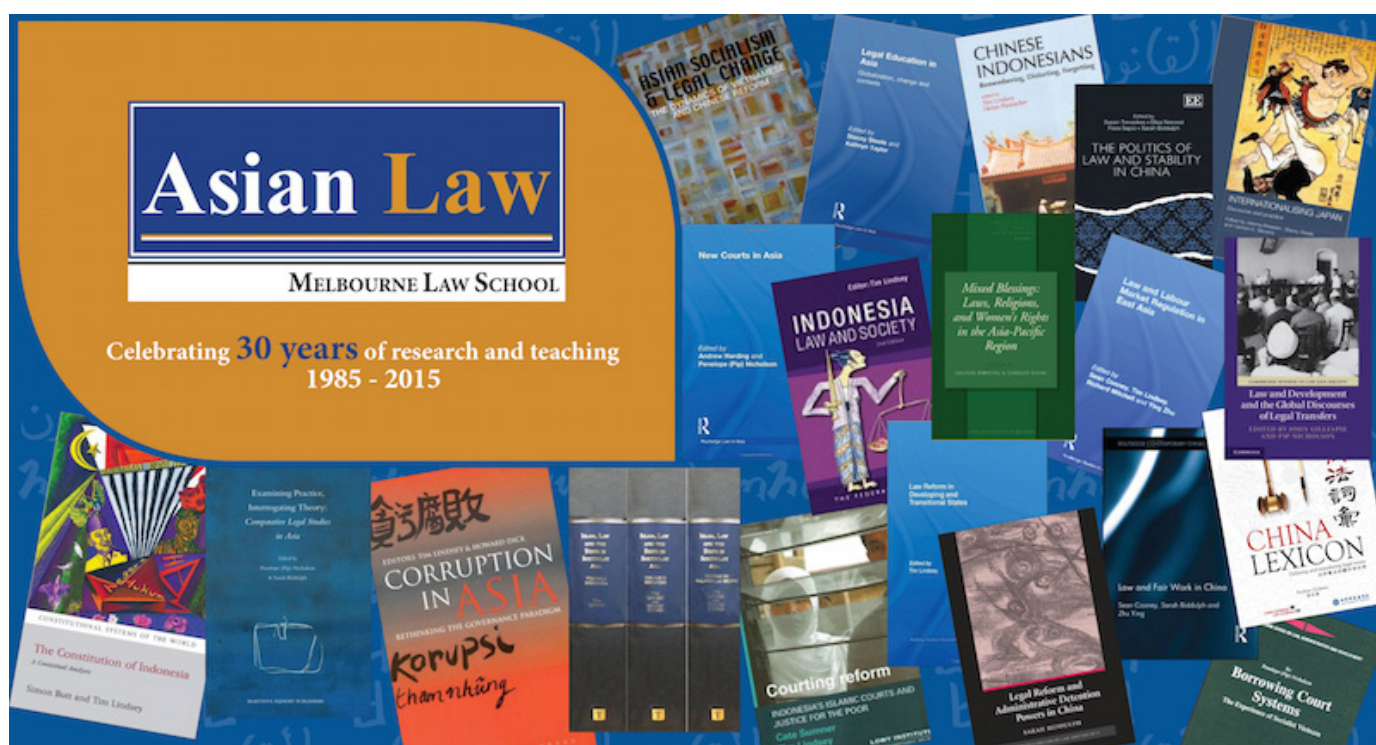




Melbourne Law School

Asian Law

MELBOURNE LAW SCHOOL



Asian Law Centre Annual Report 2015

Enquiries concerning the Centre's activities and publications can be directed to:

Asian Law Centre
Melbourne Law School
The University of Melbourne
Victoria 3010
AUSTRALIA

Tel: +61 3 8344 6847

Email: law-alc@unimelb.edu.au

Report prepared and edited by Pip Nicholson, Kathryn Taylor and Jessica Cotton of the Asian Law Centre.

Table of Contents

Director's Report	5
About the Asian Law Centre	7
Finances and Governance	8
Advisory Board	8
Finances	8
Grants Received	9
Funded Visiting Scholar Programs	10
Asian Law Centre Staff	11
Director and Associate Directors	11
Professional Staff	15
Members	16
Associates	20
Principal Researchers	25
Research Assistants	26
Visiting Scholars	31
The Australian Journal of Asian Law	33
Farewell Adnan Buyung Nasution	34
AJAL Journal Articles (2015)	37
Conferences and Workshops	38
Major Activities and Events	39
'Brown Bag' Seminar Series	42
The Malcolm DH Smith Memorial Scholarship	52
Multimedia IT	54
Asian Law Online	
http://law.unimelb.edu.au/centres/alc/research/resources/alo	54
Australian Network for Japanese Law	54
Law and Finance Institutional Partnership – http://www.lfip.org	55
Teaching	56
Research Students Under Supervision of Centre Members	57
Highlighted Publications	61
Publications of Members, Associates & Researchers	61
Books	61
Chapters in Books	61
Refereed Journal Articles	62
Other Journal Articles	63
Book Reviews	63
Media Articles	63
Conference and Seminar Papers	64
Highlighted Achievements by Asian Law Centre Members	66
Student Achievements	66
Contributions to the University of Melbourne and the Community	67

CONTENTS

Associate Professor Farrah Ahmed	67
Professor Sarah Biddulph.....	67
Professor Sean Cooney	68
Mr Andrew Godwin	68
Professor Tim Lindsey	68
Professor Pip Nicholson	69
Associate Professor Stacey Steele	70
Dr Amanda Whiting.....	71
Asian Law Centre Mailing List	72
Asian Law Centre Facebook Page	72
Asian Law Centre Twitter Account - @alc_mls.....	72

Director's Report

The ALC thrived in 2015 welcoming new associates and celebrating 30 years of sustained research and teaching on the legal systems of our region. We ran a series of focused conferences culminating in new research collaborations across sports law, the socialist legal legacy in socialist Asia and Indian public law. These particular developments sit alongside the sustained research of each individual centre member outlined in the following report. ALC members also developed a new travelling subject to India as well as co-hosting an Indian and Japanese summer school at MLS. Again these additional offerings sit alongside our regular JD and MLM teaching. I invite you to browse this report which brings together our research, teaching and engagement activities. A brief summary of ALC activities is set out below.

We welcomed two new colleagues as Associates in 2015: Associate Professor Sunita Jogarajan and Professor Susan Kneebone. Associate Professor Sunita Jogarajan is a specialist in taxation law with a focus on ASEAN. She has written widely on the integration of tax regimes in ASEAN member countries. Professor Kneebone is an expert on forced migration issues, with a particular focus on South East Asia. She serves as the Secretary of the International Association for the Study of Forced Migration, and is the founder of the Asia Pacific Forced Migration Connection.

Teaching in 2015 saw the introduction of the new JD subject *Law and Legal Practice in Asia*. Students spent a month living and working in Delhi after completing seminars on the Indian legal system pre-departure. We are indebted to the following for hosting the interns: Shardul Amarchand Mangaldas & Co; Phoenix Legal; S & R Associates; Human Rights Law Network; Commonwealth Human Rights Initiative; and leading counsel Rajshekar Rao.

Mr Andrew Godwin, with MLS colleague Associate Professor Jeremy Gans, represented the Law School teaching in the *China and the Common Law Program*, with colleagues from Oxford University and National University of Singapore. The program was taught in four Chinese universities: Beijing-based Tsinghua Law School and Peking University Law School; and Shanghai-based KoGuan Law School, based at Shanghai Jiao Tong University, and Fudan University Law School. The lectures from this program have been published by the *Tsinghua China Law Review* and are available at http://www.tsinghuachinalawreview.org/articles/PDF/TCLR_0801_Godwin.pdf.

In 2015, we hosted three major conferences. *Sport Regulation in East Asia* (with a particular focus on Korea) was generously hosted by K&L Gates. Associate Professors Hayden Opie (ALC Member since 2014) and Stacey Steele (ALC Associate Director (Japan / Korea)) jointly convened the conference. Hayden and Stacey hope to secure funding for a conference in 2017 on the Tokyo Olympics in 2020. The publication of the conference proceedings is forthcoming with Routledge.

The ALC also co-convened the first Oxford-National Law University Delhi-MLS conference on public law, hosted by National Law University Delhi. The collaborations seeding this doctoral workshop and conference have culminated in the development of a new India focused scholarly law journal, *Indian Law Review*, published by Taylor & Francis, which Associate Professor Farrah Ahmed (Associate Director India) will co-edit.

Our third conference, jointly convened by the Asian Law Centre, Monash University's Department of Business Law and Taxation, Hong Kong University and the China University of Hong Kong, brought together experts on Soviet law and the Chinese and Vietnamese legal systems to debate the Soviet Legal Legacy in Socialist Asia. We were joined by MLS doctoral students, Pham Lan Phuong and Hai Do Ha, who gave excellent papers on socialism and its legacies in Vietnam. We look forward to working on the resulting book with our collaborators.

As always, the ALC continued to run an active visitors program. In 2015 this included two summer schools and two Vietnamese delegations. The first group of students came to us from OP Jindal Global University (JGU), arriving in early January. OP Jindal is a private university based in Delhi, the leadership of which seeks to contribute to the reform of legal education in India.

In February, the Japan Program received Japanese students from Tokyo-based Chuo Law School. This year marked a decade since the ALC first started hosting Chuo students in the comparative study of Australian and Japanese law. In 2017 this program will be broadened, through the support of an Australia-Japan foundation grant, to include other leading Japanese law schools.

The ALC worked with Professor Alison Duxbury and Associate Professor Wendy Larcombe to welcome a delegation of Faculty members from the Ho Chi Minh City Law University, Vietnam. The program included discussion of student selection practices and policies, assessment in the law school curriculum and the teaching of human rights. In October, a further delegation of 15 officials from the Vietnamese Ministry of Justice visited the ALC. The Ministry of Justice has recently introduced a 5-year training program for new interns that in 2015 included this overseas study tour.

The 30th anniversary of the ALC was marked with a seminar on 'Tolerance and Rights in Asia' lead by Antony Dapiran (Partner, David Polk & Wardell, Hong Kong) and Professor Jiunn-rong Yeh (National Taiwan University, now Minister of the Interior in the new Taiwanese government). We also launched Professor Sarah Biddulph's *The Stability Imperative* (UBC Press, 2015), a study of the Chinese Party-state 'management' of human rights issues in China.

Throughout 2015 the ALC supported ongoing regional and Australian debate of the death penalty. Professor, Dr Jimly Asshiddiqie, former founding Chief Justice of the Indonesian Constitutional Court and current Professor of Law at the University of Indonesia

DIRECTOR'S REPORT

gave a keynote address on 'Islam, Democracy and the Future of the Death Penalty'. Lead Indonesian counsel defending Andrew Chan and Myuran Sukumaran, Professor Todung Mulya Lubis, spoke on 'Death Penalty and the Road Ahead: A Case Study of Indonesia', giving a detailed analysis of how and why Indonesia might introduce a suspended death penalty. Both these analyses of the death penalty in Indonesia are available as part of the CILIS / ALC Briefing Paper Series (<http://law.unimelb.edu.au/centres/alc/research/publications/alc-briefing-paper-series>).

We continue to host regular visitors (Japanese judges and Korean judges and prosecutors) together with a range of scholars from the region. Visitor details are set out in the following report.

We note our sincere thanks to all those who have very generously given their expertise and support to the ALC in 2015, including Allan Myers AO QC and Maria Myers AO whose generosity supported the Oxford, NLUS, MLS public law workshop in Delhi.

Professor Pip Nicholson
Director, Asian Law Centre



Delegation from Ministry of Justice, Vietnam at Parliament of Victoria, Melbourne, March 2015

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, Korea, China, India, Indonesia, Vietnam, Taiwan, Malaysia and Islamic law. The Centre has also worked on Timor Leste, The Philippines, 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; and
- provide networking opportunities between the Melbourne Law School and Asian Universities.

Finances and Governance

Advisory Board

The Asian Law Centre benefits from the Advisory Board's knowledge and insights into regional legal issues, practice and developments.

The 2015 Advisory Board members were:

The Hon. Justice Susan Kenny (Chair)

Judge, Federal Court of Australia

Mr Nathan Butler

General Counsel, Governance, Corporate and Enterprise, National Australia Bank Limited

Mr Rowan Callick OBE

Asia Pacific Editor, *The Australian*

Mr Peter Gray QC

Barrister, Owen Dixon Chambers West

Mr Justin Hanney

Lead Deputy Secretary, Economic Development, Employment and Innovation, Department of Economic Development, Employment and Innovation

Ms Serena Lillywhite

Mining Advocacy Coordinator, Oxfam

Mr Cheng Lim

Partner, King & Wood Mallesons

Finances

The Centre receives administrative support from the University of Melbourne of \$5,000, in addition to the paid salaries of 1.6 FTE professional staff positions. The salaries of academic staff members of the Centre are borne by the Melbourne Law School, as members undertake standard teaching obligations in the Melbourne Law School.

The Asian Law Centre's research activities in 2015, including salaries of research assistants, were therefore funded largely from research grants and, to a lesser extent, by support from donations.

Grants Received

ALC Member(s)	Year(s)	Type of Grant	Title	Collaborator	Amount
Farrah Ahmed	2015-2018	ARC Discovery Grant	'The Response of Australian Family Law to Islamic Community Processes'	Carolyn Evans, Ghena Krayem, Helen Rhoades	A\$329,900
Sarah Biddulph	2009-current	Major Collaborative Research Initiative funded by the Canadian Social Sciences and Humanities Research Council	'Asia Pacific Dispute Resolution: Understanding Coordinated Compliance with International Trade and Human Rights Standards In Comparative Perspective'	Pitman Potter (University of British Columbia)	CA\$2.5 million (for entire project)
Sarah Biddulph	2013-2017	ARC Future Fellowship	'Administrative Justice in China: Harnessing the Rule of Law to Deal with Citizen Complaints against Official Misconduct'		A\$744,850
Pip Nicholson	2015	University of Hong Kong General Research Fund	'An Empirical and Comparative Study of Law Students' Perceptions of Their Values in Four Asian Civil Law Countries: China, Vietnam, Japan and South Korea'	Richard Wu, Adrian Evans, Ji Weidong, Nguyen Van Quang, Manako Kinoshita, Kim JaeWon, Grace Lai-kuen Leung, Kevin Kwok Yin Cheng, Lin Yu-Hsin	HK\$798,480
Pip Nicholson	2013-2015	Folke Bernadotte Academy Grant	'Post Conflict Rule of Law in Timor Leste: The Local Experience of Timor Leste'		A\$40,936
Stacey Steele	2014-2016	NUS Law - MLS Research Partnership	'Disciplining Insolvency Practitioners in Australia and Singapore: Legal and Policy Trends'	Ian Ramsay	A\$10,000 (co-funded by \$10,000 from NUS)
Stacey Steele	2014-2015	Australia-Korea Foundation Grant	'Sports Law and Integrity Workshop: The 2015 Asian Cup and the 2018 Winter Olympic Games'	Mr Hayden Opie	A\$7,000
Stacey Steele	2014-2015	MLS-Asia Research Collaboration	'Sports Law and Integrity Workshop: The 2015 Asian Cup and the 2018 Winter Olympic Games'	Mr Hayden Opie	A\$9,080
Stacey Steele	2015	The Japan Foundation, Sydney Mini Grant Program	'In Conversation: Tokyo High Court Judge Takashi Sonoo'		A\$1,290
Stacey Steele	2015	International Research Visitors Scheme, Melbourne Law School	Professor Keiki Kawai, Doshisha University, Kyoto, Japan	Mr Hayden Opie	A\$9,228.75

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

In 2015, the participants in this program included:

- **2014-2015 - Judge Aya Kobayashi, Tokyo District Court**

Judge Kobayashi is an Assistant Judge from the Tokyo District Court, Japan. Judge Kobayashi conducted research on the systems in place for the protection of elderly people in Australia. She also researched class actions and their operation in practice.

- **2015-2016 - Judge Satoshi Matsumoto, Osaka District Court**

Judge Matsumoto is an Assistant Judge from Osaka District Court. During his stay, he conducted research on civil aspects of international child abduction of the Hague Convention. Further, he studied its operation and the structure of Family Law in Australia.

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. In 2012, the program was extended by the Ministry of Justice to include Public Prosecutors.

In 2015, the participants in this program included:

- **2014-2015 - Prosecutor Se-Hyun Kang, Prosecutor, Ulsan Prosecutor's Office**

Mr Kang investigated the criminal procedure and the police system in Australia, with a focus on the relationship between prosecutors and police. In addition, he conducted research into defamation law, looking at processes and punishment of defamation cases.

- **2014-2015 - Mr Gun Ho Cho, Court Officer, Pusan District Court**

Mr Cho's interests included environmental law and legislation in Queensland, with a focus on the Governments' Reef Water Quality Protection Plan for the Great Barrier Reef. His research focused on the coral reef conservation program. In addition, he looked at ways to improve and recover the coastal development and the quality of water.

- **2014-2015 - Judge In Deok Seo, Judge, Daegu District Court**

Judge Seo has an extensive experience as a judge, managing various criminal and civil cases. Judge Seo's research interests included dispute resolution and, in particular, the area of class actions and the involvement of the Victorian Civil and Administrative Tribunal in Australia.

Asian Law Centre Staff

Director and Associate Directors



Director, Asian Law Centre Associate Director (Vietnam)

Professor Penelope (Pip) Nicholson

Pip Nicholson is the Director of the Asian Law Centre. She is also the Centre's Associate Director (Vietnam). 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 the University of Melbourne, a Masters in Public Policy from ANU and a doctorate from the University of Melbourne. Pip regularly advises on court reform in Vietnam. Her most recent book is John Gillespie and Pip Nicholson (eds) *Law and Development and the Global Discourses of Legal Transfers*, Cambridge University Press, 2012.

