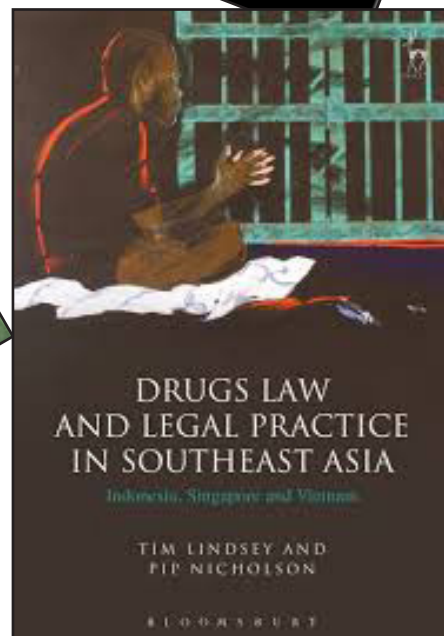
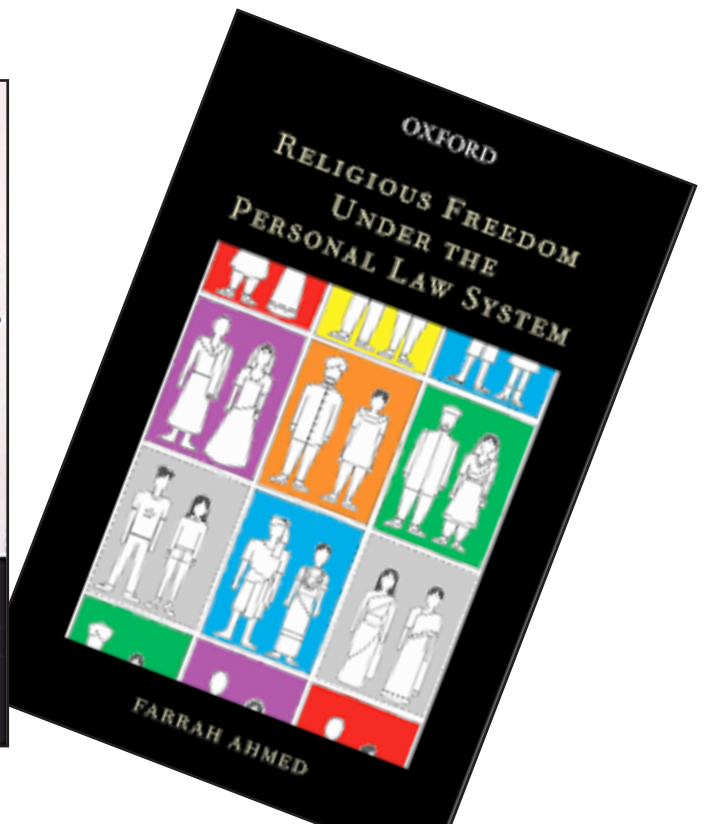




Melbourne Law School

Asian Law

MELBOURNE LAW SCHOOL



**Asian Law Centre
Annual Report 2016**

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

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Report prepared and edited by Sarah Biddulph and Kathryn Taylor of the Asian Law Centre, with assistance from Joey Bui and Debbie Yu.

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Director's Report

This year was yet another busy and productive year at the Asian Law Centre. We were very pleased to welcome Dr Wendy Ng as the Associate Director (China). Wendy specialises in competition law. Her prize-winning PhD thesis examined the political economy of competition law in China. Wendy continues to focus on Chinese competition law and is the editor of the *China Competition Bulletin*. She has also started to expand the scope of her competition law research to South-east Asian jurisdictions.

As with many other areas of the Centre's activities, Wendy's work is cross-disciplinary and collaborative. In 2016, Centre members engaged in a wide range of collaborative programs. Insolvency law was one area of concentrated focus, with Andrew Godwin and Stacey Steele organising a Chinese Insolvency Law workshop on 7 March, co-hosted with Ashurst. This workshop brought together academics, insolvency practitioners and judges from China, Australia and Japan. On 25 October, Andrew and Stacey, together with Professor Jin Chun, a visiting scholar at the Centre, organised another successful workshop entitled 'Insolvency Law in the Asia Pacific: Trends and Developments in China, Singapore and Australia', which was organised jointly with King & Wood Mallesons.

Our rapidly developing South Asia program continued to engage strongly with key issues in the subcontinent. At the forum on Academic Freedom in India held in April 2016, Centre members discussed with Indian colleagues the worrying trend of increased government repression of students and academics during protests early in 2016 about miscarriages of justice. In July, the Centre hosted a roundtable session with environmental lawyer Mr Ritwick Dutta with the Centre for Resources, Energy and Environmental Law.

Our Japan program was also extremely active and included co-hosting a roundtable discussion on constitutional law in Japan with Professor Hajime Yamamoto from Keio University Law School and the Centre for Comparative Constitutional Studies.

In addition to these events, the Centre continued with its very full seminar program. In 2016, the ALC hosted over 39 evening seminars and lunchtime seminars, roundtables and workshops with visitors from Japan, India, Malaysia, Korea, Singapore, Indonesia, Hong Kong, China and the United States of America, as well as including participants from Australian universities, law firms, and social and corporate organisations.

We were very pleased that, amongst our book launches, Mr Michael O'Connell SC launched *Drugs Law and Legal Practice in Southeast Asia* by Professor Tim Lindsey, Centre member and Director of the Centre for Indonesian Law, Islam and Society, and Centre Director Professor Pip Nicholson. I encourage you to read more detail about the wide array of publications by Centre members in 2016.

One of the important missions of the Asian Law Centre continues to be to foster the next generation of legal scholars and practitioners with an interest and expertise in the law and practice of Asian jurisdictions. As part of this mission, Pip Nicholson co-organised the biennial 'Vietnamese Legal Studies Graduate Research and Writing Workshop: Vietnamese Legal Change' in August 2016. Centre members supervised 26 PhD candidates in addition to our extensive program of teaching in the JD and MLM programs. We were delighted that Stewart Fenwick was awarded two prizes for his PhD thesis, *Is Rawlsian liberalism compatible with Islam? A case study of post-Soeharto Indonesia*; the thesis attracted the 2015 Harold Luntz Graduate Research Thesis Prize and the Chancellor's Prize for Excellence in a PhD thesis 2016 in the Humanities, Creative Arts and Social Sciences category.

We were also pleased to continue to expand our program of travelling subjects with the introduction of the new JD optional subject Economic and Business Law in Asia, which was taught intensively for the first time in Hong Kong and Shanghai by Mr Andrew Godwin and Mr Hop Dang, partner at Allens and MLS Associate.

Each year since 2005, the ALC has hosted the Chuo Law School Melbourne Summer School. Chuo Law School is located in Tokyo and is one of Japan's most prestigious law schools. Chuo students visit MLS in February to study Australian law. The Chuo law students also participate in an extensive program of visits to courts, Parliament and law firms. The Summer School continues the relationship with Chuo Law School that was developed by the late Professor Malcolm Smith when he joined Chuo Law School as Professor of Law in 2004. The ALC expanded its summer school offering when it hosted the Summer School in International Criminal Justice with a group of 12 students coming from O.P. Jindal Global University in India for an intensive summer program of seminars and lectures on International criminal justice.

The ALC is pleased to host visiting research scholars from Japan as part of the continuing engagement with the Supreme Court of Japan's Overseas Training and Research Program. Since 2006 the ALC has also welcomed visiting research scholars from Korea as part of the Overseas Research and Study Program of the Supreme Court of Korea. In 2009 the program was extended to cover clerks of court and in 2012 the program was extended by the Korean Ministry of Justice to include public prosecutors.

Melbourne Law School, Oxford Law School and the National University of Singapore Law School hosted the third China Common Law Program in March 2016. Academics from the three law schools delivered lectures on the common law to students from four universities in China: Shanghai Jiaotong (Shanghai), Fudan (Shanghai), Tsinghua University (Beijing) and Peking University (Beijing).

The ALC is grateful for the ongoing and generous support provided by Mr Allan Myers AO QC and Mrs Maria Myers AO for the

ABOUT THE ALC

China Common Law Program and other ALC programs. We note our sincere thanks to all who have very generously given funding, time and expertise to support the programs of the ALC in 2016.

Professor Pip Nicholson
Director, Asian Law Centre



About the Asian Law Centre

The Asian Law Centre (ALC) commenced activities in 1985 and is the first and largest Australian centre devoted to the development of our understanding of Asian law and legal systems.

The Centre has pioneered extensive programs of teaching and research on the laws and legal systems of Japan, Korea, China, India, Indonesia, Vietnam, Taiwan, Malaysia and Islamic law. The Centre has also worked on Timor Leste, The Philippines, Thailand, Laos and on traditional and customary law in Australia's region.

Objectives

The Centre's objectives are to:

- Improve knowledge and understanding of the laws of our region;
- Support the rule of law in Asia;
- Promote teaching and research on Asian legal systems in Australia, Asia and elsewhere;
- Promote the development of Asian studies and Asian languages in other disciplines, and to encourage links with legal studies;
- Promote the importance of comparative law in Asian legal studies and research;
- Promote knowledge exchange of staff and students between the Melbourne Law School and Asian universities and institutions; and
- Provide networking opportunities between the Melbourne Law School and Asian Universities.

Governance and Finances

Advisory Board

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

The 2016 Advisory Board members were:

The Hon. Justice Susan Kenny (Chair)

Judge, Federal Court of Australia

Mr Nathan Butler

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

Mr Peter Gray QC

Barrister, Owen Dixon Chambers West

Mr Cheng Lim

Partner, King & Wood Mallesons

Ms Lynden Mullen

Senior Policy Officer, Economic Development and International, Department of Premier and Cabinet

Mr Rick Wallace

Journalist, The Australian

Ms Serena Lillywhite (Leave of Absence)

Mining Advocacy Coordinator, Oxfam

Finances

The Centre receives administrative support from the University of Melbourne of \$5,000, in addition to the paid salaries of 1.6 FTE professional staff positions. The administrative support allocation is shared between the Asian Law Centre, Centre for Indonesian Law, Islam and Society, Civil Justice Research Group and Family and Children's Law Research Group.

The salaries of academic staff members of the Centre are borne by Melbourne Law School, as members undertake standard teaching obligations in Melbourne Law School.

The Asian Law Centre's research activities in 2016, including salaries of research assistants, were therefore funded largely from research grants and, to a lesser extent, by support from donations.

Asian Law Centre Staff

Director and Associate Directors



Director, Asian Law Centre Associate Director (Vietnam)

Professor Penelope (Pip) Nicholson

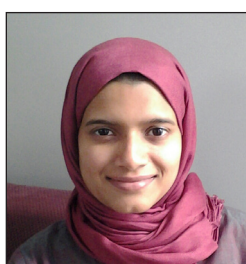
Pip Nicholson is the Director of the Asian Law Centre. She is also the Centre's Associate Director (Vietnam) and Director of the Comparative Legal Studies Program. Pip has degrees in Arts, Law and Public Policy from the University of Melbourne and the Australian National University.

Most recently Pip co-published, *Drugs Law and Legal Practice in Southeast Asia*, with Tim Lindsey (Hart Publishing, 2016). Other publications include: *Socialism and Legal Change: The Dynamics of Vietnamese and Chinese Reform* (co-edited with John Gillespie, 2006); *Borrowing Court Systems: the Experience of Socialist Vietnam* (Martinus Nijhoff, 2007); *Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia* (co-edited with Sarah Biddulph, Martinus Nijhoff, 2008); *New Courts in Asia* (co-edited with Andrew Harding, Routledge, 2009); and *Law and Development and the Global Discourses of Legal Transfers* (co-edited with John Gillespie, Cambridge University Press, 2012). Pip is widely published in European and American journals also.

Pip has jointly held two ARC grants to investigate court-oriented legal reform in Cambodia and Vietnam and to analyse 'Drugs, Law and Criminal Procedure in Southeast Asia'. Current research projects focus on Vietnamese law and legal change, particularly impacting the Constitution, courts, Vietnamese conceptions of law and legal institutions, the profession and the death penalty. Her most recent collaboration analysed the Socialist legacy in Vietnam and China. Pip also works comparatively on legal sector reform in socialist East Asia.

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

Pip's teaching includes dispute resolution, comparative legal studies, law and reform in Asia (particularly rule of law, courts and death penalty reform), and the internship subject Law and Legal Practice in Asia.



Associate Director (India)

Associate Professor Farrah Ahmed

Farrah Ahmed joined Melbourne Law School in July 2012. Before this, she was a Lecturer in Law at the Queen's College, University of Oxford. Her educational history includes an LLB from the University of Delhi, and a Bachelor of Civil Law, an MPhil in law and a DPhil in law from the University of Oxford.

Farrah's research spans public law, legal theory and family law. Her recent work on constitutional statutes, religious freedom, the doctrine of legitimate expectations, the duty to give reasons, social rights adjudication and religious tribunals has been published in the Cambridge Law Journal, the Modern Law Review, the Oxford Journal of Legal Studies, Public Law, and Child and Family Law Quarterly. Her book *Religious Freedom under the Personal Law System* was published by Oxford University Press in 2016. Farrah is currently a Chief Investigator on an Australian Research Council Discovery grant studying religious dispute resolution processes, and is working on projects on public interest standing, secularism, constitutional conventions, constitutional principles and arbitrariness in public law.

Farrah has taught legal theory, legal methods, constitutional law and administrative law. She has offered electives on human rights, legal responses to multiculturalism and religion, and legal practice in Asia. Farrah is a founding editor of the *Indian Law Review* and the Admin Law Blog. She also serves as Associate Director (India) of the Asian Law Centre, Melbourne Law School.



Associate Director (China)

Professor Sarah Biddulph

Professor Sarah Biddulph joined the Asian Law Centre in 1989. She studied and worked in Shanghai as one of the Attorney-General's representatives under an exchange agreement with the PRC Ministry of Justice in 1986-87. She worked as a lawyer in Shanghai with the Australian law firm Blake Dawson Waldron between 1998 and 2001 and has near-native fluency in Mandarin.

Sarah's research focuses on the Chinese legal system with a particular emphasis on legal policy, law making and enforcement as they affect the administration of justice in China. Her particular areas of research are contemporary Chinese administrative law, criminal procedure, labour, comparative law, and the law regulating social and economic rights. Between 2009 and 2012, Sarah worked on a research fellowship from the Australian Research Council looking at recent reforms to the legal regulation of police administrative detention powers in China. From 2014, Sarah has worked on an ARC Future Fellowship examining the role of law in China in providing justice to citizens complaining about official misconduct.

Sarah's recent publications include: *The Stability Imperative: Human Rights and Law in China* (UBC Press, 2015); *Law and Fair Work in China: Making and Enforcing Labour Standards in the PRC*, co-authored with Sean Cooney and Ying Zhu (Routledge, 2013); *Legal Reform and Administrative Detention Powers in China* (CUP, 2007); *Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia*, co-edited with Pip Nicholson (Brill, 2008); and co-edited books; *The Politics of Law and Stability in China* (Edward Elgar, 2014); and *Legal Reforms and the Deprivation of Liberty in China* (Routledge 2016) each co-edited with Susan Trevaskes, Elisa Nesossi and Flora Sapio.



Associate Director

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

Professor Sean Cooney joined the Centre in 1992 after four years in legal practice and completed his LLM in Asian law in that year. He joined the Melbourne Law School in 1995 and completed his doctoral studies at Columbia University in 2005.

