

# AsianLaw



## ANNUAL REPORT

JANUARY 2006 – DECEMBER 2007



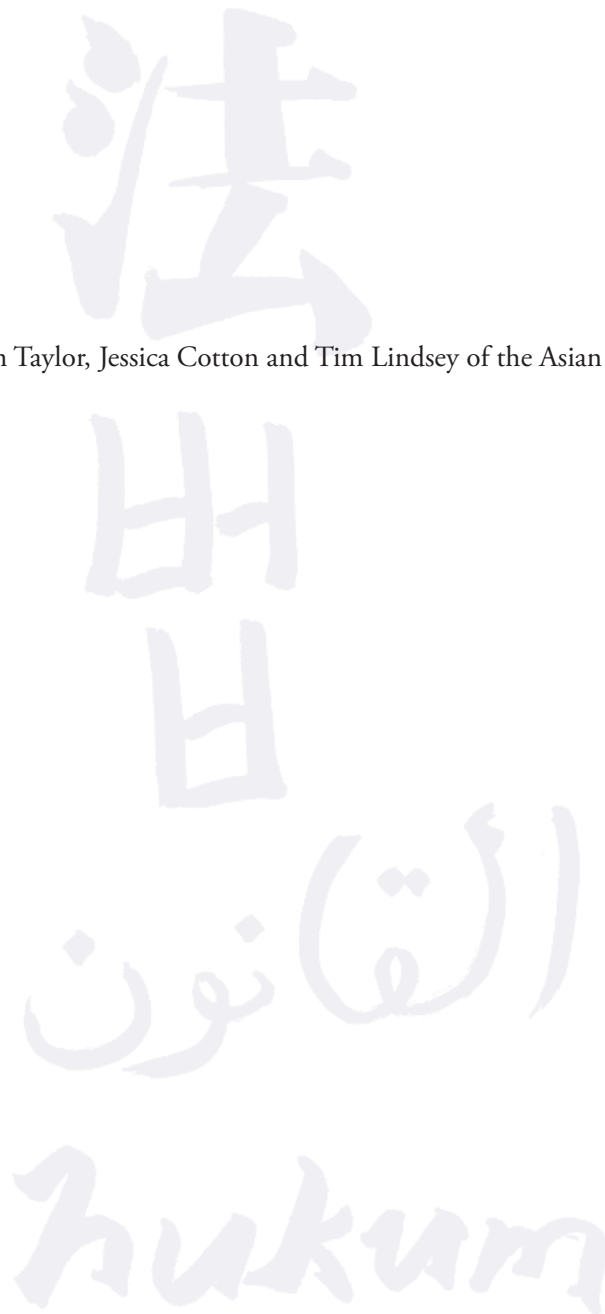
MELBOURNE LAW SCHOOL

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



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**MELBOURNE LAW SCHOOL**

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## DIRECTOR'S REPORT

It is a time of declining fortunes for Asian studies all over the world and Australia has not escaped this trend.

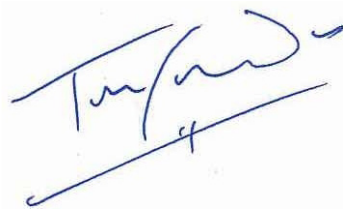
The axing by the Howard government of NALSAS, a funding program that supported Asian studies in schools in Australia, led to a fall in student enrolments in Asia-related studies at our universities. This, in turn, resulted in the closure in recent years of Asian studies programs and research institutions right across the tertiary sector.

This short-sighted decision unfortunately also coincided with a period of generational change in Asian studies, at a time when the average age of Asian subject teachers around Australia is over 50. The result has been a rapid loss of Asia expert staff without replacement - more than 70 across Australia in the last decade.

Despite the wider problems for Asian studies in Australia, the Asian Law Centre in the Melbourne Law School continued to grow in 2006 and 2007, with research and administrative staff numbers growing overall, and research output increasing significantly. Our existing community engagement programs were maintained and have been added to by new initiatives, such as our unique Asian Legal Dialogues series, conducted in Asian languages. Interest in our teaching, research seminar and publications has also increased over the last two years.

The Centre's success in a time of difficulty for our discipline is a result of continuing strong support from the Law School. It is also, however, a tribute to the commitment, energy and enthusiasm of my colleagues in the Centre, academic and administrative alike. They have good reason to be proud of their hard work and achievements over the last two years.

The Rudd government has promised renewed funding for Asian studies in schools. The amount - just over \$6 million over three years - is too little, but if increased then it could, over time, provide Asian studies in our universities with a fresh start. If and when this happens - and if we can maintain our current trajectory - the Asian Law Centre could be well-positioned to support a national Asian studies revival.

A handwritten signature in blue ink, appearing to read 'Tim Lindsey', with a horizontal line drawn underneath it.

Professor Tim Lindsey  
Director, Asian Law Centre



# GOALS OF THE ASIAN LAW CENTRE

The Centre's objectives are:

- To improve knowledge and understanding of the laws of our region
- To support the rule of law in Asia
- To promote teaching and research on Asian legal systems at both graduate and undergraduate levels, in Australia, Asia and elsewhere
- To promote the development of Asian studies and Asian languages in other disciplines and to encourage links with legal studies
- To promote the importance of comparative law in Asian legal studies and research
- To promote exchanges of staff and students between the Melbourne Law School and Asian universities and institutions.

## ASIAN LAW CENTRE MEMBERS



**Director**  
**Professor Tim Lindsey**

Professor Tim Lindsey joined the Centre in 1990 and was appointed to the Law School in 1994. His appointments include: Professor of Asian Law, ARC Federation Fellow (from August 2006), Director of the Asian Law Centre (since 2000), Associate Dean (International) in the Faculty of Law (until July 2006) and Director of the Centre for Islamic Law and Society (from 2005).

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' brings all these themes together. Tim researches and teaches in *bahasa Indonesia* and is a long-serving member of the Board of the Australia-Indonesia Institute (which he now chairs) and a member of the Foreign Affairs Council, both in the Department of Foreign Affairs. He is an Associate Member of the Academie Internationale de Droit Comparé and of the International Council of the Asia Society. He worked previously at Mallesons Stephen Jaques and has been a practising member of the Victorian Bar since 1990, now specialising in Indonesian law. He has near-native fluency in *bahasa Indonesia*.

Tim's publications include *Indonesia: Law & Society* (now in its second edition); *Indonesia: Bankruptcy, Law Reform and the Commercial Court*; *Corruption in Asia: Rethinking the Governance Paradigm* (with Howard Dick); *Indonesia After Soeharto: Prospects for Reform*; *Law and Labour Market Regulation in East Asia* (with Sean Cooney, Richard Mitchell and Ying Zhu); *Chinese Indonesians: Remembering, Distorting, Forgetting* (with Helen Pausacker), also in its second edition; and *Law Reform in Developing and Transitional States*. Tim is a Founder and co-Editor of the *Australian Journal of Asian Law* and is currently writing a monograph on Islamic laws in Indonesia.



**Director (Comparative Legal Studies Program)**  
**Associate Director (Vietnam)**  
**Associate Professor Pip Nicholson**

Associate Professor Pip Nicholson joined the Asian Law Centre in 1997 as Associate Director (Vietnam) and was a Senior Fellow of the Faculty from 1998. She joined the Faculty permanently as a lecturer in 2002, becoming a senior lecturer in 2004 and Associate Professor in 2007. She was appointed Director of the Comparative Legal Studies Program of the Asian Law Centre in 2006. A graduate in Law and Arts from the University of Melbourne with a Masters in Public Policy from the Australian National University, Pip teaches on the Vietnamese legal system in both the undergraduate and graduate programs of the Melbourne Law School and teaches on Vietnamese law to a consortium of American law schools. Pip also teaches Law and Economic Reform in Asia, Fundamentals of the Common Law and Principles of Public Law.

Pip's doctoral research focused on the Vietnamese court system between 1945 and 1976, in the course of an analysis of the extent to which the Vietnamese legal system mirrored or diverged from its Soviet parent.

Pip is interested in the challenges of cross-cultural legal research and legal reform - particularly within Asia. She has recently completed research on drug trials in Vietnam and continues her analysis of Vietnamese court reform. Current projects include a study of the relationship of comparative law theory to legal reform in Vietnam, analysis of the Vietnamese economic court and studies of district courts in Vietnam.

Pip consults on changes in transitional legal systems, particularly Vietnam.

## **Associate Director (China)**

### **Dr Sarah Biddulph**

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

Sarah is the co-founder of the China Law Network and teaches and researches in the area of Chinese law. Her work has focussed on contemporary Chinese administrative law, labour and comparative law. Sarah currently holds an ARC grant with Sean Cooney and Zhu Ying to examine regulatory responses to the problems of failure to pay wages. She is also currently part of a research team coordinated by the University of British Columbia, researching Cross Cultural Dispute Resolution.

Sarah completed her PhD in 2004, entitled 'The Legal Field of Policing in China: Administrative Detention and Law Reform'. Her thesis looked at the development and legal reform of three administrative detention powers exercised by the Chinese public security organs; detention for education of prostitutes and clients of prostitutes, coercive drug rehabilitation and re-education through labour. A book based on this work, *Legal Reform and Administrative Detention Powers in China*, was published by Cambridge University Press in 2007.



## **Associate Director**

### **Associate Professor Sean Cooney**

Associate 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 completed his doctoral studies at Columbia University in 2005 and has been a visitor at Australian National University, National Taiwan University and National Chengchi University in Taiwan.

Sean's research interests include East Asian employment and labour law, democratic transitions and sovereignty issues (with a particular emphasis on Taiwan), comparative law, and contract and regulatory theory. He researches and teaches in Chinese and is fluent in French and German. His publications include *Law and Labour Market Regulation in East Asia* (with Tim Lindsey, Richard Mitchell and Ying Zhu), as well as articles in a range of international journals in English and Chinese.



## **Associate Director (Japan)**

### **Ms Stacey Steele**

Ms Stacey Steele joined the Centre in 1997 as a research associate and was appointed Associate Director (Japan) in January 2002. Born in Brisbane, Stacey holds degrees from the University of Queensland (BA (Jap)), Monash University (MA (Jap)) and the University of Melbourne (LLB (Hons) and LLM (by thesis)). Stacey commenced articles in March 2000 at a leading Australian commercial law firm and worked as a junior lawyer and Senior Associate in its financial services group, focusing on project/infrastructure and corporate finance. In October 2007, Stacey joined Standard and Poor's Melbourne office as Associate General Counsel with responsibilities for the Asia-Pacific. Stacey has taught Insolvency Law and Corporate Banking and Finance Law, as well as Issues in Japanese Law and in graduate subjects offered by the Centre. She is currently co-editing a monograph on legal education in Asia. Her research interests are in the areas of Japanese insolvency law, law reform, the Japanese legal system and banking law. Stacey practices Chanoyu (The Way of Tea) and is a member of the Urasenke Melbourne Chapter. Stacey 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 LL.B. with First Class Honours in 2001. In 2007, she completed her doctorate.

Amanda is the author of 'Situating Suhakam: Human Rights Debates and Malaysia's National Human Rights Commission' (2003) 39 (1) *Stanford Journal of International Law* 59, and 'In the Shadow of Developmentalism: The Human Rights Commission of Malaysia at the Intersection of State and Civil Society Priorities' in C Raj Kumar and DK Srivastava (ed) *Human Rights and Development: Law, Policy and Governance* (Hong Kong: LexisNexis Butterworths, 2006), both of which provide a contextualised reading of the meanings that human rights have in Malaysia and for Malaysians. With Dr Carolyn Evans of this Faculty she is the editor of *Mixed Blessings: Laws, Religions and Women's Rights in the Asia Pacific Region* (Leiden: Martinus Nijhoff, 2006), a book about women's experiences of the dual regimes of law and religion in the Asia-Pacific region.

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, 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.



## **Associate Director (Asian Commercial Law)** **Mr Andrew Godwin**

Mr Andrew Godwin joined the Centre as an Associate Director in late 2006, after being appointed as an Associate of the Centre in early 2006. He was appointed Senior Lecturer in the Law School in early 2008. He has 15 years experience in private practice, 10 of which were spent in Shanghai where he was a partner at Linklaters and Chief Representative of their Shanghai offices. Since returning to Melbourne in 2006, Andrew's focus has shifted to legal education and professional training and development for lawyers.

Andrew's academic interests include Asian law, property law, insolvency law and legal education. A former research assistant at the Asian Law Centre, Andrew has a BA (Hons), LLM (Hons) and LLM from the University of Melbourne.

# ALC PROFESSIONAL STAFF

## **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 Islamic Law and Society. Kathryn is also the Project Manager of Professor Tim Lindsey's ARC Federation Fellowship and Project Manager of *Asian Law Online*, the largest bibliographic database of English-language materials on Asian legal systems in the world. She has been an editorial assistant to the *Australian Journal of Asian Law* since 2000.

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. She has near-native fluency in Mandarin and is currently editing a book with Stacey Steele, entitled *Legal Education in Asia: Globalisation, Change and Contexts*.



## **Administrative Assistant**

### **Ms Kelly McDermott**

Ms Kelly McDermott joined the Centre in 2007. She is the Administrative Assistant for the Asian Law Centre, the Centre for Islamic Law and Society and Professor Tim Lindsey's ARC Federation Fellowship.

Kelly completed her Arts degree in Religious Studies at the University of Otago, New Zealand in 1999. After completing the Graduate Diploma of Teaching (Secondary) in 2002 she moved to the United Kingdom where she taught Religious Studies at a state school in the North East of England.

After extensive travelling around the United Kingdom and Europe, Kelly has returned to Australia to work at the University. She is hoping to continue postgraduate studies in Islamic Law and develop skills and knowledge as a research assistant.





## ASIAN LAW CENTRE ASSOCIATES



### **Professor Kent Anderson**

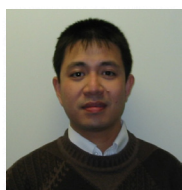
Kent Anderson was appointed as an Associate of the Centre in 2004. Kent is a Professor at the Australian National University College of Law and College of Asia-Pacific. He is the Director of the Faculty of Asian Studies at the ANU College of Asia-Pacific. He is also co-director of the Australian Network for Japanese Law (ANJeL). Kent convenes 'Japanese Law & Society' at ANU. His research has largely focused on comparative commercial law, particularly with regards to Japan; conflict of laws; and insolvency. His articles have been published in English and Japanese and in Australia, Japan, North America and Europe. He has studied or taught at Chuo, Hokkaido, Kobe, Nagoya, Nanzan and Waseda universities in Japan.



### **Mr Neri Colmenares**

Neri Javier Colmenares joined the Centre in 2002 as a research assistant and was appointed as an Associate of the Centre in 2003. He is currently doing his PhD on legal system impediments to human rights prosecution and the International Criminal Court. He has been a practicing lawyer since 1996, primarily in criminal law, constitutional law and human rights litigation. He was the Executive Director of the Philippine National Amnesty Commission in 1999 and a member of the National Council of the Philippine Coalition for the ICC. He was actively involved in the human rights class suit against the Ferdinand Marcos, where the plaintiffs were awarded US \$2.1 Billion, one of the largest damages awards against a natural person in history.

Neri is also an electoral lawyer and was lead counsel in a Supreme Court petition which resulted in the disqualification of all major political parties from participating in the Philippine party list elections. His research interests include human rights, electoral laws and the party list system, alternative dispute resolution, amnesty and the peace process.



### **Mr Hop Dang**

Mr Hop Dang was appointed as an Associate of the Centre in 2004. He is a graduate of the Hanoi National University in languages and was the first Vietnamese national to graduate with an undergraduate law degree from an Australian university. Hop Dang completed articles in Australia and was also Associate to Justice Chernov of the Court of Appeal, Supreme Court of Victoria.

Hop Dang worked with the Australian law firm Phillips Fox in their Melbourne and Hanoi Offices, initially as a law clerk and then as one of their key legal advisors operating out of Hanoi. He was a visiting lecturer in the Faculty of Law at the National University of Singapore between 2004 - 2005, and is currently reading for a DPhil at the University of Oxford with a thesis on enforceability of state contracts.



### **Professor Howard Dick**

Professor Howard Dick is an internationally highly-regarded Asia specialist working primarily on Indonesia and Southeast Asia. His interests include applied economics, Asian laws, Asian business and the Asian business environment. His current research focuses on issues of corruption and governance and the difficulties of driving institutional change by formal legal reform. He has written extensively on state expansion, development and economic integration in Indonesia and Southeast Asia. He is a regular media commentator on Australia-Asia relations and one of the founders of the *Melbourne Asia Policy Papers* discussion series.

### **Professor Michael Dutton**

Professor Michael Dutton was appointed as an Associate of the Centre in 1996. He has studied in both Australia and China and was awarded his PhD from Griffith University in 1991. Michael is currently a Professor of Politics in the Department of Politics at Goldsmiths College, the University of London. He has previously taught at The University of Melbourne (Political Science), the University of Adelaide (Asian Studies) and at Griffith University (School of Humanities). He will be a visiting research professor at Griffith University from December 2007.



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

### **Dr Gitte Heij**

Dr Gitte Heij was appointed as an Associate of the Centre in 2003. She has a Masters Degree in Tax Law from the University of Groningen, The Netherlands. Gitte worked at the Asia Research Centre at Murdoch University from 1993 to 2001, where she completed a variety of publications on tax and investment topics in Southeast Asia. In addition to her work as a researcher, she worked as an international/Asian tax advisor to Australian and European companies. Over the last 8 years she has been involved in various multi and bi lateral aid projects. She currently consults to various organisations including the international law firm Deacons. Since 2004, she has been the project director of a large five-year AusAID-funded economic governance project in Indonesia. In addition she lectures Asian Comparative Tax Law Systems at the Law Faculty at the University of Melbourne. She has recently finalised her PhD study on tax law reform in Indonesia and Vietnam.



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

Professor M.B. Hooker was appointed as an Associate of the Centre in 1997. He is Adjunct Professor of the Faculty of Law at Australian National University and was previously Professor of Comparative Law at the University of Kent at Canterbury. He is regarded as a world authority on Islamic law and traditional customary law in Southeast Asia and is a Founder and Co-editor of the *Australian Journal of Asian Law*. *Indonesian Syariah: Defining a National Islamic Law* was published by ISEAS, Singapore in 2008.



### **Associate Professor David Linnan**

Associate Professor David Linnan was appointed as an Associate of the Centre in 2007. David joined the School of Law at the University of South Carolina (USC) after serving as a Research Fellow at Max Planck Institute in West Germany (1979-81) and as an Associate Attorney with O'Melveny & Myers in Los Angeles (1981-87). A specialist in Asian Law, he has focused much of his recent research and service on Indonesia, where he has been a Senior Scholar with the Fulbright Southeast Asia Regional Research Program, in cooperation with the University of Indonesia, working out of Jakarta Stock Exchange on capital markets regulation. He has also been a Visiting Research Fellow at the Indonesia Project, Department of Economics and the Faculty of Law at the Australian National University and Program Director and Principal Investigator under the USAID Cooperation Agreement establishing the Law and Finance Institutional Partnership (LFIP), Jakarta, Indonesia (2000 to date).



Professor Linnan is the author of a number of publications and papers dealing with Asian Law, the Law of Armed Conflict, and Distance Education/Instructional technology. He also holds an appointment as an Associated Faculty Member at the University of South Carolina School of the Environment.

### **Professor Richard Mitchell**

Professor Richard Mitchell was appointed as an Associate of the Centre in 1999. He was the Director of the Centre for Employment and Labour Relations Law (CELRL) from 1994 until July 2004. He is now a Professorial Fellow in the Faculty of Law at the University of Melbourne and remains a member of the CELRL. He is also a staff member of the Department of Business Law and Taxation at Monash University and Vice President of the Australian Labour Law Association. He has studied labour law and industrial relations at the University of Melbourne and the London School of Economics and Political Science. He was joint editor of the *Australian*





*Journal of Labour Law*, with Breen Creighton, until 2002 and remains joint editor of the *Monographs on Australian Labour Law Series*.

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



### **Professor Ian Ramsay**

Professor Ian Ramsay was appointed as an Associate of the Centre in 1999. He is the Harold Ford Professor of Commercial Law in the Law School at the University of Melbourne where he is Director of the Centre for Corporate Law and Securities Regulation. He has practised law with the firms Sullivan & Cromwell in New York and Mallesons Stephen Jaques in Sydney. In 2002, Professor Ramsay was appointed Dean of the Law School.

Professor Ramsay has published extensively on corporate law issues both internationally and in Australia. His books include, among others, *Ford's Principles of Corporations Law*, *Commercial Applications of Company Law in Singapore* and *Commercial Applications of Company Law in Malaysia*. In addition, he has published a significant number of research reports, book chapters and journal articles. Professor Ramsay is also a respected commentator in the media on corporate governance and corporate law.



### **Associate Professor Benny Tabalujan**

Associate Professor Benny Tabalujan was appointed as an Associate of the Centre in 2003. He has a Bachelor of Economics and Bachelor of Laws from Monash University and a Master of Laws and PhD (Law) from the University of Melbourne. He was admitted as a barrister and solicitor of the Supreme Court of Victoria and the High Court of Australia in 1985. He was previously a corporate and commercial lawyer with Minter Ellison and worked in Melbourne and Hong Kong before becoming an award-winning academic at the Nanyang Business School in Singapore.

