



Melbourne Law School

Asian Law

MELBOURNE LAW SCHOOL



Asian Law Centre Annual Report 2013

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Front Cover Image: Delegation from Ministry of Justice and Ministry of Industry and Trade, Vietnam, participating in 'Legal Education and Training for Vietnamese Government Officials: International Trade and Investment Law' Program (AusAID Australia Awards Fellowships), July 2013.

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Director's Report

The Asian Law Centre's membership grew in 2013, with the addition of the new, and long-awaited, Associate Director (India), Dr Farrah Ahmed. Farrah completed her LLB at the University of Delhi, then completing a Bachelor of Civil Law, an MPhil in law and a DPhil in law from the University of Oxford, where she has also worked as a Lecturer in Law at the Queen's College. Her areas of interest are Legal Theory, Law and Religion, Public Law, Family Law and South Asian Law. Farrah has actively engaged with students, Faculty and the university's broader South Asia scholarly community since her arrival, already establishing the South Asia Discussion Group, Majlis. We are simply delighted to have seen Dr Ahmed settle in so quickly to Melbourne Law School (MLS).

In addition to welcoming a new member, the Law School also announced the launch of its new Centre for Indonesian Law, Islam and Society (CILIS), directed by Professor Tim Lindsey. As expected, the ALC and CILIS closely cooperated over 2013 and look forward to continuing this in the coming years. More details about CILIS are available at [http:// www.law.unimelb.edu.au/cilis](http://www.law.unimelb.edu.au/cilis)

In August, the ALC underwent its 5-year review. The Panel (chaired by Professor Michael Tilbury of Hong Kong University, Faculty of Law with Cheng Lim (King & Wood Mallesons), Vi Peterson (Peterson consulting) and Professor Michael Crommelin (Melbourne Law School)) challenged the Centre to explain its operations over the period 2008 – 2013 and its vision for the future. This was a constructive process. I am delighted to share the Panel's high praise for the Centre, noting its 'extraordinary success in research, teaching, engagement and the promotion of the rule of law.'

In 2014, several of the recommendations of the review will be implemented, including the announcement of a new Advisory Board. The ALC notes the rich research collaborations that it has with many members of the Virtual Advisory Board, which served its research agenda well over 2008 – 2013. However, the particular dialogue about Australia and its role in Asia in the twenty-first century suggests the need for an Australia-based and Asia-engaged Advisory Board to ensure our outreach and engagement with Asia-focussed practitioners and colleagues is maximised. This adapted strategy will also assist the Centre to be sure that it affords its visitors from the region the best possible local networks.

In addition, 2013 has seen the ALC host a stimulating program of activities. In October, Tim Lindsey and I convened a group (comprising government, lawyers, NGOs, police and academics) involved directly on drugs and the death penalty issues in Southeast Asia to talk about the challenges of drugs law in Singapore, Indonesia and Vietnam.

The ALC also co-hosted a seminar on Media Representations of Criminal Trials in the region with colleagues from the National University of Singapore.

In addition to these two workshops, the ALC farewelled our visiting Korean Prosecutor, Mr Kim Sang Hyun. We continue to enjoy hosting visits from a number of Chinese, Indonesian, Japanese and Korean academics and judges.

Finally, the centre will benefit greatly in 2014 from support from a range of sources: particularly Mr Allan Myers AO QC and Mrs Maria Myers AO, the Collier Charitable Fund and competitive Asia-focussed research support located at the University of Melbourne. We are indebted to these individuals and organisations for enabling the work of the ALC to reach into new communities (India, for example) and develop new programs (*Rule of Law Online*, for example).



Director, Asian Law Centre



ABOUT THE ALC

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, China, Indonesia, Vietnam, Taiwan, Malaysia, Islamic law, East Timor and the Philippines. It is now developing a new program on India. The Centre has also worked on Korea, 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
- provide networking opportunities between the Melbourne Law School and Asian Universities

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 salaries of academic staff members of the Centre are borne by the Faculty, as members undertake standard teaching obligations in the Faculty.

The Asian Law Centre's research activities in 2013, including salaries of research assistants, were therefore funded largely from research grants and, to a lesser extent, by donations from our sponsors.

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, use University resources (including the library) and undertake research and training activities, including visits to Victorian courts and meetings with court personnel.

In 2013, the visiting judge was:

- **2012-2013 - Judge Sachiyo Kitagawa, Fukuoka District Court**

Judge Sachiyo Kitagawa is an assistant judge from Fukuoka District Court. Judge Kitagawa is researching alternative dispute resolution in Victoria, such as arbitration. She will also research the management and preservation of evidence in civil litigation in Australian courts.

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 2013, the participants in this program included:

- **2013-2014 - Judge In Soo Nam, Judge, Yeondeok Branch of Daegu District Court**

Judge Nam's research interests include punitive damages and in particular, in the areas of stealing technology of small business and the unfair cuts of delivery unit prices by large businesses in Australia.

- **2013-2014 - Mr Sang-hyun Lee, Prosecutor, Seoul Central District Prosecutors' Office**

Mr Lee has an extensive experience as a public prosecutor, having represented various criminal and public security matters. During his time at the Melbourne Law School, Mr Lee plans to research the Australian electoral system, with a particular focus on the violation of election laws. He is interested in how the voting system works for residents who are overseas, and how violation of those related crimes are investigated.

- **2013 - Mr Sang-hyun Kim, Public Prosecutor, Seoul Central District Prosecutors' Office**

A graduate of the Seoul National University, Mr Kim plans to study Australia's criminal procedure in the common law system and to conduct research into legal issues associated with financial affairs such as FTA, flying assets in Swiss bank accounts and international judicial assistance.

FINANCES

Grants Received

| ALC Member(s) | Year(s) | Type of Grant | Title | Collaborator | Amount |
|----------------|--------------|---|---|---|--------------------------------------|
| Farrah Ahmed | 2013 | Melbourne Law School Collaboration Grant | The Quasi-Entrenchment of Constitutional Statutes | Adam Perry | A\$8,000 |
| Farrah Ahmed | 2013-2014 | Allan Myers Conference Grant | Contemporary Issues in Indian Public Law | | A\$60,000 |
| Farrah Ahmed | 2013-2014 | Interdisciplinary Seed Grant, Melbourne Social Equity Institute | Imagining Muslim Women: Examining the Effects of Images in Women's Human Rights Campaigns | | A\$15,000 |
| Sarah Biddulph | 2013-2017 | ARC Future Fellowship | 'Administrative Justice in China: Harnessing the Rule of Law to Deal with Citizen Complaints against Official Misconduct' | | A\$744,850 |
| Sarah Biddulph | 2013 | NUS-Law MLS Research Partnerships Grant | 'Media Representations of Criminal Trials in Asian Countries' | Michael Dowdle (National University of Singapore) | A\$20,000 |
| Sarah Biddulph | 2009-current | Major Collaborative Research Initiative (MCRI) funded by the Canadian Social Sciences and Humanities Research Council (SSHRC) | 'Asia Pacific Dispute Resolution: Understanding Coordinated Compliance with International Trade and Human Rights Standards in Comparative Perspective' (Head of China team) | Pitman Potter (UBC) | CA\$2.5 million (for entire project) |

| ALC Member(s) | Year(s) | Type of Grant | Title | Collaborator | Amount |
|---------------|-----------|--|---|---|------------|
| Andrew Godwin | 2013 | Melbourne School of Government Research Cluster Grant | 'Financial Regulation in Asia: A New Model for Regional Cooperation' | Andrew Mitchell (MLS), Andrew Walter (School of Social and Political Sciences), Ian Ramsay (MLS), Jikon Lai (School of Social and Political Sciences, University of Melbourne), Kevin Davis (Finance), Douglas Arner (University of Hong Kong), Datuk Seri Panglima Andrew Sheng (Fung Global Institute), Wataru Takahashi (Osaka University) and Ken Waller (Australian APEC Study Centre, RMIT) | A\$251,504 |
| Andrew Godwin | 2013 | Centre for International Finance & Regulation (CIFR) Grant | 'Achieving Better Risk Disclosure for Complex Financial Products: The Strengths and Weaknesses of Short-form Product Disclosure Statements and the Case for Regional Harmonisation' | Ian Ramsay (MLS) | A\$37,630 |
| Andrew Godwin | 2013-2014 | Centre for International Finance & Regulation (CIFR) Grant | 'Financial System Regulation – Is Australia's "Twin Peaks" Approach a Model for China?' | Ian Ramsay (MLS), Li Guo (Peking University Law School) | A\$57,548 |

FINANCES

| ALC Member(s) | Year(s) | Type of Grant | Title | Collaborator | Amount |
|-------------------------------|-----------|---|--|------------------|-----------------|
| Andrew Godwin | 2012-2013 | Centre for International Finance & Regulation (CIFR) Grant | 'Financial Products and Short-form Disclosure Documents – Challenges and Trends' | Ian Ramsay (MLS) | A\$28,139 |
| Tim Lindsey Pip Nicholson | 2010-2013 | ARC Discovery Grant | 'Drugs, Law and Criminal Procedure in Southeast Asia: A Comparative Analysis' | | A\$281,000 |
| Tim Lindsey | 2006-2013 | ARC Federation Fellowship | 'Islam and Modernity: Syari'ah, Terrorism and Governance in South-East Asia' | | A\$3.48 million |
| Pip Nicholson Farrah Ahmed | 2013-2014 | Teaching and Learning (Asia Capabilities Initiatives) Grant | India Scoping Visit | | A\$7,500 |

Virtual Advisory Board

The Virtual Advisory Board of the Centre reflects the range of external interests and involvement in the activities of the Centre.



Associate Professor Gary Bell

Associate Professor, Faculty of Law, National University of Singapore



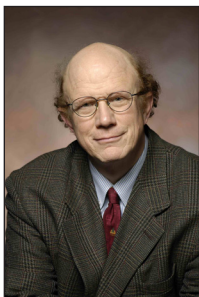
Professor Hualing Fu

Professor, Faculty of Law, The University of Hong Kong



Professor Andrew Harding

Director, Asian Law Institute, National University of Singapore
Director, Centre for Asian Legal Studies, National University of Singapore
Professor, Faculty of Law, National University of Singapore



Professor Pitman Potter

Professor of Law, Law Faculty, University of British Columbia
HSBC Chair, Institute of Asian Research, University of British Columbia



Professor Tay-sheng Wang

Lifetime Distinguished Professor, College of Law, National Taiwan University
Researcher, Academia Sinica, Institute of Taiwan History and Institutum Iurisprudentiae

DIRECTOR

Asian Law Centre Staff

Director and Associate Directors



Director, Asian Law Centre
Associate Director (Vietnam)
Director (Comparative Legal Studies Program)

Professor Penelope (Pip) Nicholson

Professor Pip Nicholson was appointed Director of the Asian Law Centre in 2013. She is also Associate Director (Vietnam) and Director of the Comparative Legal Studies Program at the Asian Law Centre. Her teaching and research are in dispute resolution, comparative legal studies, law and reform in Asia and law and society in Asia. Pip has degrees in Arts and Law from MLS, a Masters in Public Policy from the ANU and a doctorate from the MLS. Pip was admitted to practice and was a barrister and solicitor of the Supreme Court of Victoria (1990-1992).