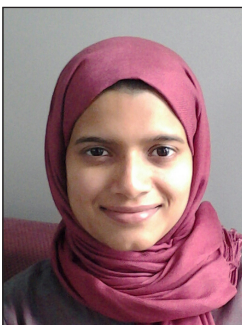
Pip has previously been admitted as a barrister and solicitor of the Supreme Court of Victoria.

Pip's publications include: *Socialism and Legal Change: The Dynamics of Vietnamese and Chinese Reform* (co-edited with John Gillespie, AMU Press, 2006); *Borrowing Court Systems: the Experience of Socialist Vietnam* (Martinus Nijhoff, 2007); *Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia* (co-edited with Sarah Biddulph, Brill, 2008); *New Courts in Asia* (co-edited with Andrew Harding, Routledge, 2009); and *Law and Development and the Global Discourses of Legal Transfers* (co-edited with John Gillespie, Cambridge University Press, 2012).

Pip has recently jointly held ARC grants to investigate court-oriented legal reform in Cambodia and Vietnam, and to analyse 'Drugs, Law and Criminal Procedure in Southeast Asia'.

Her current research interests include law and legal change (including court and legal sector reform) in transitional countries, drug trials in Asia, and cross-cultural legal research and development. Pip has spoken on these issues in Vietnam, 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.



Associate Director (India)

Dr Farrah Ahmed

Farrah joined the Melbourne Law School in July 2012 and became Associate Director of the India Program at the Asian Law Centre in 2013. Prior to this, she was a Lecturer in Law at Queen's College, University of Oxford. Farrah's areas of interest are South Asian Law, Legal Theory, Law and Religion, Public Law and Family Law. Her educational history includes an LLB from the University of Delhi, a Bachelor of Civil Law, an MPhil in law and a DPhil in law from the University of Oxford. Farrah is currently working on a project on the accommodation of religious norms in Indian family law. Her publications include: 'The Coherence of the Doctrine of Legitimate Expectations', *The Cambridge Law Journal* (2014) 73:1 (with Adam Perry); 'Expertise and the Duty to Give Reasons', *Public Law* (2012) 2: 221 (with Adam Perry); 'Religious Tribunals, Religious Freedom and Concern for Vulnerable Women', *Child and Family Law Quarterly* (2012, 363 (with Jane Norton); 'Religious Norms in Family Law: Implications for Group and Personal Autonomy' in John Eekelaar and Mavis Maclean (eds) *Managing Family Justice in Diverse Societies* (Hart, 2013); 'How Religious Arbitration Could Enhance Personal Autonomy', *Oxford Journal of Law and Religion* (2012) 2:1 (with S. Luk); 'Personal Autonomy and the Option of Religious Law', *International Journal of Law, Policy and the Family* (2010) 24 (2); 'The Value of Faith', *Religion, State and Society* (2010) 38 (2); and 'Religious Arbitration: A Study of Legal Safeguards', *Arbitration* (August 2011) (with S. Luk).



Associate Director (China)

Professor Sarah Biddulph

Professor Sarah Biddulph joined the Asian Law 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'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. Sarah completed her PhD in 2004, entitled 'The Legal Field of Policing in China: Administrative Detention and Law Reform'.

Sarah's recent publications include: *Legal Reform and Administrative Detention Powers in China* (CUP, 2007); *Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia*, co-edited with Pip Nicholson (Brill, 2008); *Law and Fair Work in China: Making and Enforcing Labour Standards in the PRC*, co-authored with Sean Cooney and Ying Zhu (Routledge, 2013); *The Politics of Law and Stability in China*, co-edited with Susan Trevaskes, Elisa Nesossi and Flora Sapio (Edward Elgar, 2014); and *The Stability Imperative: Human Rights and Law in China* (UBC Press, 2015).

Sarah 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.

In 2013, Sarah was awarded an ARC Future Fellowship. Her Future Fellowship project examines the role of law in China in providing justice to citizens complaining about official misconduct. It provides an understanding of the current limitations of legal mechanisms in controlling abuse of power and the implications for rule of law in China. It examines in particular administrative litigation, administrative review and letters and visits and the interactions between them. It also examines the social impacts of failure adequately to resolve conflicts between citizens and government officials.



Associate Director

Professor Sean Cooney (on leave as Labour Law Specialist at the International Labour Organisation, Geneva)

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 and 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

Andrew Godwin holds a number of senior positions at Melbourne Law School: Senior Lecturer, Director of Transactional Law, Director of the Graduate Program in Banking and Finance Law, and Associate Director (Asian Commercial Law) of the Asian Law Centre.

Andrew has been involved in legal practice for over 20 years, 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 finance and insolvency law, transactional law, financial regulation (particularly disclosure and regulatory systems), the regulation of the legal profession and professional and transactional skills for lawyers. Andrew is the author of a critically acclaimed bilingual book that examines Chinese and English legal terminology and concepts: *China Lexicon* (Vantage Asia, 2014). He is also a regular contributor to academic and professional publications and consults extensively in the areas of professional training, risk and compliance issues concerning law firms and legal practice, contract drafting and the use of plain language techniques. He is currently acting as consultant to the World Bank in the area of financial institution insolvency (bank recovery and resolution).



Associate Director (Indonesia)

Professor Tim Lindsey

Professor Tim Lindsey joined the Centre in 1990 and was appointed to the Law School in 1994. In 2015 he was appointed as a Redmond Barry Distinguished Professor. His other appointments include Malcolm Smith Professor of Asian Law (2006), ARC Federation Fellow (2006-2012), 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-current).

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. He is a long-serving member of the Australia-Indonesia Institute in the Department of Foreign Affairs, and Chair. He is an Associate Member of the Académie Internationale de Droit Comparé and of the International Council of the Asia Society. Tim worked previously at Mallesons Stephen Jaques and has been a 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 and at UITMara in Malaysia.

Tim's publications number more than 100 and include *Indonesia: Law & Society* (now in its second edition, Federation Press, 2008); *Indonesia: Bankruptcy, Law Reform and the Commercial Court* (Annandale, 2000); *Corruption in Asia: Rethinking the Governance Paradigm* (with Howard Dick, Federation Press, 2002); *Indonesia After Soeharto: Prospects for Reform; Law and Labour Market Regulation in East Asia* (with Sean Cooney, Richard Mitchell and Ying Zhu, Routledge, 2002); *Chinese Indonesians: Remembering, Distorting, Forgetting* (with Helen Pausacker, also in its second edition, Monash University Press, 2005); *Law Reform in Developing and Transitional States* (Routledge, 2007); and *The Constitution of Indonesia* (with Simon Butt), *Law, Society and Transition in Myanmar* (with Melissa Crouch, Hart, 2014), *Religion, Law and Intolerance in Indonesia* (with Helen Pausacker, Routledge, forthcoming, 2016) and *Drugs Law and Practice in Southeast Asia* (with Pip Nicholson, Bloomsbury forthcoming, 2016). 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) (IBTaurus, 2012). Tim is a founder and Executive Editor of *The Australian Journal of Asian Law*.

ASSOCIATE DIRECTORS

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

Associate Professor 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 S&P Global Ratings' 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 co-edited *Internationalising Japan: Discourse and Practice* (Routledge, 2014) with Jeremy Breaden and Carolyn Stevens, and *Legal Education in Asia: Globalization, Change and Contexts* (Routledge, 2010) with Kathryn Taylor.

Her research interests include insolvency law in the Asia-Pacific, law reform, Japanese law and society, legal education 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* was published by Brepols in 2015.

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* (Martinus Nijhoff, 2006); and (with Andrew Kenyon and Tim Marjoribanks) of *Democracy, Media and Law in Malaysia and Singapore: A Space for Speech* (Routledge, 2014).

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* (CCH, 2000).

Professional Staff



Centre Manager

Ms Kathryn Taylor

Ms Kathryn Taylor joined the Centre in 1998 as the Administrator. In 2005, she was appointed Manager of the Asian Law Centre and Manager of the Centre for Indonesian Law, Islam and Society (formerly, Centre for Islamic Law and Society). Kathryn was the Project Manager of Professor Tim Lindsey's ARC Federation Fellowship from 2006 to 2012, and is Project Manager of Asian Law Online, the largest bibliographic database of English-language materials on Asian legal systems in the world.

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. As part of this degree, Kathryn also completed a Winter Semester in Chinese Law at the East China University of Politics and Law. Kathryn's research interests include the Chinese language and culture, Asian legal systems (particularly the legal systems of China and Taiwan), international business, the current state of China-Taiwan relations and Islam in China. Kathryn is able to communicate in Mandarin. She has co-edited a monograph with Stacey Steele, *Legal Education in Asia: Globalization, Change and Contexts* (Routledge, 2010).

In 2008, Kathryn was awarded a Gerry Barretto Award, which recognise outstanding performance by professional staff who contribute to creating a high quality student experience.



Centre Coordinator

Ms Ade Suharto

Ade joined the Asian Law Centre and Centre for Indonesian Law, Islam and Society in 2015. She holds degrees from the University of South Australia (Graduate Diploma in Arts & Cultural Management) and the University of Adelaide (BA (Hons), Dance). Ade was a recipient of a Darmasiswa Scholarship from the Indonesian Government (2000- 2002) where she studied dance in Solo, Central Java. Before coming to Melbourne, Ade held positions in arts and culture, supporting a range of South Australian performing arts organisations and national events. Simultaneous to this, Ade has developed her practice as a choreographer, collaborator and performer.



Centre Coordinator (January)

Ms Tessa Shaw

Tessa joined the Asian Law Centre in 2009. She was the Coordinator of the Asian Law Centre and the Centre for Indonesian Law, Islam and Society until January 2015. She assisted with Professor Tim Lindsey's ARC Federation Fellowship from 2009 to 2012.

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.

MEMBERS

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 Sunita Jogarajan

Sunita Jogarajan specialises in teaching and researching taxation law. She joined the Law School part-time in July 2004 and became a full-time academic in July 2006. Sunita has also worked for many years in the tax practice of KPMG Melbourne in the areas of corporate tax, tax policy and practice development. She has published in several leading international law journals and is one of the primary authors of a widely used tax textbook for non-law students, *Principles of Taxation Law* (ThomsonReuters).

Sunita's primary research interests are in tax policy, the role of multinational institutions and international tax. She has written on the role of the IMF on tax reform and the integration of tax regimes in ASEAN member countries. She is currently undertaking doctoral research in tax treaty history.

In 2010, Sunita was awarded an Australian Learning and Teaching Council citation for "outstanding contribution to student learning" in respect of her undergraduate and postgraduate tax teaching.



Associate Professor Cally Jordan

Cally Jordan has degrees in both civil law and common law (LLB/BCL McGill University; DEA, Université de Paris I (Panthéon-Sorbonne)), which she obtained after a BA, with distinction (Carleton) and a MA (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. 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 was 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.



Professor Susan Kneebone

Professor Kneebone is a Professorial Fellow of the Melbourne Law School at the University of Melbourne. Formerly she was Professor, Faculty of Law, Monash University where she introduced research and teaching on refugee law and human trafficking issues. Her recent research focuses on issues around governance of forced migration issues in South East Asia. She is the author of many articles and author / editor of the following recent books: *Refugee Protection and the Role of Law: Conflicting Identities* (Routledge, 2014) (edited with Dallal Stevens and Loretta Baldassar); *Transnational Crime and Human Rights: Responses to Human Trafficking in the Greater Mekong Subregion* (Routledge, 2012) (with Julie Debeljak); and *Refugees, Asylum Seekers, and the Rule of Law: Comparative Perspectives* (Cambridge University Press, 2009).

Professor Kneebone is Secretary, International Association for the Study of Forced Migration and has established the Asia Pacific Forced Migration Network with the support of the Refugee Research Network, York University, Canada.

Professor Kneebone has been Chief Investigator on the following Australian Research Council projects: 'Towards Development of a Legal Framework for Regulation of International Marriage Migration' (2014); 'Delivering Effective Protection to Victims and Prevention of Human Trafficking in the Greater Mekong Sub-Region' (2009); and 'Law, Governance and Regulation of Intra-regional Labour Migration in South East Asia: An Agenda for Protection and Development' (2009).



Associate Professor Jürgen Kurtz

Dr Jürgen Kurtz is a Professor and Director of International Economic Law Studies at the University of Melbourne Law School in Australia.

Jürgen researches and teaches in the various strands of international economic law including the jurisprudence of the World Trade Organization and that of investor-state arbitral tribunals. He has a particular research interest in the impact of treaty-based disciplines on regulatory autonomy and development strategies. Jürgen's most recent book is *The WTO and International Investment Law: Converging Systems* (Cambridge University Press, 2016).

Jürgen has held research fellowships at the Jean Monnet Center for International and Regional Economic Law Justice at New York University Law School (as an Emile Noel Fellow), at the University of Michigan Law School (as Grotius Fellow), the Academy of International Law in The Hague and the European University Institute (as Fernand Braudel Senior Fellow) in Florence. He is also a Director of Study at the Academy of International Trade and Investment Law based in Macau and Shenzhen and organized by the Institute of European Studies.

In recent years, Jürgen has joined the Global Faculties of the Universidade Catolica in Portugal, the Centre for Transnational Legal Studies in London, Bocconi University in Milan, the University of Barcelona in Spain and the Singapore International Arbitration Academy at the National University of Singapore.

Jürgen has acted as a party-nominated arbitrator in ICSID proceedings and as expert consultant to the World Bank, the European Union, the ASEAN Secretariat, UNDP and UNCTAD. He currently serves on the Executive Committee of the Society of International Economic Law and the editorial boards of the *Journal of International Dispute Settlement* and the *Journal of World Investment and Trade*.



Mr Hayden Opie

Hayden Opie had the insight to press for the Law School to focus on sports law over 25 years ago, and is the Director of Studies of the Melbourne Sports Law Program. He has since built the program into one of the most successful in the world. He pursues research and teaching interests in all areas of sports law and is recognised internationally for his work in the field: in particular on sports integrity, labour market regulation and medico-legal questions, including injury liability and anti-doping. A graduate of this law school, he undertook higher study in sports law at The University of Toronto in the mid-1980s.

Hayden initiated the founding of the Australian and New Zealand Sports Law Association Inc, and served as the Association's President for its first eight years. In 2000, he was made the Association's first Life Member. He is also a member of the Court of Arbitration for Sport, and a member of various international and national sports law associations and advisory bodies. In 2009, Hayden received the ANZSLA Contribution to Sport Award.

The Sports Law Program features 14 graduate level subjects which may be taken for continuing education or towards a Graduate Diploma in Sports Law or one of a number of degrees at the Masters level. Hayden has been largely responsible for the development of most of the subjects and teaches in eight of them. He has taught sports law subjects at The University of Sydney, The University of Adelaide and Marquette University, USA. Hayden also supervises Research Higher Degree students and teaches two sports law subjects in the Melbourne JD program. He is also a member of the Asian Law Centre in Melbourne Law School.

In recent years, he has spoken on sports law issues at conferences in Asia, Europe, New Zealand and the United States of America including a number of appearances at arguably the world's most important sports conference, the SportAccord Convention (the annual conference of international sports federations). His publications on sports law cover a wide range of topics and have appeared in Australian, Chinese, European, New Zealand, South American and United States journals and books.

**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 Corporations Law Committee of the Law Council of Australia. He was the Head of the Federal Government inquiry on auditor independence and is a past member of the Australian Securities and Investments Commission External Advisory Panel, the Corporations and Markets Advisory Committee, the Auditors and Liquidators Disciplinary Board, the Takeovers Panel, the Audit Quality Review Board, the Law Committee of the Australian Institute of Company Directors and 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.

**Professor Mark Williams**

Mark Williams is Professor of Law at the Melbourne Law School, the University of Melbourne. He teaches competition law with an interest in Asian competition generally and that of China and Hong Kong more particularly. He also teaches company and commercial law, corporate governance, corporate social responsibility, again with a particular interest in Asian jurisdictions, and the economic law of the People's Republic of China. He has taught for 25 years in the UK, Hong Kong, China and now Australia at both undergraduate and postgraduate levels. He has acted as a doctoral examiner for several leading law schools.

Mark has published in various leading law journals, including the *Journal of Business Law*, the *Competition Review*, the *Antitrust Bulletin* and the *Competition Policy International*. He has also contributed to books and studies on competition-related topics and has undertaken consultancy work in the competition law field for the Japanese and Chinese governments, APEC and ASEAN, as well as leading law firms. He is a regular speaker at various business groups' seminars and conferences. He is the author of several monographs on competition and commercial law, including *Competition Policy and Law in China, Hong Kong and Taiwan* (2005); *Secured Finance Law in China and Hong Kong* (2010, co-authored); and *Political Economy of Competition Law* (2013). He is well connected with professional bodies in Hong Kong such as the Institute of Company Secretaries and Institute of Certified Public Accountants. He was also the founder of the Asian Competition Forum and has been its Executive Director since 2005. He was appointed in July 2013 to be a member of the Telecommunications (Competition Provisions) Appeal Board in Hong Kong.

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.

Full biographical details, including areas of expertise and select publications, can be found on our website at: <http://law.unimelb.edu.au/centres/alc/about-alc/alc-members>

**Professor Kent Anderson**

Deputy Vice Chancellor (Community & Engagement), University of Western Australia

Professor Anderson's research and teaching focuses on comparative law and society, with a particular emphasis on Asia and Japan. He has written and taught on private international law, insolvency, juries, law and film, and Australia-Japan relations.

**Associate Professor Gary Bell**

Director, Asian Law Institute, National University of Singapore

Professor Bell's research and teaching includes in the areas of comparative law, Indonesian law, international and comparative law of sale and arbitration.

