

**DIRECTOR'S WELCOME**

The first half of 2014 has seen Centre members travelling on various projects, while we have also hosted inspiring speakers to enliven our understanding of the region.

In May, Farrah Ahmed (Associate Director (India)) and I visited Delhi, India for a week. Our aim was to meet with universities and practitioners to further research and student engagement with our Indian colleagues. We were generously received by two Delhi-based Law Schools and also met with 6 firms, 3 NGOS and a prominent litigator. We have proposed to Melbourne Law School (MLS) that a new JD elective, 'Law and Practice in Asia', be run as a pilot in India. This elective will require in-Asia work experience for 4-5 weeks and the submission of written work assessed by staff at MLS. We are simply delighted to see this new development take shape and look forward to working with our colleagues regionally as we encourage students to live, work and then write on a legal topic over the coming years. This elective augments the existing Legal Internship subject in the MLS JD, where students must be placed with a not-for-profit organisation.



Farrah and I were in Delhi the day the election results were tallied across the country. As many of you will know, India relies on electronic voting over several weeks, with actual vote counting being very quick. The new Lok Sabha (lower house of the Parliament) is now dominated by the BJP (Bharatiya Janata Party), holding 31% of the vote with its leader, Narendra Modi, the new Prime Minister of the country: See <http://www.elections.in/>. Delhi abounded with gossip, prediction and possibility as voters talked with us about the impact of the new nationalist government on education, internationalisation, trade and corruption.

In March, I was privileged to travel to Timor Leste as a result of a research grant that supports the investigation of recipients' perception of the impact of law reforms funded from 1999. Put another way, and relying heavily on former Dili resident Ben Larke, we interviewed Timorese about their perception of donor-funded legal reform through both the UNTAET (1999 - 2002) and subsequent United Nations Mission of Support in East Timor (2002 - ongoing) periods.

At MLS, we have been privileged to hear from a range of speakers including: Dr Jamhari Makruf (on Radicalism and Moderation in Indonesia's Islamic Education System); Dr Bui Ngoc Son (on evolving popular constitutionalism in Vietnam); Dr Benjamin Van Rooij (on Chinese citizens and their experience of regulatory responses to environmental hazards); and Judge Kida and Ms Kaoru Ishihara (on family court procedures and personnel in Japan). See [page 6](#) for a summary of some of these events.

In June we also co-hosted, with Monash University's Department of Business Law and Taxation, postgraduate students from Australia and New Zealand who are researching topics relating to Vietnamese law and/or legal institutions. At this forum, postgraduate students talked of their doctoral research, opening themselves to peer and academic review. Topics ranged from the death penalty in Vietnam to labour law, human trafficking, land disputes, arbitration involving the state, and civil dispute resolution at the local level.

Finally, we are delighted to announce the publication of our first Policy Paper by Dr Daniel Pascoe, entitled 'Clemency in Southeast Asian Death Penalty Cases' (see [page 4](#)), available on the [ALC website](#).

I hope to welcome you to a 2014 ALC event in the second part of the year. The program is included at [page 13](#).



Professor Pip Nicholson  
Director, Asian Law Centre  
Melbourne Law School

## ACHIEVEMENTS OF ALC MEMBERS

### Sean Cooney Moves to Geneva

Associate Director, **Sean Cooney**, has recently left Melbourne to take up a fixed-term position at the International Labour Organisation in Geneva. Sean will return to MLS in 2-3 years. This is wonderful recognition of Sean's expertise. We will miss Sean, but wish him and his family all the best for this new adventure.



### Tim Lindsey's Recent Academic Appointments



Professor **Tim Lindsey** (Associate Director (Indonesia) and Director, Centre for Indonesian Law, Islam and Society (CILIS)) was recently appointed Visiting Professor at two leading Southeast Asian Islamic universities - the Syarif Hidayatullah State Islamic University (UIN) in Jakarta, Indonesia and the Academy of Contemporary Islamic Studies (ACIS), Universiti Teknologi MARA, Malaysia.

In Indonesia, Tim has been involved with curriculum reform of law and teaching faculties across the state Islamic tertiary system, and has supported the introduction of new degree structures and teaching methods that aim to make these institutions more competitive in a global educational market.