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



### **Mr Andrew White**

Andrew White was appointed as an Associate of the Centre in 2007 and is an Associate Professor of Law in the Singapore Management University School of Law. His primary research focus is on Asian and Islamic law, including especially Islamic commercial law (*Fiqh al-Muamalat*) in Asia and commercial law reform in developing countries. Andrew has extensive experience as a consultant in areas of commercial law reform, including *Shari'ah Fiqh al-Muamalat* and other areas of commercial law in Afghanistan and Pakistan.

Prior to joining Singapore Management University, Andrew was a Senior Fellow in the Melbourne Law School, where he taught various subjects in the LLB and JD programs. He also holds a continuing appointment in the Melbourne Law School's Centre for Corporate Law & Securities Regulation.

Andrew received his LLM (First Class Honours) from the University of Melbourne and his Juris Doctor from Case Western Reserve University in Ohio, USA. For nearly 25 years, he practiced business and commercial law (transactional and litigation) in the US and Europe as a partner in a major international law firm based in Washington, DC, as a senior attorney in a law firm in Germany, and most recently as principal in his own law firm in North Carolina, USA.

His recent publications include: 'The Role of the Islamic *Waqf* in Strengthening South Asian Civil Society: Pakistan as Case Study' 4(2) *International Journal of Civil Society Law* (2006); 'Breathing New Life into the Islamic *Waqf*: What Reforms can *Fiqh* Regarding *Awqaf* Adopt from the Common Law of Trusts without Violating *Shari'ah*?' 41(3) *Real Property, Probate and Trust Journal* (American Bar Association: 2006); 'The Paradox of Corruption as Antithesis to Economic Development: Does Corruption Undermine Economic Development in Indonesia and China, and Why Are the Experiences Different in each Country?' 8(1) *Asian-Pacific Law & Policy Journal* (University of Hawai'i: 2006); and 'Decentralized Environmental Taxation in Indonesia: A Proposed Double Dividend for Revenue Allocation and Environmental Regulation' 19(1) *Journal of Environmental Law* (Oxford University Press: 2007).

## AUSTRALIAN JOURNAL OF ASIAN LAW - STAFF

### Editors

**Professor M.B. Hooker** (see Asian Law Centre Associates, above)

**Professor Tim Lindsey** (see Asian Law Centre members, above)

### Professor Veronica Taylor

Veronica Taylor is Professor of Asian Law and Director of the Asian Law Center at the University of Washington, Seattle. She was previously Associate Director (Japan) of the Asian Law Centre at the University of Melbourne.

**Dr Amanda Whiting** (see Asian Law Centre members, above)

### Editorial Assistants

**Ms Kathryn Taylor** (see Asian Law Centre Manager, above)

### Mr Wilfred Ho

Wilfred joined the Asian Law Centre in 2007 as an editorial assistant to the *Australian Journal of Asian Law*. He is presently in his fourth year of an Arts (Media and Communication) / Law degree at the University of Melbourne. Born in Singapore, Wilfred spent the later part of his life in Australia. Wilfred speaks Mandarin and English fluently and is keen to further explore the legal systems of Asia.

Wilfred was also Book Review Editor of the *Melbourne University Law Review* and was previously Submissions Editor. Wilfred was also a member of the *Melbourne Journal of International Law*.

## RESEARCH FELLOWS



### **Dr Kerstin Steiner**

Dr Kerstin Steiner joined the Asian Law Centre in 2001. She has been Research Manager for *Asian Law Online* since 2004. In 2007, she was appointed as Research Fellow for Professor Tim Lindsey's ARC-funded Discovery Project "Islamic Law in Contemporary Malaysia, Singapore and Brunei". She has also held an appointment as Research Fellow at the Centre for Islamic Law and Society since 2005.

Kerstin holds a Bachelor of Laws from the University of Bielefeld, Germany and a Master of Laws from the University of Melbourne, focusing on Asian legal studies and comparative law. She completed her doctoral studies in 2006. Her thesis examined the 'Asian Values' discourses with a particular focus on how this discourse has been misconstrued as a monolithic, static and regional debate when it is, in fact, multi-faceted, evolving and not regionally confined.

She has been a guest lecturer in various subjects at the undergraduate and graduate levels in some of the Centre's subjects. Since 2005, Kerstin has lectured in the Asia Institute, in the subject 'Islam and Human Rights'. She has presented her research at conferences and seminars nationally and internationally. Kerstin is now a lecturer with the Department of Business Law and Taxation, Monash University.

Kerstin's research interests include the study of law reform in Asia; Islamic law in Asia; and the implications of studying Asian legal systems for comparative law and international law, in particular, international human rights.

## PRINCIPAL RESEARCH ASSISTANTS



### **Mr Jeremy Kingsley**

Jeremy Kingsley joined the Asian Law Centre in 2003 as a research assistant to Professor Tim Lindsey and editorial assistant to the *Australian Journal of Asian Law*. Jeremy is a graduate of Deakin University, having completed a Bachelor of Arts and Bachelor of Laws in 2001. Jeremy has recently completed the Master of Laws at the University of Melbourne (focusing on Asian Law and Comparative Legal Studies). Prior to this Jeremy practiced as a lawyer at a major city law firm.

Jeremy is currently a PhD Candidate in the Faculty of Law, under the supervision of Professor Tim Lindsey and Professor Abdullah Saeed. In 2007-2008, he will be undertaking fieldwork in Lombok, Indonesia, as part of his doctoral research. This research is supported by an Endeavour Australia Cheung Kong Award and an ARC Federation Fellowship doctoral scholarship.

Jeremy's research interests include comparative legal studies, Indonesian law, Islamic jurisprudence and interdisciplinary research. Jeremy has written widely and has had articles published in the *Arizona Journal of International and Comparative Law* and the *European Business Law Review*. He is also co-author of several chapters in edited collections on Islamic and Indonesian legal issues and has contributed opinion pieces to the Melbourne *Herald Sun*, the *Australian* and the *Straits Times* (Singapore).



### **Ms Helen Pausacker**

Helen Pausacker joined the Centre in 1999. She is an Arts graduate of the University of Melbourne (BA (Hons), BLitt and Graduate Certificate in Gender and Development) and Monash University (MA) and is currently enrolled as a PhD student in the Law Faculty. Helen works as a Principal Research Assistant with Professor Tim Lindsey's ARC Federation Fellowship. Helen is involved in editing articles and translating Indonesian legal texts. Her research interests include charges of 'pornography' and the prosecution of religious sects, both under the current Indonesian Criminal Code. Helen also researches Indonesian (particularly Javanese) culture, has trained as a *dalang* (shadow puppeteer) and is a member of two gamelan orchestras.

### **Ms Jemma Parsons**

Jemma Parsons joined the Asian Law Centre in 2007 as a Research Assistant for Professor Tim Lindsey's ARC Federation Fellowship. Jemma completed a degree in Asian Studies (Indonesian) at the Australian National University in 2006. She spent more than 2 years living and working in Indonesia while completing her undergraduate degree. She speaks near-native Bahasa Indonesia. She is currently completing her Masters in Public and International Law at the University of Melbourne. Her current research interests include the regulation of Islamic education in Indonesia, as well as Islamic law and its development in Indonesia.



## **RESEARCH ASSISTANTS**

### **Mr Alfitri**

Alfitri joined the centre in 2006 as a research assistant to Professor Tim Lindsey. He completed his Bachelor's degree (1999) and his Masters in Islamic Law (2004) at the State Islamic University (UIN) Sunan Kalijaga, Yogyakarta, Indonesia. He completed his LLM (funded by an Australian Development Scholarship) at the Law School, the University of Melbourne in December 2006, focussing on Asian and international law.



After completing his study in Melbourne, Alfitri returned to Indonesia to continue his job as a lecturer at Samarinda State Institute for Islamic Studies (STAIN Samarinda). He teaches Islamic Criminal Law and Islamic Civil Law with an international law perspective. He is also continuing work on Professor Tim Lindsey's ARC Discovery Project "Islamic Law in Contemporary Malaysia, Singapore and Brunei".

Alfitri's research interests include Islamic law and international human right laws and their interplays in Muslim countries.

### **Dr Simon Butt**

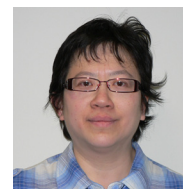
Simon Butt joined the Asian Law Centre as a research assistant in 2005. His primary research interests are constitutional, criminal and commercial law in Indonesia, with a focus on judicial processes. He is fluent in Indonesian and completed his PhD at the University of Melbourne on the Indonesian Constitutional Court in 2007.



Simon taught Indonesian law at the University of Sydney in 2007. He is currently conducting research into Indonesia's Anti-Corruption Court under a grant provided by the Australian Indonesia Governance Research Partnership (AIGRP), managed by the Crawford School of Economics and Government of the Australian National University. He has consulted widely, including to the United Nations Development Program and the International Commission of Jurists. Simon is now a lecturer at the Sydney Law School, The University of Sydney.

### **Ms Faye Chan**

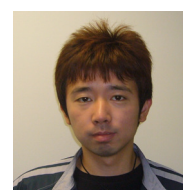
Faye Chan joined the Asian Law Centre in 2007 as a research assistant. She is a graduate of the University of Melbourne, with a B.A. (Hons) in Indonesian and Chinese Studies and a M.A. in History. Faye has spent the past 14 years in the Netherlands, where she freelanced as a proofreader of English manuscripts produced by European and Asian students/academics.



Faye is currently undertaking a PhD for the University of Amsterdam, researching three generations of *Peranakan* Chinese women in Java and the Netherlands, spanning the entire 20th century. Her research interests include comparing gender & Islam issues between Southeast Asia and the Middle East.

### **Mr Shao Chen**

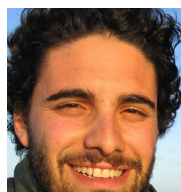
Shao Chen joined Asian Law Centre in 2007 as a research assistant to Associate Professor Sean Cooney and Dr Sarah Biddulph. He is a graduate of the Nanjing Economy and Finance University, having completed a Bachelor degree of commercial law. He is currently in his second year of a Master of Education. His research interests include Chinese labour law, wages and contract regulation.





**Mr Tom Coghlan**

Tom Coghlan joined the Asian Law Centre in 2007 as a research assistant, when he was completing his final year of an arts/law degree at the University of Melbourne. He has spent time in both Indonesia and East Timor, which has included completing a youth exchange program in Indonesia in 2005, and acting as an electoral observer at the 2007 Parliamentary election in East Timor. His research interests include Islamic law, and law and governance issues in Indonesia and East Timor.

**Mr Eli Court**

Eli Court joined the Asian Law Centre in 2005 as a research assistant. He has spent a considerable amount of time travelling through Asia, particularly Indonesia and East Timor. His particular research interests include international law, international dispute resolution and regional cooperation in the Asia-Pacific region. He is currently completing an Arts/Law degree at the University of Melbourne.

**Ms Melissa Crouch**

Melissa joined the Asian Law Centre in 2005 as a research assistant. She is also a research assistant for Professor Tim Lindsey's ARC Federation Fellowship. In 2006, Melissa completed Bachelor of Arts and Bachelor of Laws (Hons.) degrees at the University of Melbourne. She is currently completing her Articles of Clerkship at Lewis Holdway Lawyers.

Melissa's research interests include Indonesian law, the rights of minority groups (such as women and Christians) in Indonesia, as well as the impact of decentralisation and the influence of Islam on regional regulations. Melissa has had articles published in the *Asian Journal of Comparative Law*, the *Australian Journal of Asian Law* and the *Singapore Journal of Legal Studies*.

**Ms Penny Jackson**

Penny joined the Asian Law Centre in 2006 as a research assistant to Ms Stacey Steele. She is currently in her fifth year of an Arts/Law degree at the University of Melbourne. Penny has also undertaken a Diploma of Modern Languages (Japanese) at the University of Melbourne. Her research interests include urban and regional planning, constitutional law and local government.

**Mr Adam Laidlaw**

Adam joined the ALC in 2007 as a research assistant to Andrew Godwin. He is in his 5th year of a Commerce/Law degree, and has also been studying Mandarin Chinese. Adam has lived in China on a number of occasions, as a student of Chinese, a university lecturer in Qufu Shifang Daxue, and as a legal intern with Linklaters Law firm in Shanghai. Adam is currently working on updating Asia Law Online (ALO) as well as helping create the Islamic Law Online (ILO) database.

**Ms Ingrid Landau**

Ingrid joined the Centre in early 2006 as a research assistant to Dr Sarah Biddulph. She holds undergraduate degrees with honours in Asian Studies and Law from the Australian National University. Ingrid majored in Vietnamese, and spent a year studying at Hanoi National University. She is a Research Fellow on the Employee Share Ownership project, an ARC-funded project jointly run by the Centre for Employment and Labour Relations Law, the Centre for Corporate Law and Securities Regulation and the Tax Group. Ingrid's research interests include Cambodian and Vietnamese law and comparative labour law.

### **Ms Rozanna Latiff**

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

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

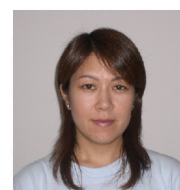
### **Ms Diana Muljanto**

Diana Muljanto joined the Asian Law Centre in 2003 as a research assistant to Associate Professor Tim Lindsey. She has completed a Commerce/Law degree at the University of Melbourne and is now working as a lawyer with the Australian Securities and Investment Commission. Diana grew up in Indonesia and is fluent in Bahasa Indonesia, and has also worked as an interpreter in that language. Her research interests include development and economic and socio-political issues. Diana has particular interests in cultural diversity, as well as performance and fine art.



### **Ms Maki Nakajima**

Ms Maki Nakajima joined the Centre as Research Assistant to the Japanese program in August 2004. Maki is a graduate in law from Seikei Law Faculty in Tokyo, Japan, and worked in the corporate sector in Japan before coming to Melbourne where she completed her LLM at the Melbourne Law School in 2003. She is now resident in Tokyo and is assisting Stacey Steele on special projects. Her main research interests are in commercial law, comparative law, and, of course, Japanese Law.



### **Ms Kimi Nishimura**

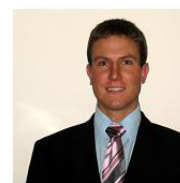
Kimi Nishimura joined the Centre in 2004 as a research assistant to Ms Stacey Steele. In mid-July 2006, she completed a BA/LLB(Hons) at the University of Melbourne, graduating with Honours in law and with a major in Italian Studies in her Arts degree. After graduation, Kimi travelled to Tokyo, Japan where she lived for six months, working as a Legal Assistant at Asahi-Koma Law Offices, a large Japanese commercial law firm. Since returning to Melbourne, Kimi has been employed at the Court of Appeal as a Research Associate. Kimi will join Maurice Blackburn Cashman in 2008 as an articulated clerk.



Since 2004, Kimi has been involved in many of the ALC's Japan Program activities, including the Supreme Court of Japan Overseas Training and Research Program and the Chuo University Summer School held at the Melbourne Law School. Kimi's research interests include international law, human rights law, international development and gender studies.

### **Mr Simon Pitt**

Simon Pitt joined the Asian Law Centre in 2005 as a research assistant to Associate Professor Pip Nicholson. Simon is currently in his third year of a Commerce/Law degree at the University of Melbourne, and is fluent in French. Simon is also undertaking a Diploma of Modern Languages in Chinese (Mandarin), works as a volunteer at the Disability Discrimination Legal Service, and is an Assistant Editor of the *Melbourne University Law Review*.



### **Ms Jessica Rae**

Jessica Rae joined the Asian Law Centre in 2006 as a research assistant. She is currently in her fifth year of a Commerce/Law degree and Diploma of Modern Languages in Indonesian at The University of Melbourne. Jessica has spent time in Indonesia, and East Timor where she worked on the United Nations Development Programme 'Strengthening the Justice System in Timor-Leste' project. Her research interests include law reform, traditional justice systems and natural resource management in Indonesia and East Timor, and good governance in international territorial administrations.

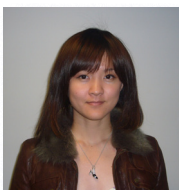


**Ms Jothie Rajah**

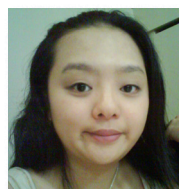
Jothie Rajah is a PhD candidate at the Asian Law Centre of the Law School, The University of Melbourne. She is a graduate of the Faculty of Law, National University of Singapore, where she also graduated with Honours in English.

Jothie taught with the Legal Writing and Research Skills Programme of the Faculty of Law of the National University of Singapore, where she also lectured on Hindu Legal Traditions. She also taught with the English departments of the National University of Singapore, the Institute of Education and Open University, Singapore. More recently, Jothie was a member of the consultancy team working on the official translations of Lao laws, a United Nations Development Project.

In Melbourne, Jothie guest lectured in postgraduate programmes at the Melbourne Law School and has tutored with the Department of Management at the University of Melbourne.

**Ms Pei Chin Yau**

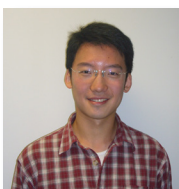
Pei Chin Yau joined the Asian Law Centre in 2007 as a research assistant to Kathryn Taylor. She is currently completing her Law degree at the University of Melbourne and working part-time at the Fitzroy Legal Service. Born in Malaysia, Pei is fluent in academic Malay. She is also familiar with the legal system in Malaysia as a result of work experience in Malaysian legal firms.

**Ms Jung-ah Yoo**

Jung-ah Yoo joined the Asian Law Centre in 2007 as a research assistant. In particular, she assists judges from Korea who are participating in the Supreme Court of Korea's Overseas Research and Study Program.

Jung-ah was born and raised in Seoul, Korea. She completed an International Baccalaureate degree at Munich International School in Germany. She then completed a Bachelor's degree at Manhattanville College in New York, focusing on political science, followed by a Masters degree at Yonsei University in Korea. She is now completing a PhD in political science at the University of Melbourne.

Jung-ah's research interests include East Asian security and assessing the viability of an East Asian Security Community.

**Mr Kevin Zhou**

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





## INITIATIVES TO HONOUR PROFESSOR MALCOLM DH SMITH

Professor Malcolm DH Smith passed away in 2006. He was a leading international figure in Asian legal studies and the Founding Director of the Asian Law Centre at the University of Melbourne. In 2004, Professor Smith was appointed a full-time professor at the Chuo Law School in Tokyo, teaching law to Japanese students, the first Australian to hold such a position.

Mal's death was a great loss to his family and many friends. He was a mentor, colleague and inspiration for countless lawyers, scholars and students around the world.

The Asian Law Centre and the Melbourne Law School have undertaken a number of initiatives to remember Professor Mal Smith and his significant contributions to Asian legal studies.

### **Re-naming of Chair of Asian Law**

To honour Professor Smith's contribution to Asian legal studies, the Asian Law Centre and the Melbourne Law School proposed to the University that the existing Chair of Asian Law be re-named the 'Malcolm Smith Chair of Asian Law'.

This proposal has now been approved by the Senior Appointments and Promotions Committee of the University.

### **Professor Malcolm DH Smith Memorial Scholarship**

The Asian Law Centre has opened a fund that will ultimately be used to establish a memorial scholarship to remember Professor Smith and his exceptional contribution to Asian legal studies.

It is planned that when donations reach a sufficient level, the Malcolm DH Smith Memorial Scholarship will be awarded each year to a first-year JD student commencing at the Melbourne Law School who has completed an undergraduate law degree or a degree majoring in Asian studies at a tertiary institution in Australia or Asia. To date, the scholarship fund has received \$29,000.00.

For information about donating to the Memorial Scholarship fund, please see:

<http://alc.law.unimelb.edu.au/index.cfm?objectID=B316577B-1422-207C-BA756865491DABAB>

### **Dinner in Memory of Professor Smith**

The Asian Law Centre held a dinner in honour of the late Professor Malcolm Smith on Sunday 8 July, 2007 at Ormond College.

Over 100 friends, family, colleagues and academic associates of Professor Smith joined together to honour his achievements. The Malcolm Smith Memorial Scholarship fund was launched at this dinner.

### **Symposium – “Legal Education in Asia: Professor Malcolm Smith, In Memoriam”**

The Asian Law Centre hosted a one-day Symposium at the University of Melbourne on Monday 9 July, 2007 in honour of the late Professor Malcolm DH Smith, titled “Legal Education in Asia: Professor Malcolm Smith, In Memoriam”. The Memorial Symposium celebrated Professor Smith's contribution to legal education in Asia and to the study of Asian legal systems in general, an area in which he was passionately interested throughout his career.

The Memorial Symposium was also an opportunity for scholars from the Asia-Pacific region and various colleagues of Professor Smith and others in the field of legal education to discuss the rapidly-changing face of legal education in Asia. There is great interest in this subject matter, particularly due to the many reforms occurring throughout the region. Jurisdictions including Japan, Korea and Taiwan have either moved to the graduate law school system, or are considering legal education reforms.

### **Monograph in Memory of Professor Smith**

Selected works from the Memorial Symposium will be published as a commemorative monograph edited by Stacey Steele and Kathryn Taylor. The working title of the publication is Legal Education in Asia: Globalisation, Change and Contexts.

## ASIAN LAW CENTRE FINANCES & SPONSORS

The Centre receives administrative support from the University of Melbourne of \$5,000. The salaries of academic staff members of the Centre are borne by the Faculty, as members undertake standard teaching obligations in the Faculty.