Pip's publications include: *Asian Socialism and Legal Change: The Dynamics of Vietnamese and Chinese Reform* (Asia Pacific Press and ANU E Press, 2012) (co-edited with John Gillespie); *Borrowing Court Systems: the Experience of Socialist Vietnam* (Martinus Nijhoff, 2007); *Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia* (Martinus Nijhoff, 2008) (co-edited with Sarah Biddulph); *New Courts in Asia* (Routledge, 2009), co-edited with Professor Andrew Harding (Routledge, 2009); and *Law and Development and the Global Discourses of Legal Transfers* (Cambridge University Press, 2012) (co-edited with John Gillespie).

She holds an ARC grant with Tim Lindsey to analyse *Drugs, Law and Criminal Procedure in Southeast Asia*.

Her current research interests include law and legal change (including court reform) in transitional countries, drug trials in Asia and the cross-cultural legal research and development. Pip has spoken on these issues in the USA, Canada, Japan, Vietnam, France, Thailand, Hong Kong, Sweden, UK and the Netherlands. Pip is an internationally recognised expert in courts and legal reform (particularly within socialist states). She has consulted widely on these issues.



Associate Director (India)

Dr Farrah Ahmed

Farrah joined the Melbourne Law School in July 2012 and was made Associate Director of the India Program at the Asian Law Centre in 2013. Prior to this appointment, she was a Lecturer in Law at the Queen's College, University of Oxford. Farrah's areas of interest are South Asian Law, Legal Theory, Law and Religion, Public Law and Family Law. Her educational history includes an LLB from the University of Delhi, a Bachelor of Civil Law, an MPhil in law and a DPhil in law from the University of Oxford.

Farrah is currently working on a project on the accommodation of religious norms in Indian family law. Her publications include: 'The Coherence of the Doctrine of Legitimate Expectations', *Cambridge Law Journal* (forthcoming, with Adam Perry); 'Expertise and the Duty to Give Reasons', *Public Law* (2012) 2: 221 (with Adam Perry); 'Religious Tribunals, Religious Freedom and Concern for Vulnerable Women', *Child and Family Law Quarterly* (2012) 363 (with Jane Norton); 'Religious Norms in Family Law: Implications for Group and Personal Autonomy' in John Eekelaar and Mavis Maclean (ed.), *Managing Family Justice in Diverse Societies* (Hart, 2013); 'How Religious Arbitration Could Enhance Personal Autonomy', *Oxford Journal of Law and Religion* (2012) 2:1 (with S. Luk); 'Personal Autonomy and the Option of Religious Law', *International Journal of Law, Policy and the Family* (2010) 24 (2): 222; 'The Value of Faith', *Religion, State and Society* (2010) 38 (2):169; and 'Religious Arbitration: A Study of Legal Safeguards', *Arbitration* (August 2011) (with S. Luk).



Associate Director (China)

Professor Sarah Biddulph

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

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

Sarah completed her PhD in 2004, entitled *The Legal Field of Policing in China: Administrative Detention and Law Reform*. Her thesis looked at the development and legal reform of three administrative detention powers exercised by the Chinese public security organs; detention for education of prostitutes and clients of prostitutes; coercive drug rehabilitation; and re-education through labour.

Her recent publications include; *Legal Reform and Administrative Detention Powers in China* (CUP, 2007) and *Law and Fair Work in China: Making and Enforcing Labour Standards in the PRC*, co-authored with Sean Cooney and Ying Zhu (Routledge, 2013). She co-edited with Pip Nicholson, *Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia* (Brill, 2008). She is co-chair for the China team in the five country comparative project: *Asia-Pacific Dispute Resolution Program: Understanding Integrated Compliance with International Trade and Human Rights Standards in Comparative Perspective*, headed by Professor Pitman Potter at the University of British Columbia. Sarah has recently completed a research fellowship from the Australian Research Council looking at recent reforms to the legal regulation of police administrative detention powers in China. This project included an examination of reforms to measures for compulsory detention for treatment of drug dependent people.



Associate Director

Professor Sean Cooney

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

Sean's research interests include East Asian employment and labour law, international labour regulation, democratic transitions, comparative law, and regulatory theory, particularly in relation to enforcement. He researches and teaches in Chinese and is fluent in French and German. He has published in English and Chinese in a wide variety of domestic international law journals. His books include *Law and Fair Work in China* (with Sarah Biddulph and Ying Zhu, Routledge, 2013) and *Law and Labour Market Regulation in East Asia* (with Tim Lindsey, Richard Mitchell and Ying Zhu, Routledge, 2002).

Sean has consulted for the International Labour Organisation, the International Labour Rights Fund, the Fair Work Ombudsman, the Brotherhood of Saint Lawrence, the Australian Council of Trade Unions and the Uniting Church. He is currently engaged in a number of international collaborative research projects, including the examination of informal labour regulation in several Asian countries and the development of sectoral bargaining in China.

ASSOCIATE DIRECTORS

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

Mr Andrew Godwin joined the Centre as an Associate Director in late 2006, after being appointed as an Associate of the Centre in early 2006. He was appointed Senior Lecturer in the Law School in early 2008.

Andrew holds a number of senior positions at Melbourne Law School, including Director of Transactional Law and Director of the Graduate Program in Banking and Finance Law.

Andrew spent over 15 years in private practice, 10 of which were spent in Shanghai where he was a partner and chief representative of the international law firm, Linklaters. 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.

Andrew's teaching and research interests include transactional law subjects, securities regulation (risk disclosure), Chinese law, property law, finance and insolvency law and professional regulation and training. Andrew also trains lawyers in the area of contract drafting and negotiation. A fluent Mandarin speaker, Andrew has published extensively in professional and academic journals and contributes a regular bilingual column called 'Lexicon' to the *China Business Law Journal*.

Andrew is a well-known and highly regarded specialist on Chinese law and legal practice in Australia and greater China.

**Associate Director (Indonesia)****Professor Tim Lindsey**

Professor Tim Lindsey joined the Centre in 1990 and was appointed to the Law School in 1994. His appointments include Malcolm Smith Professor of Asian Law (2006), ARC Federation Fellow (2006-2012), Director of the Asian Law Centre (2000-2012), Associate Dean (International) in the Faculty of Law (2002-2006), Director of the Centre for Islamic Law and Society (2005-2012) and Director of the Centre for Indonesian Law, Islam and Society (2013-current).

A graduate of the University of Melbourne Law School, Tim completed his doctoral thesis in Indonesian studies. His research interests are in the areas of Islamic law, Indonesian law, constitutional law, comparative law, law reform in developing countries and 'rule of law'. His Federation Fellowship *Islam and Modernity: Syari'ah, Terrorism and Governance in South-East Asia* dealt with all these themes. Tim researches and teaches in *bahasa Indonesia* and is a long-serving member and now Chair of the Australia-Indonesia Institute in the Department of Foreign Affairs. He is an Associate Member of the Académie Internationale de Droit Comparé and of the International Council of the Asia Society. Tim worked previously at Mallesons Stephen Jaques and has been a practising member of the Victorian Bar since 1990, now specialising in Indonesian matters. He has near-native fluency in *bahasa Indonesia* and is a Visiting Professor at Syarif Hidayatullah State Islamic University in Jakarta.

Tim's publications include *Indonesia: Law & Society* (now in its second edition); *Indonesia: Bankruptcy, Law Reform and the Commercial Court*; *Corruption in Asia: Rethinking the Governance Paradigm* (with Howard Dick); *Indonesia After Soeharto: Prospects for Reform*; *Law and Labour Market Regulation in East Asia* (with Sean Cooney, Richard Mitchell and Ying Zhu); *Chinese Indonesians: Remembering, Distorting, Forgetting* (with Helen Pausacker, also in its second edition); *Law Reform in Developing and Transitional States*; and *The Constitution of Indonesia* (with Simon Butt). He recently published three major monographs on (i) Islamic laws in Indonesia, (ii) Malaysia and Brunei (with Kerstin Steiner), and (3) Singapore (with Kerstin Steiner). Tim is a Founder and Editor of *The Australian Journal of Asian Law*.



Associate Director (Japan)

Ms Stacey Steele

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

In October 2007, Stacey joined Standard and Poor's Melbourne office as Associate General Counsel with responsibilities for the Asia-Pacific. Stacey has taught Insolvency Law and Corporate Banking and Finance Law, as well as Issues in Japanese Law and in graduate subjects offered by the Centre. She recently co-edited *Legal Education in Asia: Globalization, Change and Contexts* (Routledge, 2010) with Kathryn Taylor.

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



Associate Director (Malaysia)

Dr Amanda Whiting

Dr Amanda Whiting joined the Faculty of Law at The University of Melbourne as a Lecturer in 2004. She has been a member of the Asian Law Centre since 1999. Her research is in the area of human rights institutions and practices in the Asia-Pacific Region, gender and religion, and Malaysian legal history. She is Associate Director (Malaysia) of the Asian Law Centre.

Amanda completed her honours degree in Arts at the University of Melbourne in 1981 and then taught seventeenth and eighteenth century history at the University's History Department over the next decade. She also has a Diploma of Education (1988) and a Graduate Diploma of Indonesian (1995), which was partly undertaken at Universitas Kristen Satya Wacana, Indonesia. She completed her LLB with First Class Honours in 2001. In 2007, she completed her doctorate - a feminist analysis of mid-seventeenth century English legal and political history. Her book *Deference, Difference and Dissent: Women and Petitioning in the Seventeenth-Century English Revolution* will be published by Brepols in 2014.

She is the author of several articles and book chapters about contemporary Malaysia, dealing with: human rights, gender relations, political Islam and Islamic law and the legal profession, and 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, forthcoming).

Amanda is currently writing about the colliding and conflicting understandings of secular and religious law in Malaysia (particularly as they affect women and children); and she is preparing to write a history of the legal profession in Malaysia, using oral history accounts and focussing on its role as an agent of civil society.

Amanda has been involved with *The Australian Journal of Asian Law* since its inaugural issue in 1999 and has been an editor since 2002. With Professor Tim Lindsey, she edited and contributed to *Doing Business in Indonesia* (Singapore, CCH: 2000).

