

Asian Law Centre

Law School
The University of Melbourne

ANNUAL REPORT

JANUARY - DECEMBER 1999

DIRECTOR'S REPORT - Professor Malcolm Smith

1999 was a year of highlights and consolidation. Chief among the highlights were:

- the publication of the *Australian Journal of Asian Law* in December;
- the celebration of 30 years of teaching on Japanese law in August;
- the World Bank / IMF conference on Bankruptcy in Indonesia; and
- two ARC Large Grants secured by members of the Centre.

New Journal

The publication of the *Australian Journal of Asian Law* is the culmination of three years of planning and hard work by the Associate Directors of the Centre. It also marks a significant collaboration with the Law Faculties at the Australian National University, as well as with a range of Asian and North American universities, where Veronica Taylor and Tim Lindsey have played key roles in establishing Asian law programmes. Initially the journal will be published twice each year. I congratulate the team on an important addition to international literature on Asia.

30th Anniversary Symposium

1999 marked the 30th anniversary of the first significant activity in Asian law in the Law School. In 1969 the Faculty received a visit from then Associate Professor Koya Matsuo of the Faculty of Law, the University of Tokyo. Professor Matsuo was a Leverhume fellow. He spent eight months with the Faculty working on criminal law and criminal procedure issues. Apart from establishing contacts among our criminal law teachers of the day, he also played an instrumental role in developing interest in the Japanese legal system among junior members of the Faculty, including myself.

In a parallel development, Mary Hiscock, who was responsible for the teaching of comparative law in the Faculty, was negotiating with Professor David Allan of Monash Law School and Professor Tony Angelo of Victoria University, Wellington, New Zealand, for Professor Angelo to visit Australia in 1970 and participate in Civil Law classes. Professor Angelo had just translated a landmark work in French by a leading Japanese scholar.

The 30th anniversary was celebrated by a symposium and a major dinner held at the Victoria Club in August. Although Professor Matsuo was invited, he unfortunately had to withdraw when the dates of the seminar were changed. However, Professors Hiscock, Allan, and Angelo all attended and spoke at the symposium dinner. The symposium, "Legal Crisis? Japan and Asia", highlighted the role the Australian and Japanese legal systems have played in the region in the three decades since 1969. Over one hundred scholars from Australia, Germany, Indonesia, Japan, Malaysia, New Zealand, North America and Singapore participated in what was a major celebration of the Law School's links to the region.

World Bank / IMF Conference

The April 1999 Bankruptcy Conference convened by Tim Lindsey confirmed the Centre's national leadership in the Indonesian law area. As noted in more detail in this report, the conference drew together funding from major international and national funding bodies and attracted experts from both Indonesia and around the world. The book based on the conference proceedings will be a major contribution to an understanding of Indonesia's new Bankruptcy

system as well as an important statement on the difficulties involved in transplanting legal systems.

Teaching

The Centre continued its major contribution to the teaching programme at both the graduate and undergraduate levels. A highly successful overview course “Commercial Law in Asia” was introduced into the undergraduate programme to 65 students. The course was a cooperative effort involving four members of the Centre, showcasing major common themes in the region in the context of developments in China, Indonesia, Japan, Korea, and Vietnam.

ARC Grants

The consolidation of the group’s major research interests continued with the commencement of an ARC Large Grant under the directorship of Tim Lindsey and Veronica Taylor. The grant is worth A\$180,000 over three years, and will trace the transformation of laws in Asian countries in the Post-War period. Sean Cooney combined with Richard Mitchell and his team in the Centre for Employment and Labour Relations Law, to win a second ARC Large Grant for a project to rethink international labour standards in the Asia-Pacific context.

Specialist Training

The Centre’s staff participated in the Law School’s major training programme for **Mongolian** lawyers with four members of the Centre presenting lectures to the twelve lawyers from government departments in Mongolia. The Centre’s staff also developed and presented a specialist training programme for the Director of the **Lao** Economic Arbitration Centre and two of his colleagues on recent Australian and international developments in international commercial arbitration. This project was funded by the World Bank at the request of the Lao Justice Ministry.

Staff Development

The year was also notable for consolidation of staff development among the group.

Sean Cooney completed a year in residence at Columbia Law School and returned to us in second semester. Sean is completing the JSD programme at Columbia.

Sarah Biddulph completed her second year on secondment to the Blake Dawson Waldron office in Shanghai, China. Sarah returned in February to present the first Asian law subject during the undergraduate Summer semester programme. She returned again in January 2000 and taught a second Chinese law subject with Sean Cooney.