In Malaysia, Tim has focussed chiefly on post-graduate studies, working with PhD supervisors and students to find ways to make higher-degree research more effective and in line with international best practice.

### Pip Nicholson Receives Award from Ministry of Justice, Vietnam



On 17 April, Professor **Pip Nicholson** was awarded a medal from the Ministry of Justice (MOJ), Socialist Republic of Vietnam for her contribution to the development of judicial work in Vietnam. This is the highest award that the MOJ can give to an individual, and recognises Pip's extensive work on law reform projects with the Ministry of Justice.

A further article about Pip's award can be viewed at <http://musse.unimelb.edu.au/april-14-134/vietnam-ministry-justice-recognises-melbourne-law-school>

On the same day, MLS signed a Memorandum of Understanding (MOU) with Hanoi Law University, Socialist Republic of Vietnam. The MOU recognises the value of continued international cooperation between the two organisations.

## ASIAN LAW CENTRE ADVISORY BOARD

At the ALC's 5-year international review in 2013, the expert review panel recommended a new Advisory Board, arising as a result of the escalating recognition of the significance of Asia to Australia.

The Board currently consists of the following people:

- The Hon. Justice Susan Kenny, Federal Court of Australia (Chair)
- Mr Nathan Butler, General Counsel, Governance, Corporate and Enterprise, National Australia Bank
- Mr Rowan Callick OBE, Asia Pacific Editor, The Australian
- Mr Peter Gray QC, Victorian Bar
- Mr Justin Hanney, Deputy Secretary, Intergovernmental Relations & Citizenship Group, Department of Premier and Cabinet
- Ms Serena Lillywhite, Mining Advocacy Coordinator, Oxfam
- Mr Cheng Lim, Partner, King & Wood Mallesons

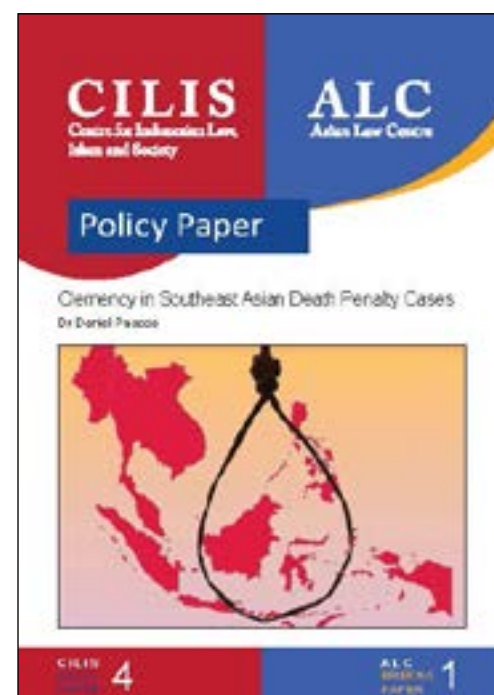
We are grateful to this highly expert Board for their time and insights.

## ALC / CILIS POLICY PAPER ON CLEMENCY IN SOUTHEAST ASIA

The first joint research publication of the ALC and Centre for Indonesian Law, Islam and Society (CILIS) has recently been published – “Clemency in Southeast Asian Death Penalty Cases” by **Dr Daniel Pascoe**.

Dr Pascoe explores the discrepancies and similarities in capital clemency practice between these five Southeast Asian jurisdictions. He identifies the structural and cultural reasons why retentionist countries grant clemency at vastly different rates and suggests ways lawyers can maximise the chances of their clients facing capital charges avoiding execution.

The paper can be downloaded without charge from <http://www.law.unimelb.edu.au/alc/research/centre-publications/alc-briefing-paper-series>



## ALC IN THE MEDIA

Professor **Tim Lindsey** (Associate Director, Indonesia, ALC and Director, CILIS) has been extremely active in the media, particularly during the time of the Indonesian Presidential elections in July. For media items by Professor Lindsey, please see the [News section of the CILIS website](#).

Further articles by Professor Tim Lindsey, Dr Helen Pausacker (Principal Research Assistant, ALC and Deputy Director, CILIS) and other CILIS Associates on the Indonesian elections are also available on the [Election Watch website](#).