PROFESSIONAL STAFF

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



Centre Coordinator

Ms Tessa Shaw

Tessa joined the Asian Law Centre in 2009. She is the Coordinator of the Asian Law Centre and the Centre for Indonesian Law, Islam and Society (formerly, Centre for Islamic Law and Society). She assisted with Professor Tim Lindsey's ARC Federation Fellowship from 2009 to 2012.

Tessa moved to Australia from Singapore in 2002. She graduated with an Arts degree, majoring in English Language, from the University of Melbourne in 2005. She also completed a postgraduate certificate in Editing and Communications at the University that year. Thereafter, she worked extensively in events management. She has also written for various publications in Australia, and later, in Singapore.

Returning to Australia to work at the University, Tessa is hoping to further develop her skills in communications, as well as in events and project management, especially within a diverse and internationally-recognised organisation.



Administrator (Centre Operations)

Ms Vicky Aikman

Ms Vicky Aikman joined the Asian Law Centre in December 2011 (while Kathryn Taylor was on maternity leave). Vicky is the Administrator (Centre Operations) for the Asian Law Centre and Centre for Indonesian Law, Islam and Society (formerly, Centre for Islamic Law and Society). She has rejoined the staff of the University of Melbourne after time away to assume family responsibilities and part-time study commitments.

She previously held departmental manager roles in the Schools of Languages and Earth Sciences. She has also worked in the central administration of the University managing the examination and graduation processes, and in the Faculty of Science administering research and graduate studies. Vicky holds a Bachelor of Arts with majors in history and politics from the University of Melbourne. She is a qualified horticulturalist and is currently studying applied landscape design.

Honorary Fellows



Professor Carolyn S. Stevens

Professor Carolyn S Stevens currently teaches in the School of Languages, Cultures and Linguistics at Monash University. She is also Professor of Japanese Studies at that University, and the Director of the Japanese Studies Centre.

Professor Stevens began her appointment in July 2012 after moving from the position of Associate Professor in Japanese Studies at the University of Melbourne. She is currently involved with teaching in the Asian Studies and International Studies programs, and is conducting research on disability and social problems in Japan, as well as projects on popular music and consumerism in postwar Japan. Her AB (magna cum laude) from Harvard College is in social anthropology, and her PhD in cultural anthropology is from Columbia University. Her main area of expertise with regard to Japanese law is in the field of social welfare.



Professor Dr Iur Adnan Buyung Nasution

Professor Dr Iur Adnan Buyung Nasution is widely regarded as Indonesia's leading advocate and trial lawyer. One of the founders of Indonesia's Legal Aid Institute, he is a pioneer of legal aid and law reform, as well as being a key figure in the development of human rights law and constitutionalism in Indonesia. A former member of Indonesia's prestigious Presidential Advisory Council, he was also Deputy Chair of Indonesia's Electoral Commission.

In 2010, he was appointed as Honorary Professorial Fellow in the Melbourne Law School, in recognition of his huge contribution to constitutional studies and scholarship on Indonesian law, and his commitment to building the rule of law in his home country.

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 has an LL.M. from Harvard University where he was a Fulbright and Lionel Murphy scholar. Prior to his appointment at the University of Melbourne in 2001, Richard was a senior lecturer at Monash University and before that, a solicitor practising commercial litigation and arbitration at Linklaters in London. Richard's major research interests are in the areas of conflict of laws, international dispute resolution and cross-border online conduct. He has published books and articles in major international journals in these fields, a number of which have been cited by leading international tribunals such as the European Court of Human Rights and US federal courts. Richard has also acted as legal adviser and counsel in private international law and international commercial arbitration matters before Australian and international tribunals, including the High Court of Australia. He is currently a consultant to the law firm Freehills.

In 2012, Richard's monograph *Substance and Procedure in Private International Law* was published in the prestigious *Oxford Private International Law Series* of Oxford University Press. This work was described in the foreword by the former Chief Justice of Australia, the Hon Sir Anthony Mason, as 'not just an admirable statement of the law as it currently stands [but one which] identifies and engages with deeper underlying issues and offers persuasive solutions to them. In addition, it presents a penetrating analysis of the existing rules and the decided cases.'

Other positions Richard has held include: Member of the Australian Government delegation of experts to the Hague Conference on Private International Law (Jurisdiction and Judgments Convention), Director of the Australian Centre for International Commercial Arbitration, Adviser to the American Law Institute in its project on transnational intellectual property adjudication, co-rapporteur on the International Law Association (ILA) project on transnational group actions, Consultant to the Australian Law Reform Commission on the Commonwealth Judiciary Act and Consultant to the European Commission on private international law and electronic commerce.



Associate Professor Cally Jordan

Cally Jordan has degrees in both civil law and common law (LL.B/B.C.L. McGill University; D.E.A., Université de Paris I (Panthéon-Sorbonne)) which she obtained after a B.A., with distinction (Carleton) and a M.A. (University of Toronto). For her graduate work in Paris, she studied with Professors Jacques Ghestin, Genevieve Viney and Paul Lagarde. She has practised law in Canada, New York, California and Hong Kong and spent several years in the New York office of Cleary, Gottlieb, Steen & Hamilton working in the area of international finance.

Cally has spent over fifteen years with the World Bank, both as a consultant and as a full-time advisor, on commercial, financial, corporate governance and corporate law in numerous countries (Indonesia, Vietnam, Tunisia, China, Chile, Korea, Slovakia, Armenia, Macedonia, Lithuania, Egypt, Kenya, Uganda, Tanzania, Bahrain, Mauritius, Cambodia).

Between 1991 and 1996, she was an Associate Professor at the Faculty of Law at McGill University and member of the Institute of Comparative and Private Law. More recently, she spent 2010 as a Visiting Professor at Duke Law School, Durham, North Carolina and taught for a semester in 2011 at Georgetown's Center for Transnational Legal Studies in London. Since then she has been a visiting fellow at the Max Planck Institute for International and Comparative Law in Hamburg (2012), the London School of Economics (2013), the British Institute for International and Comparative Law (2013) and the inaugural P.R.I.M.E Finance Fellow at the Netherlands Institute for Advanced Studies outside The Hague (2013). In 2014, she will be a Dean's Visiting Scholar at Georgetown Law Center in Washington, DC.

She is a frequent speaker on corporate governance, capital markets and corporate law. She is the author of proposals for the reform of Hong Kong companies law and spent nearly five years living in Asia.



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. Ian practised law in New York and Sydney and is a member of the Australian Securities and Investments Commission External Advisory Panel, the Corporations and Markets Advisory Committee, the Auditors and Liquidators Disciplinary Board and the Corporations Law Committee of the Law Council of Australia. Former positions he has held include Head of the Federal Government inquiry on auditor independence, member of the Takeovers Panel, member of the Audit Quality Review Board, member of the Law Committee of the Australian Institute of Company Directors and member of the International Federation of Accountants taskforce on rebuilding confidence in financial reporting. Ian has published extensively on corporate law and corporate governance issues both internationally and in Australia.

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.



Professor Kent Anderson

Kent Anderson is a comparative lawyer specialising in Asia. He joined the University of Adelaide in 2012 as Pro Vice-Chancellor (International) and Professor of Law in the Adelaide Law School. He has an eclectic background, doing tertiary studies in Japan, US, and UK in Law, Politics, Economics, and Asian Studies. Kent first worked as a marketing manager with a US regional airline in Alaska, then as a practicing commercial lawyer in Hawaii, and subsequently joining academia as associate professor at Hokkaido University School of Law. For the decade before joining the University of Adelaide, Kent held a joint appointment at the Australian National University College of Law and Faculty of Asian Studies, where he was Director from 2007-2011. He was the Foundation Director of the School of Culture, History and Language in the ANU's College of Asia and the Pacific.

His research and teaching are focused on insolvency, private international law, and recently the introduction of Japan's new quasi-jury system (*saiban-in seido*). He is editor of the *Journal of Japanese Law*, on the editorial board of the *Australian Year Book of International Law*, and on the editorial advisory board of *The Australian Journal of Asian Law*.



Associate Professor Simon Butt

Simon Butt is a current ARC Australian Postdoctoral Research Fellow and Associate Director (Indonesia) for the Centre for Asian and Pacific Law at The University of Sydney, where he teaches Indonesian law.

Prior to joining the faculty as Senior Lecturer, Simon worked as a consultant on the Indonesian legal system to the Australian government, the private sector and international organisations, including the United Nations Development Programme (UNDP) and the International Commission of Jurists (ICJ). He has taught in over 70 law courses in Indonesia on a diverse range of topics, including intellectual property, Indonesian criminal law, Indonesian terrorism law and legislative drafting. He is fluent in Indonesian.

In 2008, Simon's thesis titled *Judicial Review in Indonesia: Between Civil Law and Accountability? A Study of Constitutional Court Decisions 2003-2005* was awarded the University of Melbourne Chancellor's Prize for Excellence in the PhD Thesis.

Simon has written widely on aspects of Indonesian law, including two recent books: *Corruption and Law in Indonesia* (Routledge 2012) and *The Constitution of Indonesia: A Contextual Analysis* (Hart, 2012, with Tim Lindsey).

ASSOCIATES

**Professor Camille Cameron**

Camille Cameron is Dean of the University of Windsor Law School, Canada. She was previously a Professor at the Melbourne Law School, and served a term as Associate Dean (Undergraduate) and as Director of the Civil Justice Research Group.

Camille obtained degrees in Arts and Law in Canada. She began her career in private practice in a large commercial law firm in Halifax, Nova Scotia where she specialised in civil litigation. While in practice, she was a frequent presenter at continuing legal education seminars and bar admissions courses, and taught Civil Trial Practice and Civil Procedure as a sessional lecturer. After obtaining her LLM at the University of Cambridge, she taught law in Hong Kong.

She was a founding member of the Advocacy Institute of Hong Kong and a member of its first Board of Governors and Board of Studies.

Camille's areas of research and teaching interest include the administration of civil justice, class actions, civil procedure, dispute resolution, comparative law and law reform in transitional legal systems. She has published articles on civil procedure and is the co-author of *The Principles and Practice of Civil Procedure in Hong Kong* (2001, Sweet and Maxwell Asia) and *Litigation: Evidence and Procedure* (7th edition, 2005, Lexis Nexis Butterworths, Australia).

Camille has worked as a consultant on international development projects in various countries, including Cambodia, Vietnam, Laos, Mongolia, China, Thailand and Indonesia.

**Mr Neri Colmenares**

Neri Javier Colmenares joined the Centre in 2002 as a research assistant and was appointed as an Associate of the Centre in 2003. He is currently undertaking his Ph.D. on "The Writ of Amparo as a Legal Tool in Identifying Perpetrators of Extra Judicial Killings and Enforced Disappearances: The Case of Manalo, Cadapan and Balao". His research interests include human rights, election law, the process of constitutional amendments, the anti terrorism law, amnesty and the writ of amparo and habeas data and has published articles on these topics.