Sean's research interests include East Asian employment and labour law, international labour regulation, democratic transitions, comparative law, and regulatory theory, particularly in relation to enforcement. He researches and teaches in Chinese and is fluent in French and German. He has published in English and Chinese in a wide variety of domestic and international law journals. His books include *Law and Fair Work in China* (with Sarah Biddulph and Ying Zhu, Routledge, 2013) and *Law and Labour Market Regulation in East Asia* (with Tim Lindsey, Richard Mitchell and Ying Zhu, Routledge, 2002). Sean has consulted for the International Labour Organisation, the International Labour Rights Fund, the Fair Work Ombudsman, the Brotherhood of Saint Lawrence, the Australian Council of Trade Unions and the Uniting Church. He is currently engaged in a number of international collaborative research projects, including the examination of informal labour regulation in several Asian countries and the development of sectoral bargaining in China.

ALC STAFF



Associate Director (Asian Commercial Law)

Mr Andrew Godwin

Andrew Godwin holds a number of senior positions at Melbourne Law School: Associate Dean (Engagement), Associate Professor, Director of Transactional Law, Director of Studies for the Graduate Program in Banking and Finance Law, and Associate Director of the Asian Law Centre.

Andrew's teaching and research interests include finance and insolvency law, transactional law, financial regulation (particularly disclosure and regulatory systems), property law, the regulation of the legal profession and professional and transactional skills for lawyers. Andrew is the author of a critically acclaimed bilingual book that examines Chinese and English legal terminology and concepts: *China Lexicon*. He is also a co-author of *Sackville & Neave Australian Property Law* (10th edition). Andrew is a regular contributor to academic and professional publications and consults extensively in the areas of professional training, risk and compliance issues concerning law firms and legal practice, contract drafting and transactional law.

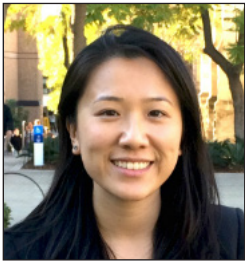
Andrew has been involved in legal practice for over 20 years, 10 of which were spent in Shanghai where he was a partner and chief representative of an international law firm. During his time in practice, Andrew acted for commercial and investment banks in a wide range of finance transactions and was also actively involved with financial institutions and multinational companies in the area of cross-border merger and acquisition projects.



Associate Director (Indonesia)

Professor Tim Lindsey

Tim Lindsey is Malcolm Smith Professor of Asian Law, Redmond Barry Distinguished Professor and Director of the Centre for Indonesian Law, Islam and Society at the Melbourne Law School. A specialist in a wide range of aspects of Indonesian law, he holds a Bachelor of Laws, Bachelor of Arts and Bachelor of Letters from the University of Melbourne and completed his PhD thesis in Indonesian studies. He teaches and researches many different areas of Indonesian law, as well as shari'a (Islamic law) in Indonesia and Southeast Asia. He has won national and university teaching awards, and was an ARC Federation Fellow from 2006 to 2011. Tim is a member of the Victorian Bar and was the long-serving Chair of the Australia Indonesia Institute until 2016. His publications include *Indonesia: Law and Society*; *Islam, Law and the State in Southeast Asia* (three volumes); *The Indonesian Constitution*; *Drugs Law and Practice in Southeast Asia*; and *Religion, Law and Intolerance in Indonesia*. He is a founder and an executive editor of *The Australian Journal of Asian Law*.



Associate Director (China)

Dr Wendy Ng

Dr Wendy Ng is a Lecturer at Melbourne Law School, where she is the Deputy Director of the Competition Law and Economics Network and an Associate Director (China) of the Asian Law Centre. She completed her undergraduate studies (LLB (hons)/BCom) and PhD at the University of Melbourne. Her PhD was awarded the University of Melbourne's Chancellor's Prize for Excellence in the PhD thesis and the Melbourne Law School Harold Luntz Graduate Research Prize for Best PhD Thesis. Wendy also has a LLM from Columbia University.

Wendy researches on competition law, focusing on China, international and comparative, and political economy issues. Her research on Chinese competition law and competition advocacy has been published in international journals and edited collections. She was also awarded the 2015 Gaire Blunt Scholarship from the Business Law Section of the Law Council of Australia for research on the independence of competition agencies in China.

Prior to joining Melbourne Law School, Wendy worked as a lawyer at leading international commercial law firms in Melbourne and New York and as a lecturer at the University of Adelaide. She has also worked with the Australian Competition and Consumer Commission and other development partners to support the introduction and development of competition law and policy in South East Asia. She is an editor of the *China Competition Bulletin* and on the editorial board of the *China Antitrust Law Journal*.



Associate Director (Japan)

Associate Professor Stacey Steele

Associate Professor Stacey Steele joined the Centre in 1997 as a research associate and was appointed Associate Director (Japan) in January 2002. Born in Brisbane, Stacey holds degrees from the University of Queensland (BA (Jap)), Monash University (MA (Jap)) and the University of Melbourne (LLB (Hons) and LLM (by thesis)). Stacey commenced articles in March 2000 at a leading Australian commercial law firm and worked as a senior associate in its financial services group, focusing on project/infrastructure and corporate finance.

In October 2007, Stacey joined S&P Global Ratings' Melbourne office as Associate General Counsel with responsibilities for the Asia-Pacific. Stacey has taught Insolvency Law and Corporate Banking and Finance Law, as well as Issues in Japanese Law and in graduate subjects offered by the Centre. She co-edited *Internationalising Japan: Discourse and Practice* (Routledge, 2014) with Jeremy Breaden and Carolyn Stevens, and *Legal Education in Asia: Globalization, Change and Contexts* (Routledge, 2010) with Kathryn Taylor.

Her research interests include insolvency law in the Asia-Pacific, law reform, Japanese law and society, legal education and banking law. Stacey practices *Chanoyu* (The Way of Tea) and is a member of the Urasenke Melbourne Chapter. She is fluent in Japanese.



Associate Director (Malaysia)

Dr Amanda Whiting

Dr Amanda Whiting is Associate Director (Malaysia) of the Asian Law Centre. She has been a member of the Centre since 1999, and she joined the School of Law as a Lecturer in 2004. She has been involved with the *Australian Journal of Asian Law* since its inaugural issue in 1999 and has been an editor since 2002.

Her research is principally in the area of Malaysian legal and political history; human rights institutions and practices in the Asia-Pacific Region; and the intersection of gender, society, religion and the law (with particular reference to Malaysia).

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 and in 2007 she completed her doctorate - a feminist analysis of mid seventeenth-century English legal and political history. Her book *Women and Petitioning in the Seventeenth-Century English Revolution: Deference, Difference and Dissent* was published by Brepols Publishers in 2015.

She is the author of scholarly articles, book chapters and media commentary about Malaysian law, society and history, dealing with the history and current struggles of the legal profession; human rights institutions and practices; the uncomfortable fit of women's rights, human rights and development; and the colliding and conflicting understandings of secular and religious law.

She is the co-editor (with Carolyn Evans) of *Mixed Blessings: Laws, Religions and Women's Rights in the Asia Pacific Region* (Leiden: Martinus Nijhoff, 2006); and (with Andrew Kenyon and Tim Marjoribanks) of *Democracy, Media and Law in Malaysia and Singapore: A Space for Speech* (Routledge, 2014).

Between 2009-2012, Amanda was the recipient of an Australian Research Council Post-doctoral Fellowship for the project "Lawyers, Civil Society and the State in Post-colonial Malaysia". Arising from that research she is currently writing a history of the legal profession in Malaysia, focusing on its role as defender of the rule of law.

Professional Staff



Centre Manager

Ms Kathryn Taylor

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

Kathryn completed her Arts degree with Honours in Chinese from the University of Melbourne in 1999, after spending 16 months studying Mandarin at National Cheng Kung University, Taiwan R.O.C. She completed a Master of Management (International Business) at Monash University in 2001. As part of this degree, Kathryn also completed a Winter Semester in Chinese Law at the East China University of Politics and Law. Kathryn's research interests include the Chinese language and culture, Asian legal systems (particularly the legal systems of China and Taiwan), international business, the current state of China-Taiwan relations and Islam in China. Kathryn is able to communicate in Mandarin.

She has co-edited a monograph with Stacey Steele, titled *Legal Education in Asia: Globalization, Change and Contexts* (Routledge, 2010)



Centre Administrator

Ms Ade Suharto

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

ALC MEMBERS

Members

ALC Members are academic members of the Melbourne Law School who are active in teaching and research relating to Asian legal systems, and have significant international reputations in this area. Their work is linked to one or more of the Centre's programs, each of which is headed by an Associate Director.

**Professor Richard Garnett**

Richard Garnett teaches cross-border litigation and international commercial arbitration and litigation at Melbourne Law School.

**Associate Professor Sunita Jogarajan**

Sunita Jogarajan is Co-Director of the Tax Group at Melbourne Law School, where she teaches and researches in taxation law.

**Associate Professor Cally Jordan**

Cally Jordan is a frequent speaker on corporate governance, capital markets and corporate law.

**Professor Susan Kneebone**

Susan Kneebone was appointed a Professorial Fellow and Associate, Asian Law Centre at Melbourne Law School in March 2015. She researches in the area of international migration, and nationality and citizenship law.

**Professor Jürgen Kurtz**

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



Mr Hayden Opie

Hayden Opie is the Director of Studies of the Melbourne Sports Law Program. He pursues research and teaching interests in all areas of sports law and is recognised internationally for his work in the field.



Professor Ian Ramsay

Professor Ian Ramsay is the Harold Ford Professor of Commercial Law. He is also Director of the Law School's Centre for Corporate Law and Securities Regulation.



Professor Mark Williams

Mark Williams is Professor of Law at Melbourne Law School and teaches competition law, Hong Kong company/commercial law, corporate social responsibility and People's Republic of China (PRC) economic law.

Associates

ALC Associates are academic members from institutions external to the Melbourne Law School. They are renowned scholars in the fields of Asian Legal Systems and Asian Studies.

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



Professor Kent Anderson

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



Professor Camille Cameron

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



Rep. Neri Colmenares

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



Dr Hop Dang

Partner, Allens Linklaters, Hanoi, Vietnam



Professor Michael Dutton

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



Professor Hualing Fu

Faculty of Law, The University of Hong Kong



Professor Andrew Harding

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



Dr Gitte Heij

Senior Associate, Sir Walter Murdoch School of Public Policy and International Affairs



Professor M.B. Hooker

Adjunct Professor of the Faculty of Law at Australian National University

ALC ASSOCIATES

**Professor Vera Mackie**

Senior Professor of Asian Studies, School of Humanities and Social Inquiry, University of Wollongong

**Professor Richard Mitchell**

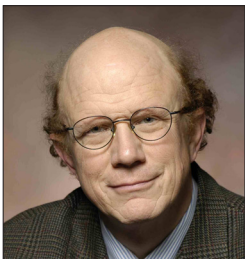
Professorial Fellow, Department of Business Law and Taxation, Monash University

**Professor William Neilson**

Professor Emeritus, Faculty of Law, University of Victoria

**Judge Raul Pangalangan**

Professor of Law, University of the Philippines

**Professor Pitman Potter**

Professor and HSBC Chair in Asian Research, Director of Chinese Legal Studies



Associate Professor Kerstin Steiner

Associate Professor, College of Arts, Social Sciences and Commerce at La Trobe Law School



Professor Carolyn S. Stevens

Professor of Japanese Language Studies, Director of the Japanese Studies Centre, School of Languages, Literatures, Cultures and Linguistics at Monash University



Associate Professor Benny Tabalujan

Senior Fellow (Melbourne Law Masters), Melbourne Business School, University of Melbourne



Professor Tay-sheng Wang

Lifetime distinguished Professor, National Taiwan University



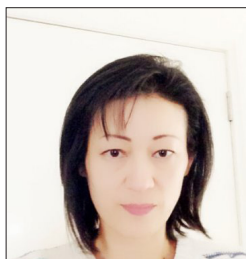
Associate Professor Richard Wu

Associate Professor, Faculty of Law, University of Hong Kong

ALC RESEARCH ASSISTANTS

Principal Researchers

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

**Ms Kaori Kano (2004-2006; 2015-current)**

LLB (Hons), La Trobe University, Graduate Certificate in Australia Migration Law and Practice, Victoria University, Admitted to practice in Victoria (2005)

Languages: Japanese

Kaori worked as a lawyer in a private law firm in Brisbane for 6 years in the Commercial and Corporate team. Her research interests include international law and politics, comparative law, Japanese law and Migration law. She co-authored "Annotated Translation of the Act Amending The Act on Criminal Trials with Participation of Saiban-in" with Associate Professor Stacey Steele in the *Asian-Pacific Law & Policy Journal* in July 2016.

**Dr Helen Pausacker (2008-current)**

BA, University of Melbourne; MA, Monash University; PhD, University of Melbourne

Languages: Bahasa Indonesia

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

Helen's publications include *Behind the Shadows: Understanding a Wayang Performance* (Indonesian Arts Society, 1996), *Chinese Indonesians: Remembering, Distorting, Forgetting* (co-edited with Tim Lindsey, ISEAS, 2005) and *Religion, Law and Intolerance in Indonesia* (co-edited with Tim Lindsey, Routledge, 2016).

Research Assistants

**Ms Vivien Chen (2013-2017)**

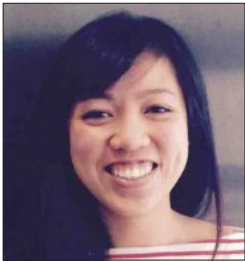
Languages: Malay

Vivien worked on various publications involving personal insolvency, corporations law, financial regulation in Asia and insolvency practitioners. Her PhD research examines the Malaysian shareholder protection law - its character, evolution and effectiveness. She has worked as a solicitor and has held teaching positions at Monash University and the University of Malaya.

**Ms Jessica Cotton (2009-2010; 2014-2017)**

BA (Hons)/LLB, Monash University

Jessica re-joined the Asian Law Centre in 2014 to work on the Asian Law Centre's 'Rule of Law Online' project. Before her return to the ALC, Jessica was a Research Fellow for the Agreements, Treaties and Negotiated Settlements Project (ATNS). Jessica has been admitted as an Australian lawyer to the Supreme Court of Victoria.



Ms Ha Dinh (2015-2017)

BA (International Law), Diplomatic Academy of Vietnam; Juris Doctor, The University of Melbourne

Languages: Vietnamese

Ha has been working as a Research Assistant for Professor Pip Nicholson since 2011, assisting Professor Nicholson with legal research, collection of data and drafting reports in the area of comparative judicial systems.

Ha has been admitted as an Australian lawyer to the Supreme Court of Victoria and has experience practising public and private law in both Australia and Vietnam.



Dr Ha Hai Do (2011- current)

LLB, Hanoi University; LLM, The University of Melbourne; PhD Candidate, The University of Melbourne

Languages: Vietnamese

Since 2002, Ha has been a lecturer of the Ho Chi Minh City University of Law. He also worked for a US law firm, and provided legal consultancy to various companies in Vietnam.



Ms Mary Kozlovski (2014- current)

BA (Media and Communications), The University of Melbourne; Juris Doctor Candidate, The University of Melbourne

Languages: Khmer

Mary worked for two and a half years as a journalist and editor based in Phnom Penh, Cambodia. She was a national news reporter and sub-editor at *The Phnom Penh Post*. She worked as a trial monitor documenting proceedings at the Khmer Rouge tribunal for Cambodia Tribunal Monitor.



