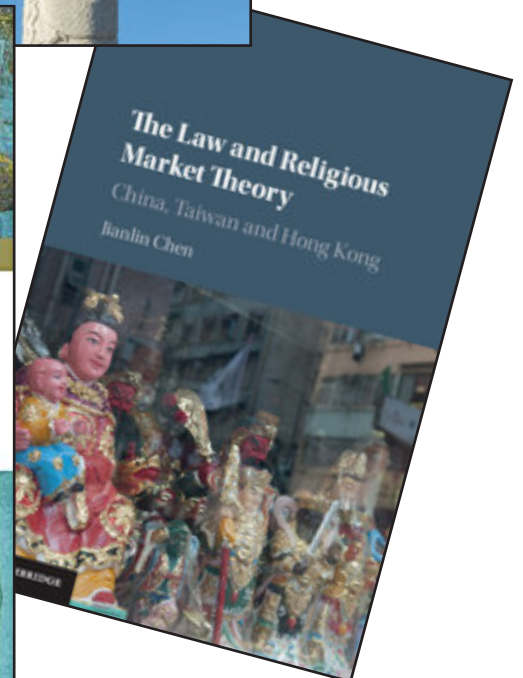
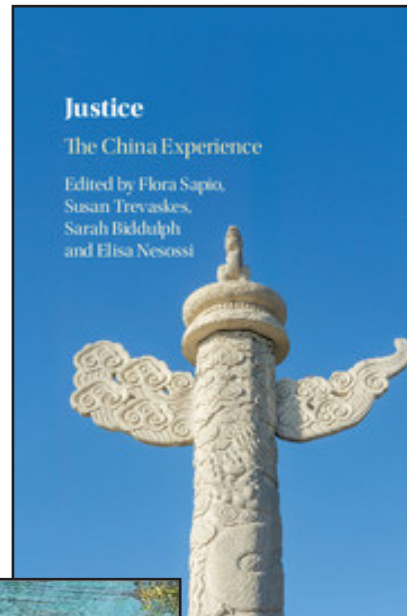
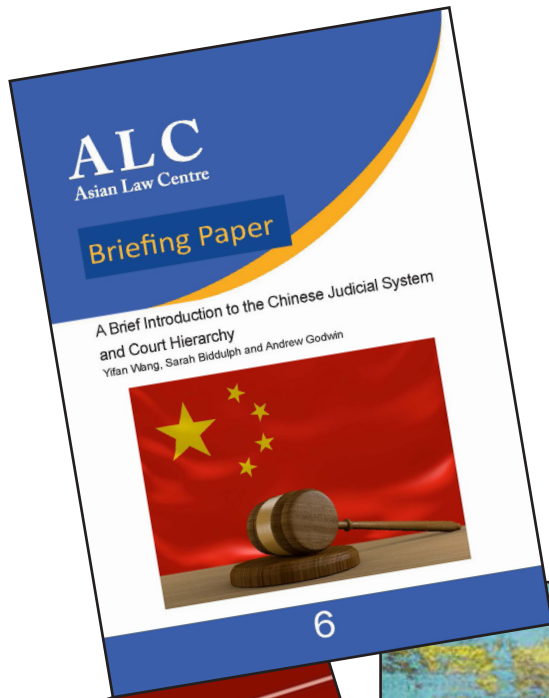




Melbourne Law School

Asian Law

MELBOURNE LAW SCHOOL



Asian Law Centre Annual Report 2017

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Report prepared and edited by Sarah Biddulph and Kathryn Taylor of the Asian Law Centre, with assistance from Joey Bui, Kaori Kano 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 have had a full program of visitors and workshops. I encourage you to browse the full Annual Report to get a sense of the breadth and reach of our programs.

We were very pleased to welcome Associate Professor Chen Jianlin as an Associate Director of the Centre from July 2017. Jianlin has worked extensively on a diverse range of comparative law issues, including religion, commercial and natural resources law, from a law and economics perspective. Jianlin has lived and worked in Singapore, Taiwan and Hong Kong and contributes greatly to the life of the Centre with his broad experience and wide range of intellectual interests.

Our rapidly developing South Asia program continues to engage strongly with key issues in the subcontinent and to develop a wide-ranging program of legal research, teaching and engagement. Research on Indian law received a great boost with establishment of the *Indian Law Review*, an academic led, double-blind peer reviewed journal on Indian law. Associate Professor Farrah Ahmed, Associate Director (India), is a founding editor and was a moving force in establishing this journal. We also received the wonderful news that Associate Professor Tarunabh Khaitan, who had been visiting MLS from Oxford University, has been awarded a prestigious Australian Research Council-funded Future Fellowship to work on constitutional resilience in South Asia. Tarun will join the Centre as Associate Director (India) from 2018. He is interested in the creeping advance of authoritarianism in constitutions of liberal democracies and will contribute to the Centre's already close cooperation with members of the Centre for Comparative Constitutional Studies within MLS. This work reflects similar concerns reflected in the collaborative research generously funded by a Folke Bernadotte Academy Grant to Professor Pip Nicholson and Professor Cheryl Saunders, for the project *Managing inclusion for sustainable peace through constitutional implementation*.

In 2017, ALC members continued their active and broad ranging engagement with the judiciary, both in Australia and in Asian jurisdictions. We published the first in a planned series of judicial system briefing papers. The first briefing paper, on the Chinese judicial system, was co-authored by Wang Yifan (an ALC research assistant) and Centre members Sarah Biddulph and Andrew Godwin. The second policy paper in this series is on the Indian judicial system and we expect others to follow on countries including Japan, Korea, Malaysia, Indonesia and Singapore. One inspiration for these briefing papers stemmed from Centre members' engagement with the Victorian judiciary and participation in the Workshop on Asian Cultural Awareness in the Courtroom in February 2016, organised by Andrew Godwin in conjunction with the Judicial College of Victoria.

The Centre published a series of briefing papers on the death penalty debate in Vietnam, published in English and Vietnamese. The papers in this series stemmed from a conference co-hosted by the ALC and Ho Chi Minh City University of Law in March 2017, which was generously supported by a grant from DFAT. Later in the year, MLS and Reprieve Australia, hosted three death penalty litigators from the National Law University Delhi's Death Penalty Clinic. Their week-long visit focussed on psychological and forensic evidence. Many individuals and organisations generously supported this visit.

I encourage you to browse our briefing papers which may be downloaded free of charge at <https://law.unimelb.edu.au/centres/alc/research/publications/alc-briefing-paper-series>

ALC members offered overseas study opportunities to JD students through the subjects Economic and Business Law in Asia (EBLA) and Law and Legal Practice in Asia. EBLA was first offered in 2016 and was so successful that it was offered again in 2017 to 22 students taught in Hong Kong and Shanghai by Associate Professor Andrew Godwin in collaboration with Mr Hop Dang, Partner at Allens Linklaters, Hanoi. In Law and Legal Practice in Asia, students attend introductory classes in Melbourne before spending a month on placement in Indian law firms, civil society organisations or a barrister's chambers before returning to complete a reflective essay on a legal question raised by their experience.

In October 2017, the ALC, in conjunction with Asialink, hosted the launch of MLS alumni Antony Dapiran's book, *City of Protest: A Recent History of Dissent in Hong Kong*. A large audience listened to his first-hand account of the motivation for and fall out after the Umbrella Movement protests in Hong Kong.

Centre members published extensively this year on important topics. A selection of our books and book length articles published in 2017 include: *Justice: The China Experience* co-edited by Sarah Biddulph with Flora Sapio, Susan Trevaskes and Elisa Nesossi; *The Law and Religious Market Theory: China, Taiwan And Hong Kong* by Chen Jianlin; *Match-Fixing In Sport: Comparative Studies From Australia, Japan, Korea And Beyond* co-edited by Stacey Steele and Hayden Opie; *The Political Economy of Competition Law in China* by Wendy Ng; *Criminal Justice Reform in the Xi Jinping Era* by Sarah Biddulph, Elisa Nesossi and Susan Trevaskes; and *Detention and its Reforms in the PRC* by Sarah Biddulph, Elisa Nesossi, Flora Sapio and Susan Trevaskes in the *China Law and Society Review*.

A new research partnership was established with Renmin University of China Law School, funded by a Renmin-MLS Research Partnership Grant to which both MLS and Renmin Law School have contributed. This grant is designed to facilitate collaboration between researchers in each Law School and is a welcome contribution to supporting and extending engagement with Chinese researcher partners.

ABOUT THE ALC

The ALC is grateful for the ongoing and generous support provided by Mr Allan Myers AO QC and Mrs Maria Myers AO for important 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 2017.

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 2017 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 2017, 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) Acting Director (Semester 2)

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

Associate Professor Jianlin Chen

Associate Professor Jianlin Chen grew up in Singapore and Taiwan. He obtained his LLB from National University of Singapore, and his LLM and JSD from the University of Chicago. He is qualified to practice in Singapore and New York. He joined the Melbourne Law School in July 2017 after starting his academic career at the University of Hong Kong in 2011.

Bilingual in English and Chinese, Jianlin publishes widely, with a monograph from Cambridge University Press, and in law journals such as *Columbia Journal of Asian Law*, *Law & Social Inquiry*, *Oxford Journal of Law and Religion*, *公司法*, *北大法律*, among many others. His primary research interests are in the areas of natural resources law and property law, with a particular focus in emerging natural resources (e.g., wind, sunlight, atmospheric moisture) and through a combination of comparative perspectives and economic analysis.

Together with other previous and current research projects that traverse diverse subject matters (e.g., law & religion, corporate law, government procurement, securities regulations, culture war, tax law), his underlying research agenda is to develop an overarching theoretical inquiry that 1) explores how the different forms of state actions—ranging from law, regulation, tax, state ownership, public contract, government speech—have surprisingly similar capacity and propensity (or the lack thereof) to achieve public interest objectives; and 2) critically evaluates the prevailing approach of prescribing distinct legal constraints and normative considerations for each category of state interventions.

ALC STAFF

**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 expertise is in international and comparative labour and employment law, with a focus on Asia. He has worked on new approaches to improving and enforcing international labour standards and fundamental rights and principles at work. He is fluent in Mandarin Chinese and French (United Nations Language Proficiency Examination) and has published in these languages. He also has working knowledge of German and Spanish. 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).

Between 2014 and 2016, Sean served as a Legal Specialist in the Labour Law and Reform Unit at the International Labour Organization in Geneva, where he provided advice to governments in countries such as China, Greece, India, Iran, Myanmar, Pakistan and Russia. He continues to consult for the ILO, particularly in relation to the implementation by Vietnam and Malaysia of their obligations under the Comprehensive and Progressive Agreement for Trans-Pacific Partnership. Sean has also consulted for the International Labour Rights Fund, the Fair Work Ombudsman, the Brotherhood of Saint Lawrence, the Australian Council of Trade Unions and the Uniting Church.

**Associate Director (Asian Commercial Law)****Associate Professor 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.

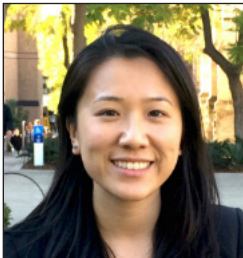
Andrew has been involved in legal practice for over 20 years, 10 of which were spent in Shanghai where he was a partner and chief representative of an international law firm. During his time in practice, Andrew acted for commercial and investment banks in a wide range of finance transactions and was 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*.

ALC STAFF

**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)****Associate Professor 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 (On Secondment from September 2017)

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.