## RECENT ACTIVITIES BY ALC MEMBERS

### ASAA Conference, 2014

**Stacey Steele** (Associate Director, Japan) and **Helen Pausacker** (Principal Research Assistant) recently visited the University of Western Australia, Perth to present at the Asian Studies of Association 20th biennial conference as part of a panel chaired by Stacey, ‘Crossing Legal Boundaries in Asia’. The conference is the largest gathering of expertise on Asia in the southern hemisphere. Stacey’s paper, ‘Sending Them Over the Seas: Japanese Judges Crossing Legal Boundaries Through Lived Experiences in Australia’ and Helen’s paper, ‘Ariel Peterpan: Boundaries between Morality and the Law in Indonesia’, will be part of a new book co-edited by Stacey, Professor Carolyn Stevens (ALC Associate) and Kathryn Taylor (ALC Manager).



## RECENT GRANTS

### Support by Mr Allan Myers AO QC and Mrs Maria Myers AO

Mr Allan Myers AO QC and Mrs Maria Myers AO have generously donated funds to MLS. These funds have enabled the continuation of the *Australian Journal of Asian Law* and *Asian Law Online*. The ALC was also awarded a grant funded by Mr and Mrs Myers, which enabled the visit of Dr Bui Ngoc Son (see [page 6](#)).

### Australia-Korea Foundation - “Sports Law and Integrity Workshop: The 2015 Asian Cup and the 2018 Winter Olympic Games”

#### Project Description

A one-day workshop on integrity issues concerning the Asian Cup in 2015 and the Winter Olympics in 2018 will be hosted by the ALC and the Sports Law Program of MLS. Participants will highlight issues in their home jurisdictions and explore ways in which Australia and South Korea can work together to promote integrity and prevent sport fraud.

The workshop will incorporate the Asian Football Confederation’s (AFC) work in developing integrity systems around the Asian Cup, and also explore what the AFC hopes to do in East Asia in the future.

This grant has been awarded to **Stacey Steele** and **Hayden Opie** (MLS).

### Hong Kong University Teaching Development Grant - “Experiential Learning in HKU Law Faculty by Strengthening Clinical and Transactional Law Education through Adopting Effective Practices from Australian Law Schools”

#### Project Description

This project seeks to identify effective practices for experiential learning developed by Australian law schools and incorporate them into the law curriculum at HKU. The project will investigate Australian law schools closely identified with experiential learning in the form of clinical and transactional law education. Clinical law education teaches students through requiring them to handle real clients under supervision, while transactional legal education trains law students to handle realistic commercial transactions. This project will build on the experiential learning works undertaken by the two Australian legal experts (Adrian Evans and **Andrew Godwin** (Associate Director (Asian Commercial Law), ALC)) in our project team in the fields of clinical and transactional law education respectively.

The findings of this project will be used to support legal academics at HKU interested in experiential learning, particularly those on clinical and transactional legal education. The findings of this project will be shared in an open session to support experiential learning at law and other faculties of HKU. The findings will also be disseminated in Hong Kong, China and the Australasia Region to raise the consciousness of legal academics in this part of the world of the importance of experiential learning to the reform of their law school curricula.



## RECENT EVENTS (SELECTION)

**Chuo Summer School, 17-28 February 2014**

The annual Chuo Summer School was held from 17-28 February, 2014. The Summer School brought students from Japan's prestigious Chuo Law School in Tokyo to Melbourne to attend seminars at MLS and visit Victorian legal institutions. It was again a great success, with one student indicating that the program "was the most precious opportunity...in my life".

*The Chuo Summer School continues the relationship with the Chuo Law School that was first established by Professor Malcolm Smith in 2004. It remains an important part of the ALC's calendar and a strategic forum for sharing legal knowledge with the region.*

**ALC Brown Bag Seminar - 'Family Law in Japan', 12 May 2014**

**Judge Kaoto Kida** and **Court Clerk Kaoru Ishihara** (pictured) presented a fascinating seminar on family law in Japan at MLS on 12 May 2014. Both Judge Kida and Court Clerk Ishihara have been living, studying and researching in Australia as part of the Supreme Court of Japan's Overseas Training and Research Program. This seminar gave them an opportunity to reflect on what they have learnt in Australia and the differences between Australian and Japanese family court systems.



