



THE UNIVERSITY OF
MELBOURNE

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The Melbourne University Law Review Alumni Association

Melbourne University Law Review
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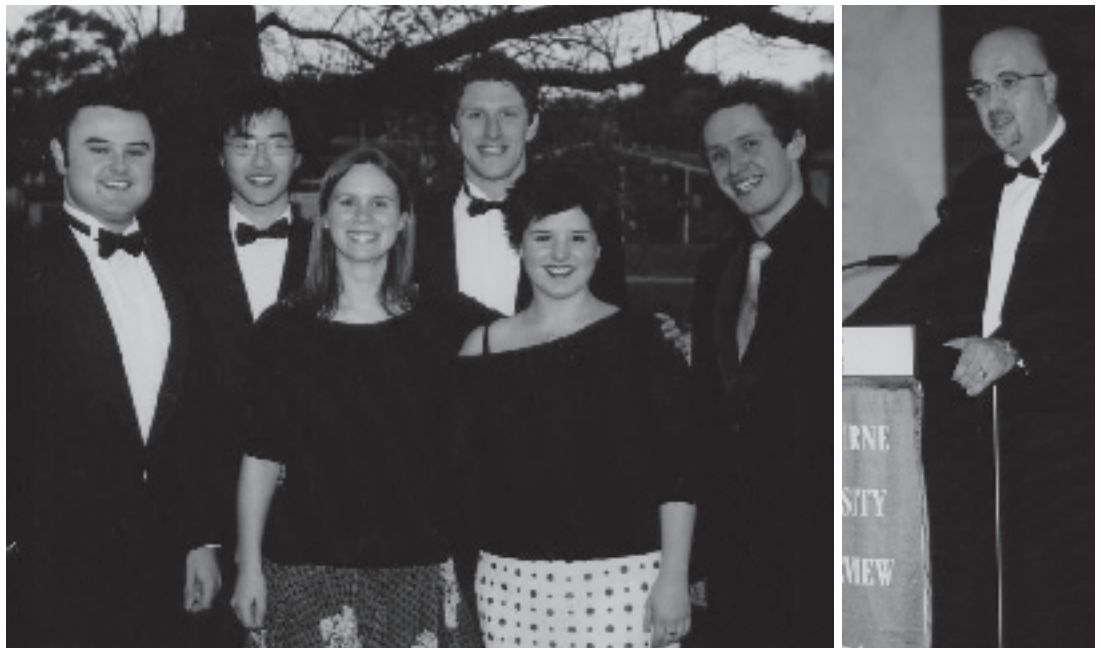
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Welcome

It is with great pleasure that we present this 3rd edition of the Melbourne University Law Review Alumni Association Newsletter. This edition outlines recent activities and developments and provides a forum for past members to share their experiences at the Review.

To facilitate interaction among past members and to maintain links between the Review and the alumni, it is necessary for the Review to keep an updated list of contact details of its past members. If you have recently changed your contact details, we would appreciate it if you could inform us. Please indicate your consent to sharing this information with the External Relations Unit of the Law School by completing the attached consent form and returning it in the reply-paid envelope.

The 47th Annual Dinner



The Editors of 2003 and 2004, from left to right: Simon Raffin, Howard Choo, Simona Gory, Anthony O'Brien, Tanya Josev, Liam Gilchrist. Speaker: Mr. Con Kilias.

The Review's 47th Annual Dinner, held in October last year, was lent a distinctly contemporary feel by the modern surroundings of Zinc at Federation Square. The Dinner was attended by current members of the Review, authors, referees, members of the Law Faculty, sponsor representatives and distinguished guests. Mr Con Kiliias, barrister-at-law, and Professor Jenny Morgan, of the University of Melbourne, spoke to the Dinner and provoked thought and laughter in equal measure. The culmination of months of endeavour on the part of the 2003 Editors, Simona Gory, Anthony O'Brien and Simon Raffin, the 2003 Secretary, Kate Burke, and the Social Committee, the evening was a great success.

Preparations are underway for this year's Dinner, which will be held at the NGV International in October. Mr Allan Myers QC will address the Dinner. We have no doubt that the evening will live up to the high standards of its predecessors.