Ms Mary Kozlovski (from November 2017)

Mary Kozlovski has worked as a Research Assistant at the Asian Law Centre since 2014. She completed a Juris Doctor at Melbourne Law School in 2016, and a Bachelor of Arts (Media and Communications) at The University of Melbourne in 2009. Mary is admitted as a lawyer in the Supreme Court of Victoria, and currently works as a researcher at the Judicial College of Victoria. Prior to entering the legal profession, Mary spent four years working in community media in Melbourne and two and a half years working as a journalist and editor based in Cambodia. She was a national news reporter and sub-editor at *The Phnom Penh Post*, before working as a freelance journalist and editor. Mary was also treasurer of the Overseas Press Club of Cambodia.

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**

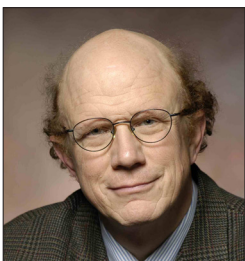
Professorial Fellow, Department of Business Law and Taxation, Monash University

**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



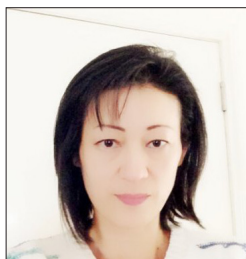
Associate Professor Richard Wu

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 comparative law, Japanese law, Family law and Migration law. Her publications include "Annotated Translation of the Act Amending The Act on Criminal Trials with Participation of Saiban-in" (Co-authored with Stacey Steele, *Asian-Pacific Law & Policy Journal*, 2016); "オーストラリアの学部教育を中心とした法学課程とその変容 [The Australian Legal Education with the Focus on the Undergraduate Education, and its Movements]" (Co-authored with Kota Fukui and Stacey Steele, *Osaka Law Review*, Vol. 66, No. 3-4, pp. 55-81, 2016); "Developments in Contemporary Japanese Electoral Law: Lowering the Voting Age from 20 to 18 Years Old" (Co-authored with Stacey Steele, *Journal of Japanese Law*, Vol 23. No. 45 (2018); and Co-translated "Reflections on a Revolution in Japanese Business Restructuring Proceedings: An Insolvency Practitioner's Perspective of the Early 21st Century and Future of Japanese Insolvency Law" authored by Hideyuki Sakai (*American Bankruptcy Law Journal*, Vol. 92, Issue 3, 2018).



Dr Helen Pausacker (2008-current)

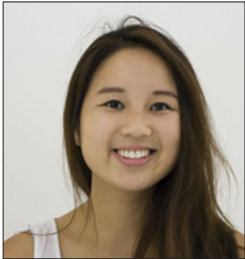
BA, University of Melbourne; MA, Monash University; PhD, University of Melbourne

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 Joanne Bui (2017-current)

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

Languages: Vietnamese

Joey has interned at the UN High Commissioner for Refugees in Washington DC and the International Rescue Committee in New York. Her academic interests include refugee law and international trade law.



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 Subin Cho (2017-current)

B.Sc. Honours Biology, Queen's University/York University, Canada; B.Sc. Psychology, York University, Canada; Juris Doctor Candidate, The University of Melbourne

Languages: Korean

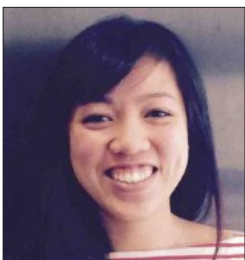
Subin assisted with the Korea Program of the Asian Law Centre, particularly the visitors participating in the Overseas Research and Study Program of the Supreme Court of Korea. Subin was born and raised in Seoul for 14 years. She has previously worked in the finance and legal industries.



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 201, 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.

ALC RESEARCH ASSISTANTS

**Dr Ha Hai Do (2011-2017)**

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 is admitted as a lawyer in the Supreme Court of Victoria, and currently works as a researcher at the Judicial College of Victoria. Prior to entering the legal profession, Mary spent four years working in community media in Melbourne and two and a half years working as a journalist and editor based in Cambodia. She was a national news reporter and sub-editor at *The Phnom Penh Post*, before working as a freelance journalist and editor. Mary was also treasurer of the Overseas Press Club of Cambodia.

**Mr Jeremy Latcham (2016-2017)**

Juris Doctor Candidate, The University of Melbourne

Languages: Japanese

Jeremy currently works as an Investigator for the Commonwealth Government.

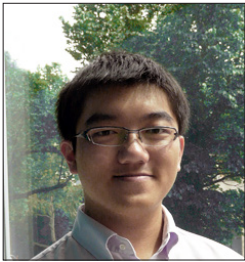
While working as a Research Assistant, he assisted with the editing of Stacey Steele and Hayden Opie's book *Match-Fixing in Sport: Comparative Studies from Australia, Japan, Korea and Beyond*. Together with Stacey Steele, he published 'Singapore's Bid to Become International Debt Restructuring Hub' (2017) 29(4) *Australian Restructuring Insolvency & Turnaround Association Journal* 20.

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. He has also previously provided tutoring services to primary, secondary and tertiary students in English and Japanese.

**Ms Sally Low (2008-2015; 2017-current)**

LLB (Hons), Macquarie University; LLM, The University of Melbourne

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.



Mr Chenjie Ma (2012-2017)

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.



Ms Mai Mitsumori-Miller (2016-2017)

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 (2014-2017)

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 (2014-2017)

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.



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.

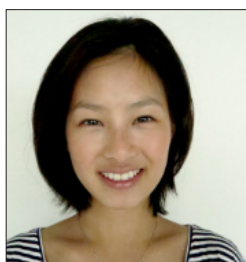
RESEARCH GRANTS

**Ms Beixi Sun (2016-2017)**

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.

**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.

**Mr Xu Zhang (2017)**

Bachelor of Commerce (Management and Accounting), The University of Melbourne; Juris Doctor Candidate, The University of Melbourne

Languages: Mandarin Chinese, Cantonese

John is currently the Third Year Representative at the Later Law Student Network (LLSN). He previously held committee and board member positions at various student organisations such as the Melbourne University Law Students' Society (LSS) and the Melbourne University Graduate Student Association (GSA).

John has work experience at different commercial law firms including both of premium international law firms and Australian domestic law firms. John also has work experience at the Victorian Bar. John's research interests include corporate and commercial law, construction law and Chinese administrative law.

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 A\$2.67 million (for entire project)
Jianlin Chen	'Exercise of Legislative Power by the Executive'	HKU Internal Grant		2014-2017	US\$9,250 (A\$12,850)
Jianlin Chen	'Law, State and Emerging Natural Resources: Theoretical Perspective and Case Study of Climate Resource Management in China'	General Research Fund, Hong Kong Research Grants Council		2017-2020	US\$73,000 (A\$101,460)
Andrew Godwin	'"Culture in the Court Room": Australian and Regional Perspectives'	Melbourne Law School Fund		2017	A\$5,000
Susan Kneebone	'Migration, Marriage and Nationality in Australia and China: Regulating Between Commodification and Consent'	MLS-Asia Research Collaboration Fund		2017	A\$9,386
Tim Lindsey	'Islam, Law and the State in the Philippines'	ARC Discovery Award	Kerstin Steiner (La Trobe Law School)	2016-2018	A\$200,100
Tim Lindsey	'Women and Islamic Law in the Philippines'	MLS International Collaboration Fund		2017	A\$10,000
Wendy Ng	'Impact of Technical Assistance on Competition Law Development in ASEAN'	Early Career Research Grant		2017-2018	A\$18,276
Pip Nicholson	'First Death Penalty Law and Practice Conference'	DFAT Human Rights grant		2016-2017	A\$25,000

CONFERENCES & WORKSHOPS

ALC Member(s)	Project Title	Grant Type	Collaborator(s)	Year(s)	Amount
Pip Nicholson	'Managing Inclusion for Sustainable Peace through Constitutional Implementation'	Folke Bernadotte Academy Grant	Cheryl Saunders	2017-2018	SEK 193,941 (A\$29,460)
Stacey Steele	'Directors' Liability for Insolvent Trading in Australia: Reflections on Recent Reforms from Experience in Singapore and Japan'	MLS International Collaboration Fund	Ian Ramsay	2017	A\$9,110
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

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

Conferences and Workshops

3 March 2017

The Death Penalty in Comparative Perspective: Regional Laws and Practice

Hosted by the Asian Law Centre and Ho Chi Minh City Law University, Vietnam

On 3 March 2017, the Asian Law Centre, together with the Ho Chi Minh City Law University (HCMCLU), hosted a conference on comparative death penalty and clemency practice in Asia. The conference was hosted in Ho Chi Minh City, Vietnam.

This conference discussed research and analysis of death penalty reform and comparative clemency practices. More particularly, the conference explored the comparative experience in China, India, Indonesia, Singapore and Vietnam, and included debates regarding the suspended death penalty in China and Indonesia.



The audience included Vietnamese policy makers (members of the Criminal Code Drafting Committee, National Assembly Members, and advisors to Government), legal practitioners, researchers and experts from other institutions, PhD and other post-graduate students, and was supported by the Australian Government.

24 April 2017

Workshop: Prosecution and Detention in Japan

This invitation-only workshop discussed issues relating to prosecution and detention in Japan, including:

- 'Prosecution Review Commissions and Tepco: Will Lay Participation Change Prosecution in Japan?' - Professor David Johnson and Professor Mari Hirayama
- 'Penal Institution Visiting Committees and Prisons: Will Lay Participation Change Incarceration in Japan?' - Ms Carol Lawson

David T. Johnson is Professor of Sociology and Adjunct Professor of Law at the University of Hawaii at Manoa. He is the author or co-author of many articles about crime and criminal justice in Japan and three books: *The Japanese Way of Justice: Prosecuting Crime in Japan* (Oxford University Press, 2002); *The Next Frontier: National Development, Political Change, and the Death Penalty in Asia* (Oxford University Press, 2009, with Franklin Zimring); and *Koritsu Suru Nihon no Shikei* [Japan's Isolated Death Penalty] (Gendai Jinbunsha, 2012, with Maiko Tagusari).

Mari Hirayama is Professor of Law at Hakuoh University, Japan. She is widely published in the area of criminal justice, including the co-authored monographs: *Keiji Seisaku ga Wakaru* [Understanding Criminal Justice Policy] (Horitsu Bunka Publication 2014); *Keiji Sosyoho Kyousitsu* [Lectures for Criminal Procedure] (Horitsu Bunka Publication 2013).

Her research interest in the impact of the lay assessor system on sex crime cases in Japan led to the publication of her article "Lay Judge Decisions in Sex Crime Cases: The Most Controversial Area of Saiban-In Trials" in the *Yonsei Law Journal* (3(1) (2013)), and chapter "Sentencing and Crime Policy for Sex Offenders in Japan- Possible Impacts of the Lay Judge System", in Karen Harrison and Bernadette Rainey (eds), *The Wiley-Blackwell Handbook of Legal and Ethical Aspects of Sex Offender*



ALC SEMINARS

Treatment and Management (Wiley-Blackwell, 2013).

Carol Lawson held the position of Adjunct Associate Professor in the Leading Graduate Schools Program in Cross-Border Legal Institution Design at Nagoya University from 2012-2014. She is currently a PhD candidate in the Australian National University College of Law, and was awarded a six-month Australian Government Endeavour Research Fellowship to complete her fieldwork in Japanese prisons in 2016, hosted by Waseda University. Carol is admitted to practice law in the Australian Capital Territory and holds an LLM in Asian and Comparative Law from the University of New South Wales and an MA in Advanced Japanese with Distinction from the University of Sheffield. Her career in Japanese law and language over the past 15 years has focussed on contributing to global access to and comparative insights into Asian law, with her teaching roles centring on equipping an emerging generation of Asian and Australian lawyers with comparative and practical legal skills. Her doctoral research is a comparative empirical study of the effectiveness of the new civil prison oversight systems in Japan and the ACT, which combines two of her research interests: regulatory theory and practice, and penology and human rights.