Court Clerk Ishihara of the Nagoya Family Court presented first on the domestic division of the Family Court, which deals with divorce, inheritance, guardianship and child protection.

She noted that court clerks have many responsibilities, including management of proceedings and research for court decisions. She spends a lot of her time explaining court procedure to self-represented litigants who come to court with high expectations. Court Clerk Ishihara has seen many developments since becoming a court clerk 7 years ago, but recently two key reforms have impacted her work: amendments to the Civil Code (effective 1 April 2012) and the Family Procedure Act (effective 1 January 2013). The substantive and procedural law reforms aim to provide more focus on the 'best interests of the child' under Japanese law and were introduced in anticipation of Japan's adoption of the Hague Convention in April 2014. Court Clerk Ishihara also noted that attitudes towards custody are changing in Japan, albeit slowly, as more working couples seek to share the burden and joy of parenting after divorce; a change from previous patterns of 'sole parenting' post-divorce which saw 80% of children in the custody of mothers.

Judge Kida of the Yokohama Family and District Court focused on the juvenile division of the Family Court in Japan. He highlighted the difference between the definition of juvenile in Japan (under 20 years, but individuals may be culpable for criminal offences from age 14 and the death penalty may be applied from 18 years) and Victoria (10 to 17 years). Judge Kida noted that the number of juvenile offences is decreasing in Japan, reflecting the ageing population. In response to community calls for harsher punishments after a number of violent and serious offences by juveniles, however, the maximum sentence for a juvenile increased from 10 to 15 years in 2013, and procedures now allow for greater public prosecutor involvement.

Participants also had a unique opportunity for a Q&A with our presenters before they returned to Japan to resume their important work in the family law system.

**ALC & CCCS Seminar - "Consulting for Reform: State Responses to Constitutional Reform Proposals in Vietnam", 28 May 2014**

The ALC and Centre for Comparative Constitutional Studies jointly hosted a seminar by **Dr Bui Ngoc Son** (pictured) on constitutional reform proposals in Vietnam. The funding for Dr Bui's visit was provided by a MLS-Asia Research Collaboration Grant.

The seminar discussed a petition presented by former Minister of Justice, Nguyen Dinh Loc, on 4 February 2013, which was signed by '72 senior scholars from different majors' to the Constitutional Amendment Committee, calling for fundamental and broad-ranging changes to Vietnam's constitution. Now referred to as Petition 72, the changes proposed include: free and democratic elections and curtailing the current constitutional mandate of the Communist Party of Vietnam. Concurrently it called to reorient the Constitution in a number of ways, including constitutional recognition of human rights and the right to private ownership of land, amongst others.

While debate about constitutional and legislative reform is not uncommon, in the life of independent Vietnam there has not been such a public and orchestrated call for change conducted both in Vietnamese and English. Significantly, the suggested changes come almost entirely from the elite, both in terms of being highly educated and holding prior office within the Party-State, although the prospects of changes to land law and reduction of the Party's exclusive leadership role are not likely.

This lecture discussed why this activism has been initiated and how the Party-State responded to it.

**ALC Brown Bag Seminar - 'Towards Zero Alcohol-related Traffic Fatalities and Injuries: An Overview and Analysis of a New Ordinance-based Strategy against Drink Driving in Japan', 4 August 2014**

**Professor Ryota Kosai** (Ehime University, Japan) (pictured) gave a passionate presentation advocating for zero-tolerance on drink driving in Japan. He described the dramatic shift in public opinion on drink driving in Japan during the 1990s, including high-profile and emotional cases involving small children in 1999. Media and victims' families' campaigns led to law reforms, which increased the potential punishments for Drink Driving in the 2000s. Over a period of 13 years, the number of fatal drink driving crashes reduced by almost one sixth to 238 cases in 2013. The rate of reduction is still decreasing. However, Professor Kosai's research focusses on methods of reducing Drink Driving further. He argues, for example, that legislative reform will not deter repeat offenders with alcohol addictions. Local governments are taking steps to reduce drink driving and fatalities, including by increasing

knowledge and education about alcohol mis-use, creating intervention measures for alcohol-related disorders and an effective community environment that rejects drink driving. The goal of the new measures is to strengthen measures for rehabilitation and support for people with alcohol-related problems and prevention of drink driving. A review of recent local government action is expected after 2015.