Mr Jeremy Latcham (2016-current)

Juris Doctor Candidate, The University of Melbourne

Languages: Japanese

In 2016, Jeremy completed a report on the death penalty in Thailand for Reprieve Australia. In November 2015, he represented the Japanese-language division of Team Australia in the Intercollegiate Negotiation Competition, held at Sophia University in Tokyo. Since 2013, he has also provided tutoring services to primary, secondary and tertiary students in English and Japanese.



Mr Chenjie Ma (2012-current)

BComm, The University of Melbourne; Juris Doctor, The University of Melbourne

Languages: Mandarin Chinese

Chenjie's main responsibilities include translating academic articles in relation to the recent Chinese Criminal Procedure Law reform. He has also assisted with the coordination of the China Common Law Program run by Melbourne Law School, the University of Oxford and the National University of Singapore.

ALC RESEARCH ASSISTANTS

**Ms Mai Mitsumori-Miller (2016- current)**

BA (History & Japanese), The University of Melbourne; Juris Doctor Candidate, The University of Melbourne

Languages: Japanese

Mai's research interests include international trade law, comparative property law and comparative human rights law. She has interned with the Asia-Pacific Human Rights Information Centre (HURIGHTS Osaka) (2016) and participated in the Global Lawyer program (2017).

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

LLB (Hons), Ho Chi Minh City University of Law; PhD Candidate, The University of Melbourne

Languages: Vietnamese

Prior to her study in Melbourne, Trang was practising as a legal assistant/legal consultant in local and foreign law firms in Vietnam. Trang also passed the bar exam to become a Vietnamese lawyer at the beginning of 2014.

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

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

Languages: Vietnamese

Phuong was a lecturer at the School for Prosecutors in Ho Chi Minh City. She also worked as a law lecturer at RMIT University, Vietnam. Her current research interests include criminal procedure law and human rights issues in Vietnam.

**Mr Raoul Renard (2014-2016)**

BA, The University of Melbourne; Juris Doctor Candidate, The University of Melbourne

Languages: Mandarin Chinese

Raoul has received scholarships to study Chinese in Beijing at Tsinghua University, and in Taiwan. He has also interned at South Asia Human Rights Documentation Centre in New Delhi, India.

**Ms Jessica Shin (2014-2017)**

BA, The University of Melbourne; Juris Doctor, The University of Melbourne

Languages: Japanese, Korean

Jessica Shin was born in Korea and raised in Australia, and has an interest in all fields of Asian Law, particularly in the interaction between culture and the legal system.



Ms Beixi Sun (2016-current)

BA, The University of Melbourne; Juris Doctor Candidate, The University of Melbourne

Languages: Mandarin Chinese, Japanese

Beixi has worked on a research inquiry into the labour rights and working environment of female migrant domestic workers in Australia, with academics from Melbourne Law School and Asia Institute.

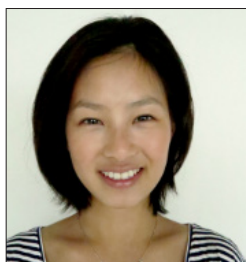


Mr Yifan Wang (2016)

LLB, East China University of Political Science and Law; Juris Doctor, The University of Melbourne

Languages: Mandarin Chinese

Yifan previously worked as a trainee lawyer at a top-tier PRC law firm in Shanghai. Yifan has work experience in three different jurisdictions (Mainland China, Australia and Hong Kong).



Ms Sarah Yang (2014-2017)

Bachelor of Biomedicine, The University of Melbourne; Juris Doctor Candidate, The University of Melbourne

Languages: Korean

Sarah's interests include comparative law and the interaction between culture and the law.

ALC RESEARCH ASSISTANTS

Research Activities and Research Training

Research Grants

ALC Member(s)	Project Title	Grant Type	Collaborator(s)	Year(s)	Amount
Farrah Ahmed	'Constitutional Boundaries'	Oxford-MLS Research Partnerships	Adam Perry (University of Oxford)	2016-2017	A\$37,000
Farrah Ahmed	'The Response of Australian Family Law to Islamic Community Processes'	ARC Discovery Award	Carolyn Evans Ghena Krayem Helen Rhoades	2015-2018	A\$329,900
Sarah Biddulph	'Administrative Justice in China: Harnessing the Rule of Law to Deal with Citizen Complaints against Official Misconduct'	ARC Future Fellowship		2013-2017	A\$744,850
Sarah Biddulph	'Asia Pacific Dispute Resolution: Understanding Coordinated Compliance with International Trade and Human Rights Standards in Comparative Perspective'	Major Collaborative Research Initiative (MCRI) funded by the Canadian Social Sciences and Humanities Research Council (SSHRC)	Pitman Potter (University of British Columbia)	2009-2018	CA\$2.5 million (for entire project)
Sarah Biddulph	Visit by Professor Xie Chuanyu, Chinese People's Public Security University, People's Republic of China	International Research Visitors Scheme	Xie Chuanyu (Chinese People's Public Security University, People's Republic of China)	2016	A\$8,000
Tim Lindsey	'Islam, Law and the State in the Philippines'	ARC Discovery Award	Kerstin Steiner	2016-2018	A\$200,100
Pip Nicholson	'First Death Penalty Law and Practice Conference'	DFAT Human Rights grant		2016-2017	A\$25,000
Stacey Steele	'Comparative Insolvency Law in the Asia-Pacific'	MLS International Collaboration Fund	Jin Chun (Doshisha University, Japan)	2016	A\$9,735
Stacey Steele	'Death Penalty, Prosecution and Detention in Japan'	MLS-Asia Research Collaboration Fund		2016	A\$9,625
Stacey Steele	'Disciplining Insolvency Practitioners in Australia and Singapore: Legal and Policy Trends'	NUS Law - MLS Research Partnership	Ian Ramsay	2014-2016	A\$20,000
Stacey Steele	'Integrity in Sport: Comparative Approaches to Match Fixing in Australia, Japan and Korea'	MLS-Asia Research Collaboration Fund		2016	A\$9,000
Stacey Steele	'Japan Summer School Pilot'	Australia-Japan Foundation		2016-2017	A\$12,000
Stacey Steele	International Visitation by Researchers	Nomura Foundation Grant	Jin Chun	2016-2017	A\$10,000

ALC Member(s)	Project Title	Grant Type	Collaborator(s)	Year(s)	Amount
Stacey Steele	Visit by A/Professor Keiji Kawai	MLS International Research Visitors Scheme		2016	\$3,000

Conferences and Workshops

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

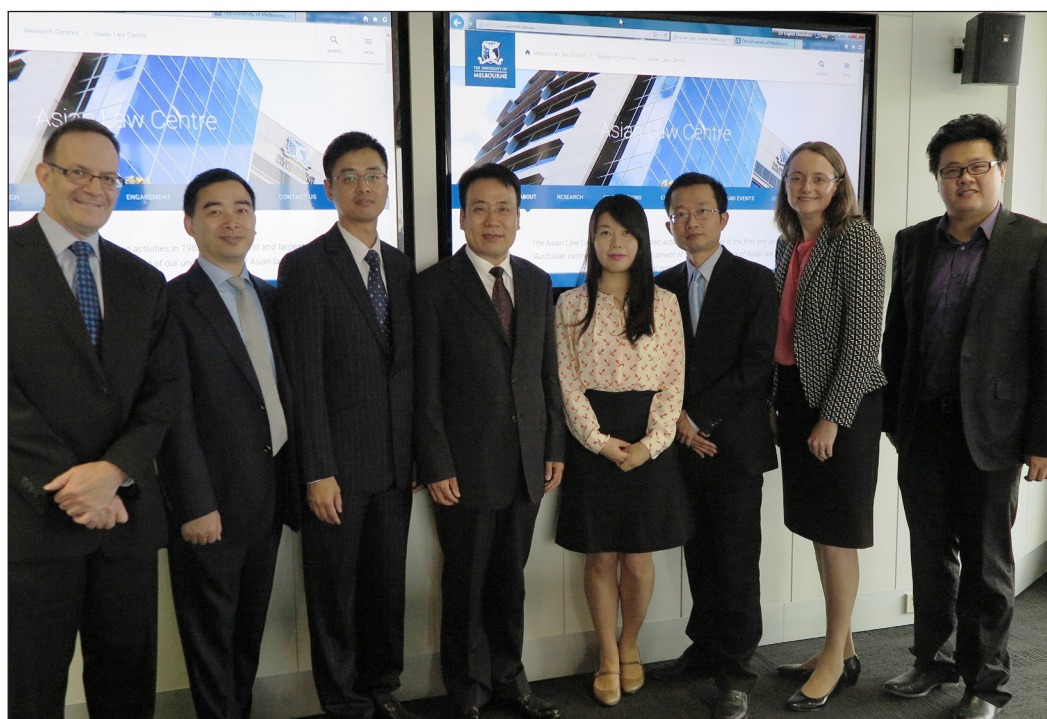
7 March 2016

Chinese Insolvency Law Workshop

Co-hosted by the Asian Law Centre and Ashurst

Presenters included:

- **Associate Professor Jin Chun**, from the Faculty of Law, Doshisha University - 'Overview of the Enterprise Bankruptcy Law of China and Cross-Border Insolvency'
- **Mr Ren Yimin**, VP and Partner at Zhejiang Capital & Equity Law Firm - 'Role of Insolvency Professionals under the Enterprise Bankruptcy Law of China'
- **Professor Han Changyin**, KoGuan Chair Professor of Law at Shanghai Jiao Tong University Law School - 'Treatment of Secured Creditors under the Enterprise Bankruptcy Law of China'
- **Mr Chi Weihong**, Senior Consultant at Dentons (Guangzhou) Law Offices - 'Latest Developments in Enterprise Bankruptcy Reorganization Cases in China'.



ALC RESEARCH ASSISTANTS

19 April 2016

Roundtable on “Academic Freedom in India: A Discussion of Recent Events”

This Roundtable Discussion focussed on academic freedom in India, following events that occurred in India in 2016. For example:

- 19 JANUARY 2016 Police fired water cannon to disperse hundreds of people protesting the death of Rohit Vemula outside a government building in Hyderabad. Hundreds more were protesting at the University of Hyderabad, where police briefly detained eight students. *AFP* (19 January 2016)
- 9 FEBRUARY 2016 JNU on-campus event questioning the hanging of Afzal Guru *NDTV*, (16 February 2016).
- 12 FEBRUARY 2016 JNU student union leader Kanhaiya Kumar arrested on charges of sedition under s 124A of the Indian Penal Code for allegedly making ‘anti-national’ slogans at a demonstration on the JNU campus on February 9. *New York Times* (13 February 2016)



28 July 2016

Roundtable Session with Environmental Lawyer Ritwick Dutta

Ritwick Dutta

Hosted by the Asian Law Centre and the Centre for Resources, Energy and Environmental Law



Ritwick Dutta is an Environmental Lawyer & Managing Trustee, Legal Initiative for Forest and Environment. He has focused exclusively on environmental litigation and has supported communities, civil society groups and affected citizens in bringing environmental issues before the Court. His principal focus is the National Green Tribunal where he also serves as the Secretary of the National Green Tribunal Bar Association. Ritwick is an Ashoka Fellow and is the recipient of the Carl Zeiss Roll of Honour 2005. The Sanctuary ABN AMRO Award 2007, the NDTV Green Hero Award 2010, the Balipara Foundation Award 2015. He is the Board member of NGO Platform on Shipbreaking and leads The Access Initiative – South Asia, the largest network of CSO's working on access to information, public participation & access to justice. He has authored 13 books on environmental law including the *Supreme Court on Forest Conservation and National Green Tribunal* published by Universal Law Publishing.

11 August 2016

Roundtable on “Constitutional Law in Japan”

Professor Hajime Yamamoto

Hosted by the Asian Law Centre and Centre for Comparative Constitutional Studies

A roundtable discussion provided an opportunity to discuss potential amendments to the Japanese Constitution with Professor Hajime Yamamoto, as well as have a free exchange of ideas and updates in relation to the respective jurisdictions of the participants.

Hajime Yamamoto has been a professor of public law at Keio University Law School since April 2008, where he teaches constitutional law and human rights law. He has been a visiting professor at Sciences Po law school (2012, 2013 and 2015) and at University of Paris II (2016). He holds a Doctorate in Law (University of Tokyo, 1992). He graduated from Waseda University School of Political Science and Economics (1984). Before joining the Keio University faculty, he was a professor of Public Law at Niigata University and Tohoku University. He was a recipient of the Nitobe Fellowship (The International House of Japan, 1993-1995).

16 August 2016**'Researching and Writing: Vietnamese Legal Change': Vietnamese Legal Studies Graduate Student Workshop**

Hosted by the Asian Law Centre and the Asia-Pacific Business Regulation Group, Monash University

The ALC and the Asia-Pacific Business Regulation Group at Monash University's Department of Business Law hosted the 5th biennial Vietnamese Legal Studies Graduate Student Workshop. The workshop, 'Researching and Writing: Vietnamese Legal Change', brought together postgraduate students in Australia and New Zealand who were researching topics on Vietnamese legal studies. Workshop participants received feedback on their research from peers and academic experts, including ALC Director Professor Pip Nicholson and Professor John Gillespie from Monash University, and were joined on the day by Dr Bui Ngoc Son from the National University of Singapore.

25 October 2016**Workshop: Insolvency Law in the Asia-Pacific: Trends and Developments in China, Singapore and Australia**

Hosted by the Asian Law Centre and King & Wood Mallesons, Melbourne

A Workshop was held at King & Wood Mallesons to discuss insolvency law issues in the Asia-Pacific. Together with commentators from academia and the legal industry, speakers included:

- **Professor Charles Booth**, University of Hawai'i
- **Ms Samantha Kinsey**, King & Wood Mallesons
- **Mr Toni Troiani**, King & Wood Mallesons
- **Associate Professor Meng Seng Wee**, National University of Singapore

**Summer School Teaching Programs****3 – 17 January 2016****Jindal Global University and University of Melbourne Summer School in International Criminal Justice**

The ALC hosted a group of 12 students from O.P. Jindal Global University in India for an intensive summer program of seminars and lectures on international criminal justice.

15-26 February 2016**Chuo Summer School**

Each year since 2005, the Asian Law Centre has hosted the Chuo Law School Melbourne Summer School. Chuo Law School is located in Tokyo Japan, and is one of Japan's most prestigious law schools. Chuo law students visit Melbourne Law School in February to study Australian law and attend seminars taught by Melbourne Law School lecturers on a variety of legal topics. The Chuo law students also learn outside the classroom by visiting Victorian legal institutions such as courts, Parliament and law firms.

The Summer School continues the relationship with Chuo Law School that was developed – and originally taught – by the late Professor Malcolm Smith, when he joined Chuo Law School as Professor of Law in 2004.

The Chuo Summer School is a popular annual program which



ALC SEMINARS

provides a valuable opportunity for Japanese students to have an introduction to Australian law, practice their English and foster the strong relationship between Melbourne Law School and Chuo University.

The ALC welcomed students from Chuo Law School to the ALC, together with Professor Dan Rosen, Professor Yasuzo Kitamura and Associate Professor Kiyofumi Koutani.

16-22 March 2016

China Common Law Program: Melbourne University, Oxford University and the National University of Singapore

Melbourne Law School, Oxford Law School and the National University of Singapore Law School hosted the third China Common Law Program in March 2016. Academics from the three law schools delivered lectures on the common law to students from four universities in China: Shanghai Jiaotong (Shanghai), Fudan (Shanghai), Tsinghua University (Beijing) and Peking University (Beijing). The China Common Law Program is supported by Mr Allan Myers AO QC and Mrs Maria Myers AO.

ALC Seminar Series

The Asian Law Centre regularly hosts evening seminars by distinguished scholars and leading practitioners on current Asian legal issues.

