonesian Religious Courts* (2010), and *Demi Keadilan dan Kesetaraan: Dokumentasi Program Sensitivitas Gender Hakim Pengadilan Agama* (co-edited with Arskal Salim, 2009). She is also doing research on sharia-based law in Indonesia for the Islam Research Project (IRP) at Leiden University.





## '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.

### 2008

12 March, 2008

#### The Trustee (Or Administrator) System under the Chinese Enterprise Insolvency Law (2006)



The People's Republic of China recently introduced a new insolvency law regime for enterprises. The PRC Enterprise Insolvency Law was promulgated on 27 August 2006 and came into effect on 1 June 2007. The new law will have a significant influence on China's market economy and foreign investment. Jin Chun described the roles, rights and duties of insolvency professionals (trustees or administrators (guanlire)) under the new law, including the interaction between insolvency professionals and the new debtor-in-possession (DIP) regime. She also explored some of the significant issues involved by comparing the situations in Japan and Australia.

**Jin Chun** is currently a participant in the International Research Visitors Scheme of the Melbourne Law School. She is a graduate of Renmin University Law School in the People's Republic of China. Jin Chun went to Japan to study in 1997 and was granted a Doctor of Law degree from Kyoto University in 2006. She is currently working at the Graduate School of Law, Kyoto University as a Research Fellow of the 21st Century Center of Excellence (COE) Program.

19 March, 2008

#### Union Revitalisation Campaigns: A US-Japan Comparison

The union movements of the US and Japan, the two weakest among major democracies, are struggling to revitalise themselves. Whereas leading American unions have launched aggressive organising and political campaigns, Japanese unions remain ideologically divided and reluctant to confront employers or government. Using the US as a comparative reference, this seminar focused on revitalisation activities by Japanese unions, particularly through wage setting, new member organising and equality campaigns for part-time workers, as well as the major obstacles, including a tradition of close labor-management cooperation and weak political support.

**Professor Charles Weathers** is a political scientist (PhD, Berkeley) specialising in Japanese labor relations. He teaches in the Graduate School of Economics at Osaka City University in Japan. His research has covered, in particular, wage setting and women's and non-regular workers' issues. Professor Weathers is currently writing on comparative US-Japanese union activities, with an emphasis on revitalisation activities.



30 April, 2008

#### Punishing Bodies, Securing the Nation: Singapore's Vandalism Act

In this seminar, it was argued that Singapore's 1966 Punishment for Vandalism Act has shaped 'law', 'nation' and 'politics' in a manner that has established a State discourse of national vulnerability. This discourse has endured and become amplified into a legitimising basis for exceptional State power. The Punishment for Vandalism Act was passed into 'law' at a time of heightened Cold War anxieties around Indochina and Sukarno's left-leaning leadership of Indonesia. At the same time, the Singapore nation-state was just one year old, and very much a developing nation. This context facilitated a State discourse of national vulnerability and righteous anger at how vandalism was wasting "the people's" money and thwarting nation-building. These arguments were, in time, used to justify the violence of mandatory corporal punishment. Almost 30 years later, in a very prosperous Singapore, 18 year-old US national Michael Fay was convicted for vandalism and sentenced to caning for spray-painting cars and retaining stolen road signs. The 'law' and its application were framed by a discourse of how 'Asian Values' were needed to sustain the 'nation' against the de-stabilising forces of moral degeneration. This paper considered the persistence of exceptionalism and insecurity in Singapore's discursive construction of sovereignty, and argued that 'law' has been formulated to lend legitimacy to State power exercised in a manner that erodes individual rights and dismantles institutions.

**Jothie Rajah** was a PhD candidate in the Asian Law Centre at the Law School, The University of Melbourne. For further information, see Asian Law Centre Staff - Research Assistants, above.

## 'BROWN BAG' SEMINARS

12 May, 2008

### Japan's New Trust Law and Creditors' Rights

Japan's new Trust Law (Law No. 108, 2006) came into force in September 2007. The legislation modified some important aspects of the law relating to trusts to reflect the recent developments in relation to their use. It also introduced new types of trusts, including the Self-settled Trust and the Limited Liability Trust. This seminar examined Japan's new Trust Law, including the history of trusts in Japan. The seminar focused on the issue of balancing the benefits of trusts with protection of creditors' rights, particularly in the case of the insolvency of a trustee. Recent Japanese Supreme Court cases were also examined to show the current stage of discussions in Japan. It also explored practical and theoretical issues from the viewpoints of both Japanese and Australian law.

**Professor Shoichi Tagashira** was a Visiting Research Scholar at the Melbourne Law School. He is a Professor of Law at Sophia Law School, Tokyo and teaches Civil Procedure and Insolvency Law. He received his LLM from Kumamoto University and completed further post graduate study at Kobe University. He was a Professor of Law at Okayama University before joining the Sophia Law School in 2001. He also studied at Cornell Law School from 1991-92. Professor Tagashira has published a number of articles and books, including: *Theoretical Issues on Corporate Insolvency Law* (Tokyo: Yuhikaku (2005)) (Japanese); 'Intraterritorial Effect of Foreign Insolvency Proceedings: An Analysis of "Ancillary" Proceedings in the United States and Japan', 29 *Texas International Law Journal* (1994); 'Should We Abolish Chapter 11? The Evidence from Japan', 23 *Journal of Legal Studies* (1994) (Co-author: Theodore Eisenberg).



13 May, 2008

### Is a Special *Fiqh Al-Aqallayyât* for Muslims Living Outside Muslim Lands Really that Different and Is It Even Needed? (with Centre for Islamic Law and Society)

Nearly 400 million Muslims living as minority populations in non-Muslim countries are confronted with unique and challenging issues quite distinct from those presented to Muslims living in more traditional (and much less pluralist) Muslim countries. This seminar examined the socio-political circumstances of Muslim minorities and the desire for a new *fiqh*, both in terms of methodology as well as positive jurisprudence. It reviewed the meaning of *fiqh al-aqallayyât* in the context of classical principles of Islamic law and jurisprudence, especially in light of renewed efforts towards rigorous contemporary *ijtihad*. Criticism of *fiqh al-aqallayyât* by opponents (who view it as a sell-out or compromise of the traditional virtues of Islam, in the interests of assimilation at all costs) were discussed. The seminar also suggested that the proponents of *fiqh al-aqallayyât* and its opponents are not that far apart, if at all, in advocating reliance upon classical *fiqh* methodologies and arguing for the universal application and relevance of *shari'ah* to all Muslims. The remaining question addressed was whether *fiqh al-aqallayyât*, as a separate and distinct *fiqh*, is even needed for minority Muslim populations in non-Muslim countries.

**Andrew White** is an Associate Professor of Law in the School of Law at the Singapore Management University. He is also a Senior Fellow in the Melbourne Law School, and an Associate in the Asian Law Centre. Andrew received his LLM (focusing on Asian and Islamic law) from Melbourne Law School, and his JD from Case Western Reserve University (Ohio, USA). For nearly 25 years, he practiced business and commercial law (transactional and litigation) in the US and Europe as a partner in a major international law firm based in Washington, DC. He has also been a senior attorney in a law firm in Germany and most recently was principal in his own law firm in North Carolina, USA. Andrew's primary research focus is on Asian and Islamic law.

19 June, 2008

### Reading the Tea Leaves in the Indonesian Commercial Court: How to Account for Vastly Differing Court Performance by Substantive Area

The Indonesian Commercial Court (*Pengadilan Niaga*) was initially created as an insolvency forum in 1998, at the height of the Asian Financial Crisis, and arguably under IMF pressure, but was also part of a longer term discussion concerning the creation of specialised courts, and by 2000-2001 its jurisdiction had been expanded to include intellectual property matters. The Commercial Court is now widely viewed as having failed to master Indonesia's widespread insolvency problems and bankruptcy case filings declined precipitously by 2003-04 as potential litigants voted with their feet. In the same timeframe, however, intellectual property cases filed in the court increased in number. The same court (and often the same judges) who were criticised for their insolvency case decisions now garner praise and increased case filings in the intellectual property area. What is the explanation for the perceived differing performance of the Commercial Court in two different substantive areas, and what does it tell us about judicial reform and court creation processes in Asia? Is the performance differential more perceived than real, or does the explanation lie with the lawyers versus the character of litigants? This is an object lesson in understanding that rating court performance on the basis of case statistics may mislead more than it informs, because the courts are only one small corner of the broader dispute resolution arena.

**David K Linnan** is Associate Professor of Law, University of South Carolina. For further information, see Asian Law Centre Associates, above.

5 August, 2008

### Faith and the State: A History of Islamic Philanthropy in Indonesia (with Centre for Islamic Law and Society)

*Zakat*, *sedekah* (donation, giving) and *waqf* (religious endowment) are forms of philanthropy practised by Muslims in Indonesia, as well as in other parts of the world. Managing Islamic philanthropy in Indonesia has, however, long been a contested issue, with a history of rivalry between faith and the state and between active state involvement and keeping such activities under the control of Muslim civil society, which uses Islamic philanthropy to empower itself and to promote social change. In her presentation, Amelia Fauzia argues that although political circumstances do influence the development of Islamic philanthropy, the state cannot successfully control it because Muslim philanthropic practice is generated by the altruistic and reciprocal nature of communities. In essence,

Islamic philanthropy remains in the hands of Muslim civil society, irrespective of the political nature of the state.

**Amelia Fauzia** was a PhD candidate in Islamic and Indonesian studies at the University of Melbourne. She is also a lecturer at the State Islamic University (UIN) Syarif Hidayatullah Jakarta, and a researcher at the Centre for the Study of Religion and Culture at the same university. After receiving her Masters degree from the University of Leiden, The Netherlands, in 1998, Amelia started teaching Islamic History of Indonesia at UIN Jakarta in 1999. In 2002 she became a global research coordinator for the *Islamic Philanthropy for Social Justice in Muslim Societies*, a project covering Egypt, Indonesia, India, Tanzania, Turkey and the United Kingdom. Amelia contributed a chapter on women, philanthropy and Islam to the recently published *Indonesian Islam in a New Era: How Women Negotiate their Muslim Identities* (Dr Susan Blackburn et al, Monash University Press, 2008).



12 August, 2008

### The Legal Profession and Building Legal Aid in Afghanistan

Nearly three decades of invasion, war and internal conflict have devastated every aspect of life in Afghanistan, including its legal system. A new era began with the collapse of the Taliban regime in 2001 when a new democratic government emerged. At this time the international community also stepped in to help the country rebuild its infrastructure and work with the government to strengthen the legal system, which is yet to operate under a unified code.

In his presentation, Khalil Hamid examined what the legal profession looked like in such an unstable situation. Among other aspects of Afghanistan's legal system, he discussed who the lawyers were and how they were operating in the mixed legal system. He analysed the status of legal aid in the country and explored some of the initiatives taken to build the capacity of lawyers to help ordinary Afghans.

**Khalil Rahman Hamid** was an AusAID scholar undertaking his Diploma in Community Welfare at Victoria University. Khalil received his LL.B (Hons) in Sharia & Law from the International Islamic University Islamabad, Pakistan in 1995. He began working as an educational advisor and Fiqh and Hadith teacher before moving to the Ministry of Justice in Afghanistan to work as a legal drafting expert. From 2003-2004 Khalil worked as protection specialist with the International Rescue Committee (IRC) in their Afghanistan office. Most recently, he was a Training Specialist with USAID Rule of Law Project in the Supreme Court of Afghanistan. In this position he trained mosques leaders, judges, prosecutors, lawyers, police, government employees and local and international NGO personnel on Islam and democracy, rule of law, law and society, land and property rights, human rights, women rights, children's rights and prisoners' rights.

3 September, 2008

### Challenging and Moving Beyond the Asian Rejection Hypothesis: Exploring Refugee Law in Asia

Despite hosting the largest population of refugees, most states in the Asia region have not signed the United Nation's Refugee Convention and there are no regional refugee instruments regulating the rights of refugees. Furthermore, the domestic laws of many Asian states are silent on refugees. The literature to date describes this phenomenon as the 'rejection' of refugee law by Asian states. However, this 'rejection hypothesis' relies on an incomplete notion of refugee law and obscures a deeper presence of refugee law in the region. In addition, the sub-regional groupings of Eastern and Central Asia stand in contrast to this rejection hypothesis. This presentation critiqued the 'rejection hypothesis', explored a more elaborate definition of refugee law, and sketched out a regional legal landscape in which refugee law figures more prominently than previously recognised.

**Martin Jones** is a Research Associate at the Centre for Refugee Studies at York University and a PhD candidate at Osgoode Hall Law School. He is the co-author of a textbook on Canadian refugee law and recently chaired the recent 11th biennial conference of the International Association for the Study of Forced Migration. Martin is also the managing editor of *Refuge*, a scholarly journal in the field of refugee studies, and a founding member of the Southern Refugee Legal Advocates Network, through which he provided training to refugee legal aid NGO's in Egypt, Turkey and Hong Kong. Before returning to academia, Martin practiced refugee law in Canada for seven years.



## 'BROWN BAG' SEMINARS

17 September, 2008

### Yusman Roy and the Language of Devotion (with Centre for Islamic Law and Society)

Concentrating mainly on the *fatwa* and the legal process in a recent controversial prosecution for religious deviancy, Stewart Fenwick applied the work of John Rawls to explore what extent Indonesian constitutionalism is 'liberal' when it comes to Islam.

**Stewart Fenwick** is currently a PhD candidate at the Melbourne Law School, The University of Melbourne. For further information, see Asian Law Centre Associates, above.

3 October, 2008

### Australia's Asia-Pacific Community Proposal

Predictions concerning the outcome for East Asian, Asian and Asia-Pacific-wide regionalism in recent years have had to address a tension between two scenarios: an ASEAN plus 3 and a plus 6 model. Only the latter would include Australia, New Zealand and India. Recently, renewed impetus has been given the plus 6 model with the East Asia Summit, thereby bringing Australia into the centre of debate over what a future regional arrangement would look like for Asia-Pacific trade. Against this, there have also been renewed calls for a 21-member APEC-wide Free Trade Area of the Asia-Pacific (FTAA). This would include the United States but not India, and the questions of membership are bound to leadership questions. The latest proposal by the Australian Prime Minister, Kevin Rudd, for an Asia-Pacific Community (APC) would solve the membership issue by expanding Asia-Pacific trade regionalism to include not only India. This raises the question can Australia today play a leading role again as it did with the establishment of APEC? countries? And should the case for Australian leadership depend on how Australia sequences its current trade negotiations and treaties? The seminar concluded with an assessment of the case for a larger trade grouping such as the ACP.

**C.L. Lim** is Associate Dean for Academic Affairs & Professor of Law at the University of Hong Kong where he also serves as a member of the East Asia International Economic Law (EAIEL) Programme. He was formerly counsel to Singapore in the Singapore-Australia FTA negotiations and a member of the Singapore Attorney-General's Chambers. Educated at Buckingham and University College Oxford, and at the Harvard Law School in the United States he also attended the Fletcher School of Law & Diplomacy. He began his teaching career at Nottingham University where he received a doctorate before becoming a full-time member of the law schools at the University of Wales, Aberystwyth and London University's Queen Mary & Westfield College. Leaving London, he joined the secretariat of the United Nations Compensation Commission in Geneva before returning to academic life at the National University of Singapore, and now the University of Hong Kong. A founding member of the Asian Society of International Law (ASIL) in 2007 and Governing Board member of the Foundation for the Development of International Law in Asia (DILA), he now serves on the inaugural faculty of the Temasek Foundation Trade Negotiation Centre's Executive Programme at the S. Rajaratnam School of International Studies.

19 November, 2008

### Thailand's Constitutional Watchdogs: More Bark than Bite?

Thailand's constitutional watchdogs (the Election Commission, Human Rights Commission, National Counter Corruption Commission, Ombudsmen, Administrative Courts, Anti-Money Laundering Office and Audit Office) were hailed as very significant features when they were conceived as part of the 1997 constitution. They were intended to promote good governance, rule of law values and the protection of human rights and they continue to function under the 2007 constitution. Professor Peter Leyland discussed the main characteristics of these bodies. He assessed their performance, taking into account traditional Thai values and the wider Thai constitutional context. Finally, given the period of continuing political uncertainty, Professor Leyland considered the contribution these bodies might make in the future to the establishment of constitutionalism in Thailand.

**Peter Leyland** is currently Professor of Public Law at London Metropolitan University and visiting Professor of Public Law at the School of Oriental and African Studies, University of London. He graduated from the University of East Anglia and the University of London. Peter has published widely in the field of UK constitutional and administrative law, comparative constitutional law and on Thailand's constitutional system. The subject matter of his research has included: devolution particularly in comparative perspective, freedom of information, utility regulation, and executive accountability. He wrote the first volume on *The Constitution of the United Kingdom* (2007) in the Hart series *Constitutional Systems of the World*, which he co-edits with Professor Andrew Harding. His publications also include two edited collections and (with Dr Gordon Anthony) OUP's most popular textbook on UK Administrative Law, the sixth edition of which was published in October 2008. As well as frequent involvement in conferences Peter is a visiting professor at the universities of Bologna, Padua and Ferrara in Italy; at the National Development Administration, the Council of State and the Administrative Courts in Thailand; and at the University of Victoria in Canada.



3 December, 2008

**Pakistan's Islamic Identity, its Blasphemy Law and the International Law of Human Rights (with Office for Research - PhD Confirmation Seminar)**

Pakistan's blasphemy law (incorporated in the Pakistan Penal Code 1860) has been extensively criticized for vague language and faulty procedures that leave it wide open to misuse and abuse. The offence of blasphemy in Pakistan originally carried a harsh penalty that included hefty fines and up to ten years imprisonment, but the position became worse when the Federal Shariat Court of Pakistan declared in 1990 that the penalty for desecrating the name of the Holy Prophet is death, and the law was thus amended accordingly. The now notorious Blasphemy law is considered to affect the minorities the most, but over the years it appears that it has become a source of concern for Muslims, with the number of blasphemy cases against the Muslim citizens of Pakistan rising. Although the process of Islamization of laws began as early as the creation of Pakistan itself, General Zia ul Haq's government later made significant amendments to Pakistan's legal system, including the blasphemy law. This has resulted in grave violations of human rights that continue today. It is important, however, that these laws are not analysed only in the context of the Zia era in isolation from other political forces in Pakistan. In reality, these laws are not part of an abrupt Islamization process. They must also be understood in the context of the history of Pakistan and the religious, social and political trends that followed its creation.

**Hajrah Saboor** is a law graduate of the International Islamic University Islamabad, Pakistan (2004). She completed her LLM in International Law from the same university in July 2007. In February 2006, she joined the faculty of law at the International Islamic University as a visiting lecturer and continued to teach LLB courses till June 2007. She was a PhD candidate at Melbourne Law School, working under the supervision of Associate Professor Carolyn Evans and Dr Amanda Whiting on Pakistan's blasphemy law.



15 December, 2008

**The Political Determinants of Corporate Governance in China**

At present, corporate governance is of theoretical and practical significance in China as it affects the development of China's securities market and market players, as well as China's participation in the economic globalization and the world's legal order. Chenxia Shi set out to investigate whether Chinese corporate governance converged with international models in the age of globalisation, or whether it remained divergent due to its path dependency. By examining exogenous and endogenous factors shaping the path of corporate governance in China, Chenxia Shi argued that the social, cultural, political and economic conditions under which corporate governance is evolving in China, offer little support to the prospect of full convergence with international models. The development of corporate governance bears the mark of China's historical political economy.



**Chenxia Shi** is a Senior Lecturer in the Department of Business Law and Taxation, Monash University. She was a PhD Candidate at the Melbourne Law School, The University of Melbourne. Her qualifications include LLB (NUPL) and LLM (CASS). Chenxia has published widely in the areas of corporate law, securities regulation, comparative law and Chinese commercial law.



## 'BROWN BAG' SEMINARS

2009

15 April, 2009

**Regulating Sacred Sites: Conflict at Places of Worship in Indonesia (with Centre for Islamic Law and Society)**

Places of worship have always been a sensitive issue in Indonesia, particularly between Muslims and non-Muslims, including so-called deviant Islamic sects. Despite the introduction and implementation of a new national regulation on places of worship in 2006, conflict at sacred sites remains a matter of significant concern in the reformasi era. At this seminar, Melissa Crouch discussed the impact Indonesia's national policy on places of worship has had on the relationship between Muslims and Christians in Indonesia, both under the New Order and since 1998. She identified three major problems. First, attacks on places of worship of religious minorities by hardline Islamic groups continue. Second, religious minorities still face significant challenges to obtain a permit to build a place of worship, although there is some indication that wealthy evangelical churches are able to overcome these obstacles. Third, some provinces have proposed or promulgated local laws that contradict the national regulation, such as the recent proposal in Aceh for a Qanun on the regulation of places of worship for non Muslims.

**Melissa Crouch** commenced her PhD at the Melbourne Law School, The University of Melbourne, in 2008. For further information, see Asian Law Centre Associates, above.

22 April, 2009

**Impeachment and the Writ of Amparo as Mechanisms to Curb Impunity: The Case of the Philippines**

Presidential immunity from any suit has been a widely accepted doctrine in the Philippine legal system. This impunity is theoretically held in check by impeachment, a "political process" for removing presidents in order to strip them of their immunity. However, this constitutional accountability mechanism foundered in the Philippines under President Gloria Arroyo due to her large number of presidential allies in Congress. Impeachment charges claiming that she orchestrated the summary execution of 900 dissenters and the forced disappearance of 200 more, while refusing to investigate and prosecute suspected state security personnel, were dismissed for four successive years. In the face of impunity resulting from executive and legislative inaction, the formerly passive judiciary stepped in by promulgating in the Rules of Court the "alien" legal notion of the Writ of Amparo which gives victims of human rights violations a judicial opportunity to gather information on the fate of the "disappeared" and gather evidence on the identity of the perpetrators of summary executions. The Amparo rule does not expressly grant the president immunity, which led some courts to order President Arroyo to answer the charges and in one case, even held her responsible for the disappearances.



Neri Colmenares discussed the state of human rights in the Philippines, covering the issues of impunity and the effectiveness of judicial intervention to curb impunity in the face of the failure of the executive and legislative branches to investigate and prosecute human rights crimes.

**Neri Javier Colmenares** is a human rights lawyer in the Philippines. For further information, see Asian Law Centre Associates, above.

29 April, 2009

**Gendering Islam or Islamizing Gender? A Case Study of Progressive Muslim Women's Organization in Indonesia (with Centre for Islamic Law and Society)**

There is a current tendency among younger moderate Muslims to move in a more progressive direction in gender activism in Indonesia. This trend has emerged as a result of changing local, national, and global socio-political influences, particularly the rise of progressive Muslim ideas in Indonesia. Based on the vision of "emancipatory Islam" formulated by these activists, Nur argued that the shift has made Islamic texts more dynamic through a constructive dialogue with contemporary human reality, thus laying the ground for an agenda of socio-cultural transformation. A case study of a progressive Muslim women's organisation, the Fiqh Nisa Programme of P3M/Rahima, illustrates how the struggle of these activists to implement their agenda of societal change has resulted in radical reform of Islamic discourse on gender. This has occurred through their innovative approach of "Islamic feminist hermeneutics" to Indonesian Islamic texts on gender, which are then further elaborated into programs of women's empowerment and gender consciousness raising. Despite this, these activists still face considerable challenges in effecting wider socio-cultural transformation.



**Nur Hidayah** is a PhD candidate at The University of Melbourne. For further information, see Asian Law Centre Staff - Research Assistants, above.

27 May, 2009

**Women's Movement in Aceh: Identity, Mobilization and Autonomy (with Centre for Islamic Law and Society)**

Contemporary political development in Aceh is centred upon the impact of three decades of military conflict, the implementation of Sharia Law, the devastation of the Indian Ocean Tsunami and Aceh's transition to democracy. These all have created conditions that have led to the formation of a distinct local women's movement. Based on six month's field research in Banda Aceh, Dina



Afrianty examined the question of how women's movements have developed in Aceh, Indonesia. Given the complexities of the problem in Aceh, Dina highlighted issues pertaining to Sharia implementation and how it mobilises Acehnese women. She argued that the women's movement in Aceh is locally situated and discussed her observation that Aceh's socio-political and religious settings are forming an "Acehnese identity" for the women's movement. Referring to the work of Basu (1995), Dina also explored how local women's activists negotiate the creation of justice in the context of Sharia Law. Dina demonstrated that Aceh's political democratisation has allowed women activists to gain considerable autonomy to negotiate women's gender interests within the local power structure, and in the wider context of Aceh's social movement.

**Dina Afrianty** was a PhD candidate at the Asia Institute and Melbourne Law School. She is a lecturer in the International Relations Department of the State Islamic University (UIN) Syarif Hidayatullah, Jakarta and a researcher in the Centre for the Study of Islam and Society (PPIM) at that university. Dina's doctorate study was funded by an Australian Development Scholarship.

10 June, 2009

**Justice for Munir**

There is no case more central to the security of human rights defenders in Indonesia than the 2004 murder of the prominent human rights lawyer Munir. On December 31, 2008, a former senior intelligence official was acquitted on all charges following a trial marked by the systematic retraction of prior sworn statements by key witnesses, and the presence of organized groups seeking to influence the trial. The acquittal, under appeal to the Supreme Court, indicated that the Indonesian justice system is not yet able to effectively prosecute senior officials with powerful connections, due to weak prosecution capacity and witness intimidation. State bodies (in this case, BIN, the state intelligence agency) have not sufficiently reformed and continue to threaten the security of human rights defenders. If these conditions are to change, a successful resolution of the Munir case is essential. This will require the full support of Indonesia's leadership and this, in turn, depends on sufficient domestic and international pressure.

**Usman Hamid** is the Director of KontraS (Committee for Missing Persons and Victims of Violence) and the Executive Secretary of KASUM (Committee of Action and Solidarity for Munir). He graduated from the Faculty of Law, Trisakti University in 1999 and was a visiting scholar at Columbia University in 2003. He began his activism shortly after the bloody incident of 12 May 1998 in which four students were gunned down in Jakarta. He joined various student movements and later joined the prominent human rights organization 'KontraS', which exposed military abuse on disappearance of pro-democracy activists. In 2001, he was appointed by the National Human Rights Commission as Secretary of Investigation Commission into for the shooting of Students in 1998-99. In December 2004, he was appointed secretary of the Fact Finding Team on the Murder of Human Rights Activist (Munir's case), established by the President of Indonesia.