**Associate Professor Simon Butt**

Associate Director, Center for Asian and Pacific Law, The University of Sydney

Professor Simon Butt is fluent in Indonesian, and teaches Indonesian law, including in the areas of intellectual property, Indonesian criminal law, Indonesian terrorism law, constitutional law and legislative drafting.

**Professor Camille Cameron**

Dean of Law, Weldon Professor of Law, Schulich School of Law, Dalhousie University

Professor Cameron's areas of research and teaching interests include the administration of and access to civil justice, class actions, comparative civil procedure, dispute resolution, tobacco litigation and court reform in transitional legal systems.

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**

Lawyer and Member of the Philippine House of Representatives for Bayan Muna, Philippines

Mr Colmenares completed his PhD at the University of Melbourne on 'The Writ of Amparo and the International Criminal Court'. 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.



Associate Professor Charles Coppel

Honorary Professorial Fellow, Historical and Philosophical Studies, Faculty of Arts, The University of Melbourne

Associate Professor Coppel's research has focused on Indonesia, and has covered diverse areas, including 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.



Dr Hop Dang

Partner, Allens Linklaters, Hanoi, Vietnam

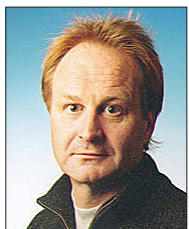
Dr Dang completed his DPhil at the University of Oxford in the area of international investment law. Dr Dang has over ten years of practical experience, specialising in large-scale infrastructure projects, international, commercial arbitration and general corporate matters.



Professor Howard Dick

Honorary Professorial Fellow, Faculty of Business and Economics, The University of Melbourne and Co-joint Professor, The University of Newcastle

Professor Dick is a micro-economist and economic historian, he has published extensively on Indonesia. His research focused on corruption and governance.



Professor Michael Dutton

Professor of Politics, Department of Politics at Goldsmiths College, the University of London

Professor Dutton specialises in the political history of socialist policing and control in China.



Dr Stewart Fenwick

Honorary Professor, Institute for Religion Politics and Society, Australian Catholic University

Dr Fenwick completed his PhD on the topic 'Is Rawlsian Liberalism Compatible with Islam? A Case Study of Pose-Suharto Indonesia' at the Univeristy of Melbourne in 2015 and was awarded the Harold Luntz Prize for best MLS PhD thesis.



Professor Hualing Fu

Faculty of Law, The University of Hong Kong

Professor Fu's research interests include constitutional law and human rights, with a special focus on criminal justice system and media law in China. He teaches Corruption, Human Rights in China, and Legal Relations between Hong Kong and Mainland China.

ASSOCIATES

**Professor Andrew Harding**

Director, Centre for Asian Legal Studies, The National University of Singapore

Professor Harding is a leading scholar in the fields of Asian legal studies and comparative constitutional law. Professor Harding has worked extensively on constitutional law in Malaysia and Thailand, and has made extensive contributions to scholarship in comparative law, and law and development.

**Dr Gitte Heij**

Adjunct Professor, Murdoch University

Dr Gitte Heij specializes in Asian Comparative Tax Laws, and teaches courses in development studies.

**Professor M.B. Hooker**

Adjunct Professor of the Faculty of Law at Australian National University

Professor Hooker is regarded as a leading world authority on Islamic law and traditional customary law in Southeast Asia.

**Associate Professor David Linnan**

Associate Professor of Law, School of Law, University of South Carolina and Program Director, Law & Finance Institutional Partnership

Associate Professor Linnan is a scholar of comparative, economic and public international law with a special interest in Asian law. The Law & Finance Institutional Partnership is a legal and financial sector reform project run from Jakarta as an academic consortium of Indonesian and foreign universities.

**Professor Vera Mackie**

Senior Professor of Asian Studies, Faculty of Law, Humanities and the Arts, University of Wollongong

Professor Mackie's research interests include the history of feminism in Japan, gender and the law in Japan and gender and social policy in Japan.

**Professor Richard Mitchell**

Adjunct Fellow in Residence, Department of Business Law and Taxation, Monash University

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.



Professor William Neilson

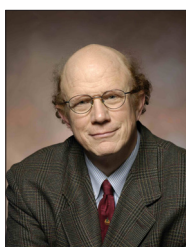
Bill Neilson was the Director of the Centre for Asia-Pacific Initiatives at the University of Victoria, Canada between 1992 and 2004 and also its Law Chair from 1996 to 2004. He retired as Professor Emeritus of Law in July 2004. Professor Neilson's research interests include in the Asia-Pacific region 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.



Judge Raul Pangalangan

International Criminal Court

Judge Pangalangan joined the International Criminal Court in 2015, and has expertise in international law, including international humanitarian law and international human rights. He was formerly the Dean of the School of Law, the University of Philippines.



Professor Pitman Potter

Professor of Law, Law Faculty, University of British Columbia and Hong Kong Bank Chair in Asian Research, Institute of Asian Research, University of British Columbia

Dr. Potter's teaching and research are focused on PRC and Taiwan law and policy in the areas of foreign trade and investment, dispute resolution, intellectual property, contracts, business regulation, and human rights.



Dr Kerstin Steiner

Senior Lecturer, Department of Business Law and Taxation, Monash Business School, Monash University

Dr Steiner's research covers the study of Southeast Asian legal systems, legal pluralism and Islamic law in Southeast Asia; and implementation, adaptation and interpretation of international law in the Southeast Asian context.



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 post-war 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.



Associate Professor Benny Tabalujan

Honorary Professorial Fellow, Melbourne Business School and Melbourne Law School, The University of Melbourne

Associate Professor Tabalujan's academic interests encompass commercial law, business ethics, legal team management and corporate law in Asia.



Professor Tay-sheng Wang

Distinguished Professor, National Taiwan University

Professor Tay-sheng Wang is known for his studies on Taiwanese-centered legal history, including Chinese legal traditions and the colonial law under the Japanese rule.



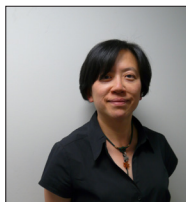
Dr Richard Wu

Faculty of Law, University of Hong Kong

Associate Professor Wu is active in interdisciplinary legal research, and his current research focuses on four major areas: legal profession, legal education and legal ethics in Hong Kong and China; telecommunications law and policy in Hong Kong; real estate law and practice in Hong Kong and China; and Chinese banking law.

Principal Researchers

Full biographical details can be found on our website at: <http://law.unimelb.edu.au/centres/alc/about-alc/alc-researchers>



Ms Faye Chan (2008-current)

BA, The University of Melbourne; MA, The University of Melbourne

Faye's research interests include gender and Islam, Islamic banking and finance, the contextual reading of the Qur'an as a feminist text, and inter-faith dialogues between Muslims, Jews and Christians.

Faye speaks Dutch, Bahasa Indonesia and Bahasa Malaysia. She has a working knowledge of French and Modern Standard as well as Mandarin, Cantonese, and Hokkien and Teochew dialects.



Ms Reagan Grayson-Morison (2011-current)

JD, University of Melbourne, BA (Hons, Japanese and Politics), The University of Queensland.

Reegan joined the Asian Law Centre as a research assistant to Associate Professor Stacey Steele in the Japan Program, and speaks Japanese. Reegan's research interests include international law and politics, insolvency, Japanese law and comparative law.



Dr Helen Pausacker (2008-current)

PhD, University of Melbourne

Helen Pausacker is Deputy Director of the Centre for Indonesian Law, Islam and Society (CILIS) and an editor for the *Australian Journal of Asian Law*. Helen is fluent in Indonesian.

Helen's research interests in the legal field include charges of 'pornography' and prosecution of religious sects, both under the current Indonesian Criminal Code and she also researches in the field of Javanese culture.

RESEARCH ASSISTANTS

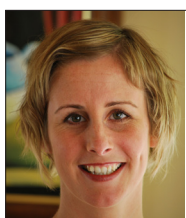
Research Assistants

Full biographical details can be found on our website at: <http://law.unimelb.edu.au/centres/alc/about-alc/alc-researchers>

**Ms Vivien Chen (2013-current)**

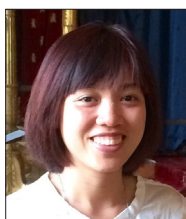
BA/LLB, Australian National University; LLM The University of Malaya

Vivien is a research assistant to Ian Ramsay and Andrew Godwin on Financial Regulation in Asia. Vivien speaks fluent Malay, and understands Indonesian and basic Mandarin. She is a PhD candidate and a Teaching Associate at the Department of Business Law and Taxation, Monash Business School, Monash University. Her PhD research examines the evolution of Malaysian shareholder protection.

**Ms Jessica Cotton (2014-current)**

BA (Hons)/LLB, Monash University

Jessica re-joined the Asian Law Centre in 2014 to work on the Asian Law Centre's 'Rule of Law Online' project. Jessica's research interests include law and development, both within and outside Australia.

**Ms Ha Dinh (2015-current)**

BA, Diplomatic Academy of Vietnam

Ha is a research assistant to Professor Pip Nicholson and is a native Vietnamese speaker. Ha is in her penultimate year of the Melbourne JD. She previously worked at a local law firm in Hanoi, advising various corporate clients on Vietnamese commercial law.

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

LLB, Hanoi Law University, LLM, University of Melbourne

Ha joined the Asian Law Centre in 2011 as a research assistant to Professor Pip Nicholson. 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 Aya Haruyama (2013-2015)**

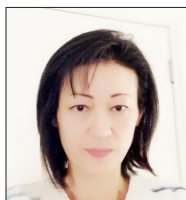
BCom (Finance and Marketing), The University of Melbourne

Aya Haruyama is a research assistant with the ALC Japan Program, and speaks Japanese.

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

LLB, University of Basle, Switzerland, LLM, The University of Melbourne

Samantha speaks French and is currently undertaking a PhD candidate at the Melbourne Law School, where she is researching evaluation in international legal development.



Ms Kaori Kano (2015-current)

LLB (Hons), La Trobe University, GC, Australian Migration Law and Practice, Victoria University

Kaori is a research assistant to Stacey Steele in the Japan Program, and speaks Japanese. Kaori's research interests include international law and politics, comparative law, Japanese law and Migration law.



Mr Ken Kour (2013-2015)

BCom, The University of Melbourne; JD, The University of Melbourne

Ken joined the Asian Law Centre as a Research Assistant in 2013. Ken has also completed an internship with an International Law firm in Singapore. His research interests center upon the legal systems of South East Asia.



Ms Mary Kozlovski (2014-current)

BA, The University of Melbourne

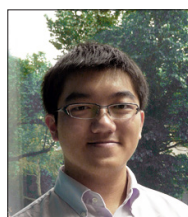
Mary joined is a research assistant to Pip Nicholson, with experience working in Cambodia. She is a Juris Doctor student at Melbourne Law School.



Ms Sally Low (2008-current)

LLB (Hons), Macquarie University; LLM, The University of Melbourne

Sally Low assisted Professors Pip Nicholson and Camille Cameron on the ARC-funded grant, 'Testing Court Reform in Vietnam and Cambodia'. She is currently enrolled in a PhD at the Melbourne Law School. Since 1993, she has worked in international development, focusing particularly on Cambodia, and in general on Southeast Asia.

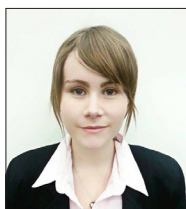


Mr Chenjie Ma (2012-current)

BCom (Accounting and Finance), The University of Melbourne; JD, The University of Melbourne

Chenjie was a research assistant to Professor Sarah Biddulph and undertook research on recent Chinese Criminal Procedure Law, Administrative Procedure Law and other Chinese law reforms. He has also assisted Mr Andrew Godwin on the project funded by the Centre for International Finance and Regulation investigating Australia's Twin-Peaks financial regulation model and the relevance of this model in China.

RESEARCH ASSISTANTS

**Ms Sarah Mercer (2013-current)**

BA, Monash University

Sarah Mercer is a research assistant in the Korea program, and majored in Korean language in her undergraduate studies. Sarah's research interests include how a human rights framework can be applied to legal analysis, as well as a comparative legal approach to law reform and how tradition or culture influences legal theory and realisation of human rights in Asia.

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

PhD, Australian National University

Antje joined the Asian Law Centre and the Centre for Indonesian Law, Islam and Society in 2011 as a McKenzie Postdoctoral Fellow to research 'Heading Downunder: Migration Challenges of Conflict Refugees in the Indonesian Limbo'. Her present research project deals with transit migration in Indonesia. Antje is currently a senior lecturer and research fellow at the School of Social Sciences, Faculty of Arts, Monash University.

**Ms Ngyuen Vu Thu Trang (2014-current)**

LLB (Hons) Ho Chi Minh City University of Law

Trang joined the Asian Law Centre as a research assistant to Professor Pip Nicholson, and is a native Vietnamese speaker. She is currently a PhD candidate at Melbourne Law School. Prior to her study in Melbourne, Trang was practising as a legal assistant/legal consultant in local and foreign law firms in Vietnam. Trang also passed the bar exam to become a Vietnamese lawyer at the beginning of 2014.

**Ms Pham Lan Phuong (2014-current)**

LLB, Vietnam National University; LLM, The University of Melbourne

Phuong is a research assistant to Professor Pip Nicholson, and is a native Vietnamese speaker. She is currently a PhD candidate at Melbourne Law School. Prior to her study in Melbourne, Phuong was a lecturer at the School for Prosecutors in Ho Chi Minh City. She also worked as a law lecturer at RMIT University, Vietnam. Her current research interests include criminal procedure law and human rights issues in Vietnam.

**Ms Trish Prentice (2009-2015)**

LLM, The University of Melbourne

Trish is a research assistant to Professor Tim Lindsey. Trish's research interests include human rights and international law.

Mr Joshua Quinn-Watson (2015)

BA, The University of Melbourne; BA (Hons), The University of Tasmania

Joshua joined the ALC as a research assistant while undertaking his JD at the University of Melbourne. His research interests lie in Asian philosophy. He is fluent in the Tibetan language and has knowledge of Sanskrit and Hindi.



Mr Raoul Renard (2014-2015)

BA, The University of Melbourne

Raoul joined the Asian Law Centre as a research assistant in the China Program and speaks Mandarin Chinese and Spanish. Raoul has received scholarships to study Chinese in Beijing at Tsinghua University, and in Taiwan. Raoul's research interests include international, refugee and constitutional law and legal theory.



Ms Sarah Rennie (2013-2015)

B Asian Studies/LLB (Hons), Australian National University

Sarah is a research assistant to Tim Lindsey. Sarah is currently undertaking her Masters of Laws at the University of Melbourne. Her interests include South East Asian culture, commercial law and corporate governance. Sarah speaks fluent Indonesian, proficient Malay and Japanese.



Mr Alistair Robertson (2010-2015)

BA, La Trobe University

Alistair is a research assistant in the China Program. He is in his final year of the Melbourne JD / CUHK LLM partnership degree program. Alistair's research interests centre on Chinese law and politics.



Ms Jessica Shin (2014-current)

BA, The University of Melbourne

Jessica Shin is a Research Assistant to Associate Professor Stacey Steele in the Korea and Japan Programs. She is a current Juris Doctor student at the Melbourne Law School. Jessica has an interest in all fields of Asian Law, particularly in the interaction between culture and the legal system. Her other interests include property and contract law, human rights law, labour law, and international law.



Ms Mireille Stahle (2014-2015)

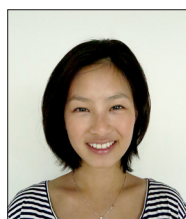
Mireille is a research assistant in the Japan Program. She is in her fourth year of a Bachelor of Arts, majoring in both English and Creative Writing. She is concurrently completing a Diploma of Languages in Japanese. Her academic interests include Asian literature and budo philosophy.

RESEARCH ASSISTANTS

**Ms Samantha Wimala (2015)**

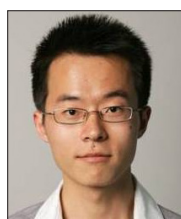
BSc (Hons), The University of Melbourne

Samantha is a research assistant to Pip Nicholson. Samantha is in her final year of the Melbourne JD.

**Ms Sarah Yang (2014-current)**

BMSc, The University of Melbourne

Sarah Yang is a research assistant in the Japan Program. She is in her third year of the Juris Doctor at Melbourne Law School. She has completed a Bachelor of Biomedicine at the University of Melbourne, with a major in Anatomy. Coming to the law with a Korean background, Sarah's interests include comparative law and the interaction between culture and the law. She hopes to learn more about different legal systems during her time as a Research Assistant at the Asian Law Centre.

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

LLB, Beijing Forestry University; LLM, Beijing Forestry University; PhD, The University of Melbourne

Hao is a research assistant to Professor Sean Cooney and Professor Sarah Biddulph, and is a native Chinese speaker. He has also been actively engaged in projects relating to environmental law, forestry carbon offsets and low carbon strategies in China.