23 February 2016

International Dispute Resolution in Japan: New Developments

Professor Susumu Masuda

Hosted by the Asian Law Centre and Herbert Smith Freehills

Professor Susumu Masuda explained the basic principles of laws in relation to international dispute resolution passed in Japan over the last decade. He argued that the legislation is changing practice by Japanese judges and lawyers working in this area, as well as the theoretical basis for that practice. The legislation was designed to introduce global standards in Japan, in particular in relation to certainty and predictability of commercial lawsuits, choice-of-law rules and arbitration. In some ways, the new standards surpassed those global standards. The presentation also provided an update on recent Japanese cases for practitioners of international dispute resolution.



Professor Susumuk Masuda is a lawyer at Mori Hamada & Matsumoto in Tokyo and professor at Keio University Law School. He was a visiting research scholar at the Melbourne Law School and involved in **Professor Richard Garnett's** international dispute resolution classes and Asian Law Centre activities. Professor Garnett is a Melbourne Law School colleague and consultant at Herbert Smith Freehills.

22 March 2016

A Cruel Game of Chance: Administration of the Death Penalty in India

Dr Anup Surendranath

Hosted by the Asian Law Centre, Centre for Indonesian Law, Islam and Society, and Reprieve Australia

Based on interviews with all of India's death row prisoners and their families between June 2013 and January 2015, the Centre on the Death Penalty at National Law University, Delhi has documented the socio-economic profile of prisoners under the sentence of death along with mapping their interaction with various aspects of the Indian criminal justice system. While discussing issues of discrimination, custodial torture, incompetent representation, prison conditions and alienation from the legal system in the context of his work with death row prisoners, in this seminar, Dr. Anup Surendranath also reflected on the Centre's experience in providing pro bono representation to over 40 death row prisoners in the last 18 months. Dr. Anup Surendranath is the Director of the Centre on the Death Penalty at National Law University, Delhi.



Dr Anup Surendranath is the Director of the Centre on the Death Penalty at National Law University, Delhi. After obtaining his law degree from NALSAR University of Law, Hyderabad (India), he was a Felix Scholar at the University of Oxford between 2007-12 where he was awarded the BCL (Distinction), M.Phil in Law (Distinction) and the D.Phil in Law. He had the rare honour of being invited by the Supreme Court of India to serve as a Deputy Registrar (Research) in May 2014, an academic appointment last made in the late 80s. Dr. Surendranath resigned from this post in light of the Supreme Court's handling of Yakub Memon's execution in July 2015.

26 April 2016

Constitutional Faith: The Indian Constitution in the 21st Century

Professor Sudhir Krishnaswamy

Hosted by the Asian Law Centre and the Indian Council for Cultural Relations

On November 26th 2015 the Bharatiya Janata Party (BJP) led Central Government introduced a new 'Constitution Day' to commemorate the adoption of the Final Draft Constitution by the Constituent Assembly on November 26th, 1949. India has historically celebrated Republic Day on 26th January each year to mark the day on which the Constitution of India, 1950 came into force. The Parliamentary debate on Constitution Day in 2015 laid bare the political contestation around these ceremonial events. Opposition parties alleged that the BJP was inserting itself into India's constitutional lineage to obscure its historical absence in the freedom movement or enthusiasm for the Constituent Assembly. The ruling party asserted that it sought to acknowledge and celebrate the contribution of Dr Ambedkar as the architect of the constitution. These political exchanges hint at but not identify a more surprising and remarkable puzzle: why has the BJP abandoned its historical antagonism to and ambivalence about the Indian constitution? A party that attempted to revise and rewrite the constitution when it first came to power in 2002, seeks to celebrate and commemorate the 'Constitution' a mere 12 years later!

In this lecture, Professor Krishnaswamy explored and explained this dramatic transformation in the BJP's political commitment to the Constitution of India, 1950. He argued that at the core of this transformation is a fundamental reworking of three strands of constitutional meaning: first, the Constitution is recast as a political document that represents the traditional 'civilizational ethos' of a 5000 year culture rather than as a modern political document crafted by a revolutionary Independence movement.

He also discussed the idea that citizens should venerate the Constitution as a 'holy book' that encodes a majoritarian national ethos that is placed above public criticism. Thirdly, that the Constitution be read not as a document that imposes constraints on majoritarian political power but one that authorizes the relentless pursuit of 'national' pride. Unlike the attempt to revise and rewrite the constitution in 2002 where a formal process of constitutional change was preferred, this ongoing radical transformation of constitutional meaning is sought to be achieved through media assisted popular re-reading of the Constitution.

This political transformation of constitutional meaning elevates and emphasizes some parts of the constitution (like the provisions relating to cow slaughter) and disregards parts of the constitution (the status of the Upper House of the legislature) that resist this re-reading of the constitution. For this ambitious political project to succeed, popular meaning must over time replace the current constitutional understanding at three key non-political actors: civil society, lawyers and legal academics and the courts.

ALC SEMINARS

The future of the Indian constitution in the 21st century will be shaped by how these actors respond to this new reading.

Professor Sudhir Krishnaswamy is a Professor of Law and Director of the School of Policy and Governance at the Azim Premji University, Bangalore. He visited Columbia Law School as a the Visiting Dr Ambedkar Chair Professor in Indian Constitutional Law from 2012-2015. His primary academic interests are in Indian constitutional and administrative law as well as law and development issues with a focus on legal system reform. He has a D. Phil in Law and Bachelor of Laws degree from Oxford University and a Bachelors of Arts and Law (Honours) from the National Law School of India University Bangalore.

11 June 2016

Sedition and the Cost of Democracy

Zulkiflee Anwar Haque

Hosted by the Asian Law Centre and Saya Anak Bangsa Malaysia

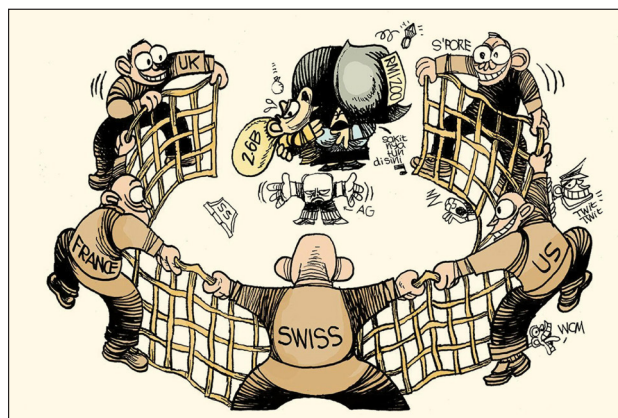
Zulkiflee Anwar Haque, better known as Zunar, is a cartoonist and satirist who has been entertaining and informing Malaysians about their world for over 20 years.

In his first Australian tour, the multi-award-winning cartoonist will be drawing, discussing and performing Malaysian politics, its current billion-dollar global corruption crisis, art, and censorship across five cities.

Zunar is facing 43 years in prison on 9 charges of 'sedition' over his outspoken criticism - and satire and cartoons - of Malaysia's Najib government.

Zunar's five cartoon books are banned for allegedly containing content "detrimental to public order", and the police have confiscated thousands of copies.

Zunar's fight for the freedom of expression in Malaysia was recognised with the CPJ's Press Freedom Award 2015, the Hellman-Hammett 2015 award from Human Rights Watch, and most recently in Geneva, the Cartooning for Peace Award 2016 along with a public installation of his work along Lake Geneva, launched by the city's mayor and former UN Secretary-General Kofi Annan.



12 July 2016

Using Social Impact Bonds to Fund Projects: Australia, Asia and Beyond

Professor Jasper Kim, Ms Fabienne Michaux, Mr Malcolm Garrow and Mr Jeremy King

Hosted by the Asian Law Centre, the Centre for Corporate Law and Securities Regulation and Corrs Chambers Westgarth



Presenters included:

- **Professor Jasper Kim**, Graduate School of International Studies, Egha University, South Korea
- **Ms Fabienne Michaux**, Member of the Australian Advisory Board (AAB) on Impact Investing, Chair of the AAB's Market Building Working Group
- **Mr Malcolm Garrow**, Director - Consulting, Social Ventures Australia
- **Mr Jeremy King**, Partner and Chairman, Pro Bono & Community, Corrs Chambers Westgarth

12 September 2016

Japanese Security Policy Under Prime Minister Abe: A Revival of Militarism?**Professor Glenn D Hook***Hosted by the Asian Law Centre, Asia Institute and School of Social and Political Sciences*

The predisposition of international relations scholars to examine the evolution of Japanese security policy through the prism of realism has been challenged by constructivist approaches. Whereas the former has recently paid attention to the change in security policy following the 'rise of China,' the latter continues to focus on the constraints on policy posed by antimilitarist norms. These two approaches lead to contenting interpretations for the constrained changes now taking place in Japanese security policy under Prime Minister Abe, but are these leading to a revival of militarism?

The purpose of this presentation is to investigate this question by examining three issues of central importance to the future of Japanese security policy. The first is the long-standing attempt to relocate the US Futenma Marine Air Station to Henoko in the north of Okinawa in the face of local opposition. The second is the introduction in 2014 of the Three Principles on the Transfer of Defense Equipment and Technology, which replaced the 1967 Three Principles of Arms Exports. And the third is the revised interpretation of Article 9 of the Constitution and the passage of legislation in 2016 allowing Japan to exercise the right to participate in collective Self-Defense. In conclusion the presentation will explore how these three issues help us to answer the question of whether or not the Abe administration's security policy is leading to the revival of militarism.

Professor Glenn D. Hook is the Toshiba International Foundation Anniversary Research Professor at the School of East Asian Studies, The University of Sheffield, United Kingdom. Glenn's research interests are in the area of the international relations of contemporary Japan, particular in relation to East Asia, as well as in security and risk in East Asia.

His work explores Japan's role in the restructuring of the East Asian political economy and spatial scales of order at the regional, subregional and microregional levels. His work details the role of both state and non-state actors in the political, economic and security dimensions of regional relations and how new orders and sites of governance emerge in the process of global and regional transformations.

17 September 2016

Confronting Repression of the Political Left 1963-1965: Singapore and Indonesia Today**Dr Poh Soo Kai, Teo Soh Lung and Associate Professor Kate McGregor**

'Living in a Time of Deception' is a study of Singapore history from the post-war period to 1965. Dr Poh Soo Kai describes the book as a historical memoir. He was part of Singapore's agitation against colonial rule and remains one of the most respected former political prisoners in Singapore.

While the establishment's account of Singapore's history maintains that the battle was one between the communists and non-communists, Dr Poh firmly puts anti-colonialism, nationalism and socialism as the forces that drove the young men and women who were his contemporaries. He also delves into how being imprisoned without trial, potentially indefinitely without any recourse, leaves none of them unscathed.

The People's Action Party, Singapore's only ruling party to date continues to justify the mass arrests and imprisonment of the most able left-wing leaders as security measures against communist subversion.



Dr Poh Soo Kai was the president of the University of Malaya Socialist Club in 1954-55 and its secretary general in 1955-56. He was a member of the eight-person editorial board of the Socialist Club newsletter, 'Fajar', who were charged by the colonial government in 1954 with sedition. He was a founding member of the People's Action Party in 1954 and was later the Assistant Secretary-General of Barisan Socialis when it was established in 1961. In 1963, he was detained without trial under Operation Coldstore and was held for a total of 17 years.

Teo Soh Lung, a retired lawyer, is a director of Function 8 (F8), the social enterprise in Singapore that is the publisher of *Living in a Time of Deception*. Among other issues, F8 advocates for the abolition of the Internal Security Act and for human rights.

Associate Professor Kate McGregor is a historian of Indonesia. She co-founded the Historical Justice and Memory Network and is currently undertaking a four-year Australian Research Council Future Fellowship on the project 'Confronting Historical Injustice in Indonesia: Memory and Transnational Human Rights Activism.'

ALC 'BROWN BAG' SEMINARS

'Brown Bag' Seminar Series

The Asian Law Centre regularly hosts its lunchtime 'Brown Bag' Seminars. In this series, postgraduates and academics who are researching and writing on Asian legal topics present papers on work in progress or rehearse a conference or article submission. The forum provides a collegial atmosphere for peer feedback.

22 February, 2016

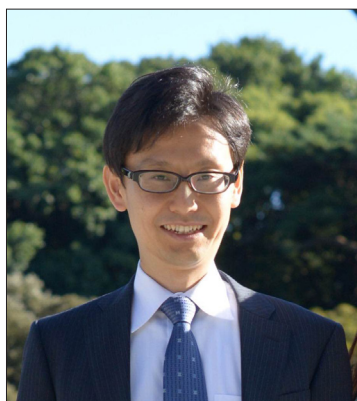
The Life of a Judge**Judge Satoshi Matsumoto**

Judges' work is not limited to writing drafts of judgements. Once appointed, a Judge has a much wider range of responsibilities and quite broad authority, particularly when they deal with some cases by themselves. Drawing on their own experiences, Judges will talk about the beginning of their career, whilst also introducing their experience as a legal apprentice.

Judge Satoshi Matsumoto is the Visiting Research Scholar to visit the Melbourne Law School as part of the Supreme Court of Japan's Overseas Training and Research Program. He graduated from Osaka University Law School and University of Tsukuba and was appointed as a judge in 2012. He has managed civil and criminal trial cases as an assistant judge in a panel.



24 February 2016

Labour Dispute Resolution Organisations of Japan: A Presentation in Japanese**Judge Yoshitaka Mizukura**

Judge Mizukura discussed the various organisations in Japan which handle labour disputes, with a focus on court procedures and the role of judges. He analysed employment patterns in Japan and the regulations relating to termination which may depend on the type of employment arrangement. He also highlighted key trends and current issues surrounding termination disputes in Japan.

Judge Yoshitaka Mizukura is from the Tokyo District Court where he has heard labour dispute cases since April 2014. He was appointed as a judge in 2002 and has also recently presided over cases in the Nagoya District Court (2011-2014). Judge Mizukura is a graduate of the Faculty of Law, University of Keio.

14 April 2016

Educational Intervention in Japanese Juvenile Proceedings**Ms Yoshiko Ohmachi***Hosted by the Asian Law Centre and the Criminology Discipline in the School of Social and Political Sciences*

Ms Yoshiko Ohmachi spoke about Japanese juvenile proceedings and shared several cases. All juvenile cases are handled by Family Courts in Japan. Family Court Probation Officers are required to investigate the juvenile's character, development, relationship with other people and living conditions, to understand why the crime was committed by the juvenile. Judges consider all circumstances and decide appropriate treatment for individual offenders. One trait of Japanese juvenile proceedings is 'educational intervention,' whereby Family Court Probation Officers meet with juveniles and hold group conferences to allow them to reflect on their crime. Following this, Judges discuss what action should be taken in hearing proceedings. The Family Court provides juveniles a variety of educational interventions, in order to prevent their re-offending.

Ms Yoshiko Ohmachi is a Family Court Probation Officer in Japan. After obtaining a Bachelor of Education degree from Kyoto University, she was appointed as an Assistant Family Court Probation Officer in 2008. After completing the two-year training course at the Training and Research Institute for Court Officials, she was appointed as a Family Court Probation Officer in 2010. Ms Ohmachi has been involved in juvenile cases, parenting cases, child protection cases and other family related cases in the Family Court. She was studying at the Australian National University College of Law through the Overseas Training Program of the Supreme Court of Japan.