Neri gives lectures or briefings to congressional committees, university forums and the Supreme Court sponsored Legal Education for Lawyers. He has appeared on Oral Arguments before the Supreme Court regarding *President Gloria Arroyo's Executive Order 464* prohibiting her executive subordinates from testifying in Congress (2005), *President Arroyo's CPR Policy to Violently Disperse Rallies Without Permits* (2006), *Amending the Constitution through President Arroyo's Initiative* (2007) and the *US-Philippine Visiting Forces Treaty* (2008). He also argued before the Supreme Court against the discriminatory rule which deprived him of his seat in the legislature despite valid votes during the 2007 congressional elections. The Supreme Court ruled in his favor and he now sits in the House of Representatives.

Neri is also an electoral lawyer and was lead counsel in a Supreme Court petition which resulted in the disqualification of all major political parties from participating in the Philippine party list elections. He appeared before the US District Court as one of the 10,000 martial law victims in the class suit against President Ferdinand Marcos, where the court granted a total of US \$2.1 Billion in damages, one of the largest ever awarded.



Associate Professor Charles Coppel

After graduating in Law at the University of Melbourne, Charles Coppel practised as a barrister for five years, but developed a more enduring fascination for the modern history of Indonesia and its ethnic Chinese minority. His Monash PhD was published as *Indonesian Chinese in Crisis* (Oxford UP, 1983) and as *Tionghoa Indonesia Dalam Krisis* (Pustaka Sinar Harapan, 1994). His publications have covered such diverse areas as ethnic and race relations, ethnic identity, Confucian religion, language usage, colloquial Malay fictional and historical narratives, multiple migration, and the transformation of everyday life in colonial Java. These interests are reflected in his collected volume *Studying Ethnic Chinese in Indonesia* (Singapore Society of Asian Studies, 2002). He taught at Monash University and, from 1973 to 2002, at the University of Melbourne, and was a Fellow-in-Residence of the Netherlands Institute for Advanced Study in the Humanities and Social Sciences in 1995-1996. Since his 'retirement' in 2002 he has continued to publish on the Chinese in Indonesia and edited *Violent Conflicts in Indonesia: Analysis, Representation, Resolution* (Routledge, 2006). His work was honoured in the volume *Chinese Indonesians: Remembering, Distorting, Forgetting*, edited by Tim Lindsey and Helen Pausacker (Institute of Southeast Asian Studies, Singapore and Monash Asia Institute, 2005).



Mr Hop Dang

Mr Hop Dang is a graduate of the Hanoi National University in languages and was the first Vietnamese national to graduate with an undergraduate law degree from an Australian university. He completed his DPhil at the University of Oxford in the area of international investment law. Hop completed articles in Australia in 2001 and was also Associate to Justice Chernov of the Court of Appeal, Supreme Court of Victoria.

Hop has over ten years of practical experience, specialising in large-scale infrastructure projects, international, commercial arbitration and general corporate matters.

Hop practises mainly in Vietnam, and is now a Partner with Allens Linklaters in Hanoi, where he has acted on some of the most significant infrastructure projects including the Nam Con Son Gas project and the Phu My 3 BOT power project. He also negotiated the EPC Contract for Vietnam's first refinery, Dung Quat. Currently he is advising Vietnam's second refinery, Nghi Son Refinery, and Vung Ang II BOT power project on key aspects of the projects ranging from investment and construction to financing issues.



Professor Howard Dick

Professor Howard Dick is an internationally-known Asia specialist working primarily on Indonesia and Southeast Asia. His interests include applied economics, economic history, international business and the Asian business environment. His current research focuses on corruption and governance and the difficulties of driving institutional change by formal legal reform. He has written extensively on state expansion, development and economic integration in Indonesia and Southeast Asia. He is Editor of the Asian Studies Association of Australia (ASAA) Southeast Asia Publications Series with NUS Press, and an occasional media commentator on Australia-Asia relations.



Professor Michael Dutton

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

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

ASSOCIATES

**Mr Stewart Fenwick**

Stewart Fenwick has been a consultant on legal reform initiatives for several years, and between 2004-2008 managed Australia's legal and human rights reform program in Jakarta. He is currently the Manager of the Chief Judge's Chambers at the Federal Circuit Court of Australia. Stewart has experience as a legal practitioner in both the private and public sector, and served with the UNHCR in Mongolia, where he also taught at the National University between 2000-2001. Stewart currently works in judicial administration and is undertaking a PhD at Melbourne in Indonesian and Islamic law. He holds undergraduate degrees from Melbourne (Arts/Law) and an LLM (International Law) from the Australian National University.

**Dr Gitte Heij**

Dr Gitte Heij has a Masters Degree in Tax Law from the University of Groningen, and a PhD in Law from the same university in The Netherlands. Gitte worked at the Asia Research Centre at Murdoch University from 1993 to 2001, where she completed a variety of publications on tax and investment topics in Southeast Asia. In addition to her work as a researcher, she worked as an international/Asian tax advisor to Australian and European companies. Over the last 15 years she has been involved in various multi- and bi-lateral aid projects. She is a company director of several companies in Western Australia. She teaches an intensive course in Asian Comparative Tax Laws in the University of Melbourne's Tax Law program and she is a senior Adjunct at Murdoch University where she teaches an intensive course in development studies.

**Professor M.B. Hooker**

Professor M.B. Hooker is Adjunct Professor of the Faculty of Law at Australian National University and was previously Professor of Comparative Law at the University of Kent at Canterbury. He is regarded as a leading world authority on Islamic law and traditional customary law in Southeast Asia and is a Founder and Co-editor of *The Australian Journal of Asian Law*. Notable recent publications include *Indonesian Syariah: Defining a National Islamic Law* (ISEAS Singapore, 2008).

**Associate Professor David Linnan**

David Linnan is a scholar of comparative, economic and public international law with a special interest in Asian law. He studied humanities at Emory University (BA 1976) and law at the University of Chicago (JD 1979), where he was comment editor of the law review. He was in private law practice for six years in Los Angeles and has held research or teaching appointments elsewhere at the University of South Carolina, the University of Washington in Seattle, the Australian National University in Canberra (RSPAS & Faculty of Law), the University of Melbourne, the University of Indonesia Faculty of Law and Graduate Law Program in Jakarta (separately), and the Max-Planck-Institut (Strafrecht), Freiburg i.Br., Germany.

Since 2000 he has been the Program Director for the *Law & Finance Institutional Partnership*, a legal and financial sector reform project run from Jakarta as an academic consortium of Indonesian and foreign universities.



Professor Vera Mackie

Vera Mackie is Australian Research Council Future Fellow and Professor of Asian Studies in the Institute for Social Transformation Research at the University of Wollongong. Her research interests include the history of feminism in Japan, gender and the law in Japan and gender and social policy in Japan. She is currently researching human rights in the Asia-Pacific region.



Professor Richard Mitchell

Professor Richard Mitchell was the Director of the Centre for Employment and Labour Relations Law (CELRL) from 1994 until July 2004. He is now a Professorial Fellow in the Faculty of Law at the University of Melbourne and remains a member of the CELRL. He is also a staff member of the Department of Business Law and Taxation at Monash University and Vice President of the Australian Labour Law Association. He has studied labour law and industrial relations at the University of Melbourne and the London School of Economics and Political Science. He was joint editor of the *Australian Journal of Labour Law*, with Breen Creighton, until 2002 and remains joint editor of the *Monographs on Australian Labour Law Series*.

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



Professor William Neilson

Bill Neilson was the Director of the Centre for Asia-Pacific Initiatives at the University of Victoria in British Columbia, Canada, between 1992 and 2004 and also its Law Chair from 1996 to 2004. He retired as Professor Emeritus of Law in July 2004. Since the mid-1980s, Bill Neilson has been engaged in a variety of initiatives in the Asia-Pacific region involving law reform, institution building, legal research, comparative law and legal education in subject areas including governance principles, rule of law, judicial reform, constitutional review, public legal rights, and competition and trade law. His work has taken him to Malaysia, Thailand, Indonesia, Laos, Vietnam, Cambodia, China, Singapore, Fiji, Papua New Guinea, Japan, Taiwan and Australia.

A graduate of Toronto, UBC and Harvard, he was a faculty member at Osgoode Hall Law School, York University and the founding Deputy Minister of Consumer Services in British Columbia before joining the University of Victoria Law School in 1977, where he served as Dean of the Faculty from 1985-90. He continues to publish on comparative law subjects and maintains an active research and advisory program in the Asia-Pacific region.



Professor Raul Pangalangan

Raul C Pangalangan is a Professor of Law at the University of the Philippines. He received his SJD from the Harvard Law School, where he has served as Visiting Professor of Law. He holds the Diploma of The Hague Academy of International Law, where he has served as Director of Studies. He was a Philippine Delegate to the Rome Conference, which established the International Criminal Court, and was a member of the Drafting Committee.

He most recently served as court-appointed amicus curiae before the Philippine Supreme Court, in the case *Francisco v. House of Representatives* (unconstitutionality of impeachment complaint against the Chief Justice). He was earlier nominated as Supreme Court Justice by the Judicial and Bar Council, the constitutional body authorized to submit such nominations to the President of the Philippines.

ASSOCIATES

**Dr Kerstin Steiner**

Dr Kerstin Steiner was appointed as an Associate of the Centre in 2008. She also held appointments as Associate at the Centre for Islamic Law and Society until 2013 and as lecturer at the National Centre of Excellence for Islamic Studies in 2008, both at The University of Melbourne.

Kerstin is a senior lecturer at the Department of Law and Taxation, Faculty of Business and Economics, Monash University. A law graduate of The University of Bielefeld, Kerstin completed her Master of Laws and doctoral thesis focusing on Asian legal studies and international law at The University of Melbourne.

Kerstin's research interests include the study of Southeast Asian legal systems, touching on issues such as comparative law methodology when undertaking Southeast Asian legal studies; notions of legal pluralism, in particular as regards the applicability of traditional and Islamic law in Southeast Asia; and implementation, adaptation and interpretation of international law in the Southeast Asian context.

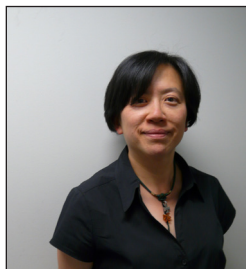
She has presented her research at conferences and seminars nationally and internationally and published her work in English and German. She has also held visiting positions at various international institutions, including ASLI at National University of Singapore; the Department of Syariah and Law, Academy of Islamic Studies, University of Malaya; and the Graduate School of Politics and Law at Osaka University.