4 September 2017

Workshop: Insolvency Law Reform in APAC Seminars: Australia and China – Insolvent Trading Revisited and Operational Reforms in China

Hosted by the Asian Law Centre, Allens, and Centre for Corporate Law and Securities Regulation

This Workshop discussed issues relating to insolvency law reform, particularly in Australia and China. Two sessions included:

- Insolvent Trading Revisited - **Mr Clint Hitchen**, Allens; **Associate Professor Stacey Steele**, Asian Law Centre; and **Professor Ian Ramsay** (Melbourne Law School)
- Operational Reforms in China - **Associate Professor Jin Chun** (Doshisha University, Japan)



The Workshop was held at Allens in Melbourne.

Summer School Teaching Programs

13-24 February 2017

Japan Summer School

Each year since 2005, the Asian Law Centre has hosted the Chuo Law School Melbourne Summer School. In 2017, the **Chuo Law School** students were joined for the first time by students from **Keio Law School**, Japan.

While in Melbourne, the students studied Australian law and attended seminars taught by Melbourne Law School lecturers on a variety of legal topics. They also learned outside the classroom by visiting Victorian legal institutions such as courts, Parliament and law firms.

The Summer School provided a valuable opportunity for Japanese students to have an introduction to Australian law, practice their English and foster the strong relationships between Melbourne Law School, Chuo Law School and Keio Law School.

18 students attended, together with Professor Dan Rosen and Associate Professor Kiyofumi Koutani (Chuo Law School) and Professor Hajime Yamamoto and Assistant Professor A. Reid Monroe-Sheridan (Keio Law School).

The Japan Summer School was partially funded by a grant from the Australia-Japan Foundation.



ALC Seminar Series

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

7 March 2017

Investigative Journalism to Combat Corruption and Demand Accountability in Malaysia and Australia

R. Nadeswaran and Nick McKenzie



Photo credit: KC Boey

The Asian Law Centre presented a public talk and forum on investigative journalism and corruption, transparency and accountability in Malaysia and Australia to mark the Australian launch of 'Curi-Curi Malaysia: Stories Behind the Stories', by R. Nadeswaran. Nadeswaran addressed the challenges of demanding accountability and transparency in Malaysia in the absence of a Freedom of Information Act, and where the establishment increasingly resents the Fourth Estate. Nick McKenzie explained why Malaysian corruption is relevant and important for Australians.

Veteran investigative reporter **R. Nadeswaran** ("Citizen Nades") is a journalist by training, a lawyer by qualification and a crusader for good governance by choice. He began his career at 'The Malay Mail' in the 1960s, pioneered investigative reporting in Malaysia in the 1980s, and worked for many years as the Sun's Investigative and Special Affairs Reports editor. He has won numerous Malaysian and international awards for his body of work that includes exposes of corruption and abuse of power by government, and systematic exploitation of migrant workers.

Nick McKenzie is a leading Australian investigative journalist. He has broken some of Australia's biggest stories and is the most decorated journalist in the history of the Melbourne Press Club, having won 21 Quill Awards. He has also received the prestigious Walkley Award 7 times. He works for Fairfax Media (**The Age**, **The Sydney Morning Herald** and **Australian Financial Review**) and presents special investigations for the ABC's **Four Corners** and **7.30 Report**.

26 April 2017

Death Penalty in Japan: Principles and Practice

Prof David Johnson and Dr Maiko Tagusari

This seminar focussed on why Japan retains capital punishment, how this institution of state killing has changed in recent years, and why there are conspicuous continuities in Japan's death penalty policy and practice. Four causes of continuity will be stressed: the rarity of exonerations in Japanese criminal justice; a jurisprudence that does not treat death as a different criminal punishment requiring special procedures and safeguards for capital defendants; a high degree of secrecy surrounding executions and death sentencing; and a society in which race and class are not considered salient factors in the administration of capital punishment. Reform in Japanese capital punishment could progress by challenging these causes of continuity. Dr Tagusari provided special commentary from her perspective as a lawyer who has represented death row inmates and as founder of the Center for Prisoners' Rights Japan.



The seminar was held at the Law Institute of Victoria.

David T. Johnson is Professor of Sociology and Adjunct Professor of Law at the University of Hawaii at Manoa. He is the author or co-author of many articles about crime and criminal justice in Japan and three books: *The Japanese Way of Justice: Prosecuting Crime in Japan* (Oxford University Press, 2002); *The Next Frontier: National Development, Political Change, and the*

ALC 'BROWN BAG' SEMINARS

Death Penalty in Asia (Oxford University Press, 2009, with Franklin Zimring); and *Koritsu Suru Nihon no Shiikei* [Japan's Isolated Death Penalty] (Gendai Jinbunsha, 2012, with Maiko Tagusari).

Dr Maiko Tagusari is a founding member of the Center for Prisoners' Rights. Established in 1995, it is Japan's first national NGO dedicated to prisoners' rights issues. She has served as Secretary-General since 2009. She works in the areas of criminal defense and human rights violations in penal institutions, and has represented many death row inmates. She is Vice Secretary-General of the Japan Federation of Bar Associations' Committee on Prison Law Reform and is a member of the JFBA's Committee on the Abolition of the Death Penalty and Committee on Capital Defense. She earned her LL.B from the University of Tokyo, and her PhD from the Graduate School of Law, Hitotsubashi University, Tokyo. She is an adjunct lecturer of law at Hitotsubashi University.

4 December 2017

Overcoming Challenges in Capital Cases in India

Sahana Manjesh, Yash S Vijay, and Maitreyi Misra

Hosted by the Asian Law Centre and Reprive Australia

This seminar was presented by litigation associates from the Centre on the Death Penalty, National Law University Delhi. Sahana Manjesh and Yash S Vijay shared their experience in overcoming the challenges faced in providing effective counsel to death row prisoners, including restrictive access to prisoners and non-consideration of mitigating factors in sentencing. Research associate Maitreyi Misra spoke about the Centre's mental health research project and share her work in progress. 83 death row prisoners and their families, from across India, have been interviewed to assess the state of their mental health before and during their sentence.

Sahana Manjesh is a litigation associate at the Centre on the Death Penalty. Prior to joining the Centre, she practiced in the chambers of a Delhi-based lawyer whose practice ranged across civil, criminal, labour and constitutional law, both in trial and appellate courts.

Yash S Vijay is a litigation associate at the Centre on the Death Penalty. His prior experience includes working at the Human Rights Law Network, Mumbai as a litigation associate and at the Chambers of the Additional Standing Counsel, Government of NCT of Delhi.

Maitreyi Misra is a research associate at the Centre on the Death Penalty, and heads the research wing of the Centre. She is currently heading the mental health research project. Before joining the Centre, Maitreyi worked with Mr Anand Grover, advocate at the Supreme Court of India and assisted him in his work as the United Nations Special Rapporteur on the Right to Health.



'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.

11 April 2017

The Hague Choice of Court Convention & Cross-Border Commercial Dispute Resolution in the Asia-Pacific

Dr Alex Mills



Choice of court agreements are commonplace in cross-border contracts, but their effects around the world and in Australia are not always consistent or predictable. This presentation examines the Hague Choice of Court Convention, a treaty developed to address these concerns, whose ratification is presently being considered by the Australian government. The Convention has currently been ratified by the European Union (on behalf of its Member States), Mexico and Singapore. The ratification by Singapore in 2016 is particularly significant for Australia, both because the Convention may serve to encourage cross-border commercial activity between Convention States, and because it may also affect competition between Australia and Singapore in the regional market for dispute resolution services.

Dr Alex Mills is a Reader in Public and Private International Law in the Faculty of Laws at University College London. He has degrees in Philosophy and Law from the University of Sydney, and an LLM and PhD (awarded the Yorke Prize) from the University of Cambridge, where he also taught for five years before joining UCL in 2011. He has published widely on issues of public and private international law, international investment law, and commercial arbitration, including a book on *The Confluence of Public and Private International Law* published with Cambridge University Press in 2009. He has been awarded the Private International Law Prize of the American Society of International Law, has Directed Studies in

Private International Law at the Hague Academy of International Law, and serves on the Editorial Board of the *International and Comparative Law Quarterly*.

2 June 2017

Searching for the Beijing Consensus in Context: Property, RMB Internationalisation, and Authoritarian Legality

Assistant Professor Weitseng Chen

The rise of China has posed serious challenges to the conventional wisdom on governance structure and economic development, creating the Beijing Consensus as an alternative to the Washington Consensus that is based on neo-liberal economics. However, does a distinctive Chinese model for law and economic development really exist and, if it does, how exactly does the Beijing Consensus manifest itself in the context of specific policies? By examining three subject areas closely related to China's economic success, the speaker aimed to answer these basic yet under-explored questions as China rises higher in its global standing. Essentially, the speaker suggested that there is no Chinese model per se.

Weitseng Chen teaches at National University of Singapore (NUS) Faculty of Law and serves as the Deputy Director of the NUS Center for Asian Legal Studies. He specialises in comparative Asian law with an emphasis on property, law and development, and financial institutions in the greater China area. He received his J.S.D. from Yale Law School where he was a Fulbright scholar, and thereafter worked for Stanford University as a Hewlett Fellow of the Center on Democracy, Development and the Rule of Law. Immediately before joining NUS Law, he practiced law at Davis Polk & Wardwell, specialising in cross-border capital markets transactions in East and Southeast Asia. He has recently published an edited book entitled *The Beijing Consensus? How China has Changed the Western Ideas of Law and Economic Development* (Cambridge University Press, 2017) and is currently working on another book *Authoritarian Legality in Asia*. His other published articles can be found in the *American Journal of Comparative Law*, *Australian Journal of Asian Law*, *Washington International Law Journal*, *Columbia Journal of Asian Law*, and *Chicago Journal of International Law*.



ALC 'BROWN BAG' SEMINARS

30 June 2017

Taiwanese Factory Regime in Vietnam: Global Production Process and Local Strikes

Professor Hong-zen Wang

This talk was about the labour conditions in globalized production networks, taking Taiwanese factory labour regimes as an example of the impact of globalization on local workers. Professor Wang spoke about the causes, the processes, and the outcomes of strikes in Taiwanese companies, and also showed how Taiwanese capital uses different strategies to curb labour disputes. He argued that under current global production processes, it is hard for middleman countries like Taiwan or South Korea to change their management practices, which are the deep structural causes for labour unrest in the foreign capital receiving countries.

Dr Hong-zen Wang is Professor of the Department of Sociology at the National Sun Yat-sen University in Kaohsiung, Taiwan. He has been working on ties between Vietnam and Taiwan since 1999. His research has focused on ethnic relations and industrial relations, and on migrant worker and marriage migration issues. His article published by *Pacific Affairs* (UBC publisher) was awarded the Holland William Prize in 2005. He was awarded the Young Scholar Outstanding Research Grant by the National Science Council in 2005, IAS (Netherlands)-NSC (Taiwan) scholarship in 2006, Faculty Visiting Scholar Award, Social Science, University of Western Ontario, Canada, 2008, Outstanding Research Stipend Award by the National Sun Yat-sen University (2008-2017), and Stipend for Tertiary Education Professor by the Ministry of Science and Technology (2012-2017).