15 April 2016

Chinese Conceptions of the Ombudsman: Convergence or Divergence?**Dr Stephen Thomson***Hosted by the Asian Law Centre and the Centre for Comparative Constitutional Studies*

Are Chinese conceptions of the ombudsman on a path of convergence or divergence? Dr Thomson asked this question of the principal ombudsman institutions in the Greater China region: the Ministry of Supervision (Mainland China), Ombudsman (Hong Kong), Commission Against Corruption (Macau) and Control Yuan (Taiwan). To what extent do these institutions embody common values in the supervision of public administration? Are they essentially performing the same function in each jurisdiction, or do the differences between them in terms of structural design, powers and processes suggest diverse conceptions of the ombudsman? Taken as a whole, what is the overall trend in terms of convergence or divergence? These questions are generally important for comparing state institutions, but also in the specific context of the Greater China region.

Against the background of Hong Kong and Macau's finite guarantee of autonomy as Special Administrative Regions, and the enduring possibility of the reunification of the People's Republic of China and Taiwan, there is a particular need to contrast the institutions of this region and consider their potential for alignment or harmonisation.



Dr Stephen Thomson is an Assistant Professor at the Chinese University of Hong Kong (CUHK) and Legal Adviser to the Ombudsman of Hong Kong. He leads teaching in administrative law at CUHK, and is an instructor in administrative law on Continuing Professional Development courses accredited by the Law Society of Hong Kong. Dr Thomson obtained his PhD at the University of Edinburgh, where he taught several courses on constitutional and administrative law. His work has appeared in UK, US and Hong Kong law journals, and he is the author of the leading book on equitable jurisdiction in Scotland.

ALC 'BROWN BAG' SEMINARS

5 May 2016

The Basic Structure Doctrine in South Asia: Form and Function in Comparative Constitutional Law**Professor Sudhir Krishnaswamy***Hosted by the Asian Law Centre and Centre for Comparative Constitutional Studies*

South Asian nations have had some difficulty in maintaining their post - Independence constitutions. Drafted in the euphoria of decolonisation these constitutions have been challenged by communal politics, revolutions of the political right and left and military coups. The Constitution of India 1950 is the only Constitution to survive these varied onslaughts without a break in application albeit with almost 100 constitutional amendments. Bangladesh and Pakistan have endured several phases of constitutional suspension or repeal. The resolution of the ethnic conflict in Sri Lanka arguably rests on the ongoing attempts to revise their Constitution. Nepal has adopted a new constitution in 2015 but its near future is still uncertain. In all these jurisdictions, the courts have engaged with some version of a 'basic structure doctrine.' The Indian Supreme Court has developed the doctrine into a novel and extensive doctrine of constitutional judicial review. The Pakistani and Bangladeshi Supreme Court have modestly embraced the doctrine in recent years to warn future coup plotters. The Sri Lanka courts have rejected the arguments that the doctrine applies to their constitution. The courts in Nepal have flirted with the doctrine intermittently but with limited impact on the wider constitutional culture.

In this paper, Professor Krishnaswamy critically examined the historical development of basic structure doctrine and constitutional and political function of the basic structure doctrine in five South Asian jurisdictions. These jurisdictions share significant cultural affinities and some common legal trajectories. Moreover, they have developed political and constitutional cultures that share common idioms and practices. He explored how a South Asian constitutional comparison of the effect of the basic structure doctrine on the development of constitutional and political culture in these jurisdictions illuminates debates on methodology in comparative constitutional law: on form and function as well as regional and global comparison. In particular, Professor Krishnaswamy showed why no meaningful comparison is possible without an approach that integrates legal and doctrinal form as well as constitutional and political function of the basic structure doctrine as it travels across these jurisdictions. Without such an approach we cannot explain why jurisdictions which abandon common law constitutional concepts of separation of powers and legislative sovereignty have greater success at constitutional maintenance than those that embrace them.

Professor Sudhir Krishnaswamy is a Professor of Law and Director of the School of Policy and Governance at the Azim Premji University, Bangalore. He visited Columbia Law School as a the Visiting Dr Ambedkar Chair Professor in Indian Constitutional Law from 2012-2015. His primary academic interests are in Indian constitutional and administrative law as well as law and development issues with a focus on legal system reform. He has a D. Phil in Law and Bachelor of Laws degree from Oxford University and a Bachelors of Arts and Law (Honours) from the National Law School of India University Bangalore.

23 June 2016

Culture in Law and Development: Nurturing Positive Change**Professor Lan Cao***Hosted by the Asian Law Centre and the Institute for International Law and the Humanities*

The standard law and development template includes predictable prescriptions such as drafting laws and constructing institutions. These are important steps towards the establishment of a state that is appropriately subject to the constraints of law.

However, this emphasis on the institutional and technocratic dimensions of law and development has created a systemic blind spot to culture. Professor Cao urges law and development scholars and practitioners to reject the acultural tradition of related fields such as public and private international law and even international human rights law, to instead embark on a respectful but robust engagement with culture.

Professor Lan Cao is the Betty Hutton Williams Professor of International Economic Law at Chapman Law School in Orange, California. She is a graduate of Mount Holyoke College and Yale Law School and worked as a litigation and corporate attorney at Paul, Weiss, Rifkind, Wharton & Garrison in New York City for many years until she joined legal academia as a law professor. She has taught at Brooklyn Law School, Duke Law School, Michigan Law School, and William & Mary Law School. Her scholarly and teaching interests include public international law, international human rights, international trade, international business and law and development.



She is the author of *Culture in Law and Development: Nurturing Positive Change* (Oxford University Press 2016) as well as many law review articles on international law and economic development. She is also the author of two critically acclaimed novels *Monkey Bridge* (1997) and *The Lotus and the Storm* (2014), both published by Viking. Michiko Kakutani of *The New York Times* wrote of *Monkey Bridge*, "Cao has not only made an impressive debut, but joined authors such as Salman Rushdie and Bharati Mukherjee in mapping the state of exile and its elusive geographies of loss and hope."

She was born in Saigon, Vietnam and came to the United States in 1975 after the end of the war in Vietnam.

5 July 2016

The Development of Islamic Banking in Malaysia

Mr Datuk Dr Nik Norzrul Thani

Hosted by the Asian Law Centre and the Transactional Law Group

In this seminar, Datuk Dr Nik Norzrul Thani spoke on Islamic Banking in Malaysia and identified the opportunities and challenges, both for legal practitioners and also for market participants.



Datuk Dr Nik Norzrul Thani is Senior Partner of ZICOLaw in Kuala Lumpur and an Honorary Fellow at Melbourne Law School. He advises clients on a wide range of legal matters incorporating Islamic finance, banking, offshore finance, debt restructuring, international, corporate and commercial law.

Mr Datuk Dr Nik was a Visiting Fulbright Scholar at Harvard Law School from 1996 to 1997, and a Chevening Fellow at the Oxford Centre for Islamic Studies, Oxford University. He was also formerly the Acting Dean/Deputy Dean of the Faculty of Laws, International Islamic University Malaysia.

He has published and spoken extensively in the area of Islamic finance, including as co-author of *Law and Practice of Islamic Banking & Finance*, Sweet & Maxwell, 2003 (First Edition) and 2010 (Second Edition).

1 August 2016

Structural reform in the Japanese Financial Services Sector

Ms Naomi Fink

2006 was a watershed year for financial and economic reform in Japan. The then Prime Minister's reformist agenda included reforms to the national budget system, special public corporations, medical insurance, national pension systems, and postal savings and insurance system. 2006 saw the implementation of the comprehensive New Companies Law, as well as the Financial Instruments and Exchange Law (FIEL), which represented large-scale revision of Japan's Securities and Exchange Law. The privatization of Japan Post was legislated the same year, a political coup for PM Koizumi.

The outcome of Koizumi's reforms receives a poor popular reception, given Japan's subsequent lapse into deflationary stagnation. PM Koizumi stepped down in 2006, upon which postal privatisation was diluted, subsequently shelved under the DPJ administration. The New Companies Act was criticised for its insufficiency in improving Japanese corporate governance. Meanwhile, the implementation of FIEL (Japan's answer to Sarbanes-Oxley in the US), while stringent its objectives of protecting investors from malfeasance (and thus increasing confidence in the financial sector), is pilloried for having unintentionally slowed investment.

Nonetheless, in retrospect we might have more to learn from Koizumi's 2006 financial reforms, despite its generally negative review. 2006 reforms provided a springboard for subsequent reform in the sector, including PM Abe's agenda today. Analysis of the 2006 reforms, their strengths and weaknesses, combined with empirical analysis of drivers of total factor productivity in the services sector gives us clues on the ingredients for successful reforms going forward.



Naomi Fink is the CEO and founder of Europacifica Consulting, an economics and strategy-consulting firm. Prior to founding Europacifica in August 2013, Naomi established herself as high-profile financial market strategist for some of the world's leading financial institutions, across a variety of markets. With over 15 years of experience in financial markets, Naomi's experience

ALC 'BROWN BAG' SEMINARS

as a strategist extends from G10 and Asian foreign exchange markets to macroeconomic and equity strategy with a highly entrepreneurial focus.

Ms Fink has been a frequent public speaker at high-profile events around the world. As a regular, Ms. Fink appears on international television and radio providing expert commentary and is regularly quoted in numerous financial publications. Senior policymakers and officials around the globe have sought out Ms. Fink's insights on Japan, on foreign exchange and global financial markets. Among her pet projects is the analysis of heterogeneity in Japanese total factor productivity.

In 2014, Naomi was nominated to the Japan Society of Monetary Economics.

29 August 2016

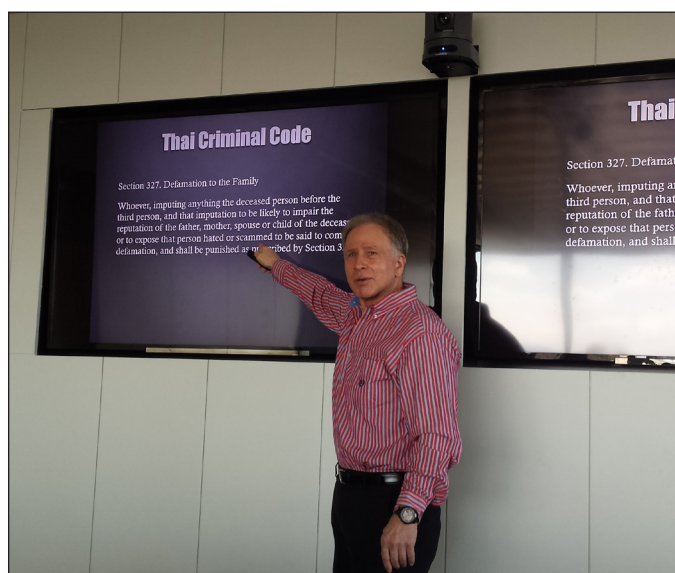
'Kiss and Tell (or be told on): Private Lives of Public People in Asia

Professor Dan Rosen

Hosted by the Asian Law Centre and Centre for Media and Communications Law

Professor Dan Rosen compared recent disclosures of private information involving public figures in Japan, Thailand, and the U.S. In particular, he considered the Hulk Hogan case from the United States where a jury awarded a retired pro wrestler \$140 million in damages. The plaintiff wrestler sued a website that showed video of his having sex with wife of friend.

Professor Dan Rosen is an American professor of law who has taught both in the United States and Japan. He currently is a visiting research scholar in Australia at Melbourne Law School, while on sabbatical from his permanent position at Chuo Law School in Tokyo. He joined Chuo in 2004, at the start of Japan's law school system. From 1997 to 2004, he was on the law faculty of Doshisha University in Kyoto. He also has taught as an adjunct professor at Hitotsubashi, Keio, Ritsumeikan, Ryukoku, and Waseda universities as well as Temple University Japan. He first came to Japan as a Fulbright lecturer at Kobe University and Osaka University and later was a Japan Foundation research fellow at Doshisha before joining its faculty. Professor Rosen earned his JD from SMU Law School in Dallas, where he was Editor-in-Chief of the law journal. He went on to receive LLM and JSD degrees from Yale Law School and served as a law clerk to James R Browning, then-Chief Judge of the US Court of Appeals for the Ninth Circuit. He taught for 13 years at Loyola Law School in New Orleans.



20 September 2016

Resale Price Maintenance (RPM) Regulation in Japan**Associate Professor Yoshiteru Uemura***Hosted by the Asian Law Centre and Competition Law and Economics Network*

In this seminar, Associate Professor Uemura revisited RPM regulation under the Antimonopoly Act of Japan, analysing relevant precedents of the Supreme Court of Japan and pointing out the characteristics of RPM regulation in Japan today.



Yoshiteru Uemura is an Associate Professor of competition law at Faculty of Economics, Hannan University (Osaka, Japan), where he has been teaching competition law of Japan since 2004. Yoshiteru has an interest in the regulation of vertical restraints under competition laws. He is currently a visiting scholar at Melbourne Law School, where he is researching the regulation of resale price maintenance under Australian competition law. Previously, he conducted research on US antitrust laws at Fordham Law School (2010-2011) and Northwestern Law School (2012), and was a visiting researcher at the Competition Policy Research Center, Japan Fair Trade Commission (2012-2013). Before joining Hannan University, Yoshiteru worked for TMI Associates (Tokyo, Japan) as a researcher focused on Antimonopoly Act of Japan while studying in a doctoral course of business laws at Hitotsubashi University. He holds a Master of International Economic Laws from Yokohama National University and a Bachelor of Laws from Tohoku University. He is a member of Academic Society for Competition Law, the Japan Association of Economic Law, the Japan Association of International Economic Law, and the EU Study Association of Japan.

Book Launch Seminars

17 August 2016

Confucian Constitutionalism in East Asia**Dr Bui Ngoc Son***Hosted by the Asian Law Centre and the Centre for Comparative Constitutional Studies*

Confucian Constitutionalism in East Asia (Routledge, 2016) Western liberal constitutionalism has expanded recently, with, in East Asia, the constitutional systems of Japan, South Korea and Taiwan based on Western principles, and with even the socialist polities of China and Vietnam having some regard to such principles. Despite the alleged universal applicability of Western constitutionalism, however, the success of any constitutional system depends in part on the cultural values, customs and traditions of the country into which the constitutional system is planted. This book explains how the values, customs and traditions of East Asian countries are Confucian, and discusses how this is relevant to constitutional practice in the region. The book explores classical ideas and imperial practice of Confucian constitutionalism, intellectual efforts to integrate Confucianism with modern constitutionalism, and develop a normative theory of mixed constitutionalism in the contemporary East Asia. The book has implications for both comparative political theory and comparative constitutional inquiry.

Bui Ngoc Son is a research fellow of the Centre for Asian Legal Studies, Faculty of Law, National University of Singapore, when he was previously a postdoctoral fellow. He is a PhD from The University of Hong Kong. He was a visitor at Melbourne Law School, a visiting researcher at Harvard Law School, and a visiting scholar at Tsinghua Law School. He is the author of the book *Confucian Constitutionalism in East Asia* (Routledge, 2016). His articles have been published or forthcoming in the *American Journal of Comparative Law*, *Law & Social Inquiry*, *University of Illinois Law Review*, *The Journal of Comparative Law*, *Chinese Journal of Comparative Law*, *Loyola of Los Angeles International and Comparative Law Review*, *Australian Journal of Legal Philosophy*, among others. He has also published 8 books and numerous articles in Vietnamese. His research interests include: legal change in the contemporary socialist world, Asian legal systems, Asian legal and political philosophy, Asian comparative constitutional law, and comparative constitutional theory.