The Asian Law Centre's research activities in 2006 and 2007, including salaries of research assistants, were therefore funded largely from research grants and donations by our sponsors. We thank the following sponsors for their donations in 2006 and 2007, which are essential to our research program and our public seminar activities (see 'Brown Bag' Seminar Series and 'Occasional' Seminar Series, below). The Centre could not function without the support of these four sponsors.



**Australian Government**  
**Attorney-General's Department**

**Blake Dawson**

**CORRS  
CHAMBERS  
WESTGARTH**  
lawyers



**Maddocks**


## ACADEMIC RESEARCH GRANTS 2006-7

ALC Member	Years	Type of Grant	Title	Collaborator	Amount
Sarah Biddulph Sean Cooney	2007-2009	ARC Discovery Grant	Enforcement of Chinese Employment Law: Regulatory Innovation and Wage Arrears	Zhu Ying (Department of Management)	A\$140,000
Sarah Biddulph	2007	Faculty of Law Small Grants Scheme	To organise interdisciplinary conference on Water, Energy and Climate Change Futures: Australia and China and develop the Law School's relationship with Tsinghua University Law School	Office of Environmental Programs, Australia-China Water Centre and Centre for Resources Energy & Environmental Law	A\$10,000
Sarah Biddulph	2006	Faculty of Law International Visitors Grant	To fund visit and joint research work with Associate Professor Chen Duanhong	Associate Professor Chen Duanhong (Peking University Law School)	A\$7,500
Sarah Biddulph	2003-2007	Large Collaborative Grant from Social Sciences and Humanities Research Council, Canada	Cross Cultural Dispute Resolution	University of British Columbia, Canada; Other partner institutions	CA\$2.2 million overall project total
Sarah Biddulph Pip Nicholson	2005-2006	Faculty of Law Small Grants Scheme	Transplanting Paradigms: Comparative Legal Studies in Asia		A\$4,347.50
Tim Lindsey	2007	Collier Charitable Fund Grant	Revealing Islam to a New Generation	Kelly McDermott and Kathryn Taylor	A\$29,000
Tim Lindsey	2006-2011	ARC Federation Fellowship	Islam and Modernity: Syari'ah, Terrorism and Governance in South-East Asia		A\$3.48 million
Tim Lindsey	2005-2007	ARC Discovery Grant	Islamic Law in Contemporary Malaysia, Singapore and Brunei: The Anglo-Malay Madhhab		A\$170,000
Tim Lindsey Amanda Whiting	2006-2009	ARC Discovery Grant	The Media and ASEAN Transitions: Defamation Law, Journalism and Public Debate in Indonesia, Malaysia and Singapore	Andrew Kenyon (Centre for Media and Communications Law), Tim Marjoribanks (Sociology Program)	A\$335,000
Pip Nicholson	2008-2010	ARC Discovery Grant	Testing Court Reform Projects in Cambodia and Vietnam	Camille Cameron	A\$275,000
Pip Nicholson	2007	SSHRC Grant	New Courts in the Asia Pacific Region	Andrew Harding, University of Victoria, Canada	CA\$25,000
Pip Nicholson	2007	ICEAPS Grant	New Courts in the Asia Pacific Region	Andrew Harding, University of Victoria, Canada	A\$8,600
Stacey Steele	2007	Faculty of Law International Visitors Grant	To fund visit and joint research work with Ms Jin Chun	Ms Jin Chun (Kyoto University)	A\$10,136.80
Stacey Steele	2006-2007	Supreme Court of Japan Grant	Supreme Court of Japan 'Overseas Training and Research Program'	Supreme Court of Japan	A\$6,000
Stacey Steele	2006-2007	Supreme Court of Korea Grant	Supreme Court of Korea	Supreme Court of Korea	A\$5,500
Stacey Steele Kathryn Taylor	2007	Faculty of Law Executive & Budgets Committee	Legal Education in Asia: Globalisation, Change and Contexts		A\$4850.40

## ARC FEDERATION FELLOWSHIP AWARDED TO PROFESSOR TIM LINDSEY

**Professor Tim Lindsey** was appointed as a **Federation Fellow** in 2006, a highly prestigious five-year appointment funded by the Australian Research Council (ARC).


Professor Tim Lindsey has an international reputation for his research and scholarship on Indonesian law, Islamic Law in Southeast Asia and more broadly in the comparative law of developing countries. During the period of his Fellowship, he will research "Islam and Modernity: Syari'ah, Terrorism and Governance in South-East Asia".



Melbourne Law School  
**ARC Federation Fellowship**  
Islam and Modernity: Syari'ah, Terrorism and Governance in South-East Asia


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- Doctoral Scholars
- Postgraduate Research Students
- Visitors




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### Publications

- Islam, Syariah and Governance Background Papers



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- Collier Grant
- Conferences
- Conference Attendance
- Fieldwork



### Links

### NASSLP appoints Professor Tim Lindsey

Federation Fellow Professor Tim Lindsey has recently been appoint to the National Asian Languages and Studies in School Program (NALSSP) Reference Group, reporting to the Deputy PM and Minister of Education, Julia Gillard.

### Shariah and Law Curriculum Reform Project Indonesian State Islamic Univeristy

ARC Federation Fellow, Professor Tim Lindsey of the Centre for Islamic Law and Society at the Melbourne Law School, in conjunction with Australia's Department of Foreign Affairs and Trade (DFAT), is pleased to announce the commencement of a partnership in curriculum reform with the Shariah and Law faculty of Indonesia's preeminent State Islamic University (UIN) Syarif Hidayatullah in Jakarta. [Click here for further details.](#)

### Background Paper Series

The Federation Fellowship has recently published the second paper in the Background Paper Series. In his paper 'Conflict in Southern Thailand: Causes, Agents and Trajectory' John Funston describes the conflict occurring in the Muslim majority areas of Southern Thailand. The conflict is one of the most violent in Southeast Asia, yet, despite the 3,300 deaths so far, it has not received attention in the international media. Dr Funston discusses the reasons why violence has returned to this region and who might be responsible.

To download a copy of the paper, please [click here](#).

### Homosexuality, Transgenderism and Islam in Indonesia

Dr Dédé Oetomo from GAYA NUSANTARA Foundation, Surabaya, Indonesia discussed a range of different constructions of homosexual behaviour that occur in Indonesian Society. [Read More](#)

### Fieldwork Scholarship Opportunity

Congratulations to Melissa Crouch and David Walker, who are the first recipients of the Federation Fellowship 'Islam and Law in Southeast Asia' scholarship. For further details, [click here](#).





**Professor Ross McLeod**, Roundtable Discussion: Corruption in Indonesia, *14 June 2007*



Jeremy Kingsley, with conference participants Herawati, Nurmala Fariyanti and Ringgi Perdani at the State Islamic Institute of Mataram, *18 June 2007*



Yulyana, Nurmala Fariyanti, Herawati and Ringgi Perdani, State Islamic Institute of Mataram, *18 June 2007*



**Professor Tim Lindsey and Professor Michael Crommelin**, Occasional Seminar presented by Andrew Godwin, *18 April 2007*



Asian Legal Dialogue with Judge Kawajiri, *7th February 2007*

## CONFERENCES



Associate Professor William Reno

### **International Colloquium: 'Government of the Shadows: Global Governance, Para-Politics and Organised Crime' (with the Faculty of Law, Monash University)**

*10-12 August, 2006*

The Asian Law Centre (ALC) at the University of Melbourne and the Faculty of Law at Monash University jointly hosted a two-day Colloquium on 10-12 August, 2006, held at the University of Melbourne.

This Colloquium was part of a scholarly project dealing with the links between para-political groups and criminal organisations; the subversion of global governance by these groups; and how they can sometimes transit to become de facto polities or even legitimate states throughout the world, including Asia. Issues such as criminal law, constitutional law, 'rule of law', international rights of intervention and world system theory were key topics for debate. The specific aim of the Colloquium was to allow

contributors to the book from Australia, Europe and the USA the opportunity to present their work-in-progress in a collegial atmosphere and receive feedback from colleagues involved in the same project.

The Colloquium involved high-profile scholars, including scholarly authorities on state criminality from Asia, Australia, Europe and America. It will result in an edited volume of the same name as the colloquium. It will contain theoretical materials and case studies from around the world on state criminality and para-politics from a legal perspective, filling a major gap in current scholarship and appear in 2009.

### **Water, Energy and Climate Change Futures: Australia and China**

*22-23 May, 2007*

This Conference was a collaborative and interdisciplinary forum organised by the Centre for Resources, Energy and Environmental Law and the Asian Law Centre at The University of Melbourne, in conjunction with the Australia-China Centre on Water Resources Research. Support was also provided by AMPLA, the Australian Research Council, Blake Dawson Waldron and the International Office at the University of Melbourne.

This conference brought together leading Chinese and Australian experts on energy and resources law who are involved in the development of future regulatory frameworks on energy and the pressing issue of climate change and its implications for energy regulation. It also built on the initiatives developed at the first Australia-China Water Resources Workshop in 2006, which led to the establishment of the Australia-China Centre on Water Resources Research. The conference was intended as a collaborative endeavour towards the sharing of knowledge and experiences as both China and Australia grapple with the challenge of securing water futures in both countries.

The interdisciplinary focus of this conference was considered essential to tackle climate change, water security and sustainable management practices. China and Australia can learn much from each other in this area, as both countries are facing increasing water shortages, which will only be exacerbated by climate change.



Chinese Delegation, Sarah Biddulph and Lee Godden,  
Water, Energy and Climate Change Futures Conference



## Legal Education in Asia: Professor Malcolm Smith, in Memoriam

Monday 9 July, 2007

The Asian Law Centre hosted a one-day Symposium at the University of Melbourne in honour of the late **Professor Malcolm DH Smith**.

Professor Smith was the Founding Director of the Asian Law Centre at the University of Melbourne and an important figure in Asian legal studies globally. In 2004 he was appointed as a full-time professor at the Chuo Law School, Japan. The Memorial Symposium celebrated Professor Smith's contribution to legal education in Asia and to the study of Asian legal systems in general, an area in which he was passionately interested throughout his career.

The Memorial Symposium was also an opportunity for scholars from the Asia-Pacific region to discuss the now rapidly-changing face of legal education in Asia. There is currently great interest in this subject matter, particularly due to the many reforms occurring throughout the region. Jurisdictions including Japan, Korea and Taiwan have either already moved to the graduate law school system, or are considering legal education reforms.

Selected works from the Memorial Symposium will be published as a commemorative monograph edited by Stacey Steele and Kathryn Taylor, titled *Legal Education in Asia: Globalisation, Change and Contexts*.

## New Courts in the Asia-Pacific Region

13-15 July, 2007



Mr Raul Pangalangan

The Asian Law Centre and the Centre for Asia-Pacific Initiatives (CAPI) (University of Victoria, Canada), Canada's pre-eminent centre for the study of Asian legal systems, jointly convened a Workshop on "New Courts in the Asia-Pacific Region" from 13-15 July, 2007 in Victoria, BC, Canada. The ALC and the CAPI have had a long-standing relationship for at least a decade. This was, however, the first collaborative international conference between the two Centres.

Participation in this event was by invitation only, and invited scholars contributed to an international workshop showcasing scholarship on new courts and judicialisation in the Asia-Pacific, as well as providing an opportunity to debate findings and implications. The Workshop attracted more than 20 speakers from Australia, Canada, Indonesia, Japan, the Netherlands, the Philippines, the United Kingdom and the United States of America, furthering the collaboration that already exists between these academics, institutions and countries.

The Workshop was co-organised by Professor Andrew Harding and Heidi Tyedmers (CAPI), and Associate Professor Pip Nicholson and Kathryn Taylor (ALC). The ALC and the CAPI are grateful to the Social Sciences and Humanities Research Council of Canada and the International Centre of Excellence in Asia-Pacific Studies for their support for this Workshop.

The Workshop proceedings will be published as a volume to be edited by Professor Andrew Harding (CAPI) and Associate Professor Pip Nicholson (ALC).



Delegation, New Courts in Asia Conference



## MAJOR ACTIVITIES AND EVENTS



Visiting Students, Chuo Summer School, 2006

### **Chuo Law School Melbourne Summer School**

*6-17 February, 2006*

The ALC hosted the second annual Chuo Law School Melbourne Summer School from 6 to 17 February 2006. The Summer School was arranged in conjunction with the late Professor Malcolm Smith, formerly Professor of Asian Law and Director of the Asian Law Centre, who was later a Professor of Law at Chuo University.

The Chuo Law School students enjoyed working with Melbourne Law School students who were participating in the Summer subject 'Issues in Japanese Law'.

### **ALC/CILS Panel: Islamic Syari'ah Codes in Indonesia**

*Monday 14 August, 2006*

The Asian Law Centre and the Centre for Islamic Law and Society hosted a panel workshop on Islamic Syari'ah Codes in Indonesia on 14 August, 2006.

Post-Soeharto Indonesia has seen a revival of Islamic identities in politics, culture and private life. This has been reflected in law as well. Three speakers considered three different Islamic Syari'ah Codes proposed or actually introduced in different parts of Indonesia since 1998 and debated their implications for our understanding of Islam in Southeast Asia more generally.

Speakers included:

Professor Tim Lindsey – "Syari'ah Revival in Post-Tsunami Aceh: Crime and Punishment"

Mr Andi Amiruddin – "Legislative Manifestations of Syari'ah in South Sulawesi"

Mr Jeremy Kingsley – "The Majelis Mujahidin Indonesia (MMI) Criminal Code – Islam, Imported Ideas and Legal Aspirations"

### **Book Launch: Asian Socialism and Legal Change: The Dynamics of Vietnamese and Chinese Reform**

*Wednesday 3 May, 2006*

Professor Stephanie Fahey, Deputy Vice-Chancellor (International) at Monash University, launched *Asian Socialism and Legal Change: The Dynamics of Vietnamese and Chinese Reform* (Asia Pacific Press, 2005) on 3 May, 2006.

Edited by Associate Professor Pip Nicholson and Professor John Gillespie (Monash Law School) and published by Asia Pacific Press, this book is the first systematic comparative analysis of legal change in Asian transitional economies. It presents the diversity and dynamism of this process in China and Vietnam; the impact of socialist constitutionalism and Confucianism on legal development; responses to change among enterprises and educational and legal institutions; conflicts between change led centrally and locally; and international influences on and interactions with domestic legal institutions. Core socialist ideas continue to shape society but have been adapted to local contexts and needs in some areas more radically than in others.

One of the great features of this publication is its inclusion of work by international commentators on Vietnamese and Chinese legal change, together with scholarship from local Vietnamese lawyers located within private practice and government.

Contributors to the book include: John Gillespie, Pip Nicholson, Michael Dowdle, Pham Duy Nghia, Chao Xi, Elizabeth St George, Bui Thi Bich Lien, Nguyen Hung Quang, Kerstin Steiner, Sarah Biddulph, Adam Fforde, Martin Painter, Tannetje Bryant, Brad Jessup and Peter Hansen.

### **Roundtable Seminar: Health, Housing and Labour: Issues of Construction and Protection**

*Monday 24 April, 2006*

The Human Rights team of the Asia Pacific Dispute Resolution Project, headed by Dr Sarah Biddulph, held a Roundtable Seminar on Health, Housing and Labour on 24 April, 2006.

The Asia Pacific Dispute Resolution Project is based in the Institute of Asian Research at the University of British Columbia. The Project involves a network of colleagues from UBC and from partner institutions in North America and Asia. This Project supports research, analysis and policy proposals on cross-cultural dispute resolution in the areas of trade and human rights, with particular attention to Canada, China and Japan. The human rights team has a particular focus on health, housing and labour.

Research arising out of the first stage of the project was discussed, including:

Professor Pitman Potter – “Governance of the Periphery: Balancing Local Autonomy and National Unity”

Professor Les Jacobs – “Rights and Quarantine During the SARS Public Health Crisis: Legal Consciousness in Hong Kong, Shanghai and Toronto”

Dr Kathy Morton – “NGO Advocacy in Development and Health in Western China”

Professor He Weidong – “Housing Evictions in Shanghai”

Professor Yang Pengfei – “The Function of Collective Contracts in Shanghai”

### **Book Launch: Internet Governance and Asia Pacific Perspectives**

*Monday 15 May, 2006*

“Internet Governance: Asia Pacific Perspectives” summarises key debates in internet governance from those involved in policy-making. It provides detailed analysis of critical issues such as spam, wireless technologies, security, multilingualism, and cultural diversity in the Asia-Pacific region. The project was funded by the Asia-Pacific Development Information Program (IPDIP) which is an initiative of the United Nations Development Program.

The launch featured a presentation from the editor, Danny Butt, with commentary by Dr Terry Cutler. Danny Butt has over 12 years experience working in new media as an editor, researcher, designer, educator, and consultant - including consulting and strategy work for leading Australasian media companies. His recent work focuses on the potential of information and communication technologies (ICTs) and creative industries for social, cultural and economic development in the Asia Pacific. Terry Cutler is a leading consultant in information and communications technology who, among many public roles, sits on the board of the CSIRO and the Victorian government's Innovation Economy Advisory Council.

### **Chuo Law School Melbourne Summer School**

*5-17 February, 2007*

From 5 to 17 February 2007, the ALC for the third time hosted the annual Chuo Law School Melbourne Summer School. 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.

In 2007, the students were accompanied by Chuo Law School academics, Professor Satoru Osanai, Professor Dan Rosen and Professor Hisaei Ito. Professor David Marcello from Tulane Law School also participated in the program, together with a number of Melbourne Law School academics.



Roundtable with Professor Ross McLeod

### **Roundtable Discussion: Corruption in Indonesia**

*Thursday 14 June, 2007*

The Asian Law Centre hosted a workshop with Professor Ross McLeod on Thursday 14 June, 2007, to discuss his influential work on corruption in Indonesia.

**Professor Ross McLeod** was visiting the Asian Law Centre from the Research School of Pacific and Asian Studies at the Australian National University. As an economist, Professor McLeod's work with ANU's Indonesia Project has focused on corruption, public sector reform and financial sector policies, especially in developing countries, and the role of the IMF in law reform. He has worked in and on Indonesia in various

capacities - postgraduate student, consultant and academic researcher - since 1978 and speaks Bahasa Indonesia fluently. Professor McLeod is also the Editor of the *Bulletin of Indonesian Economic Studies*.

The Workshop gave academics and students in Melbourne from a range of disciplines a unique opportunity to comment on Professor McLeod's work on corruption in Indonesia.

## **ALC Conference Dinner**

*Sunday 8 July, 2007*

In conjunction with the Malcolm Smith Symposium (see page 25), the Asian Law Centre also held a dinner in honour of the late Professor Malcolm Smith on 8 July at Ormond College. Over 100 friends, family, colleagues and academic associates of Professor Smith joined together to honour his achievements.

At this dinner The Malcolm DH Smith Memorial Scholarship was launched (see page 19), to remember Professor Smith's exceptional contribution to Asian Legal Studies. The scholarship will be awarded each year to a first-year JD student commencing at the Melbourne Law School who has completed an undergraduate law degree or a degree majoring in Asian studies at a tertiary institution in Australia or Asia.

## COMPARATIVE LAW SEMINAR SERIES

**The Asian Law Centre hosts Comparative Law Seminars by internationally recognised scholars of comparative law and/or socio-legal theory, focusing on its application to Asia. The series includes both a large public seminar and a smaller, internal roundtable workshop.**

### **In Search of the Grundnorm: Coups and Constitution-Making in Thailand**

*Wednesday 12 September, 2007*



The Asian Law Centre hosted a seminar by **Professor Andrew Harding of the University of Victoria, Canada** on constitution-making in Thailand.

The coup d'état of 19 September 2006 put an end to the constitutional settlement of 1997, raising a host of new constitutional problems for Thailand. The draft Constitution of 2007, Thailand's 18th constitution since 1932, was approved in a referendum on 19 August 2006. Andrew Harding, who has extensively researched Thailand's public law reforms, offers his insights on the causes and effects of the coup, the basis of constitutional law in Thailand, and the prospects for Thai democracy and constitutionalism.

Professor Andrew Harding is Professor of Asia-Pacific Legal Relations at the Faculty of Law of the University of Victoria, BC, Canada, and Law Chair in the Centre for Asia-Pacific Initiatives. He is a former Head of the Law School and Professor of Law at the School of Oriental and African Studies (SOAS) at the University of London, where he was also Chair of the SOAS Centre of South East Asian Studies. He has been a visiting professor at Harvard Law School and a Distinguished Visitor in the Faculty of Law at the National University of Singapore.

Andrew has published widely on law in South East Asia, most recently on Thai constitutional developments and legal history, and Malaysian constitutional law. He is co-General Editor of Hart Publishing's series, *Constitutional Systems of the World*. Andrew has also published on comparative law, including his jointly edited publication *Comparative Law in the 21st Century* (2002).



Professor Tim Lindsey, Associate Professor Pip Nicholson, Professor Andrew Harding and Professor Michael Crommelin

# OCCASIONAL SEMINAR SERIES

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

## The East Timor Legal System and Current Developments

*Monday 19 June, 2006*



Mr Tiago Amaral Saemento (left)

The Asian Law Centre hosted a seminar by **Mr Tiago Amaral Saemento**, Director, Judicial Systems Monitoring Programme (JSMP), East Timor, on the current situation in East Timor and the future of the East Timorese legal system. Tiago was a guest of Justice Marshall and of the Australian Institute of Judicial Administration. The seminar was presented in Tetum (with translation into English).