10 August, 2009

**A Day in the Life of a Korean Court Clerk**

The Asian Law Centre hosted a conversation with Mr Donghoon Kim and Mr Injin Park, from the Supreme Court of Korea Program.

**Mr Injin Park** is Chief Clerk of Court in the Auction Section and Registrar of Court in the Civil & Judicial Department of the In-Cheon District Court in Korea. **Mr Donghoon Kim** is a Clerk in the Uijeongbu District Court in Korea.

## 'BROWN BAG' SEMINARS

26 August, 2009

### Muslim Women in Radical Islamic Circles: The Case of Al-Mukmin Pesantren, Ngruki (with Centre for Islamic Law and Society)

Recent religious fundamentalism and radicalism has changed perceptions of Indonesia as the moderate and smiling face of Islam. One group in Indonesia that has attracted international attention for alleged links to militant radicals are *pesantren* (Islamic boarding schools). Media coverage, opinions and discussions about these institutions mainly focus on issues of violence and politics with strong “masculine” dimensions. There has been little information on women and their lived experiences in these ‘hard-line’ Islamist circles. Why do Muslim women become attracted to join ‘hard-liner’ Islamist circles? What are the conditions in which they live? What are their aspirations? This presentation deals with these issues, particularly focussing on their resilience, coping mechanisms and responses to policies affecting their lives, with a case study of the notorious pesantren al-Mukmin, in Ngruki, Surakarta, Central Java.



**Farha Abdul Kadir Assegaf** is a well-known activist, researcher and consultant on issues concerning gender and religion. She has worked with numerous institutions including RAHIMA: the Center for Education and Information on Islam and Women's Rights; the Institute for the Study of Islam and Society (LKIS); the Institute for Women and Children's Development (LSPPA); Semarak Cerlang Nusa: Consultancy, Research and Education for Social Transformation (SCN-CREST); and Learning Assistance for Islamic Schools (LAPIS AusAID). Farha has a Bachelors degree in Islamic Philosophy (Ushuluddin) from the Sunan Kalijaga State Institute for Islamic Studies, Yogyakarta. She also has a Masters degree in Sociology from Gadjah Mada University, Yogyakarta. Her postgraduate thesis (1995) was entitled “The Process of Conceptualization and Socialization of the Roles of Muslim Women: A Case study of Female Pesantren al Mukmin, Ngruki, Solo”. In 1999, Farha published a book entitled *Overcoming Domestic Violence from Islamic Perspectives*. Farha has also written numerous articles on gender, sexuality, reproductive rights, and violence against women, interfaith issues, fundamentalism, and feminism relating to religious/

Islamic discourses. She is currently conducting research on the lives of women in conservative (fundamentalist) groups in religious schools, as well as secular “public” schools.

19 September 2009

### Playboy on Trial: ‘Pornography’, The Law and the Islamic Defenders Front in Indonesia (with Centre for Islamic Law and Society)

In post-Soeharto Indonesia, there has been greater space for different social groups to express their values and aspirations more openly. There has been much debate over the perceived Islamisation of the law, first through Regional Regulations influenced by syariah (Islamic law) and then through the anti-pornography Bill, in 2005-06. While the Bill was supported by conservative Muslims, it was opposed by a coalition of liberal Muslims, artists, feminists and religious minorities, afraid it would hamper freedom of movement and expression. It was during this debate that Indonesian Playboy (which had no nudes) was first published. The Islamic Defenders Front (FPI) (which had campaigned in support of the anti-pornography Bill) reported the organisation to the police, claiming that it violated Clauses relating to pornography in the current Criminal Code.

Helen analysed the anti-pornography Bill as an ‘Islamic legal transplant’ in the context of discourse theory. She argued that the FPI chose to report Playboy both because it was a symbol of Western liberalism, and to garner support for the anti-pornography Bill. Conversely, the charged atmosphere of the debate around the Bill led to an unlikely group of supporters of Playboy from the coalition against the Bill. Helen demonstrated that the outcome of the case in 2007, when the judges dismissed the case on a technical legal point, was a victory for the liberal side, but that the subsequent passing of the Pornography Law in 2008 was a victory for the conservatives.



**Helen Pausacker** is a PhD candidate in the Law School. For further information, see Asian Law Centre Staff - Principal Researchers, above.



28 September, 2009

### Japanese Innovations in the Public/Private Divide: Lessons for Australia?

Australian courts have been slow to develop administrative law doctrine capable of responding to the accountability challenges of the privatisation and outsourcing movement. In recent years there have been developments following English law demonstrating that Australian courts are broadening their focus to one of public 'functions' rather than just public institutions. Nevertheless, Australian courts' efforts to construct criteria to allow judicial review of public 'functions' performed by private players rest on circular definitions of the public interest, and uninspiring analogies with public institutions. Some argue that English—and by extension Australian—law embodies a distinctly weak notion of the state, which explains the courts' difficulty grappling with this issue. A less parochial and more compelling explanation is sheer lack of imagination in the face of an inherently unstable divide between 'public' and 'private'. In this light, why not look further afield to see how the jurisprudence of other nations have restored coherence through law to transform relations between government and the governed? In this seminar, Trevor Ryan attempts to show that Japan is a useful point of reference, with its history of hybrid influences and layered receptions of law, and its significant political and social parallels with Australia in the post-Cold War era.



**Trevor Ryan** is a researcher at the Australian National University College of Law. He was planning to submit his PhD dissertation on the interaction between the state, law and demographic change in Japan in June 2009. He has written book chapters, papers and translations on legal education, social security and administrative law, insolvency, juvenile crime, family law, adult guardianship, childcare regulation, succession and private international law, and a novel concerning Japanese law. Trevor has taught a number of courses on Japanese law at the Australian National University since 2005. He was a visiting scholar at Chuo University, Japan, from October 2006 to May 2008.

20 October, 2009

### Reviving Islamic Traditions of Sulh for Resolving Islamic Finance Disputes (with Centre for Islamic Law and Society)

Investors and other market participants in Islamic financial markets seek stability and reliability, and avoid volatility and risk. A strong rule of law, including a reliable, predictable, just, fair system of dispute resolution, is essential. Such a system must have clear authority and legitimacy among those who seek redress. This legitimacy is particularly important in the context of Islamic commercial transactions and disputes, as Islam is a legalistic religious tradition, in which all areas of its adherents' lives are, in principle, governed by Islamic legal values. A proposed system of Islamic Dispute Resolution (IDR) will be discussed, using the traditional Islamic concept of dispute settlement (*sulh*), subsuming notions of non-binding mediation (*wasatah*) and binding arbitration (*tahkim*). Practical implications, including obstacles, in implementing *sulh* in a secular context also will be presented.

**Andrew White** is an Associate Professor of Law, Singapore Management University School of Law. He is also a Visiting Professor at the International Islamic University Malaysia (Harun M. Hashim Law Centre) and Universitas Islam Indonesia, and a Senior Fellow in the Melbourne Law School. Andrew has more than 30 years professional experience in ADR and is currently an adjudicator for Islamic financial disputes in Singapore's Financial Industry Disputes Resolution Centre (FIDReC).





## 'BROWN BAG' SEMINARS

28 October, 2009

**Weak State - Strong Communities? Tuan Guru, Tradition and Peace-Building in Lombok (with Centre for Islamic Law and Society)**

This presentation focused on peace-building and dispute resolution processes on the eastern Indonesian island of Lombok. Like many other parts of Indonesia, Lombok has faced considerable challenges since the fall of President Soeharto just over 10 years ago. Residents of Lombok have benefited from the transition to greater democratic participation and political decentralisation since 1998 but this has also led to periods of social instability as new, less authoritarian, models of governance have developed to replace Soeharto's highly-centralised system. Over the last decade, Lombok has confronted a 'crime wave' leading to high rates of theft, anti-Chinese riots, often out-of-control *pamswakarsa* (private militia) and sporadic periods of politically-motivated conflict between ethnic groups. As a consequence, a series of local responses to deal with tension and conflict have been implemented. This presentation was centred on a case study of the successful maintenance of social stability during hotly contested and politically-divisive regional gubernatorial elections (PILKADA) held in Lombok in 2008. It investigated the reasons for the maintenance of social stability, particularly focusing on the role of influential and revered local Muslim leaders, known as *Tuan Guru*. Particular attention is paid to how the *Tuan Guru* deploy Islamic legal traditions and traditional customary law, sometimes in partnership with weakened formal state institutions, to facilitate peace-building and dispute resolution processes. The aim was to consider what can be learnt from how Lombok averted election-related conflict and then speculate on whether these lessons may have broader application as a way of dealing with the shortcomings of formal dispute resolution processes in Indonesia, including laws, courts and other state institutions.

**Jeremy Kingsley** joined the Asian Law Centre in 2003 as a Research Assistant and Editorial Assistant with *The Australian Journal of Asian Law*. For further information, see Asian Law Centre Staff - Principal Researchers, above.



24 November, 2009

**Growing Together in Partnership: Women's Views of the Business Practices of an Islamic Savings and Credit Cooperative (with Centre for Islamic Law and Society)**

This paper explored the impact of the rise of Islamism on women in Indonesia, the country with the largest Muslim population in the world. Islamism, seeking to implement Islamic jurisprudence including establishing an Islamic state, tends to curtail women's rights and participation in public life. The focus of this paper was Islamic economy, particularly Islamic Savings and Credit Cooperatives (Baitul Maal wat Tamwil-BMT) in Indonesia. Although the services and products of BMTs are not specifically designed for women, BMTs are gaining support in the informal sector where women constitute an important economic workforce. Based on Dr Sakai's fieldwork, this paper explored how Islamic jurisprudence has been linked to the business operations of the BMTs. She also analysed how women assess the benefit of the services and products of the BMTs in Yogyakarta, Indonesia.

**Dr Minako Sakai** is a social anthropologist. She teaches Indonesian studies as Senior Lecturer at the School of Humanities and Social Sciences, University of New South Wales at the Australian Defence Force Academy. She has published on identity politics



in Sumatran Malay communities with a focus on the Gumay people in South Sumatra. She is the editor of *Beyond Jakarta: Regional Autonomy and Local Societies in Indonesia* (2002) and co-editor of *The Politics of the Periphery in Indonesia: Social and Geographical Perspectives* (2009). She is a contributor to the *Encyclopedia of Women and Islamic Cultures*. Her paper reflects her chapter 'Assisting Community (umat) Development through Islamic Microfinancing (BMT): Serving the Community Needs in a Viable Way', in Fealy and White (eds), *Expressing Islam: Religious Life and Politics* (2008).

## 2010

3 March, 2010

### Corporate Insolvency Law in India: The Case for a New Focus on Legal Institutions

In 2003, the World Bank's Legal Vice-Presidency observed of early law and development projects aimed at liberalising developing economies that 'a lack of attention to institutions generally, especially legal ones, placed substantial limits on reform as a means to promote economic development and poverty reduction'. In this seminar, Kristin van Zwieten presented the preliminary findings of her doctoral research on the development of corporate insolvency law in India in the period following economic liberalisation. India's insolvency law is widely condemned as dysfunctional and in urgent need of reform. The findings presented in this seminar suggested that previous attempts to explain the 'failure' of Indian insolvency law may have overlooked, or significantly underestimated, the role of legal institutions. They suggested that understanding the preferences and practices of legal institutions is central to explaining the development of Indian insolvency law. The claim that there has been a 'lack of attention' to legal institutions has significant implications for insolvency law reform in India, and for wider thinking on law and development.

**Kristin van Zwieten** was a doctoral candidate in the Law Faculty at the University of Oxford, working under the supervision of Professor John Armour on corporate insolvency law in India. She is a Clarendon Scholar and former Menzies Scholar, and holds degrees from the University of Oxford and the University of New South Wales. Kristin has worked as a solicitor at Minter Ellison Lawyers and as tipstaff to Justice Robert Austin in the NSW Supreme Court. She is a member of the APEC Regional Network on Asian Insolvency Reform, and INSOL International. In 2010, she was a Visiting Scholar at the Asian Law Centre.



22 March, 2010

### The U.S.-Japan Security Alliance: A Perspective from China (with Asia Institute)



As one of the largest bilateral security alliances in the world, the U.S.-Japan Security Alliance has been greatly strengthened through a series of joint efforts by the two countries and domestic law in Japan in the past two decades. During the same era, China has achieved great economic success and is now beginning a "new strategy" toward becoming a "global great power". As the (new) U.S.-Japan Security Treaty turned 50, Professor Sun examined: (1) what happened to China's stance on the alliance during the first three decades (1950-1980); (2) what is China's "new strategy" and "new diplomacy" in the 21st century?; (3) how will a strengthened alliance affect East Asia, especially Sino-Japan relations?; and (4) is peaceful coexistence possible between China and Japan if both are "global great powers"?

**Professor Zhan Kun Sun** studied at Peking University (China), Kumamoto University (Japan), and Nagoya University (Japan). He has taught international law at Meiji Gakuin University (Japan) since 1994. His main academic interests include international law, human rights law, ethnic studies and indigenous issues. He has published articles on international law, Chinese ethnic issues and East Asian security (almost all in Japanese). He was an academic visitor at the Asia Institute, Faculty of Arts, University of Melbourne in 2009 and 2010.

31 March, 2010

### Food Security, Development and Law: Insights from the Indonesian Experience

Food insecurity is a pressing international problem and the food security debate has become a battleground between the legal and the economic. The protagonists are human rights advocates pushing for the realisation of the right to adequate food, and economic growth advocates pushing for measures to increase the supply of food, including market liberalisation. Since independence, successive Indonesian governments have attached a high priority to improving food security, but food security has not been framed as a human rights issue and governments have been reluctant to fully embrace market liberalisation.

In this seminar Peter Dirou explored the background to the Indonesian approach, as well as the implications of the more recent enhanced constitutional protection of human rights, in an attempt to extract lessons from the Indonesian experience that can be used to improve food security internationally. Drawing on the thinking of the 'old' institutional economists, his argument was that the Indonesian approach has been relatively successful because food security has been framed as a 'legal-economic' nexus rather than as a purely legal or an economic issue.

**Peter Dirou** is a PhD candidate at the Melbourne Law School and an independent economic consultant on public finance and financial sector issues. He has undertaken international consulting assignments for the ADB, World Bank, IMF, UNDP, DFID, AusAID and NZAID. These assignments have primarily been in Southeast Asia and Peter has worked regularly in Indonesia since 2001 on a variety of economic governance projects. Prior to becoming a consultant, Peter was on the executive staff of the Reserve Bank of New Zealand and has also worked for the Economist Intelligence Unit. His academic work has focused on public debt issues, including the linkage between public debt and the strength of the international financial system, and debt-for-development exchanges.

## 'BROWN BAG' SEMINARS

20 April, 2010

### Mandatory Bid Rule, Hostile Takeovers and Takeover Defenses in China

This seminar was presented by **Mr Cai Wei**, SJD Candidate, Hong Kong University on the topic of hostile takeovers in China. Students from the Melbourne Chinese Law Society also attended.

**Mr Cai Wei** is an SJD Candidate at the University of Hong Kong.

14 April, 2010

### The Transitional Legal System of Mongolia in the Past Two Decades: What did we do Wrong and Right? (An Insider's View)

In 1990, the Mongolian democratic movement overthrew the old Communist leadership in a peaceful revolution. The first Mongolian democratic parliament was established in 1990 and in 1992 adopted the first democratic constitution of Mongolia. It abolished the system by which different members of the population were distinguished by class; eliminated Marxist-Leninist ideology and the objective of creating a Socialist or Communist system; and established a system for private ownership and freedom for entrepreneurship. Although it has now been in place for the past 18 years, the 1992 Constitution has been exposed to criticism, especially its provisions regarding statutory interpretation, international treaties and rule of law ideas. The findings presented in this seminar examined the development of Mongolia's present legal system, factors affected by former Soviet ideology, transplantation suggestions from donors and Mongolians, and their influence on reality.

**Dr Gunbileg Boldbaatar** has written books, book chapters and papers on constitutional law, comparative law and international private law concerning Mongolian law. He has taught a number of courses at the National University of Mongolia since 2003. He has been a visiting scholar at the Max Planck Institute for Public International Law and Comparative Law, Germany and the Law School, Kyushu University, Japan. He was also a member of the Presidential Counsel of Legal Scholars and Professionals and Senior Legal Adviser to the Chairman of the Parliament, Mongolia. In 2010, he was a Visiting Scholar in the Asian Law Centre.



5 May, 2010

### Indonesia, Militant Islam and Ahmadiyah: Origins and Implications (with Centre for Islamic Law and Society)

Ahmadiyah, a minority religious community that identifies with Islam, has existed in Indonesia since the 1920s. Over the last few years, however, Ahmadiyah has experienced increasing tension and hostility from conservative, orthodox Islamic groups in Indonesia. On 1 June 2008, this culminated in a violent attack on supporters of Ahmadiyah by militant Islamic groups at the National Monument (known as 'Monas') in Jakarta. Shortly after this incident, the Indonesian government issued Joint Decree 3/2008 as a 'warning' to followers of Ahmadiyah. Melissa analysed the origins of Ahmadiyah and, in particular, its formation in Indonesia. She examined the efforts of three key actors pushing for a total ban on Ahmadiyah in Indonesia: the Indonesian Ulama Council (MUI); the Coordinating Board for Monitoring Mystical Beliefs in Society (known as 'Bakor Pakem'); and radical Islamic groups. Melissa argued that although the Indonesian government compromised by issuing a 'warning' (not a total ban), and by prosecuting two of the leading perpetrators of the Monas incident, this has only created confusion about the status of Ahmadiyah in Indonesia and has failed to prevent further violent attacks against them. This presentation was the launch of Melissa's Background Paper published by Professor Tim Lindsey's ARC Federation Fellowship *Islam, Syari'ah and Governance Background Paper Series*.

**Melissa Crouch** was a PhD candidate in the Law School. For further information, see Asian Law Centre Staff - Principal Researchers, above.



19 May, 2010

### Local Women's NGOs and the Reform of Islamic Law in Aceh (with Centre for Islamic Law and Society)

MiSPI (Mitra Sejati Perempuan Indonesia or the True Partner of Indonesian Women) is a local women's NGO in Aceh. This presentation focused on how it has responded to the implementation of Islamic law. MiSPI's programs have enabled many Acehese women to take more active roles in public life in the process of political democratisation. MiSPI understands that working in a society where Islam and tradition are strongly entrenched in people's lives requires it to work within an Islamic context. To do so, it preserves its Islamic credentials, while at the same time challenging the conservative interpretation of Islam by pursuing reinterpretation of the Islamic texts. It develops networks with male-dominated government groups such as the Ulama and the dayah (traditional Islamic education) community, to introduce MiSPI's view of Islam's egalitarian messages. MiSPI's activities mirror what Muslim women's NGOs in many other Muslim countries have done to challenge the conservative Islamic resurgence by framing their activism under the rubric of 'Islamic Feminism'.

**Dina Afrianty** was a PhD candidate at the Asia Institute and Melbourne Law School. For further information, see 'Brown Bag' Seminar Series - 27 May, 2009.

11 August, 2010

### The Changing Role and Image of Lawyers in Japanese Corporations

This presentation introduced current legal needs, role and image of lawyers in Japanese corporate society. It also discussed the future of corporate in-house attorneys in Japan. Based on three surveys conducted by a research group at Osaka University, Associate Professor Fukui aimed to explain why Japanese corporations traditionally do not utilise lawyers for daily business activities, instead hiring in-house attorneys. Will this current tendency change? What factors could bring about such a change? Associate Professor Fukui feels that the future for the hiring of in-house attorneys is promising and that it will change Japanese corporate legal culture.

**Associate Professor Kota Fukui** was a visiting Research Scholar at the Asian Law Centre, Melbourne Law School. He is an Associate Professor of Law at the Graduate School of Law and Politics, Osaka University. During his time at the Melbourne Law School, Associate Professor Fukui undertook a comparative research project assessing the progress of Alternative Dispute Resolution between Australia and Japan from the viewpoint of developing new fields of legal professionals. He specialises in the fields of Socio-legal Studies, Alternative Dispute Resolution and Legal Professional Studies.



18 August, 2010

### The Shortcomings of the International Law on Piracy and Maritime Terrorism: Options for Strengthening Maritime Security in the Malacca Strait

Millions of ships transport goods and passengers around the world every day. However, these ships constantly face the risk of attacks, including hijacking, theft of valuable goods and cargo – and even kidnapping for ransom. This is true also in Australia's neighbourhood, for example, in the Malacca Strait.



There have been major international attempts to combat sea piracy and maritime terrorism, for example through the UNCLOS, the SUA Convention and ReCAAP. These efforts have contributed to suppressing sea piracy in Southeast Asia, nevertheless, piracy acts in the Strait remain high.

This research investigated the shortcomings of the international law of the sea in combating piracy and maritime terrorism in the Malacca Strait. This research also examined what steps have been taken to date and what steps are envisioned in the future by both littoral and user states to strengthen maritime security in the Malacca Strait.

**Rheny Pulungan** is a PhD candidate in the Melbourne Law School at the University of Melbourne. For further information, see Asian Law Centre Staff - Research Assistants, above.



## 'BROWN BAG' SEMINARS

**1 September, 2010**

### **The BRIDGE Project: Supporting Australia-Indonesia School Partnerships**

Initiated in 2008, the Australia-Indonesia BRIDGE (Building Relationships through Intercultural Dialogue and Growing Engagement) Project increases knowledge and understanding between the two countries through school-to-school partnerships linking students through online digital collaboration. The BRIDGE website (available in English and Indonesian) includes 20 online collaborative and technology training activities that are freely available to the public. BRIDGE school partners collaborate in "online classrooms" through Wikispaces where students can engage and showcase their work in discussion forums, digital storytelling and other media.

**Bonnie Hermawan** recently completed a Master of Arts (Asian Societies) at The University of Melbourne, for which she wrote a minor thesis on the politicisation of public expressions of religious identity in Indonesia. From 2005-2007, Bonnie taught in an Islamic university in Indonesia and has worked with the Asia Education Foundation on the BRIDGE Project since 2008. For further information, see Asian Law Centre Staff - Research Assistants, above.

**15 September, 2010**

### **Art or Pornography? Threats of Violence and the Law against Pinkswing Park Art Installation by Indonesia's Islamic Defenders Front (FPI) (with Centre for Islamic Law and Society)**

Pinkswing Park art installation was exhibited in the Jakarta's CP (Center Point) International Biennale in September 2005, while Indonesia's anti-pornography Bill was under discussion. Helen argued that FPI (which had campaigned in support of the Bill), chose to target the art installation to publicise the Bill. This case was part of a series of attacks designed to create public support for the legal implementation of 'Islamic' moral values. FPI's threats of both violence and legal action pressured the organisers of the Biennale to close the exhibition, stating that there would be no more Biennales. In the aftermath, a fierce debate emerged in the art community, with many accusing the Biennale of not standing up to censorship. Helen demonstrated that the outcome of the Pinkswing Park case was thus a victory for the conservative Islamists, as was the subsequent passing of the Pornography Law in 2008.

**Helen Pausacker** is a PhD candidate in the Law School. For further information, see Asian Law Centre Staff - Principal Researchers, above.

**29 September, 2010**

### **Gender Discourse and Activism of Progressive Muslims in Indonesia: Struggles and Strategies (with Centre for Islamic Law and Society)**

This presentation argued that Indonesian Islamic feminists have articulated diverse voices and strategies along a spectrum of traditionalist-progressive, modernist-progressive, and liberal-progressive Muslims. Although they share a common platform for gender justice and equality within the Islamic framework by combining classical Islamic scholarship with modern analytical methods, they face the challenge of negotiating their ideas within the context of fierce sharia contestation among other Muslim groups.

Such sharia contestation reflects the contest for power among different Muslim groups in the aftermath of the Muslim repression during the previous New Order regime. Their struggle further reflects the nature of dynamic relationships between civil Muslims, gender, and the state in contemporary Indonesia.

**Nur Hidayah** was a PhD candidate at The University of Melbourne. For further information, see Asian Law Centre Staff - Principal Researchers, above.

6 October, 2010

### All Politics is Local: MUI at the Sub-National Level (with Centre for Islamic Law and Society)

Researchers seeking to understand the nature of MUI as an organisation and its operation in practice face challenges. There appears to be little detailed published information that adequately captures MUI's history, structure and the day-to-day reality of its work. Its national profile is relatively well understood, given its public criticism of liberalism. Indeed, its position at the national level as a source of guidance on Muslim issues is, if anything, increasing. However, its internal governance remains opaque. Local branches appear to have played key roles in a number of case studies that involve breaches of the right to religious freedom, through issuing *fatawa* on matters of doctrine, and associated lobbying of Government and Islamic civil society.

Stewart's research examines the 2005 prosecution of Muchammad Yusman Roy on charges of disgracing a religion, and spreading hatred or contempt among groups in Indonesia. The conduct that led to these charges was Roy's promotion of dual-language prayer - Arabic accompanied by translation into bahasa Indonesia of the Qur'an - as part of congregational worship. The prosecution was preceded by - but also inspired by - the issuing of *fatawa* by MUI, which categorised Roy's teaching as deviant or misleading innovation - *bid'ah sesat* - and contrary to Islamic law.

**Stewart Fenwick** is a PhD candidate at the Melbourne Law School. For further information, see Asian Law Centre Associates, above.



13 October, 2010

### Indonesia: Religious Freedom at the Crossroads?

Since the collapse of Soeharto's New Order regime in 1998, two crucial religio-political trends have emerged. First, positive trends have been seen in regard to the development and progress of Indonesian democracy. Freedom of the press and the rise of civil society are good examples of why Indonesia is now the third largest democracy in the world. Indonesia's rapid adjustment to democracy after 30 years of an authoritarian regime surprised many foreign observers. On the other hand, the progress of Indonesian democracy has been challenged by negative trends that do not reflect democratic values, such as human rights violations and restrictions on religious freedom. Evidence shows that, in fact, religious intolerance and persecution has increased significantly during the last five years. More seriously, they are often followed by the use of violence. This seminar discussed threats to the future of democracy and human rights in Indonesia, particularly religious freedom. It also discussed factors that have driven the rise of religious intolerance and the abuse of human rights and religious freedom.