Tim Lindsey was a Visiting Professor at the Centre for Asia-Pacific Initiatives at the University of Victoria, British Columbia.

Pip Nicholson took leave during 1999 to complete her Ph.D. project and to give birth to Oliver. Sean and Emma also welcomed Eleanor.

It is interesting to note that the workload of the Asian Law Centre has been achieved over the last five years with at least one, if not two members on leave pursuing staff development projects. Indeed, since I returned from sabbatical leave in mid-1996 there has only been one

semester during which the whole group has been together. In the circumstances, the contribution and output of the group is outstanding.

Appointments

In February 1999, I accepted a half-time appointment at Ormond College as its Dean of Studies, in charge of its extensive academic programme. I continue in a half-time position in the Law School, with my main activities now centred on the Asian Law Centre and the Asian programme in the Law School.

The position at Ormond creates new opportunities for accommodating overseas visitors in a unique environment, while refocusing my activities on Asia. For most of my 15 years with the Asian Law Centre, up to half my time has been spent on secondments freeing up scarce resources for others to pursue their interests in Asian law.

In September 1999, Tim Lindsey was appointed to an Associate Professorship.

In 2000, the Asian Law Centre enters its 15th year. It remains a very significant contributor to the Law School and to the wider legal community, at a very small cost to the Law School.

The announcement early in 2000 that Veronica Taylor, the first young law graduate selected to work at the Centre in 1987, has been offered a Chair and the Directorship of the Asian law programme at the University of Washington, Seattle, confirms the international standing that members of the Centre have achieved. I have every confidence that the standards will be maintained into the future.

GOALS OF THE ASIAN LAW CENTRE

- To promote the teaching of Asian law in Australia at both graduate and undergraduate levels, and the teaching of Australian law in Asia.
- To improve Australia's knowledge of the commercial laws of our trading partners in the region and to research the legal framework for trade and investment.
- To develop specialised legal training programmes for Australians and Asians.
- To promote the development of Asian studies and Asian languages in other disciplines and to encourage a linkage with law studies.
- To promote exchanges of staff and students between the Law School and Asian universities and institutions.

ASIAN LAW CENTRE ADVISORY BOARD

The current Advisory Board of the Centre reflects the range of government, private and academic interest and involvement in the activities of the Centre.

- **Professor Michael Crommelin**
Dean, Law School, The University of Melbourne

- **Mr Peter Kelly**
Partner, Mallesons Stephen Jaques
- **Mr David Laidlaw**
Chairman of Partners, Maddock Lonie & Chisholm
- **Mr Stephen Spargo**
Partner, Arthur Robinson & Hedderwicks
- **Professor Alice Tay**
Director, Centre for Asia-Pacific Legal Studies, The University of Sydney

ASIAN LAW CENTRE MEMBERS

Members of the Law School associated with the Centre:

- **Professor Malcolm Smith** - Director
- **Ms Sarah Biddulph** - Associate Director, China

On leave at Blake Dawson Waldron, Shanghai
- **Mr Sean Cooney** - Taiwan and Labour Relations Law

During the latter half of 1998 and the first half of 1999, Sean Cooney was on leave at Columbia University, New York, where he undertook his year of residence for JSD studies. Sean participated in seminars associated with Columbia Law School 'Centre for Chinese Studies', and provided translations of drafts of the new *Marriage Law* and *Administrative Licensing Law* for the Centre. He also attended a conference on recent Chinese legal developments at Harvard University.

- **Associate Professor Tim Lindsey** - Associate Director, South East Asia

Associate Professor from September 1999
Visiting Professor at the University of Victoria, British Columbia, Canada Jan-March 1999
- **Ms Pip Nicholson** – Associate Director, Vietnam

On leave 1999
- **Ms Veronica Taylor** - Associate Director, Japan

On Research leave in Semester 2 in Tokyo, where she was Visiting Professor in the International Centre for Law and Politics at the University of Tokyo. In August, Veronica was elected President of the Japan Studies Association of Australia.