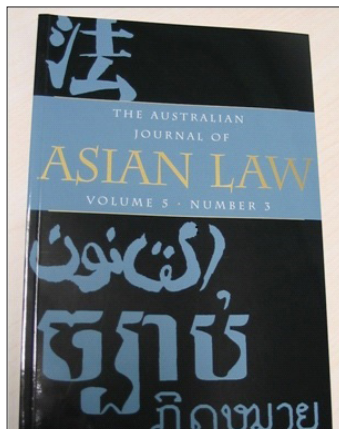
Visiting Scholars

Arrival Date	Visiting Scholar
13 June 2014 - 29 May 2015	Judge Aya Kobayashi, Tokyo District Court, Japan
1 December 2014 - 18 December 2015	Prosecutor Se-Hyun Kang, Ulsan Prosecutor's Office, Republic of Korea
31 December 2014 - 31 December 2015	Associate Professor Luo Xianjue, Department of Law and IP, University of Chinese Academy of Sciences, People's Republic of China
1 February 2015 - 5 February 2015	Professor Charlie Xiaochuan Weng, Chair Professor of Oriental Scholar & Assistant Dean (International), KoGuan Law School, Shanghai Jiao Tong University, People's Republic of China
1 February 2015 - 10 February 2015	Visiting Officers, Family Bureau, Japan
2 February 2015 - 7 February 2015	Judge Kentaro Oono, General Secretariat, Supreme Court of Japan, Japan
2 February 2015 - 7 February 2015	Mr Koji Tobisawa, General Secretariat, Supreme Court of Japan, Japan
23 February 2015 - 15 March 2015	Mr Andrew McLeod, Research Fellow, University of Oxford, United Kingdom
2 March 2015 - 10 March 2015	Judge Asuka Homma, Takamatu District Court, Japan
12 March 2015 - 17 March 2015	Professor Mitsuaki Usui, Law School, Meiji University, Japan
23 March 2015 - 25 March 2015	Associate Professor David Linnan, Law School, University of South Carolina, USA
11 June 2015 - 1 June 2016	Judge Satoshi Matsumoto, Assistant Judge, Osaka District Court, Japan
16 June 2015 - 7 July 2015	Assistant Professor Michael Ng, Deputy Director, Centre for Chinese Law, Faculty of Law, University of Hong Kong, Hong Kong
20 July 2015 - 26 July 2015	Judge Takashi Sonoo, Japan
9 August 2015 - 14 August 2015	Professor Jimly Asshiddiqie, Professor of Constitutional Law, Faculty of Law, University of Indonesia, Indonesia
11 August 2015 - 9 August 2016	Prosecutor Seung Jin Ho, Public Prosecutor, Special Investigation Division, Daegu District Prosecutors' Office, Republic of Korea
13 August 2015 - 19 August 2015	Professor Jiunn-rong Yeh, Chair Professor, College of Law, National Taiwan University, Taiwan

VISITING SCHOLARS

Arrival Date	Visiting Scholar
17 August 2015	Mr Antony Dapiran, Partner, Davis Polk & Wardwell, Hong Kong
17 August 2015 - 24 June 2016	Judge Kwonwon Yun, Anyang Branch Court of Suwon District Court, Republic of Korea
23 August 2015 - 28 August 2015	Dr Todung Mulya Lubis, Faculty of Law, University of Indonesia, Indonesia
16 September 2015 - 30 September 2016	Associate Professor Jin Chun, Doshisha University, Japan
1 October 2015	Professor Zhu Hong-wen, Executive Dean; Professor Zhao Qiu-yan; Professor Zhao Wei; Ms Fang Bin, School of Sociology/ China Academy of Social Management, Beijing Normal University, People's Republic of China
5 October 2015 - 9 November 2015	Dr Jamhari Makruf, Lecturer and Deputy Rector (Academic), Law School, Universitas Islam Negeri (UIN) Syarif Hidayatullah, Indonesia
10 October 2015 - 19 October 2015	Vietnam Delegation from Ministry of Justice, Vietnam
24 October 2015 - 3 November 2015	Judge Tsogt Tsend, Mongolia Clinical Law Instructor, School of Law, Administrative Court of Appeals & National University of Mongolia, Mongolia
30 October 2015	Vishal Vora, PhD Candidate, School of Law, SOAS, University of London, United Kingdom
4 November 2015 - 31 January 2016	Dr Shinjiro Takagi, Executive Senior Advisor, NOMURA Securities, Japan
23 November 2015	Delegation from Ho Chi Minh City University of Law, Ho Chi Minh City, Vietnam
30 November 2015 - 22 December 2015	Dr Jeremy Kingsley, Senior Research Fellow, Middle East Institute, National University of Singapore, Singapore
15 December 2015 - 16 December 2016	Flavia Agnes, Director, Majlis Legal Centre, India

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. It is edited in the Melbourne Law School by Professor Tim Lindsey, Dr Helen Pausacker and Dr Amanda Whiting, together with Professor Richard Cullen (University of Hong Kong) and Professor Veronica Taylor (Australian National University).

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://law.unimelb.edu.au/centres/alc/research/publications/ajal> >, and <http://papers.ssrn.com/sol3/JELJOUR_Results.cfm?form_name=journalbrowse&journal_id=2020682>.

Editors



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 Staff, 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.

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 Staff, above)

Editorial Assistant



Dr Helen Pausacker

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

AJAL Journal Articles (2015)

- Chun, Andy Sungjae, (2015) 'Good Intentions, Questionable Results: A Critical Analysis of the Shutdown of Large Retailers in South Korea' *Australian Journal of Asian Law*, Article 4.
- Fenton, Adam J and Price, David, (2015) 'Breaking ISIS: Indonesia's Legal Position on the "Foreign Terrorist Fighters" Threat' *Australian Journal of Asian Law*, Article 2.
- Steele, Stacey, (2015) 'Proposal to Reform the Japanese Saiban'in Seido (Lay Judge System) to Exclude Drug-related Cases: Context and Complexities from the Chiba District Court' *Australian Journal of Asian Law*, Article 3.
- Steiner, Kerstin, (2015) 'Governing Islam: The State, the Administration of Muslim Law Act (AMLA) and Islam in Singapore' *Australian Journal of Asian Law*, Article 6.
- Tahura, Ummey Sharaban, Kelly, MRL, (2015) 'Procedural Experiences from the Civil Courts of Bangladesh: Case Management as a Potential Means of Reducing Backlogs' *Australian Journal of Asian Law*, Article 5.
- Zhang, Zinian, (2015) 'In Search of Debt Restructuring for Distressed Asian Companies in England: A Case Study of Vietnam's Vinashin' *Australian Journal of Asian Law*, Article 1.

Farewell Adnan Buyung Nasution

By Professor Tim Lindsey



With the death on 23 September of Professor Dr Iur Adnan Buyung Nasution, 81, Indonesia lost one of its greatest champions of the rule of law.

Bang Buyung, as he was affectionately known, was among Indonesia's leading lawyers and trial advocates and its foremost thinkers on law reform and human rights. He also pioneered legal aid for the poor and marginalised, and turned cause lawyering into a potent form of political activism.

Buyung devoted his life to the hope that Indonesia would one day become a true *negara hukum* (rule of law state). Although he died with this dream unfulfilled, he helped bring it closer to realisation than ever before in Indonesian history.

Buyung earned a Law Degree from the University of Indonesia in 1964, and studied International Law under Professor Leiser at the University of Melbourne in 1959. In 1992, he completed a PhD at Rijksuniversiteit Utrecht, Holland, the topic of his thesis being "The Aspiration for Constitutional Government in Indonesia". This was later published in a number of languages and became a classic text on Indonesian constitutional history.

Buyung's long career in the law saw him involved in most aspects of law and justice in Indonesia. From 1957 to 1968, he served as a prosecutor and head of public relations at the Kejaksaan, or Public Prosecutor's Office. From 1966 to 1968, he was also a member of the national legislature, the Dewan Perwakilan Rakyat (DPR).

After leaving both the prosecution service and the DPR, Buyung established his own law office, Adnan Buyung Nasution & Partners, and in 1970 took the historic step of founding the first legal aid and human rights office in Indonesia. This later became Lembaga Bantuan Hukum (Legal Aid Institute) or LBH, and for much of the New Order period it was a key source of political opposition. It also became a training ground for young cause lawyers, most mentored by Buyung and many now holding leadership positions of national importance.

In establishing LBH, Buyung was inspired by his studies in the Melbourne Law School, where he was introduced to local legal aid organisations, and worked as a volunteer. It was therefore a source of pride to him that he was appointed an honorary professorial fellow in that same faculty in 2010.

Under the authoritarian rule of President Soeharto, Buyung was the leading dissident lawyer in Indonesia, and was involved in many subversion trials as defence counsel, usually on a pro bono basis. He led these doomed defences to demonstrate the regime's cynical manipulation of the legal system. This he did to great effect, often winning global attention and reminding the world of the systemic corruption and repression that underpinned the New Order.

In fact, Buyung became an influential and powerful critic of violations of human rights and rule of law by Indonesia's military-backed government. He developed a sophisticated and highly influential critique of the New Order system, which he articulated at every opportunity. He did all this at considerable personal risk. At different times he suffered arrest, imprisonment, loss of his practicing rights and threats against his life, and was forced into exile in the Netherlands for four years. He remained undeterred by the regime's attempts to silence him, however, and always returned to act for the poor and dispossessed.

Buyung's outstanding contribution to human rights and access to justice in Indonesia were acknowledged internationally. He won awards for legal aid in Stockholm as early as 1976 and in London the following year. In Indonesia, however, he continued to face harassment from government and military officials wherever he went.

The ideas about democracy and constitutionalism Buyung developed during his years of opposition later made an important contribution to the Reformasi (Reform) movement that emerged after the New Order finally collapsed amid economic chaos in 1998. Buyung's thinking and his own example of commitment to change played a part in Indonesia's transformation from an authoritarian regime to a vibrant, multiparty democracy. His work helped form the thinking of many of the reformers who reconstructed Indonesia's constitution over four years from 1999 to 2002. The new constitution they produced enshrined democratic principles, including, in particular, separation of powers, as Buyung had always urged.

In 2000, just a couple of years after the end of the regime he had opposed for so long, Buyung's life-long campaign for the rule of law was finally recognised by his own country when he received the Bintang Maha Putra, one of the highest honours the republic can award.

Around this time, Buyung returned to private legal practice and was soon earning high fees in high profile cases. He was much criticised by his cause lawyer colleagues for representing notorious figures associated with the New Order, like former General Wiranto and, later, corruptors, such as Gayus Tambunan. Buyung's reply was always that rule of law depended on unpopular defendants being able to obtain proper representation. He argued for the "taxi-rank" principle, saying that advocates should never refuse clients simply because they do not like or agree with them. Indonesian lawyers, he said, needed to be more professional.

In his last decade, when many others would be enjoying retirement, Buyung championed efforts to reform and reorganise the legal profession in his country. The result was a major new statutory scheme for regulating lawyers. This was intended to create the single independent, ethical and self-disciplining bar in Indonesia that Buyung rightly saw as one of the most important missing pieces in Indonesia's legal system.

To Buyung's great disappointment and frustration, this reform was quickly sabotaged by those who had every reason to fear ethical discipline, and Indonesian lawyers remain fractious, disunited and undisciplined. For him, this failure symbolised the flawed and incomplete state of rule of law in Indonesia. It concerned him deeply in his last years, despite all that had been achieved.

In 2007, Buyung retired from LBH's board of trustees and became a member of the Presidential Advisory Council (Wantimpres). This prestigious constitutional body advises the president and during Buyung's term it often played a role as a policy watchdog too. Buyung's appointment to the council by President Susilo Bambang Yudhoyono marked his return to government after almost four decades. It was a signal statement of how much Indonesia had changed for the better since he founded LBH in 1970, a transformation Buyung helped deliver.

Indonesia has lost an exceptional lawyer, thinker and political activist. Adnan Buyung Nasution achieved a great deal for Indonesia, against extraordinary odds, even if it was never as much as this ambitious and driven man hoped. He has left a significant legacy of reform, an example of professionalism for other lawyers, and a clear vision of what a true Indonesian *negara hukum* might one day be.

As he was dying, Buyung gave his last words, scrawled on a sheet of paper, to Professor Todung Mulya Lubis, once Buyung's protégé and now another of Indonesia's top lawyers. In it Buyung called for the defence of legal aid (link is external), and the continuation of his thinking and the struggle to help the poor and marginalised. This now stands as a challenge to the lawyers, activists and reformers who survive him.

[Published by *Indonesia at Melbourne*, available at <http://indonesiaatmelbourne.unimelb.edu.au/farewell-adnan-buyung-nasution-2/>]



Conferences and Workshops

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

27 February, 2015

Sports Law and Integrity Workshop: 2015 AFC Asia Cup and 2018 Winter Olympic Games

Match-fixing driven by internet gambling represents a greater threat to the integrity of sport than doping. It is linked to organised crime and money-laundering in many instances.

This workshop, co-hosted by the Melbourne Law School's Sports Law Program and the Asian Law Centre, aimed to increase knowledge and engagement between countries, including South Korea and Australia, and was part of wider efforts to engage globally to achieve a greater understanding of match-fixing and the current level of legal response. Mutual understanding is a necessary precondition to developing effective and coordinated initiatives by law enforcement and sporting authorities across the region.

The workshop was held at K&L Gates, Collins Street, Melbourne



10-11 April, 2015

Indian Public Law Workshop

This workshop provided a platform for international quality research on Indian Public Law, which is currently usually published in foreign journals because of a dearth of academic-led and peer-reviewed world-class law journals in India. A close-knit group met to discuss a number of original unpublished papers over 2 days in the workshop, with the intention of publishing the papers as an edited collection.

The workshop was hosted at National Law University, Delhi, India.

12 April, 2015

Contemporary Issues in Indian Public Law: Transnational Perspectives

Hosted by the Faculty of Law, University of Oxford, Melbourne Law School, the University of Melbourne and National Law University, Delhi, this conference covered topics including Transnational Engagement with the Indian Constitution, Separation of Powers and Human Rights.

The conference was hosted at National Law University, Delhi, India.



28-29 October, 2015

What is Socialist about Socialist Law?: Exploring Epistemic and Institutional Change in Socialist Asia

This conference was co-hosted by the Asia Pacific Business Regulation Group at Monash University, the Faculty of Law at Hong Kong University and the Centre for Rights and Justice at the Chinese University of Hong Kong. The Conference was held at Hong Kong University, Hong Kong.

Major Activities and Events

4 - 18 January, 2015

Jindal Global University/University of Melbourne Summer School of International Criminal Justice

The ALC hosted a student group from OP Jindal Global University (JGU) arriving in early January. Professor Susan Lamb from JGU led the group of 25 students who took the study of International Criminal Law as their focus.

23 February - 6 March, 2015

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.

2015 marked the 10th anniversary of the Chuo Summer School. The ALC welcomed students from Chuo Law School to the ALC, together with Professor Dan Rosen and Professor Chuck Ito, from 23 February to 6 March, 2015.



15-22 March, 2015

Oxford/National University of Singapore/Melbourne Law School China Common Law Program

In March 2015, the Law Faculties of the University of Melbourne, the National University of Singapore, and the University of Oxford offered a program delivering lectures on the common law to four universities in China: Shanghai Jiaotong (Shanghai), Fudan (Shanghai), Tsinghua University (Beijing) and Peking University (Beijing).

This was the second year that the program had been offered. The program is supported by Mr Allan Myers AO QC and Mrs Maria Myers AO.

ACTIVITIES & EVENTS

17 August, 2015

ALC 30th Anniversary Seminar: Tolerance and Rights in Asia – Hong Kong and Taiwan

The “Umbrella Revolution” of 2014 brought Hong Kong to the attention of the world after police officers fired teargas into crowds of umbrella-wielding anti-government protesters, spurring mass demonstrations and a 79-day “occupation” of the heart of the city. While the Umbrella Revolution protests were the largest Hong Kong has seen, they were not unique, forming just the latest chapter in a long tradition of political protest. This presentation explored the history and background to the culture of protest in Hong Kong as an important means of political expression, and assessed the prognosis for rights in Hong Kong as we approach the twentieth anniversary of the “handover” to Chinese sovereignty in 2017.

Antony Dapiran is a partner of international law firm Davis Polk & Wardwell, based in Hong Kong. His practice focuses on securities offerings and cross-border mergers and acquisitions. Educated at the University of Melbourne and Peking University, Antony is admitted as a legal practitioner in Hong Kong, New South Wales and England & Wales. Antony has been resident in Beijing and Hong Kong for twenty years, and is fluent in Mandarin Chinese.

In the context of democratic transitional constitutionalism, institutional changes often go in tandem with rights recognition, in the forms of unconventional judicial rulings, interim quasi-constitutional statutory or political solutions to facilitate transformation. In the context of democratisation in Taiwan, vibrant and resilient civil engagements have been the primary driver for institutional change and rights recognition. With the recent influx of new immigrants from China and Southeast Asia, the existing demography of aborigines/Han, Mainlanders/Taiwanese and their divides, aided by the weak formation of “we the people”, have intensified the engagement of a dialectic rights movement with democratic tolerance: articulating identity and differences on the one hand and belonging and marginality on the other.

Professor Jiunn-Rong Yeh holds a distinguished University Chair at National Taiwan University, where he specialises in Environmental Law, Constitutional Law and Administrative Law. Professor Yeh has published in English and Chinese in leading journals and published collections, including both the Routledge and Oxford Handbooks of Comparative Constitutional Law. His recent edited book includes *Asian Courts in Context* (Cambridge University Press, 2015). Professor Yeh has held invited positions in leading international law schools including Columbia, Toronto, Harvard and leading Chinese schools in Beijing, Shanghai and Hong Kong.



17 August, 2015

ALC 30th Anniversary: Book Launch – *The Stability Imperative* by Professor Sarah Biddulph

“Stability preservation” (weiqiwen) has long been an imperative of China’s one-party state. At the same time, the PRC has recently embedded a commitment to the protection of human rights in its constitution and has stated that it wants its citizens to share in the benefits of economic development and lead “happier and more dignified” lives. This book examines the multiple and shifting ways in which weiqiwen impinges on the legal definition and implementation of human rights in China.