**Dr M. Syafi'i Anwar** is the Executive Director of the International Center for Islam and Pluralism (ICIP). He obtained his PhD in history at the Melbourne Institute of Asian Languages and Societies (MIALS), The University of Melbourne in 2005. In December 2006, he was selected by the United Nations High Commissioner for Human Rights (UNHCHR) in Geneva as one of 5 independent experts representing the group of Asian states. He was also a Ford Foundation Visiting Fellow at The Brookings Institution, Washington, D.C. (July-September 2007). Prior to his current position, Dr Anwar was Editor-in-Chief of the two leading Islamic magazines in Indonesia, *Panji Masyarakat* and *Ummat*. Since 2006, he has been a lecturer at the School of Post-Graduate Studies, UIN Syarif Hidayatullah, Jakarta. He also lectures at the Department of International Relations, Faculty of Social and Political Sciences, UIN Jakarta. In November 2009, Dr Anwar was selected by The Ashoka Foundation in Washington, D.C. as one of 9 Ashoka Fellows in Indonesia for his contribution to developing social entrepreneurship, particularly in promoting ODEL (Open, Distance, and Electronic Learning) for Islamic transformation through pesantren (Islamic boarding school) communities.

18 November, 2010

### Judging in Rural Japan

In his presentation, Judge Shimobaba spoke about his experience as a Judge in a rural Japanese Court. He discussed the challenges and highlights of his everyday work in the Omura Branch of the Nagasaki District Court.

**Judge Naoshi Shimobaba** is a graduate of the University of Tokyo and was appointed as a Judge in 1999. Since his appointment Judge Shimobaba has worked in a number of District Courts around Japan, including the Osaka District Court, where he was involved in road traffic cases, and work-related accident cases. Judge Shimobaba has also served on the Kawasaki Branch of the Yokohama District Court and in the Kyoto District Court, where he specialized in administrative cases. Judge Shimobaba was visiting Australia for one month, studying various aspects of the Australian legal system.



## 'BROWN BAG' SEMINARS

### 2011

19 April, 2011

#### Shareholder Derivative Lawsuits in China

On January 1, 2006, Company Law amendments finally permitting derivative lawsuits came into effect in China. Such lawsuits were deemed critical to improving China's corporate governance system, particularly given abuses in publicly-listed companies. Allowing them was consistent with the new Company Law's emphasis on judicial power and the ex post application of legal standards. Despite the intentions behind the amendment, however, there have in fact been virtually no derivative lawsuits involving publicly-listed firms. In this presentation, Professor Clarke described derivative lawsuits in Chinese courts before and after January 1, 2006, and provided proposals to make the derivative lawsuit more effective. He also discussed the significance of his findings for understanding how courts function more generally within China's political system.



**Donald Clarke** is a Professor at the George Washington University Law School in Washington, D.C., where he specializes in modern Chinese law, focusing particularly on corporate governance, Chinese legal institutions, and the legal issues presented by China's economic reforms. In addition to his academic work, he founded and maintains Chinalaw, the leading internet listserv on Chinese law, and writes the *Chinese Law Prof Blog*. He was educated at Princeton University (A.B.) and the University of London (M.Sc.), and received his law degree (J.D.) from Harvard Law School, where he was a member of *The Harvard Law Review*. He has served as a consultant on Chinese law matters to a number of organizations, including the Financial Sector Reform and Strengthening Initiative (FIRST), the Asian Development Bank, and the Agency for International Development. He is a member of the New York bar and the Council on Foreign Relations.

20 April, 2011

#### The Indonesian Corruption Eradication Commission (KPK): Enforcement and Resistance

Since 2004, Indonesia's new Corruption Eradication Commission (KPK) has spearheaded the country's fight against corruption. It has done so much more effectively than previous attempts and more successfully than comparative studies about anti-corruption agencies would lead suggest. This presentation focuses on the most prominent element of this success, enforcement, and resistance to it. What distinguishes the KPK's performance from that of Indonesia's other law enforcement agencies, in particular, the Attorney General's Office? In a context of endemic corruption, without any general amnesty for past offences, there is pressure to rein in the KPK. The presentation thus focused on two further questions: What have been the main forms of resistance to the KPK; and what effect have they had? It was argued that the Constitutional Court decisions and consequent legislative changes pose a bigger long-term challenge for the KPK than attacks on its leadership.



**Sofie Arjon Schuette** was in the final phase of her dissertation, "Triggering Institutional Change: The Indonesian Corruption Eradication Commission" in the Department of Management and Marketing, and the Asian Law Centre, University of Melbourne. Sofie holds a Masters degree in Southeast Asian Studies, Business & Economics and Sociology from the University of Passau, Germany. She has been an Erasmus exchange student at Leiden University (1999), a visitor to the Australian National University (2000, 2011) and a visiting fellow at the Centre for Strategic and International Studies in Jakarta (2009). Sofie worked for the Partnership for Governance Reform in Indonesia and the Indonesian Corruption Eradication Commission from 2004 to 2008.

30 May, 2011

#### Electronic Litigation in Korea

With the advent of an information-oriented society, courts are becoming more dependent on computer systems than ever, utilising e-filing and computerised case-management systems. "Electronic litigation" is the litigation process in which litigants submit documents, such as complaints, to a court via electronic forms. Courts similarly use computerised systems to deliver, and store, orders and documents electronically. The ultimate aim of the adoption of electronic litigation is to enhance the efficiency and transparency of the litigation process. Because this is a recent development, it is subject to potential errors, leading to inconveniences for new users. South Korea is currently one of the leading countries in establishing electronic litigation systems. In this presentation, Judge Oh introduced the e-filing system and computerized case-management system of Korean courts.

**Byunghie Oh** is a judge of the Seoul Central District Court in South Korea and was a visiting judge in the Asian Law Centre, Melbourne Law School. He graduated from Seoul National University, majoring in Aerospace Engineering. He passed the bar examination in 1998. He graduated from the Judicial Research and Training Institute of the Supreme Court of Korea and has been a judge since 2001.

29 June, 2011

### Triggering Institutional Change: The Indonesian Corruption Eradication Commission (with Office for Research - PhD Completion Seminar)

"Anti-KKN", the Indonesian acronym standing for corruption, collusion and nepotism, was one of the most prominent slogans of the reform movement that emerged in Indonesia during the financial and political crisis of 1998. Public demand to control widespread corruption was translated into a set of legislation enacted between 1998 and 2002. Given endemic corruption in law enforcement agencies, the centrepiece of the new laws was the establishment of a new and independent body to enforce them. Since 2004, the Indonesian Corruption Eradication Commission (KPK) has spearheaded Indonesian efforts against corruption with a broad mandate in both prevention and enforcement. It has done so more effectively than previous attempts and more successfully than comparative studies about specialized agencies in other countries would lead one to expect. In this presentation, Sofie Schuette discussed how effective anti-corruption reform can be achieved in a highly corrupt environment using a case study on the KPK. Her analysis was based on a review of legislation, policy documents, court decisions, media reports and on more than 60 semi-structured interviews with decision-makers and observers which she conducted in Jakarta in 2009. Sofie identified recruitment and personnel management practices of the Commission as vital to its organisational integrity, operational autonomy and ultimately law enforcement. She also demonstrated the importance of civil society in counteracting efforts by resistant vested interests to dilute the Commission's extraordinary powers and effectiveness.



**Sofie Arjon Schuette** was a PhD Candidate at the Department of Management & Marketing, and the Asian Law Centre, University of Melbourne. For further information, see previous page.

3 August 2011

### Sanctions for Popstars and Politicians? The Aftermath of Indonesia's Pornography Law (with Centre for Islamic Law and Society)

Although Indonesia's Pornography Law was passed in 2008, after much controversy, Indonesia's vast black market pornography business has been allowed to thrive unchecked. The Pornography Law, it seems, was aimed mainly at moral reform. In this talk, Helen examined the aftermath of the passing of the Pornography Law. To date, those charged include some teenage dancers, a pop star, Nazril Irham (a.k.a. Ariel Peterpan) and a married couple in a village. During this same period, Arifinto from the Islamic party, PKS, was filmed viewing a pornographic video clip during a legislative session. He has resigned from the party, but not been charged under the Pornography Law. Helen argued that the Pornography Law has been used against borderline cases of violations of the law, but not against the business end of the still-flourishing pornography market.

**Helen Pausacker** is a PhD candidate in the Law School. For further information, see Asian Law Centre Staff - Principal Researchers, above.

17 August 2011

### Recent Amendments to Korean Criminal Law - Confronting Child Sexual Abuse

In recent times, there have been severe sexual crimes committed against children in South Korea. Despite the severity of these cases, the level of punishment in some cases has been considerably low, due particularly to structural problems in Korean criminal law. After intense discussions, the Parliament of Korea eventually passed radical amendments in criminal law and special laws related to sexual crimes. In this seminar Judge Park shared how the focus of such amendments concentrated on reinforcing punishment and devising new security measures, and that the aim behind supporting current reform is the separation and rehabilitation of offenders. He also showed that to achieve these goals, the cooperation of legal experts, psychiatrists, psychologists and other forms of social integration is crucial.

**Hyungsoon Park** is a judge of the Seoul High Court in South Korea and is a visiting judge of the Asian Law Centre, Melbourne Law School. He graduated from Seoul National University, majoring in Law. Judge Park passed the Bar in 1995, graduating from the Judicial Research Training Institute of the Supreme Court of Korea in 1998 and has been a judge since 2001.



## 'BROWN BAG' SEMINARS

24 August, 2011

### Collective Labour Dispute Resolution in Vietnam: The Proposed Legal Reform

The increase and prevalence of wildcat strikes in Vietnam indicates that the legal framework for collective labour dispute resolution is not effective in practice. Although Vietnam revised this framework thoroughly in 2006, the situation remains unchanged. The National Assembly (Parliament) is now considering revising the law to improve the effectiveness of collective labour dispute resolution. This presentation questioned whether, and to what extent, the proposed laws set out in the draft Labour Code can tackle the problem of wildcat strikes, and aimed to show that the impact of the proposed legal reform will be limited.

**Hai Ha Do** graduated with an LLB from the Hanoi University of Law in 2001 and later, an LLB from the University of Melbourne. For further information, see Asian Law Centre Staff - Research Assistants, above.



7 September, 2011

### Indonesia's Islamic Educational Institutions and Radicalism amongst the Muslim Youth (with Centre for Islamic Law and Society)

Indonesian authorities have recently arrested a number of students affiliated with the State Islamic University (UIN) Jakarta, for involvement in terrorist activities. Many have also been found to be followers or sympathisers of NII (Negara Islam Indonesia), a

hard-line Muslim group seeking to create an Indonesian Islamic state. This development shocked academics at UIN, along with many other Indonesians and international observers as well. This is because UIN Jakarta (previously IAIN) is known for its pluralist and moderate Islamic teachings. Many leading moderate Indonesian Muslim thinkers are graduates of UIN. This presentation tried to answer the question of whether Islamic higher educational institutions, in particular UIN Jakarta, have become hotbeds for religious extremism and conservatism. In trying to answer this, Dina examined how conservative and radical understandings of Islam penetrate campus life. Dina also discussed whether this development is in line with the larger socio-religious changes within Indonesia's Muslim society, which many see as moving towards a more conservative position. Finally, this presentation showed how authorities at UIN Jakarta and the Ministry of Religion seek to address radicalism. Obviously, radical and conservative understandings of Islam will not only hamper Indonesia's reputation for being a moderate Muslim country, but could also potentially destabilise Indonesia's relations with neighbouring countries, such as Australia.



**Dr Dina Afrianty** completed her PhD at the University of Melbourne in 2010. For further information, see 'Brown Bag' Seminar Series - 27 May, 2009.

5 October, 2011

### Islamisation, the Law and Governance in Indonesia's Public Sphere: Muslim Religious Orientations and Support for Democracy (with Centre for Islamic Law and Society)

The Indonesian public sphere has undergone Islamisation, particularly since the end of Soeharto's New Order. This can be seen in a wide variety of areas, such as the flourishing of sharia-influenced provincial regulations, the increase of Islamic political parties, the appearance of new Islamist organisations, the growth of Islamic schools, the increasingly widespread use of jilbab and the production of Islam-inspired films. In this presentation, Amelia argued that this Islamisation does not affect the majority support for democracy, which includes Muslims with an Islamist orientation, even though Islamisation has influenced their knowledge, opinions, ritual practices and despite their use of Islamic symbols in public. This argument is based on the findings of a public survey held in 2010, which involved 1500 Muslim respondents in 10 provinces of Indonesia. Social, political and economic issues were not central to their religious beliefs, making the effect of Islamisation insignificant in these fields. The main issues concerning Islamisation in the public sphere are faith, worship, morals and family law, where Islamist campaigns received public support. Islamist Muslims are now estimated at 20 per cent of the Indonesian population – a figure which should not be ignored.

**Dr Amelia Fauzia** is a visiting fellow at the school of Humanities and Social Sciences of the University of New South Wales@ADFA in Canberra and lecturer at the State Islamic University Syarif Hidayatullah Jakarta. For further information, see 'Brown Bag' Seminar Series - 5 August, 2008.

29 November, 2011

### Living in Limbo: Muslim Asylum-Seekers Stuck in Indonesia (with Centre for Islamic Law and Society)

Over the last decade, Indonesia has become a transit destination for refugees and asylum seekers from war-torn countries in Asia, especially from Iraq and Afghanistan, but also from Sri Lanka. Although most do not intend to remain in Indonesia for long, onward migration turns out to be extremely difficult for them, and their stay in Indonesia ends up being protracted. This is not only because 'legal' resettlement options are scarce, but also because Australia's intensified border protection prevents them from self-organised onward migration. As Indonesia is not a signatory of the 1951 Refugee Convention, asylum seekers and refugees are not given any formal protection. Yet, Indonesia has thus far tolerated their presence and applications for resettlement through the United Nations High Commissioner for Refugees (UNHCR) are permitted. Waiting to be resettled in a safe, third country can take years but seeking employment is illegal. This seminar shed light on the daily living arrangements and difficulties faced by refugees and asylum seekers living at the end of the line.

**Dr Antje Missbach** obtained her PhD from the Australian National University in Canberra. For further information, see Asian Law Centre Staff - McKenzie Postdoctoral Fellow, above.



2012

8 February, 2012

### The Derivative Action in Asia: An Inconvenient Truth (with Centre for Corporate Law and Securities Regulation)

Dr Puchniak presented major findings from his forthcoming co-edited and co-authored book, *The Derivative Action in Asia: A Comparative and Functional Approach* (Cambridge University Press). He explained how the derivative action in Asia provides a useful lens for re-evaluating several of the foundational theories in "Asian" and comparative corporate law. Using this lens, he argued that the cultural theory of "Asian non-litigiousness" should be relegated to the dustbin of academic history and that three important universal theories in comparative corporate law (common law superiority, economic rationality and convergence) are fundamentally flawed. Ultimately, Dr. Puchniak suggested that "Asian" and comparative corporate law should replace its lust for grand universal theories with a quest for understanding, rather than avoiding, the complex reality that is necessary to accurately understand this burgeoning field of scholarship.



**Dr Dan W. Puchniak** is an Assistant Professor at the National University of Singapore specializing in company law with an emphasis on comparative corporate law in Asia—particularly Japan and Singapore. He has published widely on comparative, Japanese and Singapore corporate law and governance and is regularly invited to present his scholarship and lecture at leading law schools in Japan, South Korea, China, Mongolia, Australia, Canada and the US. Dan's recent paper on shareholder litigation in Japan was selected for presentation at the 2010 Harvard-Stanford International Junior Faculty Forum. He was also a recipient of the 2010 National University of Singapore Annual Teaching Excellence Award. Dan was the ASEAN Convener for the Australian Network for Japanese Law and a member of the Editorial Board for the Max Planck Institute's *Journal of Japanese Law*. Prior to entering academia, Dan worked as a corporate commercial litigator at Torys LLP in Toronto, Canada.

13 February 2012

### Saiban-in Seido in Japan

Professor Anderson presented on the background and structure of the new *saiban-in* system which was introduced into the Japanese courts for serious criminal cases in 2009. This resulted from the recommendations of the Justice System Reform Council published in 2001. Professor Anderson analysed the process and drivers of the reforms and the new legislation. He also considered the reaction of the courts and the future impact of the new system.

**Professor Kent Anderson** was appointed to Pro Vice-Chancellor (international) at the University of Adelaide. For further information, see Asian Law Centre Associates, above.



## 'BROWN BAG' SEMINARS

15 February 2012

### Family Law in Japan

Justice Kiyoko Okabe has extensive experience working as both an assistant judge and judge in family courts in Japan. She drew on this wealth of experience to explain the state of family law in Japan. Justice Okabe gave an overview of Family Law in Japan beginning with the Civil Code, which was adopted in the 1870s, providing a brief history of the Civil Code including inheritance laws and revisions in family law leading up to the 1996 establishment of the Family Court Dispute System. She further discussed recent developments in Family Law Reform in Japan.



**Justice Kiyoko Okabe** graduated from Keio University with a law degree in 1971. She continued with her studies and was granted a Masters of Law from the same university in 1974. After finishing her articles, Justice Okabe practiced as an assistant judge between 1976 and 1985 in various family and district courts in Japan. She was appointed as a judge in 1986 and worked in the Oita District/Family and Tokyo Family Courts until 1993, when she was admitted to the bar and took up practice in Tokyo. Between 1997 and 2008, Justice Okabe taught in the undergraduate and graduate law schools at Toyo University and Keio University. She has also served on several industrial relations committees as well as being a member of the Advisory Committee on Rules of Family Affairs of the Supreme Court in 2003. Justice Okabe was appointed to the Supreme Court of Japan on 12 April 2010.

7 March 2012

### Pragmatic Resistance, Law, and Social Movements: The Case of Gay Collective Action in Singapore

This paper departed from law and social movements' rights-centric approach to analyze how law matters to social movements in states that are not Western liberal democracies, drawing from a qualitative case study of Singapore's gay movement. In Singapore, gay activists avoid explicitly exercising or demanding for rights, but mobilize with "pragmatic resistance." Extended from James C. Scott's individual, everyday resistance to a collective context, and built on the concept of "strategic adaptation" in social movement studies, pragmatic resistance balances movement survival with its advancement, avoids confronting formal institutions, and usually targets gains outside formal law. Law matters not only as oppression by curtailing rights and delegitimizing dissent, but also as a resource remade through pragmatic resistance's contestation with repressive law. Further, law matters as trade-off: this strategy accepts reifying the formal order in exchange for immediate, informal gains. Intersecting law and social movements, and social movement studies, this article highlighted how a rights-centric approach toward law and social movements cannot fully capture efforts toward social change in societies outside the Western liberal democratic model.

**Dr Lynette Chua** began teaching at the National University of Singapore, Faculty of Law, in August 2011, having completed her PhD studies in Jurisprudence & Social Policy at the University of California, Berkeley. At NUS Law, Lynette teaches Sociology of Law and Public Law courses. Her research takes a socio-legal, interdisciplinary approach, and focuses on the intersections of law and social movements, and law and social change. She produced a book manuscript based on her dissertation project, *How does law matter to social movements? A case study of gay activism in Singapore*. This was a qualitative, empirical study that received funding from the U.S. National Science Foundation and the New York-based Social Science Research Council's International Dissertation Research Fellowship. She also plans to expand the study to other Asian sites of mobilisation.

2 May 2012

### Establishing a Carbon Trading Program in China Through Regional Experimentation: Challenges And Prospects

The emerging role of a carbon emissions trading program in China is one of a polycentric and fragmented set of measures to reduce carbon emissions. As a remedy to the ineffective and costly command and control measures, carbon emissions trading is expected to provide a whole new set of institutions accommodating multiple stakeholders and market players to reduce emissions efficiently and cost-effectively. An overview of national policy, regional regulatory and institutional context of establishing carbon trading program highlights the fast progress of the national policy and regional actions in the climate mitigation regime. Examination of the complex and varied policies in the area has exhibited a strong, clear central vision of the need to gradually establish a national carbon trading market, which will be implemented through regional experimentations. This presentation uncovered the major challenges of establishing a carbon emissions trading program in regional areas, and examined the prospects of crafting a national program through experimentation as a possible path in the future.

**Hao Zhang** is a PhD candidate at the Centre for Resources, Energy and Environmental Law and Asian Law Centre at Melbourne Law School. For further information, see Asian Law Centre Staff - Research Assistants, above.





**7 August 2012****What Comes After “Law and Development”? Why 1970s Law and Development Recast as the Rule of Law since the 1990s Doesn’t Work in an Islamic Setting**

Can law be employed to shape behavior as a form of social engineering, or must social behavior change first, relegating legal change to follow as form of ratification or reinforcement of changed behavior? In June 2012, Associate Professor Linnan published an edited Ashgate volume entitled *Legitimacy, Legal Development & Change: Law and Modernization Reconsidered*. It addressed this legal change question. In this seminar, David presented material from his narrative introduction and theory chapter. He offered three Indonesia-focused chapters as examples of the issues involved. The underlying question was, does changing law formally (versus changing behavior) in fact work empirically, and if so, how? He explored these questions in the developing country context but the answers may be equally relevant for domestic legal change.

**David K. Linnan** is a scholar of comparative, economic and public international law with a special interest in Asian law. For further information, see Asian Law Centre Associates, above.

**13 August, 2012****Responding to the '97 Asian Financial Crisis: The Development of Insolvency Infrastructures in China, Japan and Hong Kong (with Centre for Corporate Law and Securities Regulation)**

In the aftermath of the '97 Asian financial crisis, attention turned to the need for insolvency law reform throughout the region. Other responses included self-help by creditors, the use of out-of-court workouts and administrative reforms for those jurisdictions with systemic bank failure. The extent to which these responses proved successful depended in great part on the existence of supporting factors and conditions (for example, competent judges and professionals and good corporate governance) and the ability of countries to establish the necessary insolvency infrastructures. This talk compared the approaches of China, Japan and Hong Kong and considered the extent to which these three jurisdictions have appropriate infrastructures in place.



**Professor Charles Booth**, who spoke at this event, is a Professor of Law and Director of the Institute of Asian-Pacific Business Law at the William S. Richardson School of Law at the University of Hawai'i at Manoa and a member of the Center for Chinese Studies. He taught at the Richardson School of Law from 1986-89 and in the Faculty of Law at the University of Hong Kong from 1989 to 2005. His publications include *A Global View of Business Insolvency Systems* (co-authored, 2010) and *The 2006 PRC Enterprise Bankruptcy Law: The Wait is Finally Over* (2008).

**29 August, 2012****Faith and Freedom in Indonesian Law: Religion and the Democratic State (with Centre for Islamic Law and Society)**

Indonesian law is increasingly accommodating toward Islam as the legal sphere yields to the insistent pressure of piety in the public sphere. Despite the longstanding view that the state is 'neither secular nor religious' this relationship between state, law and faith may no longer best describe the Indonesian experience. While there is no state religion, the legal framework makes numerous concessions to Islam. Moreover there has been a longstanding debate about the extent to which law in this pluralist nation should reflect the majority faith. These debates are not only seen in politics but also in legal scholarship. In addition, the Constitutional Court is contributing its voice to the debate about how the constitution promotes both faith and religious freedom, among other human rights.

**Stewart Fenwick** is a PhD candidate at the Asian Law Centre. For further information, see Asian Law Centre Associates, above.



## 'BROWN BAG' SEMINARS

1 October 2012

### Key Differences between the Australian and Korean Jury Systems - The Korean “Citizen Participation Trial” System

Prosecutor Jeong Hyun Hwang discussed key differences between the Australian and Korean jury systems, that is, the Korean “citizen participation trial”. In 2008, South Korea adopted a jury system. At the time of enacting the law, there was a concern regarding the competence of jurors in complex cases and examining evidence. Prosecutor Hwang considered this and other issues, as well as explaining the process involved in using the Korean jury system, and suggested some solutions which may be useful in the context of the Australian jury system.

**Mr Jeong Hyun Hwang** has been a public prosecutor at the Seoul Eastern District Prosecutors' Office since 2004 and specializes in public security and the Korean jury system. He is one of South Korea's most experienced prosecutors when it comes to trials by jury in Korea and was invited to teach newly appointed public prosecutors about the new system. In 2006, he prosecuted a mayor for bribery scandals, and in 2008 prosecuted a number of public enterprises, including the KOGAS case, which led to an important public debate about the freedom of labour movement and its limits in Korean society.



23 October 2012

### Reform in Myanmar: What is Happening, and Why

After decades of dictatorship the once-pariah state of Myanmar has embarked on its long-awaited transition to a democracy. The legal and political landscape has changed and Myanmar has opened its doors to the world. Many have been surprised by these changes, which raise many questions. What is happening, and why? Is there still a danger that things will 'go back'? These issues were explored against the backdrop of the current legal and political context.

**Eugene Quah** is a law graduate of the University of New South Wales who lives in Yangon, Myanmar, where he has established a successful business and works as a legal consultant with civil society, government officials, members of Parliament, lawyers and all major political parties. His interests include Myanmar law, human rights, the rule of law and legal education.

7 November 2012

### Cracking the Hardest Nut of All: Reform of Re-education through Labour (with China Law Network)

Re-education through labour has gained China unwelcome notoriety as a form of arbitrary detention, both on the international stage and within China. Over many years, popular and official opinion has coalesced around the need for dramatic reforms to this power. The problem is that it has been difficult to agree precisely what those reforms should be. In this talk, Professor Chen Ruihua discussed the problem of reforming re-education through labour. Professor Chen shared his unique insights into the history, development, and uses and abuses of this police detention power. He discussed ongoing negotiations to shape reforms that can be accepted by all parties to the debate about the fate of re-education through labour.