Associates:

- Professor M.B. Hooker, Faculty of Law, Australian National University

Administrative Assistant:

- Ms Kathryn Taylor

Research Assistants/associates:

- Ms Ruth Goonan
- Ms Kerry Liu
- Ms Helen Pausacker
- Adv. Andrew Schmulow
- Ms Stacey Steele
- Ms Amanda Whiting

**CONTRIBUTIONS TO
THE UNIVERSITY OF MELBOURNE
AND THE COMMUNITY**

Ms Sarah Biddulph

- Law Society of NSW
- China-Australia Chamber of Commerce (Shanghai, China)

Mr Sean Cooney

- Editorial Committee, *Australian Journal of Asian Law*
- Member of Japan/U.S./E.U. Joint Research on Labour Law

Associate Professor Tim Lindsey

- Convenor, Indonesia Forum
- Member, Country Convenor's Forum
- Australia-Indonesia Institute (DFAT)
- Editorial Committee, *Australian Journal of Asian Law*
- Liaison Officer, International & Non-English Speaking Background Students

Professor Malcolm Smith

- Board, Australian Centre for International Commercial Arbitration
- Chair of Convenors, Country Forums
- International Legal Services Advisory Council
- Vice-Chancellor's International Programs Committee
- Board, National Korean Studies Centre
- Board of Directors, Rotary Club of Melbourne

Ms Veronica Taylor

- Founding Convenor, Korea Forum
- Member, Country Convenor's Committee
- Member, Japan Program Committee
- Member, University Staff Selection Committees: Faculty of Arts/Melbourne Institute of Asian Languages and Societies
- Member, Baillieu Library East Asian Collection Users' Committee
- Liaison Officer, International and Non-English Speaking Background Students
- Editorial Committee, *Australian Journal of Asian Law*
- President, Japanese Studies Association of Australia

ASIAN LAW CENTRE FINANCES

The Asian Law Centre's research activities in 1999 were funded largely from grants and the proceeds from training programmes. The Centre continues to receive administrative support from the Faculty totalling some \$22,500, made up of a part-time administrative assistant and a small sum for office expenses. The Centre did not request any contributions from sponsors in 1999, pending formulation of plans for its 15th anniversary in the year 2000.

As in most years since its establishment, the main income-generating activities of the Centre have been channelled into general Faculty income streams, through degree programmes, research funding, and income from training programmes in which members of the Centre participate.

MAJOR ACTIVITIES AND EVENTS

Bankruptcy Conference: "Current Issues and Future Directions for Bankruptcy Reform in Indonesia"

In April 1999, Associate Professor Tim Lindsey convened a major international conference in Jakarta on behalf of the IMF, the World Bank, the Commercial Court of Indonesia and AusAID, dealing with comparative perspectives on insolvency law reform: "Current Issues and Future Directions for Bankruptcy Reform in Indonesia". More than 300 delegates attended the two day event, which included a round-table workshop for donor agencies including ADB, UNDP, USAID, JICA, etc. Delegates came from Europe, Australia, North America, Australia and Asian countries including Indonesia and Japan, and included academics, practicing lawyers, government policy advisers and multi- and bi-lateral aid and lender organisations.

Training Programme for Laotian Delegation - 2-27 August, 1999

A Laotian delegation visited Melbourne for a training programme in Commercial Alternative Dispute Resolution from 2 August to 27 August, 1999. The delegation consisted of:

- Mr Vongthong So-Inxay, Director of the Lao PDR Economic and Arbitration Office
- Mr Khene Lovanxay from the Economic and Arbitration Office, and
- Mr Sivath Sengdouangchanh from the Ministry of Justice (Translator).

The Asian Law Centre arranged accommodation for the delegation at Ormond College, and provided thirty hours of lectures over a two week period. A one week internship at the Institute of Arbitrators and Mediators Australia was organised, followed by study visits and interviews with arbitrators, conciliators, and related institutions in the city of Melbourne in the fourth week, including the Australian Centre for International Commercial Arbitration.

Colloquium: “Legal Crisis? Japan and Asia”

A Colloquium was held at the University of Melbourne from 12-14 August, 1999, on the theme “Legal Crisis? Japan and Asia”. The symposium celebrated thirty years of teaching Japanese Law at the Law School, and featured invited experts from Japan, U.S.A., Canada and Australia. The colloquium presented a series of themed sessions with short presentations by the speakers, followed by round-table discussion and debate.

A feature of the colloquium was a dinner to celebrate two important milestones, the 30th year of the teaching of Japanese Law and the first visiting scholar from Japan to the Law School. In 1969 Professor Koya Matsuo of the Faculty of Law, the University of Tokyo, spent eight months with the Faculty as a Leverhume Fellow visiting scholar. He subsequently became Dean of the Faculty of Law at the University of Tokyo in 1984-85. The dinner celebrated the first teaching about Japanese law in the Faculty in 1970.