**Associate Professor Benny Tabalujan**

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

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

Principal Researchers



Ms Faye Chan (2008-current)

Faye is a principal research assistant at the Centre for Indonesian Law, Islam & Society (CILIS) and the Asian Law Centre (ALC). She translates foreign-language materials (primarily in Dutch, Bahasa Indonesia & Bahasa Malaysia) and researches Southeast Asian current affairs (with particular emphasis on Indonesia, Malaysia, Singapore and Brunei Darussalam). She is also a multilingual translator for the e-journal *Inside Indonesia*.

Faye considers herself to be a polyglot, speaking with varying degrees of fluency: Dutch, Bahasa Indonesia and Bahasa Malaysia. She has a working knowledge of French and Modern Standard Arabic (both languages are crucial to researching Islamic law, and for travelling in the Levant and Maghreb regions), as well as Modern Standard Chinese (Mandarin), and the Cantonese, Hokkien and Teochew dialects. She hopes to study Spanish, so that she can conduct research in Andalusia (the historical heartland of Islam in Europe).

Her research interests include gender and Islam (comparing Southeast Asia and the Middle East, particularly in the area of family law), Islamic banking and finance, the contextual reading of the Qur'an as a feminist text, and inter-faith dialogues between Muslims, Jews and Christians. Her article "Religious Freedom vs. Women's Rights in Indonesia: The Case of Mohammad Insa" was published in issue no.83 (2012) of *Archipel*, an Anglo-French academic journal. Although it is set in Indonesia, this piece of writing contributes to a broader (even global) discussion about the often fraught coexistence between secular (national) and Islamic marriage laws in Muslim-majority societies.

Prior to joining the CILIS and ALC, she spent a number of years in Europe, engaging in research and further studies at the Universities of Leiden and Amsterdam, freelancing as a proof-reader & editor (of English texts), and travelling.

In addition to the Melbourne Law School, Faye is also a research assistant at the Faculty of Arts, and a tutor at the Murrup Barrak Institute for Indigenous Development (University of Melbourne) in their ITAS (Indigenous Tutorial Assistance Scheme) Academic Excellence Program.

She has a B.A. (Hons.) in Indonesian and Chinese Studies and an M.A. in History from the University of Melbourne, and is currently enrolled as a part-time PhD candidate in Law and Arts. The working title of her thesis is: 'Control and Resistance: The Social and Legal Regulation of Chinese Indonesian Women, 1930-2009'.



Dr Helen Pausacker (2008-current)

Helen joined the Asian Law Centre in 1999 as a Research Assistant and is also the Editorial Assistant for *The Australian Journal of Asian Law*. She was Convenor of the Indonesia Forum, an inter-Faculty group at the University of Melbourne (2001, 2009 to 2011). Helen is an Arts graduate of the University of Melbourne (BA Hons, BLitt and Graduate Certificate in Gender and Development) and Monash University (MA) and completed her PhD at Melbourne Law School in 2013. Helen has worked in a number of Indonesia-related positions, including as lecturer and tutor in History at the University of Melbourne (1995-1996) and Politics at Latrobe University (2000); as language facilitator and interpreter for a number of legal and non-government organisations; researcher with the Australian Council for Overseas Aid and as Office and Production Manager for the magazine, *Inside Indonesia*. Her research interests in the legal field include charges of 'pornography' and prosecution of religious sects, both under the Indonesian Criminal Code; and she also researches in the field of Javanese culture. Helen's publications include *Behind the Shadows: Understanding a Wayang Performance* (1996) and as joint editor (with Tim Lindsey) of *Chinese Indonesians: Remembering, Distorting, Forgetting* (2005).

RESEARCH ASSISTANTS

McKenzie Postdoctoral Fellow

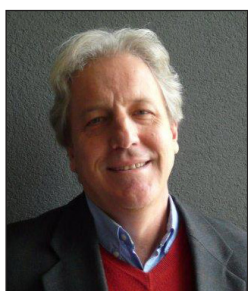
**Dr Antje Missbach (2011-current)**

Antje joined the Asian Law Centre and the Centre for Indonesian Law, Islam and Society (formerly, Centre for Islamic Law and Society) in 2011 as a McKenzie Postdoctoral Fellow to research 'Heading Down-under: Migration Challenges of Conflict Refugees in the Indonesian Limbo'. Her present research project deals with transit migration in Indonesia. In particular, she is interested in how conflict-generated refugees and asylum seekers deal with being stuck in limbo – unable to return to their countries of origin, integrate into temporary host societies or relocate to permanent resettlement countries. She spent extensive time in the field in order to collect material for her latest project.

Antje studied Southeast Asian Studies and European Ethnology at Humboldt University in Berlin and obtained her PhD from the Australian National University, Canberra in 2010. Her previous research concentrated on the long-distance politics of the Acehnese Diaspora, which brought her to Malaysia, Aceh, Scandinavia, Australia and the USA. Her book *Politics and Conflict in Indonesia: The Role of the Acehnese Diaspora* was published in 2011 by Routledge and translated into Indonesian in 2012. Before coming to Melbourne, she held positions as post-doctoral fellow at the Berlin Graduate School for Muslim Cultures and Societies and as lecturer at the Ruprecht-Karls University in Heidelberg.

Research Assistants

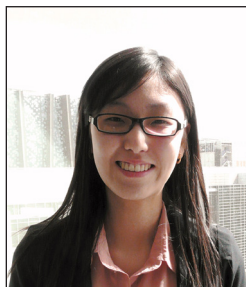
Profiles of Research Assistants have been updated to include current, up-to-date details, where possible.

**Mr Paul Collins (2013)**

Paul joined the Asian Law Centre in 2013. He is currently a LLM student at the law school. Paul is a senior lawyer and alumni of the law school, with experience in financial services, corporate governance and commercial litigation. Paul has delivered industry presentations on aspects of financial services and legal ethics and speaks French and Italian.

**Mr Andrew Conley (2013-current)**

Andrew is currently studying for an LLM at the Melbourne Law School, having previously completed a BMus at the University of Melbourne and an LLB(Hons) at Monash University. He is a practising barrister. From June 2008 to February 2010, he was associate to the Honourable Justice B. D. Bongiorno AO of the Trial Division and later the Court of Appeal of the Supreme Court of Victoria (Australia). From July 2010 to June 2011, he worked in Cambodia as a legal advisor to the Community Legal Education Center in Phnom Penh, placed by Australian Volunteers International.

**Ms Christine (Won Mi) Choi (2012-current)**

Christine joined the Asian Law Centre in 2012 as a Research Assistant to Stacey Steele in the Korea Program. She is a current JD student at the Melbourne Law School. She also holds a BA in Psychology and Criminology from the University of Melbourne. Christine was born in Korea and raised in Australia. Her academic interests lie in the field of intellectual property, and she hopes to learn more about Asian law, and the Korean legal system in particular, during her time at the Asian Law Centre.

**Mr Do Hai Ha (2011-current)**

Ha joined the Asian Law Centre in 2011 as a research assistant to Professor Pip Nicholson. He holds an LLB from the Hanoi Law University and an LLM from the University of Melbourne. He is currently enrolled as a PhD candidate at the Melbourne Law School. Since 2002, Ha has been a lecturer at 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 Reegan Grayson-Morison (2011-current)**

Reegan joined the Asian Law Centre in 2011 as a research assistant to Ms Stacey Steele and is currently Principal Research Assistant for the Japan Program. She holds degrees from the University of Queensland (BA (Hons), Japanese and Politics) and the University of Melbourne (JD). She is currently undertaking her Graduate Diploma of Legal Practice (GDLP) through the Australian National University while working as a Project Officer at the Centre for Corporate Law and Securities Regulation.

Reegan has previously worked for the Japanese government as well as at the University of Queensland. Her research interests include international law and politics, Japanese law, insolvency law and comparative law.

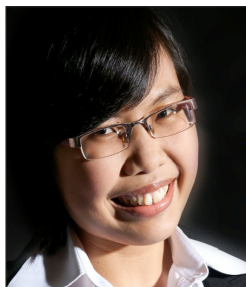
**Ms Aya Haruyama (2013-current)**

Aya Haruyama joined the Asian Law Centre in 2013. She is currently a second-year Commerce student at the University of Melbourne majoring in Finance and Marketing. Aya spent her childhood years in Japan, studying only in Japanese. In 2007, she relocated to Australia to attend high school in Brisbane to study English.

**Ms Samantha Hinderling (2008-current)**

Ms Samantha Hinderling holds an undergraduate law degree from the University of Basle, Switzerland and a Masters degree in law from the Melbourne Law School. She is currently a PhD candidate at the Melbourne Law School, where she is researching evaluation in international legal development. Previously Samantha worked as Associate Director for a consulting firm based in Australia specialising in legal reform and cross-cultural communication. Samantha was also principal research assistant on a project funded by the Australian Research Council on court reform in Vietnam and Cambodia at the University of Melbourne.

RESEARCH ASSISTANTS

**Ms Ho Thuy Ngoc Tram (2012-2013)**

Tram Ho completed her Masters in Law in mid-2013. Tram holds a BA from Ho Chi Minh City University of Law in 2010. Before studying at the Melbourne Law School, Tram was a member of the Vietnamese Bar as a trainee lawyer and had been working for an international law firm. She joined the Asian Law Centre as a research assistant in 2012. She worked on Pip Nicholson's drug-related crime research team, and assisted with hosting Vietnamese delegations.

**Mr Rory Hudson (2012-current)**

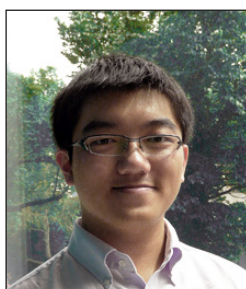
Rory joined the Asian Law Centre in 2012 and is currently studying the JD at the University of Melbourne. From mid-2012, he studied at the Japan Foundation Language Institute, Kansai on a Japanese Language Program for Specialists in Cultural and Academic Fields scholarship. He returned to Melbourne in March 2013, where he resumed working for the ALC. Rory also volunteers one day per week at Victoria Legal Aid.

Rory holds a First Class BA (Hons) in Japanese and Asian Studies from La Trobe University. He has previously studied at Kumamoto Gakuen University on exchange and as a student fellow at Peking University. His interests include Environment Law and Human Rights.

**Mr Ken Kour (2013-current)**

Ken joined the Asian Law Centre as a Research Assistant in 2013. He is currently a JD student at the Melbourne Law School, after having completed a Bachelor of Commerce, Majoring in Finance and Management at the University of Melbourne. Ken has also completed an internship with an International Law firm in Singapore.

Having lived in both Malaysia and Singapore prior to moving to Australia, he would like to learn about and research the legal systems of South East Asia during his time at the Asian Law Centre.