As the Director of the Judicial Systems Monitoring Programme (JSMP), Tiago oversees its operation and promotes the organisation as a vital aspect of an evolving civil society in East Timor. The JSMP was set up in Dili in early 2001. Through court monitoring, the provision of legal analysis and thematic reports on the development of the judicial system and outreach activities, JSMP contributes to the ongoing evaluation and building of the justice system in East Timor.

Tiago is also a committee member of the East Timor Bar Association and provides occasional advice to the Parliament and to the President of the Republic on legal issues. He was involved in the 1999 East Timor referendum process, assisting in the enrolment process of East Timorese living in Bali. He also promoted the independence of East Timor, campaigning against the special autonomy/ integration option offered by Indonesia.

Tiago was appointed as a member of the Investigation Commission established by the government of East Timor to investigate the allegations contained in the petition of the former East Timor Armed Forces (F-FDTL) members. The petition was delivered by soldiers born in the Western provinces, complaining of favourable treatment towards those soldiers from the East.

Unfortunately, the day after the announcement of the Commission, the petitioners held further protests. When joined by other groups and elements of Timorese society, these protests turned violent and some FDTL troops opened fire, killing several. This led to the escalating violence and the destabilisation of life in East Timor and to the current unfortunate situation.

## Jemaah Islamiyah, Al Qaeda and Regional Terrorism: Kinship and Family Links

*Wednesday 8 November, 2006*

The Asian Law Centre hosted a seminar by **Mr Noor Huda Ismail** on the link between kinship, family links and terrorism.

Capitalising on perceived grievances of Muslims world-wide, radical jihadi groups have galvanised anger among marginalised young Muslims against the West and directed them into terrorism.

Conceptions of kinship have important ramifications for the ways these groups establish political authority among recruits and maintain loyalty. Jemaah Islamiyah (JI), in particular, has been able to create resilient networks based around kinship and marriage linkages.

Although kinship is the most arcane aspect of anthropological study, it needs to be understood if we are to analyse elements of society, like those of jihadis, who conceive their social organisations in terms of blood relationships and ties of affinity.

Utilising JI as a case study highlights the complexity of kinship links in terrorism, such as relationships between two or more male siblings, between in-laws, between fathers and sons, as well as more distant kinship relations and suggests new avenues for state responses to terrorism in the region.

Noor Huda Ismail is a British Chevening Graduate in International Security Studies at the University of St Andrews, Scotland. He has a BA in Arabic Language and Literature from the Sunan Kalijaga State Islamic Institute in Jogjakarta, Indonesia and a Diploma in Communication Studies from Gadjah Mada University. He now works as a consultant on the impact of religion on political violence in Southeast Asia and has conducted extensive research on jihadi networks and religious extremism in the region. Mr Ismail has previously been a Research Analyst for the International Defence and Security Studies at Nanyang Technological University, Singapore and was



a Special Correspondent with the Washington Post Southeast Asia Bureau, in Jakarta. He has published widely, including with The Washington Post, YaleGlobal online, The Jamestown foundation, The Australian, The Straits Times and The Jakarta Post.

## **Two Major New Commercial Laws for China: The Enterprise Bankruptcy Law and the Property Rights Law**

*Wednesday 18 April, 2007*

The Asian Law Centre hosted a seminar by **Mr Andrew Godwin** of the Asian Law Centre on recent major legislative developments in China: the Enterprise Bankruptcy Law, which came into effect on 1 June 2007 and the Property Rights Law, which was being considered by the 17th National People's Congress. Issues covered included: how the Property Rights Law (when promulgated) will define and protect private property rights; to what extent the Enterprise Bankruptcy Law strengthens creditor rights; and the impact of the two laws on foreign investment and economic development.

In 2007, Andrew Godwin was appointed Associate Director (Asian Commercial Law) at the Asian Law Centre and Senior Lecturer in the Melbourne Law School. He is an experienced practitioner in both finance and corporate law, with 15 years of experience in private practice, 10 of which were spent in Shanghai, where he was a partner at Linklaters and Chief Representative of their Shanghai office. On the finance side, Andrew's expertise includes lending and security, property finance, asset finance, trade finance, banking products, debt restructuring, derivatives and structured products, financial markets regulation and investment funds. On the corporate side, Andrew has extensive experience acting for financial institutions and multinational companies with their cross-border M&A transactions. Since returning to Melbourne in 2006, Andrew has pursued a focus on legal education and professional training and development for lawyers.

## **A Scenario of Chinese Crime: Towards a Thieving or Violent Society?**

*Thursday 5 July, 2007*

Modernisation theory has often claimed that modernity leads to a thieving, rather than violent, society. Data from China seems at first glance to confirm such a development, but that is only when we use official statistics. In fact, there are two sets of homicide statistics in China. Dr Bakken considered some alarming tendencies that point towards the emergence of a violent society in China. Stranger homicide is remarkably high in some cities and such data does not fit the official picture. The punishment regime is very severe and adds to the general picture of violence and brutalisation. Recent Chinese Public Security data on Chinese execution rates show that they are much higher in China than in the rest of the world combined.

Dr Bakken attempted to describe a scenario of Chinese crime up to 2020 based on fresh data on homicide, violence, migration and demographic patterns. He also considered the way in which a dependent judiciary might combat problems of corruption and organised crime, which are again influencing the problem of violent crime.

**Dr Borge Bakken** is from the Department of Sociology at the University of Hong Kong. He has written extensively on crime and deviance in China. He is the author of *The Exemplary Society: Human Improvement, Social Control, and the Dangers of Modernity in China* (Oxford University Press, 2000) and *Crime, Policing, and Punishment in the People's Republic of China* (Rowman & Littlefield, 2005).

Dr Bakken is now working on a book called *The Punitive Society*, on crime and punishment in China. He has most recently published articles on violent crime, which question and challenge official Chinese crime data.



Dr Borge Bakken

## 'BROWN BAG' SEMINAR SERIES

The Asian Law Centre regularly hosts its lunchtime 'Brown Bag' Seminars. In this series, postgraduates, academics or visitors 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.

The 'Brown Bag' Seminar Series is proudly supported by:

# Blake Dawson

### Regulatory Responses to the Arrival of Hostile Takeovers in Japan and Germany: Rummaging Through the International Regulatory Toolbox

*Monday 13 March, 2006*

Despite the differences in the economies of Japan and Germany, in both countries hostile takeovers as a means of external corporate governance are fairly recent phenomena which have triggered rapid regulatory responses.

Both governments rummaged through the international regulatory toolbox and came up with different solutions: while Japan followed the U.S. model, Germany opted along with the rest of the EU for the UK model. However, the adoption of the British takeover regime in Germany took place in a rather distorted way and for Japan the question seems to be whether the wholesale embrace of Delaware's regulatory concept suits the country's institutional setting well.

Dr Harald Baum discussed why the two role models, the U.S. and the UK with their similarly capital-market-oriented economies and active markets for corporate control, started out with two opposing takeover regimes in the first place.

**Dr Harald Baum** is a Senior Research Fellow and Head of the Japan Law Department at the Max Planck Institute for Foreign Private and Private International Law at Hamburg (Germany). He teaches as a Senior Lecturer at the University of Hamburg and is a Research Associate at the European Corporate Governance Institute, Brussels. He graduated from Freiburg University and practiced law as a member of the Hamburg bar before joining the Institute. In 1990-91 he was a guest researcher at Kyoto University with a postdoctoral fellowship of the Alexander von Humboldt-Foundation and the Japanese Society for the Promotion of Science.

Harald Baum is the Founding and Executive Editor of the Journal of Japanese Law (since 1996) and Vice-president of the German-Japanese Association of Jurists as well as a member of the Advisory Board of the Australian Network of Japanese Law (ANJeL). In 2005 he served as Visiting Professor at the University of Tokyo. He has authored numerous books and articles on business law, corporate governance, takeovers, and capital markets regulation in Germany, the EU, Japan, and the U.S.

### The Identity of Japanese Law: Observations from Recent Academic Meetings in Japan

*Tuesday 2 May, 2006*

Japan's lawyers are engaged in a sustained debate about the nature of their legal system. They have one eye on reforms currently being debated in Japan, and another eye on the exportability of Japanese laws to the Asian region. The late Professor Malcolm Smith had an opportunity to attend several recent conferences and present papers on this area from a common lawyer's perspective. He introduced some of the main themes of the debate and discussed the place of teaching about Asian legal systems in the new Japanese Law Schools. The seminar aimed to provide an update on current developments in Japan, especially in the area of Asian legal systems.

The late **Professor Malcolm Smith** was Professor of Law at Chuo Law School in Tokyo, Japan and a Professorial Fellow at the University of Melbourne. Until the end of March 2004 he was foundation Professor of Asian Law at the Melbourne Law School, where he was Director of the Asian Law Centre from 1987 to 2000.

### Islam in Southern Thailand: The Role of Islamic Education (with the Centre for Islamic Law and Society)

*Monday 15 May, 2006*



Southern Thailand is home to Thailand's Muslim minority and conflict between this community and the government in Bangkok have attracted world attention in recent years. Topics covered in the seminar included: 'Running an Islamic Private School in Southern Thailand'; 'Islamic Studies Higher Education Programs in Southern Thailand'; and 'How the Thai Government deals with Islamic Education in Southern Thailand'.

The various **speakers from Southern Thailand** were taking part in the 'Leadership Program for Young Muslims from Southern Thailand' of the Centre for the Study of Contemporary Islam, a program funded by the Australia-Thailand Institute in the Department of Foreign Affairs and Trade.

**Mr Phaisan Toryib** is the School Manager of the Attarkiah Islamiah School and the President of the Islamic Private School Association. He completed a BA (Political Science) at the Prince of Songkla University and a Graduate Diploma in Educational Administration at Thaksin University.

**Dr Niloh Wae-u-Seng** is a Lecturer at the College of Islamic Studies, Prince of Songkla University. He completed a B.A (Islamic Studies) and M.Ed (Educational Administration) at the Prince of Songkla University, and a PhD at the International Islamic University Malaysia.

**Mrs Lamaismart Prachwuttikul** is an Educator at the office of the Private Education Commission in the Ministry of Education, Thailand. She completed a B.Ed at Thornburi Teacher's College and M.Ed (Education Administration) at Srinakharinwirot University.

**First World Convention and Third World Corruption:  
The OECD Convention on Combating Bribery in  
International Business Transactions and the Philippines**  
*Wednesday 17 May, 2006*

The application of the OECD Convention on Combating Bribery in International Business Transactions, regarding corrupt practices facilitated by foreign subsidiary corporations was examined, focusing particularly on commercial contracts in the Philippines.

The dynamics of bribe payments facilitated by domestic subsidiary corporations, which benefited the foreign parent corporations in two major infrastructure contracts in the Philippines, were examined. The specific provisions of the Convention on jurisdiction, exemptions/defences and compliance issues were then analysed.

The objective of the Convention to internationally address the problem of corruption is unprecedented and undoubtedly a step in the right direction. It is, however, desirable for its provisions to have a more direct application to the acts of foreign subsidiary corporations.

**Ms Elsie Alcordo** is a SJD candidate at the Asian Law Centre in the Law School at the University of Melbourne. She was previously Assistant Secretary at the Office of the President of the Republic of the Philippines and was Assistant Professor of Law at the University of Philippines. She is currently a Policy Adviser at the Department of Premier and Cabinet of the Victorian Government. Elsie's SJD

research is on corruption in international business transactions. Her focus is on foreign subsidiary corporations in the Philippines.

**Singapore and the Maintenance  
of Religious Harmony Act**  
*Monday 22 May, 2006*

Singapore's Maintenance of Religious Harmony Act is without precedent. Implicit in the Act is an understanding that it is the role of the State to police religion so as to manage society. Under the Act, the Minister may make restraining orders against individuals who, in the assessment of the State, threaten religious harmony. The restraining order will prevent that person from publishing on, or speaking to, a group of worshipers on, topics the Minister specifies.

The mechanisms for decision-making, and the exercise of discretion under the Act, are firmly in the realm of State control. To determine an offence, the Minister considers, inter alia, whether religion has been used to cause "feelings of enmity", to further a "political cause", or to "excite disaffection against the Government". These terms are inherently problematic and inextricably ideological. However, the means by which other interpretations might be considered are extremely limited; there is no provision for a trial or legal representation, an ouster clause excludes judicial review, and the council of citizens that the Act provides for is appointed by the President.

Although in effect from March 1992, the Act has not been invoked or relied upon at all, and in instances when it might have been possible to rely upon it, the Sedition Act and the Internal Security Act, have been the State's choice instead. What then is the role of the Maintenance of Religious Harmony Act? Is this an instance of State-formulated law functioning as a policy and policing statement?

This paper explored this, and other questions, as part of a larger discussion on how individuals negotiate plural identities within State legal systems. These timely questions were examined in a context of fear-driven laws being presented to parliaments all over the world.

**Jothie Rajah** is a PhD candidate at the Law School of the University of Melbourne.

A graduate of the National University of Singapore, her research examines Singapore cases and legislation on Hindu law, so as to articulate the relationship between legal identity and national identity, in nations dealing with actual or potential legal pluralism.





**Islam and Modernity in Indonesia: An Open Discussion  
(with the Centre for Islamic Law and Society)**

*Tuesday 23 May, 2006*

**Professor Nasaruddin Umar is Director-General of the Religious Guidance Division of the Ministry of Religious Affairs, Indonesia.** He is also the Rector of the Institute for Advanced Qur'anic Studies in Indonesia, Secretary General of the Nahdlatul Ulama Consultative Council and Lecturer at the State Islamic University (UIN) Syarif Hidayatullah.

Professor Nasaruddin has a PhD from a joint program with the UIN Syarif Hidayatullah and MacGill University. He has been a Visiting Scholar at the University of Tokyo, the School of Oriental and African Studies and Georgetown University.

Professor Nasaruddin advises President Yudhoyono on religious matters. He led the Indonesian delegation to the last Haj and has written over 39 articles and books on Islamic theology and on Islamic attitudes to women. He has particular interest in a new Indonesian language version of the Qur'an, the meaning of 'jihad' and in women's issues. Professor Nasaruddin founded a co-educational Pesantren near his home town of Bone, South Sulawesi.

**Can Mining Regulation Work in Indonesia?  
Balancing Environmental Protection and Resources  
Development in the Newmont Case**

*Wednesday 23 August, 2006*



Natural resource exploitation, one of the main drivers of economic development in Indonesia since the Asian Financial Crisis in 1997, has caused environmental degradation in Indonesia.

This is often attributed to factors such as inadequate legislation and the lack of law enforcement. The recent case of Newmont, in which the defendant was accused of creating environmental harm by dumping the waste using Submarine Tailing Disposal (STD), is said by critics to demonstrate this.

This seminar discussed whether mining regulation can work in Indonesia to promote environmental protection, and, in particular, whether environmental laws can be successfully enforced.

**Windu Kisworo is currently a Deputy Director at the Indonesian Center for Environmental Law (ICEL),** a non-government organization in Indonesia. ICEL specialises in environmental law by promoting 'Good Sustainable Development Governance' (GSDG). He is also a member of Environmental Alliances Worldwide (E-LAW), which provides public interest lawyers and

scientists around the world with the skills and resources they need to protect the environment through law. For the last six years, Windu has been managing Environmental Law & Enforcement Training for Judges, which has involved over 1,500 participants across Indonesia.

**Are 'Asian Values' Universal?  
International Discourse on Human Rights Policies  
(with the Office for Research)**

*Monday 25 September, 2006*



Ms Kerstin Steiner's PhD thesis analyses the international discourse between Southeast Asian governments and the international community regarding domestic human rights policies. These policies are usually summarised as 'Asian Values', suggesting that a unique 'Asian'

approach to human rights exists. Three distinctive arguments are typically used as justification: state sovereignty, cultural relativism and primacy of economic development. This thesis argues that 'Asian Values' are not, in fact, typically Asian but a global phenomenon used in different geographical and historical contexts.

**Ms Kerstin Steiner was a PhD candidate at the Law School of the University of Melbourne.** She was also a Principal Research Assistant of the Asian Law Centre. She is now a lecturer in the department of Business Law and Taxation, Monash University.

**Judicial Review in Indonesia:  
Between Civil Law and Accountability? A Study of  
Constitutional Court Decisions 2003 – 2005  
(with the Office for Research)**

*Thursday 9 November, 2006*

Mr Simon Butt's PhD thesis assesses Indonesia's new Constitutional Court through an analysis of its decisions, 2003-2005, when it exercised judicial review powers vigorously, by striking down unconstitutional statutes, discovering and enforcing implied rights and government obligations and assessing government policy. Its decision-writing style, however, reflects traditional French civil law influence, providing little transparency about its decision-making process and raising questions about its accountability. Mr Butt argued that to retain legitimacy the Court must make decisions that are better reasoned, or reduce its activism.

**Mr Simon Butt was a PhD candidate at the Law School of the University of Melbourne.** He was also a Research Assistant in the Asian Law Centre. Simon is now a lecturer at the Sydney Law School, The University of Sydney.

## **Hong Kong's Political Autonomy and its Continuing Struggle for Universal Suffrage**

*Tuesday 28 November, 2006*

Hong Kong has faced tremendous transitions in the past two decades, as the United Kingdom and the People's Republic of China negotiated the political future of Hong Kong, culminating in China's resumption of sovereignty over Hong Kong on 1 July 1997. Whilst massive human rights violations in Hong Kong under Chinese (communist) rule have not materialised after 1997, the autonomy as repeatedly promised to the people of Hong Kong by the British and Chinese governments has nonetheless been eroded. Universal suffrage, the cornerstone and ultimate indication of every a developed society, continues to be denied the people of Hong Kong. In this seminar, Phil C.W. Chan assessed the political autonomy or otherwise of Hong Kong and its continuing struggle for universal suffrage. He assessed the question of whether Hong Kong is entitled to the right of self-determination at international law and, if so, what the right entails and whether and how it has been violated or implemented. He also discussed whether and how the ultimate aim of universal suffrage in Hong Kong continues to be diluted. Finally, he examined the constitutional implications of the Standing Committee of the National People's Congress' interpretation of the ultimate law of Hong Kong.

**Mr Phil C. W. Chan is a legal scholar specialising in human rights, international law and constitutional law. He was Visiting Fellow at the Asia-Pacific College of Diplomacy, ANU.** He has written numerous articles in international refereed journals and is Guest Editor of the International Journal of Human Rights' two forthcoming Special Double Issues on equality in Asia-Pacific and protection of sexual minorities. Previously, Phil was Researcher in the energy law practice at Baker Botts LLP and Visiting Fellow at the British Institute of International and Comparative Law, the Gender, Sexuality and Law Research Group at Keele University School of Law, and the Lauterpacht Research Centre for International Law at the University of Cambridge. His seminar is based on an article in the Singapore Journal of Legal Studies.

In order to create a convenient legal environment for investors

## **The Recent Reform of Vietnamese Company Law and Corporate Governance Issues**

*Thursday 22 March, 2007*

and to support international economic integration, especially the WTO accession, the National Assembly of Vietnam enacted the new Enterprise Law in November 2005. This Act became

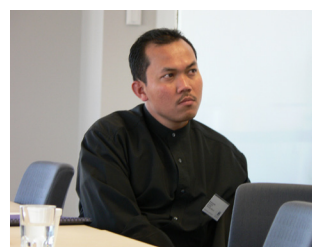
effective on 1 July 2006, to replace three former laws on business entities (the Enterprise Law 1999, the State Enterprise Law 2003 and regulation of management organisation and operation of enterprises in the Law on Foreign Investment in Vietnam 1996). As an important reform to the law on business associations in Vietnam, the Enterprise Law 2005 made significant improvements, including the abandonment of discrimination between economic sectors and the nationality of investors, respect for business freedom and simplification of administrative procedures regarding enterprises.

However, does the Law meet investors' expectations? Does it provide effective legal foundations for good corporate governance in Vietnam? This presentation first examined the major principles underpinning the Enterprise Law 2005 and the changes it introduces. It then explored corporate governance principles in the Law, concluding that although the Enterprise Law 2005 introduces improvements, it retains some shortcomings, particularly in the area of corporate governance.

**Mr Bui Xuan Hai** is a PhD candidate at the La Trobe University School of Law. He completed his LLB in 1994 and his LLM in 2000. He has been teaching business law at Ho Chi Minh City University of Law since 1995, where he was appointed as the Deputy Head of the Commercial Law Department in 2003. Mr Bui has been practising law since 1995, as a Lawyer Member of Ho Chi Minh City Bar Association, and has presented papers at conferences organised by RMIT University (2005) and the Australian National University (2006). He has published a number of articles in refereed law journals in Vietnam, the United Kingdom (Journal of International Banking Law and Regulation) and Australia (Bond Law Review).

## **'Perda Syariat': Its Implementation and Implication in South Sulawesi, Indonesia (with the Centre for Islamic Law and Society)**

*Wednesday 18 April, 2007*



During the last few years, a significant number of 'Perda Syariat' (Sharia-based Regional Regulations) have been passed, not only in South Sulawesi but also in other provinces of Indonesia. These bylaws are mostly on religious matters like zakat (alms tax) collection and dress codes for Muslim women.

It is argued that the increasing effort to produce these 'Perda Syariat' is due to two reasons: first, the opening of the gate for local autonomy (OTODA) by the central government, and second, a continuous attempt by some Muslims to include Islamic sharia in

the Indonesian constitution (UUD), after failing during the MPR annual meetings of 2000 to 2002.