APRIL EDITION

Articles

Kirsten Anker

'Law in the Present Tense: Tradition and Cultural Continuity in Members of the Yorta Yorta Aboriginal Community v Victoria'

Sean Brennan

'Native Title and the 'Acquisition of Property' under the Australian Constitution'

Matthew Groves and Mark Derham

'Should Advocates' Immunity Continue?'

James McConvill and Mirko Bagaric

'Towards Mandatory Shareholder Committees in Australian Companies'

Jane Wangmann

'Liability for Institutional Child Sexual Assault: Where Does Lepore Leave Australia?'

Case Note

Rick Bigwood

Australian Competition and Consumer Commission v C G Berbatis Holdings Pty Ltd

'Curbing Unconscionability: Berbatis in the High Court of Australia'

Review Essay

Sundhya Pahuja

'Power and the Rule of Law in the Global Context'

Book Review

Jeffrey F Addicott

Law and Bioterrorism by Victoria Sutton (North Carolina: Carolina Academic Press, 2003)

AUGUST EDITION

Articles

Elizabeth Boros, 'Virtual Shareholder Meetings: Who Decides How Companies Make Decisions?'

Sean Cooney, 'A Broader Role for the Commonwealth in Eradicating Foreign Sweatshops?'

James Goudkamp, 'The Spurious Relationship between Moral Blameworthiness and Liability for Negligence'

Nickolas John James, 'Australian Legal Education and the Instability of Critique'

Andrew T Kenyon, 'Lange and Reynolds Qualified Privilege: Australian and English Defamation Law and Practice'

Dan Meagher, 'What Is "Political" Communication? The Rationale of the Implied Freedom of Political Communication'

Mathews Thomas, 'The Mykad: Malaysia's "One Card to Rule Them All"? An Urgent Need for the Development of a Proper Legal Framework for the Protection of Personal Information in Malaysia'

Critique and Comment

Joo-Cheong Tham, 'Casualties of the Domestic "War on Terror": A Review of Recent Counter-Terrorism Laws'

Case Note

Kate Rattigan, 'The Purvis Decision: A Case for Amending the Disability Discrimination Act 1992 (Cth)'

Publication of Tort Law Symposium

In 2003, the Review published a partial tort law symposium edition in honour of Professor Harold Luntz. Volume 27(3) brings together a collection of articles on areas of tort law which have undergone significant development in recent times.

The Tort Law Symposium features articles by Professor Peter Cane of Australian National University, Professor Reg Graycar of the University of Sydney and Professor Michael Tilbury of the University of Melbourne (currently a Commissioner on the New South Wales Law Reform Commission).

The Honourable Michael Kirby, Justice of the High Court of Australia, has written the Foreword to the Symposium.

The edition also features articles on the High Court of Australia, Taxation Law, Criminal Law and Human Rights. Contributors include Professor GT Pagone QC of the University of Melbourne (a former Judge of the Supreme Court of Victoria), Professor George Williams of the University of New South Wales (currently the director of the Gilbert + Tobin Centre of Public Law), Rachel Davis of the University of New South Wales and Andrew Lynch of the University of Technology in Sydney.

Of further special interest is an article by Sir Anthony Mason, former Chief Justice of the High Court of Australia, who provides a personal account of his involvement with the High Court over the century.

Copies of the symposium may be ordered from the Review office. Order forms are available from our website: <http://mulr.law.unimelb.edu.au>.

simple future maintenance. More than that, it looks good too!

We hope to see you online soon. If you have any comments about our website, please let us know at [<law-mulr@unimelb.edu.au>](mailto:law-mulr@unimelb.edu.au).

IT Update

2004 has been a big year for IT at the Review. The major change is a complete set of new computers provided by the Law Faculty to replace our slightly ageing machines. This brings both benefits and drawbacks. On the one hand, the machines are brand new, with LCD screens and updated software to make our word processing, print production and design work faster and easier. On the other hand, the computers will be administered by the Faculty itself, which means some loss of control and customisability on our behalf. Nevertheless, we are confident that, once our systems are fully in place, we will find the professional Faculty support beneficial and not too onerous.