**Mr Chenjie Ma (2012-current)**

Chenjie joined the ALC as a Research Assistant in 2012 and is currently undertaking his Juris Doctor in the University of Melbourne. He is a Commerce graduate at the University of Melbourne majoring in Accounting and Finance. His current responsibilities include translating academic articles in relation to the recent Chinese Criminal Procedure Law reforms.



Ms Sarah Mercer (2013-current)

Sarah Mercer has been a research assistant at the Asian Law Centre since 2013 and she is a current Master of Law (Juris Doctor) student at the Melbourne Law School. She also holds a Bachelor of Arts majoring in English and Korean with a minor in Philosophy, and an Undergraduate Diploma of Chinese from Monash University. Ms Mercer also currently works part-time at the Australian Corporate Lawyers Association in the role of Advocacy Officer and oversees their advocacy work for in-house counsel in conjunction with the Chief Legal Officer.

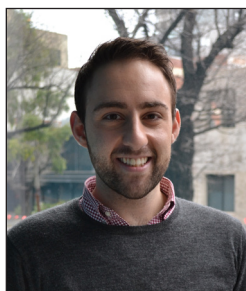
Ms Mercer has spent some time during her undergraduate studies at Shanghai International Studies University and at Seoul National University. She completed an internship at the Consulate of the Republic of Korea in Melbourne in the first half of 2014. She will be undertaking a clerkship at a Korean law firm, Kim & Chang, as well as researching at the Constitution and Unification Law Center at Seoul National University, at the end of 2014.

Ms Mercer has an interest in various fields of law and is especially interested in how culture and tradition influences legal theory and practice across jurisdictions.



Ms Grace Park (2013-current)

Grace joined the Asian Law Centre as a Research Assistant in 2013. She is a current JD student at the Melbourne Law School and holds a BA in Psychology and Criminology from the University of Melbourne. During 2010-2011, she studied at Seoul National University as a part of an exchange program and also gained work experience at a Korean law firm. Within Asian law, she is particularly interested in the interaction between culture and the legal system. Her other interests include human rights law, labour law, maritime law and international law.



Mr Anesti Petridis (2011-2013)

Anesti joined the Asian Law Centre in 2011 and is a current JD student at the University of Melbourne. He holds a BA in International Relations and Japanese from Australian National University, and has previously studied at the Japan Foundation Institute in Osaka, Japan. Anesti's legal research paper "'Knocking at the Door of the Stone Fortress': Appeals to the Supreme Court under Japan's 1996 Code of Civil Procedure" was published in the *Journal of Japanese Law* in 2012, and won the ANJeL-Ashurst Essay Prize in Japanese Law and the Melbourne Law School Student Published Research Prize.



Ms Trish Prentice (2009-current)

Trish joined the Asian Law Centre in 2009 as a research assistant to Professor Tim Lindsey. Prior to undertaking post-graduate studies, Trish spent time working in Australia and overseas in various fields, including secondary teaching, as a human rights officer in Geneva, Switzerland, and as a legal case officer for a federal government department.

Prior to joining the ALC, Trish spent two years working in Cairo, Egypt, for an NGO focusing on inter-cultural dialogue and as an English editor for an Iraqi news service. The experience exposed her to both the theoretical and practical aspects of Islamic law, which sparked her interest in this area.

After returning to Melbourne, Trish completed her LLM in 2009 at the Law School, University of Melbourne, focusing on human rights and international law. In 2011, she was appointed Associate Director of a consulting firm based in Melbourne.

RESEARCH ASSISTANTS

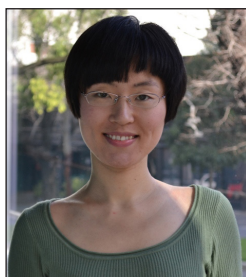
**Ms Rheny Pulungan (2013)**

Rheny is currently enrolled as a PhD candidate in the Asia Institute and Melbourne Law School under the supervision of Professor Tim Lindsey and Professor Andrew Mitchell. She graduated with an LLB in 2003 from Gadjah Mada University, Indonesia, where she received the university medal; and the LLM in 2007 from the University of Melbourne majoring in international law.

Rheny's research interests include international law, international law of the sea, international human rights law and Indonesian law. Her PhD thesis is about piracy and maritime terrorism in the Malacca Strait. Prior to undertaking her PhD, Rheny worked as a journalist in Tempo Newspaper in Jakarta and taught international law at a university in Sumatra, Indonesia. She now lives permanently in Australia and hopes to be involved further in academia.

**Mr Shawn Rajanayagam (2013)**

Shawn is in his second year of the Juris Doctor at Melbourne Law School. In 2011, Shawn graduated from a Bachelor of International & Global Studies at the University of Sydney, majoring in Government & International Relations and American Studies. Shawn has travelled extensively throughout Asia, including on a high school tour of China facilitated through his Mandarin studies. He is interested in international legal issues in South East Asia, particularly questions surrounding sovereignty disputes and trade & investment law.

**Dr Shuang Ren (2008-current)**

Shuang Ren joined the Asian Law Centre as a research assistant in 2008. She holds a Master of Commerce in Management (with honors) and completed her PhD in human resource management at the Department of Management and Marketing, University of Melbourne. She is also a tutor at the Department of Management and Marketing. Prior to her studies in Melbourne, Shuang Ren completed a Bachelor of Law in China.

**Ms Sarah Rennie (2013-current)**

Sarah joined the Asian Law Centre as a research assistant in 2013. Sarah has a degree in Asian Studies and Laws with first class honours from the Australian National University, where she received a University Medal in 2009. Since 2010 Sarah has worked in the advocacy team at Oxfam where she has coordinated projects to promote corporate accountability and employment rights, particularly in Indonesia and South East Asia. Sarah is currently undertaking her Masters of Laws at the University of Melbourne. Her interests include South East Asian culture, commercial law and corporate governance. Sarah speaks fluent Indonesian, proficient Malay and Japanese.

**Mr Alistair Robertson (2010-current)**

Alistair joined the Asian Law Centre in 2010 and is now in his final year of the Melbourne JD / CUHK LLM partnership degree program. He holds a BA from Latrobe University and has also studied at the Taiwan National Normal University and Beijing Normal University. Alistair's main academic interests centre around Chinese law and politics.



Ms Katerina Stevenson (2012-2013)

Katerina joined the Asian Law Centre in 2012 as a Research Assistant. She is currently a third year JD student at Melbourne Law School. She also holds Bachelor of Arts/Bachelor of Commerce degrees from the University of Melbourne, majoring in history and management and marketing. Katerina has previously travelled extensively around South East Asia.

Ms Cait Storr (2013-current)

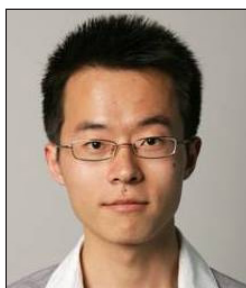
Cait joined the Asian Law Centre in 2013 as a Research Assistant. She is currently a sessional academic at the Law School, after working at corporate firm Freehills (now Herbert Smith Freehills). Prior to undertaking study in law, Cait tutored in International Relations with the University of Melbourne, then worked for the Victorian Government, including with the Department of Justice, Aboriginal Affairs Victoria and for the Victorian Ombudsman. Her research interests focus around the intersection of Australian postcolonialism and public law (domestic and international), and she is undertaking a PhD titled 'End State: Nauru and the Legal Construction of Territory'.



Mr Long Vo (2013-current)

While pursuing a Master of Taxation at Melbourne Law School, Long joined the Asian Law Centre as a research assistant in July 2013. Before leaving Vietnam for academic challenges in Melbourne, he was a senior tax consultant with extensive experience in Vietnamese tax at Ernst & Young and KPMG. Long holds a BBus in Accountancy at RMIT University (with distinction) and is currently an associate member of CPA Australia.

Long has a passionate interest in discovering the obscure facets of law (especially tax law) from different jurisdictions. Apart from this, he also loves to participate in social and voluntary events from which he believes he can make a strong impact to his surrounding community. He used to be the President at RMIT's Accounting Club and the CSR Chairman at KPMG Vietnam.



Mr Hao Zhang (2010-current)

Hao joined in the Asian Law Centre in 2010 as a research assistant to Professor Sean Cooney and Associate Professor and Reader Sarah Biddulph. Hao holds Bachelor and Master degrees in Law and he is now studying for his PhD at the Centre for Resources, Energy and Environmental Law (CREEL), as well as the Asian Law Centre, under the supervision of Professor Lee Godden and Professor Sarah Biddulph.

In 2007, Hao had an internship in London working as a research assistant with the Parliamentary Renewable and Sustainable Energy Group (PRASEG) and Combined Heat and Power Association (CHPA). He has also been actively engaged in projects relating to environmental law, forestry carbon offsets and low carbon strategies in China before concluding his Masters by Research in China and commencing his PhD research in Australia.

VISITING SCHOLARS

Visiting Scholars

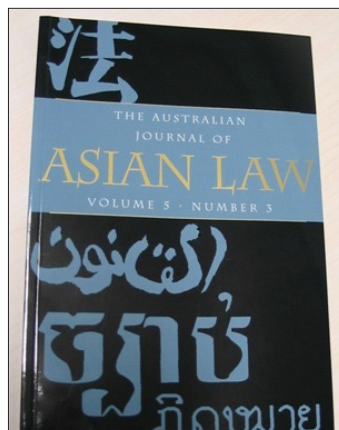
| Arrival Date | Visiting Scholar |
|-----------------------------------|---|
| 1 June 2012 – 30 May 2013 | Judge Sachiyo Kitagawa, Fukuoka District Court, Japan |
| 8 August 2012 – 28 February 2013 | Mr Jong Do Im, Court Clerk, Gwang-Ju District Court, Republic of Korea |
| 5 December 2012 – 4 December 2013 | Mr Kim Sang Hyun, Public Prosecutor, Seoul Central District Public Prosecutors' Office, Republic of Korea |
| 28 January – 5 February 2013 | Assistant Professor Dan Puchniak, Faculty of Law, National University of Singapore, Singapore |
| 28 January – 7 February 2013 | Judge Hisashi Ooyori, Kokura Branch, Fukuoka District Court, Japan |
| 15-20 February 2013 | Ms Michiko Kametaka, Court Clerk, Yokohama District Court, Japan |
| 18 February – 1 March 2013 | Professor Dan Rosen, Chuo Law School, Japan |
| 18 February – 1 March 2013 | Professor Yachiko Yamada, Chuo Law School, Japan |
| 18 February – 1 March 2013 | Professor Tomoyoshi Ito, Chuo Law School, Japan |
| 18-19 February 2013 | Professor Kyofumi Kotani, Chuo Law School, Japan |
| 18-19 February 2013 | Professor Masa Omura, Head, International Centre, Chuo University, Japan |
| 22 February 2013 | Delegation from Beijing Zhicheng Legal Aid Organization (BZLAO), People's Republic of China <ul style="list-style-type: none"> • Mr Tong Lihua • Mr Yao Weiyao • Ms Li Xiuhong • Ms Yao Yenjiao |
| 12 March 2013 | Professor Hisaei Chuck Ito, Chair, Committee of International Relations, Chuo Law School, Japan |
| 12 March 2013 | Professor Shizuo Satoma, Chair, International Committee, Faculty of Law, Chuo University, Japan |
| 12 March 2013 | Professor Tatsuya Kitai, Faculty of Law, Chuo University, Japan |
| 11 June 2013 – 10 June 2014 | Judge Kaoto Kida, Yokohama Family and District Court, Japan |