### Miegunyah Public Lecture with CILIS - “Incubators for Extremists? Radicalism and Moderation in Indonesia’s Islamic Education System”, 10 June 2014

The ALC’s associate centre, CILIS, together with MLS, presented a Miegunyah Public Lecture by **Dr Jamhari Makruf** on “Incubators for Extremists? Radicalism and Moderation in Indonesia’s Islamic Education System”. Dr Makruf’s visit was generously funded by the Miegunyah Distinguished Visiting Fellowship Program.

Islamic schools and universities in Indonesia have been accused of producing militant Islamist extremists. The Bali bombers, for example, attended ‘hard-line’ schools and the recent spate of book-bombs targeting champions of Islamic moderation were sent by a student at the State Islamic University. But is this perception of Islamic schools and universities as incubators for extremists correct?

This lecture looked at the struggle between moderate and extremist ideas in Indonesia’s madrasahs and Islamic teritary institutions and its implications for Australian policy.



Click [here](#) to listen to an audio recording of Dr Makruf’s public lecture. Dr Makruf was also interviewed on the [Radio National Encounter Program](#) with **Professor Tim Lindsey** and **Dr Jeremy Kingsley** (former PhD candidate and Research Assistant, ALC and CILIS).

### RECENT VISITORS (SELECTION)

#### Mr Dae-sun Yu

*Interviewed by Ms Grace Park, Research Assistant*

**Mr Dae-Sun Yu**, a Court Clerk at the Uijeongbu District Court (South Korea) visited the ALC from August 2013 to February 2014, accompanied by his wife and children.

During his stay at MLS, he researched the Age Discrimination Act of Australia and related labour issues for the elderly. This is particularly relevant for Korea given its ageing society and resulting social issues. It is also important due to the limited legal effectiveness of the Aged Employment Promotion Law in Korea.

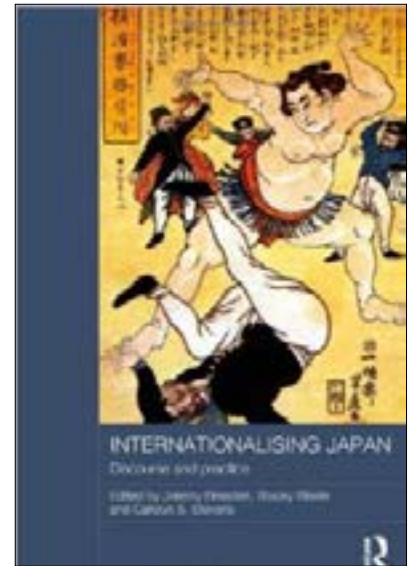
While in Australia, Mr Yu also travelled widely, including to Tasmania. He was particularly impressed by the kindness that Australian people displayed towards him and his family.

### RECENT PUBLICATIONS

#### *Internationalising Japan: Discourse and Practice* (Routledge, New York, 2014)

Edited by Jeremy Breden, **Stacey Steele** and Carolyn Stevens, this book explores how internationalisation is imagined, discussed and operationalised in Japan and surrounding countries. The chapters focus on educational, leisure and cultural activities, fields which are often overlooked in favour of economic and political developments in the literature. The conclusion reflects on the concept of internationalisation and assesses how it is likely to develop in Japan in future, taking into account the impact of the Great East Japan Earthquake of 2011.

This book was launched by the Consul-General of Japan, Ms Keiko Haneda, at a seminar on Monday 18 August, 2014. The book can be purchased on the [Routledge website](#).



### MALCOLM DH SMITH MEMORIAL SCHOLARSHIP

Ms Hannah Ekers has been awarded the 2014 Malcolm DH Smith Memorial Scholarship.



Hannah is currently in the first year of the *Juris Doctor* at MLS. Hannah’s deep connection and commitment to understanding Indonesia has evolved over many years, having studied Indonesian in high school and continuing at university. In 2012, she spent a year on exchange to Indonesia, studying politics at Universitas Katolik Parahyangan and Indonesian, Javanese and community development at Universitas Gadjah Mada.