The coordinator of that course, now Professor Mary Hiscock of Bond University, and Professor Tony Angelo, who taught the segment on Japanese law, were both present and addressed the dinner. Professor Angelo subsequently became Dean of the Faculty of Law at the University of Victoria, Wellington, New Zealand. His lectures were based on his translation of one of the first major texts on Japanese law to appear in a foreign language, translating Professor Noda’s work from French to English! A third major guest at the dinner was Professor David Allan, who in 1970 co-sponsored Professor Angelo to Melbourne and pioneered the teaching of Japanese law at Monash University. All three speakers gave a vivid picture of the pioneering days of both comparative law and work on Asian legal systems in Australia to an audience of more than 120 people. The dinner was held at the Victoria Club.

VISITORS TO THE CENTRE

Delegation of *Arbitration and Legal Administration* from Shandong Province, People's Republic of China

Delegation of Mongolian lawyers engaged in a training programme at the Law School

Delegation from the *Shanghai Municipal Bureau of Justice*, People's Republic of China, arranged by Arthur Robinson and Hedderwicks

Education and Cultural Exchange Delegation from City of Wuhan, Hubei Province, People's Republic of China

Mr Neri Colmenares, *Executive Director, National Amnesty Commission, Government of The Philippines* - 20 October - 30 October (22 October - combined lecture with Asialink)

Professor Shinichiro Hayakawa, *Faculty of Law, Tohoku University, Japan*

Mr Sebastian Heine, Germany

Professor Norio Higuchi, *Faculty of Law, University of Tokyo, Japan*

Mr Khene Lovanxay, *Lao PDR Economic and Arbitration Office, Lao PDR*

Mr Okino, *Corporate Lawyer, Japan*

Associate Professor Masami Okino, *Faculty of Law, Gakushuin University, Japan*

Mr Sivath Sengdouangchanh, *Lao PDR Ministry of Justice, Lao PDR*

Mr Rachmat Soemadipradja, *Soemadipradja & Taher, Jakarta Commercial Lawyers, Indonesia*

Mr Vongthong So-Inxay, *Director, Lao PDR Economic and Arbitration Office, Lao PDR*

Mr Inda Surya, *Head of Legal Affairs, Jakarta Stock Exchange, Indonesia*

His Excellency Mr Masaji Takahashi, *Ambassador of Japan* and Mrs. Yuri Takahashi

Ms Tian Dongwen, *Beijing University of Aeronautics and Astronautics, People's Republic of China*

MAJOR COLLABORATIONS

1. Training programmes in the Law School

Members of the Asian Law Centre were actively engaged in training programmes organised by the Associate Dean (Undergraduate Studies), Professor Gillian Triggs. In particular, members of the Centre provided segments on “Regulation of Financial and Capital Markets in Asia”, “Bankruptcy Law in Asia”, and “Contract Law” to the seven month long training programme provided for a delegation of eight lawyers from Mongolia under a programme funded by ADB.

Associate Professor Tim Lindsey and Ms Veronica Taylor also participated in the Law School’s training programmes in Vietnam, sponsored by AusAID.

2. The University of Tokyo

Staff from the Centre continued the close, unofficial collaboration with the Law Faculty at the University of Tokyo and its International Centre for Comparative Law and Politics. Ms Veronica Taylor again taught courses on Australian law in the Graduate programme at the Law Faculty and Ms Stacey Steele was a full-time research associate with the International Centre, working on cross-border insolvency.

3. Chulalongkorn University, Bangkok

Professor Malcolm Smith participated in the teaching of a graduate course on Commercial Alternative Dispute Resolution with Judge Vichai of the Board of International Trade of Thailand. The subject was offered in the new LL.M. Business Law, taught in English, at Chulalongkorn University.

4. ANU MBA

Tim Lindsey and Veronica Taylor taught “Legal Frameworks of Business in Asia” to a group of international young business leaders as part of the MBA at Australian National University for the fourth time.

TEACHING & EDUCATION

Members of the Centre again contributed a full programme of Asian Law related subjects at the undergraduate and graduate levels. The Law School continues to offer the best coverage of Asian Law in Australia, and arguably in the region. For the first time we offered a Summer subject in the undergraduate programme.

Sarah Biddulph returned from her leave of absence with Blake Dawson Waldron in Shanghai to deliver her undergraduate course “Law and Society in China” to an enthusiastic group of 30+ students.

Another major innovation was the introduction of a new core subject “Commercial Law in Asia” which was selected by 65 students in the undergraduate programme in first semester. The success of the undergraduate course has led to the inclusion of an advanced course in the same area in the graduate programme for 2000.

Offerings in the Law School’s programme included:

Undergraduate Programmes

- Commercial Law in Asia
- Law and Society in China
- Law and Society in Japan
- Law and Society in South East Asia

Postgraduate Programmes

- Alternative Commercial Dispute Resolution in Asia
- Commercial Law in South East Asia
- Harmonisation of Commercial Laws in the APEC Region
- International Marketing: Franchising, Distribution and Licensing
- Legal Aspects of Finance in Asia

OUTSTANDING RESEARCH ASSISTANTS

In the LL.B. Honours class list for 1998, announced in March 1999, the Centre was delighted to see two of its research assistant / administrative assistants achieve First Class Honours degrees.