3 August 2017

Immigration Policies on 'Foreign Brides' in China

Professor Guofu Liu

In China 'foreign bride' refers to a woman who is a national of a neighbouring country and living in China, who either applies for marriage registration or is in an informal cohabitation with a Chinese male citizen. The term refers especially to women from the Greater Mekong Sub-region countries and the Democratic People's Republic of Korea (North Korea). In recent years, due to economic and social factors and increase in cross-border immigration, the number and distribution of foreign brides in China has increased exponentially. In China only foreign brides who are legally married to a Chinese national can obtain permanent residence or a visa. Many foreign brides have entered China illegally and cohabit in China without marriage registration; many such women have children with the Chinese 'husband' but do not have a legal status in China. The issue of 'foreign brides' has caused many new problems for administration, social management and provision of services. It has been linked to cross-border human trafficking.



This presentation analysed the requirements under Chinese law for legal entry and exit, for marriage registration and stay, permanent residence and naturalisation of foreign brides, and discuss challenges faced in the management and regulation of immigration of foreign brides. It suggested ways in which policies for immigration and the status of foreign brides might be improved in China.

Professor Guofu Liu is employed at the School of Law, Beijing Institute of Technology, China. He is also a German Humboldt Fellow (awarded 2009). He was awarded a PhD by University of Technology, Sydney, Australia (2005) and completed postdoctoral studies in Frankfurt University, Germany. He holds a LLM from China University of Politics and Law, and a LLB from Zhengzhou University, China. His recent research focuses on migration law and policy. He is the author of many monographs, papers and

reports including *The Right to Leave and Return and Chinese Migration Law* (Nijhoff 2007), *Chinese Immigration Law* (Ashgate 2011) and *Chinese Policy on Readmission (Repatriation) of Illegal Migrants* (International Organization for Migration 2015). He is an advisory expert of the Overseas Chinese Affairs Office of the State Council, China as well a member of the Western Returned Scholars Association and Chinese Overseas Educated Scholars Association. He is actively involved in the legislation and policy making of the Chinese government in the field of international migration, as well host of over twenty academic research projects from the Chinese governmental authorities, the IOM, the ILO, the UNACT, the UNHCR and the EU.

17 August 2017

Balancing Justice and Speed: Dilemmas in Reforms to Prosecution of Minor Crime in China**Professor Xie Chuanyu and Professor Sarah Biddulph**

Economic reform in China has produced new forms of crime, many of them minor. As people buy cars, dangerous driving offences have skyrocketed. New forms of economic crime including theft and fraud that were previously unknown in a planned economy have become common in the market economy. As economic reform progresses in China, China's criminal justice system faces the problem of how to deal efficiently and justly with the increasing number of minor offences. Political attention became focused on this issue after abolition of the administrative detention power of re-education through labour at the end of 2013 and the transfer of some of those cases into the criminal justice system. The Chinese criminal justice system currently draws no distinction between minor and serious offending. It is searching for a way to distinguish between the cases that require a greater allocation of time and resources and those that can be handled in an expedited manner.

This roundtable discussed pilot reforms designed to improve efficiency in handling minor offences. In particular it examined the structure of offenses, the structure of the procedures to deal with offenses, and the relationship between the police, procurators and judges. To date these reforms have focused on the courts and prosecution agencies. Whilst there has been some simplification of procedures, the reforms have primarily focused on speeding up the process by imposing tighter time limits on various stages of criminal proceedings. A notable omission from the reform process to date has been the police. We argued that for these reforms to be sustainable the role of each of the state agencies involved in the criminal justice process needs to be examined and the ways they work together reconsidered. Even if there is no political appetite for major systemic reform, the more modest objectives of diverting minor offenders out of the criminal justice system as early as possible cannot be achieved without an all-of-system analysis.



Xie Chuanyu is Professor in the Social Order School at People's Public Security University of China. Her work focuses on police powers, especially the coercive power exercised by the police in maintaining and controlling public order. She is China's leading scholar on the science of public order, a director of Emergency Police Response Research Centre of PPSUC, with a police rank of 2nd Class Police Commissioner. Her recent publication, *On the Sanction System of Offense* (Law Press of China, Jan 2013), elaborates the categories of offenses in the Chinese legal system and the sanctions and the procedures for dealing with crime and the violation of public order. Professor Xie is a keen observer of criminal justice in foreign jurisdictions. She has observed the American system during her stay as a visiting scholar at the State University of New York at Albany, U.S.A between January 2015 and January 2016. She also spent extended periods observing the Victorian court system in 2009 and 2016 during her stay as a visiting scholar at the Melbourne Law School.

18 August 2017

Socrates versus Confucius: How South Korea Negotiated and Incorporated "American Style" Law Schools and Lawyering Methods into Its Ecosystem**Professor Jasper Kim**

In this seminar Professor Kim asked "Socrates versus Confucius – what's the right model for South Korea's law schools and legal profession in the twenty-first century? Within the region, what influence did Australia and Japan have in shaping South Korea's new legal ecosystem?"

Professor Kim argued that certain unique challenges exist in terms of incorporating a Socratic-based teaching model--upon which South Korea's new graduate law school system is based--into the country's traditionally "Confucian" law school education ecosystem. Such unique challenges exist in the form of a heavy reliance upon rote memorization and the preservation of a historical hierarchical order--leading to potentially more clash than co-existence in terms of pedagogical approach--between the "Socratic" versus "Confucian" teaching methods. This presentation also raised the question of whether "globalization" should be interpreted as "Americanization" relating to the modernization efforts of law schools and legal professionals in the region and beyond.

Jasper Kim, JD/MBA, is a Professor at Ewha University (Seoul, Korea), senior fellow at Melbourne Law School, Chief Executive of the Asia-Pacific Global



ALC 'BROWN BAG' SEMINARS

Research Group, and an American attorney. He was a visiting scholar at both Stanford University's Asia-Pacific Research Center (APARC), and Harvard University's East Asia Legal Studies Program and Korea Institute. Previously, he was Associate Director for Barclays Capital (Hong Kong) as well as an Associate Legal Counsel for Lehman Brothers (Tokyo, Japan). He received his JD from Rutgers University, MBA from the University of London, and MSc from the London School of Economics (LSE). Jasper Kim is widely published and an author of several leading books, including *Korean Business Law: The Legal Landscape and Beyond* as well as *ABA Fundamentals: International Economic Systems*. He is a frequent media contributor to the BBC, CNBC, CNN, Forbes and *The Wall Street Journal* (WSJ).

21 August 2017

Competition Law Systems in the Philippines and Malaysia: Recent Developments

Professor Mel Marquis

Hosted by the Asian Law Centre and Competition Law and Economics Network

There is remarkable diversity in the competition policy apparatus of ASEAN's member states. While the ASEAN rules establish a baseline, they convey little in terms of what is happening on the ground in particular countries. This seminar examined developments in two of the ten member states, namely, the Philippines and Malaysia. Each of these regimes is new from a global point of view, and the Philippine Competition Act is only now taking full effect after a period of progressive introduction. The seminar provided an overview of the two systems, focusing on the contents of the relevant laws and the corresponding enforcement practice. It then (tentatively) evaluated the early steps taken in both countries and commented on the level of commitment reflected in the action taken to date.



Mel Marquis is a part-time Professor at the European University Institute in Florence and Professore a contratto at LUMSA in Rome. He is the 2016 Chair Professor at the Central University of Finance and Economics in Beijing, and Co-Director of the European Competition Law and Policy Workshop. He has lectured at various universities in Europe, the United States, Japan and China. He has practiced law in the US and Belgium. His latest publication is *Effective and Legitimate Enforcement of Competition Law* (Hart, 2016), co-edited with Philip Lowe and Giorgio Monti.

6 September 2017

Excluding Unlawfully Obtained Evidence in China: Reform and Challenges

Professor Guo Zhiyuan

China recognised the problem of coercive confessions and other illegal means of collecting evidence as long as two decades ago. To reduce wrongful convictions, since 2010 China has formally adopted rules to exclude illegally obtained evidence. However, implementing exclusionary rules has encountered enormous difficulty because of vagueness of the legislation and many other practical problems. In this talk, Professor Guo Zhiyuan gave an overview of the different stages in the development of exclusionary rules, pointed out practical issues in implementing these rules and discussed some of the subsequent reforms including the most recent implementing guidelines for exclusionary rules issued by the Supreme People's Court.



Guo Zhiyuan is a Professor of Law at China University of Political Science and Law (CUPL) in Beijing, where she specialises in criminal procedure, evidence, international human rights law and law and society studies. She is Deputy Director of the Center for Criminal Law and Justice, CUPL, Adjunct Professor at Buffalo State College, US and Chinese University of Hong Kong, she is also a non-resident Senior Research Fellow at US-Asia Law Institute, New York University School of Law. Professor Guo was appointed as Guanghua Visiting Scholar at NYU School of Law from 2008-2009 and as Sohmen Visiting Scholar at Faculty of Law, Hong Kong University in 2011. She was appointed as Fulbright Research Scholar for 2015-2016

and visited Stanford Law School during that time. Professor Guo has published extensively in academic journals in both Chinese and English. Her research interests include exclusionary rules of evidence, plea bargaining, effective counsel, and criminal mental health law.

4 October 2017

How an Arbitrary Taxonomy Excludes Rohingya from the Political Community “Myanmar”

Dr Nick Cheesman

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



In recent weeks hundreds of thousands of people identifying or identified as Rohingya have fled Myanmar for Bangladesh. The personal violence giving rise to this the third such exodus since the 1970s is constituted from structural violence, the political contents and juridical character of which are little understood outside of Myanmar. In this discussion, Dr Cheesman examined one significant feature of those arrangements, namely, an arbitrary juridical taxonomy that coupled with a citizenship regime in which membership in a “national race” has surpassed other conditions for membership in the political community “Myanmar” works to deny Rohingya civil and political rights, giving rise to conditions in which arson, killing, torture and rape with impunity become possible.

Nick Cheesman is a Fellow at the Department of Political and Social Change, Australian National University. He is the author of *Opposing the Rule of Law: How Myanmar’s Courts Make Law and Order* (Cambridge UP, 2015), and guest editor of a recent special issue of the *Journal of Contemporary Asia* on “Interpreting Communal Violence in Myanmar” (July 2017). In his spare time he hosts the New Books in Southeast Asian Studies channel of the New Books Network.

10 October 2017

Death Penalty: Commonwealth Trends, Judicial Reforms and Future Challenges

Mr Saul Lehrfreund and Mr Parvais Jabbar

In recent years the judiciary in many retentionist Commonwealth countries have been active in reforming outdated death penalty laws. This represents a clear shift from a historical period of judicial abstinence to one of judicial intervention. This has been exemplified by the London-based Judicial Committee of the Privy Council, which has imposed strict limitations on the use of the death penalty in the Caribbean in accordance with international human rights standards. Drawing on their own experience of representing prisoners on death row before the Judicial Committee of the Privy Council and domestic courts for over 25 years, Parvais and Saul discussed the developments and restrictions that have been imposed on the use of capital punishment. These have had a profound effect – saving lives and creating jurisprudence that has persuaded other constitutional courts throughout the Commonwealth to apply similar limitations on the use of capital punishment: a process which has been characterised as the “harmonisation of death penalty regimes across borders”. The judiciary have stopped short of prohibiting the death penalty altogether, which is ultimately a political decision, and certain obstacles will need to be overcome before abolition can become a reality in those states who retain capital punishment.