Professor Sarah Biddulph is the Associate Director (China) at the Asian Law Centre, the University of Melbourne. A graduate of Sydney University in Law and Chinese Studies, Sarah then studied in Shanghai as one of the Attorney-General’s representatives under an exchange agreement with the PRC Ministry of Justice. Sarah worked as a lawyer in Shanghai with Blake Dawson Waldron between 1998 and 2001. Sarah’s research focuses on contemporary Chinese administrative law, criminal procedure, labour, comparative law, and the law regulating social and economic rights. Sarah’s recent publications include: *Law and Fair Work in China: Making and Enforcing Labour Standards in the PRC* (Routledge, 2013, with S Cooney and Y Zhu); *The Politics of Law and Stability in China* (Edward Elgar, 2014, edited with S Trevaskes, E Nesossi and F Sapio).

Occasional Seminar Series

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

28 October, 2015

Selected Legal Issues in Mining Licensing in Mongolia

This seminar discussed legal issues arising in the context of mining licensing in Mongolia. In particular it discussed the issuance and eligibility of mineral mining licenses, the revocation of licenses and recent developments of the Minerals Law of Mongolia.

The topics included aspects of environmental concerns and the involvement of local inhabitants in mining licensing as well as the administrative court's jurisdiction over mining disputes.

Judge Tsogt studied law in Mongolia and the USA. He is now studying comparative administrative law in Japan.

Judge Tsogt has experienced the Mongolian judiciary's last two decades of developments and participated extensively in recent judicial reform laws. He is one of the first judges appointed to the administrative court when it was established in 2004. Later he served as chief judge when the intermediate administrative court was established in 2011.

Judge Tsogt has been teaching administrative law, judicial power, and clinical legal courses at the School of Law, NUM and various other institutions. He has been the representative of the Mongolian Judges' Association to the International Association of Judges since 2011.



29 October, 2015

The China Australia Free Trade Agreement (ChAFTA): Legal Services & the Regional Context

The China-Australia Free Trade Agreement (ChAFTA) is unique in securing China's first-ever treaty commitments on commercial association between law firms. In addition to guaranteeing existing access for Australian law firms in China, ChAFTA also guarantees Australian law firms the ability to establish commercial associations with Chinese law firms in the Shanghai Free Trade Zone (SFTZ). These commercial associations will be able to offer Australian, Chinese and international legal services, without restrictions on where clients are located.

This seminar discussed the impact of ChAFTA on the trade in legal services between China and Australia and locates ChAFTA within the broader regional context.

Speakers included:

- **Dene Yeaman**, Director, Department of Foreign Affairs and Trade, and Lead Negotiator on Services
- **Andrew Godwin**, Associate Director (Asian Law Centre) and Director of Transactional Law, Melbourne Law School
- **Arjuna Nadaraja**, Director, Transnational Practice, Law Council of Australia
- **David Olsson**, China Practice Consultant, King & Wood Mallesons, Former Partner and Chief Representative of Mallesons Beijing
- **Molina Asthana**, Principal Solicitor, Commercial, Property & Technology, Victorian Government Solicitor's Office



'BROWN BAG' SEMINARS

'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.

2 March, 2015

Life of a Judge

Judges' work is not limited to writing drafts of judgements. 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 their own experiences, Judge Kobayashi and Judge Seo spoke about the beginning of their career, whilst also introducing their experience as a legal apprentice.

Judge Aya Kobayashi is a Visiting Research Scholar, visiting Melbourne Law School as part of the Supreme Court of Japan's Overseas Training and Research Program. She graduated from Waseda University and Hitotsubashi University Law School and was appointed as a judge in 2011. Judge Kobayashi previously served at the Tokyo District Court and the Family Court. She has managed juvenile cases as well as civil cases as an assistant judge in a panel.



Judge In Deok Seo is a Visiting Scholar, visiting Melbourne Law School as part of the Supreme Court of Korea's Overseas Training and Research Program. He graduated from Seoul National University and passed the national judicial examination in 2004. After two years of training in the Judicial Research and Training Institute of the Supreme Court of Korea, he served in the military as a military prosecutor and advocate for three years. Judge Seo was appointed as a judge in 2010. He previously served at the Gwangju District Court and Daegu District Court. He has managed general civil and criminal cases.



4 March, 2015

The Book of Marriage: Beyond 'Bridalprice' Narratives in Histories in Islam in Australia, 1860-1930

From 1860 to the mid-1920s, Muslim merchants and drivers from across British India and Afghanistan travelled to Australian shores to work in the extensive camel transportation network that underpinned the growth of capitalism in the Australian interior. While some of these men brought their South Asian wives with them, many others married white women and Aboriginal women in Australian desert towns. Utilising rich family archives spanning from Australia to British India, this paper offered an alternative to the 'bridalprice' narrative that currently structures accounts of marriage in existing histories of the camel industry. Examining the marriage laws that the cameleers brought from British India, this seminar explored the operation of Muslim personal law in Australian desert towns, alongside both settler and Aboriginal marriage laws during the era of the camel trade.

Dr Samia Khatun is a McKenzie Postdoctoral Fellow at the University of Melbourne and is collaborating with workers' rights activists in Bangladesh to produce a 400-year history of textile workers from Mughal Bengal to contemporary Bangladesh. Taking a slices-through time approach, Samia is investigating how workers have memorialised five key moments in the history of textile production through song and poetry, beginning with Mughal Bengal and ending with the Rana Plaza collapse in contemporary Bangladesh. Samia completed her PhD in 2012 at the University of Sydney, where her research examined connections between South Asia and Australia using Aboriginal and South Asian language materials. Since then, she has held postdoctoral fellowships at Zentrum Moderner Orient, Berlin and The Centre for Research on Colonial Culture, Dunedin as well as a writing fellowship at the Asian-American Writers Workshop, New York. Samia has also made documentaries on Australian race relations that have screened on SBS and ABC-TV.

13 March, 2015

Constitutional Transition from Military Rule in Burma/Myanmar: Beyond a Narrative of Linear Progress

The prospect of Myanmar's emergence from military rule has intrigued constitutional scholars by its apparent improbability. After two decades of near-complete isolation, a council of generals led the adoption of a new constitution in 2008; ceded power to a quasi-civilian regime in 2011; permitted the establishment of a constitutional reform process in 2013 with the stated aim of supporting stronger multi-party democracy and greater local autonomy; and in October 2014 confirmed multi-party elections for the end of 2015. The pace of these reforms, and the absence to date of concrete outcomes, has prompted suggestions that the transition is a sham and that the trajectory of change has reversed. Skeptics also note that these constitutional developments are taking place against the backdrop of a frustrated peace process that seeks to resolve decades-long armed conflicts between the military and ethnic groups.

This seminar suggested a fresh reading of Myanmar's transition from military rule, offering tentative lessons for theorists of constitutional transitions. The linear approach to analysing such transitions, marking progress in terms of the military's gradual withdrawal from political positions leading to genuine acceptance of full civilian control, is insufficient to assess Myanmar's ongoing constitutional reform process. Andrew McLeod argued that understanding the transition underway in Myanmar requires looking further back in the country's constitutional history to reveal a more complex set of legal and political factors. The case of Myanmar is better explained in terms of a long planned and carefully executed constitutional and political transformation, where events are often orchestrated by the same actors who ruled before the transition and where seemingly spontaneous outbursts of protest are rooted in decades-old conflicts. Instead, a closer, contextualised reading of constitutional dynamics in Myanmar offers useful insight for studies of constitutional transitions, highlighting reference points, actors and dynamics worthy of closer attention when making sense of transitions involving the military.

Andrew McLeod is a research fellow in law at the University of Oxford and directs the Oxford-Burma Law Programme. For the past two years, he has led law and higher-education projects in Myanmar and served as an adviser on the constitutional reform process. He provides analysis on South-east Asia as region head for the global strategic consultancy firm Oxford Analytica. His commentary regularly features across the BBC, Reuters and Agence France-Presse. Andrew was previously a lecturer in constitutional law at the University of Sydney and special adviser to the H C Coombs Policy Forum, within the Crawford School of Public Policy at the Australian National University. He served as associate to the chief justice of Australia and worked as a senior analyst and speechwriter within the Australian Department of the Prime Minister and Cabinet. He holds degrees in law and chemistry from the University of Oxford and the University of Sydney.

19 May, 2015

The Changing Global Economic Order and Taiwan: The Cases of TiSA and ANZTEC
Co-hosted with the Global Economic Law Network (GELN)


The stalemate in the WTO Doha Round negotiations and the proliferation of heavy preferential agreements outside the WTO have contributed to rapid change in the WTO-centred global economic order. There are victims of such change, Taiwan is a noteworthy one among them. However, Taiwan may have opportunities to make the WTO more functional in trade liberalisation on the one hand, and join more effective FTAs on the other, so as to mitigate its own perils as well as contribute to global trade governance. In this seminar, Professor Chou discussed two central cases facing Taiwan to illuminate its opportunities and challenges. Professor Chou explored evolving WTO norm of transparency as context and compared ANZTEC, APEC Model Chapter, and selected FTAs in the Asia Pacific region to clarify significant features of ANZTEC in regulatory transparency and to identify some implications.

Professor Hsu Hua Chou is based at the National Taipei University of Business, and his research has been focused on the evolution of the WTO regime, with special attention to strategies and conduct of Taiwan and the European Union. A dual approach of international law and international politics has been employed as his primary analytical tool. He has published two dozen academic papers (in English or Chinese). Professor Chou has held many visiting academic positions including at UNSW Law School in 2015 and University of Cambridge's Lauterpact Centre for International Law in 2010.

'BROWN BAG' SEMINARS

25 May, 2015

Reflections of a Visiting Judge

Judge Aya Kobayashi presented a farewell seminar. She was the 12th Visiting Research Scholar to visit the Melbourne Law School as part of the Supreme Court of Japan's Overseas Training and Research Program. She graduated from Waseda University and Hitotsubashi University Law School and was appointed as a judge in 2011. Judge Kobayashi previously served at the Tokyo District Court and the Family Court. She has managed juvenile cases as well as civil cases as an assistant judge in a panel.



7 July, 2015

Re-designing ASEAN Trade in Services: Liberalisation through Integration (with familiar characteristics)

Co-hosted with the Centre for Corporate Law and Securities Regulation and the Global Economic Law Network

This seminar reviewed and analysed the efforts of the Association of Southeast Asian Nations (ASEAN) to enhance and integrate its internal trade relations, as well as its external trade relations in regards to trade in services. While ASEAN has had a framework agreement on services in place for some time, it is currently in the process of upgrading and (potentially) significantly liberalising trade in services as part of its plans for an ASEAN Economic Community (AEC) in 2016. The objective of the AEC is deeper integration, but much work remains to be done both in terms of legal architecture and political will. At the same time, ASEAN continues to negotiate comprehensive trade agreements with regional and other partners. Without a clear negotiating objective and united leadership, the resulting economic gains will be unequally dispersed throughout the member states. The ASEAN is at a cross-road – it has the potential to be a fully integrated community, regional leader and global player or it could continue as disjointed network which never quite reaches its potential.

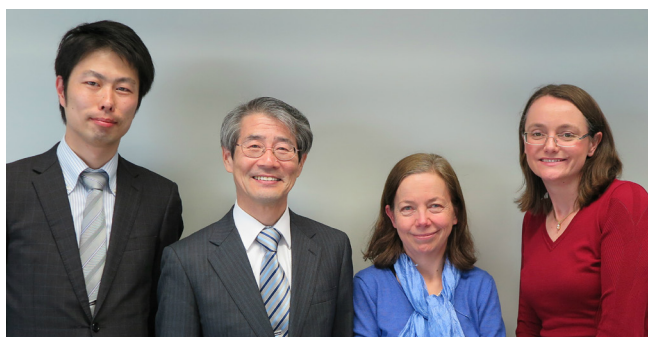
Professor Bryan Mercurio is Professor and Vice Chancellor's Outstanding Fellow of the Faculty of Law at the Chinese University of Hong Kong (CUHK), having served as Associate Dean (Research) from 2010-14. Professor Mercurio's work frequently deals with free trade agreements, dispute settlement and increasingly international investment law. He is a frequent consultant and advisor on a wide range of trade and investment matters, and is currently advising the ASEAN Coordinating Committee on Services.

21 July, 2015

In Conversation: Tokyo High Court Judge Takashi Sonoo

Former Judge Takashi Sonoo presented a brief history of Japanese corporate insolvency law and discussed recent developments.

He argued that the insolvency reforms of the 21st Century were designed to modernise the law and bring it into line with domestic expectations and customs. He also discussed new mechanisms designed to encourage owners of companies in financial difficulties to deal with their obligations as soon as possible.



Judge Takashi Sonoo was the Acting Chief Judge of Tokyo High Court before his retirement in 2014. He graduated from The University of Tokyo in 1972 and was first appointed as Assistant Judge of Tokyo District Court in 1974.

Judge Sonoo has served at the Sapporo District Court, Tokyo District Court, Utsunomiya District Court and Shizuoka District Court. Judge Sonoo is currently serving at one of Japan's largest and oldest law firms, Nishimura & Asahi.

He specialises in general corporate, restructuring/ insolvency, civil & commercial disputes, administrative disputes and specialised disputes.

28 July, 2015

Refugee Protection in China: Law Politics and Potential

China is an emerging destination and transit country for refugees and asylum seekers due to its growing economic and political influence. China has, unlike many other Asia countries, been a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (the Convention and Protocol) since 1982. However, Chinese law contains few provisions relating to refugee protection and the Chinese government has, from time to time, shown signs of lack of understanding of, or respect for, the Convention and Protocol.

In the past few decades, the Chinese government's nascent refugee policy has largely been framed as a broader part of Chinese foreign policy. China's varying treatment of three major groups of refugees who sought refuge in China in the past 20 years, namely the North Korean escapees, the ethnic Kokang from Shan State, Myanmar, and the ethnic Kachin from Kachin State, Myanmar, most vividly illustrates how China's political interests in the sending countries/regions overshadowed its commitment under the Convention and Protocol.

In recent years, the Chinese government has demonstrated an increasing interest in addressing the issue of refugee protection within a more formalised framework in China and in deepening its engagement with the international refugee protection regime. As reforms in China continue to yield remarkable achievements, there are reasons to be optimistic that China's political will and economic capacity to accept and protect refugees on its territory will increase in the years to come.

Dr Lili Song is an Australian Endeavour Research Fellow at the Australian Centre on China in the World, Australian National University. Her research focuses on Chinese refugee law and policy, as well as China's emerging roles in the international refugee protection regime. In 2013 and 2014, she visited Kachin State, Myanmar and Yunnan Province China, where she interviewed ethnic Kachin displaced by armed conflict, Kachin Independence Organisation officials, and humanitarian workers.

Dr Song received her PhD in Law from Victoria University of Wellington, New Zealand. She was previously a visiting research fellow at the Centre for Forced Migration Studies at the Buffet Centre, Northwestern University, United States and has experience with the United Nations Office of Legal Affairs in New York City, United States and the New Zealand Red Cross Refugee Services in Wellington, New Zealand. She is qualified to practice law in China.



26 August, 2015

Constitutional Reform in Sri Lanka

This presentation focused on attempts at restraining the constitutional monster that was created in Sri Lanka in 1978. This discussion also looked at the recent efforts to tinker with the constitution of Sri Lanka starting with the 18th amendment to the Constitution. It analysed the recently promulgated 19th amendment, which stemmed from the mandate received by the current president from the people of Sri Lanka. The 20th amendment, which was recently still-born, was dissected, critiqued and evaluated.

The presentation also considered the transformation of the Constitution to one that adheres to the doctrine of separation of powers, rule of law, social justice and sovereignty of the people. Additionally, the democratic processes of bringing about the said changes were discussed and debated.

Ms Marini De Livera is a practicing lawyer, lecturer and activist for the rights of women to be enacted in practices that provide services and access to women in Sri Lanka. Constitutional Law in Sri Lanka accords women equal rights. However, practices and services available to women require significant development in Sri Lanka. Awareness raising of human rights and concerted efforts to reduce the high incidence of gender-based violence in Sri Lanka are specific areas of the focus of her advocacy in communities in Sri Lanka.

Ms De Livera works as consultant and adviser on gender to the Minister of Women's Affairs of the Democratic Socialist Republic of Sri Lanka. She holds a full-time position as senior lecturer in Public Law and Human Rights at the renowned Law School of the Asia Pacific Institute of Information Technology (APIIT) in Colombo, Sri Lanka. APIIT collaborates with the University of Staffordshire, United Kingdom to offer the LLB Hons Law in Sri Lanka.

Current research carried out by Ms De Livera includes a needs assessment survey of police stations and courts in the Northern and Central Provinces of Sri Lanka. This research relates directly to the implementation of the recently enacted legislation concerning the promotion and protection of rights of victims of crime. Ms De Livera holds a Master of Laws (LLM), Faculty of



'BROWN BAG' SEMINARS

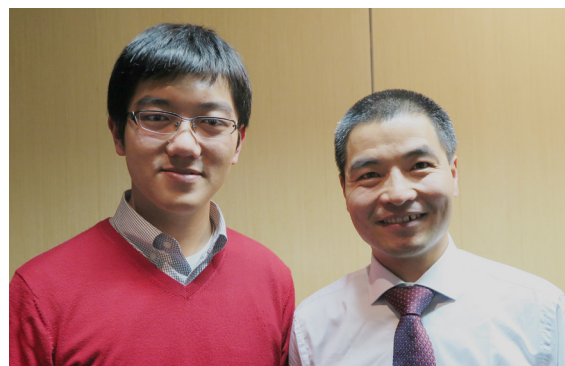
Law, from the University of Colombo, Sri Lanka. Her subject specialisations include Human Rights Law, Administrative Law and Constitutional Law.

4 September, 2015

Debate on the Possibility of Real Constitutional Review in China

The Chinese 1982 Constitution establishes a system of constitutional supervision in the nature of constitutional review. But as of now, this constitutional supervision system exists in name only. In order to carry out constitutional review in practice, two problems need to be resolved.