**Chen Ruihua** is a Professor of Law at Peking University Law School. His research focuses on criminal justice and, in particular, comparative criminal procedures, the law of evidence, procedural jurisprudence and juvenile justice. He has published numerous books and articles on main Chinese academic journals. In 2010, Professor Chen was specially-appointed Professor in the “Chanjiang Scholar Award Scheme” and in 2004, he was selected as one of the ‘Top Ten Excellent Young Jurists’ in China. He is a serving member of the Advisory Consultant Committee of China's Supreme People's Procuratorate and of the Lawyer Notarization Advisory Consultant Committee of the Department of Justice. He serves also as legal consultant to the Lawyers Rights Committee of the All China Lawyers Association.

## Asian Legal Dialogues

The establishment of a seminar series presented only in Asian languages is an important initiative of the Asian Law Centre. This is a unique forum for regional scholars to discuss important legal issues in their own language, and is well attended by local ethnic communities. It also reflects the Asian Law Centre's emphasis on language skills as a key tool for research and teaching.

### 2008

19 February, 2008

#### A Japanese Judge's Life (in Japanese)

Once you become a lawyer and start your legal career, a whole new world will be awaiting you. Suddenly you will shift your position from being "a questioner" to "an answerer". Many people, including those much older than you, will ask you all kinds of questions. The daily life of recently-appointed Judges is full of surprises. Judge Hagiwara spoke about the beginning of his career, while also introducing his experience as a legal apprentice.

**Judge Takamoto Hagiwara** is the fifth Visiting Research Scholar at the Melbourne Law School on the Supreme Court of Japan's Overseas Training and Research Program (June 2007-June 2008). Judge Hagiwara graduated with a Master of Laws from the Hokkaido University Graduate School. He has three years of experience as a Judge in Japan and has dealt with a range of civil cases including medical malpractice.

15 May, 2008

#### Recent Efforts to Reform China's Criminal Procedure Law: Progress and Stumbling Blocks (in Chinese)

Revisions to China's Criminal Procedure Law in 1996 were hailed as a great advance in promoting the rule of law and bringing China's criminal procedure more closely into line with international standards. It introduced a more adversarial trial system and promised that criminal suspects would have greater access to legal counsel. Many hoped it would lead to greater protection of the rights of criminal defendants, while maintaining the power of the Chinese state to prosecute and punish crime. However, these goals have not been realised in practice, and a number of serious deficiencies in the law have been identified, requiring redress. Further revisions to the Criminal Procedure Law have been underway for the last five years and it was hoped that the revised legislation would be ready to present to the Standing Committee of the National People's Congress in October 2007. Due to a number of differences between stakeholders, a final draft could not be agreed and finalised. Work on drafting revisions to the

Law continues. Professor Fan discussed the main problems with the current Criminal Procedure Law and proposed amendments to the law to address those problems. He discussed the areas of disagreement about proposed legislative solutions and efforts currently underway to finalise amendments to the Criminal Procedure Law.



**Professor Fan Chongyi** was the recent Head of the Procedural Law Research Institute in the China University of Political Science and is currently the Honorary Director of that Institute. He was part of the small group responsible for drafting revisions to the Chinese Criminal Procedure Law in 1996 and has been heavily involved in the current round of criminal procedure reforms. Professor Fan has a long and distinguished career teaching and researching criminal procedure law topics and is an active PhD supervisor. He holds many senior advisory posts in organisations including the Police Association of China; Criminal Procedure Research Association, China Law Society, and the Consultative Committee of the Supreme People's Procuratorate of the People's Republic of China.

# ASIAN LEGAL DIALOGUES

2 June, 2008

## Jaringan Islam Liberal (JIL): Its Anatomy and Legal Thinking (in Bahasa Indonesia)

This seminar examined the new Islamic liberalism movement initiated by Jaringan Islam Liberal (JIL, Liberal Islam Network), and a continuation of the liberal thinking of predecessors such as Harun Nasution, Nurcholish Madjid, etc. It described the origin and structure of the Islamic liberalism movement. It then examined the basis of JIL's legal thought and the methodology by which it tries to establish new Islamic legal thought. For this purpose, several references were explored, including *Menalar Firman Tuhan* (trans. *Al-Ittijah al-Aqli fi Al-Tafsir*) by Nashr Hamid Abu Zayd; *Islamic Perspectives on the New Millenium* by Virginia M. Hooker; *Islamic Liberalism: A Critique of Development Ideologies* by Leonard Binder; and *Liberal Islam: A Sourcebook* edited by Charles Kurzman.

**Hamid Chalid** completed his undergraduate degree in Law at the University of Indonesia. He also holds a LL.M. degree from the Melbourne Law School at the University of Melbourne (1998). He is now completing his PhD thesis on "Rights to Water", which includes an Islamic legal perspective on this issue. Hamid has been teaching "The State in Islamic Legal Perspective" for over 10 years in the Faculty of Law, University of Indonesia. He also holds positions as Chairman of the Executive Board of the Indonesian Society for Transparency (MTI), Chairman of PT Imperial Education Indonesia (2005-) and is Permanent Advisor to the Al Azhar Syifa Budi Islamic Schools (2006-). In 2003, Hamid founded Falsafatuna (an Institute of Philosophy and Islamic Studies) with Professor Dr. Abdul Munir Mul Khan (Sunan Kalijaga State Islamic University (UIN), Yogyakarta).



2009

10 February 2009

## A Judge's Work (in Japanese)

An Assistant Judge's work is not limited to writing drafts of judgments. Once appointed, an Assistant Judge has a much wider range of responsibilities and quite broad authority, particularly because they deal with cases by themselves. Drawing on his own experiences, Judge Shiraishi spoke about the work of Assistant Judges in Japan and his own attraction to the profession.

**Judge Atsushi Shiraishi** was the sixth Visiting Research Scholar to visit the Melbourne Law School as part of the Supreme Court of Japan's Overseas Training and Research Program. Judge Shiraishi graduated with a Bachelor of Law from Chuo University. He has eight years experience as a Judge in Japan and has dealt with civil, criminal and juvenile cases.

13 March 2009

## Conversation with Jimly Asshiddiqie (in Bahasa Indonesia)

As part of his visit to Melbourne, Professor Dr Jimly Asshiddiqie delivered a lecture in Indonesian on the rule of law in Indonesia and discussed current political issues in a lengthy question and answer session with the audience.

**Professor Dr Jimly Asshiddiqie**, former Chief Justice, Constitutional Court of the Republic of Indonesia. For further information, see Attorney-General's Department Occasional Seminar on 11 March, 2009.

1 April 2009

## Dealing with Drug Addicts, Sex Workers and Minor Offenders: Debates about Reforming the Administrative Powers of the Chinese Police (in Chinese)

As the development of China's legal system progresses, the legal basis upon which these powers are exercised came into question. There were increasingly urgent calls, both within China and overseas, for either dramatic reform of police administrative powers or even the abolition of some of the most controversial of their detention powers. The debates about reform of police administrative detention powers touch upon issues central to notions of state power and its limits, and the ways in which concepts of justice are being embodied in the Chinese legal system.

**Xie Chuanyu** is Associate Professor in the Social Order Department of the Chinese People's Public Security University. She is one of the leading scholars on the administrative powers of the Chinese police to deal with public order offences. These powers range from issuing a warning or a fine, to imposing administrative detention for up to three years. A/Prof Xie has written extensively on the powers of the Chinese police to impose administrative detention on drug addicts, sex workers and minor offenders amongst others. She visited the Asian Law Centre to conduct research into the ways in which the Victorian justice system addresses similar types of issues.

7 May 2009

**Islam and Religious Minorities in Post-Reformasi Indonesia (in Bahasa Indonesia) (with Centre for Islamic Law and Society)**

A discussion in Bahasa Indonesia with three Indonesian Muslim writers, thinkers and community leaders who were in Melbourne under the Australia Indonesia Institute's Muslim Leaders Exchange Program. The panellists discussed the legal, political and social challenges facing Indonesia's religious minorities in the post-Reformasi era. The role of Pancasila as the state legal framework, the stances of the mainstream Islamic organisations, and Indonesian society in general, were also covered.

**Mr Dede Syarif** is a member of Muhammadiyah's Community Empowerment Division in West Java. He lectures in the Faculty of Sociology at Sunan Gunung Djati State Islamic University, Bandung, and writes in the major West Javanese daily *Pikiran Rakyat*. He is also an *ustadz* (Islamic teacher) and preacher. Dede has conducted research and written about *aliran sesat* (heterodox Islamic groups) in West Java.

**Mr Samsul Ma'arif Mujiharto** lectures in philosophy at both Gadjah Mada University and the Sunan Kalijaga State Islamic University in Yogyakarta. He also lectures in the philosophy of science and the philosophy of Pancasila, Indonesia's state ideology. He has studied Muslim perspectives on science and evolution and is leader of a major Islamic boarding school foundation in Blitar, East Java.

**Mr Lalu Ahmad Zaenuri** is from the eastern island of Lombok, where he is a leader in the island's largest *pesantren* (Islamic boarding school). He is also a lecturer in the faculty of Dakwah and Communication at Mataram University, and is completing his PhD in Dakwah and Communications at the Syarif Hidayatullah State Islamic University, Jakarta, studying the Ahmadiyah sect. He has also researched Lombok's Wetu Telu sect.

11 June 2009

**Public Religion and Intergenerational Change in Indonesia: A Snapshot of Current Developments (in Bahasa Indonesia)**

A discussion in Bahasa Indonesia with three Indonesian Muslim writers, thinkers and community leaders who were in Melbourne under the Australia Indonesia Institute's Muslim Leaders Exchange Program. The panellists spoke briefly on current issues in Indonesia relating to religion in public life with a focus on intergenerational change. They discussed topics including the role of young Muslim intellectuals, leadership transitions in Islamic organisations, and the prospects for religion in public life in modern democratic Indonesia.

**Mr Muhammad Hasan Bari** is from Yogyakarta and is Program Manager at the Centre for Fiqh and Society Studies. He is also a researcher at Gadjah Mada University (Centre for Religious and Cross-Cultural Studies) and teaches at Pondok Pesantren Annuqayah Guluk-Guluk, a major Islamic school on the island of Madura.

**Mr Muhammad Subhan Setowara** is a lecturer at the Muhammadiyah University of Kupang, East Nusa Tenggara (a majority Christian area). Subhan lectures in political science and Islamic studies to a majority Christian student population, and has insights to share from that perspective. He is also a prolific writer in Indonesian newspapers and a member of the Young Muhammadiyah Intellectuals Network (JIMM).

**Mr Cucu Surahman** is a researcher at the Indonesian Survey Institute (LSI) and the Centre for the Study of Islam and Society (PPIM) at the State Islamic University of Jakarta. Cucu has researched sufism and Islamic mysticism and is a preacher and teacher in his local community in Ciamis, West Java.



# ASIAN LEGAL DIALOGUES

## 2010

11 February 2010

### A Judge's Work (in Japanese)

An Associate Judge's work is not limited to writing drafts of judgments. Once appointed, an Associate Judge has a much wider range of responsibilities and quite broad authority, particularly when they deal with some cases by themselves. Drawing on his own experiences, Judge Abe spoke about the beginning of his career, whilst also introducing his experience as a legal apprentice.

**Judge Toshiyuki Abe** was the seventh Visiting Research Scholar to visit the Melbourne Law School as part of the Supreme Court of Japan's Overseas Training and Research Program. He graduated from Keio University and has served with the Yokohama District Court since his appointment as an associate judge in October 2006. He has a strong interest in medical malpractice litigation. While based at Melbourne Law School, Judge Abe pursued this interest, focusing on the use of medical experts in malpractice cases in Australian courts, and alternative dispute resolution in this area of law.



20 April 2010

### NGOs, Women and Islam in Indonesia (in Bahasa Indonesia)

10 tahun reformasi Indonesia telah melahirkan situasi demokrasi yang semakin kuat. Salah satu fenomena yang penting dicatat adalah munculnya gerakan perempuan menuntut kesetaraan dan keadilan. Tuntutan mereka kemudian melahirkan berbagai kebijakan public/politik yang kondusif bagi perempuan. Akan tetapi dalam waktu yang sama demokrasi tersebut juga memunculkan paradoksnya sendiri. Gerakan fundamentalisme dan radikalisme agama juga muncul secara fenomenal. Kelompok ini menjadi tantangan paling besar bagi gerakan kaum perempuan. Kini dua pihak yang berseberangan itu sedang berjuang keras untuk merebut ruang Negara. Pertanyaan krusial kita adalah bagaimana wajah masa depan Indonesia?. Apakah perjuangan kaum perempuan Indonesia akan memenangkan kontestasi tersebut? Setelah rezim otoriter Orde Baru tumbang pada 1998, NGO di Indonesia bermunculan hampir di setiap daerah. Menariknya, banyak NGO didirikan oleh komunitas Muslim dan menggunakan label Islam atau mengusung isu keislaman. Menjamurnya NGO-Islam ini bersamaan dengan bergulirnya isu reformasi, demokrasi, penegakan hak asasi manusia, dan sekaligus maraknya partai politik Islam yang memunculkan kembali perjuangan formalisasi Syari'at Islam ke dalam tubuh negara. Presentasi ini hendak mendiskusikan apa motif kemunculan NGOs-Islam paska Orde Baru, dengan siapa mereka berkolaborasi dan berhadap-hadapan, dan isu apa yang mereka perjuangkan. Penjelasan ini hendak menjawab: sejauhmana hubungan demokrasi, Islam, dan NGO di Indonesia paska kejatuhan rezim Orde Baru.



**Kyai Husein** adalah Ketua Dewan Pembina Yayasan Fahmina dan Ketua Dewan Kebijakan Fahmina-institute, memiliki perhatian pada kajian Islam dan gender, hukum Islam, dan tafsir al-Qur'an yang humanis dan adil gender. Selain di Fahmina, Kyai Husein—suami dari Lilik Nihayah Fuady—aktif sebagai salah seorang Pengasuh Pondok Pesantren Dâr al-Tauhîd Arjawinangun Cirebon, Komisioner Komnas Perempuan Jakarta, dan dosen ISIF (Institut Studi Islam Fahmina) Cirebon. Kyai Husein dikenal luas sebagai "kyai gender," aktif sebagai narasumber dalam berbagai pelatihan, lokakarya, dan seminar, baik nasional maupun internasional. Kyai Husain juga pernah menerima penghargaan dari Bupati Kabupaten Cirebon sebagai Tokoh Penggerak, Pembina, dan Pelaku Pembangunan Pemberdayaan Perempuan (2003), dan Penghargaan Award for Heroisme dari Pemerintah AS untuk "Heroes Acting To End Modern-Day Slavery" (Trafficking in Person) (2006). Kyai Husein aktif juga menulis buku, modul, dan artikel di jurnal dan koran lokal dan nasional.

**Marzuki Wahid** adalah Sekretaris Pengurus Yayasan Fahmina dan Direktur Fahmina-institute, memiliki perhatian pada kajian Islam dan gender, politik hukum, dan hukum keluarga Islam yang humanis dan adil gender. Selain bekerja di Fahmina, Kang Zekky aktif menjadi dosen UIN Sunan Gunung Djati Bandung dan ISIF Cirebon. Selama setahun (2008-2009), Kang Zekky memperoleh scholarship untuk menulis Disertasi di Department of Political and Social Change, RSPAS, ANU Canberra Australia. Kang Zekky aktif sebagai narasumber dan fasilitator dalam berbagai pelatihan, lokakarya, dan seminar, terutama isu Islam dan gender, dan participatory action research (PAR). Kang Zekky aktif juga menulis buku, modul, dan artikel di jurnal ilmiah dan koran lokal dan nasional.

**6 September 2010****Korea's Labor Laws: General Explanation & Current Labor Issues in Korea (in Korean)**

Korea's labour laws can be divided into two categories: individual labour relations laws, such as the Labour Standards Act, and the Employee Retirement Benefit Security Act; and collective labour relations laws, such as the Trade Union and Labour Relations Adjustment Act, and the Act on the Promotion of Worker Participation and Cooperation. There is an independent quasi-judicial body in Korea for the remedy of employees' rights, the Labour Relations Commission. Industry-wide collective bargaining is increasing in Korea and its process has been shown to be very meaningful. 2010 might see a turning point in the history of union activities, because the 'Time-off System' will apply to all full-time union officers from 1 July 2010.

**Kyung Soo Yun** is a labour attorney in Korea and a member of the Certified Public Labour Attorneys Association of Korea. He holds a Master's degree from University of Inha. He was involved in the process of industry-wide collective bargaining and labour-management consulting. He is also a former Counsellor in the National Human Rights Commission of Korea.

**8 September 2010****Controlling Financial (White-Collar) Crime in China: The Role of Criminal Penalty (in Chinese)**

One of the important characteristics of Chinese legal culture is severe punishment of crime. In controlling financial crime, strict laws and heavy penalties apply but are also factors that bring about confusion. This seminar addressed the following issues: 1. the current situation of financial crime; 2. the main problems faced in controlling financial crime; and 3. possibilities of reducing criminal penalties in practice.

**Dr Yuqiong Deng** is a research assistant at the Asian Law Centre. For further information, see Asian Law Centre Staff - Research Assistants, above.

**2011****9 February 2011****The Life of a Judge in Japan (in Japanese)**

Judge Ueno's work is not limited to writing drafts of judgments. Once appointed, a Judge has a much wider range of responsibilities and quite broad authority, particularly when they deal with some cases by themselves. Drawing on his own experiences, Judge Ueno spoke about the beginning of his career, whilst also introducing his experience as a legal apprentice.

**Judge Gen Ueno** visited as part of the Supreme Court of Japan's Overseas Training and Research Program. He graduated from the University of Osaka and was appointed as a judge in 2001. He previously served at the Fukuoka District Court and the Osaka District and Family Court.

**5 April 2011****The Problem of Electing or Appointing the Head of the Special Area of Yogyakarta seen from a Constitutional Perspective (in Bahasa Indonesia)**

This presentation examined the legal problems relating to the claims of the Sultan of Yogyakarta to formal governmental authority in Central Java.

**Professor Dr Iur Adnan Buyung Nasution** is widely regarded as Indonesia's leading advocate and trial lawyer. For further information, see Asian Law Centre Honorary Fellows, above.

**2012****21 February 2012****The Life of a Judge in Japan (in Japanese)**

Judges in Japan are unfamiliar even to citizens of Japan, who are basically unaware of what it is like to be a judge. In this seminar, Judge Taniike spoke about how one may be appointed as a judge, the beginning of his own career, his lifestyle, and the value and burdens of the job. The presentation was based on his personal experiences.

**Judge Atsuyuki Taniike** visited as part of the Supreme Court of Japan's Overseas Training and Research Program. He graduated from the University of Tokyo and was appointed as a judge in 2008. He is currently a judge at the Tokyo District Court.

## CONTINUING LEGAL EDUCATION

## Continuing Legal Education Seminar Series/Professional Development Strategy Seminar Series: Transactional Law Initiative



The Professional Development Strategy was adopted by the Asian Law Centre (ALC) in 2008 for the purpose of maintaining and developing its relationship with the legal profession. It accommodates a need identified by law firms and the profession for specialist training in Asian commercial law and legal practice, which can form part of the Continuing Professional Development (CPD) programme.

Since November 2011, the Professional Development Strategy has been pursued under the auspices of the Transactional Law Initiative (TLI), of which Andrew Godwin is the Director. Asia-related events that are organised by the Transactional Law Initiative are co-hosted with the Asian Law Centre as part of the Professional Development Strategy and marketed through its email distribution list.

The primary aim of the TLI is to help students understand:

- the relevance of legal principles and concepts in a transactional context;
- the role that transactional lawyers perform and the challenges that arise in performing that role; and
- the theory behind the skills that transactional lawyers need to develop, including drafting, advisory and negotiation skills, in order to perform their role effectively.

The secondary aim of TLI is to develop a further platform on which Melbourne Law School can engage with the legal profession

### 2008

- CPD Presentation to **Clayton Utz** on 21 October 2008 on Issues in Cross Cultural Communications

### 2009

- Presentation at the **Asian Law Centre** on 'Foreign Lawyers in Asia: Developments in Market Access with a Specific Focus on China'
- Presentation to **Clayton Utz** on Issues in Cross Cultural Communications
- Presentation at the **Confucius Institute** on 'Negotiating with Asian Counterparties with a Specific Focus on China'
- 1 December 2009: briefing the Executive Committee of the **MMG Group (Minerals and Metals Group)** on 'Building and Developing Relationships with Chinese Counterparties – A Lawyer's Perspective', at the request of the Confucius Institute, on 1 December 2009

### 2010

- Presentation to MLS alumni and lawyers at **Mallesons** on "The Liberalisation of Legal Services in Asia – Implications for China" (Hong Kong)
- Presentation to **European Chamber of Commerce in China, Australian Chamber of Commerce in China, The American Chamber of Commerce in China** and **The British Chamber of Commerce in China** on "The Liberalisation of Legal Services in Asia – Implications for China" (Beijing)
- Presentation to MLS alumni and lawyers at **Australian Embassy** on 'Legal Practice and the Great Fees Debate' (Beijing)
- Presentation to **Shanghai Bar Association** as part of its professional seminar programme: "Conflicts of Interest and International Trends" (Beijing)
- Presentation to MLS alumni and lawyers at **Linklaters Shanghai** on 'Legal Practice and the Great Fees Debate' (Shanghai)
- Presentation to MLS alumni and lawyers at **Thomas Philip** on "The Liberalisation of Legal Services in Asia – Implications for China", co-presented by George Varugese, Secretary of the Malaysian Bar Council (Kuala Lumpur)

- Speaker at The In-House Counsel Conference, hosted by **Leo Cussen Institute** on the topic 'Plain English Drafting in Contracts'
- Seminar entitled 'Doing Business in China: Using Cultural Understanding to Build Collaborative Business Relations', organised by the **Graduate School of Business & Economics** as part of its Diversity Week Seminars
- Presentation at inaugural Supreme Court conference on Asia: "Engaging the Asian Economies – Law & Practice", hosted by the Chief Justice and the commercial judges of the **Supreme Court of Victoria**
- Presentation at "Building a genuine bond - Australia and China in the 21st Century", hosted by the **Australia China Youth Association (ACYA)** as the Closing Ceremony for the Third Annual Chinese Cultural Festival

## 2011

- Speaking at 'Laying Foundations to Business Success in China' Seminar on topic "Strategies for Drafting and Negotiating Contracts with Chinese Counterparties", organised by **Legalwise Seminars**
- Presentation to MLS alumni and lawyers at **Mallesons** on "Update on the Proposed National System for the Regulation of the Legal Profession in Australia (including international developments) (Hong Kong)
- Presentation to MLS Alumni and lawyers at **Freshfields** on "Update on the Proposed National System for the Regulation of the Legal Profession in Australia"(including international developments) (Beijing)
- Presentation to lawyers and others members of the public on "Drafting contracts in a cross cultural context" organized by **China Business Law Journal** and **Thomson Reuters** (Beijing)
- Presentation to **European Chamber of Commerce in China, Australian Chamber of Commerce in China, The American Chamber of Commerce in China** and **The British Chamber of Commerce in China** on "International Developments in the Regulation and Structure of Law Firms ( including the introduction of limited liability partnerships in Hong Kong and alternative business structures in Australia and Hong Kong)" (Beijing)
- Presentation to lawyers and others members of the public on "Drafting contracts in a cross cultural context" organized by **China Business Law Journal** and **Thomson Reuters** (Shanghai)
- Presentation to MLS Alumni and lawyers at **Australian Consulate-General** on "Update on the Proposed National System for the Regulation of the Legal Profession in Australia"(including international developments) (Shanghai)
- Launch of the Transactional Law Initiative in Melbourne at Allens Arthur Robinson on 10 November 2011 and in Sydney at Allens Arthur Robinson on 15 November 2011 at a seminar entitled "Corporate Governance and Anti-bribery in Cross-border Transactions" – the event was supported by **Allens Arthur Robinson**, the **Australian Corporate Lawyers Association (ACLA)**, the **Centre for Corporate Law and Securities Regulation** and the **Asian Law Centre**

## 2012

- Presentation to **Law Institute of Victoria** Business Law Committee on "Bridging the Divide: Drafting and Negotiating Contracts in Cross-Border Transactions"
- Presentation to the **International Association of Commercial Contract Management** on "The Interface between Drafting and Negotiating Commercial Contracts"
- Presentation to the **Risk Doctor** on "Bridging the Divide: Drafting and Negotiating Contracts in Cross-Border Transactions"
- Presentation to **Allens** on "Bridging the Divide: Drafting and Negotiating Contracts in Cross-Border Transactions"
- Presentation at **Law Institute of Victoria** on 22 February on "Adding Value to the Drafting Process"
- Presentation to **Law Institute of Victoria** Young Lawyers Committee on 14 August 2012 on "Adding Value to the Drafting Process"
- Presentation to **Allens** on the evolution of Chinese company law and the ARC-funded Legal Origins Research Project.



## PROGRAMS & INITIATIVES

### Asian Law Centre Programs and Initiatives

#### The Malcolm DH Smith Memorial Scholarship



The Malcolm DH Smith Memorial Scholarship was launched in 2010 in tribute to Professor Smith, a leading international figure in Asian legal studies and the Founding Director of the Asian Law Centre at the University of Melbourne. This scholarship was initiated by members of the Asian Law Centre, with the support of Dr Rosalynd Smith, widow of Professor Smith.

The scholarship is designed to assist first-year Melbourne JD students who have completed an undergraduate law degree or a degree majoring in Asian studies at a tertiary institution in Australia or Asia.

Professor Smith [LLB (Hons) 1968, LLM 1972] is remembered for his exceptional contribution to Asian legal studies. He joined the Law School in 1987 as Foundation Professor of Asian Law, and was Associate Dean of the Faculty of Law in 1990-91 and 1997-99. In 2004 he was appointed a full-time professor of law at Chuo University in Tokyo, the first Australian to hold such a position.

Melbourne Law School expresses sincere appreciation to Dr Rosalynd Smith, and the many friends and colleagues of Professor Smith who have generously donated to the scholarship.