BOOK LAUNCH SEMINARS

21 November 2016

Dodging Death Row? Victim-Perpetrator Reconciliation Agreements in Death Penalty Cases**Assistant Professor Daniel Pascoe**

As states that use the death penalty liberally in a world that increasingly favours abolition, the Islamic-majority jurisdictions that are strict exponents of Sharia Law and the People's Republic of China share a crucial commonality: their frequent use of victim-perpetrator reconciliation agreements to remove convicted murderers from the threat of execution. In both cases, rather than a murder convict's last chance at escaping execution being recourse to executive clemency, victim-perpetrator reconciliation agreements fulfil much the same purpose, together with providing means of compensating victims for economic loss, and enabling the state concerned to reduce execution numbers without formally limiting the death penalty's scope in law. Utilising the functionalist approach of comparative law methodology, in this presentation Dr Pascoe compares the fourteen death penalty retentionist nations that have most strictly incorporated Sharia criminal law principles into their positive law with the People's Republic of China, as to the functions underpinning victim-perpetrator reconciliation agreements in death penalty cases.



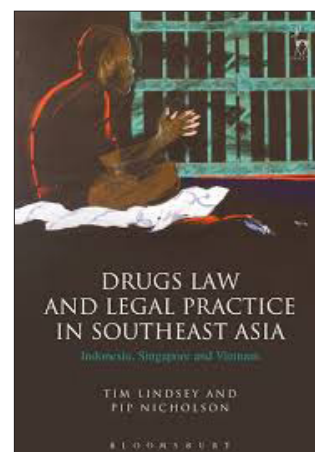
Daniel Pascoe is an Assistant Professor at the School of Law, City University of Hong Kong. He received his DPhil in Law from the University of Oxford in 2013, and his MPhil in Criminology and Criminal Justice also from the University of Oxford in 2010. At Lincoln College, Oxford, Daniel was the Keith Murray Graduate Scholar. Daniel completed his undergraduate degrees in Law and in Asian Studies from the Australian National University. Daniel has published a number of single-authored pieces on the death penalty in Southeast Asia and in the Islamic world in edited collections (including Jianhong Lu, Max Travers & Lennon Chang (eds), *Comparative Criminology in Asia* (Springer); Mary Bosworth, Carolyn Hoyle & Lucia Zedner (eds) *Changing Contours of Criminal Justice* (OUP) and in academic journals (including the *Vienna Journal on International Constitutional Law*;

Boston University International Law Journal; *Indonesian Journal of International and Comparative Law*). Daniel has also written on the death penalty for a popular audience in *The Age* newspaper (Melbourne) and in the *Jakarta Post*, and has acted as a consultant on clemency petitions in Southeast Asian death penalty cases for UK-based charity Reprieve. His monograph *Last Chance for Life: Clemency in Southeast Asian Death Penalty Cases* is forthcoming with Oxford University Press.

Book Launch: 'Drugs Law and Legal Practice in Southeast Asia' by Professor Tim Lindsey, Director of the Centre for Indonesian Law, Islam and Society at the University of Melbourne, and ALC Director Professor Pip Nicholson

Mr Michael O'Connell SC launched the book by **Professors Tim Lindsey and Pip Nicholson**, *Drugs Law and Legal Practice in Southeast Asia*.

The book investigates criminal law and practice relevant to drugs regulation in three Southeast Asian jurisdictions: Indonesia, Singapore and Vietnam. These jurisdictions represent a spectrum of approaches to drug regulation in Southeast Asia, highlighting differences in practice between civil and common law countries, and between liberal and authoritarian states. The book is the first major English language empirical investigation and comparative analysis of regulation, jurisprudence, court procedure, and practices relating to drugs law enforcement in these three states.



PhD Completion Seminars

10 November 2016

A Legal History of the French Protectorate in Cambodia: 1863 to 1953

Ms Sally Low

Hosted by the Asian Law Centre and Office for Research, Melbourne Law School

This thesis presents a socio-legal history of the administration of justice during the French colonisation of Cambodia (1863-1953). Using archival research, I chronicle the decades of most intense colonial intervention, (1863-1940). I consider if and to what extent colonisation laid the basis for potentially liberating modern legal institutions. Drawing on Bourdieu, I argue that colonial law was affected by overlapping but unequal fields and sub-fields of French and Cambodian power, producing contests and coincidences of interest that were both structural and contingent. Colonial law was modern and not, disciplining but also sovereign. At independence Cambodia was left with partially modern but dependent legal institutions, and a legacy of state authoritarian rule by law.

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

Other Special Events

25 November 2016

Dinner in honour of Judge Pamela Jenkins, County Court of Victoria

In November 2016, the ALC held a dinner in honour of **Judge Pamela Jenkins** of the County Court of Victoria. For over a decade, Judge Jenkins has worked tirelessly to advance the cooperation between District Court judges from Japan and Korea who visit the ALC on year-long programs funded by their governments.

RESEARCH VISITORS

Research Visitors

Funded Visiting Scholar Programs

The Japan and Korea programs both manage funded visiting scholar programs. These activities are significant bridges between professionals in Japan, Korea and Australia. The funding also provides some support for the broader activities conducted by the Japan and Korea programs in the Asian Law Centre.

Supreme Court of Japan Overseas Training and Research Program

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 2016, the participants in this program included:

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

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

- **2016-2017 - Judge Yoshihiro Baba, Ichinomiya Branch of Nagoya District Court**

Judge Baba is an assistant judge from the Ichinomiya Branch of Nagoya District and Family Courts. During his stay, he conducted research on the management of lawsuits which require expert knowledge and experience, such as malpractice lawsuits.

Supreme Court of Korea Overseas Research and Study Program

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

In 2009, the Supreme Court of Korea Overseas Research and Study Program was extended to include Clerks of Court. In 2012, the program was extended by the Ministry of Justice to include Public Prosecutors.

In 2016, the participants in this program included:

- **2015-2016 - Judge Kwonwon Yun, Anyang Branch Court of Suwon District Court**

During his visit, Judge Yun undertook research looking at interlocutory injunctions, and understanding its application in Australian corporate law.

- **2015-2016 - Prosecutor Seung Jin Ho, Prosecutor, Daegu District Prosecutors' Office**

Prosecutor Ho undertook research into the area of corruption, particularly investigating the question of what is just punishment for those engaged in plea bargaining. He gained insight from the current practices of plea bargaining in Australia which he took back to Korea to apply to the developing policy in this area.

- **2016-2017 - Judge Guksik Kim, Seoul Central District Court**

During his visit, Judge Kim undertook research on Australian law and society.

- **2016-2017 - Prosecutor Taegyoung Kim, Seoul Central District Prosecutor's Office**

Mr Kim studied the prevention of violence against children. He developed understanding of the criminal law procedure in Australia and undertook a comparative study of the law related to the prevention of child abuse in both Korea and Australia.

Research Visitors

Arrival Date	Research Visitor
11 June 2015 – 1 June 2016	Judge Satoshi Matsumoto , Osaka District Court, Japan Academic Host: Associate Professor Stacey Steele
11 August 2015 – 8 August 2016	Prosecutor Seung Jin Ho , Prosecutor, Daegu District Prosecutors' Office, Republic of Korea Academic Host: Associate Professor Stacey Steele
17 August 2015 – 10 June 2016	Judge Kwonwon Yun , Anyang Branch Court of Suwon District Court, Republic of Korea Academic Host: Associate Professor Stacey Steele
1 September 2015 – 30 September 2017	Associate Professor Jin Chun , Doshisha University, Japan Academic Host: Associate Professor Stacey Steele
4 January 2016 – 17 January 2016	Jindal Global University Students and Professors, O.P. Jindal Global University, India
15 February 2016 – 20 February 2016	Mr Takuya Nakade , Court Clerk. Supreme Court of Japan Program, Japan Academic Host: Associate Professor Stacey Steele
15 February 2016 – 21 February 2016	Professor Chuck Itoh , Chuo Law School, Japan Academic Host: Associate Professor Stacey Steele
15 February 2016 – 26 February 2016	Chuo Law School Summer School Students , Chuo Law School, Japan Academic Host: Associate Professor Stacey Steele
15 February 2016 – 26 February 2016	Professor Dan Rosen , Chuo Law School, Japan Academic Host: Associate Professor Stacey Steele
19 February 2016 – 4 March 2016	Judge Mizukura Saibankan , Tokyo District Court, Japan Academic Host: Associate Professor Stacey Steele
22 February 2016 – 26 February 2016	Professor Yasuzo Kitamura , Chuo Law School, Japan Academic Host: Associate Professor Stacey Steele
25 February 2016 – 18 November 2016	Professor Zheng Zisen , Shandong Management University, People's Republic of China Academic Host: Professor Sarah Biddulph
March 2016	Delegation from Keio Law School , Japan Academic Host: Professor Pip Nicholson

RESEARCH VISITORS

Arrival Date	Research Visitor
2 March 2016	Judge Yoshitaka Mizukura , Tokyo District Court, Japan Academic Host: Associate Professor Stacey Steele
7 March 2016 – 9 March 2016	Mr Chi Weihong , Senior Consultant, Dentons Guangzhou Office, former Chief Judge, Liquidation & Bankruptcy Court of Shenzhen Intermediate People's Court, People's Republic of China Academic Hosts: Mr Andrew Godwin and Associate Professor Stacey Steele
7 March 2016 – 9 March 2016	Professor Han Changyin , KoGuan Chair Professor of Law, Shanghai Jiao Tong University Law School, People's Republic of China Academic Hosts: Mr Andrew Godwin and Associate Professor Stacey Steele
7 March 2016 – 9 March 2016	Mr Ren Yimin , Vice-President and Partner, Zhejiang Capital & Equity Law Firm, People's Republic of China Academic Hosts: Mr Andrew Godwin and Associate Professor Stacey Steele
11 March 2016 – 25 March 2016	Assistant Professor Anup Surendranath , National Law University Delhi, India Academic Hosts: Professor Pip Nicholson and Associate Professor Farrah Ahmed
13 March 2016 – 26 March 2016	Dr Ryota Nishino , School of Social Sciences, The University of the South Pacific, Fiji Academic Host: Associate Professor Stacey Steele
11 April 2016	Ambassador of Republic of Korea Academic Host: Associate Professor Stacey Steele
14 April 2016 – 15 April 2016	Ms Yoshiko Ohmachi , Family Court Probation Officer, Japan [Australian National University College of Law Scholar] Academic Host: Associate Professor Stacey Steele
22 April 2016	Ambassador of Japan Academic Host: Associate Professor Stacey Steele
27 April 2016 – 8 May 2016	Professor Sudhir Krishnaswamy , Azim Premji University, India Academic Host: Professor Pip Nicholson and Associate Professor Farrah Ahmed
10 May 2016 – 31 May 2016	Associate Professor He Weidong , Shanghai Academy of Social Sciences, People's Republic of China Academic Host: Professor Sarah Biddulph
9 June 2016 – 30 June 2017	Judge Yoshihiro Baba , Ichinomiya Branch of Nagoya District Court, Japan Academic Host: Associate Professor Stacey Steele

Arrival Date	Research Visitor
11 July 2016 – 22 August 2016	Professor Xie Chuanyu , People's Public Security University of China, People's Republic of China Academic Host: Professor Sarah Biddulph
12 July 2016	Professor Jasper Kim , Graduate School of International Studies, Ewha University, Republic of Korea Academic Host: Associate Professor Stacey Steele
31 July 2016 – 30 July 2017	Prosecutor Taegyoung Kim , Seoul Central District Prosecutor's Office, Republic of Korea Academic Host: Associate Professor Stacey Steele
August 2016	Professor Lin Ping , Lingnan University, Hong Kong Academic Host: Mr Andrew Godwin
1 August 2016 – 31 August 2017	Professor Keiji Kawai , Doshisha University, Japan Academic Host: Associate Professor Stacey Steele
1 August 2016 – 30 June 2017	Judge Kim Guksik , Seoul Central District Court of Korea, Republic of Korea Academic Host: Associate Professor Stacey Steele
10 August 2016 – 11 August 2016	Professor Hajime Yamamoto , Keio University Law School, Japan Academic Host: Associate Professor Stacey Steele
15 August 2016 – 17 August 2016	Dr Bui Ngoc Son , Postdoctoral Fellow, National University of Singapore, Singapore Academic Host: Professor Pip Nicholson
22 August 2016 – 31 August 2016	Professor Dan Rosen , Chuo Law School, Japan Academic Host: Associate Professor Stacey Steele
15 October 2016 – 15 January 2017	Professor Yigong Su , Tsinghua University School of Law, People's Republic of China Academic Host: Associate Professor Andrew Godwin
23 October 2016 – 1 November 2016	Professor Charles Booth , University of Hawai'i, United States of America Academic Host: Associate Professor Stacey Steele
23 October 2016 – 1 November 2016	Associate Professor Meng Seng Wee , National University of Singapore, Singapore Academic Host: Associate Professor Stacey Steele
17 November 2016 – 21 November 2016	Assistant Professor Daniel Pascoe , City University of Hong Kong, Hong Kong Academic Host: Professor Pip Nicholson

RESEARCH STUDENTS

Research Students Under Supervision of Centre Members

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

In 2016, Asian Law Centre members supervised 26 PhD candidates, 2 of whom completed their PhD in 2016.

Higher degree research candidates who submitted or successfully completed in 2016 were:

<p>Ms Carolyn Graydon</p> <p><i>Valuing Women in Timor Leste: The Need to Address Domestic Violence by Reforming Customary Law Approaches while Improving State Justice</i></p> <p>Supervisors: Tim Lindsey, Dianne Otto, Marek Nowicki</p>
<p>Mr Joseph Kikonyogo</p> <p><i>Africa and the Ailing Promise of the Doha Development Agenda in the WTO Negotiations on Agriculture</i></p> <p>Supervisors: Pip Nicholson, Tania Voon</p>

Research students under the supervision of Centre members in 2016 included:

<p>Mr Rifqi Sjarief Assegaf</p> <p><i>Socio-Legal Study of Criminal Sentencing in Indonesia: Case Study of Decisions in Selected Courts</i></p> <p>Supervisors: Tim Lindsey, Simon Butt</p>
<p>Ms Anisa Buckley</p> <p><i>Muslim Women, Law and the Challenges of Securing a 'Complete' Divorce: The Australian Experience</i></p> <p>Supervisors: Tim Lindsey, Abdullah Saeed, Andrea Whittaker</p>
<p>Mr Matthew Aaron Busch</p> <p><i>Indonesia as a Weak State: Authority and Competition in Post-Suharto Indonesia</i></p> <p>Supervisor: Tim Lindsey</p>
<p>Ms Faye Chan</p> <p><i>Citizenship vs Alienage and the Intersectionality of Law, Race and Gender: The Legal Status of Chinese Indonesian Women, 1930-2014</i></p> <p>Supervisors: Tim Lindsey, Kate McGregor</p>
<p>Ms Apsari Dewi</p> <p><i>Extradition between Indonesia and Australia</i></p> <p>Supervisors: Tim Lindsey, Jeremy Gans</p>