The first is to determine whether a law enacted by the National People's Congress, the highest organ of state power in China, can be reviewed. The second is to determine which organ will be authorised to review laws and subordinate legislation. This seminar discussed the feasibility of establishing a constitutional commission. It argued that establishing such a commission will not need to change either the basic structure of state power or the principles set out in the current constitution.



Associate Professor Weiming Wang graduated from the Peking University Law School in 2007 with a doctoral degree obtained under the supervision of Professor Zhang Qianfan. Associate Professor Weiming Wang now works at Shanghai University of Political Science and Law, teaching Constitutional Law and Administrative Law. His current research interests are human rights and comparative constitutional law.

7 September, 2015

Access to Justice in an Age of Globalisation: The Case of Japan

Globalisation is transforming the structure of legal needs. Such needs may be divided into two streams: globally relevant issues such as those faced by global trade and industries, including economic law and regulation, environmental regulation, tax law, labour law and human rights, which may contrast with needs of local societies. However, these streams also inextricably impact on each other. In this presentation, Professor Fukui examined the transformation of the tasks confronted by access to justice in Japan as it is affected by legal needs in the global society. He provided examples from recent Japanese experience and discussed trends in policy-making and legislative focus.

Professor Kota Fukui is a Professor of Law at the Graduate School of Law and Politics, Osaka University, Japan. He is also a Professor at the Center for Environmental Innovation Design for Sustainability. He has an LL.D. from Kyushu University (1998). Professor Fukui was a visiting Research Scholar at the Asian Law Centre, Melbourne Law School from 2009 to 2010. He specialises in the fields of Socio-legal Studies, Alternative Dispute Resolution and Legal Professional Studies.



6 October, 2015

Constitutional Change in Myanmar: The Role of Courts in Authoritarian Regimes

National elections were due to be held in Myanmar in November 2015. This followed in the wake of several years of significant political reforms. The transition since 2011 from complete military rule to a quasi-civilian government has taken place within the framework of the Constitution of 2008. Yet this intensive period of legal reform has not seen major changes to the role and structure of the judiciary. This raises the issue of the future role of the courts in contributing to constitutional and democratic change in Myanmar. One shift that has taken place is the reintroduction of the Supreme Court's jurisdiction to hear cases from citizens to challenge administrative decisions.

In this presentation, Dr Crouch focused on the constitutional writs, as set out in the Constitution of 2008, and its potential as an avenue for citizens to bring cases against government officials to the courts. She questioned whether the Constitution, as a document drafted over a period of 20 years in a process controlled and directed by the military regime, can take on new meanings and significance for its citizens. To address this, she examined the development and foundation of constitutional writs in Myanmar during the period of parliamentary democracy (1948-1962), and identified its common law foundations and the emphasis on the protection of individual rights. She then turned to the implications of the reintroduction in 2011 of the constitutional writs, after decades of socialist and then military rule. Several hundred writ applications have been lodged with the Supreme Court in the past five years, yet few cases have actually been decided on issues of rights protected in the Constitution. Through this presentation, Dr Crouch demonstrated that administrative law is one test of the progress, nature and shape of constitutionalism in authoritarian regimes. The Supreme Court primarily acts to keep the lower courts, rather than the executive, in line; yet there remains potential for the Court to build constitutionalism through writs applications in the future.



Dr Melissa Crouch is a Lecturer at the Law Faculty, the University of New South Wales. She has previously been a Research Fellow at the International Institute of Asian Studies (Leiden); Centre for Asian Legal Studies, the Law Faculty, National University of Singapore; and the Asian Law Centre at the Melbourne Law School, the University of Melbourne. She focuses on socio-legal research in Southeast Asia. She is the author of *Law and Religion in Indonesia: Conflict and the Courts in West Java* (Routledge, 2013). She is also the co-editor (with Tim Lindsey) of a volume on *Law, Society and Transition in Myanmar* (Hart Publishing, 2014); and editor of *Islam and the State in Myanmar* (Oxford University Press, 2016). Melissa teaches in the areas of constitutional and administrative law, comparative law, Islamic law, and the legal traditions of Southeast Asia.

8 October, 2015

Responding to Criticisms of China's AML Enforcement

No other Chinese law may have drawn more attention than China's Anti-Monopoly Law (AML). Many commentators, practitioners and academics have a complex mix of attitudes toward China's AML, with both great expectations and grave concerns. Since the AML went into force in 2008, some expectations have turned into disappointments, some concerns into criticisms.

This talk evaluated and discussed these criticisms. Xianjue Luo provided a systematic and objective appraisal of the primary critiques of AML enforcement. Whilst not seeking to defend the current enforcement practices of the Chinese government, he argued that some critics go too far, but that others do not go far enough.

This talk focused on three most pressing categories of issue: Does AML enforcement deviate from the goals of competition policy? Is enforcement of the AML selective? Or does it favour State Owned Enterprises and discriminate against foreign enterprises? Is enforcement of the AML uncertain?

Xianjue Luo is Associate Professor at the School of Public Policy and Management, the University of Chinese Academy of Sciences (UCAS). In 2011, he co-founded the Competition Law Centre of UCAS with Professor Xiaoye Wang and Professor Allan Fels, and has acted as Associate Director to date. He holds Council Memberships of both the China Economic Law Association and the China Intellectual Property Law Association. His current research focuses on the intersection of competition law and intellectual property law.

Concurrently, Luo works as legal counsel to both UCAS and the Intellectual Property Consulting Platform of the Chinese Academy of Sciences. Prior to joining UCAS, Luo was a practicing lawyer for over ten years.



'BROWN BAG' SEMINARS**15 October, 2015****The Monitoring Role of Institutional Owners: Evidence from Shareholders' Voting on Connected Transaction Proposals in Hong Kong**

Co-hosted with the Centre for Corporate Law and Securities Regulation (CCLSR)

This seminar discussed the topic of institutional owners, voting rights in companies, and governance effects. In the last decades, institutional ownership has become an increasingly important phenomenon globally. Equity holdings by pension funds, investment funds and insurance companies, among other institutions, are reshaping the ownership structure of companies. In their capacity as owners, institutions can influence corporate governance because they acquire the right to participate and vote in general meetings. There are discrepancies, however, to what extent institutional owners' voting has constrained managerial conduct. The seminar presented and discussed a research proposal aimed at tackling this problem in a selected setting: the voting in general meeting of connected transaction proposals in Hong Kong listed companies.

Dr Félix Mezzanotte is Assistant Professor at the School of Accounting and Finance, Hong Kong Polytechnic University, where he teaches Hong Kong company law. Félix has published in the area of EC, HK and China competition law, and his current research looks at questions of shareholder protection in Hong Kong. In the past, he occupied different research positions in the UK and Switzerland and also worked as policy advisor for the World Bank in Washington DC. After earning his LLB degree in Buenos Aires, Félix completed graduate studies in England at UEA, SOAS and the University of Warwick.

20 October, 2015**Australian Lawyers Practicing in an Asian Developing Market: What Does it Involve?**

Dr Hop Dang shared his experience in acting for foreign investors in an Asian developing market, such as Vietnam, particularly in large scale infrastructure projects with stakeholders being the local government, foreign and local investors, foreign and local contractors and international lenders. These transactions often involve complex cross-border legal issues and high risks ranging from nationalisation, change in law, currency conversion to performance by local counterparties or regulatory permits. Legal advisors are expected to help resolve these issues and mitigate the legal risks sufficiently to make the projects "bankable". Negotiations may take years to finalise, requiring a large volume of legal work. Dr Hop Dang provided his insight into how these projects are formed and negotiated and how Australian lawyers can add value in these projects.



Dr Hop Dang is a partner with Allens, Hanoi, specialising in infrastructure project developments and international arbitration. He has acted on a large number of high profile infrastructure projects in Vietnam (power plants and refineries, including the US\$ 9 billion Nghi Son refinery, the largest foreign investment project in Vietnam to date). Dr Hop Dang regularly acts as arbitrator in cross-border disputes at the Singapore International Arbitration Centre and the Vietnam International Arbitration Centre. He holds law degrees from Vietnam and Australia and wrote his doctoral thesis on international law and state contracts at the University of Oxford. Dr Hop Dang regularly lectures in choice of law, investment and arbitration at law schools in Vietnam, Singapore, China and Australia.

16 December, 2015**A Uniform Civil Code for India: Feminist Reflections of Secularism in Times of Hindu Nationalism**

In this talk, well-known Indian women's rights lawyer, Flavia Agnes, spoke to the feminist possibilities and perils of what it means to pursue the Indian constitution's promise of establishing a Uniform Civil Code (UCC) that will govern marriage, divorce and succession for all religions – in effect eradicating India's plural personal laws system. This discussion was significant at a time when a Hindu nationalist government is in power, because the passage of the UCC has historically been advocated on the one hand by the Hindu Right (as its claim to secularity) and on the other by some feminists (as a means to do away with the sexism of personal laws) – in effect making feminists and Hindu nationalists strange bedfellows. What do feminists who oppose the establishment of a UCC, and the Hindu Right's imposition of a sectarian secularism propose as an alternative?

Flavia Agnes is a pioneer of the women's movement, she has worked consistently on issues of gender and law reforms. As co-founder of Majlis, a legal and cultural resource centre in Bombay, her primary engagement has been to provide quality legal services to women and children. She is a strong proponent of legal pluralism and has played an important role in reforming the Christian Personal Laws as well as advancing the rights of Muslim women. Her more recent engagement has been with issues of democracy, secularism and identity politics.

She has written extensively on these issues, both at academic and popular venues. Her noted publications include the two volume *Family Law and Law & Gender Inequality: The Politics of Personal Laws in India* (both published by Oxford University Press).

ALC/CILIS Lectures

21 April, 2015

Death, Drugs and the Bali Nine

Two Australians, Myuran Sukumaran and Andrew Chan, faced execution in Indonesia for serious drugs offences. Their efforts to have their death sentences remitted to imprisonment led to significant tensions between Australia and Indonesia. They also involved a number of complex legal issues and raised questions about the direction of the new administration of President Joko 'Jokowi' Widodo.

Professor Tim Lindsey provided an overview of legal and constitutional issues involved and explored their implications for the future of reform in Indonesia, and its bilateral relationship with Australia.

Professor Tim Lindsey is Malcolm Smith Professor of Asian Law and Director, Centre for Indonesian Law, Islam and Society, the University of Melbourne.



11 August, 2015

Islam, Democracy and the Future of the Death Penalty

Should democratic countries apply the death penalty? Does Islam require the death penalty? Are executions a breach of human rights? Is religion an obstacle to the human rights reform?

Professor Asshiddiqie explored Islamic attitudes to the death penalty and argued that all contemporary cultures – whatever their origin and whatever their religious context – face challenges in reconciling the death penalty with the right to life. The experiences of the United States (the world's largest Christian society), India (the largest Hindu society), and Indonesia (the largest Muslim society) suggest, however, that religion is not always an obstacle to democracy or human rights reform, even if these countries still execute. Professor Asshiddiqie concluded that increasing acceptance of democracy and international human rights norms as a global civilisational aspiration is forcing reconsideration of the death penalty in the legal systems of many societies - including Muslim majority states like Indonesia.

Professor Jimly Asshiddiqie is a leading Indonesian legal figure, both as a scholar and a prominent public official. As founding Chief Justice of Indonesia's first Constitutional Court (2003-2008), he established a new branch of the judiciary and developed a process of constitutional review of statutes that had long been missing in Indonesia. He helped set a new standard in Indonesian courts for reasoned judgments drawing on international jurisprudence, as well as pioneering publication of judgments. He also led the Constitutional Court when it decided to challenge the death penalty in 2007. He is now chair of the Honorary Council of the Electoral Management Bodies and of the Advisory Council to the National Commission of Human Rights. He has advised presidents and the national legislature on legal and political issues, and has twice been decorated for his contributions to Indonesian law reform and state administration.

Professor Asshiddiqie studied at the University of Indonesia, Leiden University and Harvard, and is Professor of Constitutional Law at the University of Indonesia. He has published more than 40 books, some in English, creating an important resource for emerging constitutional thought on democracy in Indonesia.



PhD CONFIRMATION SEMINARS

24 August, 2015

Death Penalty and the Road Ahead: A Case Study of Indonesia

Indonesia has been criticised nationally and internationally for its use of the death penalty. Critics argue the death penalty does not deter crime and there has never been any solid empirical evidence suggesting it can. They say the objective of punishment should be to re-educate and rehabilitate people, giving them the opportunity to reintegrate with society, not to kill them. Globally only a small number of states still execute.

Professor Lubis argued that Indonesia does give weight to these objections but domestic support for the death penalty still seems overwhelming. Few governments anywhere are willing to abolish the death penalty if they have to pay a high political cost and the government of President Joko Widodo is no exception. Some sort of compromise or alternative has to be found. One solution would be to formulate a policy respecting human rights (especially the right to life) but still allowing executions in exceptional circumstances. The Indonesian government seems to be trying to do this in its new draft Criminal Code. This says that if a death row convict demonstrates rehabilitation, his or her sentence can be reduced to either life or 20 years in prison. If this had been law earlier this year, it could have saved the two Australians recently executed, Myuran Sukumaran and Andrew Chan.



Debate on the Draft of Criminal Code is a perfect opportunity for both proponents and opponents of the death penalty. There is, however, a new momentum towards abolition in Indonesia, and Professor Lubis suggested it should be used to the maximum possible extent to prevent more executions. In this lecture, he outlined a strategy for how this might be done.

Professor Todung Mulya Lubis was the Indonesian defence lawyer for Myuran Sukumaran and Andrew Chan. He is one of Indonesia's leading human rights lawyers and most influential legal thinkers. He completed his undergraduate Law degree at the University of Indonesia (1974); his LLM at the University of California, Berkeley; a second LLM at Harvard Law School; and his JSD at the University of California, Berkeley. He has been a senior Adjunct Member of the Faculty of Law of the University of Indonesia since 1990, where he was first appointed in 1975. From 1980-1983, he was Director of Indonesia's famous dissident NGO, the Legal Aid Institute, where he worked for many years.

His influential 1983 scholarly book *In Search of Human Rights: Legal-Political Dilemmas of Indonesia's New Order 1966-1990* has played an important role in thinking about human rights in Indonesia. Professor Lubis is also Founding and Senior Partner of a prominent law firm in Jakarta and has been lead counsel in a number of major human rights cases, often on a pro bono basis. These include acting for the Bali Nine in an attempt to convince Indonesia's Constitutional Court to abolish the death sentence, and against former President Soeharto. In 2014, he was appointed as Honorary Professor in the Melbourne Law School.

PhD Confirmation Seminars

30 March, 2015

Between Rhetoric and Reality: The People's Procuracy as a Human Rights Protector in the Criminal Process

PhD Candidate: Pham Lan Phuong

Supervisors: Professor Pip Nicholson and Professor Sarah Biddulph

The People's Procuracy (Vien kiem sat nhan dan) is a transplanted Soviet style institution in Vietnam. It is now, according to the Constitution, the prosecuting authority of the State, and at the same time, responsible for supervising judicial activities. Together with the explicit recognition of human rights, the 2013 Constitution confirms the Procuracy's duty to protect human rights. This discussion examined to what extent, if at all, the legislative reforms initiated by the 2013 Constitution strengthen the role of the Procuracy in protecting human rights in the criminal process, with a focus on the protection of the right to a fair trial.

22 May, 2015

Resolving Legal System Dissonance: International Crime Cooperation in Extradition between Indonesia and Australia

PhD Candidate: Apsari Dewi

Supervisors: Tim Lindsey and Jeremy Gans

This seminar considered why there are still problems in international crime cooperation in extradition between Indonesia and Australia despite the presence of legal frameworks for cooperation, and identified ways in which these problems might be resolved. Apsari Dewi argued that the problems are the result of a complex mixture of factors that include social, political and legal aspects. The solution cannot be simply instrumental. Focusing solely on legislative change does not suffice unless it is also supported by other non-regulatory schemes.

25 May, 2015

Reforming Judicial Education for Religious Court Judges in Indonesia

PhD Candidate: Windy Triana

Supervisors: Tim Lindsey and Farrah Ahmed

Windy Triana argued that the main challenge in the reform of judicial education systems for religious court judges in Indonesia is the complex relationship between state power and religious authority, which has resulted in an unsystematic approach and a lack of clear principles in religious judicial education. This, in turn, leads to unpredictable and inconsistent judicial interpretation of existing Islamic legal doctrine. What is required to improve judicial decision-making in the Religious Courts is educational reform.

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.

20 May 2015

The Asian Infrastructure Investment Bank: Outlook and Implications

The Asian Infrastructure Investment Bank (AIIB) will be a new multilateral development bank, proposed and led by China. As of April 2015 there are 57 Prospective Founding Members including 14 members of the Group of 20, but notably not the US or Japan. In this seminar, Professor Arner considered the global context of the AIIB and implications for other MDBs such as the World Bank and the Asian Development Bank. Professor Arner also considered China's various international financial initiatives and China's position in the global economic order.

Professor Douglas Arner, Faculty of Law of the University of Hong Kong

7 July, 2015

Re-designing ASEAN Trade in Services: Liberalisation through Integration (with familiar characteristics)

Co-hosted with the Centre for Corporate Law and Securities Regulation and the Global Economic Law Network

For details, see 'Brown Bag Seminars' above.

15 October, 2015

The Monitoring Role of Institutional Owners: Evidence from Shareholders' Voting on Connected Transaction Proposals in Hong Kong

Co-hosted with the Centre for Corporate Law and Securities Regulation (CCLSR)

For details, see 'Brown Bag Seminars' above.