The public faces of MULR IT have also changed. The switch to Faculty administration has brought a new email address [<law-mulr@unimelb.edu.au>](mailto:law-mulr@unimelb.edu.au) and a new Web address [<http://mulr.law.unimelb.edu.au>](http://mulr.law.unimelb.edu.au). The old addresses remain functional for the moment,

but we encourage you to adopt the new addresses.

The new Web address better reflects our status as an independent body within the Law Faculty, and the new email address fits University standards and makes it easier for the public to contact us.

To go with the new Web address, a new website has been designed during 2004 and should be online by the time you read this. The site is an exciting development in the history of MULR online, moving away from outdated design styles and development practices to the latest model for Web development. It meets the World Wide Web Consortium's standards for HTML 4.01 and CSS, meaning not only that it is guaranteed to be accessible by every browser in the marketplace, but also that it achieves the goal of separation of content from layout to allow for very simple future maintenance. More than that, it looks good too!

We hope to see you online soon. If you have any comments about our website, please let us know at [<law-mulr@unimelb.edu.au>](mailto:law-mulr@unimelb.edu.au).

Past Member Profiles

ROBERT CLEMENTE



Robert Clemente was asked to join the Review at the end of his first year in 1968. After He then went on to Business Manager and finally Editor in 1971.

The tranquil and insulated environment of the Review contrasted with the political and social upheaval of the era. Mr Clemente remembers this period fondly: ‘We felt like we were at the centre of a very exciting time – there was a lot of political foment.’ The 1968 ‘Prague Spring’ and the anti-war movement stand out most for Mr Clemente as dominating political discourse on campus. It was an emotional period for students.

‘We were all extremely naïve,’ recalls Mr Clemente, ‘there was an overly simplistic view that the Communist bloc was good and America was bad – the world just isn’t that simple.’ The tension climaxed with the barricading of the Union against the Australian Federal Police who had come to apprehend

draft resisters. The event heralded the end of the long-standing convention against police officers entering campus.

Mr Clemente also recalls that the events unfolding in Vietnam and Eastern Europe didn’t manifest in the content of the Review: ‘It didn’t even occur to us to cover the issues – today they would be seen as legal issues, but that’s a reflection of the increasing prominence of international law. The law wasn’t like that then.’ Of course, politics wasn’t the only thing on student’s minds. Melbourne was experiencing a springtime of its own: ‘We were reinventing our own personal rules and values. People were free from the unwanted conservative control that previous generations had endured.’

Mr Clemente practised in Mergers and Acquisitions at Corrs Chambers Westgarth from 1972 to 1975. In 1975 he left Corrs to set up the Business Law Education Centre to provide professional education services to lawyers. The Centre pioneered the use of audio-visual media in the professional education sector and successfully exported the concept to the US and UK. In the early 1990’s, the company changed its name to the Television Education Network (TEN).

PAUL COSGRAVE



Paul Cosgrave was a member of the Review between 1976 and 1979, and held numerous positions during that period, including general member, advertising representative, Book Review Editor and Assistant Editor. Indeed, during his membership of the Review, Paul was Master of Ceremonies at a dinner commemorating the 25th anniversary of the MULR. Both the Governor-General at the time, Sir Zelman Cowen, and a future Justice of the Supreme Court, Clive Tadgell QC, were present at the event.

After completing a BA/LLB (Hons.) at Melbourne University, Paul was an articled clerk at Corr & Corr (now known as Corrs Chambers Westgarth), under James Syme. In 1982, Paul was seconded to Western Australia as company secretary and general counsel for a listed gold-mining company in Kalgoorlie. It was, in his words, ‘an experience not to be repeated.’

In 1983, Paul signed the Bar Roll, and has since established himself as a commercial barrister. He works in a number of areas including corporations, equity and Part IV of the Trade Practices Act. He

finds the restrictive trade practices field of continuing interest due to its focus as a topic of significance for large and small business, politicians, economists and lawyers. Paul is also interested in superannuation law and, since November 2000, has been a director of the Victorian Bar Superannuation Fund, Barfund Pty Ltd.