- Stacey Steele (Japan) (ranked 4th) spent 1999 at the International Centre for Comparative Law and Policy at the University of Tokyo pursuing an LL.M.
- Susan McKeag (China) (ranked 12th) spent 1999 at the Australian Embassy in Beijing, China.
- Our current administrative assistant, Kathryn Taylor, received a First Class Honours degree in Arts, specialising in Chinese, in the November 1999 results.

Our congratulations to these outstanding students, who contribute so much to the administration of the Asian law programme.

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. There is now a significant trend towards supervision of Ph.D. candidates.

Research students under the supervision of Centre members included:

- | | |
|---|--|
| <ul style="list-style-type: none"> • Ms Sarah Biddulph
Ph.D. | <p>Supervisor: Malcolm Smith
“Controlling Detention for Investigation: Legal Accountability of the Chinese Public Security Organs”</p> |
|---|--|
- | | |
|---|--|
| <ul style="list-style-type: none"> • Mr Ryad Chairil
Ph.D. | <p>Supervisor: Tim Lindsey
“The Indonesian Contract of Work: A Comparative Study of Indonesian Contracts and Overseas Contracts and Equivalent Regimes and Recommendations for Reform”</p> |
|---|--|
- | | |
|---|---|
| <ul style="list-style-type: none"> • Mr John Chellew
Ph.D. | <p>Supervisor: Malcolm Smith
“Derivatives Law: Should Securities and Derivatives Regulation Merge?”</p> |
|---|---|
- | | |
|--|---|
| <ul style="list-style-type: none"> • Mr Budi Dharmono
Ph.D. | <p>Supervisor: Tim Lindsey
“The Position of Adat (Local) Land Rights in the Forestry Act, and Adat Law: A Study of Dayak Adat Law Community in Kalimantan</p> |
|--|---|
- | | |
|---|---|
| <ul style="list-style-type: none"> • Ms Alice De Jonge
SJD | <p>Supervisor: Malcolm Smith
“Media and Markets in China and Hong Kong”</p> |
|---|---|
- | | |
|---|---|
| <ul style="list-style-type: none"> • Mr Joseph Eng
Ph.D. | <p>Supervisor: Tim Lindsey
“Critical Review of the Customary Land Rights of the Natives of Sarawak”</p> |
|---|---|
- | | |
|--|--|
| <ul style="list-style-type: none"> • Mr Andrew Godwin
LL.M. | <p>Supervisor: Sarah Biddulph
“The Development of Mortgage Law in China”</p> |
|--|--|
- | | |
|---|--|
| <ul style="list-style-type: none"> • Mr Sunseop Jung
LL.M. | <p>Supervisor: Malcolm Smith
“Comparative Study on the Legal Aspects of Financial Derivatives”</p> |
|---|--|
- | | |
|---|--|
| <ul style="list-style-type: none"> • Ms Lam Kwong Kwok
Ph.D. | <p>Supervisor: Malcolm Smith
“Restructuring of State-Owned Enterprises in China”</p> |
|---|--|
- | | |
|---|--|
| <ul style="list-style-type: none"> • Ms Kate McGregor
Ph.D. (Arts) | <p>Supervisor: Tim Lindsey
“The Military and History in Indonesia”</p> |
|---|--|
- | | |
|--|--|
| <ul style="list-style-type: none"> • Ms Pip Nicholson
Ph.D. | <p>Supervisor: Tim Lindsey
“Vietnamese Court Development Since 1945”</p> |
|--|--|

- Mr Terry Reid
LL.M. Supervisor: Malcolm Smith
- Adv. Andy Schmulow
Ph.D. (Arts) Supervisor: Tim Lindsey
“Banking Law in Indonesia”
- Ms Stacey Steele
LL.M. Supervisor: Veronica Taylor
“Litigation and Bankruptcy Law in Japan: Towards
Modernity, Social Change and Reform?”
- Mr Benny Tabalujan
Ph.D. Supervisors: Malcolm Smith
Tim Lindsey
“Corporate Governance in Indonesia”
- Prof. Xu Zhangrun
Ph.D. Supervisor: Malcolm Smith
“The Confucian Misgivings: Liang Shuming’s Narrative
About Law”
- Ms Se Se Zhang
Ph.D. Supervisor: Malcolm Smith, Sarah Biddulph
“Tensions and Implications: Contractual Aspects of
Technology Transfer to China”