She spent two months living in a Javanese village on a development project, helping to run anti-corruption workshops in schools and monitoring proceedings at the district court of Yogyakarta. She also ran weekly English classes in the local community.

Hannah is a member of the Australian-Indonesian Youth Association and an Indonesian dance troupe named Sanggar Lestari who perform at various cultural

events in Melbourne.

Hannah has recently been appointed as a Research Assistant for the ALC.

*Professor Malcolm DH Smith was a leading international figure in Asian legal studies and the Founding Director of the ALC at the University of Melbourne. In 2004, he was appointed a full-time professor at the Chuo Law School in Tokyo, the first Australian to hold such a position.*

*Professor Smith was a mentor, friend and inspiration for countless lawyers, scholars and students around the world, as he was for friends and family. The Malcolm D H Smith Memorial Scholarship has been established to remember Professor Smith and his exceptional contribution to Asian legal studies.*

*One scholarship is available per year to assist first-year Melbourne Law School JD students who have completed an undergraduate law degree or a degree majoring in Asian studies at a tertiary institution in Australia or Asia.*



## RESEARCH ASSISTANT REPORTS ON RECENT TRIP TO KOREA

*Report prepared by Grace Park, Research Assistant*

Since the initiation of the Supreme Court of Korea Overseas Research and Study Program in 2006, the ALC has hosted numerous visitors, including seven Judges, three Prosecutors and three Court Clerks from various courts around South Korea. MLS has also welcomed legal academics from esteemed Korean universities briefly visiting Melbourne. Visitors under the Korea Program stay for a period of 6 to 12 months as a Visiting Research Scholar at MLS. During this time, visitors have the 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. The ALC values the growth of the ongoing relationships formed through the Korea Program and maintains ongoing contact with all of the previous visitors.



Upon joining the ALC as a Korean-speaking Research Assistant under Ms Stacey Steele (Associate Director (Japan)) in 2013, I have had the pleasure and honour of getting to know and assisting the Program's visitors. In January, I visited Korea to undertake a legal internship, and during my time there, I took the opportunity to meet with Mr Sang-hyun Kim who had just recently returned to Korea after completing the Program, and Mr Gun-ho Cho, who will join us in September this year.

Mr Sang-hyun Kim, a Public Prosecutor at the Seoul Central District Public Prosecutor's Office, visited MLS as part of the Korea Program for 12 months from December 2012. During his stay, Mr Kim conducted research on legal issues associated with financial affairs such as the FTA, flying assets in Swiss bank accounts and international judicial assistance. He also audited the JD subjects, Evidence and Proof and Mergers and Acquisitions at MLS. Along with Christine Choi, a fellow Korean-speaking Research Assistant, we visited Mr Kim at the Seoul Central District Public Prosecutor's Office, and were given the valuable opportunity to see the institution from the 'inside'. Having farewelled Mr Kim last December in Melbourne, it was great to reunite with him again in Korea, and when leaving the Office, we certainly noticed the bright lights of many of the offices in the late evening.

While visiting Busan, I also had the opportunity to meet with Mr Gun-ho Cho, a Chief Clerk at the Busan District Court. Mr Cho kindly gave me a comprehensive tour of various sections of the Court, introduced me to a number of Judges, and upon sitting in on a few criminal cases listed that day, was eager to explain and share his knowledge and experience of the Korean legal system and procedures. Mr Cho is a forthcoming visitor and we are looking forward to welcoming Mr Cho and his family in September this year.

## ALC ALUMNI

### Dr Denny Indrayana

An article on Dr Denny Indrayana can be found on the MLS [website](#). Dr Denny Indrayana is a former PhD candidate of the ALC, and is now the Vice Minister for Law and Human Rights of the Republic of Indonesia.



## CURRENT VISITORS

### Judge Aya Kobayashi

The ALC welcomed our new judge-in-residence from Japan in July, 2014. **Judge Aya Kobayashi** has been in charge of civil cases at the Tokyo District Court as an assistant judge of a panel since being appointed as a judge in January 2011. During her time at MLS, Judge Kobayashi will study Australian laws concerning the protection of elderly people and those applicable to class actions.