Recipients of the Malcolm DH Smith Memorial Scholarship include:

2010 – Mr Alistair Robertson

2011 – Mr Bryce Paterson

#### Chuo Summer School

Each year since 2005, the Asian Law Centre has hosted the Chuo Law School Melbourne Summer School. Chuo Law School is located in Tokyo Japan, and is one of Japan's most prestigious law schools. Chuo law students visit Melbourne Law School in February to study Australian law and attend seminars taught by Melbourne Law School lecturers on a variety of legal topics. The Chuo law students also learn outside the classroom by visiting Victorian legal institutions such as courts, Parliament and law firms.

The Summer School continues the relationship with Chuo Law School that was developed – and originally taught – by the late Professor Malcolm Smith, when he joined Chuo Law School as Professor of Law in 2004.

The Chuo Summer School is a popular annual program which provides a valuable opportunity for Japanese students to have an introduction to Australian law, practice their English and foster the strong relationship between the Melbourne Law School and Chuo University.

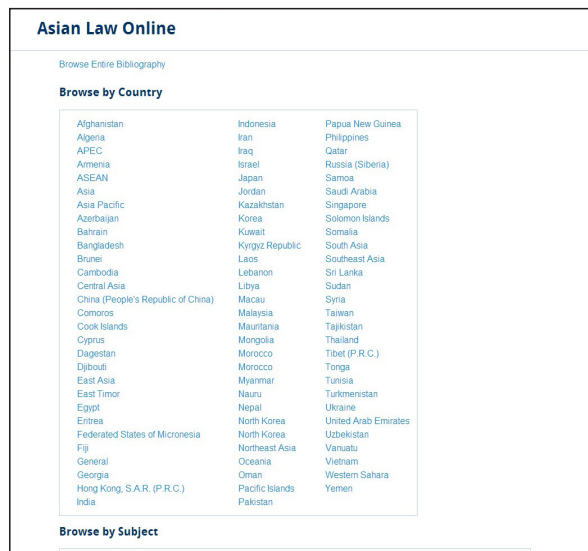


2011 Chuo Summer School students with Professor Chuck Ito and Professor Satoru Osanai, outside the Federal Court of Australia.

## Multimedia IT

### Asian Law Online

[http://www.law.unimelb.edu.au/alo\\_bibliography/index.asp](http://www.law.unimelb.edu.au/alo_bibliography/index.asp)



*Asian Law Online* is the first and only online bibliographic database of Asian legal materials in the world. Offered to the public as a free service to assist students, scholars and practitioners of Asian legal systems, *Asian Law Online* is a 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. It can be searched for any word or a more specific advanced search can be conducted. It is also linked to a list of useful websites for each country and legal area.

The ALC has received extremely positive feedback in regard to *Asian Law Online*, which is reflected by the high number of 'page views'. Since its launch in 2002, *Asian Law Online* has been one of the most popular websites in the Law School, with more than 4.6 million page views. Users are based within the University of Melbourne and beyond.

## ALC 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 via *Asian Law Online*.

## Australian Network for Japanese Law

The Asian Law Centre was invited to become the Inaugural Affiliate of ANJeL in May 2004.

The Australian Network for Japanese Law (ANJeL) is an initiative of the law faculties at the Australian National University (ANU), the University of New South Wales (UNSW) and the University of Sydney (USyd). The primary aim of ANJeL is to promote research, teaching, and community engagement with Japanese law, especially in Australia. It:

- offers a research visitors scheme to support scholars and jurists who seek affiliation while in Australia;
- promotes scholarly exchange between the Australian and Japanese legal communities;
- participates in global legal debates by promoting Australian and Japanese perspectives; and
- facilitates the organization of major research projects, applications for competitive funding, and dissemination of research through presentations and publications.

ANJeL sponsors international conferences on Japanese law as well as various other seminars and events.

The Asian Law Centre's affiliation with ANJeL builds on cross-promotion and joint-sponsoring synergies between ANJeL and the ALC. To formalise the cooperation, ALC Associate Director (Japan) Stacey Steele attends ANJeL Executive Committee meetings in an honorary capacity. A Co-Director of ANJeL, Professor Kent Anderson is an Associate of the Asian Law Centre.

For further information, please see <http://sydney.edu.au/law/anjel/>

## MULTIMEDIA IT

## China Law Network



A national China Law Network (CLN) has been launched under the auspices of the ARC Asia-Pacific Futures Research Network.

Jointly initiated by Griffith University and the University of Melbourne, the CLN promotes collaboration, networking, student exchanges and research on Chinese law and justice. It aims to become a rich resource for Australian scholars, lawyers, officials and the public interested in China.

For further information, please see <http://www.law.unimelb.edu.au/0787FBC8-934E-11E1-A91D0050568D0140>

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).

LFIP is 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. It is a joint initiative between:

- Graduate Law Program of Universitas Indonesia, Indonesia;
- University of South Carolina, USA;
- Jakarta Stock Exchange (Bursa Efek Jakarta, or BEJ), Indonesia;
- Graduate Business and Public Law Program, Universitas Gadjah Mada, Yogyakarta, Indonesia;
- Asian Law Program, University of Washington, Seattle, USA;
- Asian Law Centre, The University of Melbourne, Australia;
- Center for Asia Pacific Initiatives, University of Victoria, Canada;
- Lehrstuhl II of the Kriminalwissenschaftliches Institute, University of Cologne, Germany;
- Universitas Sumatra Utara, Medan, Indonesia;
- Universitas Diponegoro, Semarang, Indonesia; and
- Universitas Airlangga, Surabaya, Indonesia.



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>.

## Vietnamese Legal Research Network Online

Vietnamese Legal Research Network (VLRN) Online was launched by the Asian Law Centre in 2012. This Network is supported by the UNDP, and aims to:

- become a rich resource for Australian and international scholars, lawyers, officials and the public interested in Vietnam's laws and legal institutions;
- promote collaboration, networking, student exchanges and research on Vietnamese law and justice;
- promote news of current scholarship on Vietnamese law; and
- provide an index of Vietnamese law-related theses undertaken at international institutions, with extracts in English and Vietnamese.

For further information, please see <http://www.law.unimelb.edu.au/0BDBE0A0-2255-11E2-BCDC0050568D0140>

## Faculty Teaching and Education

Members of the Centre have contributed programmes of Asian law-related subjects at the undergraduate, graduate and JD levels. The Law School continues to offer one of the most extensive coverages of Asian Law in Australia and the world, and is seen as a regional leader in this field.

Offerings in the Law School's programme included:

### Undergraduate (LLB) Subjects (now no longer offered)

- Issues in Chinese Law (2009, 2010, 2011)
- Issues in Japanese Law (2008, 2010, 2011)
- Law and Civil Society in Asia (2009)
- Law and Society in Malaysia (2008)
- Law and Society in South East Asia (2010, 2011)
- Law in the People's Republic of China (2008)

### Postgraduate (LLM) Subjects

- Asian Comparative Tax Law Systems (2009)
- Banking and Debt Recovery in Asia (2008)
- Banking and Finance in Asia (2009, 2010, 2012)
- The Challenge of Islamic Law (2012)
- Chinese Law (2011, 2012)
- Chinese Tax and Investment Law (2011)
- Civil Society and the Law (2008, 2009)
- Commercial Deals in Asia (2009)
- Commercial Law in Asia (2008, 2010, 2011, 2012)
- Comparative Companies Law in Asia (intensive) (2008, 2010, 2012)
- Constitutionalism in Asian Societies (intensive) (2008, 2009)
- Evolving Constitutionalism in Asia (2011)
- Human Rights in Asia (2009, 2011)
- Human Rights Issues in Asia (2009)
- International and Comparative Labour Law (2008)
- International Employment Law (2010)
- International Law and Development (2012)
- Islam and Human Rights (2008)
- Islamic Law (2010)
- Islamic Law and Politics in Asia (intensive) (2008, 2009, 2011, 2012)
- Law and Development (2008, 2009, 2010, 2011)
- Principles of Islamic Law (2008)



## RESEARCH STUDENTS

## 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 PhD candidates. This is probably the largest Doctoral group working on Asian law in the world. In addition, Centre members are involved on a daily basis with assistance for LLM and Graduate Diploma by coursework students.

From 2008 to 2012, Asian Law Centre members supervised 39 PhD candidates, of which 15 completed during this period. Higher degree research candidates who submitted or successfully completed between 2008 and 2012 were:

<p>Ms Dina Afrianty (PhD (Law and Asia Institute))</p> <p>“Local Women's NGOs and the Reform of Islamic Law in Aceh: case Study of MISPI”</p> <p>Supervisors: Tim Lindsey, Michael Leigh (Asia Institute)</p> <p>Year of Completion: 2011</p>
<p>Mr Khalid Al-Azri (PhD (Law))</p> <p>“Development, Culture and the Dilemma of Equality in ‘Modern’ Omani Society: The Practice of Kafa’a in Marriage and Talaq”</p> <p>Supervisor: Tim Lindsey</p> <p>Year of Completion: 2008</p>
<p>Ms Maria Bhatti (LLM)</p> <p>“Taxation of Islamic Finance in Australia”</p> <p>Supervisor: Tim Lindsey</p> <p>Year of Completion: 2012</p>
<p>Ms Melissa Crouch (PhD (Law))</p> <p>“Opposition to Christian Proselytisation in Democratic Indonesia: Legal Disputes Between Muslims and Christians in West Java (1998-2009)”</p> <p>Supervisors: Tim Lindsey, Amanda Whiting</p> <p>Year of Completion: 2011</p>
<p>Ms Amelia Fauzia (PhD (Law and Asia Institute))</p> <p>“Religious Philanthropy for Social Change: A Case Study of Zakat in Modern Indonesia”</p> <p>Supervisors: Sander Adelaar (Asia Institute), Arief Budiman (Asia Institute), Michael Leigh (Asia Institute), Tim Lindsey</p> <p>Year of Completion: 2008</p>

<p>Ms Susi Dwi Harijanti (PhD (Law))</p> <p>“The Indonesian Ombudsman System and Good Governance 2000-2005”</p> <p>Supervisors: Cheryl Saunders, Tim Lindsey</p> <p>Year of Completion: 2011</p>
<p>Ms Nur Hidayah (Law))</p> <p>“Feminising Islam in Contemporary Indonesia: The Role of Progressive Muslim Women’s Organisations”</p> <p>Supervisors: Tim Lindsey, Abdullah Saeed (Asia Institute)</p> <p>Year of Completion: 2012</p>
<p>Mr Jeremy Kingsley (PhD (Law))</p> <p>“Tuan Guru, Community and Conflict in Lombok, Indonesia”</p> <p>Supervisors: Tim Lindsey</p> <p>Year of Completion: 2010</p>
<p>Mr Guoqing (Michael) Liu (PhD (Law))</p> <p>“The Role of Equity in Trusts Law: The Legislation and Application of the Chinese Trust Law”</p> <p>Supervisors: Michael Bryan, Sarah Biddulph</p> <p>Year of Completion: 2009</p>
<p>Mr Jimmy Mao (PhD, Monash University)</p> <p>“The Evolution of China’s Pension Programs: Limited Coverage and Regulatory Responsiveness”</p> <p>Supervisors: Sean Cooney, Richard Mitchell (Monash University), Chris Arup (Monash University)</p> <p>Year of Completion: 2012</p>
<p>Ms Jothie Rajah (PhD (Law))</p> <p>“Legislating Illiberalism: Law, Discourse and Legitimacy in Singapore”</p> <p>Supervisors: Pip Nicholson, Abdullah Saeed, Thio Li-ann (National University of Singapore)</p> <p>Year of Completion: 2009</p>

## RESEARCH STUDENTS

Mr Saw Tiong Guan (PhD (Law))

“The Final Cut: Film Censorship in Malaysia, Hong Kong and Australia”

Supervisors: Andrew Kenyon, Amanda Whiting

Year of Completion: 2011

Ms Sofie Arjon Schuette (PhD (Law and Management and Marketing))

“Institutional Change and Anti-Corruption Strategies in Indonesia since the Regime Change in 1998”

Supervisors: Howard Dick (Management and Marketing), Tim Lindsey, Peter Verhezen (Management and Marketing)

Year of Completion: 2012

Ms Chenxia Shi (PhD (Law))

“Political Determinants of Corporate Governance in China”

Supervisors: Tim Lindsey

Year of Completion: 2009

Ms Phoebe Wynn-Pope (PhD (Law))

“The Responsibility to Protect Against Crimes Against Humanity and Genocide: Effective Operationalisation of the Principle”

Supervisors: Tim Lindsey, Tim McCormack

Year of Completion: 2010



Melissa Crouch after submitting her PhD

Research students under the supervision of Centre members from 2008 to 2012 included:

<p>Ms Dina Afrianty (PhD (Law and Asia Institute))</p> <p>“Local Women's NGOs and the Reform of Islamic Law in Aceh: Case Study of MISPI”</p> <p>Supervisors: Tim Lindsey, Michael Leigh (Asia Institute)</p> <p>Year of Completion: 2011</p>
<p>Mr Khalid Al-Azri (PhD (Law))</p> <p>“Development, Culture and the Dilemma of Equality in ‘Modern’ Omani Society: The Practice of Kafa’a in Marriage and Talaq”</p> <p>Supervisor: Tim Lindsey</p> <p>Year of Completion: 2008</p>
<p>Ms Maria Bhatti (LLM)</p> <p>“Taxation of Islamic Finance in Australia”</p> <p>Supervisor: Tim Lindsey</p> <p>Year of Completion: 2012</p>
<p>Ms Anisa Buckley (PhD (Law and Asia Institute))</p> <p>“Muslim Women, Family Laws and the Challenges of Securing a ‘Complete’ Divorce: The Australia Experience”</p> <p>Supervisors: Abdullah Saeed (Asia Institute), Tim Lindsey and Andrea Whittaker (Monash University)</p> <p>Expected Year of Completion: 2013</p>
<p>Ms Faye Chan (PhD (Law))</p> <p>“Control and Resistance: The Social and Legal Regulation of Indonesian Chinese Women, 1930-2005”</p> <p>Supervisors: Tim Lindsey, Kate McGregor (Arts), Katherine Darian-Smith (Historical and Philosophical Studies)</p> <p>Expected Year of Completion: 2018</p>
<p>Ms Melissa Crouch (PhD (Law))</p> <p>“Opposition to Christian Proselytisation in Democratic Indonesia: Legal Disputes Between Muslims and Christians in West Java (1998-2009)”</p> <p>Supervisors: Tim Lindsey, Amanda Whiting</p> <p>Year of Completion: 2011</p>
<p>Mr Peter Dirou (PhD (Law))</p> <p>“Food Security, Development and Law: Insights from the Indonesian Experience”</p> <p>Supervisors: Tim Lindsey, Shaun McVeigh, Sundhya Pahuja</p> <p>Expected Year of Completion: 2014</p>



## RESEARCH STUDENTS

<p>Mr Hai Ha Do (PhD (Law))</p> <p>“The Right to Strike in Vietnam: Towards a Better Regime”</p> <p>Supervisors: Pip Nicholson, Sean Cooney</p> <p>Expected Year of Completion: 2013</p>
<p>Ms Amelia Fauzia (PhD (Law and Asia Institute))</p> <p>“Religious Philanthropy for Social Change: A Case Study of Zakat in Modern Indonesia”</p> <p>Supervisors: Sander Adelaar (Asia Institute), Arief Budiman (Asia Institute), Michael Leigh (Asia Institute), Tim Lindsey</p> <p>Year of Completion: 2008</p>
<p>Mr Stewart Fenwick (PhD (Law))</p> <p>“Is Rawlsian Liberalism Compatible with Islamic Thought? A Case Study of Religious Freedom in Post-Soeharto Indonesia”</p> <p>Supervisors: Tim Lindsey, Abdullah Saeed (Asia Institute)</p> <p>Expected Year of Completion: 2014</p>
<p>Mr Andrew Godwin (PhD (Law))</p> <p>“The Relevance of Traditional Proprietary Rights to the Reform of Rural Land Rights in China”</p> <p>Supervisors: Sarah Biddulph, Michael Bryan, Sean Cooney</p> <p>Expected Year of Completion: 2014</p>
<p>Ms Carolyn Graydon (PhD (Law))</p> <p>“Reforming Customary Law Systems to Address Domestic Violence in Timor-Leste: Customary Law, Legal Pluralism and Women’s Rights”</p> <p>Supervisors: Tim Lindsey, Dianne Otto</p> <p>Expected Year of Completion: 2014</p>
<p>Ms Tess Hardy (PhD (Law))</p> <p>“Friend or Foe? The Regulatory Enrolment of Non-State Actors in the Enforcement of Minimum Employment Standards”</p> <p>Supervisors: John Howe, Sean Cooney</p> <p>Expected Year of Completion: 2014</p>
<p>Ms Susi Dwi Harijanti (PhD (Law))</p> <p>“The Indonesian Ombudsman System and Good Governance 2000-2005”</p> <p>Supervisors: Cheryl Saunders, Tim Lindsey</p> <p>Year of Completion: 2011</p>

<p>Mrs Nurhidayah Muhammad Hashim (PhD (Law))</p> <p>“Maintenance for Children after Divorce in Syaria and Civil Practice in Malaysia: What Malaysia can Learn from Australia’s Child Support Scheme”</p> <p>Supervisors: Tim Lindsey, Abdullah Saeed (Asia Institute)</p> <p>Expected Year of Completion: 2013</p>
<p>Ms Nur Hidayah (Law))</p> <p>“Feminising Islam in Contemporary Indonesia: The Role of Progressive Muslim Women’s Organisations”</p> <p>Supervisors: Tim Lindsey, Abdullah Saeed (Asia Institute)</p> <p>Year of Completion: 2012</p>
<p>Mr Joseph Kikonyogo (PhD (Law))</p> <p>“WTO Negotiations on Agriculture: Will the African Group Always Have a Raw Deal?”</p> <p>Supervisors: Tania Voon, Pip Nicholson</p> <p>Expected Year of Completion: 2014</p>
<p>Mr Jeremy Kingsley (PhD (Law))</p> <p>“Tuan Guru, Community and Conflict in Lombok, Indonesia”</p> <p>Supervisors: Tim Lindsey</p> <p>Year of Completion: 2010</p>
<p>Mr Guoqing (Michael) Liu (PhD (Law))</p> <p>“The Role of Equity in Trusts Law: The Legislation and Application of the Chinese Trust Law”</p> <p>Supervisors: Michael Bryan, Sarah Biddulph</p> <p>Year of Completion: 2009</p>
<p>Ms Sally Low (PhD (Law))</p> <p>“A Legal History of the French Protectorate in Cambodia: 1863 to 1953”</p> <p>Supervisors: Pip Nicholson, David Chandler (Faculty of Arts, Monash University)</p> <p>Expected Year of Completion: 2014</p>
<p>Mr Imran Lum (PhD (Law and Asia Institute))</p> <p>“Negotiating the Prohibition of Riba: Australian and British Muslim Attitudes Towards Conventional and Islamic Banking”</p> <p>Supervisors: Abdullah Saeed (Asia Institute), Tim Lindsey</p> <p>Expected Year of Completion: 2013</p>

## RESEARCH STUDENTS

<p>Mr Jimmy Mao (PhD, Monash University)</p> <p>“The Evolution of China’s Pension Programs: Limited Coverage and Regulatory Responsiveness”</p> <p>Supervisors: Sean Cooney, Richard Mitchell (Monash University), Chris Arup (Monash University)</p> <p>Year of Completion: 2012</p>
<p>Ms Jessica Melvin (PhD (Law))</p> <p>“The 1965 Mass Killings in Aceh”</p> <p>Supervisors: Kate McGregor (Arts), Tim Lindsey, Steven Welch (Arts)</p> <p>Expected Year of Completion: 2013</p>
<p>Mr Nimmith Men (PhD (Law))</p> <p>“The Development of Alternative Dispute Resolution in the Cambodian Civil Justice System”</p> <p>Supervisors: Sean Cooney, David Chandler (Faculty of Arts, Monash University), Pip Nicholson</p> <p>Expected Year of Completion: 2013</p>
<p>Ms Wendy Ng (PhD (Law))</p> <p>“Stepping Through the Looking Glass: China’s Anti-Monopoly Law on its Own Terms”</p> <p>Supervisors: Sean Cooney, Caron Beaton-Wells</p> <p>Expected Year of Completion: 2013</p>
<p>Ms Helen Pausacker (PhD (Law))</p> <p>“Morality and the Nation: Law, Pornography and Indonesia’s Islamic Defenders Front”</p> <p>Supervisors: Tim Lindsey, Abdullah Saeed (Asia Institute)</p> <p>Expected Year of Completion: 2013</p>
<p>Mr Richard Powell (PhD (Education, Linguistics))</p> <p>“Vernacularising the Law: Malaysia’s Bilingual Policy as a Model for Postcolonial Common Law Systems”</p> <p>Supervisors: Joe LoBianco, Amanda Whiting</p> <p>Expected Year of Completion: 2014</p>
<p>Ms Rheny Pulungan (PhD (Law))</p> <p>“The Shortcomings of International Law on Piracy and Maritime Terrorism: Options for Strengthening Maritime Security in the Malacca Strait”</p> <p>Supervisors: Tim Lindsey, Andrew Mitchell</p> <p>Expected Year of Completion: 2013</p>

<p>Ms Jothie Rajah (PhD (Law))</p> <p>“Legislating Illiberalism: Law, Discourse and Legitimacy in Singapore”</p> <p>Supervisors: Pip Nicholson, Abdullah Saeed, Thio Li-ann (National University of Singapore)</p> <p>Year of Completion: 2009</p>
<p>Ms Sonia Randhawa (PhD (Arts, History))</p> <p>“What was the Role of Female Malay-language Print Journalists in Negotiating the Changes in the Portrayal of Women During the Process of Arabic Islamisation in Peninsular Malaysia between 1987 and 1998?”</p> <p>Supervisors: Kate MacGregor, Amanda Whiting</p> <p>Expected Year of Completion: 2018</p>
<p>Ms Jennifer Rowe (PhD (Law))</p> <p>“Human Rights and Harm Reduction Amongst Drug Dependent Populations in Cambodia”</p> <p>Supervisors: Tim McCormack, Nick Crofts, Sarah Biddulph, Rob Moodie, Nick Thomson</p> <p>Expected Year of Completion: 2013</p>
<p>Ms Hajrah Saboor (PhD (Law))</p> <p>“Pakistan’s Islamic Identity, its Blasphemy Law and the International Law of Human Rights”</p> <p>Supervisors: Carolyn Evans, Amanda Whiting</p> <p>Expected Year of Completion: 2013</p>
<p>Mr Saw Tiong Guan (PhD (Law))</p> <p>“Film Censorship in Malaysia and Australia: Judicial Control and Legal Remedies”</p> <p>Supervisors: Andrew Kenyon, Amanda Whiting</p> <p>Year of Completion: 2011</p>
<p>Adv Andy Schmulow (PhD (Law))</p> <p>“Problems Associated with Prudential Regulatory Enforcement in the Indonesian Banking Sector”</p> <p>Supervisors: Tim Lindsey, Charles Coppel (History)</p> <p>Expected Year of Completion: 2013</p>
<p>Ms Sofie Arjon Schuette (PhD (International Business))</p> <p>“Institutional Change and Anti-Corruption Strategies in Indonesia since the Regime Change in 1998”</p> <p>Supervisors: Howard Dick (International Business), Tim Lindsey, Peter Verhezen (International Business)</p> <p>Year of Completion: 2012</p>



## RESEARCH STUDENTS

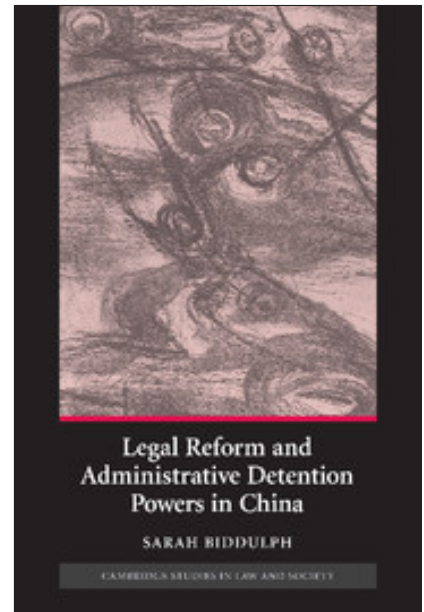
<p>Ms Chenxia Shi (PhD (Law))</p> <p>“Political Determinants of Corporate Governance in China”</p> <p>Supervisors: Tim Lindsey</p> <p>Year of Completion: 2009</p>
<p>Ms Phoebe Wynn-Pope (PhD (Law))</p> <p>“The Responsibility to Protect Against Crimes Against Humanity and Genocide: Effective Operationalisation of the Principle”</p> <p>Supervisors: Tim Lindsey, Tim McCormack</p> <p>Year of Completion: 2010</p>
<p>You Qingfan (PhD (Law), Monash)</p> <p>“New Forms of Worker Organisation in China”</p> <p>Supervisors: Sean Cooney, Peter Gahan (Monash)</p> <p>Year of Completion: 2013</p>
<p>Mr Hao Zhang (PhD (Law))</p> <p>“Legal Risks of Payment Scheme of Carbon Trade and its Judicial Remedy in China”</p> <p>Supervisors: Lee Godden, Sarah Biddulph</p> <p>Expected Year of Completion: 2013</p>

## Highlighted Achievements by Asian Law Centre Members

### Woodward Medal in Humanities and Social Sciences

Established by former Chancellor Sir Edward Woodward and Lady Woodward, the Woodward Medals recognise staff for research publications considered to have made the most significant contribution in their field during the previous three years.

In 2010, **Associate Professor and Reader Sarah Biddulph** received the Woodward Medal in Humanities and Social Sciences for her book, *Legal Reform and Administrative Detention Powers in China*. Sarah's book looked at the social and historical background of the use of police detention powers in China. It focussed on three particular powers and their history and development, and the social and political context in which they were used. She then looked at the ways in which China's developing establishment of the rule of law has affected the use and definition of these powers.



### Gerry Barretto Award

This Award was established in Gerry Barretto's honour and memory, and is presented annually to professional members of staff who demonstrate excellence in the provision of service to students. **Kathryn Taylor**, Manager of the Asian Law Centre, was awarded the Gerry Barretto Award in 2008.