GRADUATE DIPLOMA IN ASIAN LAW ADVISORY BOARD

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

- **Mr Jim Armstrong**
Mallesons Stephen Jaques
- **Mr David Laidlaw**
Chairman of Partners, Maddock Lonie & Chisholm
- **Mr Stephen Spargo**
Partner, Arthur Robinson & Hedderwicks

RESEARCH SCHOLAR

Mr Sebastian Heine

The Asian Law Centre welcomed back Mr Sebastian Heine, from Germany. Mr Heine assisted Professor Malcolm Smith in the development of graduate materials on dispute resolution for use in our LLM and Doctoral subjects. He carried out research generally on dispute resolution in the Asian region, and more particularly on recent developments in dispute resolution in Australia. This work covered Civil Procedure in the courts, arbitration, and mediation. He also assisted with general research tasks.

THE CENTRE'S OCCASIONAL SEMINAR SERIES

Asialink and the Asian Law Centre at the University of Melbourne presented a seminar by **Mr Neri Colmenares**, Executive Director, National Amnesty Commission, Government of the Philippines, on Friday 22 October. The title of the seminar was “SUING FALLEN DICTATORS: Chasing Marcos, Soeharto and Pinochet”. Neri Colmenares is a well-known Filipino lawyer who was a political prisoner for 4 years under President Marcos, jailed without charge for speaking in favour of human rights.

After Marcos fled Mr Colmenares was freed and became Executive Director of the National Amnesty Commission, a body similar to South Africa's Truth and Reconciliation Commission. He has attended cabinet meetings to advise the President on National security and peace and has negotiated with Islamic rebel separatists and leaders of the anti-Aquino coup attempts.

Mr Colmenares is also a plaintiff in the class action in Hawaii which resulted in an order against Marcos for US\$2.1 Billion. A few months ago the Philippines's Supreme Court voided a settlement agreement for US\$590 so the Philippines tax office could seize Marcos funds transferred to the Philippine National Bank from Switzerland.

A lunch was served at University House following the seminar.

PUBLICATIONS

BOOKS

- Lindsey, T. (ed.) (1999), *Indonesia: Law & Society*, Federation Press, Sydney.
- Lindsey, T. & Duncan, D. (eds.) (1999), *Prospects for Reform in Post-Soeharto Indonesia*, Centre for Asia-Pacific Initiatives, Victoria, B.C.
- Lindsey, T. & O'Neill, H. (eds.) (1999), *AWAS! Recent Art from Indonesia*, Indonesian Arts Society, Melbourne.

CHAPTERS IN BOOKS AND MONOGRAPHS

- Cooney, S., “A Community Changes: Taiwan’s Council of Grand Justices and Liberal Democratic Reform” in Jayasuriya, K. (ed.) (1999), *Law, Capitalism and Power in Asia*, Routledge, London, 253-280.
- Cooney, S., “Testing Times for the ILO: Institutional Reform for the New International Political Economy”, *Comparative Labor Law and Policy Journal*, 20 (3), 365-399.
- Lindsey, T., “‘Corruption’ as Rational Response in the ASPAL State: The Failure of Reformasi Hukum” in Lindsey, T. & Duncan, D. (eds.) (1999), *Prospects for Reform in Post-Soeharto Indonesia*, Centre for Asia-Pacific Initiatives, Victoria, B.C., 176-188.
- Lindsey, T., “From Rule of Law to Law of the Rulers - to Reformation?”, in Lindsey, T. (ed.) (1999), *Indonesia: Law & Society*, Federation Press, Sydney, 11-20.
- Lindsey, T., “Indonesia: Reinventing a Legal System - Too Much, Too Little, Too Late”, in Tay, A. (ed.), *East Asia - Nation Building, Human Rights & Trade*, Normas Verlagsgesellschaft, Baden-Baden, 515-537.