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

### Associate Professor Chien-chang Huang



Chien-chang Huang is an Associate Professor in the Department of Real Estate and Built Environment, National Taipei University, Taiwan. He is also an Adjunct Professor of the Department of Law, Shih Hsin University and Director of the Taiwan Property and Economic Law Institute. He is the Commissioner of the Consulting Committee of the *Taiwan Environmental and Land Law Journal*. Professor Huang obtained his PhD from National Chung-Cheng University Law School, Taiwan in 2008. He also has a Bachelor of Laws from National Taiwan University.

During Professor Huang's visit at MLS, he will research "Comparative Study of the Real Estate Registration between Australia and Taiwan". He will be at MLS

from 1-28 August, 2014.

### Assistant Professor Michael Ng

Dr Michael Ng is Deputy Director of the Centre for Chinese Law and Assistant Professor of the Faculty of Law at the University of Hong Kong. He is the author of *Legal Transplantation in Early 20th Century China – Practicing Law in Republican Beijing (1910s-1930s)* (Routledge, 2014). He specialises in Chinese legal history and his research has been published in international refereed journals such as the *International Journal of Asian Studies* (Cambridge), *Journal of Comparative Law* (London), *Journal of Legal History Studies* (Taipei, Academia Sinica), *Hong Kong Law Journal* and *Annals of GIS*, among others. Prior to joining the University of Hong Kong in 2012, he served in the legal and finance sectors for more than 15 years in mergers and acquisitions, direct investment and private equity practice.



Assistant Professor Ng will be at the Asian Law Centre from 11-29 August, 2014. During his visit, which is funded by a Universitas 21 Fellowship, he will conduct scholarly exchange with academic staff in the areas of Chinese law and history, comparative law and experiential legal education.

*If you are interested in meeting with any of our visitors, please contact the ALC. A full list of current and forthcoming ALC visitors can be found at <http://www.law.unimelb.edu.au/alc/people/visitors/current-and-forthcoming-visitors>*

## MLS DEAN VISITS SUPREME COURT OF JAPAN

Report by Ms Stacey Steele, Associate Director (Japan)

The ALC enjoys a close relationship with the Supreme Court of Japan. Each year since 2003, the Centre has hosted a Judge from Japan as part of the Overseas Training and Research Program of the Supreme Court of Japan. The Program enables Judges from Japan to experience life in Australia for twelve-months 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.

As a result of our strong ties, the Supreme Court invited the Dean of MLS, Professor Carolyn Evans, and I, to visit Tokyo in March 2014. The visit enabled the Dean to gain a better understanding of judicial training in Japan and the importance of the Overseas Training and Research Program. We visited the Legal Training and Research Institute, and Training and Research Institute for Court Officials outside of Tokyo, and also learnt about the intensive training of Family Court Probation Officers.

The Dean was particularly impressed with her frank and open meeting with the retiring Chief Justice of the Supreme Court, Justice Takesaki. We also enjoyed meeting with Justice Okabe again; Justice Okabe visited MLs in February 2012. She is an expert in family law. We also caught up with other old friends: judges who have visited MLS on short and long-term research programs, and the Secretary General of the Supreme Court, Judge Otani, who was involved in establishing ties between the Court and MLS. The Court has increased the number of judges studying overseas since 2000, and the Centre is delighted to be part of its overseas' program.

We offer our sincere thanks to Judge Uemura, Chief of Liaison Office, and his team for their organisation of our visit, and look forward to expanding our relationship with the Supreme Court and Japanese judiciary in the future.



## MLS DEAN VISITS CHINA



The Dean of MLS, Professor Carolyn Evans, visited China with **Professor Sarah Biddulph** (Associate Director (China)) from 28 March to 3 April, 2014. While in China, they visited Beijing (Chinese Academy of Social Sciences, Peking University Law School and Tsinghua University Law School) and Shanghai (Fudan University Law School and Shanghai Jiaotong KoGuan Law School) to discuss current and future collaboration.