## Highlighted Achievements by Asian Law Centre RHD Students and Research Assistants

### Harold Luntz Graduate Research Thesis Prize

The Harold Luntz Graduate Research Thesis Prize is awarded annually to the Melbourne Law School graduate research student judged to have presented the best thesis in the previous year, provided that the nominee meets an overall level of excellence required for the award. It is named for Emeritus Professor Harold Luntz, a world expert on torts law and a former Dean and Professor at the Melbourne Law School.

In 2010, **Dr Jothie Rajah** received the Harold Luntz Graduate Research Thesis Prize for her thesis "Legislating Illiberalism: Law, Discourse and Legitimacy in Singapore". Her thesis was supervised by Professor Pip Nicholson, Professor Abdullah Saeed (Asia Institute) and Professor Li-ann Thio (National University of Singapore).



### Chancellor's Prize for Excellence in the PhD Thesis



The Chancellor's Prize for Excellence in the PhD Thesis is awarded annually by the University of Melbourne to the best six dissertations across disciplines.

In 2008, **Simon Butt's** thesis titled *Judicial Review in Indonesia: Between Civil Law and Accountability? A Study of Constitutional Court Decisions 2003-2005* was awarded the Chancellor's Prize for Excellence in the PhD Thesis.

**Jothie Rajah** was awarded the 2011 Chancellor's Prize for Excellence in the PhD Thesis for her thesis, titled *Legislating Illiberalism: Law, Discourse and Legitimacy in Singapore*. Jothie also received an Honorable Mention in the Law and Society Association Dissertation Prize competition.

## HIGHLIGHTED ACHIEVEMENTS

### PhD Graduates move to Singapore



**Dr Jeremy Kingsley** undertook a two-year Postdoctoral Research Fellowship at the Asia Research Institute, National University of Singapore from 2011 to 2012. He is now a faculty member at Tembusu College, National University of Singapore.

**Dr Melissa Crouch** was appointed as a Post-Doctoral Fellow at the Faculty of Law at the National University of Singapore in 2012.



### Chancellor's Human Rights Lecture by Former PhD Student

Former ALC PhD Student **Professor Denny Indrayana** (2002-2005), now Vice Minister of Law and Human Rights in the Republic of Indonesia, presented the Chancellor's Human Rights Lecture on 1 November 2012 on 'Indonesia's Transition to Democracy: An Anti-corruption Crusade'.

In this fascinating and enlightening lecture, Professor Indrayana recounted his own experience of combating corruption and profiled his country as a vibrant and progressive nation now moving in the right direction.



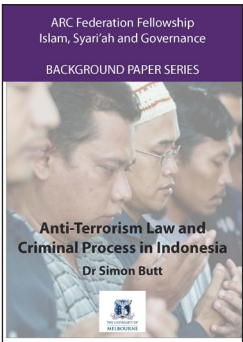
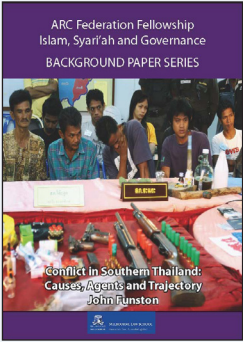
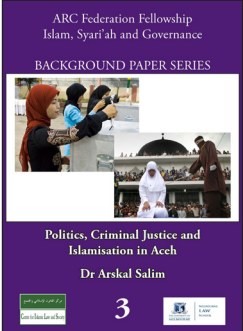
## Centre Publications

### Islam, Syari'ah and Governance Background Paper Series (Funded by Professor Tim Lindsey's ARC Federation Fellowship)

The *Islam, Syari'ah and Governance Background Paper Series* seeks to provide a considered analysis of important issues relevant to Islam, syari'ah and governance in Southeast Asia.

The Background Paper Series is distributed widely amongst government, business, academic and community organisations.

Topics covered are listed below and can be downloaded in .pdf format on the CILIS website at <http://www.law.unimelb.edu.au/cilis/research/centre-publications/cils-briefing-papers-and-ff-background-papers>.

	Issue	Title	Author
	Issue 1 (2008)	Anti-Terrorism Law and Criminal Process in Indonesia	Dr Simon Butt
	Issue 2 (2008)	Conflict in Southern Thailand: Causes, Agents and Trajectory	Dr John Funston
	Issue 3 (2009)	Politics, Criminal Justice and Islamisation in Aceh	Dr Arskal Salim



## CENTRE PUBLICATIONS



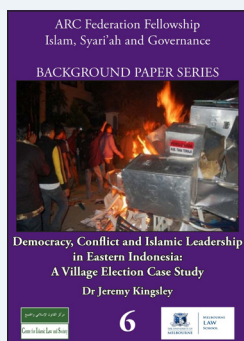
Issue 4 (2009)

Indonesia, Militant Islam and Ahmadiyah:  
Origins and Implications

Ms Melissa Crouch



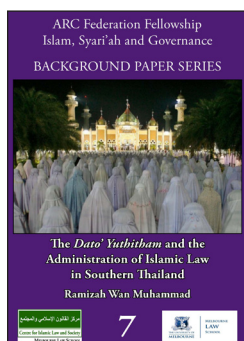
Issue 5 (2010)

Islamist Feminism: Syariah for the  
Empowerment of Women: The Case of  
Indonesia's *Pesantren Al-Firdaus*Ms Farha Abdul Kadir  
Assegaf

Issue 6 (2011)

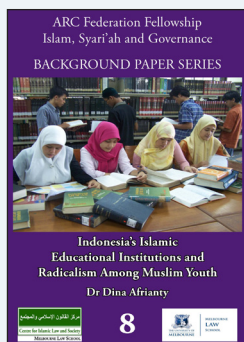
Democracy, Conflict and Islamic Leadership  
in Eastern Indonesia

Dr Jeremy Kingsley



Issue 7 (2011)

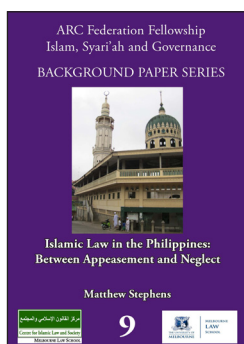
The *Dato' Yuthitham* and the Administration of  
Islamic Law in Southern ThailandDr Ramizah Wan  
Muhammad



Issue 8 (2011)

Indonesia's Islamic Educational Institutions and Radicalism Among Muslim Youth

Dr Dina Afrianty



Issue 9 (2011)

Islamic Law in the Philippines: Between Appeasement and Neglect

Mr Matthew Stephens

## Adnan Buyung Nasution Papers on Southeast Asian Constitutionalism

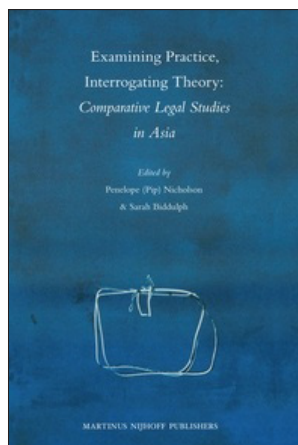
The *Adnan Buyung Nasution Papers on Southeast Asian Constitutionalism* have been established to honour Professor Nasution's contribution to constitutional studies in Southeast Asia. The Series seeks to provide a considered analysis of important issues relevant to constitutionalism in Southeast Asia. The Series is distributed widely amongst government, business, academic and community organisations.

Topics covered are listed below and can be downloaded in .pdf format on the ALC website at <http://www.law.unimelb.edu.au/415DB2B0-CCB6-11E2-8F1C0050568D0140>

	Issue	Title	Author
	Issue 1 (2011)	Towards Constitutional Democracy in Indonesia	Professor Dr Iur. Adnan Buyung Nasution

## HIGHLIGHTED PUBLICATIONS

## Highlighted Publications

**Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia (2008)****Editors: Pip Nicholson and Sarah Biddulph**

Legal transplantation and reform in the name of globalisation is central to the transformation of Asian legal systems. The contributions to *Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia* analyse legal changes in China, Indonesia, Malaysia, Singapore, Thailand, Taiwan, and Vietnam. The contributions also critically analyse the utility of scholarly developments in comparative legal studies, particularly discourse analysis; regulatory theory; legal pluralism; and socio-legal approaches the study of Asian legal systems. While these approaches are regularly invoked in the study of transforming European legal systems, debate on their relevance and explanatory capacity beyond the European context is recent. By bringing together these diverse analytical tools and enabling a comparison of their insights through empirical case studies from Asia, this book makes an invaluable contribution to the debates concerning legal change and the methods by which it is analysed both globally and within Asia.

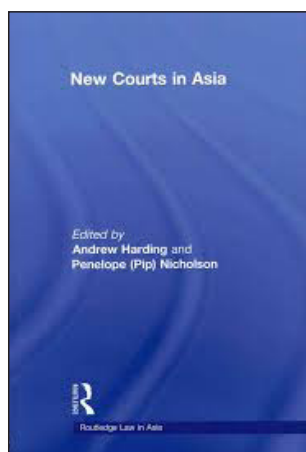
*Examining Practice, Interrogating Theory* was launched by The Hon. Justice Susan Kenny on 16 March 2009.

To purchase: [www.brill.com](http://www.brill.com)

**Indonesia: Law and Society, 2nd edition (2008)****Editor: Tim Lindsey**

Since the first edition, Indonesia has undergone massive political and legal change as part of its post-Soeharto reform process and its dramatic transition to democracy. This work contains 25 new chapters and the 4 surviving chapters were revised. *Indonesia: Law and Society* now covers a broad range of legal fields and includes both historical and up-to-date analyses and views on Indonesian legal issues. It includes work by leading scholars from a wide range of countries. There is still no other comparable English language text in existence.

To purchase: [www.federationpress.com.au](http://www.federationpress.com.au)

**New Courts in Asia (2009)****Editors: Andrew Harding and Pip Nicholson**

This book discusses court-oriented legal reforms across Asia with a focus on the creation of 'new courts' over the last 20 years. Contributors discuss how to judge new courts and examine whether the many new courts introduced over this period in Asia have succeeded or failed. The 'new courts' under scrutiny are mainly specialist courts, including those established to hear cases involving intellectual property disputes, bankruptcy petitions, commercial contracts, public law adjudication, personal law issues and industrial disputes.

Written by world authorities on court development in Asia, this book will not only be of interest to legal scholars and practitioners, but also to development specialists, economists and political scientists.

To purchase: [www.routledge.com](http://www.routledge.com)

## Courting Reform: Indonesia's Islamic Courts and Justice for the Poor (2010)

**Authors: Tim Lindsey and Cate Sumner**

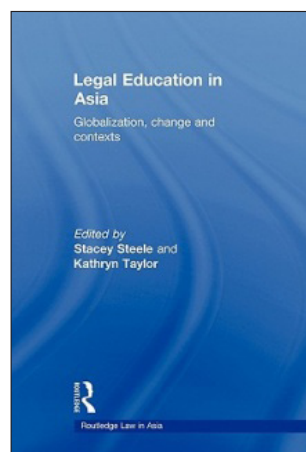
In this Lowy Institute Paper, Cate Sumner and Tim Lindsey explore how the Islamic courts in Indonesia have embraced reform within a judicial system notorious for corruption and incompetence, taking the lead in efforts to deliver decisions that are more accessible, transparent and fair - especially for women and the poor.

To purchase: [www.lowyinstitute.org](http://www.lowyinstitute.org)



## Legal Education in Asia: Globalization, Change and Contexts (2010)

**Editors: Stacey Steele and Kathryn Taylor, in memory of the late Professor Malcolm Smith**



*Legal Education in Asia: Globalization, Change and Contexts* (Routledge, 2010) was published in remembrance of Professor Malcolm Smith, Founding Director of the Asian Law Centre. Legal education is undergoing rapid change throughout Asia. Edited by Stacey Steele and Kathryn Taylor, it is a critique of the changing nature of legal education in Asian jurisdictions. A highlight is its detailed coverage of Japan, whose legal education system has been used as a model by many Asian countries.

*Legal Education in Asia* was launched by Justice Kenneth Hayne of the High Court of Australia on 13 October 2010.

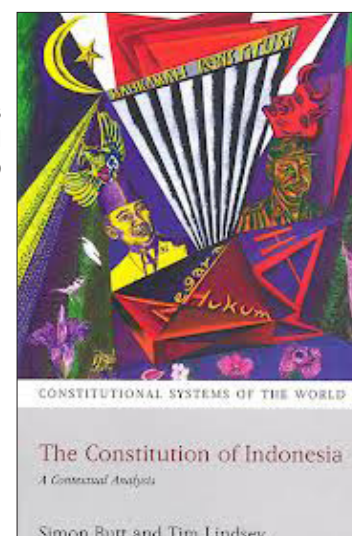
To purchase: [www.routledge.com](http://www.routledge.com)

## The Constitution of Indonesia (2012)

**Authors: Simon Butt and Tim Lindsey**

This book surveys the remarkable constitutional transition of Indonesia, from 1945 to 2002, assessing the implementation of Indonesia's new constitutional model, and identifying its weaknesses. After covering key institutions exercising executive, legislative and judicial powers, the book focuses on current constitutional debates ranging from human rights to decentralisation, religious freedom and control of the economy.

To purchase: [www.hartpub.co.uk](http://www.hartpub.co.uk)





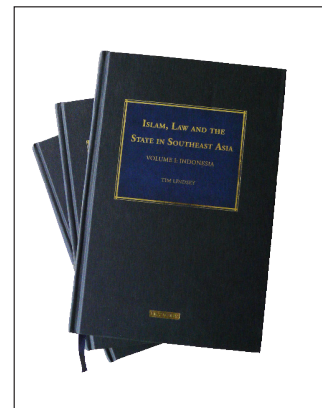
## HIGHLIGHTED PUBLICATIONS

**Islam, Law and the State in Southeast Asia (Series of 3 volumes) (2012)****Author(s): Tim Lindsey and Kerstin Steiner**

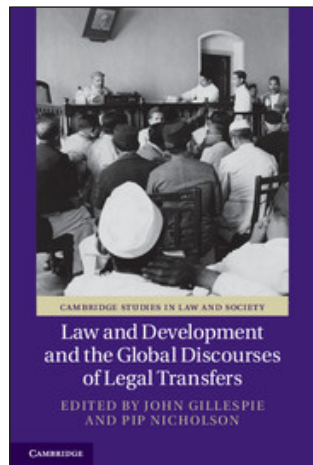
Southeast Asia has the world's largest Muslim population - Indonesia alone is home to more Muslims than the entire Middle East - yet nowhere in the region has a theocratic government emerged. Instead, Southeast Asian Islam is characterised by heterodox local traditions. Muslim societies today are torn between radical Islamist reformers calling for Shari'ah law and secular governments using law to contain and co-opt it. The result is a tension between state laws and institutions and Islamic alternatives. These three volumes provide an up-to-date, expert, account of this complex contest across contemporary Indonesia, Singapore, Malaysia and Brunei in a comprehensive form not attempted for decades, including coverage on a range of areas including legal doctrine, substantive laws judicial decision-making, the administration of religion, intellectual debate and state policy developments.

*Islam, Law and the State in Southeast Asia* was launched by Mr Richard Woolcott AC on 21 May 2013.

(RRP: £155.00 (Hardback) £250.00 (Multiple copy pack))



To purchase: [www.ibtauris.com](http://www.ibtauris.com)

**Law and Development and the Global Discourses of Legal Transfers (2012)****Editors: John Gillespie and Pip Nicholson**

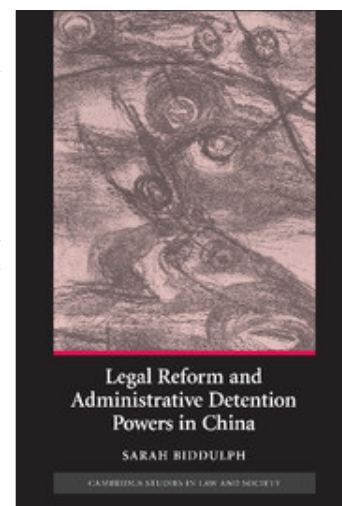
This volume of essays contributes to the understanding of global law reform by questioning the assumption in law and development theory that laws fail to transfer because of shortcomings in project design and implementation. It brings together leading scholars who demonstrate that a synthesis of law and development, comparative law and regulatory perspectives (disciplines which to date have remained intellectually isolated from each other) can produce a more nuanced understanding about development failures. Arguing for a refocusing of the analysis onto the social demand for legal transfers, and drawing on empirically rich case studies, contributors explore what recipients in developing countries think about global legal reforms. This analytical focus generates insights into how key actors in developing countries understand global law reforms and how to better predict how legal reforms are likely to play out in recipient countries.

To purchase: [www.cambridge.org](http://www.cambridge.org)

**Legal Reform and Administrative Detention Powers in China (2012)****Author: Sarah Biddulph**

Using a conceptual framework, this 2007 book examines the processes of legal reform in post-socialist countries such as China. Drawing on Bourdieu's concept of the 'field', the increasingly complex and contested processes of legal reform are analysed in relation to police powers. The impact of China's post-1978 legal reforms on police powers is examined through a detailed analysis of three administrative detention powers: detention for education of prostitutes; coercive drug rehabilitation; and re-education through labour. The debate surrounding the abolition in 1996 of detention for investigation (also known as shelter and investigation) is also considered. Despite over 20 years of legal reform, police powers remain poorly defined by law and subject to minimal legal constraint. They continue to be seriously and systematically abused. However, there has been both systematic and occasionally dramatic reform of these powers. This book considers the processes which have made these legal changes possible.

To purchase: [www.cambridge.org](http://www.cambridge.org)



## Publications of Members, Associates & Researchers

### Books

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- Biddulph, S.** (2010), 'The Impact of International Trade on Labour Law and Standards in China', at *Investment in Asia* workshop, University of Sydney Law School, Sydney, 29 October.
- Biddulph, S.** (2010), 'The Role of Campaigns in Lawmaking and Enforcement', at *The Impact of Law* workshop, Monash University, 27 August.
- Biddulph, S.** (2010), 'Rule of Law with Chinese Characteristics', at MLS staff seminar, 23 August.
- Biddulph, S.** (2010), presentation at the International Conference on Drug Issues, Chongqing, 10-12 June.
- Biddulph, S.** (2010), 'Rule of Law Chinese Style: Labour Rights and the Problem of Enforcement', at Focus Asia: Interpreting the Rule of Law in Asia, 30 March.
- Biddulph, S.** (2009), 'Reforms to Drug Detention Policies under the PRC Drug Prohibition Law', at Australia China Studies Association biennial conference, 9-11 July.
- Biddulph, S.** (2009), 'Rehabilitating Drug Addicts: Re-education through Labour and the 2007 Drug Prohibition Law', at European Chinese Law Society, 17-20 June.
- Biddulph, S.** (2009), 'Reforms to Drug Detention Policies under the PRC Drug Prohibition Law', at Law and Society Conference, Denver, 27-31 May.
- Biddulph, S.** (2008), 'A Comparison between Chinese and Victorian Police Powers', at Chinese People's Public Security University, Beijing, 5 November.
- Biddulph, S.** (2008), 'Study of the Coercive Powers of the Chinese Police', at Chinese People's Public Security University, Beijing, 4 November 2008.
- Biddulph, S.** (2008), 'Crime and Justice in China', at *Crime and Justice Writers Festival*, 19 July.
- Biddulph, S.** and **Cooney, S.** (2008), 'Working for No Pay: Regulatory Innovation in China', at Law Faculty Research Workshop, 7 April.
- Cooney, S.** (2012), 'Labour Unrest and the Production of Labour Regulation', at *New Dynamics of Industrial Conflicts in Asia: Causes, Expressions and Resolution Alternatives*, Monash University, 17 February.
- Cooney, S.** (2011), 'China's Distinctive Labour Enforcement Practices: A National and Local Comparison' at Comparative Chinese Labour Studies Conference, University of Technology, Sydney, 18-19 November.
- Cooney, S.** (2011), 澳大利亚调整劳动关系的经验 [Australia's Experience of Labour Regulation], at presentation for a visiting delegation from the PRC Ministry of Human Resources and Social Security, the All China Federation of Trade Unions and the Chinese Employers Federation, organised by the Beijing Office of the International Labour Organization, Melbourne Law School, 19 September.
- Cooney, S.** (2011), 裁判员： 澳大利亚调整劳动关系的经验及对中国的启示 ['The Umpire': Suggestions for China from Australia's labour regulation], at International Symposium on *Chinese Labour Relations: Trends, Prospects and Limitations*, Beijing Normal University, 20-21 August.
- Cooney, S.** (2011), 'Time and Work: Regulating Working Conditions in China', at the Second Regulating for Decent Work Conference organised by the International Labour Organisation, Geneva, Switzerland, 6-8 July.
- Cooney, S., Hardy, T. and Howe, J.** (2011), '"Off the Radar? Detecting and Inspecting Non-compliance with Minimum Working Conditions', at the Second Regulating for Decent Work Conference organised by the International Labour Organisation, Geneva, Switzerland, 6-8 July.
- Cooney, S., Hardy, T. and Howe, J.** (2010), 'The Fair Work Ombudsman's Role in Enforcing Minimum Employment Standards under the Fair Work Act: A Comparative Perspective', at National Conference of the Australian Labour Law Association, Adelaide, 19-20 November.
- Cooney, S.** (2010), 'Taking Labour Enforcement Seriously? The Cases of China and Australia', at presentation to Conference on Multinational Firms from and in the Asia-Pacific, Global Standards and Host Country Development, RMIT University, 8 November.

- Cooney, S.** (2010), 'La rupture du contrat en Australie' / 澳大利亚如何规范劳动合同之不当终止 [Breach of the Employment Contract in Australia], at conference on La relation de travail salariée en Chine et en France jointly organised by People's University and the Université de Paris (I), Beijing, 30-31 October.
- Cooney, S.** (2010), 中国劳动法与公平工作: 研究项目 [The China and Fair Work Study: A Progress Report], at Beijing Workshop on Wage Regulation, Beijing Normal University, 24-25 September.
- Cooney, S.** (2010), Outline of an Empirical Project; Law and Fair Work in China', at *Sending 'Rule of Law' to the Countryside*, University of Washington School of Law, 6-7 May.
- Cooney, S.** (2009), 澳大利亚调整工作关系的制度 [Australia's System of Work Regulation], presented to a delegation from the Beijing Migrant Workers Resource Centre organized by the Australian Human Rights Commission, 19 November.
- Cooney, S.** (2009), 'Workers' Representation and Social Dialogue at the Workplace Level in Australia', International Society for Labour and Social Security Law (ISLSSL) World Congress, Sydney, 1-4 September.
- Cooney, S.** and Mitchell, R. (2009), 'The Legal Origins Debate: Theoretical Observations', at International Labour and Employee Relations Association, World Congress, Sydney, 24-28 August.
- Cooney, S.** (2009), 'Standard Setting in Australia under the Fair Work Act', at University of Victoria, Canada, 12 June.
- Cooney, S.** (2009), 'Australian's Changing Approaches to Regulating Working Time', at Canadian Industrial Relations Association Annual Conference, Université de Quebec, Gatineau, 28 May.
- Cooney, S.** (2009), 'Regulating for Decent Work: Innovation and Stagnation in the PRC', at Regulating for Decent Work Conference, International Labour Organisation, Geneva, 8-10 July.
- Cooney, S.** and Howe, J. (2009), Seminar on Labour Law Enforcement for Labour Administration Branch, International Labour Organisation, Geneva, Switzerland, 7 July.
- Cooney, S.** (2009), 劳动法的执行 [The Enforcement of Work Law], conference overview presented to Workshop on Enforcement of Labour Law in China and Australia, Melbourne, 16-19 February.
- Cooney, S.** and **Biddulph, S.** (2009), 'Regulatory Innovation in China: Report on a Research Project', at University of British Columbia, 25 May.
- Cooney, S.** (2008), 澳大利亚劳动法的改革 [The Reform of Australia's Labour Law], at Nanjing University Law School, 27 November.
- Cooney, S.** (2008), 'Regulatory Innovation in China: Responding to the Problem of Wage Arrears', at NT Industrial Relations Society, Darwin, August.
- Crouch, M.** (2011), 'Managing Religious Pluralism in Democratic Indonesia: Implications of Local Regulations Banning Ahmadiyah', at *Law and Religious Pluralism in Contemporary Asia Workshop*, hosted by the Asia Research Institute (ARI) and the Faculty of Law, National University of Singapore, 17-18 November.
- Crouch, M.** (2011), 'Democracy, Law Reform and Minority Rights: Challenges for Religious Minorities in Indonesia', at *Indonesian Minorities: Rights, Plights and Positions*, Third Annual Workshop of the Nordic Indonesian Studies Network, NIAS, Copenhagen, 22-24 September.
- Crouch, M.** (2011), 'Inter-religious Harmony and the Law in Indonesia: Developments in Court Cases over Church Permits', at Council of Christians and Jews, East Melbourne Synagogue, 8 September.
- Crouch, M.** (2011), 'Judicial Review and Religious Freedom: The Case of Indonesian Ahmadis', at *Association of Transnational Law Schools (ATLAS) Agora* hosted by the University of Deusto, Bilbao, Spain, 20 June-1 July.
- Crouch, M.** (2011), 'Legal Disputes over Church Permits in Indonesia: The Challenge of Administrative Review', at Law and Religion: Legal Regulation of Religious Groups, *Organisations and Communities Conference*, organised by the International Centre for Law and Religion Studies, Brigham Young Law School and the Centre for Comparative Constitutional Studies at the University of Melbourne, 15-16 June.
- Crouch, M.** (2011), 'Regulation of Permits for Places of Worship: Lessons from Democratic Indonesia', at *PhD and Early Career Workshop on Law and Religion*, Centre for Comparative Constitutional Studies at the University of Melbourne, 14 June.
- Crouch, M.** (2011), 'The Ahmadiyah Controversy: Recent Developments in Indonesia', at Indonesian Studies Group, Australian National University, Canberra, 11 May.
- Crouch, M.** (2011), 'Opposition to Christian Proselytisation in Indonesia: Disputes over Church Permits in West Java', at Completion Seminar, Asian Law Centre, The University of Melbourne, 4 May.
- Crouch, M.** (2011), 'Regulating Places of Worship in Indonesia: New Problems, Local Politics and Court Action', at *Association of Asian Studies and International Convention of Asian Scholars Conference: '70 Years of Asian Studies'*, 30 March-3 April.
- Crouch, M.** (2011), 'Controversy over Church Permits in Indonesia: Court Disputes between Muslims and Christians in West Java', at Centre for the Study of Islam and Other Faiths, Melbourne School of Theology Seminar, Lilydale, 22 March.
- Crouch, M.** (2011), 'A New Phase in Muslim-Christian Conflict: Court Battles over Church Permits', at Monash Asia Institute/Centre of Southeast Asian Studies Seminar, Monash University, 17 March.