| Arrival Date | Visiting Scholar |
|-----------------------------------|--|
| 3-19 July 2013 | <p>Delegation from Ministry of Justice and Ministry of Industry and Trade, Vietnam, participating in 'Legal Education and Training for Vietnamese Government Officials: International Trade and Investment Law' Program (AusAID Australia Awards Fellowships)</p> <ul style="list-style-type: none"> • Mr Cao Xuan Phong • Ms Dao Thi Thu An • Ms Dinh Quynh Nga • Ms Le Thi Hong Hai • Ms Le Thi Kim Dung • Ms Le Thi Thu Hien • Ms Le Thi Van Anh • Mr Le Xuan Hong • Mr Luong Duc Tho • Ms Nguyen Chi Lan • Ms Nguyen Thi Minh Hue • Ms Nguyen Thi Van Anh • Dr Pham Hong Quang • Mr Vu Hoai Nam • Ms Ta Thi Tai • Ms Phan Thi Hong Ha • Mr Vu Duc Dung • Dr Vu Thi Hai Yen • Ms Nguyen Thi Nhung • Ms Tran Thu Huong • Ms Nguyen Duc Hanh • Ms Pham Mai Hoa • Mr Bui The Hung • Ms Nguyen Ngoc Anh • Ms Bui Thi Bich Hien |
| 4 July – 31 August 2013 | Associate Professor Richard Wu, Faculty of Law, University of Hong Kong, Hong Kong |
| 26 July – 30 August 2013 | Dr Tara Alberts, Department of History, The University of York, United Kingdom |
| 1 August 2013 – 28 February 2014 | Mr Dae Sun Yu, Court Clerk, Uijeongbu District Court, Republic of Korea |
| 1 August 2013 – 1 June 2014 | Judge In Soo Nam, Yeongdeok Branch of Daegu District Court, Republic of Korea |
| 13 August 2013 | Associate Professor Lingyu Wang, Chair, School Board, KoGuan Law School, Shanghai Jiao Tong University, People's Republic of China |
| 19 August 2013 – 31 August 2014 | Mr Sang-hyun Lee, Prosecutor, Seoul Central District Prosecutors' Office, Republic of Korea |
| 19-29 August 2013 | Professor Dan Rosen, Chuo Law School, Japan |
| 1 September 2013 – 31 August 2014 | Associate Professor Cuiyu Chen, Administration Law Institute, Southwest University of Political Science and Law, People's Republic of China |

VISITING SCHOLARS

| Arrival Date | Visiting Scholar |
|-----------------------------------|--|
| 13 September 2013 | Delegation from the Central Steering Committee for Judicial Reform of Vietnam <ul style="list-style-type: none"> • Le Thi Thu Ba • Nguyen Tat Vien • Nguyen Phong Hoa • Tran The Luu • Tran Hong Nguyen • Duong Thi Hien • Bui Le Ba Hung |
| 16-17 September 2013 | Dr Batbold Amarsanaa, Vice Director, National Legal Institute of Mongolia, Ministry of Justice, Mongolia |
| 17-24 September 2013 | Delegation from Osaka School of International Policy, Osaka University, Japan |
| 1 October – 15 February 2014 | Dr Dina Afrianty, Syarif Hidayatullah State Islamic University (UIN), Jakarta, Indonesia |
| 1 October 2013 – 28 February 2014 | Professor Hidekazu Nishida, Faculty of Law, Konan University, Japan |
| 10 October 2013 | Associate Professor Sean Turnell, Department of Economics, Faculty of Business and Economics, Macquarie University, Australia |
| 1-31 October 2013 | Dr Melissa Crouch, Research Fellow, Centre for Asian Legal Studies, Faculty of Law, National University of Singapore, Singapore |
| 17-20 November 2013 | Associate Professor Helena Whalen-Bridge, Faculty of Law, National University of Singapore, Singapore |
| 7 November 2013 | Ms Kishali Pinto-Jayawardena, Deputy Director and Head, Civil and Political Rights Programme, The Law & Society Trust (LST), Colombo, Sri Lanka |
| 3-20 December 2013 | Dr Jeremy Kingsley, Lecturer and Research Fellow, Tembusu College, National University of Singapore, Singapore |

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, and is edited in the Melbourne Law School by Professor Tim Lindsey, Ms Helen Pausacker and (until July 2013) Dr Melissa Crouch.

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://www.law.unimelb.edu.au/ajal>>, and <http://papers.ssrn.com/sol3/JELJOUR_Results.cfm?form_name=journalbrowse&journal_id=2020682>.

Editors



Dr Melissa Crouch, National University of Singapore (2012 to mid-2013)

Dr Melissa Crouch is a Postdoctoral Fellow at the Law Faculty, the National University of Singapore. She has previously been a Postdoctoral Fellow at the International Institute of Asian Studies, Leiden, and a Research Fellow at the Melbourne Law School, The University of Melbourne. Melissa has published widely in peer-reviewed journals such as the *Sydney Law Review*, *Asian Studies Review* and the *Singapore Journal of Legal Studies*. She has a forthcoming book on *Law and Religion in Indonesia: Faith, Conflict and the Courts in West Java* (Routledge). She is one of the Editors of the *Australian Journal of Asian Law*. She has taught Administrative Law and Comparative Administrative Law. Her research has addressed a range of key issues in the law reform process from a socio-legal perspective, particularly in relation to Indonesia and Burma. Her current research focus on Myanmar includes a project on constitutionalism and the self-administered zones; Islam and the state, and administrative law in Myanmar.



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.

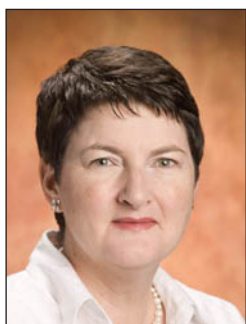
Richard has written and co-written several books and more than 100 articles, notes and commentaries and has been the recipient of a range of major and minor research grants. Richard's books include *Federalism in Action* (1990) and *Media Law in the PRC* (1996) with H.L. Fu, *Electing Hong Kong's Chief 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 members, 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.

Prior to joining the ANU she was Director of the Asian Law Center at the University of Washington, Seattle from 2001-10 and remains an Affiliate Professor of Law and Senior Advisor there. In 2010 she was the inaugural Hague Visiting Professor in Rule of Law – a chair funded by the City of the Hague and hosted by the Hague Institute for the Internationalization of Law and Leiden University's Van Vollenhoven Institute.

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

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

**Dr Amanda Whiting, The University of Melbourne**

(see Asian Law Centre members, above)

Editorial Assistant



Ms Helen Pausacker

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

AJAL Journal Articles (2013)

Articles

- Godwin, Andrew (2013), 'The Internal Logic behind the Evolution of Company Law in China: Do Legal Origins Matter?', 14(2) *Australian Journal of Asian Law*, Article 5: 1-21.
- Koh, Alan K (2013), 'Excusing Notice under Singapore's Statutory Derivative Action', 14(2) *Australian Journal of Asian Law*, Article 3: 1-15.
- Lee, Joseph (2013), 'The Standard of Medical Care in Malaysia: The Case for Legislative Reform', 14(2) *Australian Journal of Asian Law*, Article 2: 1-19.
- Mackie, Vera (2013), 'Genders and Genetics: The Legal and Medical Regulation of Family Forms in Contemporary Japan', 14(1) *Australian Journal of Asian Law*, Article 1: 1-18.
- Missbach, Antje and Crouch, Melissa (2013), 'The Criminalisation of People Smuggling: The Dynamics of Judicial Discretion in Indonesia', 14(2) *Australian Journal of Asian Law*, Article 1: 1-19.
- Nguyen, Chat Le (2013), 'Criminalisation of Money Laundering in the International Anti-Money Laundering Regime and its Adoption by Vietnam', 14(1) *Australian Journal of Asian Law*, Article 6: 1-17.
- Pham, Thi Thanh Nga (2013), 'The Establishment of Juvenile Courts and the Fulfilment of Vietnam's Obligations under the Convention on the Rights of the Child', 14(1) *Australian Journal of Asian Law*, Article 4: 1-19.
- Prihandono, Iman (2013), 'Transnational Corporations and Human Rights Violations in Indonesia', 14(1) *Australian Journal of Asian Law*, Article 5: 1-23.
- Rahim, Mia Mahmudur (2013), 'Legal Regulation of Decent Work: Evidence from Two Big Industries in Bangladesh', 14(1) *Australian Journal of Asian Law*, Article 3: 1-18.
- Steiner, Kerstin (2013), 'The Case Continues? The High Courts in Malaysia and Unilateral Conversion of a Child to Islam by One Parent', 14(2) *Australian Journal of Asian Law*, Article 10: 1-15.
- TANG Hang Wu (2013), 'The Fiduciary Doctrine as a New Pathway: An Alternative Approach to Analysing Native Customary Rights in Sarawak', 14(2) *Australian Journal of Asian Law*, Article 4: 1-15.
- Yan, Wei (2013), 'Regulating Water Concessions in China: Towards a Transparent Pricing System', 14(1) *Australian Journal of Asian Law*, Article 2: 1-20.

Case Note

- Lam, Charles KN (2013), 'The Importance of Anonymity: In the Matter of BU (Applicant/Appellant): Civil Appeal No 103 of 2012 (Hong Kong)', 14(2) *Australian Journal of Asian Law*, Article 7: 1-7.

Book Reviews

- Lockett, James (2013), 'Book Review: "Global Textiles and Clothing Trade"', 14(1) *Australian Journal of Asian Law*, Article 9: 1-5.

Essays

Hooker, MB (2013), 'Essay: Muslim Law, Ahmadiyya and Islamic Doctrine in Singapore', 14(1) *Australian Journal of Asian Law*, Article 7: 1-45.

Hooker, MB (2013), 'Maria was a Christian - Nadra was a Muslim: Hertogh Revisited', 14(2) *Australian Journal of Asian Law*, Article 8: 1-35.

Whiting, Amanda (2013), 'Emerging from Emergency Rule? Malaysian Law 'Reform' 2011-2013', 14(2) *Australian Journal of Asian Law*, Article 9: 1-55.