- Lindsey, T., “Indonesia’s Negara Hukum: Walking the Tightrope to the Rule of Law”, in Kingsbury, D. & Budiman, A. (eds.) (1999), *Democracy in Indonesia: The Crisis and Beyond*, Monash Asia Institute/Centre for Southeast Asian Studies, Clayton, 363-381.
- Lindsey, T., “An Overview of Indonesian Law”, in Lindsey, T. (ed.) (1999), *Indonesia: Law & Society*, Federation Press, Sydney, 1-11.
- Lindsey, T., (Japanese language translation) “Unifying a Plural System or Remaking the Rule of Law: A Question of Priorities for Indonesia”, in Morigiwa, Y. (ed.) (1999), *Law & Philosophy in Metamorphosing Asia*, Kobe University, Kobe, Japan, 309-321.
- Nicholson, P., “Vietnamese Legal Institutions in Comparative Perspective: Contemporary Constitutions and Courts Considered” in Jayasuriya, K. (ed.) (1999), *Law, Capitalism and Power in Asia*, Routledge, London, 300-329.
- Nicholson, P., “Vietnam”, in Hassall, G. & Saunders, C. (eds.) (1999), *1997 Asia-Pacific Constitutional Yearbook*, Centre for Comparative Constitutional Studies, Melbourne, 321-330.
- Nicholson, P., “Vietnamese Institutions in Comparative Perspective: Constitutions and Courts Considered”, in Jayasuriya, K. (ed.) (1999), *Law, Capitalism and Power in Asia*, Routledge, London.
- Taylor, V., “The Transformation of Indonesian Commercial Contracts and Legal Advisors” in Lindsey, T. (ed.) (1999), *Indonesia: Law and Society*, Federation Press, Sydney, 279-290.

JOURNAL ARTICLES

- Biddulph, S. & Cook, S., “Kidnapping and Selling Women and Children: The State’s Construction and Response”, *Violence Against Women*, 5 (12), 1437-1468.
- Cooney, S. (1999), “Book Review: Globalisation, Human Rights and Labour Law in Pacific Asia”, *Australian Journal of Labour Law*, 12, 158-163.
- Cooney, S. (1999), “Testing Times for the ILO: Institutional Reform for the New International Political Economy”, *Comparative Labor Law and Policy Journal*, 20, 365-399.
- Cooney, S. (1999), “The Laws of the Chinese Outside China: The Impact of Modern Western Law on the Chinese in Taiwan”, *Australian Journal of Asian Law*, 1, 194-220 (translation and comments on Chinese original by T.S. Wang).
- Smith, M. (1999), “Consumer Contracts and Unconscionability”, *ICCLP Publications*, 6, 11-18.
- Taylor, V., Miki, K., Ikeda, T., Suzuki, M. & Ariga, M. (1999), [“Can We Use the Australian Model?: Legal Practice in the 21st Century”] “Oosutoraria moderu wa tsukaeruka: 21seiki no hōmukenshū”, *Hanrei Taimuzu [Law Report Times]*, 1003, 17-48.
- Taylor, V. (1999), [“Consulting by Lawyers”] “Hōritsuka no kengyō”, *Toki no Horei [Law Times]*, 1599, 4-5.
- Taylor, V. (1999), “Consuming Contracts: the Australian Paradigm”, *ICCLP Publications*, 6, 19-26.
- Taylor, V. (1999), [“The East Timor Referendum”] “Higashi timoa no kokumin tōhyō”, *Toki no Horei [Law Times]*, 1601, 2-3.
- Taylor, V., “Judges and Sex” (1999), *Toki no Horei [Law Times]*, 1595, 4-5.
- Taylor, V., (1999), “Legal Education for the Future”, *Law Times*, 1609, 2-3.
- Taylor, V. (1999), “Legal Professional Negligence”, *Toki no Horei [Law Times]*, 1593, 4-5.
- Taylor, V. (1999), [“Liability and Justice”] “Sekinin to seigi”, *Toki no Horei [Law Times]*, 1603, 2-3.
- Taylor, V. (1999), [“The Small Island Causing a Diplomatic Rift”] “Gaiko ga hikakaru chisana shima”, *Toki no Horei [Law Times]*, 1603, 4-5.

- Taylor, V., (1999), “Will Indonesia Collapse under the Weight of its Insolvency Law Reforms?”, *Law Times*, 1597, 2-3.
- Taylor, V. (1999), “Will Lawyers Become Extinct?”, *Toki no Horei [Law Times]*, 1591, 4-5.

NEWSPAPER ARTICLES

Lindsey, T. (1999), “Marginalising Megawati”, *Sunday Age*, ? January.

Lindsey, T. (1999), “Megawati Myths”, *Sunday Age*, 6 June.