The aim of this paper is to explore these 'Perda Syariat,' the background of their drafting and their implementation in the South Sulawesi province, tracing their impact and the political and intellectual influences that have motivated them.

**Andi M.A. Amiruddin** is a junior lecturer at the Universitas Islam Negeri (UIN) Alauddin, Makassar. He is currently undertaking his Ph. D. studies in the Asia Institute at the University of Melbourne.

**Islamic Commercial Law Reform in Afghanistan:  
A First-Hand Account  
(with the Centre for Islamic Law and Society)  
Wednesday 2 May, 2007**

A new commercial legal system is being developed in Afghanistan. It is a blend of Islamic law (Shari'ah), centuries-old traditional or customary law, and a modern legal system of civil codes (Qanun) first adopted in the early to mid 20th century and currently being rewritten with the assistance of myriad NGOs and the international donor community. Quickly rewriting the Qanun to incorporate broad international standards is seen as the means to accomplishing the quick and effective economic jump-start so desperately needed in this country. Yet, there are also voices in Afghanistan, including many in the business community and government, who are concerned that Shari'ah is not adequately being considered in these reforms. The presentation discussed these tensions in commercial law reform in Afghanistan.

**Andrew White** is a PhD candidate in the Law School at the University of Melbourne. He practiced commercial law in the US and Europe for nearly 25 years before obtaining an LLM and commencing his PhD at the Melbourne Law School, where he also lectures undergraduate and graduate law subjects. He conducts research in diverse areas of Asian and Islamic law, and has published and presented papers in a number of international law journals and conferences. This presentation was based on his recent observations while consulting on Shari'ah-compliance in commercial law reforms in Afghanistan.

**Cultural Diversity in the South of Thailand:  
Language, Policy and Reconciliation  
(with the Centre for Islamic Law and Society)  
Tuesday 8 May, 2007**



The Muslim-majority provinces of Southern Thailand are currently embroiled in one of Southeast Asia's most violent conflicts. Formally incorporated into Thailand (then Siam) early last century, the 'Deep South' has been the centre of prolonged conflict for many years. This conflict has recently

become more intense, with over 2500 lives lost in the last three years. The South is now in danger of degenerating into sectarian conflict between Muslims and Buddhists, as a series of recent tit-for-tat killings suggests.

There are, however, many forces working towards peace in the South of Thailand. Last year the National Reconciliation Council issued its recommendations to the Thai government (including adopting Malay as a working language), but the political uncertainty that currently prevails in Thai politics means little has been achieved.

La Trobe University, in association with The Centre for Dialogue, the National Thai Studies Centre at ANU and the University of Technology Sydney, organised a ten-day visit to Australia for five Thai citizens from the southern province of Pattani. This visit was supported by the Australian-Thailand Institute (Department of Foreign Affairs and Trade).

Their visit presented an opportunity to hear about the current situation from those who live in the region. The visitors included government officials involved in culture policy, university researchers and those active in civil society. The focus of the visit was not the insurgency as such but rather associated issues including state cultural policy in the South of Thailand, how victims of violence are coping, and the work of culture officials in Thai/Muslim education and reconciliation.

The following visitors presented at the seminar:

**Associate Professor Dr Worawit Baru** of Prince of Songkhla University in Pattani was a member of the National Reconciliation Council. He is a frequent commentator on events in the South of Thailand, with a particular interest in language policy. He spoke on language policies, politics of the South, and government policy.

**Associate Professor Arin Sa-idi**, of Prince of Songkla University, Pattani Campus is the founder of the Friends of Women group, which helps victims of the Southern violence. She has an interest in women in the South.



**Mr Waeyusoh Samaalee** is a distinguished former public servant. He served in the Southern Border Provinces Administration Centre as a cultural officer, has compiled a dictionary of Thai-local Malay terms, and is involved in bilingual curriculum design being piloted in the South of Thailand. He is also involved in PUSAKA, an educational foundation that supports the educational activities of Tadika (informal schools for young Muslim children). He is President of the Muslim Business Association of Pattani. He spoke on his work offering cultural workshops on the South to newly arriving Thai Buddhist officials.

**Mr Tanate Adulyakij** is the first Muslim Director of the Ministry of Culture, Pattani Office. He will spoke state culture policy in the south of Thailand.



**Mrs Suphacha Somsong** is a cultural officer from the provincial office who is currently involved in data collection on Malay culture.

**Citizen Lawyer: Lawyers, Civil Society  
and the Rule of Law in Singapore**  
*Tuesday 15 May, 2007*

Are lawyers a particular kind of citizen, with a unique ability (if not responsibility) to express and defend 'rights'? If so, are lawyers advocating 'rule of law' rights in the face of 'rule by law' legislation and practices- especially threatening to a state which constructs and presents itself as inherently 'lawful'? Singapore's 1986 Select Committee Hearings on the Legal Profession (Amendment) Bill, launched a State-scripted demarcation of 'law' as a category of knowledge and activity distinct from 'politics', such that any comment made by lawyers in the public domain on a matter deemed by the State to be 'political', would be a violation of the permissible.

The discursive practise of civil society disengagement launched by the Hearings was consolidated by amendments to the Legal Profession Act and, more potently, by the near-contemporaneous detentions of four lawyers under the Internal Security Act. The amendments when considered with the discursive separation of 'law' and 'politics' and the detentions, have left lawyer-citizens in an especially conflicted position. They are caught between everyday knowledge, as citizens, of the particularly Singaporean limits of 'law' and professional knowledge, as lawyers, of the 'rule of law' ideals that underpin the nation-state.

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

**Substantive Equality and Legal Pluralism in Indonesia: A  
Case Study of Joint Ministerial Decrees on the Construction  
of Worship Places**  
**(with the Centre for Islamic Law and Society)**  
*Wednesday 16 May, 2007*

A 1969 joint Ministerial Decree of the national Religious Affairs and Home Affairs Ministers required regional heads to consider input from heads of religious affairs offices, city planning offices and local religious organisations and leaders before issuing construction permits for places of worship. It has, however, proved difficult for Christians to obtain the necessary permit to use a building for religious activities since local Muslim communities often object to the church buildings and activities of Christians. Without approval from local communities, such permits will never be issued.

Christian groups denied permission to build churches have resorted to conducting services in residential homes but a number of these were closed in West Java in July and August 2005, based on the 1969 decree. This controversy forced the government to revise the existing Decree and on 21 March 2006, Religious Affairs Minister Maftuh Basyuni and Home Affairs Minister Muhammad Ma'aruf signed a revision.

The new regulation, however, suffers the same basic problems as the old decree. Slogans relied on by the Government and some Indonesian Muslim groups like 'one law for all' neglect the fact that treating everybody in the same manner when they are in unequal situations perpetuates inequality.

**Dr Nadirsyah Hosen** is currently a lecturer at the Faculty of Law, University of Wollongong. He has a Bachelors degree (UIN Syarif Hidayatullah Jakarta), a Graduate Diploma in Islamic Studies and Master of Arts with Honours (University of New England), as well as a Master of Laws (Northern Territory University). He completed his first PhD (Law) at the University of Wollongong and a second PhD (Islamic Law) at the National University of Singapore. He has been a Postdoctoral Research Fellow at TC. Beirne School of Law, University of Queensland and an adjunct fellow at the Key Centre for Ethics, Law, Justice and Governance, at Griffith University. Dr Hosen serves the Muslim community as Ra'is Syuriah of Nahdlatul Ulama (NU) in Australia-New Zealand.

Dr Hosen's articles have been published in internationally-recognised and refereed journals such as the Nordic Journal of International Law (Lund University), Asia Pacific Law Review (City University of Hong Kong), Australian Journal of Asian Law (University of Melbourne), European Journal of Law Reform (Indiana University), Asia Pacific Journal on Human Rights and the Law (Murdoch University), Journal of Islamic Studies (Oxford University), and Journal of Southeast Asian Studies (Cambridge University).



**What Happens When A Comparativist  
Starts Listening to Stories?**

*Wednesday 11 July, 2007*

What happens when a legal comparativist goes out into the field, leaving their comfort zone behind? How should the comparativist chronicle what they encounter? These may seem like simple questions, but the answers are challenging, as many comparativists will attest. In answering these questions, this paper explored Jeremy Kingsley's experience of undertaking fieldwork in Mataram, Indonesia. The paper looked at the challenging theoretical and methodological issues posed by cross-cultural legal engagement.

In order to facilitate this cross-cultural engagement, one needs to subvert the 'global' conceptual frameworks that have traditionally been employed by comparativists looking to meta analysis, and instead focus upon 'local' nuanced, culturally-mediated understandings and approaches to 'law' (and related social institutions/structures). To emphasise the 'local', narrative theory and 'storytelling' has been deployed during Mr Kingsley's fieldwork. This paper examined how this approach will provide a new pathway for comparative legal research.

Storytelling is more than a theoretical framework and methodological approach. It is, in essence, a political exercise, which seeks to create new avenues for comparative legal studies by actively listening to the voices of the 'local', rather than bypassing them.

**Jeremy Kingsley, a PhD Candidate in the Law School**, is currently undertaking fieldwork in Mataram, Indonesia, as part of his doctoral research. This research is supported by an Endeavour Australia Cheung Kong Award, the Bernard Lustig Scholarship and an ARC Federation Fellowship doctoral scholarship. A graduate of Deakin University, Jeremy completed his Bachelor of Arts and Bachelor of Laws in 2001 and has recently completed the Master of Laws at the University of Melbourne (focusing on Asian Law and Comparative Legal Studies). Prior to this Jeremy practiced as a lawyer at a major city law firm. Jeremy has had articles published in the *Arizona Journal of International and Comparative Law* and the *European Business Law Review*. He is also a co-author of several chapters in edited collections on Islamic and Indonesian legal issues.

**Increasing Press Freedom:**

**The Effect of the Abolition of the 'lese majeste' and 'hate-sowing' Provisions on the Media**

*Wednesday 15 August, 2007*

This paper considered the issue of press freedom in Indonesia by examining two recent Constitutional Court decisions: (1) the Eggi Sudjana and Pandapotan Lubis case, in which the Constitutional Court reviewed Criminal Code provisions regarding deliberately insulting the President or Vice-President; and (2) the Panji Utomo case, in which the Constitutional Court reviewed Criminal Code

provisions regarding the expression of hostility, hatred or contempt towards the Indonesian government.

In both decisions, the Constitutional Court ruled that the articles in question – which enabled the State to penalise the media for merely reporting either insults to the President or Vice President or expressions of hostility, hatred or contempt towards the Indonesian government – were unconstitutional, as they contravened constitutionally-enshrined rights, including equality before the law, freedom of expression, freedom to communicate, freedom of association and freedom to obtain information.

The Constitutional Court's decisions are a victory for freedom of expression in the future. Unfortunately, however, the rulings will not apply to Eggi, Pandapotan and Panji as that court's decisions do not alter existing convictions.

The abolition of these long-controversial offences – even if other laws restricting freedom of expression and enabling State control of the media remain – nevertheless confirms Indonesia's trend towards an increasingly unrestricted press that is gradually disentangling from government interference.



**Naomita Royan is a Research Fellow at the Centre for Media and Communications Law (CMCL), University of Melbourne.** Prior to working at the CMCL, Naomita joined the Asian Law Centre as a Research Assistant and an Editorial Assistant to the *Australian Journal of Asian Law* after completing Commerce and Law degrees at the University of Melbourne.

Her primary research is with Chief Investigators Andrew Kenyon, Tim Lindsey, Tim Marjoribanks and Amanda Whiting on the Research Project 'The Media and ASEAN Transitions: Defamation Law, Journalism and Public Debate in Indonesia, Malaysia and Singapore' (DP0662844), which is funded by the Australian Research Council. The project examines defamation law, journalism and public debate in the core ASEAN members Indonesia, Malaysia and Singapore, and seeks to develop academic understanding of defamation law's effects on media content. Through legal research, media content analysis and qualitative interviews, it analyses how defamation risks are currently negotiated in print, broadcast and internet journalism in those countries.

**Financial Sector Development in East Asia  
and the Role of Law**

**(with the Centre for Corporate Law  
and Securities Regulation)**

*Thursday 23 August, 2007*

Ten years after the Asian financial crisis, what has been achieved? A range of countries in the region have exerted great efforts in reforming their financial systems and related legal and regulatory arrangements. At the same time, reforms have been relatively more successful in some countries, but relatively less successful in others.

This presentation reviewed progress, outlook and possible future directions.

**Douglas Arner is the Director of the Asian Institute of International Financial Law ([www.AIIFL.com](http://www.AIIFL.com)) and an Associate Professor at the Faculty of Law of the University of Hong Kong (HKU).** In addition, he is Director of the LLM (Corporate and Financial Law) Programme, a member of the Board of Management of the East Asian Economic Law and Policy Programme ([www.EAIEL.org](http://www.EAIEL.org)), and Co-Director of the Duke University-HKU Asia-America Institute in Transnational Law.

Prior to his appointment at HKU, Douglas was the Sir John Lubbock Support Fund Fellow at the Centre for Commercial Law Studies (CCLS) at Queen Mary, University of London, a consultant with the European Bank for Reconstruction and Development (EBRD), and Director of Research at the London Institute of International Banking, Finance and Development Law (a think-tank and consultancy).

Douglas specialises in economic and financial law, regulation and development. He has published widely, including as author, co-author or editor of eight books, including *Financial Markets in Hong Kong: Law and Practice* (Oxford University Press) and *Financial Stability, Economic Growth and the Role of Law* (Cambridge University Press).

Douglas has served as a consultant with, among others, the World Bank, Asian Development Bank, APEC, EBRD, and Development Bank of Southern Africa. He has designed training programmes for Merrill Lynch, Baker & McKenzie and the Hong Kong Monetary Authority. He has lectured, co-organised conferences and seminars and been involved with financial sector reform projects in over 20 economies in Africa, Asia and Europe. He has also been a visiting professor or visiting fellow at the National University of Singapore, the University of Melbourne, Shanghai University of Finance and Economics, Southern Methodist University, and the University of Reading.

**Responses of Local Women's NGOs to Sharia Implementation in Post-Conflict Aceh**  
(with the Centre for Islamic Law and Society)  
*Wednesday 5 September, 2007*

The implementation of Sharia or Islamic law in Aceh, Indonesia's northernmost province, has made Acehese women the subject

of unprecedented levels of attention, both nationally and internationally.

They have responded in different ways. Some have organised themselves into NGOs or other civil society organisations, using methods such as advocacy, education and the provision of legal aid to assist women who have been negatively affected by the introduction of laws drawing on Sharia norms.

Given the different backgrounds of Acehese women – including in terms of politics and identity – women's NGOs have incorporated different approaches to feminism, ranging from so-called 'secular feminism' to 'Islamic feminism'. A common position is, however, the belief that Islam is the ultimate source of women's liberation, equality and justice and that this can be achieved only by promoting non-conservative interpretations of Islam.

While most women's NGOs in Aceh have been successful in terms of organising, they have been less successful in countering conservative interpretations of Islam that restrict women's freedoms. This paper sought to explain why this has been the case.

**Dina Afrianty** is a PhD Candidate in the Asia Institute at the University of Melbourne. She completed her Bachelors degree in International Relations in the Department of Social and Political Science, Padjadjaran University, in West Java. She began her career there as a junior lecturer before commencing her MA at the University of Melbourne with the AusAID Scholarship. Upon completion of her MA, Dina was involved in various research projects at the Center for the Study of Islam and Society while also teaching in the Faculty of Economics and Social Sciences, both at the State Islamic University (UIN) Jakarta. Dina has published a chapter on "Pesantren and Madrasa: Muslim Schools and National Ideals in Indonesia" in *Schooling Islam*, Princeton University (2006).

**Violence in Southern Thailand:  
Causes, Agents and Trajectory**  
(with the Centre for Islamic Law and Society)  
*Monday 8 October, 2007*



The Muslim-majority provinces of Southern Thailand are currently embroiled in one of Southeast Asia's most violent conflicts. Over 2,400 lives have been lost since 2004, and violence has intensified in recent months. Attacks on security forces have become increasingly effective. Sectarian aspects of the conflict have escalated and levels of brutality

have reached new highs – as documented in a recent Human Rights Watch report. No organisation has, however, come forward to claim responsibility for the violence, nor have insurgents issued any detailed demands.

Why did violence resume in 2004? Which organisations are responsible? How central is the Barisan Revolusi Nasional-Koordinasi (National Revolution Front-Coordinate (BRN-C))? What are the insurgent objectives? Why has violence recently intensified? What are the prospects for resolving this conflict?

**John Funston** is Executive Director of the National Thai Studies Centre, Faculty of Asian Studies, Australian National University. He has taught Southeast Asian politics and history at Adelaide University (1971-72), the National University of Malaysia (1972-1976) and Brunei University (1986-1989), and was a Senior Fellow at the Institute of Southeast Asian Studies in Singapore (1997-2001). He has also worked on Southeast Asian issues in the Australian public service.

John has published extensively on Southeast Asia, including an edited volume on *Government and Politics in Southeast Asia* (ISEAS, Singapore and Zedbooks, London, 2001), contributed chapters on Thailand and Malaysia, and *Malay Politics in Malaysia: A Study of UMNO and PAS* (Heinemann, Kuala Lumpur, 1980).

#### **Water Pollution in China: Can Law Turn the Tide?**

*Monday 22 October, 2007*



Despite abundant and comprehensive legislation in relation to water pollution, most of China's large rivers and lakes are seriously polluted. Water pollution poses a threat to China's social stability and environmental integrity, and is estimated to cause economic losses amounting to 1.7% of China's GDP. It also threatens

international trade, including with Australia. These risks are increasingly troubling to China's central government, multinational businesses and the Chinese public. They also increasingly attract international attention.

This presentation explored the role of law in addressing water pollution in China. First, it focussed on some of the challenges facing government enforcement of water pollution laws. Secondly, it examined the role that public litigation can play in complementing government enforcement efforts. Finally, it looked at the role that multinational businesses can play in encouraging compliance with water pollution laws - both through unorthodox alliances with NGOs and through more conventional business groups. It was suggested that this involvement by the public and the foreign business community can simultaneously benefit these groups and vitally supplement direct government enforcement of water pollution laws.

**Rebecca Nelson** is a lawyer in the Melbourne office of Blake Dawson Waldron, specialising in environmental law, water law and native title. She is also a participant in the University of Melbourne's Asialink Leaders Program. Rebecca graduated from the University of Melbourne in 2005 with degrees in Law (First Class Honours) and Environmental Engineering (First Class Honours). She has been a sessional lecturer in postgraduate Water Law at the University of Melbourne. Rebecca has published several articles on environmental, water and biodiversity law in the Melbourne Journal of International Law, the Environmental and Planning

#### **The Chief Justice Saga and the Place of Judicial Activism in Pakistan (with the Centre for Islamic Law and Society)**

*Wednesday 28 November, 2007*

Law Journal and the Asian Pacific Journal of Law and Policy. Following his illegal suspension from office by General Pervez Musharraf, popular support for the Chief Justice of the Supreme Court of Pakistan has generally been read as a demand for an accountable executive that acts within the parameters of a separation of powers doctrine. Hope is expressed for the creation of an orderly political future through the restoration by judicial review of the Chief Justice as the highest jurist in the country.

These expectations hinge on activist potential on the part of the judiciary. Upendra Baxi's commentary on the Indian judiciary over the 1970s and 1980s, however, provides a cautionary record of how such activism can sometimes uphold executive authority and the political power of governing elites. The recent assertion of independence by the Pakistani judiciary is demonstrably conservative in that the higher courts have exercised their prerogatives in ways tied to a cohering vision of the rule of law, which also presupposes conformity with rule-boundedness. The range of expectations accompanying the 'activist' ascription are thereby inherently over-ambitious, in that the justiciable matter of governance itself is already over-determined by the twin pillars of the separation of powers and rule of law.



**Sadaf Aziz** is an Assistant Professor in Law and Policy at the School of Social Sciences and Humanity, Lahore University of Management Sciences, Pakistan. She has worked with various non-governmental organisations in Canada and Pakistan. While pursuing a law degree, she was actively involved in social and economic rights advocacy in Vancouver, Canada. She is currently undertaking research on the legal status of women in Pakistan.

Over the past year, Sadaf has undertaken extensive research to develop comprehensive course modules and reading packages for 'Jurisprudence I' and 'Jurisprudence II' and has also taught these courses. Sadaf is currently on leave from a PhD Program in Political Science at the New School for Social Research in New York.



## ASIAN DIALOGUES: OPEN SEMINARS IN ASIAN LANGUAGES.

The Asian Law Centre 'Asian Dialogues' are a new initiative of the Asian Law Centre. Seminars on Asian issues are conducted in Asian languages.

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### **Being a Judge in Japan IN JAPANESE Tuesday 7 February, 2006**

Japan has a so-called "career Judge" system. Most Judges are appointed from candidates who have passed the National Bar Examination, completed training at the Legal Training and Research Institute, and then passed the final qualifying examination. They usually do not have any experience of being a lawyer. Judge Miura will talk about his experience of being a legal apprentice and a Judge in Japan. He will also discuss his personal opinions about recent legal reforms in Japan.

**Judge Takaaki Miura** is a judge at the Yamagata District/Family Court, Japan. He is the third Visiting Research Scholar at the Melbourne Law School on the Supreme Court of Japan's Overseas Training Program (June 2005-June 2006). Judge Miura is a graduate of the Faculty of Law at Waseda University. He has five years of experience as a Judge in Japan and has dealt with both civil and criminal cases.