6 November 2015

Conference: Finance in Asia: Regulating Regional Markets

Conference Presenters: Andrew Mitchell, Douglas Arner, Andrew Walter, Jikon Lai, Ramon Pacheco Pardo, Michael Taylor, Chien-chung Lin, Zhao Yang, Shen Wei, Wan Wai Yee, Bruce Aronson, Kevin Davis, Andrew Godwin, Ian Ramsay, Christopher Chen Chao-hung

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.

The recipient of the Malcolm DH Smith Memorial Scholarship in 2015 was **Ms Alexandra Haydock**.

Alex is studying the Juris Doctor at Melbourne Law School, after completing a Bachelor of Arts and Diploma of Languages in Indonesian. Alex has studied the Indonesian language since primary school and is an alumna of the Australian Indonesian Youth Exchange Program 2013/14, where she lived in West Sumatra for two months, working on a community development project in a village and undertaking a short internship in the Bukittinggi Mayor's Office, Department of Law and Human Rights. Alex worked at the Commonwealth Attorney-General's Department for over four years, is a member of the Australian Indonesian Youth Association, and was the Indonesian Language Curator for the Language Barrier, a youth run organisation aimed at increasing the level of language study in Australia. She is passionate about strengthening the Australia-Indonesia relationship, and hopes to work with Indonesia upon completing her graduate degree.



Donations


Donations to the Malcolm DH Smith Memorial Scholarship fund would be gratefully received at any time. Gifts over \$2 are tax-deductible.

To donate to the Scholarship, visit <https://secure.alumni.unimelb.edu.au/s/1182/campaign/index.aspx?sid=1182&gid=1&pgid=943&cid=1659>

ALC Briefing Paper Series

The Asian Law Centre initiated the publication of a series of Briefing Papers in 2014, which aims to increase understanding of current legal issues arising in the legal systems of Asian countries. This series can be downloaded in .pdf format from the ALC website at <http://law.unimelb.edu.au/centres/alc/research/publications/alc-briefing-paper-series>

Topics covered in 2015 included:

	No.	Title	Author
	No 2 (2015) (with CILIS)	Drug-related Crimes Under Vietnamese Criminal Law: Sentencing and Clemency in Law and Practice	Dr Nguyen Thi Phong Hoa
	No 3 (2015)	Legal Services under the China-Australia Free Trade Agreement: Surveying the Landscape	Mr Andrew Godwin and Mr Timothy Howse
	No 4 (2015) (with CILIS)	Death Penalty and the Road Ahead: A Case Study of Indonesia	Professor Todung Mulya Lubis
	No 5 (2015) (with CILIS)	Islam, Democracy and the Future of the Death Penalty	Professor Dr Jimly Asshiddiqie, SH

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Asian Law Online

<http://law.unimelb.edu.au/centres/alc/research/resources/alo>

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.

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/>

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://law.unimelb.edu.au/centres/alc/research/research-programs/china/cln>

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>.

Rule of Law Online

<http://law.unimelb.edu.au/centres/alc/research/resources/rolo>

Rule of Law Online provides an online bibliographic database of materials relating to the rule of law generally and in Asia particularly.

The rule of law has a long history and is variously defined depending on the system of law in which it is located (civil or common law) and whether it is conceived of as delivering substantive legal rights protections or in a 'thin' form in which it offers procedural legal certainty only. Despite the lack of agreement on how to define rule of law, it is routinely touted as the salve to human rights protection in developing and authoritarian countries, and also invoked as providing legal certainty and transparency, features that also assist with economic development and social stability. While these expectations may overload a much debated concept, a raft of agencies and governments seek to instill or support rule of law across the globe.

There are numerous rule of law initiatives supported by Australian, regional and internationally-based legal reformers, including work undertaken by multilateral and bilateral aid donors. Rule of Law Online delivers an internationally accessible and free resource globally. The resource supports Australian, regional and internationally-based students, scholars, practitioners and the interested public to explore and debate Australian and comparative legal identity, particularly in the context of the Asia-Pacific region. These debates will inform legal reform, education and research between and among diverse communities.

This resource includes English language materials on the rule of law in Asia, including books, chapters in books, policy papers, journal articles and theses. The database is organised according to countries in Asia and a selection of basic subject areas, such as post-conflict reconstruction, court reform, court independence, and law and development. It is searchable, with locations of sources provided.

This project is conducted under the auspices of the ALC, and builds on the work undertaken by the ALC on its much used Asian Law Online. We thank the Collier Charitable Fund for the project funds.

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://law.unimelb.edu.au/centres/alc/research/research-programs/vietnam/vlrn>.

Teaching

Members of the Asian Law Centre have contributed programmes of Asian law-related subjects at the 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 in 2015 included:

JD Subjects

- Deals in the Asia-Pacific
- Law and Legal Practice in Asia

MLM Subjects

- Asian Competition Policy and Law
- Chinese Law and Commerce
- Commercial Law in Asia
- Comparative Constitutional Law
- Construction Law and Projects in Asia
- International Law and Development
- International Law and Ethics: Current Global Problems
- Islamic Law and Politics in Asia



Photo: Law and Legal Practice in Asia, Students at the Taj Mahal, 2015, courtesy of Emma McPhee .

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. In addition, Centre members are involved on a daily basis with assistance for LLM and Graduate Diploma by coursework students.

In 2015, Asian Law Centre members supervised 25 PhD candidates, one of whom completed their PhD in 2015.

Higher degree research candidates who submitted or successfully completed in 2015 were:

Mr Stewart Fenwick

'Is Rawlsian Liberalism compatible with Islam? A case study of Post-Suharto Indonesia'

Supervisors: Professor Tim Lindsey, Professor Carolyn Evans, Professor Abdullah Saeed

Completed: 2015

Research students under the supervision of Centre members in 2015 included:

Ms Dewi Apsari

'International crime cooperation in extradition between Indonesia and Australia'

Supervisors: Professor Tim Lindsey, Professor Jeremy Gans

Expected year of completion: 2017

Mr Matthew Busch

'Indonesia as a weak state: authority and competition in post-Suharto Indonesia'

Supervisors: Professor Tim Lindsey

Expected year of completion: 2018

Ms Faye Chan

'Control and resistance: the social and legal regulation of Chinese Indonesian women 1930-2014'

Supervisors: Professor Tim Lindsey, Dr Kate McGregor, Dr Amanda Whiting

Expected year of completion: 2018

Mr Hai Ha Do

'The dynamics of legal transplantation: regulating industrial conflicts in post-Doi Moi Vietnam'

Supervisors: Professor Pip Nicholson, Professor Sean Cooney

Expected year of completion: 2016

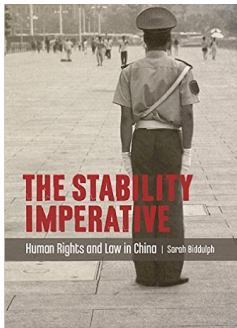
<p>Mr Hailegabriel Feyissa</p> <p>'The Ethiopian Civil Code at its fifty: A historical and legal view from inside'</p> <p>Supervisors: Professor Pip Nicholson, Dr Jenny Beard</p> <p>Expected year of completion: 2017</p>
<p>Mr Andrew Godwin</p> <p>'The relevance of traditional proprietary rights to the reform of rural land rights in China'</p> <p>Supervisors: Professor Sarah Biddulph, Professor Sean Cooney</p> <p>Expected year of completion: 2017</p>
<p>Ms Carolyn Graydon</p> <p>'Valuing women in Timor Leste: the need to address domestic violence by reforming customary law approaches while improving state justice'</p> <p>Supervisors: Professor Tim Lindsey, Professor Dianne Otto, Mr Marek Nowicki</p> <p>Year of completion: 2016</p>
<p>Ms Samantha Hinderling</p> <p>'A new paradigm for meaningful evaluation in international legal developments: The recipients' perspective'</p> <p>Supervisors: Professor Tim Lindsey, Professor Pip Nicholson</p> <p>Expected year of completion: 2021</p>
<p>Ms Josi Khatarina</p> <p>'In search of a governance institution model for land based licensing under Indonesia's decentralization laws and regulations'</p> <p>Supervisors: Professor Tim Lindsey</p> <p>Expected year of completion: 2018</p>
<p>Mr Joseph Kikonyogo</p> <p>'Africa and the ailing promise of the Doha development agenda in the WTO negotiations on agriculture'</p> <p>Supervisors: Professor Pip Nicholson, Professor Tania Voon</p> <p>Expected year of completion: 2016</p>
<p>Mr Jonathan Kolieb</p> <p>'Corporate peacebuilding and the law: regulating the private sector for conflict transformation'</p> <p>Supervisors: Professor Sean Cooney, Professor Christine Parker, Professor Gerry Simpson</p> <p>Expected year of completion: 2017</p>

<p>Ms Sally Low</p> <p>'A legal history of the French Protectorate in Cambodia: 1863 to 1953'</p> <p>Supervisors: Professor Pip Nicholson, David Chandler</p> <p>Expected year of completion: 2017</p>
<p>Mr Nan Luo</p> <p>'Developing a model for uniform conflict of laws rules for commercial contracts within greater China: necessity and possibilities'</p> <p>Supervisors: Professor Sarah Biddulph, Professor Richard Garnett</p> <p>Expected year of completion: 2018</p>
<p>Ms Trischa Mann</p> <p>'Beyond chalking the wig: judicial education in the Supreme Court of Victoria'</p> <p>Supervisors: Dr Amanda Whiting, Dr Kylie Smith</p> <p>Expected year of completion: 2016</p>
<p>Mr Jan Mihal</p> <p>'Finding a conceptual space for an externalist positivism: applying Crawford Elder's etiological functionalism to Law'</p> <p>Supervisors: Associate Professor Farrah Ahmed, Dr Dale Smith, Dr Dana Goswick</p> <p>Expected year of completion: 2017</p>
<p>Mr Jason Sze Chieh Ng</p> <p>'Red shadow: Malayan communist memoirs as parallel histories of Malaysia'</p> <p>Supervisors: Dr Amanda Whiting, Dr Kate McGregor</p> <p>Expected year of completion: 2017</p>
<p>Ms Nguyen Vu Thu Trang</p> <p>'Issues of the Vietnamese legal system and position of the court in law-making in Vietnam'</p> <p>Supervisors: Professor Sarah Biddulph, Professor Pip Nicholson</p> <p>Expected year of completion: 2017</p>
<p>Ms Pham Lan Phuong</p> <p>'Human rights protection in Vietnam's criminal proceedings through the People's Procuracies' supervision over judicial activities'</p> <p>Supervisors: Professor Sarah Biddulph, Professor Pip Nicholson</p> <p>Expected year of completion: 2017</p>

<p>Ms Sonia Randhawa</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: Dr Amanda Whiting, Dr Kate McGregor</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: 2015</p>
<p>Mr Dudi Rulliadi</p> <p>'Indonesian public-private partnerships (PPPs): A legal study on private sector participation in infrastructure development in the post 'New-Order' era'</p> <p>Supervisors: Professor Tim Lindsey, Professor Anne Orford, Professor Andrew Mitchell</p> <p>Expected year of completion: 2018</p>
<p>Mr Rifqi Sjarief Assegaf</p> <p>'The Role of Previous Supreme Court Decisions ("Yurisprudensi") as a Source of Law and Tools to Create Legal Consistency: A Study on Indonesian Supreme Court Decisions in Corruption Cases'</p> <p>Supervisors: Professor Tim Lindsey</p> <p>Expected year of completion: 2018</p>
<p>Ms Maria Azzurra Tranfaglia</p> <p>'Precarious work and the quest for "good" flexibility: A comparative study of agency work and its regulation in Italy and Australia'</p> <p>Supervisors: Professor Sean Cooney, Professor John Howe, Professor Michele Tiraboschi</p> <p>Expected year of completion: 2017</p>
<p>Ms Windy Triana</p> <p>'Schooling Judges: The Education of Religious Court Judges in Indonesia'</p> <p>Supervisors: Professor Tim Lindsey, Associate Professor Farrah Ahmed</p> <p>Expected year of completion: 2017</p>

Highlighted Publications

The Stability Imperative: Human Rights and Law in China, by Professor Sarah Biddulph

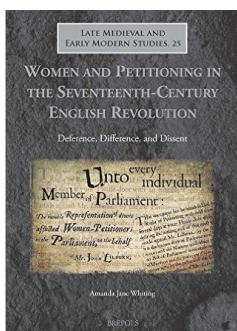


“Stability preservation” (weiwén) has long been an imperative of China’s one-party state. At the same time, the PRC has recently embedded a commitment to the protection of human rights in its constitution and has stated that it wants its citizens to share in the benefits of economic development and lead “happier and more dignified” lives. This book examines the multiple and shifting ways in which weiwén impinges on the legal definition and implementation of human rights in China.

Using case studies, Sarah Biddulph methodically examines the intersection of stability preservation and human rights in the PRC. Analysing the state’s response to labour unrest, medical disputes, and forced housing evictions, she illustrates how conflict in these areas has damaged people’s livelihoods and led to serious social disruption. In turn, the state has reacted in a range of ways, from taking steps to ameliorate the underlying causes of the citizens’ grievances to the repression of rights-related protests and the punishment of protestors.

The *Stability Imperative: Human Rights and Law in China* reveals how the systematic failure of the legal system to protect rights coupled with an overemphasis on coercive forms of stability preservation is undermining the authority of law in China and could, ultimately, damage the Communist Party’s leadership. UBC Press, 2015.

Women and Petitioning in the Seventeenth-Century English Revolution: Deference, Difference and Dissent, by Dr Amanda Whiting



During the English Civil Wars and Revolution (1640–60), the affairs of Church and State came under a crucial new form of comment and critique, in the form of public petitions. Petitioning was a readily available mode of communication for women, and this study explores the ways in which petitioning in seventeenth-century England was adapted out of and differed from pre-Revolutionary modes, whilst also highlighting gendered conventions and innovations of petitioning in that period.

Male petitioning in the seventeenth century did not have to negotiate the cultural assumptions about intellectual inferiority and legal incapacity that constrained women. Yet just because women did not claim separate (and modern) women’s rights does not mean that they were passive, quiescent, or had no political agency. On the contrary, as this study shows, women in the Revolution could use petitioning as a powerful way to address those in power, precisely because it was done from an assumed position of weakness. The petition is not simply a text, authored by a single pen, but a series of social transactions, performed in multiple social and political settings, frequently involving people previously excluded from participation in political discussion or action. To the extent that women participated in collective petitioning, or turned their individual addresses into printed artefacts for public scrutiny, they also participated in the public sphere of political opinion and debate. Brepols, 2015.

Publications of Members, Associates & Researchers

Books

Biddulph, S. (2015) *The Stability Imperative: Human Rights and Law in China*, UBC.

Missbach, A. (2015) *Troubled Transit: Asylum Seekers Stuck in Indonesia*, ISEAS, Singapore.

Whiting, A. (2015) *Women and Petitioning in the Seventeenth-Century English Revolution: Deference, Difference and Dissent*, Brepols.

Chapters in Books

Godwin, A. ‘Surveying the Twin Peaks of Australia’s Financial System’ in Sheelagh McCracken and Shelley Griffiths (eds), (2015) *Making Banking and Finance Law: A Snapshot*, Ross Parsons, pp. 11-25.

Missbach, A. ‘Australian Extradition Requests for People Smugglers from Indonesia: Few Successes, Many Difficulties’ in Antje Missbach and Jemma Purdey (eds), (2015) *Linking People: Connections and Encounters Between Australians and Indonesians*, Regiospectra, Berlin, pp. 271-292.

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- Missbach, A.** 'Indonesia's Treatment of Transit Migrants: Everyday Life Realities Between Human Rights Protection and Criminalisation', in Juliet Pietsch and Marshall Clark (eds), (2015) *Migration Flows and Regional Integration in Europe, Southeast Asia and Australia*, Amsterdam University Press pp. 115-135.
- Missbach, A.** 'Kein Fels in der Brandung: Indonesiens mangelnder Schutz für Flüchtlinge', [Indonesia's insufficient protection for refugees], in Gunnar Stange, Kristina Großmann und Rolf Jordan (Hg), (2015) *Indonesien-Handbuch*, Horlemann, Berlin, pp.169-174.
- Nicholson, P.** 'Renovating Courts: The Role of Courts in Contemporary Vietnam' in Jiunn-Rong Yeh and Wen Chen Chang (eds), (2015) *Asian Courts in Context*, Cambridge University Press.
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- Gillian, G., Hedges, J., Ali, P., Bird, H., Godwin, A. and Ramsay, I.** (2015) 'Regulating by Numbers: The Trend Towards Increasing Empiricism in Enforcement Reporting by Financial Regulators' 9(4) *Law and Financial Markets* 5.
- Godwin, A.** (2015) 'Barriers to Practice by Foreign Lawyers in Asia: Examining the Role of Lawyers in Society' 22(3) *International Journal of the Legal Profession* 299.
- Godwin, A.** (2015), 'Five Lectures on the Common Law with Comparative Reference to the Law in China' 8(1) *Tsinghua China Law Review* 63.
- Godwin, A.** (2015) 'Teaching Transactional Law: A Case Study from Australia with Reference to the US Experience' 16(2) *Transactions: The Tennessee Journal of Business Law* 343.
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- Godwin, A. and Ramsay, I.** (2015) 'Twin Peaks – The Legal and Regulatory Anatomy of Australia's System of Financial Regulation' 26 *Journal of Banking and Finance Law and Practice* 240.
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- Missbach, A.** (2015) 'Eighty Thousand Entry Points' 68(2) *Journal of International Affairs* 253-260.
- Missbach, A.** (2015) 'Making a 'Career' in People-smuggling in Indonesia: Protracted Transit, Restricted Mobility and Asylum-seekers' Need for Protection' 30 *Sojourn* 2 423-454.
- Missbach, A. and Phillips, M.** (2015) 'Die Ökonomie des Ausbeuterischen Transits Lebensbedingungen von Migrant*innen und Asylsuchenden in Indonesien und Libyen' 35 *Peripherie* 138/139 170-192.
- Nicholson, P. and Van Rooij, B.** (2015) 'Inflationary Trends in Law and Development', 24 *Duke Journal of Comparative and International Law* 297-348.
- Steele, S.** (2015) 'Proposal to Reform the Japanese Saiban'in Seido (Lay Judge System) to Exclude Drug-Related Cases: Context

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Biddulph, S. (2015) Panel commentator at the 'Contemporary Issues in Indian Public Law: Transnational Perspectives' conference, National Law University Delhi, 10-13 April, Delhi.