In 1995, **Saul Lehrfreund** received an individual award from the International Bar Association for his contribution towards the protection of human rights. Four years later he shared The Times/Justice Young Lawyer of the Year Award with Parvais Jabbar. In 2000 he was awarded an MBE for “services to international human rights.” He is a Founder member of the UK Foreign Secretary’s Death Penalty Panel as well as the pro bono lawyers panel of the UK Foreign & Commonwealth Office. He specialises in criminal litigation, constitutional law, international human rights law and prison law.

Parvais Jabbar is a Human Rights Executive at SM&B. He shared The Times/Justice Young Lawyer of the Year Award in 1999 with Saul Lehrfreund. A founder member of the pro bono lawyers panel of the United Kingdom Foreign & Commonwealth Office, Parvais’ areas of specialisation are criminal litigation, constitutional law, international human rights law and prison law. Parvais was awarded an MBE for his services to international human rights in the 2012 Queen’s Birthday Honours List.



BOOK LAUNCH SEMINARS

4 December 2017

Boxes and Grunts: Staging Self-censorship and the Limits of Excess**Ms Claire Maree***Hosted by the Asian Law Centre and Centre for Media and Communications Law*

The use of 'bleeps' is a common trope of self-censorship in entertainment television that facilitates the image of personalities and comedians speaking candidly. Censorable speech includes not only speech acts containing explicit language, but also 'scandalous talk'; sections of entertaining banter in which the names of personalities and entertainers are explicitly mentioned. In Japanese media, in-house manuals regiment the editing of explicit and discriminatory language whereas concern for privacy and defamation laws regiments the use of personal images and reference to individuals in media broadcasts.

In this presentation, Dr Maree examined the practice of overlaying 'tennis grunts' and text boxes to 'bleep out' speech acts performed by queer/queen personality Matsuko Deluxe in the late-night television show *Matsuko no heya* (Matsuko's Room; Fuji Television Network [FNS], 2009-2011). Unlike its contemporaries, *Matsuko no heya* (MNH) contains very little text-on-screen. The 'bleeps' and 'boxes' introduced to mask problematic speech, therefore, appear as traces of post-production editing. At the meta-level there is repeated reference to production processes, and the question of how to deal with speech deemed to be 'unusable' is openly discussed. Regimentation of selected talk reinforces Matsuko's image as a sharp-tongued, honest-speaking and entertaining personality. In the context of Matsuko's media persona, and wider representations of queer/queen talk in mainstream media, use of self-censorship technologies position the queer/queen style as excessive and always already exceeding the limits of respectability.

Claire Maree is Senior Lecturer in Japanese at the Asia Institute, University of Melbourne. Her research areas are critical language studies, gender/sexuality and language studies, media studies and queer studies. Claire is currently sole Chief Investigator on 'Writing Identity onto the Screen: Subtitles and captions in Japanese media' (ARC DP150102964). She also collaborates with colleagues from Australia and Japan: on 'Thirty Years of Talk: A Panel Study of Kobe Women's Interview Discourse' (ARC DP170102598). Major publications include: *Discourse, Gender and Shifting Identities in Japan: the Longitudinal Study of Kobe Women's Ethnographic Interviews 1989-2019, Phase One* (C. Maree & K. Okano, eds. Routledge, 2018); *'Onēkotoba' Ron* (On 'Onēkotoba [language of queens]') (Seidosha, 2013); *Hatsuwashu no gengo sotorateji toshite no negoshiēshon kōi* (Negotiation as a Linguistic Strategy of Speakers) (Hituzi Shobo, 2007).

11 December 2017

Managing the Risks of Corporate Fraud: The Evidence from Hong Kong and Singapore**Associate Professor Wan Wai Yee***Hosted by the Asian Law Centre, Centre for Corporate Law and Securities Regulation, and Transactional Law Group*

Since the Asian financial crisis of 1997, Hong Kong and Singapore have implemented reforms that promote independence and monitoring competency of the boards of directors of their listed companies. However, with the advent of the financial crisis of 2007/2008, a wave of fraud cases prompts the question as to the effectiveness of these reforms. In this seminar, Associate Professor Wan of Singapore Management University reported on the findings from an analysis of 62 listed companies that suggest that fraudulent companies tend to combine the roles of chairman and chief executive officer and have fewer non-accounting finance experts. Otherwise, there are no material differences in the other corporate governance characteristics. The reasons for the limited role of independent directors in preventing fraud are due to the low threat of enforcement actions and their incentives to side with controlling shareholders. Thus, the results suggest that the high expectations of independent directors are only partially fulfilled.



Wan Wai Yee is Associate Professor and Lee Kong Chian Fellow in the School of Law at the Singapore Management University. She has held the positions of Associate Dean and Academic Director, Office of Provost and Deputy President, and Deputy Director of the Centre for Cross Border Commercial Law in Asia. She graduated with an LLB (First Class Honours) from the National University of Singapore in 1996. She also holds a BCL from the University of Oxford, where she was in residence at St Edmund Hall in 1996/97. After obtaining her BCL, she joined the Singapore Legal Service and served as a Justices' Law Clerk, Assistant Registrar and Deputy Public Prosecutor. Immediately prior to joining academia in December 2005, she was a partner at Allen & Gledhill, Financial Services Department, where she practised in the areas of mergers and acquisitions as well as equity capital markets. Her main areas of research are in corporate and securities regulation.

Book Launch Seminars

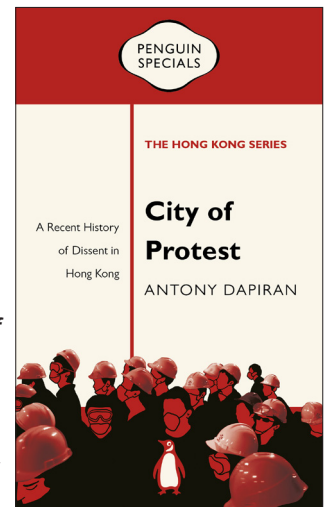
9 October 2017

City of Protest: In Conversation with Antony Dapiran

Mr Antony Dapiran

Hosted by the Asian Law Centre and Asialink Business

Hong Kong is a city with a long history of civil disobedience. In *City of Protest: A Recent History of Dissent in Hong Kong* (Penguin, 2017), author Antony Dapiran explores the historical and social stimuli and implications of protest movements in Hong Kong from the turbulent 1960s until the most recent wave of protests, culminating in the “Umbrella Revolution” of 2014. In the aftermath, Beijing and the Hong Kong government have signalled a crackdown on dissent in the city, with leaders including figurehead Joshua Wong jailed for their roles in the protests and pro-democracy legislators removed from office.



On the occasion of launching his book in Australia, Antony looked at the political and institutional factors driving political protest in Hong Kong, and explored how these grassroots movements are the expression of a unique Hong Kong identity — one that distinguishes it from the Mainland under the “One Country, Two Systems” formula. As this identity comes into conflict with Beijing’s desire to increase its control of the city, what will the future hold for Hong Kong in the tightening embrace of China?



Antony Dapiran is a Hong Kong-based lawyer and writer. One of the leading corporate finance lawyers in the Greater China market, Antony has advised on capital markets transactions which have been transformational for the Chinese business landscape and raised in aggregate more than US\$70 billion. Antony writes and presents extensively on China and Hong Kong business, politics and culture. A contributing editor of *Art Asia Pacific* magazine, his writing has also appeared in, among others, the *Australian Financial Review*, *The Age/Sydney Morning Herald*, *South China Morning Post*, *CNN International*, *Nikkei Asia Review* and *The Australian’s Business Spectator*. He graduated with a Bachelor of Laws (Honours) and Bachelor of Arts from the University of

Melbourne and spent two years studying Chinese and law at Peking University, China. He is admitted as a lawyer in Hong Kong, England & Wales and New South Wales, and is fluent in Mandarin Chinese.

12 October 2017

Report Launch Seminar: The Plural Regulation of Work: A Pilot Study of Restaurant Workers in Yogyakarta, Indonesia

Authors: Petra Mahy, Richard Mitchell, Sean Cooney and John Howe

The report was co-published by the Centre for Employment and Labour Relations Law, the Centre for Indonesian Law, Islam and Society, and the Asian Law Centre.

This seminar launched a Research Report, and presented its major findings, on the plural regulation of work arrangements in restaurants in Yogyakarta, Indonesia.

Discussion of informal employment tends to focus on the ‘failure’ of labour law to protect many workers around the world, and labels employment as being informal where there is an absence of labour law. Such an approach implies that work arrangements that fall outside the scope of formal labour law are unregulated. This project aimed to contribute to correcting this view by designing a methodology capable of investigating the formal laws and informal (non-state) norms and institutions, and the overlaps and interactions between them, in regulating work arrangements. In other words, we are asking the empirical question ‘What is actually regulating work?’

Originally funded by an interdisciplinary seed grant from the University of Melbourne, we have piloted this methodology in both Yogyakarta and in Melbourne. After providing an extensive review of the international and Indonesia-specific literature on the

RESEARCH VISITORS

informal regulation of work, the Report presents the findings of the research in Yogyakarta (we plan to publish the Melbourne results at a later date).

Dr Petra Mahy joined the Department of Business Law and Taxation, Monash University, in July 2017 as a senior lecturer. Previously, she was a lecturer in law at the School of Oriental and African Studies (SOAS), University of London (2015-2017), a postdoctoral research fellow at the Centre for Socio-Legal Studies, University of Oxford (2013-2015) and a research fellow at the Department of Business Law and Taxation, Monash University (2010-2013). Petra is both a lawyer and an anthropologist and her general research interests fall in the disciplines of comparative law, socio-legal and regulatory studies. She mainly conducts research in Southeast Asia and particularly in Indonesia.

Professor Richard Mitchell is employed (part time) in the Department of Business Law and Taxation at Monash University. He has specialised in labour law research over his career, and has a particular interest in labour law and industrial relations in the Asia-Pacific region. He has jointly edited *Law and Labour Market Regulation in East Asia* (2002), *Labour Law and Industrial Relations in Asia: Eight Country Studies* (1993), and *Facing the Challenge in the Asia Pacific Region: Contemporary Themes and Issues in Labour Law* (1997).

Professor Sean Cooney is in Melbourne Law School, University of Melbourne and a member of both the Centre for Employment and Labour Relations Law and the Asian Law Centre. His research interests concern international and comparative labour and employment law, with a focus on Asia. Sean has worked on new approaches to improving international working standards, including on Australian Research Council-funded collaborative projects on Chinese labour law reform; law enforcement in Australia; and assessing the effects of legal change in several Asia-Pacific countries. Between 2014 and 2016, Sean served as a Legal Specialist in the Labour Law and Reform Unit at the International Labour Organization in Geneva, where he provided advice to governments in countries such as China, India, Myanmar and Pakistan.

Professor John Howe is Co-Director of the Centre for Employment and Labour Relations Law at Melbourne Law School. His research interests include labour law, regulatory theory, and corporate accountability, and he teaches in the areas of corporations law, corporate social responsibility and labour law. John has written extensively on the nature of various mechanisms of labour regulation, and the intersection between state-based regulation and corporate governance. He is presently engaged in research concerning regulatory enforcement of minimum employment standards in Australia and the Asia-Pacific region. He is also researching how large business organisations engage in self-regulation of labour practices through internal policy and rule-making processes, and the interaction between these policies and employment laws.

Discussion Groups

26 July 2017

Exploring the Vietnamese Legal System

The Asian Law Centre invited interested undergraduate and postgraduate students from any discipline to join a discussion group, led by Professor Pip Nicholson, Director, Asian Law Centre, which focusses on the Vietnamese legal system. Discussion at the first meeting focused on the 2011 Statute of the Communist Party of Vietnam and the 2013 SRVN Constitution.