### **Studying Law in Australia IN JAPANESE Thursday 9 February, 2006**

At this Asian Dialogue, two guest speakers talked about their experiences studying and researching about Australian law.

**Mr Ryokichi Asaka** studied in the JD program at the University of Melbourne Law School. Mr Asaka graduated with a LLB from Keio University in 1991 and worked at Japan Bank for International Cooperation in the areas of policy and strategy planning and loans to Asian countries until 2003. He also worked on secondment at the Organisation for Economic Cooperation and Development between 1994 and 1996. He will commence his articles of clerkship with an Australian firm in March 2006.

**Mr Kenji Inoue** is a student in the Melbourne LLM program at the University of Melbourne Law School, under the foreign graduate school study program of Tokyo Electric Power Company (TEPCO). Prior to commencement of his studies in July 2005, Mr Inoue graduated from the Faculty of Law at the University of Tokyo in 1998, and worked at TEPCO. From 2001 to the present he has worked as a legal adviser.

### **Reform of Japan's Civil Code IN JAPANESE Thursday 16 March, 2006**

Visitors from Gakushuin University spoke about the reform of the Civil Code of Japan in 2004 and the revision of the Act of Special Rules in relation to the Third-Party Effectiveness of the Assignment of Receivables in 2004. The main purpose of the revisions were to: (1) update the Civil Code into contemporary Japanese; (2) modernize the law of the guarantee of the debts, providing several protective measures for the guarantor; (3) provide a method for achieving the third party effectiveness of an assignment of future receivables of which the debtor (account debtor) is not specified; and (4) enable the transfer of goods (tangible movables) to be registered and thus acquire third party effectiveness.

**Professor Takashi Oka, Professor Shingo Araki and Professor Masami Okino** are from the prestigious Gakushuin University Law School, Tokyo, Japan. Professor Oka is also Director of the Research Institute for Oriental Studies at Gakushuin University. Collectively, this formidable team teaches and researches about Japanese contract law, mortgages law, secured transactions, landlord and tenants law, family law and trusts law, among other topics.

### **Hukum Islam dalam Konfigurasi Politik: Studi terhadap Syariat Islam dalam Bidang Hukum Keluarga di Indonesia pada Masa Orde Baru IN BAHASA INDONESIA Tuesday 6 June, 2006**

Bagaimanakah konfigurasi kekuatan-kekuatan politik pada masa pemerintahan Orde Baru bisa mempengaruhi eksistensi, corak dan karakteristik syari'at Islam di Indonesia dalam bidang hukum keluarga?

Pada masa pemerintahan Orde Baru, aspirasi umat Islam untuk melegislasikan hukum Islam telah diakomodasi oleh negara, namun ternyata hal itu belum sepenuhnya merupakan political will pemerintah, sehingga keberadaannya pun masih "di persimpangan jalan". Selain itu, hukum Islam yang telah tereduksi oleh negara tersebut, dalam proses implementasinya pun hanyalah bersifat fakultatif, tidak imperative. Dengan demikian pranata hukum tidak lain adalah produk politik.

**Bani Syarif Maula** is a Junior Lecturer, State Institute for Islamic Studies (STAIN) Palangkaraya, Central Kalimantan, Indonesia.



**Wajah Undang-undang Perkawinan di Indonesia: Studi Terhadap Perceraian di Bawah Tangan Masyarakat Melayu**  
**IN BAHASA INDONESIA**  
**Tuesday 6 June, 2006**

Studi ini menjelaskan bahwa meskipun UU Perkawinan No. 1 tahun 1974 telah diundangkan selama 30 tahun, namun penulis berargumentasi dalam implementasinya di masyarakat Melayu di Kecamatan Tanjung Pura masih mengalami hambatan dan kendala. Hal ini terbukti dengan masih terdapatnya pemutusan perceraian sepihak antara suami istri tanpa proses perceraian sebagaimana diatur oleh UU Perkawinan.

Beberapa faktor penyebab yang ditemukan di lapangan diantaranya adalah: ketentuan yang terdapat dalam UU Perkawinan No. 1 tahun 1974, dianggap tidak relevan dengan hukum Islam ala fikih mazhab Syafi'i yang selama ini mereka pedomani dan faktor kurangnya kesadaran hukum masyarakat.

**Fatimah Zuhrah** is a Lecturer, State Institute of Islamic Studies (IAIN) North Sumatra-Medan, Indonesia.



**A Japanese Judge in Australia**  
**IN JAPANESE**  
**Wednesday 7 February, 2007**

Once you become a lawyer and start your legal career, a whole new world will be waiting for you. Suddenly you will shift your position from "a questioner" to "an answerer". Many people, including much older than you, will ask you various kinds of questions. The daily life of recently-qualified lawyers and recently-appointed Judges is full of surprises. Judge Kawajiri talked about the beginning of her career, whilst also introducing her experience as a legal apprentice and as a Judge in Japan.

Judge Kawajiri is a judge at the Tokyo District Court, Japan. She is the fourth Visiting Research Scholar at the Melbourne Law School on the Supreme Court of Japan's Overseas Training Program (June 2006-June 2007). Judge Kawajiri is a graduate of the Faculty of Political Science and Economics at Waseda University. She has three years of experience as a Judge in Japan and has dealt with criminal cases.

**Justice for Munir?**  
**IN BAHASA INDONESIA**  
**Wednesday 28 February, 2007**

In September 2004 the leading human rights campaigner in Indonesia, Munir Said Thalib, widely known as Munir, was murdered by arsenic poisoning while travelling to the Netherlands.

Suspicion has fallen on senior officials of BIN, the national security and intelligence agency, and senior military figures, but a thorough judicial investigation has yet to take place. Only one person has been prosecuted for the murder, and he was acquitted on appeal and released in December 2006. This murder takes place against a background of widespread and systematic impunity for the perpetrators of human rights abuses in Indonesia over the past four decades.

Suciwati and Usman Hamid spoke about the current situation in Indonesia regarding investigations into Munir's death, and plans for the international campaign to secure justice in the case.

**Suciwati**, the widow of Munir, and **Usman Hamid**, executive director of KONTRAS, one of the human rights NGOs established by Munir, were visiting Australia as part of an international campaign to seek justice for Munir and to address this 'culture of impunity'.



Munir Said Thalib, leading Indonesian human rights campaigner

**The New Chinese Enterprise Insolvency Law (2006)**  
**IN JAPANESE**  
**Wednesday 22 August, 2007**

China recently introduced a new insolvency law regime for enterprise. The PRC Enterprise Insolvency Law was promulgated on 27 August 2006 and came into effect on 1 June 2007. The new law will have a significant influence on the market economy of China and will affect foreign investors.

Jin Chun described the key features of the new Chinese insolvency law and explored some of the most significant issues.

**Jin Chun** is a Research Fellow at the Kyoto University Law School. She is currently a Visiting Research Scholar at the Melbourne Law School. Jin Chun is a graduate of Chinese Renmin University Law School. She went to Japan to study in 1997 and was granted a Doctor of Law degree from Kyoto University in 2006. Her main research interest is insolvency law.

## MULTIMEDIA IT

### New Asian Law Centre Website

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

The Asian Law Centre website was updated in late 2007 to a new format. The user-friendly interface now showcases the full breadth of Asian Law Centre activities.

Asian Law Centre news and forthcoming events are clearly posted on the Centre's main homepage. A useful resource for academics, researchers, practitioners and students, both Australian and international, the website now provides details of each of the research programs of the Asian Law Centre. It also contains a selection of full-text documents, including newspaper articles published by ALC members, commentary and legislation.

### Asian Law Online

<http://www.alc.law.unimelb.edu.au/bibliography/>

Asian Law Online was developed by the Asian Law Centre and was the result of five years of research. It was originally supported by grants from the Australian Research Council, a Special Initiatives Grant in 1998 and the Asian Laws in Transition ARC Large Grant in 1999. It is now largely funded by donations from the national law firm, Maddocks.

The Asian Law Centre is grateful to Maddocks for their generous support of Asian Law Online.



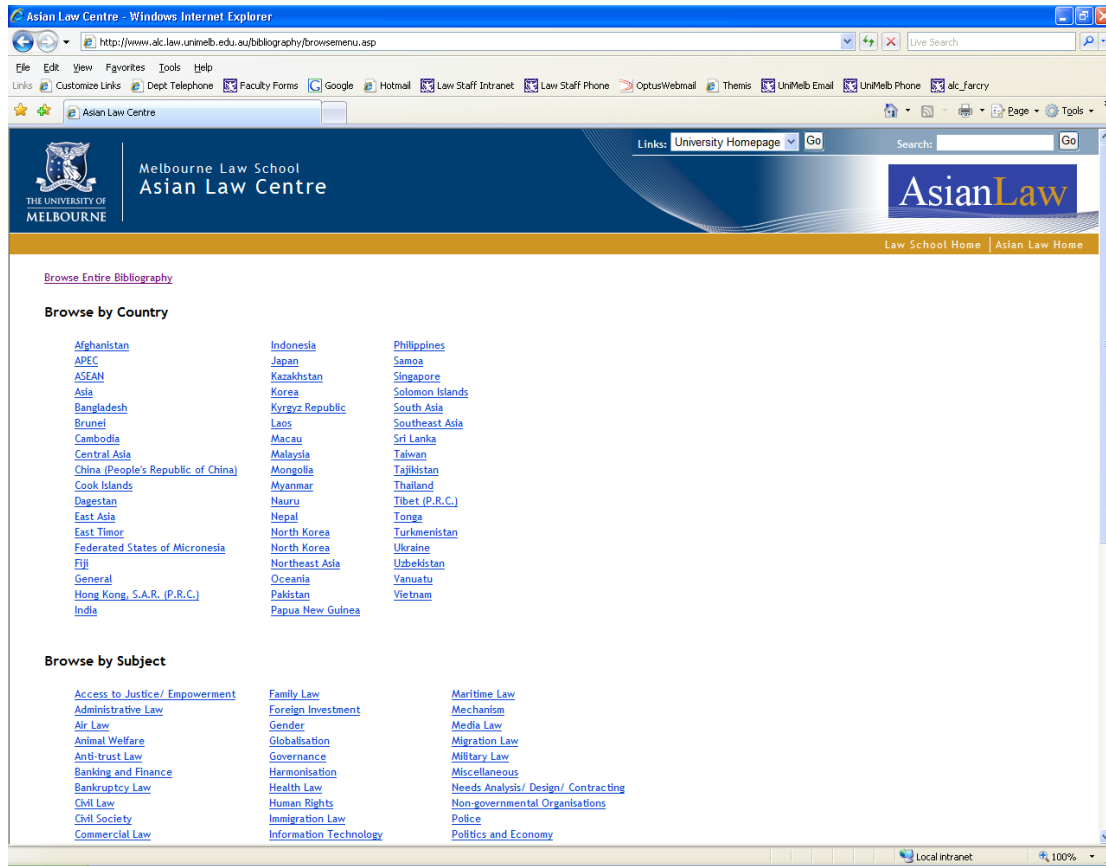
## Maddocks

*Asian Law Online* is the first online, searchable bibliographic database of Asian law materials in the world. Offered to the public as a service to assist students and scholars of Asian legal systems, it is the biggest database of English language materials on Asian laws available throughout the world and includes books, chapters in books, journal articles and theses.

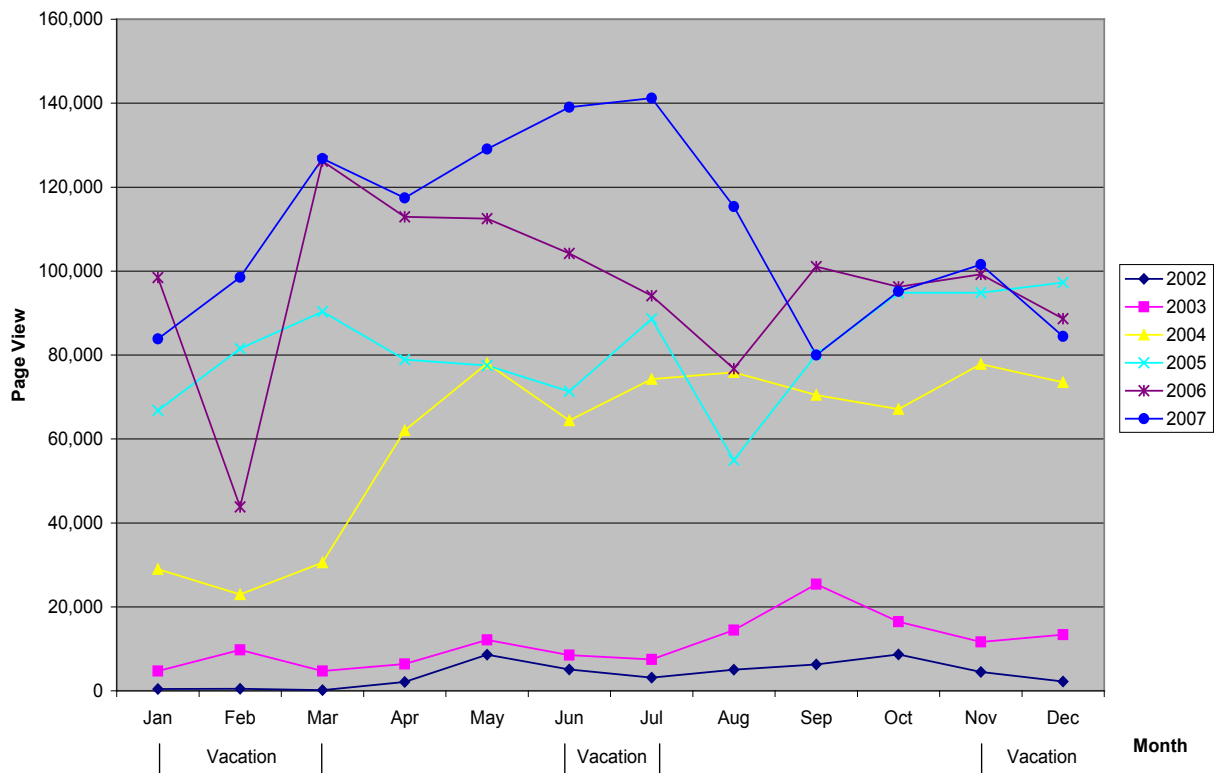
The database is organised according to countries in East Asia and a selection of basic legal areas, not only confined to law. The database can be searched for any word or a more specific advanced search can be conducted. Locations of sources are also provided. Links to hundreds of useful websites are also provided, which are classified by countries and legal topics. Bibliographic references to all materials located in the Asian Law Centre library can also be found on *Asian Law Online*.

The Co-Directors of *Asian Law Online* are Professor Tim Lindsey and Associate Professor Pip Nicholson. Kathryn Taylor is the Project Manager of *Asian Law Online* and Dr Kerstin Steiner was the Research Manager.

The Asian Law Centre has received extremely positive feedback about Asian Law Online from students, staff and practitioners working in and researching the Asian region, both in Australia and internationally. Asian Law Online is in ever-increasing demand, which is reflected by the high number of 'hits' that the website obtains. It received 1,154,311 page views in 2006, increasing to 1,312,407 page views in 2007. It achieved an average of 96,192 page views per month in 2006 and an average of 109,367 page views in 2007 – these are unusually high figures for any Law School website.

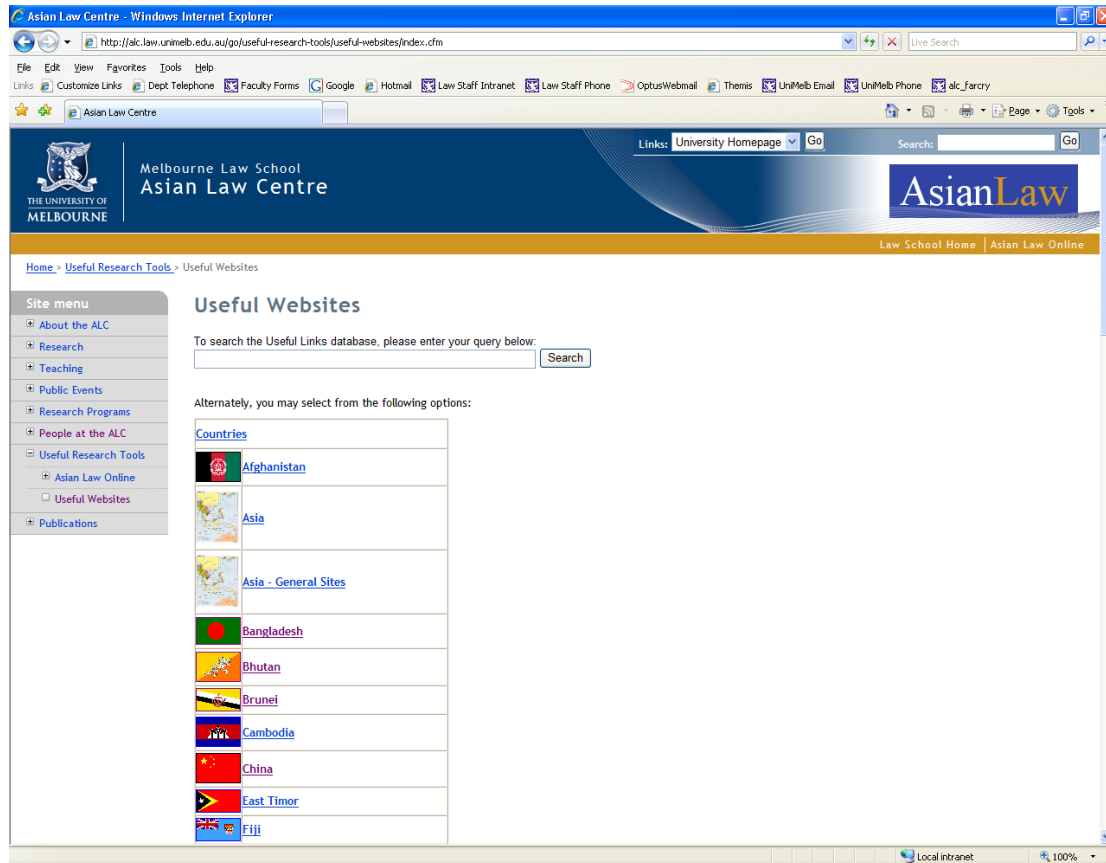


### Asian Law Online Statistics 2002-2007



## Useful Research Links

Linked to Asian Law Online, the Useful Research Links website is a searchable database of useful websites classified by country or region of interest.



## 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).

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, LFIP is a joint initiative between the University of Indonesia Graduate Law Program (Program Pasca Sarjana Fakultas Hukum UI), the Jakarta Stock Exchange (Bursa Efek Jakarta) and the University of South Carolina. As of July 2002 LFIP included five new Indonesian and foreign university partners: Gadjah Mada University Graduate Law Program (UGM Program Hukum Bisnis dan Kenegaraan), the University of Washington Asian Law Program, the University of Melbourne Asian Law Centre, the Centre for Asia-Pacific Initiatives at the University of Victoria, Canada and Lehrstuhl II of the Kriminalwissenschaftliches Institut at the University of Cologne, Germany.

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>.



## Vietnam Laws Online

Allens Arthur Robinson has been providing the Asian Law Centre and the Law Library at the Melbourne Law School with a free subscription to the Vietnam Laws Online Database since August, 2004 (provided by Phillips Fox until late 2007). This database can be accessed at <http://www.vietnamlaws.com>.

Launched by Phillips Fox on 1 July 2004, the Vietnam Laws Online Database is an online searchable database of English translations of close to 3,000 Vietnamese laws, covering a wide range of subject areas relevant to foreign investment and beyond. Subscribers to the Vietnam Laws Online Database can search for law translations by subject category, keyword, issuing-body, date, legislation type, official number or a combination. Law translations can be viewed online, printed and downloaded.