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- Crouch, M.** (2011), 'Muslim Responses to Religious Minorities in Indonesia: The Debate over Permits for Places of Worship', at *Is Islam in Indonesia Different?*, International conference hosted by the Centre for the Study of Islam, State Islamic University, Jakarta; Training Indonesia's Young Leaders Programme, Leiden University, the Netherlands, 24-26 January.
- Crouch, M.** (2010), 'Evolving with the Data in the Field', at *Law in the Field Workshop*, Melbourne Law School, University of Melbourne, 8 October.
- Crouch, M.** (2010), 'Proselytisation in Post-Suharto Indonesia: A Case Study of the Criminal Offence of Deceiving a Child to Change Religion', at *Workshop on Proselytising and the Limits of Religious Pluralism in the Era of Globalisation*, Asia Research Institute, National University of Singapore, 16-17 July.
- Crouch, M.** (2010), 'Government Warnings, Religious Prohibitions, and Accusations of Blasphemy: The Case of Ahmadiyah in Indonesia', at Centre of Southeast Asian Studies Seminar, Monash University, 27 May.
- Crouch, M.** (2010), 'Indonesia, Militant Islam and Ahmadiyah: Origins and Implications', at Asian Law Centre Brown Bag Seminar, the University of Melbourne, 5 May.
- Crouch, M.** (2009), 'Religious Education, Child Protection and Proselytisation in Indonesia', at *International Graduate Student Conference on Indonesia*, Gadjah Mada University, Yogyakarta, 1-2 December.
- Crouch, M.** (2009), 'The Regulation of Religion in Indonesia', at *Islam, Democracy and Good Governance in Indonesia* International Conference, Leiden University and IAIN Walisongo, Semarang, Indonesia, 6-8 October.
- Crouch, M.** (2009), 'Challenges Concerning the Construction of Places of Worship in Indonesia', at *4<sup>th</sup> Asian Graduate Forum*, National University of Singapore, 13-17 July.
- Crouch, M.** (2009), 'Regulating Sacred Sites: Conflict at Places of Worship in Indonesia', at Confirmation Seminar, Asian Law Centre, The University of Melbourne, 15 April.
- Crouch, M.** (2009), 'State Responses to Religious Regulations in Indonesia', at Indonesian Graduate Summer School, Asia Pacific Week, Australian National University, 27-30 January.
- Crouch, M.** (2008), 'Qanun 3/2008 and the Koran Recitation Requirement for Political Candidates', at *Indonesia Conversations*, Asian Law Centre, The University of Melbourne, 24 November.
- Crouch, M.** (2008), 'The Proselytisation Case: A Reflection of the Rise of Islam in Indonesia?', at *CILS Islamic Studies Postgraduate Conference*, Centre for Islamic Law and Society, The University of Melbourne, 17-18 November.
- Crouch, M.** (2008), 'Proselytisation Versus Child Protection in Indonesia', at *Graduate Research Colloquium*, Law Faculty, The University of Melbourne, 5 November.
- Dibley, A.** and Kerr, E. (2011), 'Denouncing and Deterring Environmental Harm: An Argument for the Reconsideration of International Crimes to Protect the Environment', at *ANU Toward Rio+20: Contemporary Issues in International Environmental Law* Conference, 28 May.
- Dibley, A.** (2010), 'Criminal Defamation and Democracy in Indonesia', at Asian Studies Association of Australia Conference, 8 July.
- Fenwick, S.** (2009), 'Yusman Roy and the Language of Devotion: Innovation on Trial in Indonesia', at *CILS Islamic Studies Postgraduate Conference*, Centre for Islamic Law and Society, The University of Melbourne, 23-25 November.
- Fenwick, S.** (2009), 'Yusman Roy and the Language of Devotion: 'Innovation' on Trial in Indonesia', at *CILS Research Seminar*, Centre for Islamic Law and Society, The University of Melbourne, 7 October.
- Fenwick, S.** (2009), 'Yusman Roy: Research Overview', at *Indonesia Forum Postgraduate Roundtable*, May.
- Fenwick, S.** (2008), 'Yusman Roy and the Language of Devotion – The Prosecution of Deviant Sects in Contemporary Indonesia', at *CILS Islamic Studies Postgraduate Conference*, Centre for Islamic Law and Society, The University of Melbourne, 17-18 November.
- Godwin, A.** and Taneja, P. (2011), 'The Growing Struggle between Politics and Law in China and its Impact on Business', at Chinese Studies Association of Australia (CSAA) China Conference, Australian National University, 13-15 July.
- Godwin, A.** (2012), 'Deal Negotiations: Differences between East and West', MLS Alumni presentation, Skadden Arps Hong Kong, 28 March.
- Godwin, A.**, Taneja, P. and Callick, R. (2011), 'The Relationship between Politics and Business in China', at Melbourne Chinese Law Society Seminar, Asia Institute, 14 September.
- Godwin, A.** (2011), 'Liberalization of Legal Services in Asia and Market Access in China' at European Chamber of Commerce in China, Shanghai, 29 April.
- Godwin, A.** (2011), 'International Developments in the Regulation and Structure of Law Firms (including the introduction of limited liability partnerships in Hong Kong and alternative business structures in Australia and Hong Kong)', at European Chamber of Commerce in China, Australian Chamber of Commerce in China, The American Chamber of Commerce in China and The British Chamber of Commerce in China, 26 April.
- Godwin, A.** (2011), 'Update on the Proposed National System for the Regulation of the Legal Profession in Australia (including international developments)', at MLS Alumni presentation, Freshfields Beijing, 21 April.

- Godwin, A.** (2011), 'Update on the Proposed National System for the Regulation of the Legal Profession in Australia (including international developments)', at MLS Alumni presentation, Mallesons Hong Kong, 19 April.
- Godwin, A.** (2010), 'Property, Finance & Investment Issues in the Mining Sector in Australia', at workshop hosted by the Centre for Resources, Energy and Environmental Law (CREEL) and Melbourne Law School for The Government of Mongolia Study Tour to Australia, 27 October.
- Godwin, A.** (2010), 'Building a Genuine Bond - Australia and China in the 21st Century', at Closing Ceremony for the Third Annual Chinese Cultural Festival, Australia China Youth Association (ACYA), 14 October.
- Godwin, A.** (2010), 'Engaging the Asian Economies – Law & Practice', at inaugural Supreme Court conference on Asia, hosted by the Chief Justice and the commercial judges of the Supreme Court of Victoria, 13 October.
- Godwin, A.** (2010), 'Doing Business in China: Using Cultural Understanding to Build Collaborative Business Relations', at Diversity Week Seminar, Graduate School of Business & Economics, 12 August.
- Godwin, A.** (2010), 'The Liberalisation of Legal Services in Asia – Implications for China', at MLS Alumni presentation, Thomas Philip (Malaysian Law Firm), 20 July.
- Godwin, A.** (2010), 'Conflicts of Interest and International Trends', at professional seminar program, Shanghai Bar Association, 12 July.
- Godwin, A.** (2010), 'The Liberalisation of Legal Services in Asia – Implications for China', at European Chamber of Commerce in China, Australian Chamber of Commerce in China, The American Chamber of Commerce in China and The British Chamber of Commerce in China, 7 July.
- Godwin, A.** (2010), 'The Liberalisation of Legal Services in Asia – Implications for China', at MLS Alumni presentation, Mallesons Hong Kong, 30 June.
- Godwin, A.** (2009), 'The Liberalisation of Legal Services in Asia – Implications for China', at Confucius Institute, 19 November.
- Godwin, A.** (2009), 'The Tenacious Dian and its Role in the Ongoing Debate about Traditional Property Rights in China', at 2009 Melbourne Conference on China: *60 Years of the People's Republic – Transformations and Challenges*, Asia Institute, The University of Melbourne, 13-14 July.
- Godwin, A.** (2009), 'Foreign Lawyers in Asia: Developments in Market Access with a Specific Focus on China', at Asian Law Centre Professional Development Seminar, Melbourne Law School, 4 March.
- Harding, A. and **Whiting, A.** (2010), 'Malaysian Lawyers and the Moderate State', at Law and Society Association Annual Meeting, Chicago, 27-30 May (presented by co-author Harding).
- Harding, A. and **Whiting, A.** (2008), 'Lawyers, Politics and Public Interest Law in Malaysia', at *Legal Complex and Political Liberalism*, American Bar Foundation Workshop, Ile de Berder, Breton, France, 25-28 June.
- Hashim, N.M.** (2011), 'Child Maintenance Decisions in Malaysia: the Syariah Court Judges' Perspectives', at *CILS Islamic Studies Postgraduate Conference*, Centre for Islamic Law and Society, The University of Melbourne, 28-29 November.
- Hashim, N.M.** (2010), 'Child Maintenance after Divorce in Shariah and Civil Court in Malaysia: A Case Study', at *CILS Islamic Studies Postgraduate Conference*, Centre for Islamic Law and Society, The University of Melbourne, 22-23 November.
- Hidayah, N.** (2009), 'Islamic Feminism in Contemporary Indonesia', at The First International Post-Graduate Conference on Indonesia, Gadjah Mada University, Yogyakarta, 1 December.
- Hidayah, N.** (2009), 'Feminizing Islam or Islamizing Feminism? Progressive Muslim Women's Organizations in Contemporary Indonesia', at *CILS Islamic Studies Postgraduate Conference*, Centre for Islamic Law and Society, The University of Melbourne, 23 November.
- Hidayah, N.** (2009), 'The Reform of Gender Discourse of Islamic Jurisprudence in Indonesia', at Asia Week, Asia Institute, The University of Melbourne, 13 August.
- Hidayah, N.** (2009), 'Gender Discourse and Activism of Progressive Muslims in Contemporary Indonesia', at *Indonesian Council for Open Conference (ICOC)*, Sydney University, 16 July.
- Hidayah, N.** (2009), 'Feminizing Islam: The Case of a Progressive Muslim Women's Organization in Indonesia', at CILS Research Seminar, Center for Islamic Law and Society, The University of Melbourne, 29 April.
- Hidayah, N.** (2008), 'Progressive Muslim Gender Discourse and Activism in Contemporary Indonesia: A Case Study of Rahima', at CILS Research Seminar, Center for Islamic Law and Society, The University of Melbourne, 22 May.
- Hidayah, N.** (2008), 'Emerging Muslim Feminism in Contemporary Indonesia', at Asia Pacific Week 2008, The Australian National University, 31 January.
- Kingsley, J.** (2012), 'An Equality of Authority? State, Law and Religion and Ulama in Eastern Indonesia', at the *Religion, Equality and Law in Indonesia* Symposium, Asian Law Centre, The University of Melbourne, 7 September.
- Kingsley, J.** (2012), 'Phantom Militia in Lombok, Indonesia', at *Militia, Religion and the Legitimation of Violence in Southeast Asia*, National University of Singapore, 14-15 June.



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- Kingsley, J.** (2012), 'Lived Human Rights: Law, Religion and the State in Contemporary Indonesia' (Keynote Speaker), at the *International Conference on Islam and Human Rights: Theories and Practices in Contemporary Indonesia*, Universitas Islam Indonesia and the University of Oslo, Yogyakarta, 11-14 March.
- Kingsley, J.** (2011), 'Lines of Religious Authority in Lombok, Indonesia', at *Muslim Religious Authority in Contemporary Asia*, National University of Singapore, 24-25 November.
- Kingsley, J.** (2011), 'An Abode of Islam – Preaching Peace in Eastern Indonesia?', at the Asia Research Institute, National University of Singapore, 16 August.
- Kingsley, J.** (2009), 'The Historical Rise of Tuan Guru (Religious Leaders) in Lombok, Indonesia', at *CILS Islamic Studies Postgraduate Conference*, Centre for Islamic Law and Society, The University of Melbourne, 24 November.
- Kingsley, J.** (2009), 'Weak State – Strong Communities? Tuan Guru, Tradition and Peace-Building in Lombok, Indonesia', at the Melbourne Law School and Asian Law Centre, the University of Melbourne, 28 October.
- Kingsley, J.** (2009), 'Methods for Conflict Management in Lombok, Indonesia. The Fusing of Religion, Community and State', at the Department of Political and Social Change, the Australian National University, 8 October.
- Kingsley, J.** (2009), 'Elections and Peace-building in Eastern Indonesia', at the Australian Defence Force School of Languages, 29 June.
- Kingsley, J.** (2009), 'The Role of Religious Leadership in Peace-building and Dispute Resolution Processes in Lombok, Indonesia', at the Centre for South East Asian Studies, Monash University, 14 May.
- Kingsley, J.** (2009), 'Provincial Elections, Religious Leadership and Peace-building Processes in Lombok, Indonesia', at the Indonesia Study Group, the Australian National University, 6 May.
- Kingsley, J.** (2009), 'Religious Leaders and the Indonesian Election Cycle', at the National Centre of Excellence for Islamic Studies Australia, The University of Melbourne, 2 April.
- Kingsley, J.** (2009), 'Religious Leadership and Dispute Resolution Processes in Lombok, Indonesia', at *Asia Research Institute Seminar Series*, National University of Singapore, Singapore, 24 March.
- Kingsley, J.** (2009), 'Peace Building Strategies and Elections in Lombok, Indonesia', at the *International Workshop on Religion in Dispute and Conflict Resolution: Cases from Post-New Order Indonesia*, organised by the Max Planck Institute for Social Anthropology and the Indonesian Institute of Sciences (LIPI), Jakarta, 20 March.
- Kingsley, J.** (2009), 'Testing Mechanisms for Peace-building in Lombok', at Asia Pacific Week, Australian National University, 28 January.
- Kingsley, J.** (2008), Islam, 'Communal Dispute Resolution and the 2008 Elections in Lombok', at the *Centre for Islamic Law and Society Postgraduate Conference*, The University of Melbourne, 17 November.
- Kingsley, J.** (2008), 'Defining Adat (Customary Law/Practice)', at the *19<sup>th</sup> Indonesian Postgraduate Roundtable*, The University of Melbourne, 1 November.
- Kingsley, J.** (2008), 'Keluarga Besar – When a Family Fights: Muslim Internal Conflicts in Lombok, Indonesia', at *Brown Bag Seminar* for the Asian Law Centre and Centre for Islamic Law and Society, The University of Melbourne, 16 April.
- Lindsey, T.** (2012), 'Western Civilisation is not in Terminal Decline', at *IQ2 Debate Series* (St James Ethics Centre/Wheeler Centre).
- Lindsey, T.** (2012), 'Indonesia Update – 14 Years after Soeharto', at The Pacific Institute, 29 August.
- Lindsey, T.** (2012), 'Let's Get Serious About Indonesia', at Clifton Hill Q and A, Melbourne, 13 August.
- Lindsey, T.** (2012), 'Regional Partnerships and Diplomatic Deals', at The Fifth Estate, Wheeler Centre, State Library, Melbourne, 29 May.
- Lindsey, T.** (2012), 'Introduction to Islam', at *AsiaLink Young Leaders program*, Price Waterhouse Coopers, Melbourne, 15 March; Sydney, 23 March.
- Lindsey, T.** (2012), 'Teaching Indonesian; why bother?', at *Victorian Indonesian Language Teachers Association Annual Conference*, Melbourne, 2 March.
- Lindsey, T.** (2011), 'Indonesia's Democratic Spring Turns Chilly', at Australian Institute of International Affairs, 26 October.
- Lindsey, T.** (2011), 'The Asian Century – Reality or Spin?', at *Wesley Institute for Innovation in Education Colloquium*, Melbourne, 8 September.
- Lindsey, T.** (2011), 'Indonesia, Drugs and Executions', at *International Commission of Jurists Death Penalty Public Forum*, BMW Edge, Federation Square Melbourne, 29 July.
- Lindsey, T.** (2011), 'Islam and Issues for Australian Courts', at *21<sup>st</sup> Annual Conference of District and County Court Judges*, Adelaide, 30 June.
- Lindsey, T.** (2011), 'Islam in Indonesia', at *AsiaLink Young Leaders program*, Price Waterhouse Coopers, Sydney, 24 March.
- Lindsey, T.** (2010), 'Courting Justice: Indonesia's Islamic Courts and Justice for the Poor', at *Launch of Lowy Institute Report*, Courting Justice, Lowy Institute, Sydney, 8 December.

- Lindsey, T.** (2010), 'Indonesia's Religious Courts', at Annual Judges Conference, Family Court of Australia, Canberra, 19 October.
- Lindsey, T.** (2010), 'Blasphemy, Persecution and Law in Indonesia: How Muslim Conservatives use the Criminal Code against Religious Minorities', at Asia-Pacific Seminar Series, University of New South Wales at the Australian Defence Force Academy, Canberra, 15 June.
- Lindsey, T.** (2010), 'Islam and Southeast Asia', at AsiaLink Young Leaders program, Price Waterhouse Coopers, Sydney, 25 March.
- Lindsey, T.** (2010), 'A Bridge Between Australia and Indonesia?', at Asia Education Foundation National Summit, Sydney, 23 March.
- Lindsey, T.** (2010), 'Islam and Southeast Asia', at AsiaLink Young Leaders program, Price Waterhouse Coopers, Melbourne, 18 March.
- Lindsey, T.** (2009), 'Islam in Indonesia', at Family Court of Australia National Judges Conference, 9 November.
- Lindsey, T.** (2009), 'Pornography and the Regulation of Morality in Indonesia: An End in Sight?', at Adelaide University Centre for Society, Law and Religion, 21 October.
- Lindsey, T.** (2009), 'Feminists and Terrorists: Islam in Indonesia', at Robson Fellowship Lecture, Ormond College Cross-Cultural Initiative, 19 October.
- Lindsey, T.** (2009), 'Who Murdered Munir?', at Inaugural Annual Munir Said Thalib Human Rights Lecture, University of Sydney Law School, 7 September.
- Lindsey, T.** (2009), 'Indonesia Update', at AsiaLink Leaders Program, PriceWaterhouseCooper, 25 August.
- Lindsey, T.** (2009), 'Re-election of Indonesian President Yudhoyono Sadly Hasn't Changed Old Attitudes', at The Melbourne Newsroom (Melbourne), 25 July.
- Lindsey, T.** (2009), 'Asia Literacy', at AEF Annual Conference, Hilton, Melbourne, 4 May.
- Lindsey, T.** (2009), 'Lawyers, Guns and Money', at Scholars Dinner, International House, The University of Melbourne, 23 April.
- Lindsey, T.** (2009), 'Briefing: Indonesia Today', at Australian Institute of International Affairs, 15 April.
- Lindsey, T.** (2009), 'Muchdi, Munir and Indonesia's Legal System', at Indonesian Study Group, Australian National University, 18 March.
- Lindsey, T.** (2008), 'Australia's Asia Crisis', at Workplace & Corporate Law Research Group Seminar, Department of Business Law & Taxation, Monash University, 24 September.
- Lindsey, T.** (2008), 'The Death Penalty in Indonesia', at The University of Melbourne Issues Forum, 16 September.
- Lindsey, T.** (2008), 'Indonesia: Security Issues Update – Religious Conflicts', at National AUS-CSCAP Regional Security Issues Forum, Asialink, Melbourne, 5 September.
- Lindsey, T.** (2008), 'Rising Religious Tensions in Indonesia', at Australian Institute of Independent Affairs, 26 August.
- Lindsey, T.** (2008), 'What is Islam?', at Court Network Continuing Education Seminar, 5 May.
- Missbach, A.** (2012), 'Indonesia Borders: Porous and Policed', at 3<sup>rd</sup> Conference of the Asian Borderlands Research Network on "Connections, Corridors, and Communities", National University of Singapore, 11-13 October.
- Missbach, A.** (2012), 'Between the Devil and the Deep Blue Sea? Legal, Political and Social Conditions of Asylum Seekers in Indonesia', at PSC Seminars, The Australian National University, Canberra, 20 September.
- Missbach, A.** (2012), 'Transit Migration in Indonesia: People Smuggling, Border Crossing and State Reactions', at 19<sup>th</sup> Biennial Conference of the Asian Studies Association of Australia (ASAA), University of Western Sydney, 13 July.
- Missbach, A.** (2012), 'Transit Migration in Indonesia: People Smuggling, Border Crossing and State Reactions', at 19<sup>th</sup> Biennial Conference of the Asian Studies Association of Australia (ASAA), University of Western Sydney, 12 July.
- Missbach, A.** (2012), 'Between the Devil and the Deep Blue Sea? Legal and Socio-political Situations of Asylum Seekers in Indonesia', at Center for Strategic and International Studies (CSIS), Jakarta, 2 July.
- Missbach, A.** (2012), 'Manfaat pendidikan antarbudaya bagi masyarakat ulticultural: contoh Jerman', at International seminar *Education and Identity*, Universitas Kristen Artha Wacana, Kupang, 25 May.
- Missbach, A.** (2012), 'Between the Devil and the Deep Blue Sea? Legal and Social Situations of Transit Migrants in Indonesia', at ARI Indonesia Study Group, National University of Singapore, 13 March.
- Missbach, A.** (2011), 'Living in Limbo: Muslim Asylum-seekers Stuck in Indonesia', at ALC/CILS Research Seminar, Melbourne Law School, 29 November.
- Missbach, A.** (2011), 'Lost in Limbo: Transit Migrants in Indonesia', at Indonesia Council Open Conference, UWA Business School, Perth, 27 September.
- Missbach, A.** (2011), 'Ransacking the Field? Collaboration and Competition between Local and Western Scholars doing Research in Post-conflict Aceh', at ARI Indonesia Study Group, National University of Singapore, 27 June.
- Missbach, A.** (2011), 'The Long-distance Politics of the Acehnese Diaspora', at AAS/ICAS Joint Conference, Honolulu, 1 April.

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- Missbach, A.** and Sinanu, F. (2010), 'Between the Devil and the Deep Blue Sea: The Dependency of 'Irregular' Migrants on People Smuggling in Indonesia', at International Conference on *Forcing Issues: Rethinking and Rescaling Human Trafficking in the Asia-Pacific Region*, National University Singapore, 4-5 October.
- Missbach, A.** (2011), 'Ransacking the 'Field' Completely? Collaboration and Competition between Local and Western Scholars doing Research in Post-conflict Aceh', at 6<sup>th</sup> EUROSEAS conference, University of Gothenburg, Sweden, 26-28 August.
- Missbach, A.** (2009), 'The Acehnese Diaspora after the Helsinki Memorandum of Understanding: Return Challenges, and Post-conflict Transformations', at *Aceh: Lessons and Experience on Tsunami and Conflict* workshop, Sydney, 3 December.
- Missbach, A.** (2009), 'Conflict-generated Diasporas in Post-conflict Scenarios: The Example of the Acehnese Overseas', at Zentrum Moderner Orient, Berlin, Germany, 17 September.
- Missbach, A.** (2009), 'Conflict-generated Diasporas in Post-conflict Scenarios: The Example of the Acehnese Overseas', at discussion group at Berghof Research Center for Constructive Conflict Management, Berlin, Germany, 19 August.
- Missbach, A.** (2009), 'The Merits of not Returning: Acehnese Diasporans' Search for Political Participation in Post-conflict Times', at workshop on *Southeast Asian Exiles: Crossing cultural, political and religious borders*, The Australian National University, Canberra, 17-18 March.
- Missbach, A.** (2009), 'The Acehnese Diaspora after the Helsinki Memorandum of Understanding: Return Challenges, and Post-conflict Transformations', at Asia-Pacific Week 2009, Australian National University, Canberra, 29 January.
- Missbach, A.** (2008), 'The Acehnese Diaspora after the Helsinki Memorandum of Understanding: Return Challenges, and Post-conflict Transformations', at *Aceh: Lessons and Experience on Tsunami and Conflict* workshop, Sydney, 3 December.
- Missbach, A.** (2008), 'The Acehnese Diaspora: War Hawks or Peace Doves?', at 3<sup>rd</sup> Singapore Graduate Forum on Southeast Asia Studies, National University of Singapore, 28-29 July.
- Missbach, A.** (2008), '"Our Feet are Here, Our Hearts are There": The Post-conflict Transformations of the Acehnese Diaspora in Scandinavia', at 17<sup>th</sup> Biennial Conference of the Asian Studies Association of Australia, Melbourne, 3 July.
- Missbach, A.** (2009), 'The Acehnese Diaspora after the Helsinki Memorandum of Understanding: Return Challenges, and Post-conflict Transformations', at International Conference on Aceh and Indian Ocean Studies II – Civil Conflict and Its Remedies, Banda Aceh, Indonesia, 23-24 February.
- Nicholson, P.** (2012), 'Demand-Led Development: Recognising Constraints on the Export of the Rule of Law', at *The State in Asia: Power, Citizenship and the Rule of Law* conference, Leiden University, The Netherlands, December.
- Nicholson, P.** (2012), 'Donors and Court Reform in Vietnam', at UNDP Forum, Hanoi, October.
- Nicholson, P.** (2012), 'Vietnam: Power and the Place of Courts in Vietnam', National Taiwan University, Taiwan, March.
- Nicholson, P.** (2012), 'Prospects of Legal Technical Assistance: From Assistance to Cooperation', Keynote Address to the annual JICA conference, Osaka, Japan, January.
- Nicholson, P.** (2011), 'Local and Donor Accounts of Court-oriented Legal Reform: Constraints and Possibilities in Vietnam', at ANU and the Folke Bernadotte Academy, Canberra, December.
- Nicholson, P.** (2009), 'The Discourses of Court-oriented Legal Reform in Vietnam', at *Interpreting Legal Transfers: A Comparative Analysis* Workshop, hosted by The Asia Pacific Business Regulation Group, Department of Business Law and Taxation, Monash University and the Asian Law Centre, University of Melbourne, Prato, Italy, 15-16 October.
- Nicholson, P.** (2009), 'The Vietnamese Party-State and Evolving Court Reforms', at CEAL Seminar, School of Oriental and African Studies, University of London, 20 January.
- Nicholson, P.** (2009), 'The Modern Propaganda Trial: Drugs Prosecutions in Vietnam', at Public Lecture, School of Oriental and African Studies, University of London, 19 January.
- Nicholson, P.** (2009), 'The Under-explored Challenges of Court-oriented Legal Reform: A Southeast Asian Account', at Staff Seminar, Warwick University, Warwick, United Kingdom, 15 January.
- Nicholson, P.** (2009), 'The Under-explored Challenges of Court-oriented Legal Reform: A Southeast Asian Account', Seminar Paper, School of Law, Birkbeck College, University of London, 14 January.
- Nicholson, P.** and Cameron, C. (2009), 'Vietnamese and Cambodian Court Reform in Comparative Perspective', at Staff Seminar, Faculty of Laws, University College, London, January.
- Nicholson, P.** (2008), 'Analysing Asian Courts: A Vietnamese Case Study', at Staff Seminar, Van Vollenhoven Institute, University of Leiden, The Netherlands, 10 December.
- Nicholson, P.** (2008), 'Asian Legal Studies in a Changing World: Challenges and Opportunities', at Open Lecture, Van Vollenhoven Institute, University of Leiden, The Netherlands, 8 December.
- Nicholson, P.** (2008), 'Publication and Public Access: The Largely Inaccessible Vietnamese Court Decisions', at *Legal Developments in East Asia: China – Vietnam Compared*, hosted by Centre for Comparative and Public Law, Faculty of Law, University of Hong Kong and The Asia Pacific Business Regulation Group, Department of Business Law and Taxation, Monash University, 3-4 December.