Biddulph, S. (2015) 'The Legal Problem of Minor Crime', presented at the Chinese Legal Reform and the Global Legal Order conference, Hong Kong University, 2 June, Hong Kong.

Biddulph, S. (2015) 'Punishment in the Post-RETL World', lecture to staff and students in the Administrative Law School of Southwest University of Politics and Law, 10 June, Chongqing.

Biddulph, S. (2015) 'Summary Offences in Victoria: A Comparison with Administrative Punishments in China', presented at the Centre for the Education and Study of Human Rights, Southwest University of Politics and Law, 11 June, Chongqing.

Biddulph, S. (2015) 'Justice in Administration?', presented at the ICAS China Conference, 5-9 July, Adelaide.

Biddulph, S. (2015) 'Reform of Administrative Powers: Concepts of Justice?', presented at the 'Accountability and Control in the Xi Jinping Era' Conference, University of Melbourne, 21-22 August, Melbourne.

Biddulph, S. (2015) 'Concepts of Justice in Social Order Punishments', presented at the CASS Conference, University of Melbourne,

6 October, Melbourne.

- Biddulph, S.** (2015) 'The Impact of Enforcement Campaigns on China's Legal System', presented to the CIW Centre, Australian National University, 22 October, Canberra.
- Biddulph, S.** (2015) 'Democratic Centralism and Administrative Law in China', presented at the 'What is Socialist about Socialist Law? Exploring Epistemic and Institutional Change in Socialist Asia' Conference, Hong Kong University, 28-29 October, Hong Kong.
- Biddulph, S.** (2015) commentator/discussant at the 'Thinking Empirically about Employment Relations and Labour Regulation in an Asia-Pacific Context' symposium, Monash University, 5 November, Melbourne.
- Chan, F.** (2015) 'Female Chinese Muslim Religious Leadership: A Comparison of Indonesia and China', presented as part of a panel discussing 'Female Religious Authority in Southeast Asia' at the European Society for Southeast Asian Studies Conference, Vienna.
- Godwin, A.** (2015) 'Key Global Regulatory Initiatives', presented at the Asia-Pacific Financial Forum Roundtable on Financial Regulations, 27 January, Hong Kong.
- Godwin, A.** (2015) Moderator at the Australia Malaysia Financial Services Forum, 17 August.
- Godwin, A.** (2015) 'Mechanisms for Financial Regulatory Coordination in Selected Areas', presented at Regulation in Asia Conference, Hong Kong.
- Lindsey, T.** (2015) 'Death, Drugs and the Bali Nine', presented at CILIS Evening Seminar, Melbourne Law School, 21 April, Melbourne.
- Lindsey, T.** (2015) 'What's Happening to the Jokowi Presidency', presented with Dr Helen Pausacker, Dr Jemma Purdey, Dr Dave McRae, Dr Nadirsyah Hosen, and Dr Richard Chauvel at CILIS Evening Seminar, 5 May, Melbourne.
- Lindsey, T.** (2015) 'Indonesia in Transition', presented at the AsiaLink Leaders program, Price Waterhouse Coopers, Melbourne, Sydney and Brisbane.
- Missbach, A.** (2015) 'Managing Migration in Indonesia through Public Information Campaigns', presented at the Migration and Late Capitalism Conference: Critical Intersections with the Asia-Pacific and Beyond, University of Victoria, 11-13 June, Canada.
- Missbach, A.** (2015) 'Asylum Seekers in Indonesia: Absence of law, Ongoing Uncertainties & Shifting Responsibilities', presented at the Indonesia Open Council Conference (ICOC), Deakin University, 2-3 July, Geelong.
- Missbach, A.** (2015) 'Making a "Career" in People Smuggling in Indonesia: Protracted Transit, Restricted Mobility and the Lack of Legal Work Rights', presented at the 9th International Convention of Asia Scholars (ICAS 9) 5-9 July, Adelaide.
- Missbach, A.** (2015) 'Precarious Waters: Fishermen, People-smuggling and Limited Choice for Earning Money in Eastern Indonesia', presented at Precarity and Resilience in East Indonesia, University of Vienna, 11-14 August, Vienna.
- Missbach, A.** (2015) 'The Economics of Transit: Living Conditions for Migrants and Refugees in Indonesia and Libya', presented at Africa-Asia: A new Axis of Knowledge, The University of Ghana, 24-26 September, Legon, Accra, Ghana.
- Nicholson, P.** (2015) 'The Suspended Death Penalty in Asia', Contemporary Issues in Public Law: Transnational Perspectives, Oxford University, MLS and National Law University Delhi, 12 April, Delhi, India.
- Nicholson, P.** (2015) 'Soviet Legal Legacy in Vietnam', What is Socialist about Socialist law?: Exploring Epistemic and Institutional Change in Socialist Asia, 28-29 October, Hong Kong.
- Pausacker, P.** (2015) 'Press Reporting of the "Bali Nine" Cases in Indonesia and Australia', presented at the Indonesia Council Open Conference, 2-3 July, Deakin University, Geelong.
- Pham Lam, P.** (2015) 'Roots and Routes: Adapting the Soviet-inspired Vietnamese Court and Procuracy Systems' which was co-authored by Professor Pip Nicholson and presented at the conference 'What is Socialist about Socialist Law? Exploring Epistemic and Institutional Change in Socialist Asia', University of Hong Kong, 28 and 29 October.
- Randhawa, S.** (2015) "'F-word": Women Journalists and the Women's Pages in the Malay-language Press', presented at the International Convention of Asian Scholars (ICAS) 5-9 July, Adelaide.
- Randhawa, S.** (2015) 'Culture and Human Rights: Context, Consonance and Accommodation', presented at RMIT, 24 September, Melbourne.
- Steele, S.** (2015) 'Osaka City Government v The Man With No Tattoos: Using the Courts as Arbiters of Social Norms in Japan', presented at the Centre for Asian Legal Studies, National University of Singapore, 18 November, Singapore.
- Whiting, A.** (2015) 'Malaysian Lawyers and the Struggle for a Better Malaysia', presented at Flinders Asia Lecture and Malaysia and Singapore Society of Australia keynote address, 9th International Convention of Asian Scholars, Flinders University, 7 July, Adelaide.

Highlighted Achievements by Asian Law Centre Members

Professor Tim Lindsey — Recognition of University Advocacy and Engagement in the Bali Nine Convictions Case

Professor Tim Lindsey has been recognised by the University for his advocacy and engagement in the Bali Nine convictions case.

The Vice-Chancellor stated to the Academic Board that 'Professor Tim Lindsey has been a powerful advocate both for the two men at the centre of the Bali Nine Conviction Case and the importance of Australians understanding Indonesian thinking and values. In the Bali Nine Convictions Case, Professor Lindsey has been a cogent and hard-working voice for public recognition of the issues at play, and has continued to work to secure a just outcome amid international tensions.'

Professor Tim Lindsey – Appointed as a Redmond Barry Distinguished Professor

Professor Tim Lindsey was appointed as a Redmond Barry Distinguished Professor in 2015.

The Redmond Barry Distinguished Professorship was recently established to recognise professors who demonstrate outstanding leadership in the University and wider community and either pre-eminence in research or creative activity, or pre-eminence in research and teaching.

Congratulations to Tim on this award.

Academic Promotions

Congratulations to Farrah Ahmed (Associate Director (India)) and Stacey Steele (Associate Director (Japan)), who were both promoted to Associate Professor at Melbourne Law School in 2015. This is well-deserved recognition for their outstanding performances and wide contributions to Melbourne Law School.

Student Achievements

Internships undertaken by Sarah Mercer

Sarah Mercer, Research Assistant for the Korea Program of the Asian Law Centre, has been an intern with the Australian Permanent Mission to the UN for the 28th Regular Session of the Human Rights Council in Geneva. She had the privilege to make a statement on behalf of Australia regarding our technical cooperation for inclusive and participatory development in our region.

At the end of April, Sarah started interning with the Mladic Defense Team at the International Criminal Tribunal for the Former Yugoslavia for three months.

Intercollegiate Negotiation Competition

The Asian Law Centre congratulates Shojeeb Tahsin Alam from Monash (LLB) and Jeremy Latcham from Melbourne (JD) on their selection for the Japanese-language team at the 2015 Intercollegiate Negotiation Competition, held in Tokyo in November 2015. Jeremy is a current Research Assistant for the Asian Law Centre.

Exchange for Jessica Shin

MLS JD Student and ALC Research Assistant Jessica Shin participated in an exchange with other postgraduate students from MITKA countries (Mexico, Indonesia, Korea and Turkey) in Korea in July 2015, with full support from the Korean Government.

Contributions to the University of Melbourne and the Community

Associate Professor Farrah Ahmed

University

- Associate Director (India), Asian Law Centre, Melbourne Law School
- Fellow, Australia India Institute
- Coordinator, Faculty Research Seminar Series
- Convenor, Oxford/NUS/MLS conference and workshop in Dehli, India, 10 - 12 April 2015. Conference: *Contemporary Issues in Public Law: Transnational Perspectives*; Workshop: *Contemporary Issues in Indian Public Law*
- Member, Perpetual Trustees Ranking Committee, UOM
- Member, International Research and Research Training Fund's Country Advisory Group, UOM
- Judge, Student Published Research Prize
- Member, Faculty Research and Law Library Committee, MLS
- Referee, *Oxford Journal of Legal Studies*
- Referee, *Cambridge University Press*
- Referee, *Australian Journal of Family Law*
- Referee, *Australian Journal of Labour Law*
- Referee, *Osgoode Hall Law Journal*

Community

- Conducting policy-oriented project on family dispute settlement in religious communities
- Facilitated a workshop for practitioners as well as scholars on religious arbitration and mediation

Professor Sarah Biddulph

University

- Associate Director (China), Asian Law Centre, Melbourne Law School
- Advisory Committee, *Australian Journal of Asian Law*
- Co-convenor, China Law Network
- Melbourne Law School Research Grants Mentor
- Member, Executive Committee of the Centre for Contemporary Chinese Studies

Community

- Editorial board, *Administrative Law Review* (Chinese)
- Member, Europe China Law Society (ECLS), Law and Society Association
- Member, International Academy of Comparative Law

CONTRIBUTIONS

Professor Sean Cooney

University

- Associate Director, Asian Law Centre, Melbourne Law School
- Advisory Committee, *Australian Journal of Asian Law*
- Member, Editorial Committee, *Australian Journal of Labour Law*
- Barrister and Solicitor, Supreme Court of Victoria
- Barrister and Solicitor, High Court of Australia
- Member, Centre for Employment and Labour Relations Law, Melbourne Law School

Community

- Member, Editorial Committee, *National Taiwan University Law Review*

Mr Andrew Godwin

University

- Director of Studies for Banking and Finance, The University of Melbourne
- Director, Transactional Law, Melbourne Law School
- Academic coordinator for the MLS/Chinese University of Hong Kong Dual Degree Partnership
- Associate of MLS's Centre for Corporate Law and Securities Regulation (CCLSR)
- Peer reviewing articles for *Australian Journal of Asian Law* and the *Company and Securities Law Journal*

Community

- Professional development consultant to PETRONAS Group Legal
- Foreign Arbitrator, Shanghai International Arbitration Center
- Risk Counsel to Linklaters
- LIV Professional Training Program
- Appointed a consultant to the World Bank to assist in the review of a guide to the European Union Directive on Bank Recovery and Resolution
- Assisted the Department of Foreign Affairs and Trade to prepare for its negotiations with India in relation to legal services under the the Australia-India free trade arrangements
- Assisted ASIC with a review of the rules and regulations for the proposed Asia Region Funds Passport
- Admitted as a Barrister and Solicitor of the Supreme Court of Victoria
- Admitted as a Solicitor of the Supreme Court of England and Wales

Professor Tim Lindsey

University

- Redmond Barry Distinguished Professor
- Malcolm Smith Professor of Asian Law, Melbourne Law School
- Director, Centre for Indonesian Law, Islam and Society

- Executive Editor, *Australian Journal of Asian Law*
- Associate, Centre for Corporate Law and Securities Regulation, Melbourne Law School
- Associate, Centre for Employment and Labour Relations Law, Melbourne Law School
- Member, Centre for Resources, Energy and Environmental Law, Melbourne Law School
- Member, National Centre of Excellence for Islamic Studies, The University of Melbourne
- Graduate Research Committee, Melbourne Law School

Community

- Barrister and Solicitor, Supreme Court of Victoria
- Member, Academie Internationale de Droit Comparé, Paris [International Academy of Comparative Law]
- Member, International Advisory Board, ARC Centre of Excellence in Policing and Security
- Member, Editorial Advisory Board, Asian Law Abstracts, *Journal of Scholarly Abstracts*, Legal Scholarship Network
- 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)
- Chair, Australia Indonesia Institute, Department of Foreign Affairs and Trade, Australia until 2016.
- Associate, Centre for Asia-Pacific Initiatives, University of Victoria, Canada
- International Editor, *Indonesian Law Review*, University of Indonesia
- Member, International Council of the Asia Society
- Member, Editorial Board, *Journal of Contemporary Indonesian Islam*
- Member, Editorial Board, *Journal of Indonesian Islam*
- Member, Advisory Board, Liberty and Rule of Law Association, Mongolia
- Visiting Professor, Syarif Hidayatullah State Islamic University (UIN), Indonesia
- Visiting Professor, Academy of Contemporary Islamic Studies (ACIS), University Teknologi MARA, Malaysia

Professor Pip Nicholson

University

- Associate Dean (International)
- Member, Melbourne Law School Executive
- Director of Studies, Asian Program, Melbourne Law Masters
- Director, Asian Law Centre
- Member, International Advisory Group (IAG), UOM
- Member, Centre for Comparative Constitutional Studies (CCCS)
- Deputy Vice-President, Academic Board, UOM
- Member, Academic Consultation and Coordination Committee (ACCC), UOM
- Member, Research Ethics and Integrity Strategy Committee, UOM

CONTRIBUTIONS

- Member, Selection Procedures Committee (SPC), UOM
- Member, TALDEC, UOM
- Member, IT Committee, UOM
- Member, University Appointments and Promotions Committee (UAPC), UOM
- Member, Engagement Strategy Working Group, UOM
- Member, Equity Innovation Grants Selection Committee
- Member, Learning and Teaching Initiatives, Selection Committee
- Member, Faculty Appointments and Promotions Committee – Faculty of Business and Economics
- Member, Arts Appointment Committee
- Member, Flexible Academic Programming (University Timetabling Workstream)
- Chair, approx. 24 Academic Board Appeal Hearings (appeal hearings, general misconduct appeal hearings and unsatisfactory progress hearings)
- Editorial Committee, *Australian Journal of Asian Law*
- Editor, ALC Briefing Paper Series

Community

- Member, Asian Studies Association of Australia
- Member, Academie Internationale de Droit Comparé, Paris [International Academy of Comparative Law]
- Co-editor, *Law in Asia* monograph series, Routledge
- Liaison and advice to Reprieve Australia, an NGO that seeks to advance the abolition of the Death Penalty, and in particular cases involving an Australian detained in Vietnam
- Advice to legal team working on Australian charged with drug offences and facing the death penalty in Vietnam: Jay Williams, Julian McMahon and Matthew Goldberg

Associate Professor Stacey Steele

University

- Associate Director (Japan), Asian Law Centre, Melbourne Law School
- Referee, *Australian Journal of Asian Law*
- Senior Lecturer, Melbourne Law School
- Academic Coordinator, Overseas Training and Research Program of the Supreme Court of Japan
- Academic Coordinator, Overseas Research and Study Program of the Supreme Court of Korea

Community

- Member, Asian Studies Association of Australia
- Member, Japanese Studies Association of Australia
- Associate General Counsel, S&P Global Ratings

Dr Amanda Whiting

University

- Associate Director (Malaysia), Asian Law Centre, Melbourne Law School
- Co-editor, *Australian Journal of Asian Law*
- Associate, Centre for Media and Communications Law, Melbourne Law School
- Member, Institute for International Law and the Humanities, Melbourne Law School
- Member, Law Human Ethics Advisory Group, Melbourne Law School

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
- Assistance with Reprieve Australia on investigation into abolition of death penalty in Malaysia
- Presentation to the Victorian Parliament's Amnesty group on the prosecution of former Malaysian opposition leader Anwar Ibrahim for 'unnatural sex' and on political repression in Malaysia

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://law.unimelb.edu.au/centres/alc#contact-us>

Asian Law Centre Facebook Page



The Asian Law Centre has an established Facebook page. Keep up-to-date with all of our events and news items by clicking 'like' at <http://www.facebook.com/AsianLawCentre>

Asian Law Centre Twitter Account - @alc_mls

The Asian Law Centre has recently established a Twitter account. Keep up-to-date with all of our events and news items by following us at @alc_mls





Professor Pip Nicholson



Dr Farrah Ahmed



Professor Sarah Biddulph



Professor Sean Cooney



Mr Andrew Godwin



Professor Tim Lindsey



Associate Professor Stacey Steele



Dr Amanda Whiting

<http://law.unimelb.edu.au/centres/alc>