Paul thoroughly enjoys life at the Bar and the challenges presented by working in a profession that is constantly changing and evolving. Furthermore, he considers the absence of office politics a clear advantage of being a self-employed member of the Victorian Bar!

When Paul is not attending his children’s weekend sporting activities, serving his clients’ needs in court or chambers, he can be found swimming, playing tennis and reading.

HILLARY CHARLESWORTH



Professor Hilary Charlesworth joined the MULR as advertising manager in 1974 and shared the role of Editor with Thomas Reid in 1979. She completed articles in 1980 and spent 1981 and 1982 working as an associate to Sir Ninian Stephen who was then a justice of the High Court. She has held teaching positions at Melbourne University Law School and at the University of Adelaide, and has been a visiting professor at many universities in the US including Harvard Law School and the Global Law Faculty at New York University. She holds a BA(Hons) LLB from the University of Melbourne and also a SJD from Harvard Law School. Currently, she is the Professor of Law in the Regulatory Institutions Network in the Research School of Social Sciences and professor of International Law in the Law Faculty at the Australian National University.

Professor Charlesworth has been involved with a number of interesting projects and committees during her legal career and has served, amongst other roles, as a Part-time Commissioner with the Australian

Law Reform Commission, a Hearing Commissioner with the Human Rights and Equal Opportunity Commission and was the President of the Australian and New Zealand Society of International Law from 1997 to 2001. She considers her role as the Chair of the ACT government's Bill of Rights Consultative Committee in 2002 and 2003 to have been one of the highlights of her career. As part of the Committee, Professor Charlesworth enjoyed the process of consulting individuals within the community in relation to a bill of rights, and commented: "for me, a bill of rights was a complicated legal issue, but for the people I spoke to, the question was really very simple. It was very humbling." Professor Charlesworth said that she enjoyed being involved with the Bill of Rights Consultative Committee and found it to be an enriching and rewarding experience.

Looking back on her years on the Review, Professor Charlesworth has many positive memories. The opening pages of the first and second volumes of the 1979 editions of the Review reveal a unique mark that remains from her time as Editor. Both Professor Charlesworth and her Co-Editor Thomas Reid had an interest in ancient languages and the opening pages of the 1979 editions include an excerpt in Old Norse and also a quotation in Sanskrit from the fourth century. Professor Charlesworth considers her time on the MULR invaluable and a significant contributor in the development of her passion for law and legal issues.

SUBMISSIONS TO THE REVIEW

Past members interested in submitting articles, case notes or book reviews for possible publication in the Review may access information regarding submission dates and processes and the Review's Publication Policy on our website. Alternatively, past members may contact us directly to obtain this information.

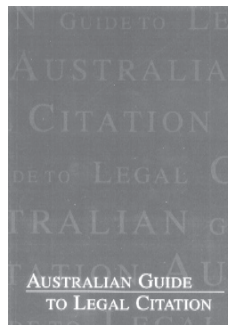
NEWSLETTER CONTRIBUTIONS

Contributions by past members for subsequent editions of this newsletter are warmly welcomed and can be forwarded to the Review at our email address. We also welcome feedback on this newsletter and alumni events.

MULR ONLINE

The updated Review's website now includes instructions on how to submit articles and order copies of the Review and AGLC. In addition, the full text of the 1999-2003 editions of the Review is now available on the AustLII website at <http://www.austlii.edu.au/au/journals/MULR/>.

AUSTRALIAN GUIDE TO LEGAL CITATION



The second edition of the AGLC was published in 2002. Since the first edition, the University of Melbourne Law School, numerous other law schools in Australia and 27 Australian law journals including the Federal Law Review, the Monash University Law Review, Sydney Law Review and University of New South Wales Law Journal have subsequently adopted the AGLC.

The AGLC is available online at <http://mulr.law.unimelb.edu.au/aglc.asp> or may be purchased by alumni at a discount price of \$12 (including GST, postage and handling) (normally priced at \$16). Order forms are available from <http://mulr.law.unimelb.edu.au/aglcorders.asp>.