Mr Ha Hai Do*The Dynamics of Legal Transplantation: Regulating Industrial Conflicts in Post-Doi Moi Vietnam*Supervisors: **Pip Nicholson, Sean Cooney****Mr Hailegabriel Feyissa***The Ethiopian Civil Code Project: Reading a 'Landmark' Legal Transfer Case Differently*Supervisors: **Pip Nicholson**, Jenny Beard**Mr Andrew Godwin***Traditional Forms of Land Tenure in Rural China and Models for Reform*Supervisors: **Sarah Biddulph, Sean Cooney****Mr Thomas Harré***Human Trafficking for Forced Labour under Transnational Criminal Law: Responses to the Abuse of Migrant Workers in Southeast Asian Fisheries*Supervisors: **Susan Kneebone**, Bernadette McSherry**Ms Rasika Ramburuth Jayasuriya***Prolonged Separations for the Children of Migrant Workers: How Temporary Labour Migration Programs can Better Protect the Child-Parent Relationship*Supervisors: John Tobin, Helen Rhoades, **Susan Kneebone****Ms Josi Khatarina***Assessing Central Government Performance in a Decentralized Natural Resource Management Setting: A Case Study of Environmental Governance of the Palm Oil Industry in Indonesia*Supervisors: **Tim Lindsey**, Margaret Young**Mr Jonathan Kolieb***Corporate Peacebuilding and the Law: Regulating the Private Sector for Conflict Transformation*Supervisors: **Sean Cooney**, Christine Parker, Gerry Simpson**Ms Sally Low***Courts, Codes and Power: The Making of Law in Colonised Cambodia*Supervisors: **Pip Nicholson**, David Chandler**Mr Nan Luo***Developing a Model for Uniform Conflict of Laws Rules for Commercial Contracts within Greater China: Necessity and Possibilities*Supervisors: **Sarah Biddulph**, Richard Garnett**Ms Trischa Mann***From Court to College: The Institutionalisation of Judicial Education during its First Decade in Victoria, 2005–2015*Supervisors: **Amanda Whiting**, Kylie Smith

RESEARCH STUDENTS

<p>Ms Lilis Mulyani</p> <p><i>Reforming Legal Personhood in Indonesian Land Law: Towards Equitable Land Rights</i></p> <p>Supervisor: Tim Lindsey, Kirsty Gover</p>
<p>Mr Jason Sze Chieh Ng</p> <p><i>Red shadow: Malayan Communist Memoirs as Parallel Histories of Malaysia</i></p> <p>Supervisors: Amanda Whiting, Kate McGregor</p>
<p>Ms Pham Lan Phuong</p> <p><i>Between Rhetoric and Reality: The People's Procuracy as a Human Rights Protector in the Vietnamese Criminal Process</i></p> <p>Supervisors: Sarah Biddulph, Pip Nicholson</p>
<p>Ms Sonia Randhawa</p> <p><i>What was the Role of Female Malay-Language Print Journalists in Negotiating the Changes in the Portrayal of Women during the Process of Arabic Islamisation in Peninsular Malaysia between 1987 and 1998?</i></p> <p>Supervisors: Amanda Whiting, Kate McGregor</p>
<p>Mr Dudi Rulliadi</p> <p><i>Public-Private Partnerships and the Transformation of the Third World State: The Case of Indonesia</i></p> <p>Supervisors: Tim Lindsey, Anne Orford, Andrew Mitchell</p>
<p>Ms Nguyen Vu Thu Trang</p> <p><i>The Role of Case Law in Improving the System of Law Making in Vietnam</i></p> <p>Supervisors: Pip Nicholson, Sarah Biddulph</p>
<p>Ms Windy Triana</p> <p><i>Judicial Education for the Religious Court Judges in Indonesia</i></p> <p>Supervisors: Tim Lindsey, Farrah Ahmed</p>
<p>Mr I Gusti Ngurah Parikesit Widiatedja</p> <p><i>The Relationship Between Trade and Investment Agreements and the National Interest: A Case Study of Tourism in Indonesia</i></p> <p>Supervisors: Tim Lindsey, Jenny Beard</p>
<p>Ms Brandais York</p> <p><i>The Legal Rights and Protections of Cambodian Women within International Marriage Migration to China</i></p> <p>Supervisors: Susan Kneebone, Michelle Foster</p>

Teaching

Members of the Asian Law Centre have contributed programmes of Asian law-related subjects at the graduate and JD levels. The Law School continues to offer one of the most extensive coverages of Asian Law in Australia and the world, and is seen as a regional leader in this field.

Offerings in the Law School's programme in 2016 included:

JD

- Economic and Business Law in Asia
- Law and Legal Practice in Asia

Masters

- Chinese Law and Commerce (intensive)
- Commercial Law in Asia
- Drugs and the Death Penalty in Asia (intensive)
- Investment and Risk in Southeast Asia (intensive)
- Trade and Investment in Asia (intensive)

New JD Subject

'Economic and Business Law in Asia' was taught intensively for the first time in Hong Kong and Shanghai, with the support of various host institutions. It examined, from an advanced and specialist perspective, economic and commercial law in Asia by reference to key transactions and key areas of substantive law, including:

- Corporate mergers and acquisitions;
- Competition law;
- Finance and insolvency;
- Trade and investment law.

The subject aims to equip students with an expert knowledge of key areas of economic and commercial law governing transactions in Asia, including the role of lawyers and the practical skills that they require in order to perform their role effectively. Through learning about the law governing transactions in selected Asian jurisdictions, students will develop an ability to examine law from a comparative perspective and will gain an advanced, integrated understanding of the nature of commercial practice in the region. The teaching methodology will incorporate a transactions-based, skills-based approach and will be enhanced through guest lectures from commercial law practitioners in Asia and representatives of host institutions.

This subject was taught in 2016 by **Mr Andrew Godwin**.

MEMORIAL SCHOLARSHIP

The Malcolm DH Smith Memorial Scholarship



The Malcolm DH Smith Memorial Scholarship was launched in 2010 in tribute to Professor Smith, a leading international figure in Asian legal studies and the Founding Director of the Asian Law Centre at the University of Melbourne. This scholarship was initiated by members of the Asian Law Centre, with the support of Dr Rosalyn Smith, widow of Professor Smith.

The scholarship is designed to assist first-year Melbourne JD students who have completed an undergraduate law degree or a degree majoring in Asian studies at a tertiary institution in Australia or Asia.

Professor Smith [LLB (Hons) 1968, LLM 1972] is remembered for his exceptional contribution to Asian legal studies. He joined the Law School in 1987 as Foundation Professor of Asian Law, and was Associate Dean of the Faculty of Law in 1990-91 and 1997-99. In 2004 he was appointed a full-time professor of law at Chuo University in Tokyo, the first Australian to hold such a position.

Melbourne Law School expresses sincere appreciation to Dr Rosalyn Smith, and the many friends and colleagues of Professor Smith who have generously donated to the scholarship.

The recipient of the Malcolm DH Smith Memorial Scholarship in 2016 was **Ms Weite Li**.

Weite graduated from Renmin University of China with a Bachelor of Law (Sociology) in 2015. She commenced the Melbourne JD in 2016. She passed the National Bar Exam of the People's Republic of China in 2015 and is a registered trainee lawyer with the Zhongcheng Renhe (Zibo) Law Firm.

Weite was the 10th president of the Student Union in the School of Sociology and Population Studies at Renmin University of China, and was the undergraduate speaker in the 2015 graduation ceremony. She was one of ten students selected from Renmin University to attend Yale University Summer School in 2014 with a full scholarship, attending two law-related courses to confirm her determination to study common law.

Donations

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

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



Highlighted Achievements by Asian Law Centre Members, Research Students and Research Assistants

ALC Promotions



Congratulations to **Andrew Godwin** (Associate Director (Asian Commercial Law)) and **Dr Amanda Whiting** (Associate Director (Malaysia)), who have been promoted to Associate Professor from the start of 2017.

This promotion reflects their substantial contribution to legal scholarship and teaching, as well as their service to Melbourne Law School. We are delighted for them and wish them all the best.



Research Thesis Prizes

Congratulations to **Dr Stewart Fenwick**, who was awarded two prizes for his PhD thesis.

He was awarded the **2015 Harold Luntz Graduate Research Thesis Prize**, which is awarded annually to the Melbourne Law School graduate research student judged to have presented the best thesis in the previous year, provided that the nominee meets an overall level of excellence required for the award. It is named for Emeritus Professor Harold Luntz, a world expert on torts law and a former dean and professor at Melbourne Law School.

The selection committee found that the thesis was meticulously researched and of a very high standard. It is based on extensive and extremely difficult fieldwork conducted in Indonesia, in a second language, on blasphemy, a topic of high social and political sensitivity in that country.

He also won the **Chancellor's Prize for Excellence in the PhD Thesis 2016** in the Humanities, Creative Arts and Social Sciences category. The Chancellor's Prize is a prestigious prize. Awarded annually, it recognises the University of Melbourne's high-achieving graduate researchers and is the only University-wide award for outstanding PhD theses.

Dr Fenwick was supervised by Professors Tim Lindsey, Carolyn Evans and Abdullah Saeed. The topic of his thesis was *Is Rawlsian liberalism compatible with Islam? A case study of post-Soeharto Indonesia*. Dr Fenwick wrote an outstanding thesis drawing on a particular focus on the management of deviant Islamic religious thought. His research has had, and continues to have, a considerable impact both within and beyond academic circles.



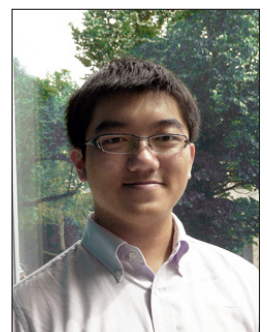
Dr Stewart Fenwick is the Director of Administration in the Federal Circuit Court of Australia. In 2015, Dr Fenwick was appointed Honorary Professor in the newly established Institute for Religion, Politics and Society, Australian Catholic University, in recognition of his research and publishing record, including in particular his thesis. He is an Associate of the Centre for Indonesian Law, Islam and Society.

Congratulations Stewart on these wonderful achievements!

New Position for Research Assistant

Congratulations to **Mr Chenjie Ma**, who has recently accepted a position as Associate for the Hon. Justice Cameron at the Supreme Court of Victoria.

Chenjie has been working for the ALC as a Research Assistant since 2012, primarily on China-related projects for Professor Sarah Biddulph and Mr Andrew Godwin. He has also assisted with the China Common Law Program of the Melbourne Law School, which is jointly taught in China with the University of Oxford and the National University of Singapore.



Multimedia IT

Asian Law Online

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

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

The database is organised according to countries in East Asia and a selection of basic legal areas. It can be searched for any word or a more specific advanced search can be conducted. It is also linked to a list of useful websites for each country and legal area.

Rule of Law Online

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

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

It is offered to the public as a free service to assist students, scholars, practitioners and the interested public, including the media, governments and non-government organisations.

The database is organised according to countries in Asia and a selection of basic subject areas, such as post-conflict reconstruction, court reform, court independence, and law and development.

Vietnamese Legal Research Network Online

Vietnamese Legal Research Network (VLRN) Online was launched by the Asian Law Centre in 2012. This Network is supported by the UNDP, and aims to:

- become a rich resource for Australian and international scholars, lawyers, officials and the public interested in Vietnam's laws and legal institutions;
- promote collaboration, networking, student exchanges and research on Vietnamese law and justice;
- promote news of current scholarship on Vietnamese law; and
- provide an index of Vietnamese law-related theses undertaken at international institutions, with extracts in English and Vietnamese.

For further information, please see <http://law.unimelb.edu.au/centres/alc/research/research-programs/vietnam/vlrn>.

Collaboration

Australian Network for Japanese Law

The Asian Law Centre was invited to become the Inaugural Affiliate of ANJeL in May 2004.

The Australian Network for Japanese Law (ANJeL) is an initiative of the law faculties at the Australian National University (ANU), the University of New South Wales (UNSW) and the University of Sydney (USyd). The primary aim of ANJeL is to promote research, teaching, and community engagement with Japanese law, especially in Australia. It:

- offers a research visitors scheme to support scholars and jurists who seek affiliation while in Australia;
- promotes scholarly exchange between the Australian and Japanese legal communities;
- participates in global legal debates by promoting Australian and Japanese perspectives; and
- facilitates the organization of major research projects, applications for competitive funding; and
- dissemination of research through presentations and publications.

ANJeL sponsors international conferences on Japanese law as well as various other seminars and events.

The Asian Law Centre's affiliation with ANJeL builds on cross-promotion and joint-sponsoring synergies between ANJeL and the ALC. To formalise the cooperation, ALC Associate Director (Japan) Stacey Steele attends ANJeL Executive Committee meetings in an honorary capacity. A Co-Director of ANJeL, Professor Kent Anderson is an Associate of the Asian Law Centre.

For further information, please see <http://sydney.edu.au/law/anjel/>

China Law Network



A national China Law Network (CLN) exists under the auspices of the ARC Asia-Pacific Futures Research Network.

Jointly initiated by Griffith University and the University of Melbourne, the CLN promotes collaboration, networking, student exchanges and research on Chinese law and justice. It aims to become a rich resource for Australian scholars, lawyers, officials and the public interested in China.

For further information, please see <http://law.unimelb.edu.au/centres/alc/research/research-programs/china/cln>

Law and Finance Institutional Partnership – <http://www.lfip.org>

The Asian Law Centre provides support to interactive live, online law teaching in Indonesia for under-resourced universities through the Law and Finance Institutional Partnership (LFIP).

LFIP is led by Associate Professor David Linnan from the School of Law at the University of South Carolina and a frequent visitor to the Asian Law Centre. It is a joint initiative between:

- Graduate Law Program of Universitas Indonesia, Indonesia;
- University of South Carolina, USA;
- Jakarta Stock Exchange (Bursa Efek Jakarta, or BEJ), Indonesia;
- Graduate Business and Public Law Program, Universitas Gadjah Mada, Yogyakarta, Indonesia;
- Asian Law Program, University of Washington, Seattle, USA;
- Asian Law Centre, The University of Melbourne, Australia;

COLLABORATION

- Center for Asia Pacific Initiatives, University of Victoria, Canada;
- Lehrstuhl II of the Kriminalwissenschaftliches Institute, University of Cologne, Germany;
- Universitas Sumatra Utara, Medan, Indonesia;
- Universitas Diponegoro, Semarang, Indonesia; and
- Universitas Airlangga, Surabaya, Indonesia.

This Partnership provides a content-based distance education network for graduate law programs, relying on instructional videoconferencing and web-based materials. LFIP can be accessed at <http://www.lfip.org>.

Publications

ALC Briefing Paper Series

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

Latest topics covered include:

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

The Australian Journal of Asian Law

The *Australian Journal of Asian Law* (AJAL) is a forum for debate for scholars and professionals concerned with the laws and legal cultures of Asia. It aims for recognition as a leading medium for scholarly and professional discourse in a region characterised by rapid growth and social change. It is a joint initiative of the members of the Asian Law Centre at the University of Melbourne and the Law Faculty of the Australian National University, with support and advice from Australian and international colleagues. It is edited in the Melbourne Law School by Professor Tim Lindsey, Dr Helen Pausacker and Dr Amanda Whiting, together with Professor Richard Cullen (University of Hong Kong) and Professor Veronica Taylor (Australian National University).



The *Australian Journal of Asian Law* publishes two issues annually. The journal was initially available in hardcopy, published by Federation Press. From issue 13(1) in 2012, The *Australian Journal of Asian Law* has been available without charge in electronic form through SSRN.

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

Editors



Professor Richard Cullen, University of Hong Kong

Richard is a Visiting Professor in the Faculty of Law at the University of Hong Kong. Prior to his current appointment, Richard was a lecturer and senior lecturer in the Faculty of Law at Monash University from 1987 until 1991; and Professor and Head of the Department of Business Law and Taxation from mid-1999 to mid-2001. He was an Associate Professor at the School of Law at Deakin University in 1997. Richard has also held positions at the School of Law at the City University of Hong Kong from 1991-1997, including as Acting Head of the Department of Professional Legal Education from 1992 to 1994 and was a Visiting Professor at this university from August 2001-August 2003.