WORK IN PROGRESS

- Biddulph, S., “Through a Glass Darkly: China, Transparency and the WTO”, [accepted for publication in (2000) *Australian Journal of Asian Law*, 2(2), 1371-1512 (forthcoming)]
- Cooney, S. & Mitchell, R., *Comparative Labour Law Theory*
- Cooney, S., “The Laws of the Chinese Outside China: The Impact of Modern Western Law on the Chinese in Taiwan”, [accepted for publication in (2000) *Australian Journal of Asian Law*, 1 (forthcoming)]
- Cooney, S., Mitchell, R. & Zhu, Y., *Law and Labour Market Regulations in Asia*, [accepted for publication by Routledge in 2000 (forthcoming)]
- Cooney, S. & Mitchell, R., *Labour Relations and The Law In Three East Asian NICs: Some Problems and Issues for Comparative Labour Law Inquiry* (To be submitted for publication in June 2000)
- Lindsey, T., *The Commercial Court and Law Reform in Indonesia* [accepted by Federation Press for publication in 2000 (in press)]
- Lindsey, T., “Labour Law in Indonesia After Soeharto” in Mitchell, R. & Cooney, S., Zhu, Y. (Eds.), *Law and Labour Market Regulation in East Asia* [by Routledge in 2000 (forthcoming)]
- Lindsey, T., “Law Reform in Indonesia: Abdurrahman Wahid and the Problem of Corruption”, in Kingsbury, D. & Budiman, A., *Rethinking Indonesia*, Routledge (in press)
- Nicholson, P. “Judicial Independence and the Rule of Law: The Vietnam Court Experience”, [accepted for publication in (2000) *Australian Journal of Asian Law*, 2 (forthcoming)]
- Nicholson, P., Book Review of Bergling, P. “Legal Reform and Private Enterprise: the Vietnamese Experience”, [accepted for publication in (2000) *Australian Journal of Asian Law*, 2 (forthcoming)]
- Nicholson, P., “Vietnamese Labour Law”, in Mitchell, R., Cooney, S. & Zhu, Y. (Eds.), *Law and Labour Market Regulation in East Asia*, [by Routledge in 2000 (forthcoming)]
- Taylor, V., Mackie, V., & Morris-Suzuki, T., *Cultural Diversity and Citizenship in Japan* [accepted for publication by Cambridge University Press (forthcoming)]
- Taylor, V., *Citizenship in Japans*
- Taylor, V., *Rethinking Asian Laws*

CONFERENCE PAPERS AND SEMINARS DELIVERED BY MEMBERS OF THE CENTRE

- Cooney, S., “Globalisation, Labour Law and International Institutions: Rethinking the ILO”, *Japan/E.U./U.S. Joint Research on Labor Law Workshop*, Arden House, Harriman, NY, June 1999.
- Lindsey, T., “Black Letter, Black Market and Bad Faith: Corruption as Rational Response and the Failure of Reformasi Hukum”, *Indonesia Update*, ANU, Canberra, August 1999.
- Lindsey, T., “Indonesian Labour Laws”, *Labour Law and Market Regulation in East Asia*, University of Philippines, Manila, October 1999.
- Lindsey, T., “Indonesian Law Reform”, *Legal Crisis? Japan and Asia*, Asian Law Centre, The University of Melbourne, Melbourne, August 1999.
- Lindsey, T., “Reformasi & the Integralist State”, *Prospects for Reform in Post-Soeharto Indonesia*, Centre for Asia-Pacific Initiatives, University of Victoria, British Columbia, March 1999.
- Nicholson, P., “Judicial Independence and the Rule of Law: The Vietnam Court Experience”, *Lawasia Constitutional Standing Committee, 4th Conference*, Bangkok, Thailand, May 1999.
- Smith, M., “Building an Asian Law Collection”, *IALL Course on International Law Librarianship*, The University of Melbourne, Melbourne, September 1999.
- Smith, M., “Changing Regulatory Patterns in Japan – An Australian Perspective”, *International Symposium on Asian and Oceanian Law: Free Market and Legal Regulation*, Institute of Comparative Law, Waseda University, Tokyo, *International Symposium on Asian and Oceanian Law: Free Market and Legal Regulation*, Waseda University, Tokyo, Japan, September 24-25, 1998; published 1999.
- Taylor, V., “Restructuring Japanese Transactions: the Competition Dimension”, *Beyond Japan Inc: Transparency and Reform in Japanese Governance*, Australia-Japan Research Centre, ANU, Canberra, 20 September 1999

GRANTS RECEIVED

- 1999 ARC Large Grant – “Rethinking International Labour Standards: Prospects for Australia and the Asia-Pacific” – Sean Cooney & Richard Mitchell
- 1999 ARC Large Grant - “Southeast Asian Laws in Transition: 1945-2000” – Tim Lindsey, M.B. Hooker, Veronica Taylor
- University of Melbourne Collaborative Research Program – Joint Research Awards – “Law and Labour Market Regulation in East Asia” – Sean Cooney, Richard Mitchell, Zhu Ying (Victoria University) & Hue Ling Wang (Taipei University)