- Nicholson, P.** (2008), 'Legal Diffusion: Legal Origins and Legal Diffusion in Asia', at *Varieties of Capitalism, Legal Origins, Legal Diffusion and Legal Evolution Workshop*, hosted by Department of Business Law and Taxation, Monash University, 24 October.
- Pausacker, H.** (2012), 'Indonesian Beauty Queens: Embodying Race, Religion and Nation', 8<sup>th</sup> Annual Islamic Studies Postgraduate Conference, presented by CILS and NCEIS, the University of Melbourne, 20-21 November.
- Pausacker, H.** (2012), 'Indonesian Beauty Queens: Embodying Race, Religion and Nation', Sexing Indonesia Workshop, Auckland, 5-6 November
- Pausacker, H.** (2012), 'Indonesian Beauty Queens: Embodying Race, Religion and Nation', Centre for Islamic Law and Society Symposium, 7 September.
- Pausacker, H.** (2011), 'Involving Religion in Pornography Cases in Indonesia?', at 7<sup>th</sup> Annual Islamic Studies Postgraduate Conference, hosted by Centre for Islamic Law and Society and National Centre of Excellence for Islamic Studies, The University of Melbourne, 28-29 November.
- Pausacker, H.** (2011), 'Sanctions for Popstars... and Politicians? The Aftermath of Indonesia's Pornography Law', at CILS Research Seminar, 3 August.
- Pausacker, H.** (2010), 'Islamisasi Hukum: Playboy, Puteri Indonesia dan Pinkswing Park' [Islamisation of Law: Playboy, Indonesia Princess and Pinkswing Park], at GAYa NUSANTARA Monthly Seminar, Surabaya, 4 December.
- Pausacker, H.** (2010), 'Art or Pornography? Threats of Violence and the Law against Pinkswing Park Art Installation by Indonesia's Islamic Defenders Front', at CILS/ALC Research Seminar, 15 September.
- Pausacker, H.** (2009), 'Art or Pornography? Pinkswing Park, the Law and the Islamic Defenders Front in Indonesia', at *CILS Islamic Studies Postgraduate Conference*, Centre for Islamic Law and Society, The University of Melbourne, 23-25 November.
- Pausacker, H.** (2009), 'The Case of Playboy Indonesia: Pornography or Western Liberalism under Attack?', at Centre for Islamic Law and Society (CILS) Research Seminar, the University of Melbourne, 19 August.
- Pausacker, H.** (2009), 'Confronting Symbols of Western Liberalism: The Islamic Defenders Front (FPI) and Playboy, Puteri Indonesia and Pinkswing Park', at Indonesia Council Open Conference, the University of Sydney, 15-17 July.
- Pausacker, H.** (2008), 'Playboy Indonesia, the Law and the Islamic Defenders Front', at *CILS Islamic Studies Postgraduate Conference*, the University of Melbourne, 17 November.
- Pausacker, H.** (2008), 'Beauty Queens, the Law and the Islamic Defenders Front in Indonesia', at CILS Research Seminar, the University of Melbourne, 8 October.
- Pausacker, H.** (2008), 'Beauty Queens, the Law and the Islamic Defenders Front in Indonesia', at Women in Asia Conference, Brisbane, 29 September-1 October.
- Pausacker, H.** (2008), 'Is Gender still off the Agenda? Studying Ourselves: Involvement and Visibility of Women in Indonesian Studies in Australia', at 17<sup>th</sup> Biennial Conference of the Asian Studies Association of Australia, Melbourne, 1-3 July.
- Pulungan, R.** (2010), 'The Shortcomings of the International Law on Piracy and Maritime Terrorism: Options for Strengthening Maritime Security in The Malacca Straits', at Asian Law Centre Brown Bag Seminar, Melbourne Law School, The University of Melbourne, 18 August.
- Pulungan, R.** (2010), 'The Shortcomings of the International Law on Piracy and Maritime Terrorism: Options for Strengthening Maritime Security in The Malacca Straits', at Graduate Research Student Colloquium, Melbourne Law School, The University of Melbourne, 2 June.
- Rajah, J.** (2012), 'Rule of Law Discourses as Transnational Legal Order', at Law & Society Association Meeting, Hawaii, June.
- Rajah, J.** and Thiruvengadam, A.K. (2012), 'Of Masks and Absences: Cause Lawyering in Singapore', at Law & Society Association Meeting, Hawaii, June.
- Rajah, J.** (2012), 'Rule in Law' as Meta-Transnational Legal Order', at Conference on Transnational Legal Orders, Jamaica, February.
- Rajah, J.** (2011), 'Rule of Law: A Singapore Story', at Asia Research Institute Seminar Series, National University of Singapore, August.
- Rajah, J.** (2010), 'Figuring 'the People'; Bordering 'the Nation': APEC and Territories of Temporary Emergency', at Melbourne Doctoral Forum on Legal Theory, Melbourne Law School, December.
- Rajah, J.** (2010), 'Narrating the Lawful Nation: History, Hegemony and Law in Singapore', at Australia New Zealand Legal History Society conference, La Trobe University, Melbourne, December.
- Rajah, J.** (2010), 'Colonial Continuities, National Inventions: 'Race', 'Religion' and 'Law' in Singapore', at Malaysia and Singapore Association conference, Australian National University, Canberra, December.
- Rajah, J.** (2010), 'A(nother) Great Leap Forward: Authoritarian Rule-of-Law', at American Bar Foundation Research Seminar series, October.
- Rajah, J.** (2010), 'Splitting: How the Dual State Fragments the Legal Complex', at Working Group on Comparative Studies of the Legal Professions, France, July.



# CONFERENCE PAPERS

- Rajah, J.** (2010), 'Can the Foreign Lawyer Speak? Singapore Encounters Foreign Bar Associations', at Law & Society Association Meeting, Chicago, May.
- Rajah, J.** (2010), 'Hindu Law Contortions: Legal Spaces for Colonial Subjects', at Law & Society Association Meeting, Chicago, May.
- Rajah, J.** (2010), 'Legislating Illiberalism: Law, Discourse and Legitimacy in Singapore', at American Bar Foundation Research Seminar, May.
- Rajah, J.** (2010), 'Punishing Bodies, Securing the Nation', at UC Berkeley Centre for the Studies of Law and Society Visiting Scholars Roundtable, April.
- Rajah, J.** (2008), 'Policing Lawyers, Constraining Citizenship: State Management of Legitimacy in Singapore', at workshop on legal research methodology, *In Search of Authority, Rebellion and Action*, Melbourne Law School, December.
- Rajah, J.** (2008), 'Press Regulation, State Surveillance and the Discourse of National Vulnerability: Singapore's Newspaper and Printing Presses Act', at Centre for Media and Communications Law Annual Conference, Melbourne Law School, November.
- Rajah, J.** (2008), 'Scouring Slogans, Securing the Nation: Sovereignty, Law and Singapore's Vandalism Act', at *Space, Politics and Postcolonial Representations* seminar, Institute of Postcolonial Studies, Melbourne; September.
- Rajah, J.** (2008), 'Lawyers, Politics, Publics', at *The Legal Complex in Postcolonial Struggles for Political Liberalism* workshop, organised by Terence Halliday, Lucien Karpik and Malcolm Feeley, Berder, France, June.
- Rajah, J.** (2008), 'Punishing Bodies, Securing the Nation: Singapore's Vandalism Act', at *New Worlds, New Sovereignties* conference, University of Melbourne, June.
- Rajah, J.** (2008), 'Citizen Lawyer: Lawyers, Civil Society and the Rule of Law in Singapore', at Asian Law Institute Conference, National University of Singapore, May.
- Rajah, J.** (2008), 'A Jurisprudence of Vandalism in the Singapore Legal System', at Research Higher Degree Colloquium, Melbourne Law School, May.
- Ren, S., & Zhu, Y.** (2012), 'Making sense' of Leadership in the People's Republic of China', at the Academy of Management 2012 Annual Meeting, Boston, Massachusetts, 3-7 August.
- Ren, S., & Zhu, Y.** (2012), 'Making Sense of Self-development of Leadership Competencies among Middle-managers in China', ANZIBA Annual Conference 2012, University of South Australia, Adelaide, Australia, 12-14 April.
- Steele, S.** (2012), 'Japanese Legal Education Reform: A Lost Opportunity to End the Cult(ure) of the National Bar Examination and Internationalise Curricula?', at *Internationalisation, Curriculum and the Future Practice of Law: Practice, Education and Globalisation* Symposium, Bond University, 23-24 November.
- Steele, S.** and Jin Chun (2012), 'Insolvency Law Responses to a National Crisis: Great East Japan Earthquake and Guidelines for Individual Debtor Out-of-Court Workouts', at *Socio-legal Norms in Preventing and Managing Disasters in Japan* Symposium, University of Sydney, 1-2 March.
- Steele, S.** (2011), 'Internationalising Japanese Culture: Australian Interpretations of *Chado* (The Way of Tea) Traditions', at *Japanese Studies Association of Australia 17<sup>th</sup> Biennial Conference*, The University of Melbourne, Melbourne, 7 July.
- Steiner, K.** (2012), 'From Ritual to Manual: *Zakat* Payment in Malaysia and Singapore', at *Knowing Asia: Asian Studies in an Asian Century*, 19th Biennial Conference of the Asian Studies Association, University of Western Sydney, Sydney, 11-13 July.
- Steiner, K.** (2012), 'The Regulatory Framework for *Zakat* in Malaysia: Challenges for the Implementation of *Zakat*', at Law and Society Association, Annual Meeting, Hawaii, USA, 5-8 June.
- Steiner, K.** (2011), 'The Challenges of Implementing *Zakat* in a National Setting: Giving Context to a Global Norm by Different Epistemic Communities in Malaysia', at *The World Universities 1<sup>st</sup> Zakat Conference*, Universiti Teknologi Mara, Zakat Research Centre Malaysia, Kuala Lumpur, Malaysia, 22-24 November.
- Steiner, K.** (2010), 'The Development Of 'Corporate *Zakat* Responsibility' in Malaysia: Where Islamic Principles Meet Western Concepts: The Best Of Both World?', at *International Conference on Corporate Governance and Corporate Social Responsibility*, University Kebangsaan Malaysia, Kuala Lumpur, Malaysia, 19 -20 October.
- Steiner, K.** (2010), 'Secularism Singapore Style: Politics, Religion and the Muslim Minority in Singapore', at Staff Seminar, Graduate School of Politics and Law, Osaka University, Japan, 15 July.
- Steiner, K.** (2009), 'Islam, Law and the State in Southeast Asia: Case Studies on Islamic Education in Singapore and Freedom of Religion in Malaysia', at International House, The University of Melbourne, 29 October.
- Steiner, K.** (2009), 'Corporate Social Responsibility and Islamic Legal Obligations: Islamic Financial Institutions in Malaysia', at *Interpreting Legal Transfers: A Comparative Analysis*, Monash University's Prato Facility, Italy, 15-16 October.
- Steiner, K.** (2009), 'The Administration of *Zakat* in Malaysia: Issues of Federalism and Economic Development', at International Conference on Research in Islamic Law, University of Malaysia, 15-16 July.
- Steiner, K.** (2009), 'The Administration of Islamic Law in Singapore', at Visiting Lecturer Seminar, Department of Syariah and Law, Academy of Islamic Studies, University of Malaysia, 10 July.

- Steiner, K.** (2009), 'National Identity and Religious Harmony – Secularism the 'Singaporean Way': The State and the Muslim Minority in Singapore', at 10<sup>th</sup> Berlin Roundtables on Transnationality: Urban Governance: Innovation, Insecurity and the Power of Religion, International Workshop, Humboldt University Berlin, Social Science Research Centre and Irmgard Coninx Foundation, Germany, 18-23 March.
- Steiner, K.** (2008), 'Human Rights Protection at the Crossroad? International Law, Religious Laws and National Laws: Jurisdictional Division and Freedom of Religion in Malaysia', at Centre for South East Asian Studies, Seminar Series, Monash University, Australia, 9 October.
- Whiting, A.** (2011), 'Political Struggles and Practical Ethics: A History of Peninsular Malaysian Lawyers and Lawyering', at the International Workshop *Law and Society in Malaysia: Pluralism, Islam and Development*, University of Victoria, British Columbia, Canada, 14-17 July.
- Whiting, A.** (2010), 'Malaysian Lawyers: Personal Values and Professional Practice', at *Australian and New Zealand Legal Ethics Colloquium 2010*, University of Southern Queensland, Toowoomba, 23-24 September.
- Whiting, A.** (2010), 'Secularism, the Islamic State and the Malaysian Legal Profession', at Working Group on Comparative Studies of Legal Professions, Gif sur Yvette, Paris, 8 July (in absentia).
- Whiting, A.** and Marjoribanks, T. (2010), 'Media Professionals' Perceptions of Defamation and Other Constraints in Malaysia and Singapore: Preliminary Findings', *Malaysia and Singapore Workshop: Media, Law, Social Commentary, Politics*, Centre for Media and Communications Law and Asian Law Centre, Melbourne Law School, 10 June.
- Whiting, A.** (2009), 'Suplicants and Citizens: The Gender and Genre of Petitioning in the English Revolution', at *Human Rights: A Longer History. Planning and Scoping Meeting*, hosted by Monash University School of History, State Library of Victoria, 9-10 October.

## CONTRIBUTIONS

Contributions to the University of Melbourne and the Community<sup>1</sup>

## Associate Professor and Reader Sarah Biddulph

## University

- Associate Director (China), Asian Law Centre, Melbourne Law School
- Advisory Committee, *The Australian Journal of Asian Law*
- Convenor, China Law Network (2009-current)
- Deputy Co-Founder and Co-Convenor, China Law Network (2007-2008)
- Member, China Studies Reference Group, The University of Melbourne
- Chair, Human Rights Research Group, Cross Cultural Dispute Resolution Grant
- Member, Ethics Committee, Melbourne Law School, The University of Melbourne
- Member, Human Research Ethics Committee, Humanities and Applied Sciences (HESC), The University of Melbourne
- Member, Institute of Postcolonial Studies
- Member, Selection Committee, Melbourne Law Masters, Melbourne Law School, The University of Melbourne
- Willamette University Summer School in Chinese Law, Shanghai (June-July)
  - Sarah participated each year from 2008 to 2012 in the annual one month Summer program in Chinese law held at East China University of Politics and Law, Shanghai in conjunction with Willamette University, USA. Students from around the world participate in the program, particularly from the United States, Australia and Canada, and from Italy, the Netherlands and Switzerland. The program provides six hours of transferable, ABA-approved credit. Classes are taught in English.

## Community

- Member, Editorial Board, *Administrative Law Review* (Chinese) (2009-current)
- Academic Advisor, Centre for Transnational Legal Studies (CTLS)
- Law School Representative, China Advisory Forum, The University of Melbourne
- China-Australia Chamber of Commerce, Shanghai, China
- External Editor, *China Law Yearbook* (2008-2009)
- Foreign Editor, *The China Legal Development Yearbook*
- Member, China Studies Association of Australia
- Member, International Academy of Comparative Law (2011-current)
- Member, Editorial Board, *Law & Social Inquiry* (2012-current)
- Member, Law and Society Association
- Law Society of NSW
- 

<sup>1</sup> If years are not included, the position is an ongoing position and was current during the entire period from 2008 to 2012. Positions are ordered alphabetically.

## Professor Sean Cooney

### University

- Associate Dean (Research), Melbourne Law School (2010-2012)
- Associate Director, Asian Law Centre, Melbourne Law School
- Advisory Committee, *The Australian Journal of Asian Law*
- Barrister and Solicitor, Supreme Court of Victoria
- Acting Director, Centre for Employment and Labour Relations Law, Melbourne Law School (2009)
- Member, Centre for Employment and Labour Relations Law, Melbourne Law School
- Chair, Staff Consultative Committee, The University of Melbourne (2008)

### Community

- Member, Editorial Board, *National Taiwan University Law Journal*

## Mr Andrew Godwin

### University

- Associate Director (Asian Commercial Law), Asian Law Centre, Melbourne Law School
- Referee, *The Australian Journal of Asian Law*
- Barrister and Solicitor, Supreme Court of Victoria
- Academic coordinator, MLS/Chinese University of Hong Kong Dual Degree Partnership (2010)
- Faculty Advisor, International/Transnational Commercial Practice (2010)
- Member, Knowledge Transfer Committee (2009)
- Member, Library Reform Committee (2008)
- Faculty Advisor, Melbourne Chinese Law Society (2010)
- Director of Studies for Banking and Finance, Melbourne Law Masters (2010)
- Coordinator, Monday lunchtime research workshops, Melbourne Law School (2010)

### Community

- Member, Confucius Institute Focus Group (2009)
- Professional Development and Risk Consultant, Linklaters (2006-current)
- Extensive involvement as pro bono legal advisor to various charities in China
- Solicitor, Supreme Court of England and Wales



# CONTRIBUTIONS

## Professor Tim Lindsey

### University

- ARC Federation Fellow (2006-2011)
- Adjunct Member, Asia Institute (formerly Melbourne Institute of Asian Languages & Societies), The University of Melbourne
- Chair, Asia Institute Promotions/Confirmations Advisory Committee (2008-2009)
- Member, Asia Strategy Committee, The University of Melbourne (2008-2009)
- Director, Asian Law Centre, Melbourne Law School (2008-2012)
- Malcolm Smith Professor of Asian Law, Melbourne Law School
- Co-Editor, *The Australian Journal of Asian Law*
- Barrister-at-Law
- Barrister and Solicitor, Supreme Court of Victoria
- Associate, Centre for Corporate Law and Securities Regulation, Melbourne Law School
- Associate, Centre for Employment and Labour Relations Law, Melbourne Law School
- Foundation Director, Centre for Islamic Law and Society, Melbourne Law School (2008-2012)
- Member, Centre for Resources, Energy and Environmental Law, Melbourne Law School
- Member, Selection Panel, Chair of Asian Studies, Asia Institute (2009)
- Director of Studies, Graduate Diploma in Islamic Legal Studies, Melbourne Law School (2008)
- Member, Directors of Studies Committee, Graduate Program, Melbourne Law School
- Director of Studies, Graduate Program in Asian Law, Melbourne Law School
- Member, Graduate Studies Progress Committee, Melbourne Law School
- Deputy Convenor, Indonesia Forum (2009)
- Program Coordinator, Interdisciplinary Masters in Asian Business, Culture and Law
- Member, University Interdisciplinary Seed Funding (Asian Studies) Panel (2009-2010)
- Co-founder and Member of Steering Committee, *Melbourne Asia Policy Papers Series* with MIALS, Australian Centre for International Business, AsiaLink (2008)
- Member, Melbourne Law Masters Selection Committee (2011)
- Member, National Centre of Excellence for Islamic Studies, The University of Melbourne
- Robson Fellow, Ormond College (2009)
- Chair, Promotions/Confirmations Advisory Committee, Asia Institute, The University of Melbourne (2007-2009)
- Editor, *Syariah and Governance in Southeast Asia Background Papers* (2008-2012)
- Member, Woodward Medal in Humanities and Social Sciences Award Panel (2009)

**Community**

- Associate Member, Academie Internationale de Droit Comparé, Paris [International Academy of Comparative Law]
- Member, International Advisory Board, ARC Centre of Excellence in Policing and Security (2010-current)
- Member, Asian Studies Association of Australia
- Member, Editorial Board, *Asian Studies Association of Australia, Southeast Asia Publications Series* (ASAA-SEAP, with Singapore University Press, University of Hawaii Press, KITLV and Netherlands Institute of Asian Studies)
- Member of Steering Committee, Australia Indonesia Governance Research Partnership (AIGRP) (2008-2009)
- Chair, Australia Indonesia Institute, Department of Foreign Affairs and Trade, Australia
- Honorary Member, Australian Institute of International Affairs
- Associate, Centre for Asia-Pacific Initiatives, University of Victoria, Canada (2007-current)
- Member, Foreign Affairs Advisory Council, Department of Foreign Affairs and Trade, Australia
- Reviewer, *Indonesia and the Malay World* (SOAS) (2011-current)
- International Editor, *Indonesian Law Review*, University of Indonesia (2011-current)
- Member, International Council of the Asia Society
- External Assessor, International Islamic University of Malaysia (2011-current)
- Member, Editorial Board, *Journal of Indonesian Islam*
- Member, Advisory Board, Liberty and Rule of Law Association, Mongolia
- Member, National Asian Languages and Studies in Schools Program (NALSSP) Reference Group (2009-2011)
- Associate, The Pacific Institute
- Member, International Advisory Board, Research Unit for the Study of Society, Law and Religion, The University of Adelaide
- Delegate, 2020 Summit (Australia in the World stream), Parliament House, Canberra (2008)

**Professor Pip Nicholson****University**

- Member, Academic Programs Committee, The University of Melbourne (2011-current)
- Chair, Asian Interdisciplinary Masters Working Group (2011-2012)
- Associate Director (Vietnam), Asian Law Centre, Melbourne Law School
- Acting Director, Asian Law Centre, Melbourne Law School (Semester 1, 2012)
- Director, *Asian Law Online*
- Member, Executive, Melbourne Law School (2009-mid-2011)
- Associate Dean (JD), Melbourne Law School (2009-mid-2011)
- Member, Associate Deans Teaching and Learning Forum, The University of Melbourne (2010)
- Advisory Committee, *The Australian Journal of Asian Law*
- Member, Centre for Comparative Constitutional Studies, Melbourne Law School
- Director, Comparative Legal Studies Program, Asian Law Centre, Melbourne Law School

## CONTRIBUTIONS

- JD Course Director, Melbourne Law School (2008)
- Chair, JD Selection Committee, Melbourne Law School (2009-2012)
- Member, JD Selection Committee, Melbourne Law School
- Member of several JD-related working groups (Curriculum architecture and Selection (2009), Pathways and Admission to the JD (2009)), Melbourne Law School
- Member, LLB Committee, Melbourne Law School (2005-2007, 2009-mid-2011)
- Member, Provost's Online and E-learning working group (2011)
- Member of the Review Panel, Student Advising (2010)
- Chair, Teaching and Learning Development Committee (TALDEC), The University of Melbourne (2011-2012)
- Member, Teaching and Learning Development Committee (TALDEC), The University of Melbourne (2010-current)
- Member, Teaching and Learning Quality Assurance Committee, The University of Melbourne (2011-2012)
- Member, Towards 2011 Project, Working Group F (2009)
- Member, Working Group on Excellence in Graduate Education (2011-2012)

### Community

- Member, Hague Institute for the Internationalisation of Law
- Member, Vietnam Studies Association of Australia

## Ms Stacey Steele

### University

- Associate Director (Japan), Asian Law Centre, Melbourne Law School
- Referee, *The Australian Journal of Asian Law*
- Senior Lecturer, Melbourne Law School (2011-current)
- Lecturer, Melbourne Law School (2008-2010)

### Community

- Member, Asian Studies Association of Australia
- Judge, Intercollegiate Negotiation Competition, Sophia Law School (2008-2010; 2012)
- Member, Japanese Studies Association of Australia
- Associate General Counsel, Standard and Poor's
- Referee, *The UNSW Law Journal* (2009)
- Member, Urasenke Melbourne Chapter

## Dr Amanda Whiting

### University

- Associate Director (Malaysia), Asian Law Centre, Melbourne Law School
- Co-Editor, *The Australian Journal of Asian Law*
- Associate, Centre for Islamic Law and Society, Melbourne Law School (2008-2012)
- Associate, Centre for Media and Communications Law, Melbourne Law School
- Member, Institute for International Law and the Humanities, Melbourne Law School
- Member, JD Committee, Melbourne Law School (2008)

### Community

- Member, Asian Studies Association of Australia
- Member, Australian and New Zealand Association for Medieval and Early Modern Studies
- Member, Australian and New Zealand Law and History Society
- Member, Malaysian Branch of the Royal Asiatic Society



## MAILING LIST

**Asian Law Centre Mailing List**

If you would like to be included on the Asian Law Centre mailing list, please complete the online registration form at: <http://www.law.unimelb.edu.au/alc/about-the-asian-law-centre/contact-the-asian-law-centre/alc-mailing-list>

**MELBOURNE LAW SCHOOL**





Professor Tim Lindsey



Professor Pip Nicholson



Associate Professor and Reader  
Sarah Biddulph



Professor Sean Cooney



Mr Andrew Godwin



Ms Stacey Steele



Dr Amanda Whiting