Richard has written and co-written several books and more than 100 articles, notes and commentaries and has been the recipient of a range of major and minor research grants. Richard's books include *Federalism in Action* (1990) and *Media Law in the PRC* (1996) with H.L. Fu, *Electing Hong Kong's Chief Executive* (2010 - English, 2011 - Chinese) with Simon Young; and *Green Taxation in East Asia* (2011) edited Xu, Yan and Jefferson VanderWolk).



Professor M.B. Hooker, Australian National University

(see Asian Law Centre Associates, above)



Professor Tim Lindsey, The University of Melbourne
(see Asian Law Centre Staff, above)



Professor Veronica Taylor, Australian National University

Veronica joined the Regulatory Institutions Network (RegNet) in 2010 as Professor and Director. She also serves as the Director of the School of Regulation, Justice and Diplomacy.

Veronica has over twenty five years' experience designing and leading rule of law and governance projects for the U.S. Department of State, the U.S. Agency for International Development, the World Bank, the Asian Development Bank and AusAID. Her projects have focused on Afghanistan, Armenia, Australia, Azerbaijan, Bulgaria, China, Egypt, Indonesia, Japan, Mongolia, Vietnam and the United States.

Her previous academic appointments include periods as Visiting Associate Professor at the University of Tokyo, research affiliation with the Australia-Japan Research Center at ANU and as an Associate Director of the Asian Law Centre, University of Melbourne.



Dr Amanda Whiting, The University of Melbourne
(see Asian Law Centre Staff, above)

Editorial Assistant



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

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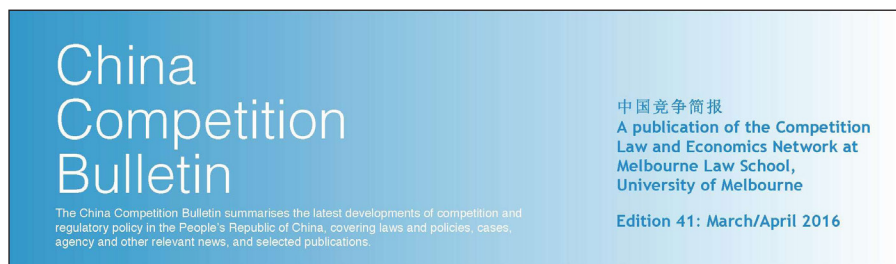
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China Competition Bulletin

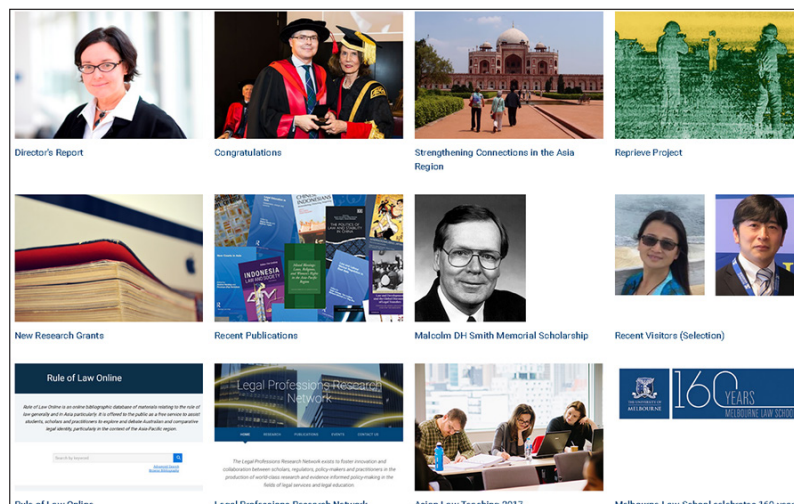
The *China Competition Bulletin* summarises the latest developments of competition and regulatory policy in the People's Republic of China, covering laws and policies, cases, agency and other relevant news, and selected publications.

The *China Competition Bulletin* is a publication of the Competition Law and Economics Network (CLEN) at Melbourne Law School.

CLEN Member and new Associate Director (China), **Dr Wendy Ng**, is an Editor of the *China Competition Bulletin*. The other editors are Professor Allan Fels, AO (The University of Melbourne and University of Chinese Academy of Sciences), Professor Xiaoye Wang (Chinese Academy of Social Sciences and Hunan University) and Adrian Emch (Peking University).

**ALC Newsletter**

Twice per year, the ALC publishes a Newsletter containing recent news and activities. The newsletter is available online at <https://law.unimelb.edu.au/centres/alc/engagement/newsletters>



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Publications of Members & Researchers

Books

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- Ebisui, M., **Cooney, S.**, and Fenwick, C. (eds) (2016), *Resolving Individual Labour Disputes: A Comparative Overview*, International Labour Organization, Geneva.
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- Ahmed, F.** (2016) 'Standing and Civic Virtue,' presented at the Cambridge Public Law Conference 2016, Cambridge, September 2016.
- Ahmed, F.** (2016) 'Standing and Civic Virtue,' presented at Australian Society for Legal Philosophy, July 2016.
- Godwin, A.** (2016), 'Experiential Law Teaching', presented at Teaching Fellowship Exchange Seminar, Hong Kong University, Hong Kong, 2 December.
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- Godwin, A.** (2016), 'Insurance Law in Australia', presented at Guest Lecture, Jiaotong University, Shanghai, 23 November.
- Godwin, A.** (2016), 'Legal Education, Practice Skills, and Pathways to Admission: A Comparative Analysis of Singapore, Hong Kong, and Australia', presented at Law and Society Association Annual Conference, New Orleans, 3 June.
- Godwin, A.** (2016), 'Methodologies for Achieving Regional Coordination – One Size Does Not Fit All', presented at "Finance in Asia -

PUBLICATIONS

Integration and Regional Coordination", Singapore Management University, Singapore, 7 December.

Godwin, A. (2016), 'Methodologies for Convergence in Financial Law and Regulation', presented at "Towards an Asian Legal Order: Conversations on Convergence", Singapore Management University, Singapore, 8 December.

Lindsey, T. (2016), 'Indonesia in Transformation', presented at AsiaLink Young Leaders program, PWC, Brisbane September.

Lindsey, T. (2016), 'Muslims, Law and the Legal System', presented at Judicial Conference of Australia, Annual Colloquium, Canberra, 7 October.

Ng, W. (2016), 'Competition Law and Sustainable Development in China', Relevance of Competition & Regulatory Reforms in Pursuing Sustainable Development Goals (SDGs) in Developing Countries, presented at the CREW Project Final Conference, CUTS International, Jaipur.

Ng, W. (2016), 'The Impact of China's Competition Law on International Competition Law and Development Policy', presented at 2016 *American Society of International Law Research Forum*, University of Washington School of Law, Seattle, 11-12 November.

Ng, W. (2016), 'The Impact of China's Competition Law on International Competition Law and Development Policy', presented at Centre for Asian Legal Studies, Allard School of Law, University of British Columbia, Vancouver, 14 November 2016.

Ng, W. (2016), 'Standard Essential Patents and Antitrust Issues in China', presented at *Antitrust in Asia: One Size Fits All?* Conference, ESSEC, Sorbonne-Assas International Law School, and Concurrences Review, Singapore, 25 April.

Nicholson, P. (2016) 'Vietnamese Judicial Power and Rule of Law Aid', presented at National University of Singapore, March 2016.

Nicholson, P. (2016) 'Vietnamese Constitutionalism: The Reform Possibilities', Interpreting the 2013 Vietnamese Constitutional Debates, presented at National University of Singapore, February 2016.

Steele, S. and Chun, J. (2016), 'Reforming Personal Insolvency Law in Australia and Reflections from Experience in Japan', presented by Jin Chun on both authors' behalf at *A Fresh Look at Fresh Start: The Human Dimension to Bankruptcy*, Commercial and Property Law Research Centre, QUT, 7-9 September.

Reports / Working Papers

Bird, H., Gilligan, G., **Godwin, A.**, Hedges, J. and Ramsay, I. (2016), *An Empirical Analysis of Enforceable Undertakings by the Australian Securities and Investments Commission between 1 July 1988 and 31 December 2015*, Centre for International Finance and Regulation (Working paper No. 106/2016/Project T021), Australia.

Godwin, A., Li, G. and Ramsay, I. (2016), *Is Australia's 'Twin Peaks' System of Financial Regulation a Model for China?*, Centre for International Finance and Regulation (Working Paper No. 102/2016/Project E018), Australia.

Hedges, J., Bird, H., Gilligan, G., **Godwin, A.** and Ramsay, I. (2016), *An Empirical Analysis of Public Enforcement of Directors' Duties in Australia: Preliminary Findings*, Centre for International Finance and Regulation (Working Paper No. 105/2016/Project T021), Australia.

Written Advice

Ahmed, F. and Norton, J. (2016), 'Inquiry on Sharia Councils', UK Home Affairs Committee, Inquiry on Sharia Councils, 20 July.

Whiting, A. (2016), Written advice to refugee applicant and expert testimony at AAT (Migration and Refugee division) regarding law and policy on interfaith unions in Malaysia, 9 February.

Contributions to the University of Melbourne and the Community

Associate Professor Farrah Ahmed

University

- Associate Director (India), Asian Law Centre, Melbourne Law School
- Fellow, Australia India Institute
- Organiser, Roundtable on Academic Freedom in India
- Coordinator, Faculty Research Seminar Series
- Member, Faculty Research and Law Library Committee, MLS
- Member, Perpetual Trustees Ranking Committee, UOM
- Member, International Research and Research Training Fund's Country Advisory Group, UOM
- Judge, Student Published Research Prize
- Member, Faculty Research and Law Library Committee, MLS
- Member, Legal Theory Workshop, MLS

Community

- Co-founder, editorial team, *Indian Law Review*
- Referee, *Australian Journal of Family Law*
- Referee, *Australian Journal of Labour Law*
- Referee, *Cambridge University Press*
- Referee, *International Journal of Constitutional Law*
- Referee, *Law and Social Inquiry*
- Referee, *Moral Philosophy*
- Referee, *Osgoode Hall Law Journal*
- Referee, *Oxford Journal of Legal Studies*
- Conducting policy-oriented project on family dispute settlement in religious communities
- Facilitated a workshop for practitioners as well as scholars on religious arbitration and mediation
- Consultation for the Australian Law Admissions Consultative Committee to develop policy for recognising degrees from Indian law schools



Professor Sarah Biddulph

University

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

Community

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

Professor Sean Cooney

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

Community

- Member, Editorial Committee, *National Taiwan University Law Review*
- Labour Law Specialist, Labour Law Reform Unit, International Labour Organization (ILO-Geneva)

Mr Andrew Godwin

University

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

Community

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

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Community

- Barrister and Solicitor, Supreme Court of Victoria
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- Member, International Editorial Advisory Board, *Jurisdictie* (Islamic economic law) journal
- National Advisory Board, Australian Association of Islamic & Muslim Studies
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- Steering Committee, Third Indonesia-Australia Dialogue, Yogyakarta
- Member, Advisory Board, Australian Association for Islamic and Muslim Studies
- Member, Editorial Advisory Board, Asian Law Abstracts, *Journal of Scholarly Abstracts*, Legal Scholarship Network
- Member, Asian Studies Association of Australia
- Member, Editorial Board, Asian Studies Association of Australia, Southeast Asia Publications Series (ASAA-SEAP, with Singapore University Press, University of Hawaii Press, KITLV and Netherlands Institute of Asian Studies)
- Chair, Australia Indonesia Institute, Department of Foreign Affairs and Trade, Australia until 2016.
- Associate, Centre for Asia-Pacific Initiatives, University of Victoria, Canada
- Editor, *Jurnal Fiqh*, Department of Fiqh and Usul, University of Malaysia
- Member, International Advisory Board, *Journal of Law and Religion*
- International Editor, *Indonesian Law Review*, University of Indonesia
- Member, International Council of the Asia Society
- Member, Editorial Board, *Journal of Contemporary Indonesian Islam*
- Member, Editorial Board, *Journal of Indonesian Islam*
- Member, Advisory Board, Liberty and Rule of Law Association, Mongolia
- Visiting Professor, Syarif Hidayatullah State Islamic University (UIN), Indonesia
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- Associate Director (China), Asian Law Centre, Melbourne Law School
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- Faculty Advisor assisting JD Course Director for International Opportunities
- Member, Student Equality and Wellbeing Committee
- Equal Opportunity Liaison, International and NESB students
- MLS Hackathon

Community

- Admitted as a Barrister and Solicitor, Supreme Court of Victoria
- Admitted as a Barrister and Solicitor, High Court of Australia
- Admitted as an Attorney in New York State, United States of America
- Member, Academic Society for Competition Law
- Editor, *China Competition Bulletin*

Professor Pip Nicholson

University

- Director, Asian Law Centre
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- Associate Director (Vietnam), Asian Law Centre
- Director, Comparative Legal Studies Program, Asian Law Centre
- Director, Asian Law Online
- Member, Academic Programs Committee
- Member, Selection Procedures Committee
- Member, Academic Consultation and Coordination Committee
- Member, University Appointments and Promotions Committee
- Member, International Advisory Group
- Member, Teaching and Learning Development Committee, University of Melbourne
- Associate Dean (International), MLS
- Member, MLS Executive
- Editorial Board, *Law in Asia Series*, Routledge
- Editorial Board, *Australian Journal of Asian Law*
- Editorial Board, Asian Law Centre Briefing Papers

CONTRIBUTIONS

Community

- Member, Asian Studies Association of Australia
- Member, Vietnam Studies Association of Australia
- Member, Comparative Law Association
- Member, Centre for Comparative Constitutional Studies
- Pro Bono adviser on death penalty litigation involving Australian nationals in Vietnam

Associate Professor Stacey Steele

University

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

Community

- Member, Asian Studies Association of Australia
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- Associate Director (Malaysia), Asian Law Centre, Melbourne Law School
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- Associate, Centre for Media and Communications Law, Melbourne Law School
- Member, Institute for International Law and the Humanities, Melbourne Law School
- Member, Law Human Ethics Advisory Group, Melbourne Law School

Community

- Member, Asian Studies Association of Australia
- Member, Australian and New Zealand Association for Medieval and Early Modern Studies
- Member, Australian and New Zealand Law and History Society
- Member, Malaysian Branch of the Royal Asiatic Society
- Assistance with Reprieve Australia on investigation into abolition of death penalty in Malaysia

- Presentation to the Victorian Parliament's Amnesty group on the prosecution of former Malaysian opposition leader Anwar Ibrahim for 'unnatural sex' and on political repression in Malaysia

Asian Law Centre Mailing List

If you would like to be included on the Asian Law Centre mailing list, please complete the online registration form at: <http://law.unimelb.edu.au/centres/alc#contact-us>

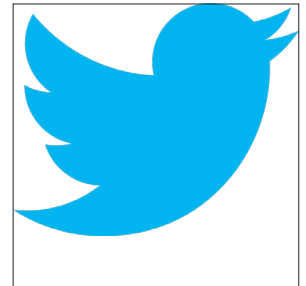
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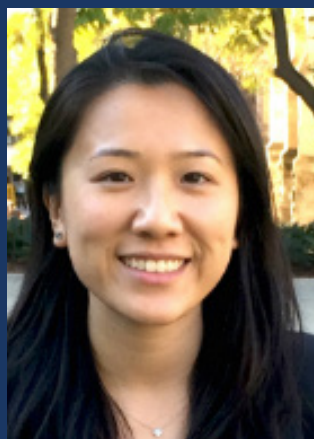
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