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 2017, the participants in this program included:

- **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.

- **2017-2018 - Judge Yuri Takemura, Yokohama District Court**

Judge Takemura is an assistant judge from Yokohama District Court. During her stay, she conducted comparative research on interlocutory injunctions in Australia in the context of commercial law. She also observed cases which require the use of experts, and was interested in settlement mechanisms and the role and activities of the Victorian Civil and Administrative Tribunal.

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 2017, the participants in this program included:

- **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.

- **2017–2018 - Judge Yun-Kyung Bae, Suwon District Court of Korea**

Judge Bae is a presiding judge in charge of criminal cases at Suwon District Court. During her visit, she researched the restriction of search and seizure of electronic information, admissibility of evidence, and the courts' other evidence-taking practices in Australia.

RESEARCH VISITORS

Research Visitors

Arrival Date	Research Visitor
1 September 2015 – 30 September 2017	Associate Professor Jin Chun , Doshisha University, Japan Academic Host: Associate Professor Stacey Steele
31 July 2016 – 30 July 2017	Prosecutor Taegyoun Kim , Seoul Central District Prosecutor's Office, Republic of Korea 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
1 August 2016 – 31 August 2017	Professor Keiji Kawai , Doshisha University, 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
3 February 2017 – 12 February 2017	Judge Mayumi Matsukawa , Tokyo District Court, Japan Academic Host: Associate Professor Stacey Steele
13 February 2017 – 24 February 2017	Professor Dan Rosen , Chuo Law School, Japan Academic Host: Associate Professor Stacey Steele
13 February 2017 – 24 February 2017	Associate Professor Kiyofumi Koutani , Chuo Law School, Japan Academic Host: Associate Professor Stacey Steele
13 February 2017 – 24 February 2017	Professor Hajime Yamamoto , Keio Law School, Japan Academic Host: Associate Professor Stacey Steele
13 February 2017 – 24 February 2017	Assistant Professor A. Reid Monroe-Sheridan , Keio Law School, Japan Academic Host: Associate Professor Stacey Steele
27 March 2017 – 1 April 2017	Mr Rehan Abeyratne , The Chinese University of Hong Kong, Hong Kong Academic Host: Associate Professor Farrah Ahmed
30 March 2017 – 30 March 2018	Professor Dan Rosen , Chuo Law School, Japan Academic Host: Associate Professor Stacey Steele

Arrival Date	Research Visitor
10 April 2017 – 11 April 2017	Dr Alex Mills , University College London, United Kingdom Academic Host: Professor Richard Garnett
22 April 2017 – 28 April 2017	Professor David Johnson , University of Hawai'i at Mānoa, United States of America Academic Host: Associate Professor Stacey Steele
21 April 2017 – 28 April 2017	Dr Maiko Tagusari , Hitotsubashi University, Japan Academic Host: Associate Professor Stacey Steele
22 April 2017 – 5 May 2017	Professor Mari Hirayama , Hakuoh University, Japan Academic Host: Associate Professor Stacey Steele
23 April 2017 – 27 April 2017	Ms Carol Lawson , Australian National University, Australia Academic Host: Associate Professor Stacey Steele
2 June 2017 – 2 July 2017	Assistant Professor Chen Weitseng , National University of Singapore, Singapore Academic Host: Professor Sarah Biddulph
8 June 2017 – 5 July 2018	Judge Yuri Takemura , Yokohama District Court, Japan Academic Host: Associate Professor Stacey Steele
9 June 2016 – 30 June 2017	Judge Yoshihiro Baba , Ichinomiya Branch of Nagoya District Court, Japan Academic Host: Associate Professor Stacey Steele
26 June 2017 – 4 July 2017	Professor Hong-zen Wang , National Sun Yat-Sen University, Taiwan Academic Host: Professor Sean Cooney and Professor Sarah Biddulph
12 July 2017 – 30 August 2017	Professor Xie Chuanyu , Chinese People's Public Security University, People's Republic of China Academic Host: Professor Sarah Biddulph
28 July 2017 – 11 August 2017	Professor Guofu Liu , Beijing Institution of Technology, People's Republic of China Academic Host: Professor Susan Kneebone
28 August 2017 – 1 August 2018	Judge Yun-Kyung Bae , Suwon District Court of Korea, Republic of Korea Academic Host: Associate Professor Stacey Steele
4 September 2017 – 5 September 2017	Mr Michael Murray , Murrays Legal, Australia Academic Host: Associate Professor Stacey Steele

RESEARCH VISITORS

Arrival Date	Research Visitor
18 September 2017 – 30 June 2018	Mr Kenta Kitamoto , Japan Patent Office, Japan Academic Host: Associate Professor Stacey Steele
20 September 2017 – 19 October 2017	Associate Professor Huang Tao , Shanghai Jiao Tong University, People's Republic of China Academic Host: Associate Professor Andrew Godwin
12 October 2017	Delegation from Ministry of Justice, Vietnam Academic Host: Professor Pip Nicholson
27 November 2017 – 8 December 2017	Ms Maitreyi Misra , Research Associate, National Law University, Delhi, India Academic Host: Professor Pip Nicholson
27 November 2017 – 8 December 2017	Ms Sahana Manjesh , Litigation Associate, National Law University, Delhi, India Academic Host: Professor Pip Nicholson
27 November 2017 – 8 December 2017	Mr Yash S. Vijay , Litigation Associate, National Law University, Delhi, India Academic Host: Professor Pip Nicholson

Report on Visit by Associates from the Centre on the Death Penalty, NLU-Delhi

By Ms Sahana Manjesh, Ms Maitreyi Misra and Mr Yash S. Vijay

As researchers and lawyers working on death penalty cases in India, the opportunity extended to us by Melbourne Law School and Reprieve Australia to interact extensively with the stakeholders in the criminal justice system in Australia was uniquely inspiring for our work in India. Our visit to Melbourne was planned around our areas of interest, which included sentencing policy, forensic psychiatry and forensic evidence, particularly issues around DNA evidence. To understand these areas within the realm of both practice and the law, we met with judges at different stages of the judicial process, forensic psychiatrists, forensic experts, defense lawyers, and judicial registrars, who offered useful perspectives about the development of criminal practice in Victoria. Our meetings were enriched by constant practical exposure to the Australian system of criminal justice through several visits to court proceedings and discussions on specific issues of forensic and psychiatric evidence. We are keen to introduce comparative jurisprudence and our learning from the criminal justice process in Australia to our research and our cases before various courts in India.

Interactions with faculty from the Asian Law Centre and lawyers before and after the meetings furthered our understanding of the thorough process through which expert evidence is appreciated in Australian courts. Of particular interest was the Practice Note SC CR 7 'Sentencing Hearings: Expert Reports on Mental Functioning of Offenders,' which elucidates on the procedures to be adopted and standards to be maintained in forensic psychiatric evidence relevant at the sentencing stage of a trial. The collaborative process between the bench, the bar and mental health professionals offered us a blueprint for how similar practice standards can be developed in India.

We observed several court proceedings including the cross-examination of a DNA expert and sentencing proceedings. Having a similar background in common law aided us in familiarising ourselves with the Australian legal system. As India abolished the jury system for criminal trials more than four decades ago, we observed jury trials for the first time in the Court of Appeals, which provided us with an interesting comparison of justice dispensation processes. We also spent a day at the Victorian Forensic Science Laboratory, interacting with forensic science experts and police officers, which neatly tied into our specific areas of interest in the criminal justice system.

We were also given a chance to discuss our work and exchange ideas with faculty members, lawyers, judges, researchers and students at Melbourne Law School at a talk organised by the Asian Law Centre in association with Reprieve Australia. We are deeply grateful to the Asian Law Centre at Melbourne Law School and Reprieve Australia for providing us with this opportunity. We also thank all the resource persons who gave their valuable time to us. We look forward to building upon the alliances and friendships forged during our stay at Melbourne.



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 2017, Asian Law Centre members supervised 29 PhD candidates, 5 of whom completed their PhD in 2017.

Higher degree research candidates who submitted or successfully completed in 2017 were:

<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 Ha Hai Do</p> <p><i>The Dynamics of Legal Transplantation: Regulating Industrial Conflicts in Post-Doi Moi Vietnam</i></p> <p>Supervisors: Pip Nicholson, Sean Cooney</p>
<p>Mr Jonathan Kolieb</p> <p><i>Corporate Peacebuilding and the Law: Regulating the Private Sector for Conflict Transformation</i></p> <p>Supervisors: Sean Cooney, Christine Parker, Gerry Simpson</p>
<p>Ms Sally Low</p> <p><i>Courts, Codes and Power: The Making of Law in Colonised Cambodia</i></p> <p>Supervisors: Pip Nicholson, David Chandler</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>

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

<p>Ms Adrienne Anderson</p> <p><i>Refugee Law and Gender-Based Violence Against Women: Uncovering the Political Dimensions</i></p> <p>Supervisors: Michelle Foster, Susan Kneebone</p>
<p>Ms Sayomi Ariyawansa</p> <p><i>Tackling the Exploitation of Migrant Workers in the Australian Agriculture Sector</i></p> <p>Supervisors: Joo-Cheong Tham, Susan Kneebone</p>

Mr Rifqi Sjarief Assegaf*Socio-Legal Study of Criminal Sentencing in Indonesia: Case Study of Decisions in Selected Courts*Supervisors: **Tim Lindsey**, Simon Butt**Mr Matthew Aaron Busch***Indonesia as a Weak State: Authority and Competition in Post-Suharto Indonesia*Supervisor: **Tim Lindsey****Ms Faye Chan***Citizenship vs Alienage and the Intersectionality of Law, Race and Gender: The Legal Status of Chinese Indonesian Women, 1930-2014*Supervisors: **Tim Lindsey**, Kate McGregor**Ms Apsari Dewi***Extradition between Indonesia and Australia*Supervisors: **Tim Lindsey**, Jeremy Gans**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**Mr Benjamin Hopper***Patents and Traditional Knowledge: A Case Study of the Impact of Patent Laws on the Production and Distribution of Miao Traditional Medicines in Guizhou, China*Supervisors: **Sarah Biddulph**, Megan Richardson, Graeme Austin**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**

TEACHING

<p>Mr Hui Jing</p> <p><i>Unique Governance Structure of Chinese Charitable Trust – Compared to Anglo-Australian Charitable Trust</i></p> <p>Supervisors: Sarah Biddulph, Matthew Harding</p>
<p>Ms Balawyn Jones</p> <p><i>Barriers to Implementation of the Indonesian Anti-Domestic Violence Law: A Case Study of Criminal Justice Approaches in the Province of Aceh</i></p> <p>Supervisors: Tim Lindsey, Amanda Whiting</p>
<p>Ms Josi Khatarina</p> <p><i>Assessing Central Government Performance in a Decentralized Natural Resource Management Setting: A Case Study of Environmental Governance of the Palm Oil Industry in Indonesia</i></p> <p>Supervisors: Tim Lindsey, Margaret Young</p>
<p>Mr Nan Luo</p> <p><i>Developing a Model for Uniform Conflict of Laws Rules for Commercial Contracts within Greater China: Necessity and Possibilities</i></p> <p>Supervisors: Sarah Biddulph, Richard Garnett</p>
<p>Ms Trischa Mann</p> <p><i>From Court to College: The Institutionalisation of Judicial Education during its First Decade in Victoria, 2005–2015</i></p> <p>Supervisors: Amanda Whiting, Kylie Smith</p>
<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>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 2017 included:

JD

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

JD students can also apply to take one of their electives from the below Melbourne Law Masters subjects available in 2017.