## FORTHCOMING EVENTS FOR THE DIARY

Please register for these events on the ALC website (registrations open 2-3 weeks before each event): <http://law.unimelb.edu.au/alc/news-and-events/forthcoming-events>

Date	Event Type	Title	Speaker(s)
26 August 2014	ALC Brown Bag Seminar	The System of Real Estate Registration in Taiwan	Associate Professor Chien-Chang Huang
28 August 2014	ALC Brown Bag Seminar	Transplanting Indigenous Legal Practices to a Transplanted Legal System? An Archival Study of the Beijing Criminal Court in Early Republican China (1910s)	Assistant Professor Michael Ng
1 September 2014	ALC Brown Bag Seminar	The Diversification and Formalisation of ADR in Japan: The Effect of Enacting the Act on the Promotion of the Use of Alternative Dispute Resolution	Professor Kota Fukui
4 September 2014	ALC/CCCS Book Launch and Public Lecture	Book Launch of <i>Constitutionalism in Asia: Cases and Materials</i> and Keynote Public Lecture - Constitutionalising Asia: Asian Constitutionalism or Constitutionalism in Asia?	Professor Jiunn-rong Yeh (Book to be launched by The Hon. Justice Susan Kenny)
8 September 2014	ALC/CCCS Brown Bag Seminar	TBA	Professor Jiunn-rong Yeh
12 September 2014	ALC Brown Bag Seminar	From Self-assessment to Citizens' Monitoring Governance and Public Administration in Viet Nam	Mr Jairo Acuna-Alfaro
8 October 2014	ALC/CILIS Public Lecture	Indonesia's Presidential Election: Law Reform Challenges for the New Administration	Dr Todung Mulya Lubis
13 October 2014	ALC/CLEN Brown Bag Seminar	Development in Hong Kong Competition Law	Professor Mark Williams
14 October 2014	CILIS Book Launch	Book Launch of "Women Justice Seekers in Indonesia"	



23-24 October 2014	ALC/HKU Conference	HKU/MLS Doctoral Forum	
11-12 November 2014	CILIS Conference	CILIS Islamic Studies Postgraduate Conference	
8 December 2014	ALC Brown Bag Seminar	Singapore's Insolvency Law Reform	Assistant Professor Wee Meng Seng

FORTHCOMING VISITORS (SELECTION)

Dr Todung Mulya Lubis

6-11 October 2014



Dr Todung Mulya Lubis 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 (1978); a second LLM at Harvard Law School (1988); and his JSD at the University of California, Berkeley (1990). He has been a senior Adjunct Member of the Faculty of Law, 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 Foundation, where he worked for many years. His influential scholarly book *In Search of Human Rights: Legal-Political Dilemmas of Indonesia’s New Order 1966 – 1990*, published in 1993, played an important role in defining the pro-democracy movement that toppled Soeharto in 1998 and guiding the democracy that was then established.

Dr Lubis is also Founding and Senior Partner of a prominent law firm in Jakarta, Indonesia, and has acted as lead counsel in a number of major human rights cases, often on a pro bono basis. These include acting for the ‘Bali Nine’ and against President Soeharto. He has also held a series of senior government appointments.

Professor Jiunn-rong Yeh

25 August-10 September 2014



Jiunn-rong Yeh (LLB, LLM, National Taiwan University; LLM, JSD, Yale) holds a distinguished University Chair at National Taiwan University, where he specialises in Environmental Law, Constitutional Law and Administrative Law. He is a prolific and highly influential scholar in all three fields, in East Asia and globally. He is an influential thinker, whose work is characterised by perceptive analyses of the impact of globalisation on law. He has published in English and Chinese in leading journals and published collections, including both the Routledge and Oxford Handbooks of Comparative Constitutional Law. The forthcoming work on Constitutionalism in Asia, in which he took a lead role, will undoubtedly be a major contribution to knowledge. He has held invited positions in leading international Law Schools including Columbia, Toronto, Harvard, Melbourne, and leading Chinese schools in Beijing, Shanghai and Hong Kong. He has had considerable practical experience in government, as Minister without Portfolio (2002-2004); Executive Director of the National Council for Sustainable Development (2002-2006) and the Council for Organic Reform; and Secretary-General of the National Assembly that approved the constitutional revision proposals by Legislative Yuan (2005). Professor Yeh has received the Award of Excellence in Research from the National Science Council.

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