## FACULTY 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. It is seen as a global leader in this field. Offerings in the Law School's programme for 2006 and 2007 included:

### Undergraduate Programmes

#### 2006

Issues in Chinese Law – Semester 2 (Cooney)  
Issues in Japanese Law – Summer Semester (Steele)  
Land, Race and Law in Southeast Asia – Semester 2 (Lindsey)  
Law and Society in Southeast Asia – Semester 1 (Lindsey, Nicholson)

#### 2007

Issues in Chinese Law – Semester 1 (Cooney, Biddulph)  
Issues in Japanese Law – Summer Semester (Steele)  
Law and Society in Southeast Asia – Semester 2 (Nicholson) 2006

### Postgraduate Programmes

#### 2006

Banking and Debt Recovery in Asia – Semester 2 (Lindsey, Tabalujan)  
Commercial Dispute Resolution in Asia – Semester 1, intensive (Sandborg)  
Commercial Law in Asia – Semester 2 (Lindsey, Nicholson)  
Comparative Companies Law in Asia – Semester 1 (Tabalujan, Smith)  
Constitutionalism in Asian Societies – Semester 2, intensive (Thio)  
Fundamentals of Islamic Law – Semester 1, intensive (Saeed)  
International and Comparative Labour Law – Semester 2 (Novitz)  
Islamic Law and Politics in Asia – Semester 2, intensive (Lindsey)  
Law and Development – Semester 2, intensive (Pahuja, Beard)

#### 2007

Asian Comparative Tax Law Systems – Semester 2, intensive (Heij)  
Citizens, Groups and States in Asia – Semester 1 (Biddulph, Whiting)  
Current Issues in Islamic Law – Semester 1, intensive (Saeed)  
Islamic Banking and Finance – Semester 2, intensive (Saeed)  
Law and Development – Semester 1, intensive (Pahuja, Beard)  
Law and Economic Reform in Asia – Semester 2 (Nicholson, Cooney)



## VISITING SCHOLARS 2006-7

Date of Visit	Visiting Scholar	Date of Visit	Visiting Scholar	Date of Visit	Visiting Scholar
1 June 2005 – 16 June 2006	<b>Judge Takaaki Miura</b> , Judge of Yamagata District/Family Court, Japan	5-17 March 2006	<b>Professor Ken Mizuno</b> , Gakushuin University Law School, Japan	12 June 2006 – 19 June 2007	<b>Judge Eriko Kawajiri</b> , Judge, Tokyo District Court, Japan
4-18 February 2006	<b>Judge Koji Masuda</b> , Takamatsu District Court, Japan	15-17 March 2006	<b>Mr Seiji Nakashima</b> , Gakushuin University Law School, Japan	26 July-2 September 2006	<b>Dr Chen Duanhong</b> , Lecturer, Peking University Law School, People's Republic of China
6-17 February 2006	<b>Professor Satoru Osanai</b> , Chuo Law School, Japan	15-17 March 2006	<b>Professor Takashi Oka</b> , Gakushuin University Law School, Japan	1 August 2006 – 31 May 2007	<b>Judge Sang Moo Lee</b> , Judge, Pohang District Court, Republic of Korea
6-17 February 2006	<b>Professor Dan Rosen</b> , Chuo Law School, Japan	2 April – 7 May 2006	<b>Professor Masami Okino</b> , Gakushuin University Law School, Japan	28 August 2006	<b>Professor Akira Inoue</b> , Professor of Law, Chuo Law School, Japan
21 February – 7 March 2006	<b>Judge Nobuhisa Fukuda</b> , Judge, Osaka District Court, Japan	2 April – 7 May 2006	<b>Dr He Weidong</b> , Law Institute, Shanghai Academy of Social Sciences, People's Republic of China	1 November 2006	<b>Delegation</b> from the Legal Affairs Office of the State Council, People's Republic of China
13 March 2006	<b>Dr Harald Baum</b> , Max Planck Institute for Foreign Private Law and Private International Law, Hamburg, Germany	5 April – 29 April 2006	<b>Dr Yang Pengfei</b> , Assistant Director, Law Institute, Shanghai Academy of Social Sciences, People's Republic of China	6-15 November 2006	<b>Mr Noor Huda Ismail</b> , Indonesia
15-17 March 2006	<b>Professor Shingo Araki</b> , Gakushuin University Law School, Japan	5 April – 29 April 2006	<b>Dr Samir Fuady</b> , Lecturer in Islamic Law, Darussalam Banda Aceh, Indonesia	4-7 February 2007	<b>Professor Dan Rosen</b> , Chuo Law School, Japan
15-17 March 2006	<b>Professor Tadashi Kanzaki</b> , Gakushuin University Law School, Japan	8 April – 30 May 2006	<b>Judge Yukihiko Kasai</b> , Judge, Asahikawa District Court, Japan	4-14 February 2007	<b>Professor David Marcello</b> , Tulane Law School, USA
15-17 March 2006	<b>Professor Masami Okino</b> , Gakushuin University Law School, Japan	23 May 2006	<b>Professor Nasaruddin Umar</b> , Director-General (incoming), Religious Guidance Division, Ministry of Religious Affairs, Indonesia	4-17 February 2007	<b>Professor Satoru Osanai</b> , Chuo Law School, Japan

Date	Visiting Scholar	Date	Visiting Scholar	Date	Visiting Scholar
11-17 February 2007	<b>Professor Chuck Ito</b> , Chuo Law School, Japan	5-7 March 2007	<b>Professor Shoichi Tagashira</b> , Graduate School of Law, Sophia University, Japan	31 March – 30 April 2007	<b>Judge Yoshida</b> , Tokyo District Court, Japan
16 February 2007	<b>Professor Ken Mizuno</b> , Gakushuin University Law School, Japan	5-7 March 2007	<b>Professor Takao Yamada</b> , Graduate School of Law, Nihon University, Japan	16 May 2007	<b>Dr Nadirsyah Hosen</b> , Lecturer, Faculty of Law, University of Wollongong, Australia
20 February – 20 August 2007	<b>Judge Sang Ryeol Shin</b> , Judge, Supreme Court of Korea, Korea	5-7 March 2007	<b>Professor Masaru Shintani</b> , Graduate School of Law, Nihon University, Japan	22 May – 14 June 2007	<b>Associate Professor Ross McLeod</b> , Senior Fellow, Indonesia Project, Division of Economics, Research School of Pacific and Asian Studies, Australian National University, Australia
27 February 2007	<b>Judge Tsuyoshi Mukuno</b> , Judge, Chiba District Court, Japan	5-7 March 2007	<b>Professor Hiroyuki Sano</b> , Graduate School of Law, Kagoshima University, Japan	1 June – 30 September 2007	<b>Miss Jin Sheng</b> , PhD Candidate, Faculty of Law, University of Hong Kong, Hong Kong
27 February 2007	<b>Aay Muhammad Furkon</b> , Indonesia	5-7 March 2007	<b>Associate Professor Satoshi Miyagi</b> , Graduate School of Law, University of the Ryukyus, Japan	11 June – 18 June 2007	<b>Mr Noor Huda Ismail</b> , Indonesia
27 February 2007	<b>Hilman Latief</b> , Indonesia	5-7 March 2007	<b>Ms Keiko Imazai</b> , Research Fellow, Graduate School of Law, Nagoya University, Japan	13 June 2007 – 11 June 2008	<b>Judge Takamoto Hagiwara</b> , Judge, Tokyo District Court, Japan
1 March 2007	<b>Muhammad Hanif</b> , Indonesia	5-7 March 2007	<b>Ms Yuko Nakura</b> , Research Fellow, Graduate School of Law, Nagoya University, Japan	23 June – 31 August 2007	<b>Ms Jin Chun</b> , School of Law, Kyoto University, Japan
1 March 2007	<b>Professor Amin Abdullah</b> , Rector, UIN Yogyakarta, Indonesia	18-21 March 2007	<b>Associate Professor Kazuhiro Nishida</b> , Okayama University Law School, Japan	28 June – 6 July 2007	<b>Professor Kurnia Toha</b> , Faculty of Law, University of Indonesia, Indonesia
1 March 2007	<b>Hilman Latief</b> , Indonesia	18-21 March 2007	<b>Professor Masateru Kawano</b> , Kumamoto-gakuen University and Kyushu University, Japan	5 July 2007	<b>Professor Liu Guofu</b> , Vice-Dean, Shantou University, People's Republic of China
5-7 March 2007	<b>Professor Ikuo Sugawara</b> , Director of PSIM Consortium, Graduate School of Law, Nagoya University, Japan	18-21 March 2007	<b>Ms Shuan Chen Chou</b> , Council of Labour Affairs, Taiwan, Taiwan	8-11 July 2007	<b>Mr Robert Britt</b> , Japanese Legal Materials Specialist, Marian Gould Gallagher Law Library, East Asian Law Department, University of Washington, USA

Date	Visitor	Date	Visitor	Date	Visitor
1-15 August 2007	<b>Professor Masako Kamiya</b> , Gakushuin University, Japan	10 September 2007	<b>Dr Hiroyuki Ogawa</b> , Faculty of Law, Asia University, Japan	10-14 September 2007	<b>Dr Bui Kien Dien</b> , Vice Dean, Criminal Law Faculty; Head, Judiciary Auxiliary Division, Hanoi Law University, Vietnam
4 August 2007 – 31 July 2008	<b>Professor Shoichi Tagashira</b> , Graduate School of Law, Sophia University, Japan	10 September 2007	<b>Professor Chihiro Nunoi</b> , Professor of Law, Graduate School of International Corporate Strategy, Hitotsubashi University, Japan	10-14 September 2007	<b>Vu Thi Nga</b> , Head, Story of State and Law Division, Faculty of Constitutional and Administrative Law, Hanoi Law University, Vietnam
21 August 2007 – 20 February 2008	<b>Judge Cheol Min Jung</b> , Judge, Supreme Court of Korea, Korea	10-14 September 2007	<b>Dr Nguyen Cong Binh</b> , Vice Dean, Civil Law Faculty; Head, Civil Procedure Law Division, Hanoi Law University, Vietnam	10-14 September 2007	<b>Nguyen Thi Kim Ngan</b> , Head, Public International Law Division, Faculty of International Law, Hanoi Law University, Vietnam
11-14 September 2007	<b>Professor Andrew Harding</b> , Professor of Asia-Pacific Legal Relations, Centre for Asia-Pacific Initiatives, University of Victoria, Canada	10-14 September 2007	<b>Tran Thi Hien</b> , Head, Administrative Law Division, Faculty of Constitutional and Administrative Law, Hanoi Law University, Vietnam	2 October 2007	<b>Professor Masahiro Hidaka</b> , Osaka Gakuin University, Japan
1 September 2007 – 1 September 2008	<b>Associate Professor Chaowu Jin</b> , School of Law, Central University of Finance and Economics, People's Republic of China	10-14 September 2007	<b>Dr Nguyen Van Tuyen</b> , Deputy Head, Financial and Banking Law Division, Faculty of Economic Law, Hanoi Law University, Vietnam		



Delegation from the Legal Affairs Office of the State Council, People's Republic of China, *November 2006*



# MAJOR INSTITUTIONAL COLLABORATIONS

## Project with the University of British Columbia

The Asia Pacific Dispute Resolution Project is based in the Institute of Asian Research at the University of British Columbia (UBC). The Project involves a network of colleagues from UBC and from partner institutions in North America and Asia and has received a total of CAD2.2 million in funding. This project supports research, analysis and policy proposals on cross-cultural dispute resolution in the areas of trade and human rights, with particular attention to Canada, China and Japan. The human rights team, headed by **Associate Professor Sarah Biddulph**, has a focus on health, housing and labour.

## Institutions in Japan

The Asian Law Centre is a leading institution for the study of Japanese law in the Asia-Pacific, producing world-class research and fostering its network of leading scholars, alumni and institutions. Academic and student exchange about Australian and Japanese law is encouraged, particularly by hosting visitors from Japan and encouraging Melbourne Law School students and staff to visit Japan. From 1-11 December, 2006, **Ms Stacey Steele** (Associate Director (Japan)) visited Osaka and Tokyo.

While in Osaka, she presented a seminar at Osaka University Law School with a former research assistant who was living in Japan, **Ms Kimi Nishimura**. She also presented at the Osaka District Court and visited Okayama University Law School, meeting with a former visiting scholar of the Asian Law Centre, **Associate Professor Kazuhiro Nishida**.

During Stacey's time in Tokyo, she met with the Supreme Court of Japan to discuss the progress and continuation of the 'Overseas Training and Research Program' (see Supreme Court of Japan Overseas Training and Research Program). She also met with Professor **Satoru Osanai** and **Professor Dan Rosen** to finalise details of the Chuo Law School Melbourne Summer School.

Stacey also visited Sophia University on 2-3 December, 2007 to act as a judge in the annual Intercollegiate Negotiation Competition.

## Supreme Court of Japan Overseas Training and Research Program

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

In 2005-2006, **Judge Takaaki Miura** visited the Asian Law Centre from the Yamagata District/Family Court, where he was involved in juvenile justice cases. His research interests include children and the law and evidence. While in Australia, Judge Miura researched the selection of juries and strategies for conducting jury trials in ways that are understandable to lay jurors.

In 2006-2007, **Judge Eriko Kawajiri** visited the Asian Law Centre from the Tokyo District Court. During her time in Australia, she researched the criminal justice system in Australia (particularly the jury system), as well as support and legal resources for victims of crime and rehabilitation programs.

In 2007-2008, **Judge Takamoto Hagiwara** visited the Asian Law Centre from the Tokyo District Court. Judge Hagiwara researched civil action procedure in Australia, particularly the way in which to utilise experts in a specialised suit such as a medical lawsuits and intellectual property suits.

## Supreme Court of Korea Overseas Research and Study Program

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

In 2006-2007, **Judge Sang Moo Lee** visited the Asian Law Centre. His research interests included criminal law courts and criminal procedure in Australia.

In 2007, the Asian Law Centre hosted two judges, **Judge Sang Ryeol Shin** and **Judge Cheol Min Jung**. Judge Shin's research interests included constitutional law and domestic labour law. Judge Jung's research interests included mediation as a new means of dispute resolution; and the adversarial system and methodology of collecting/presenting evidence in investigation.

## CALE-ALC Agreement

The Asian Law Centre and the Centre for Asian Legal Exchange (CALE) at Nagoya University, Japan signed an Agreement for Academic Cooperation in February, 2006. This Agreement formally strengthens the strong relationship that exists between the two Centres, encouraging future academic cooperation and exchanges.

## Hanoi Law University Delegation

A delegation from Hanoi Law University, Vietnam, participated in a five-day study tour at the Melbourne Law School on 10-14 September, 2007. The visit was hosted by the Asian Law Centre, together with the Office for Teaching and Learning in Law in the Melbourne Law School. During their stay, members of the delegation met with members of the Law School to learn more about teaching and learning practices within the higher education sector.

The University of Melbourne's Law School has enjoyed a long relationship with Hanoi Law University, having collaborated on a number of international projects. In 2005, Hanoi Law University signed a Memorandum of Understanding with the Melbourne Law School.



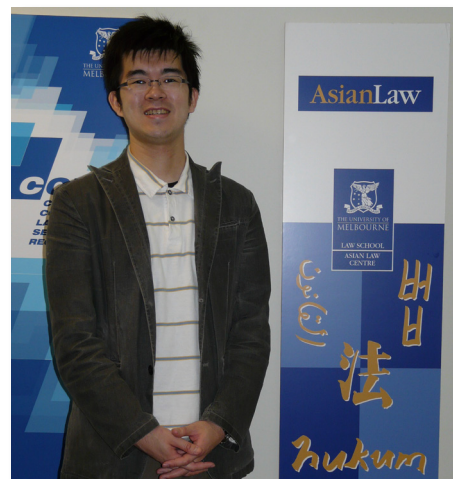
Delegation from Hanoi Law University



Farewell lunch for Judge Judge Cheol Min Jung,  
Supreme Court of Korea



Professor Tim Lindsey, Associate Professor Pip Nicholson  
and a senior representative from Hanoi Law University



Judge Hagiwara, Supreme Court of Japan

# RESEARCH STUDENTS UNDER SUPERVISION OF CENTRE MEMBERS

Members of the Centre continued to offer supervision to a large group of Australian students interested in Asian Law and international students studying at the Law School, most of whom are PhD candidates. This is the largest Doctoral group working on Asian legal systems in a single institution in the world. In addition, Centre members are involved on a daily basis with assistance for LLM and Graduate Diploma by coursework students.

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## Higher degree research candidates working on Asian legal topics who submitted or successfully completed in 2006 or 2007 were:

### Mr Simon Butt (PhD (Law))

*Judicial Review in Indonesia: Between Civil Law and Accountability? A Study of Constitutional Court Decisions*

Supervisor: Professor Tim Lindsey

Year of Completion: 2008

### Ms Alice de Jonge (SJD)

*Media and Markets in Hong Kong and the People's Republic of China: Maintaining Corporate Standards in China's H-Share Market*

Supervisor: Professor Tim Lindsey (formerly, the late Professor Malcolm Smith)

Year of Completion: 2008

### Ms Erica Harper (Ph.D (Law))

*Constructing a Legal System in East Timor: Challenges to Introducing International Legal Norms and Principles into Post-conflict States Under UN Administration*

Supervisor: Professor Tim Lindsey

Year of Completion: 2007

### Mr Nguyen Hien Quan (PhD (Law))

*The Social Structures of Contract - A Case Study of the Vietnamese Market*

Supervisors: Professor Tim Lindsey, Associate Professor Pip Nicholson, Professor Peter Bardsley (Economics)

Year of Completion: 2006

### Ms Nina Nurmila (PhD (Asia Institute))

*Marriages in Contemporary Indonesia: 'Women's Perspectives'*

Supervisors: Professor Abdullah Saeed, Professor Tim Lindsey

Year of Completion: 2006

### Mr Arskal Salim (PhD (Law))

*Islamisation of Laws in a Modernising State: Sharia in Indonesia 1945-2005*

Supervisor: Professor Tim Lindsey

Year of Completion: 2006

### Ms Kerstin Steiner (PhD (Law))

*Are 'Asian Values' Universal? - International Discourses on Human Rights Policies*

Supervisor: Professor Tim Lindsey

Year of Completion: 2007

### Mr Nandang Sutrisno (PhD (Law))

*Dispute Settlement in the WTO and Developing Countries*

Supervisor: Professor Tim Lindsey

Year of Completion: 2006

## Research students under the supervision of Centre members included:

### Mrs Dina Afrianty (PhD (Asia Institute))

*Responses of Local Women's NGOs to Sharia Implementation in Post-Conflict Aceh: Case Studies of Women's Network for Policy Reform (JPUK)*

Supervisors: Professor Tim Lindsey, Professor Michael Leigh

Expected Year of Completion: 2009

### Mr Khalid Al-Azri (PhD (Asia Institute) )

*Development, Culture and the Dilemma of Equality in 'Modern' Omani Society: Case Studies of Kafā'a in Marriage and Talaq*

Supervisors: Professor Tim Lindsey, Professor Abdullah Saeed

Year of Completion: 2008

### Ms Elsie Alcordo (SJD)

*Corruption in the Philippines: A Failure in Law Reform*

Supervisors: Professor Michael Tilbury, Associate Professor Pip Nicholson

Year of Completion: 2007

### Mrs Mouza Alneyadi (PhD (Law))

*Infertility, Biotechnology and Islamic Law*

Supervisor: Professor Tim Lindsey

Expected Year of Completion: 2010

### Mr Andi Muhammad Ali Amiruddin (PhD (Asia Institute) )

*Shari'a Implementation in South Sulawesi, Indonesia 2000-2008: The Case of KPPSI*

Supervisors: Professor Tim Lindsey, Professor Abdullah Saeed, Professor Arief Budiman

Year of Completion: 2009

### Mr Ahmad Luthfi Assyaukanie (PhD (Asia Institute))

*Muslim Models of Polity: The Development of Islamic Political Thought in Indonesia, 1945-2000*

Supervisors: Professor Tim Lindsey, Professor Abdullah Saeed

Expected Year of Completion: 2009

**Ms Anisa Buckley (PhD (Asia Institute))**

*Muslim Women and the 'Divorce Dilemma': Negotiating Islamic Law, State Law, and Religious Authority in Australia and Britain*

Supervisors: Professor Abdullah Saeed, Dr Adrian Gully, Associate Professor Maila Stivens, Professor Tim Lindsey  
Expected Year of Completion: 2009

**Mr Simon Butt (PhD (Law))**

*Judicial Review in Indonesia: Between Civil Law and Accountability? A Study of Constitutional Court Decisions*

Supervisor: Professor Tim Lindsey  
Year of Completion: 2007

**Mr Neri Colmenares (PhD (Law))**

*International Jurisdiction and Amnesty in the Philippines*

Supervisors: Professor Tim Lindsey, Professor Tim McCormack  
Expected Year of Completion: 2009

**Ms Alice de Jonge (SJD)**

*Media and Markets in Hong Kong and the People's Republic of China: Maintaining Corporate Standards in China's H-Share Market*

Supervisor: Professor Tim Lindsey (formerly, the late Professor Malcolm Smith)  
Year of Completion: 2008

**Mr Joseph Eng (PhD (Law))**

*Land Rights in Sarawak: Is there still a place for native title?*

Supervisor: Professor Tim Lindsey  
Expected Year of Completion: 2008

**Mr Stewart Fenwick (PhD (Law))**

*Islamic Liberalism and the Rule of Law: Rights and the Politics of Transition in Post-Suharto Indonesia*

Supervisors: Professor Tim Lindsey, Professor Abdullah Saeed  
Expected Year of Completion: 2010

**Ms Carolyn Graydon (PhD (Law))**

*Domestic Violence in Timor-Leste: Is There a Place for Indigenous Justice Systems?*

Supervisors: Professor Tim Lindsey, Associate Professor Dianne Otto  
Expected Year of Completion: 2008

**Ms Susi Dwi Harijanti (PhD (Law))**

*The Indonesian Ombudsman System and Good Governance: Proposals for Reform*

Supervisors: Professor Cheryl Saunders, Professor Tim Lindsey  
Expected Year of Completion: 2009

**Ms Erica Harper (PhD (Law))**

*Constructing a Legal System in East Timor: Challenges to Introducing International Legal Norms and Principles into Post-conflict States Under UN Administration*

Supervisor: Professor Tim Lindsey  
Year of Completion: 2007

**Mr Muhammad Eeqbal Farouque Hassim (PhD (Asia Institute))**

*The Islamic Education System in Singapore: An Analytical Study of the Problems that Influence the Effectiveness of the Islamic Education System in Singapore and Proposing Solutions for them within the context of the 21st Century*

Supervisors: Professor Tim Lindsey, Professor Abdullah Saeed  
Expected Year of Completion: 2009

**Ms Nur Hidayah (M.A. by Research (Asia Institute))**

*Sharia Contestation in Indonesia*

Supervisors: Professor Tim Lindsey, Professor Abdullah Saeed  
Expected Year of Completion: 2009