Masters (offered in Graduate Diploma in Asian Law)

- Commercial Law in Asia
- Comparative Constitutional Law
- Construction Law and Projects in Asia
- International Law and Development
- Investment Deals and Disputes in Asia
- Islam and Human Rights
- Islamic Law and Politics in Asia

MEMORIAL SCHOLARSHIP

Report on Economic and Business Law in Asia

By Kirsty Ha, Student, EBLA

In November 2016, Melbourne Law School ran for the first time the international intensive subject 'Economic and Business Law in Asia'. The subject was co-taught by Andrew Godwin, Associate Director (Asian Commercial Law) of the Asian Law Centre, and Hop Dang, Partner at Allens Linklaters, Hanoi.

Over a week in Shanghai, Andrew and Hop led 22 students to classes at Shanghai Jiao Tong University, where we studied topics including Chinese Law and Society, Chinese Foreign Investment Law, and Chinese International Commercial Arbitration. As students, we were very fortunate to have guest lectures on these areas from Professors Jiaxiang Hu, Zheng Ge and Liyang Hou from the KoGuan Law School. These guest lectures gave us the opportunity to learn about, gain exposure to and discuss live issues in Chinese law including competition law, the Draft Foreign Investment Law, VIE structures, and current risks for foreign investors entering China. Travelling to Hong Kong, we heard also from Dr Richard Wu on the 'One Country, Two Systems' policy through the lens of comparative Company Law between Hong Kong and mainland China. Our group discussions led by Andrew and Hop after these lectures were instrumental in furthering critical thought and analysis.



The subject also afforded our cohort unique international experiences to complement our studies. Our discussions around Chinese courts and the operation of law firms and lawyers in China were brought to life through our tour of the Minhang District Court in Shanghai, and the opportunity we had to speak

to lawyers from international law firm Dorsey & Whitney, local PRC law firm Zhong Lun, and in Hong Kong, Skadden, Arps, Slate, Meagher and Flom LLP.

Set variously against the backdrop of Shanghai street dumplings, the bright autumn leaves at Shanghai Jiao Tong University, the bustling Mid-Levels of Hong Kong, and Hong Kong University, Economics and Business Law in Asia offered my cohort a unique and special opportunity to learn about the laws and legal system of China at some of the best places possible, and from teaching staff who are experts in their fields. EBLA is an invaluable addition to the international subjects offered through the JD, and I am looking forward to hearing about the next cohort's adventures in 2017.

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 2017 was **Ms Didi Hu**.

Didi graduated from Beijing Foreign Studies University in 2016 with a Bachelor of Law, ranking first in her class of 53, and was the recipient of a national merit-based full scholarship for the 2013-14 and 2014-15 academic years. She passed the National Bar Exam of the People's Republic of China in 2015, and worked full-time in a Beijing-based law firm after graduation. Didi commenced the Melbourne JD in 2017.

Didi worked as a volunteer at the Tongshan Trial Court in Jiangsu province, China in 2013-14. During this time, she clerked in the Criminal, Case-Filing and Civil Tribunals. She has also written articles for English law reviews on Chinese law and legal reform. Her work on China's legal regime for protecting geographical indications has been published in the *Australian Journal of Asian Law*; her article on China's legal framework of cross-border insolvency has been accepted for publication in the *American Bankruptcy Law Journal* in 2018.



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

Pip Nicholson's Appointment as Dean, Melbourne Law School

The Asian Law Centre Director, **Professor Pip Nicholson**, has been appointed Dean of Melbourne Law School from 29 January 2018.

Professor Nicholson is a world-leading scholar on the Vietnamese legal system, who has published widely on East and Southeast Asian legal systems. She first joined the Asian Law Centre in 1999. Professor Nicholson has been admitted as a barrister and solicitor of the Supreme Court of Victoria, and has taught extensively in dispute resolution, comparative legal studies and law reform in Asia.

We are so proud of Pip for this wonderful achievement, and know that she will do an amazing job as Dean of Melbourne Law School. We will, of course, miss her as Director of the Asian Law Centre, but look forward to working with her in a different capacity.



Associate Professor Kerstin Steiner's Awards

Associate Professor Kerstin Steiner is a former PhD Candidate and Research Assistant of the Asian Law Centre. She is now an Associate Professor at La Trobe Law School.



Congratulations to Kerstin, who in 2017 was awarded a number of academic awards, including:

- the Research Excellence Award (Mid-Career) of the La Trobe Law School;
- the Research Excellence Award (Mid-Career) of the La Trobe College of Arts, Social Science and Commerce; and
- the Research Excellence Award (Mid-Career) by the Deputy Vice-Chancellor and Vice-President (Research) of La Trobe University.

Former ALC Research Assistant Signs the Bar Roll

Congratulations to Reegan Grayson-Morison, former ALC research assistant, who signed the bar roll in May 2017 and became a barrister!



Multimedia IT

Admin Law Blog

<https://adminlawblog.org/>

Associate Professor Farrah Ahmed is one of three co-editors for the newly launched Admin Law Blog.

This is a forum for the discussion of ideas and developments of interest to scholars of administrative law across the common law world. It aims to connect administrative law scholars to each other and to contribute to the growing field of comparative administrative law. The blog is edited by Farrah Ahmed (Melbourne Law School), Swati Jhaveri (National University of Singapore), and Adam Perry (University of Oxford).



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.

COLLABORATION

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/>

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;
- 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>.

ALC BRIEFING PAPER SERIES

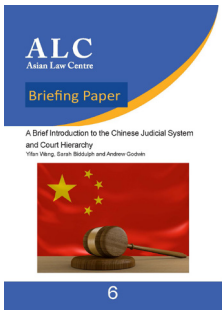
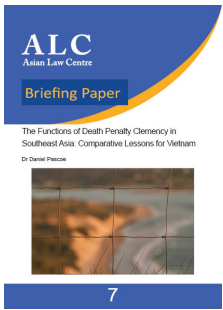
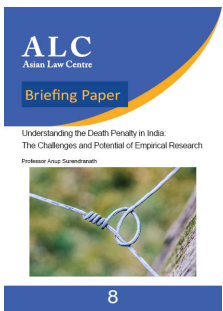
Publications

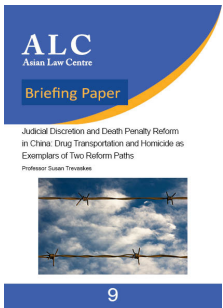
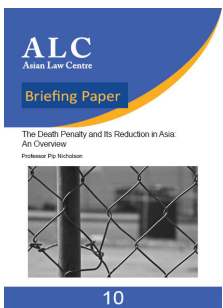
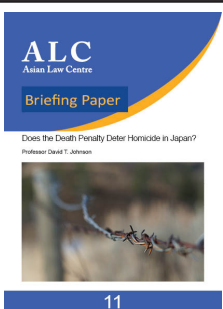
ALC Briefing Paper Series

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>

Six new Briefing Papers were published in 2017, including five papers that were published as a series of bilingual Briefing Papers in **English and Vietnamese on death penalty issues in Asia**.

These Briefing Papers came out of a conference in 2017 on comparative death penalty and clemency practice in Asia, hosted by Ho Chi Minh City Law University (HCMCLU), with assistance from the Asian Law Centre. The English versions were edited by **Professor Pip Nicholson**, and the Vietnamese versions by **Dr Ha Hai Do**.

	No.	Title	Author
	No 6 (2017)	A Brief Introduction to the Chinese Judicial System and Court Hierarchy	Mr Yifan Wang, Associate Professor Andrew Godwin and Professor Sarah Biddulph
	No 7 (2017)	The Functions of Death Penalty Clemency in Southeast Asia: Comparative Lessons for Vietnam	Dr Daniel Pascoe
	No 8 (2017)	Understanding the Death Penalty in India: The Challenges and Potential of Empirical Research	Professor Anup Surendranath

	No.	Title	Author
	No 9 (2017)	Judicial Discretion and Death Penalty Reform in China: Drug Transportation and Homicide as Exemplars of Two Reform Paths	Professor Susan Trevaskes
	No 10 (2017)	The Death Penalty and Its Reduction in Asia: An Overview	Professor Pip Nicholson
	No 11 (2017)	Does the Death Penalty Deter Homicide in Japan?	Professor David T. Johnson

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).



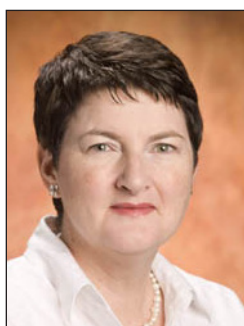
Professor M.B. Hooker, Australian National University

(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.



Associate Professor 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)

PUBLICATIONS

AJAL Journal Articles (2017)**Volume 18, No. 1**

- Ali, Abu and Shahnewaj (2017), 'Improper Labelling of Manufacturing and Expiry Dates of Food: A Legal and Regulatory Study of Food Quality and Food Waste in Bangladesh' *Australian Journal of Asian Law*, Article 3.
- Choe, Geary (2017), 'Revamping the Justice System: (Re)Defining the Role of Judges in Korea's Jury Trials' *Australian Journal of Asian Law*, Article 2.
- de Jonge, Alice (2017), 'Book Review: Law and Politics of the Taiwan Sunflower and Hong Kong Umbrella Movements' *Australian Journal of Asian Law*, Article 7.
- Iqbal, Khurshid and Shah, Niaz A. (2017), 'Civil Disputes Leading to Crimes: A Baseline Study of Terrorism-Affected North Western Pakistan' *Australian Journal of Asian Law*, Article 4.
- Jhaveri, Swati and Neo, Jaclyn L. (2017), 'The Many Facets of Constitutional Dialogue: The Case of Singapore' *Australian Journal of Asian Law*, Article 1.
- Tsuji, Yuichiro (2017), 'Medical Privacy Issues in Ageing Japan' *Australian Journal of Asian Law*, Article 6.
- Xu, Yan (2017), 'Convergence and Divergence: China's Development Path to a Modern Tax System' *Australian Journal of Asian Law*, Article 5.

Volume 18, No. 2

- Cho, Joe (2017), 'Directors' Third Party Liability: The Peculiar Case of Korea' *Australian Journal of Asian Law*, Article 10.
- Clark, Lesley and Walton, Grant (2017), 'Drivers of Electoral and Institutional Money Politics in Papua New Guinea' *Australian Journal of Asian Law*, Article 4.
- Colmenares, Neri Javier (2017), 'Political Corruption in Philippine Elections: Money Politics Through the Pork Barrel System' *Australian Journal of Asian Law*, Article 2.
- Gomez, Edmund Terence and Tong, Joseph (2017), 'Financing Politics in Malaysia: Reforming the System' *Australian Journal of Asian Law*, Article 3.
- Indrayana, Denny (2017), 'Money Politics in a More Democratic Indonesia: An Overview' *Australian Journal of Asian Law*, Article 5.
- Kasipillai, Jeyapalan, Lee, Mei Yee and Mahenthiran, Sakthi (2017), 'Proliferation of Hidden Income and Tax Evasion: Perceptions of Malaysian Professionals' *Australian Journal of Asian Law*, Article 11.
- Naznin, S.M. Atia (2017), 'Justiciability of the Basic Necessity of Housing: Litigation of Forced Slum Evictions in Bangladesh' *Australian Journal of Asian Law*, Article 9.
- Siddiqua, Begum Asma and Buang, Ahmad Hidayat (2017), 'The Nominee's Position in Bangladesh and Malaysia' *Australian Journal of Asian Law*, Article 12.
- Tan, Chris (2017), 'Peoples and Postcolonial Self-Determination in Southeast Asia' *Australian Journal of Asian Law*, Article 8.
- Tham, Joo-Cheong (2017), 'Introduction to the Australian Journal of Asian Law Theme on 'Money Politics in the Asia-Pacific: Challenges and Solutions'' *Australian Journal of Asian Law*, Article 1.
- Tomossy, George and Alam, Shawkat (2017), 'Shifting Public Procurement Towards Sustainability: A Comparative Case Study of Indonesia and Australia' *Australian Journal of Asian Law*, Article 7.
- Trung, Ha Dang and Do, Lan Phuong (2017), 'Freedom of Information Law Comes to Vietnam: How Do Human Rights Adapt to Goals of Economic Development and Political Stability?' *Australian Journal of Asian Law*, Article 6.

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).

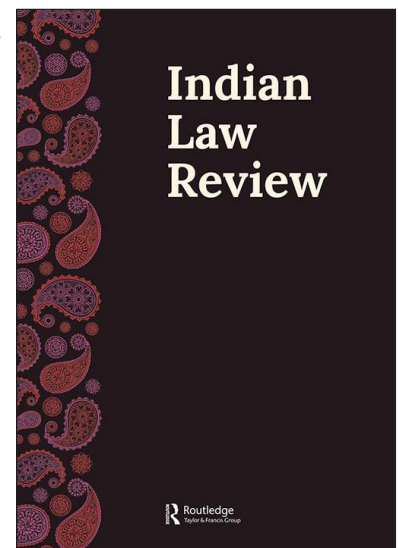


Indian Law Review

Associate Professor Farrah Ahmed is part of a global team of exceptional scholars editing the newly launched *Indian Law Review* (ILR) in 2017. The *Indian Law Review* is an academic-led, double-blind peer-reviewed, generalist journal on Indian law. It aims:

- to publish top quality scholarship on Indian law spanning all areas of law including comparative perspectives that include Indian Law
- to offer a forum for the community of scholars of Indian Law both within and outside India
- to take a broad interdisciplinary approach to the study of Indian Law, thereby reaching a wide readership, including legal academics, philosophers, criminologists, anthropologists, sociologists, historians, political scientists, legal practitioners and others

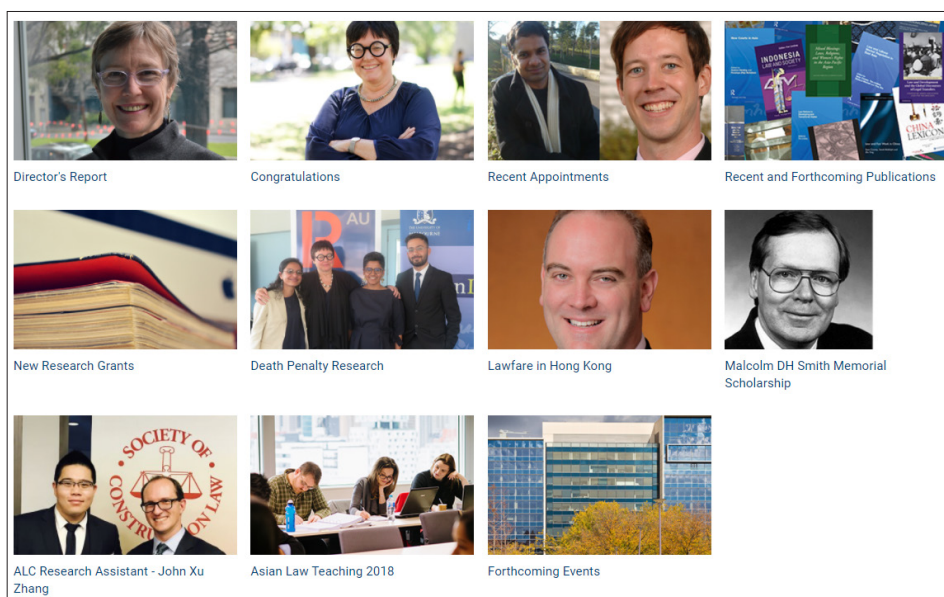
The *Indian Law Review* can be accessed at <https://www.tandfonline.com/loi/rilw20>



PUBLICATIONS

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>



Publications of Members & Researchers

Books

Liew, Y. (2017), *Rationalising Constructive Trusts*, Hart Publishing, United Kingdom.

Sapio, F., Trevaskes, S., **Biddulph, S.** and Nesossi, E. (eds) (2017), *Justice: The China Experience*, Cambridge University Press, United Kingdom.

Chapters in Books

Biddulph, S., 'Justice at the Margins: Notions of Justice in the Punishment of Prostitution' in F. Sapio, S. Trevaskes, **S. Biddulph** and E. Nesossi (eds) (2017), *Justice: The China Experience*, Cambridge University Press, United Kingdom, pp. 312-355.

Biddulph, S., 'Structuring China's Engagement with International Human Rights: The Case of Wage Protection Law and Practice' in L. Biukovic and P. Potter (eds) (2017), *Local Engagement with International Economic Law and Human Rights*, Edward Elgar Publishing, pp. 236-263.

Krayem, G. and **Ahmed, F.**, 'Islamic Community Processes in Australia: An Introduction' in S. Bano (ed) (2017) *Gender and Justice in Family Law Disputes: Women, Mediation, and Religious Arbitration*, Brandeis University Press, USA, pp. 246-269.

Lindsey, T., 'Islamic Courts or Courts for Muslims? Shari'a and the State in Indonesia, Malaysia and Singapore' in C. Antons (ed) (2017), *Routledge Handbook of Asian Law*, Routledge, United Kingdom, pp. 341-361.

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- Ahmed, F.** (2017), 'The Liberal Defence of Religious Freedom', presented at Australasian Society for Legal Philosophy Conference, Auckland Law School, 8 July.
- Ahmed, F.** (2017), Book Panel on monograph 'Religious Freedom under the Personal Law System', presented at Jindal Global Law School, 26 September.
- Ahmed, F.** (2017), Invited talk on monograph 'Religious Freedom under the Personal Law System', presented at Centre for Policy Research Delhi, 27 September.
- Ahmed, F.** (2017), Invited talk on monograph 'Religious Freedom under the Personal Law System', presented at National Law University Delhi, 28 September.
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- Biddulph, S.** (2017), 'Accessing Justice: Dispute Resolution in the Case of Precarious Workers in China', presented at ALSA Conference panel session on Access to Justice for Precarious Workers in China and Vietnam, 15-16 December.
- Biddulph, S.** (2017), CIW panel with S. Trevaskes, Rosenzweig and T. Halliday: 'Developments in Criminal Justice and Human Rights: 4 Years into the Xi Jinping Era', 13 February.
- Biddulph, S.** (2017), 'Discourses and Practices of Human Rights and Labour Rights in China Human Rights and Labour Rights in China', presented at CIW workshop, 9-10 April.
- Biddulph, S.** (2017), 'Constitutionalism and the Rule of Law in China in The Rule of Law', presented at Guest lecture in Master of Public Administration PADM90006, 16 May.
- Biddulph, S.** (2017), 'Democracy in China', presented at Guest lecture in Law and Democracy LAWS70367, 9 October.
- Biddulph, S.** (2017), 'Good Governance and Administrative Justice in China', presented at 7th World Forum on China Studies in the session Rule of Law and the Construction of a Modern Legal System in China, 10 December.
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- Biddulph, S.** (2017), 'Issues of Social rights in the Chinese Constitution', presented at Law and Society Conference Plenary Session, 20 June 2017.
- Biddulph, S.** (2017), 'Trade Policy and Government Accountability', presented at Asia Pacific Foundation of Canada (Vancouver) one day roundtable on the topic Coordinating Performance in International Trade and Human Rights, 26 October.
- Biddulph, S.** (2017), 'What does the Rule of Law mean in China?', presented at ANU Troubling the Rule of Law workshop, 8-9 September.
- Biddulph, S.** (2017), Author meets Reader session: The Stability Imperative, presented at Law and Society Conference, 22 June 2017.
- Biddulph, S.** (2017), Lectures at Guangzhou Normal University (in Chinese), 4-9 May.
- Biddulph, S.** (2017), Lectures at Shanghai University of Politics and Law (in Chinese), 23-24 March.
- Godwin, A.** (2017), 'Business Opportunities in the Legal Services Sector Arising from Australia's Free Trade Agreements with China, Japan and Korea', presented at RMIT Legal Services/FTA Seminar, Melbourne, 21 September.
- Godwin, A.** (2017), 'Chinese Perspectives on the Law', presented at Federal Court of Australia Annual Conference, Melbourne, 25 August.
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- Godwin, A.** (2017), 'Drafting Effective Letters of Advice', presented at Law Institute of Victoria Training Seminar, Melbourne, 6 February.
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- Pausacker, H.** (2017), 'Legislating Morality: Before and After Indonesia's 2008 Pornography Law', presented as guest lecture for intensive (LLM) course, 'Islam, Law and Politics in Southeast Asia', Melbourne Law School, the University of Melbourne, 30 October.
- Pausacker, H.** (2017), 'Publishing an Academic Journal', presented to delegates from Australia Awards Fellowships and State Islamic University Sunan Kalijaga respectively, who were visiting the Melbourne Law School, 16 and 22 November.
- Pausacker, H., Yulius, H. and Octavianty, A.** (2017), Panel discussion organised by the Australian LGBTIQ Multicultural Council Inc. to accompany the screening of the documentary, 'Proud to Be Me', Treasury Theatre, Melbourne, 31 October.
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- Associate Director (India), Asian Law Centre, Melbourne Law School
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- Member, Scholarship Committee, Melbourne Law School
- Member, International Research and Research Training Fund's Country Advisory Group, UOM
- Member, Centre for Comparative Constitutional Studies, MLS
- Judge, Student Published Research Prize
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- Referee, *International Journal of Constitutional Law*
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- Referee, *Moral Philosophy and Politics*
- Referee, *Osgoode Hall Law Journal*
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- Conducting policy-oriented project on family dispute settlement in religious communities
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- Consultation for the Australian Law Admissions Consultative Committee to develop policy for recognising degrees from Indian law schools



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- Assistance with Reprieve Australia on investigation into abolition of death penalty in Malaysia
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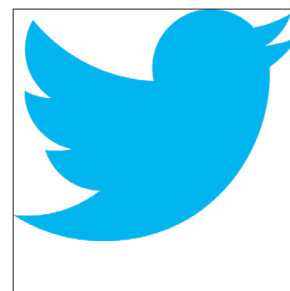
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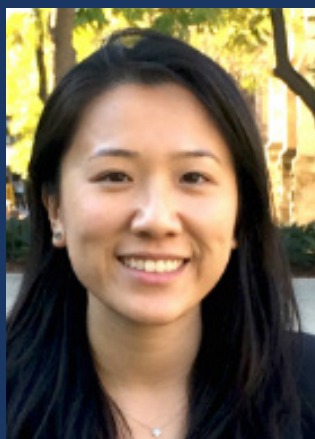
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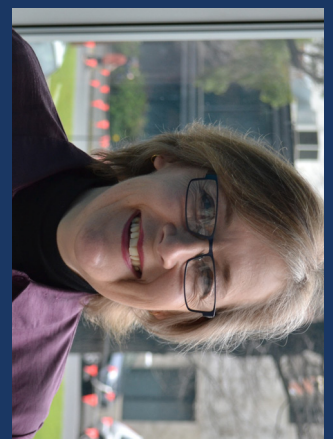
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