**Mr Jeremy Kingsley (PhD (Law))**

*Islam, Law and Conflict in Lombok*

Supervisors: Professor Tim Lindsey, Professor Abdullah Saeed  
Expected Year of Completion: 2010

**Mr Guoqing Liu (PhD (Law))**

*The Role of Equity in Trusts Law: The Legislation and Application of the Chinese Trust Code*

Supervisors: Dr Sarah Biddulph, Professor Michael Bryan  
Expected Year of Completion: 2007

**Mr Imran Lum (PhD (Asia Institute))**

*Negotiating the Prohibition of Riba: Australian and British Muslim Attitudes Towards Conventional and Islamic Banking*

Supervisors: Professor Tim Lindsey, Professor Abdullah Saeed  
Expected Year of Completion: 2009

**Mr Minh Nut Duong (LLM by thesis)**

*Commercial Dispute Resolution in the Vietnamese Economic Court*

Supervisor: Associate Professor Pip Nicholson  
Expected Year of Completion: 2009

**Mr Jeremy Mulholland (PhD (International Business))**

*Elites, State and Big Business in Indonesia from a New Institutional Economics Perspective: Indonesian Thinking on Political Economy Since 1945*

Supervisors: Professor Howard Dick, Professor Tim Lindsey  
Expected Year of Completion: 2009

**Mr Nguyen Hien Quan (PhD (Law))**

*The Social Structures of Contract - A Case Study of the Vietnamese Market*



Supervisors: Professor Tim Lindsey, Associate Professor Pip Nicholson, Professor Peter Bardsley (Economics)  
Year of Completion: 2006

**Ms Nina Nurmila (PhD (Asia Institute))**

*Marriages in Contemporary Indonesia: 'Women's Perspectives'*  
Supervisors: Professor Abdullah Saeed, Professor Tim Lindsey  
Year of Completion: 2006

**Ms Helen Pausacker (PhD (Law))**

*In the Eye of the Beholder: Law, Pornography and Indonesia's Islamic Defenders Front*  
Supervisor: Professor Tim Lindsey  
Expected Year of Completion: 2012

**Mr Jason Pourpouras (PhD (Law))**

*Islamic Finance and Terrorism in Indonesia*  
Supervisors: Professor Tim Lindsey, Professor Abdullah Saeed  
Expected Year of Completion: 2011

**Ms Jothie Rajah (PhD (Law))**

*Constantly Colonised: Legal Containment of Minority Religious Legal Identities in Post-Colonial Singapore*  
Supervisors: Associate Professor Pip Nicholson; Professor Abdullah Saeed, Prof Thio Li-ann (National University of Singapore)  
Expected Year of Completion: 2009

**Mr Arskal Salim (PhD (Law))**

*Islamisation of Laws in a Modernising State: Sharia in Indonesia 1945-2005*  
Supervisor: Professor Tim Lindsey  
Year of Completion: 2006

**Adv. Andy Schmulow (PhD (Law))**

*Problems Associated with Prudential Regulatory Enforcement in the Indonesian Banking Sector*  
Supervisors: Professor Tim Lindsey, Associate Professor Charles Coppel  
Expected Year of Completion: 2009

**Ms Chenxia Shi (PhD (Law))**

*Directors' Duties as a Mechanism of Corporate Governance: A Comparative Study*  
Supervisor: Professor Tim Lindsey  
Year of Completion: 2009

**Ms Kerstin Steiner (PhD (Law))**

*Are 'Asian Values' Universal? - International Discourses on Human Rights Policies*  
Supervisor: Professor Tim Lindsey  
Year of Completion: 2007

**Mr Nandang Sutrisno (PhD (Law))**

*Dispute Settlement in the WTO and Developing Countries*  
Supervisor: Professor Tim Lindsey  
Year of Completion: 2006

**Ms Elizabeth (Ann) Wardrop (PhD (Law))**

*Regulation of Insolvent Investor-Owned Essential Service Corporations*

Supervisor: Professor Tim Lindsey  
Year of Completion: 2008

**Mr Andrew White (USA) (PhD (Law))**

*Can Contemporary Business and Commerce in Asia Accommodate Islamic Legal Values? Shari'ah-based Commercial Arbitration in Pakistan and Malaysia*  
Supervisors: Professor Tim Lindsey, Professor Abdullah Saeed  
Expected Year of Completion: 2010

**Ms Phoebe Wynn-Pope (PhD (Law))**

*Rights of Humanitarian Intervention at International Law*  
Supervisors: Professor Tim Lindsey, Professor Tim McCormack  
Expected Year of Completion: 2009



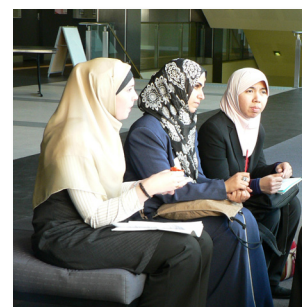
Ms Anisa Buckley



Mr Stewart Fenwick

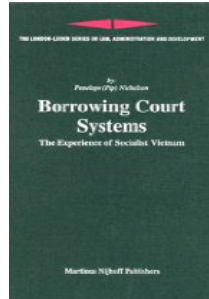
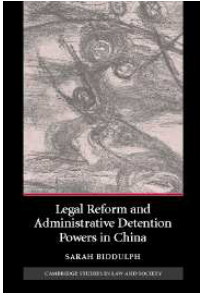


Mr Imran Lum



Ms Anisa Buckley, Mrs Mouza Alneyadi and Ms Nur Hidayah

## PUBLICATIONS OF ALC MEMBERS



### Books

Biddulph, S. (2007), *Legal Reform and Administrative Detention Powers in China*, Cambridge University Press, Cambridge.

Evans, C. and Whiting, A. (eds.) (2006), *Mixed Blessings: Laws, Religions and Women's Rights in the Asia-Pacific Region* (Studies in Religion, Secular Beliefs and Human Rights, volume 1), Martinus Nijhoff, Leiden.

Lindsey, T. (ed.) (2007), *Law Reform in Developing and Transitional Economies*, Routledge, London.

Lindsey, T. and Pausacker, H. (eds.) (2006) (2nd edition), *Chinese Indonesians: Remembering, Distorting, Forgetting - A Festschrift for Charles A Coppel*, ISEAS, Singapore; Monash Asia Institute, Clayton.

Nicholson, P. (2007), *Borrowing Court Systems: The Experience of Socialist Vietnam*, Martinus Nijhoff, Leiden.

### Chapters in Books and Monographs

Biddulph, S., "Social Order, Prostitution and Legal Protections of Individual Liberty in China", in Wang Jiafu (ed.) (2007), *Personal Right and Rule of Law*, Social Sciences Academic Press, Beijing, 158-167 (in Chinese) (Conference proceedings of the International Seminar on Protection of Personal Liberty and Legal Reform, Institute of Law, Chinese Academy of Social Sciences, Beijing).

Butt, S. and Lindsey, T., "Intellectual Property, Civil Law and the Failure of Law in Indonesia: Can Criminal Enforcement of Economic Law Work in Developing Countries?", in Tim Lindsey (ed.) (2007), *Law Reform in Developing and Transitional States*, Routledge, London, 391-412.

Cooney, S., "Labour Market Regulation in Comparative Perspective", in S. Acharya and C. Brassard (eds.) (2006), *Labour Market Regulation and De-regulation in Asia: Experiences in Recent Decades*, Academic Foundation, Singapore, 33-56.

Evans, C. and Whiting, A., "Situating the Issues, Framing the Analysis", in Amanda Whiting and Carolyn Evans (eds.) (2006), *Mixed Blessings: Laws, Religions and Women's Rights in the Asia-Pacific Region* (Studies in Religion, Secular Beliefs and Human Rights, volume 1), Martinus Nijhoff, Leiden, 1-24.

Lindsey, T., "Legal Infrastructure and Governance Reform in Post-Crisis Asia: The Case of Indonesia", in Tim Lindsey, (ed.) (2007), *Law Reform in Developing and Transitional States*, Routledge, London, 3-41.

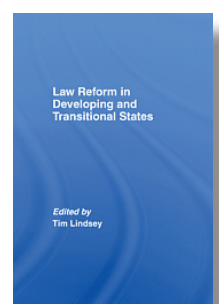
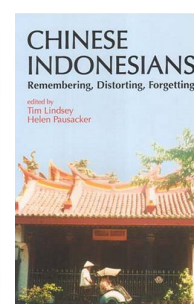
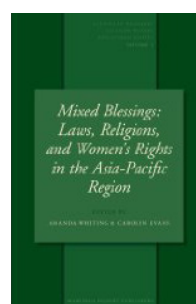
Lindsey, T., "Preface", in Tim Lindsey (ed.) (2007), *Law Reform in Developing and Transitional States*, Routledge, London, xix-xxii.

Lindsey, T., "From Soepomo to Prabowo: Law, Violence and Corruption in the Preman State", in Charles Coppel (ed.) (2006), *Violent Conflicts in Indonesia: Analysis, Representation, Resolution*, Curzon, London, 19-36.

Lindsey, T., "Reaching for Goering's Revolver: Insolvency and Culture in Asia", in Roman Tomasic (ed.) (2006), *Insolvency Law in East Asia*, Ashgate, Hampshire & Burlington, 509-534.

Lindsey, T., Hooker, M.B., Clarke, R. and Kingsley, J., "Shari'a Revival in Aceh", in Michael Feener and Mark Cammack (eds.) (2007), *Islamic Law in Contemporary Indonesia: Ideas and Institutions*, Harvard University Press, Cambridge, 216-254.

Nicholson, P., "Comparative Law and Legal Transplants between Socialist States: An Historical Perspective", in Tim Lindsey (ed.) (2007), *Law Reform in Developing and Transitional Economies*, Routledge, London, 143-158.



Nicholson, P., "Vietnamese Courts: Contemporary Interactions Between Party-State and Law", in Stephanie Balme and Mark Sidel (eds.) (2007), *Vietnam's New Order: International Perspectives on the State and Reform in Vietnam*, Palgrave Macmillan, Basingstoke, 178-197.

Steele, S., "Insolvency Law in Japan", in Roman Tomasic (ed.) (2006), *Insolvency Law in East Asia*, Ashgate, Hampshire & Burlington, 13-62.

Whiting, A., "In the Shadow of Developmentalism: The Human Rights Commission of Malaysia at the Intersection of State and Civil Society Priorities", in C. Raj Kumar and D.K. Srivastava (eds.) (2006), *Law, Policy and Governance Reform in Asia*, LexisNexis Butterworths, Hong Kong, 324-344.

### Journal Articles (Refereed)

Cooney, S. (2007), "China's Labour Law, Compliance and Flaws in Implementing Institutions", 49 *Journal of Industrial Relations*, 673-686.

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Biddulph, S. (2007), "Procedural Regulation of Police Powers of Administrative Detention in China", at *Crime, Law and Justice in Chinese Societies: Global Challenges and Local Responses* International Conference, Chinese University of Hong Kong, 16-18 March.

Biddulph, S. (2006), "The Rule of Law and Social Order in China: 'Mass Incidents' and the Failure of Justice", *Faculty*

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Godwin, A. (2007), "Careers for Professionals in China", at *China – The Realm of Opportunity*, AIESEC, Melbourne, 12 October.

Godwin, A. (2007), "Setting the Scene – An Overview of the Chinese Legal System", at *Doing Business in China Seminar*, Legalwise, Melbourne, 23 May.

Godwin, A. (2007), "Opportunities for the Legal Profession in Asia", at *AsiaConnect 2007*, Asialink, Melbourne, 18 May.

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Lindsey, T. (2006), "Death and Drugs, Bali and Bombs: Indonesia's Death Penalty, Judicial Reform and Bilateral Relations with Australia", Australian Institute of International Affairs, Melbourne, 4 October.

Lindsey, T. (2006), "Egypt, Indonesia and Terrorism", Jakarta Post Seminar, Jakarta, 13 September.

Lindsey, T. (2006), "The Company of Strangers: Australia, Indonesia, Law and Confusion", *Annual Asian Studies Lecture*, Flinders Asia Centre, Flinders University, Adelaide, 12 July.

Lindsey, T. (2006), "Australia-Indonesia Relations", International Law Section Committee Meeting, Law Institute of Victoria, 27 June.

Lindsey, T. (2006), "Radical Islam and Business in Indonesia", Blake Dawson Waldron Corporate Counsel Seminar, Blake Dawson Waldron, 31 May.

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Lindsey, T. (2006), "Radical Islam in Indonesia", Eggleston Society, 15 March.

Lindsey, T. (2006), "Misunderstanding Islamic Law: Islam, Drugs and Australia", *Vice-Chancellor's Professorial Luncheon*, The University of Melbourne, 15 March.

Nicholson, P. (2007), "Legal Reform: The Vietnamese Economic Court", at *New Courts in Asia*, jointly convened by the Centre for Asia-Pacific Initiatives, University of Victoria, Canada and the Asian Law Centre, University of Melbourne, 15-17 July.

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Associate Professor Pip Nicholson, *New Courts in Asia Workshop*, July 2007



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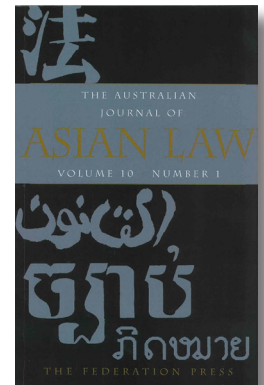
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# CONTRIBUTIONS TO THE UNIVERSITY OF MELBOURNE AND THE COMMUNITY

## **Dr Sarah Biddulph**

Associate Director (China), Asian Law Centre, Faculty of Law (2006, 2007)  
Chair, Human Rights Research Group, Cross Cultural Dispute Resolution Grant (2006, 2007)  
Member, Human Research Ethics Committee, Humanities and Applied Sciences (HESC) (2006, 2007)  
Member, International Committee, Faculty of Law (2006)  
Member, International Visitors sub-committee, Faculty of Law (2006)  
Member, China Studies Reference Group, The University of Melbourne (2006, 2007)  
Advisory Committee, *Australian Journal of Asian Law* (2006, 2007)  
China-Australia Chamber of Commerce, Shanghai, China (2006, 2007)  
Law Society of NSW (2006, 2007)  
Willamette University Summer School in Chinese Law, Shanghai (June-July) (2006, 2007)  
Member, Law and Society Association (2006, 2007)  
Member, Institute of Postcolonial Studies (2006, 2007)  
Member, China Studies Association of Australia (2006, 2007)

## **Associate Professor Sean Cooney**

Associate Director, Asian Law Centre, Faculty of Law (2006, 2007)  
Member, Centre for Employment and Labour Relations Law, Faculty of Law (2006, 2007)  
President, University of Melbourne Branch, National Tertiary Education Union (NTEU) (2006)  
Chair, University of Melbourne Staff Consultative Committee (2006, 2007)  
Elected Academic Staff Representative, University Review and Appeals Committee (2006, 2007)  
Elected Academic Staff Representative, Enterprise Bargaining (2006)  
National Councillor, National Tertiary Education Union (NTEU) (2006, 2007)  
Member, National Executive, National Tertiary Education Union (NTEU) (2006)  
Advisory Committee, *Australian Journal of Asian Law* (2006, 2007)  
Member, Ethical Advisory Committee, Brotherhood of St. Laurence (2006, 2007)  
Member, Executive and Budgets Committee, Faculty of Law (2006)  
Member, Research Committee, Faculty of Law (2007)  
Member, Editorial Board, National Taiwan University Law Journal (2006, 2007)

Barrister and Solicitor, Supreme Court of Victoria (2006, 2007)

Mr Andrew Godwin

Associate Director (Asian Commercial Law), Asian Law Centre, Faculty of Law (2006, 2007)  
Professional Support Consultant, Linklaters (2006, 2007)  
Chief Representative and Head of Shanghai Office, Linklaters (2006)  
Barrister and Solicitor, Supreme Court of Victoria (2006, 2007)  
Solicitor, Supreme Court of England and Wales (2006, 2007)  
Extensive involvement as pro bono legal advisor to various charities in China (2006, 2007)  
Referee, *Australian Journal of Asian Law* (2007)

## **Professor Tim Lindsey**

Director, Asian Law Centre, Faculty of Law (2006, 2007)  
ARC Federation Fellow (2006, 2007)  
Professor of Asian Law, Faculty of Law, The University of Melbourne (2006, 2007)  
Foundation Director, Centre for Islamic Law and Society (formerly, Centre for the Study of Contemporary Islam) (2006, 2007)  
Associate Dean (International) (2006)  
Barrister-at-Law (2006, 2007)  
Barrister and Solicitor, Supreme Court of Victoria (2006, 2007)  
Director of Studies, Graduate Diploma in Asian Law (2006, 2007)  
Director of Studies, Graduate Diploma in Islamic Legal Studies (2006, 2007)  
Member, Directors of Studies Committee, Graduate Program, Faculty of Law (2006, 2007)  
Acting Chair, Australia Indonesia Institute, Department of Foreign Affairs and Trade, Australia (2007)  
Member of Board, Australia Indonesia Institute, Department of Foreign Affairs and Trade, Australia (2006, 2007)  
Co-Editor, *Australian Journal of Asian Law* (2006, 2007)  
Member, International Council of the Asia Society (2006, 2007)  
Associate Member, Académie Internationale de Droit Comparé, Paris [International Academy of Comparative Law] (2006, 2007)  
Member, Foreign Affairs Advisory Council, Department of Foreign Affairs and Trade, Australia (2006, 2007)  
Member, Advisory Board, Centre for Asia Pacific Initiatives, University of Victoria, British Columbia (2006, 2007)  
Associate, Centre for Employment and Labour Relations Law, Faculty of Law (2006, 2007)  
Associate, Centre for Corporate Law and Securities Regulation, Faculty of Law (2006, 2007)  
Member, Centre for Resources, Energy and Environmental Law, Faculty of Law (2006, 2007)

Nominee of the Deputy Vice-Chancellor (Academic), International Students' Consultative Committee, The University of Melbourne (2006)  
Chair, Promotions/Confirmations Advisory Committee, Asia Institute, The University of Melbourne (2007)  
Member, Asia Strategy Committee, The University of Melbourne (2006, 2007)  
Member, Melbourne Asia Advisory Board, The University of Melbourne (2006)  
Member, Melbourne Asia Coordinating Committee, The University of Melbourne (2006)  
Member, Small Grants Committee, Faculty of Law (2006)  
Chair, International Committee, Faculty of Law (2006)  
Member, Executive and Budgets Committee, Faculty of Law (2006)  
Member, Graduate Studies Progress Committee (2006, 2007)  
Co-founder and Member of Steering Committee, Melbourne Asia Policy Papers Series with MIALS, Australian Centre for International Business, AsiaLink (2006, 2007)  
Adjunct Member, Asia Institute (formerly Melbourne Institute of Asian Languages & Societies), The University of Melbourne (2006, 2007)  
Member of Steering Committee, Australia Indonesia Governance Research Partnership (AIGRP) (2006, 2007)  
Honorary Member, Australian Institute of International Affairs (2006, 2007)  
Judge, Karya Anak Indonesia (Indonesian Language Writing Award) (2006)  
Member, International Council of the Asia Society (2006, 2007)  
Member, Advisory Board, Liberty and Rule of Law Association, Mongolia (2006, 2007)  
Associate, The Pacific Institute (2006, 2007)  
Member, Asian Studies Association of Australia (2006, 2007)

## Associate Professor Pip Nicholson

Member Undergraduate Studies Committee (2006, 2007)  
Director, Comparative Legal Studies Program, Asian Law Centre, Faculty of Law (2006, 2007)  
Associate Director (Vietnam), Asian Law Centre, Faculty of Law (2006, 2007)  
Director of Teaching, Faculty of Law (2006, 2007)  
Member, Undergraduate Studies Committee, Faculty of Law (2006, 2007)  
Member, Centre for Comparative Constitutional Studies, Faculty of Law (2006, 2007)

Advisory Committee, *Australian Journal of Asian Law* (2006, 2007)  
Director, Asian Law Online (2006, 2007)  
Member, Alumni Reference Group, Faculty of Law (2006, 2007)  
Member, Hague Institute for the Internationalisation of Law (2007)  
Member of Board, 'Looking Up', Melbourne, Australia: promoting alternative strategies to cope with depression (2006)  
Member, Asian Studies Association of Australia (2006, 2007)  
Member, Vietnam Studies Association of Australia (2006, 2007)  
Pro bono review and comment on UNDP Survey of Vietnamese District Courts (2007)  
Pro bono advice to English nationals on the death penalty and defence of drug trials in Vietnam to Reprieve UK (2006, 2007)  
Pro bono advice to Australian nationals on the death penalty and defence of drug trials in Vietnam (2006)

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Member, Japanese Studies Association of Australia (2006, 2007)  
Member, Urasenke Melbourne Chapter (2006, 2007)  
Referee, *Australian Journal of Asian Law* (2006)  
Referee, *The UNSW Law Journal* (2006)  
Volunteer, Homeless Persons' Legal Clinic (joint initiative by the PILCH and the Council for Homelessness) (2006, 2007)

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Member, American Historical Association (2006, 2007)  
Member, Asian Studies Association (United States) (2006, 2007)  
Member, Asian Studies Association of Australia (2006, 2007)  
Member, Malaysian Branch of the Royal Asiatic Society (2006, 2007)  
Member, Library Committee (2006, 2007)  
Member, Research Committee (2007)

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