Review Essays

Barr, Michael D (2013), 'Review Essay: Law and Order in a Land of Tough Love', 14(1) *Australian Journal of Asian Law*, Article 8: 1-6.

Crouch, Melissa (2013), 'Review Essay: "Legal Pluralism in Indonesia"', 14(1) *Australian Journal of Asian Law*, Article 10: 1-6.

Legislative Update

Park, Hyungsoon (2013), 'Recent Amendments to South Korean Criminal Law: Confronting Child Sexual Abuse', 14(2) *Australian Journal of Asian Law*, Article 6: 1-5.

Conferences and Workshops

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

9 May 2013

Workshop - Vietnam's Approach to the Trans-Pacific Partnership Agreement (with Global Economic Law Network)

This seminar was presented by Dr Dao Ngoc TIEN from the Foreign Trade University in Vietnam, alongside other panel members. The proposed Trans-Pacific Partnership (TPP) is the most ambitious and complex Free Trade Agreement to date. In this presentation, three leading Professors from Vietnam's Foreign Trade University shared their country's perspective on the negotiations. They explained how the TPP will have an overall positive economic impact on Vietnam and detailed the different impacts it will have on various groups. The presentation covered the key subject areas under negotiation with a focus on sensitive topics for Vietnam, such as tariff elimination, labour and trade unions, pharmaceuticals and the Internet.

Dr Dao Ngoc Tien has a PhD in economics from the Foreign Trade University, specializing in international economics. He is also a certified trainer on WTO and trade policy by APEC. His research interests include WTO issues, international trade integration and national trade policy. He has carried out national and international research projects aiming to apply the gravity model or survey-based analysis of impacts in international trade. Dr Tien has been published in various national journals and international conferences and also participates in stakeholder consultation processes for Vietnam's FTAs, such as TPP, VN-EU and VN-Korea FTAs.

Panel members included: **Associate Professor Vu Chi Loc** (Chancellor, Foreign Trade University); **Associate Professor Tu Thuy Anh** (Dean, International Economics Faculty, Foreign Trade University); and **Dr Hoang Xuan Binh** (Vice Dean, International Economics Faculty, Foreign Trade University).

15 October 2013

Drugs and the Death Penalty in Southeast Asia

In recent years, an increasing number of Australians have been arrested in these countries for drug offences. They face very serious penalties, including death or life imprisonment. There is, however, a lack of accurate information in this country regarding how drugs trials are conducted in the region, let alone detailed knowledge of applicable laws and procedure. This closed conference aimed to respond to the resulting acute need for detailed comparative material on criminal laws and judicial processes in Indonesia, Vietnam and Singapore, so better support can be provided both for Australians facing drug-related charges and for Australian governments developing policies and strategies in response to the issues these trials create.

18-19 November 2013

Western Media Representations of Criminal Justice in Asian Countries (with National University of Singapore)

In recent years, there has been much international media interest in high profile criminal trials in countries in the Asian region, including China, India, Indonesia, Japan, Malaysia, Singapore and Vietnam. Foreign media outlets have focused on these criminal justice systems and what they consider they indicate about the quality of the rule of law in these countries. This conference explored a number of questions including:

- What types of representations do western media tend to make about the criminal justice system and criminal trials?
- What do these representations tell us about how we see the rule of law in these jurisdictions?
- What do these portrayals reveal of our understandings and anxieties about our own political and legal identity?

OCCASIONAL SEMINARS

Major Activities and Events

18 February - 1 March 2013

Chuo Summer School

The 9th annual Chuo Summer School was attended by 12 Chuo Law School students. The students were accompanied by **Professor Dan Rosen**, **Professor Chuck Itoh** and **Professor Yachiko Yamada**. During their program, they visited the County Court of Victoria, Federal Court of Australia, Juries Commissioner's Office, Parliament of Victoria, Allens and Ashurst.

3-19 July 2013

Legal Education and Training for Vietnamese Government Officials: International Trade and Investment Law

From 3-19 July, 2013, 25 officials in leadership positions at the Vietnamese Ministry of Justice (MoJ) and Ministry of Industry and Trade (MOIT) attended a training program at Melbourne Law School entitled 'Legal Education and Training for Vietnamese Government Officials: International Trade and Investment Law'. This academic and skills-building program was designed by Associate Professor Jürgen Kurtz of the Melbourne Law School. It was supported by the Asian Law Centre, and funded by the Australian Agency for International Development (AusAID) as an Australia Awards Fellowship.

Government officials undertook the 13-day training program to build substantive knowledge in international law generally, and international trade and investment law specifically. They developed professional skills that will enhance their capacity to participate in the effective negotiation of international treaties and the effective settlement of international disputes. Skills developed during the program will also allow participants to act effectively as legal advisors. This will in turn build the capacity of the MoJ and MOIT as institutions (directly supporting one of the aims articulated in the AusAID Australia-Vietnam Joint Aid Program Strategy for 2010 – 2015).

Occasional Seminar Series

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

27 May 2013

A Comparative View of the Judiciary: The Training of Judges in the Japanese Legal System

Judges in Japan are appointed by the Cabinet following their graduation from law school and the training program at the Legal Training and Research Institute of Japan. Unlike judges in Australia, most Japanese judges spend their entire career on the bench and do not work in private practice. In order to broaden their experiences, the Supreme Court of Japan facilitates the participation of young judges in domestic and international secondments.

In this seminar, Judge Kitagawa spoke about the judicial system in Japan, the role of a judge, how to become a judge and the training system for young judges. The presentation was based on her Honour's personal experiences in working for a company and studying abroad.

Judge Sachiyo Kitagawa is the tenth Visiting Research Scholar to visit the Melbourne Law School as part of the Supreme Court of Japan's Overseas Training and Research Program. She graduated from Kyoto University and was appointed as a judge in 2006. Judge Kitagawa currently works for the Fukuoka District Court, and hears civil trial cases.

14 August, 2013

Insider Trading Regulation in China: Law and Enforcement (with Centre for Corporate Law and Securities Regulation)

This seminar provided an in-depth analysis of insider trading regulation in China, looking at both the "law in books" and the "law in action". Since the early 1990s, China has gradually set up a regulatory regime for insider trading in line with international experiences. Twenty years on, how effective has China's insider trading regulation been? How is it enforced? What are the recent developments and trends? The seminar critically examined the key elements of insider trading law, as well as its theoretical basis in light of recent cases from a comparative perspective. It then presented empirical insights into the public and private enforcement of the law, and, based on this examination, explored possible ways to further improve the efficacy of insider trading regulation in China.

Professor Hui (Robin) Huang is an Associate Professor in the Faculty of Law at the Chinese University of Hong Kong. He is a specialist in corporate law, securities regulation, financial markets and foreign investment, with a particular focus on China-related issues. Prior to joining the Faculty of Law of CUHK, Professor Huang worked in the Faculty of Law at the University of New South Wales in Sydney, where he now holds a conjoint position of Associate Professor. He is also Adjunct Professor at the China University of Political Science and Law, Senior Fellow in the Law School of Melbourne University, as well as an elected member of the Executive Council of the China Commercial Law Society. Professor Huang's work has attracted extensive interest internationally, with invitations to the World Bank, Cambridge Law School, Harvard Law School, Columbia Law School, and Tsinghua Law School. Professor Huang has had more than 60 academic publications, with papers appearing in some of the best cited journals in the US, UK, Australia, Canada, Hong Kong and mainland China. His forthcoming book, *Securities and Capital Markets Law in China* (Oxford University Press, UK) will provide a comprehensive and contextualized account of Chinese securities and capital.

19 August 2013

Representing Malaysia: Reflections on GE13 (with Electoral Regulation Research Network (VIC))

In May 2013, the incumbent coalition led by Prime Minister Najib won a 10% majority of seats in the closest election in the Malaysia's history. This election was marred by irregularities and questions of political legitimacy. What happened? What does it mean? Bridget Welsh analysed this historic election and discussed the broader impact for political representation and democracy in Malaysia.

Bridget Welsh is Associate Professor of Political Science at Singapore Management University. In 2004, she was a Henry R. Luce Southeast Asian Fellow at Australian National University and in 2007 she received a USIP fellowship. In 2009 she received the Max M. Fisher Prize for teaching excellence at Johns Hopkins University –School of Advanced International Studies (SAIS) and in 2011 was awarded a Distinguished Teaching Award by SMU's School of Social Sciences. She has edited/written numerous books including, *Reflections: The Mahathir Years, Legacy of Engagement in Southeast Asia, Impressions of the Goh Chok Tong Years, Democracy Takeoff? The B.J. Habibie Period, Awakening: The Abdullah Badawi Years* (forthcoming 2013), *Embracing Democracy: Political Attitudes in Malaysia* (forthcoming 2013) and *Does Democracy Matter: Regime Support in Southeast Asia* (forthcoming 2013) and authored a wide range of articles. She is a consultant for Freedom House and the United Nations.

Dr Amanda Whiting is an interdisciplinary scholar of history and law. She has been a member of the Asian Law Centre since 1999 and joined the Faculty of Law at the University of Melbourne as a Lecturer in 2004. Her research is in the area of human rights institutions and practices in the Asia-Pacific Region, gender and religion, and Malaysian legal history, and she is writing a history of the Malaysian legal profession.

22 August 2013

Lawyers' Ethics Regulation in China and Japan: A Comparative Study

The professional conduct of lawyers is increasingly subject to public and media scrutiny. In March 2011, the presenter, together with Dr Kay Wah Chan of Macquarie University, Australia, obtained a grant from the Sumitomo Foundation, Japan, to study the regulation of lawyers' ethics in Japan and China. The study revealed a rapid increase in number of lawyers in both China and Japan over the past decade, and analyzed the different reasons for lawyer increase in the two countries. We adopted the six 'professional virtues' identified by Hazard & Dondi (2004) as our comparative theoretical framework, namely: competence, independence, loyalty, confidentiality, responsibility and honour. We compared the regulatory regimes on lawyers' ethics in both countries, with reference to the Hazard & Dondi 'professional virtues'. We found that China, in comparison to Japan, has room for improvement in virtues such as 'independence', 'confidentiality' and 'honour'. In our study, we also examined the disciplinary regimes for lawyer misconduct in the two countries, focusing on misconduct cases in Beijing and Tokyo. In terms of the types and patterns of lawyer misconduct, we found that the most severe cases in Beijing involved a breach of the 'professional virtue' of 'honour', although some involved a breach of the 'professional virtue' of 'competence'. In contrast, the most severe type of lawyer misconduct cases in Tokyo involved breaches of diverse 'professional virtues', including 'competence', 'loyalty', 'responsibility' and 'honour'.

Dr Richard Wu, Associate Professor, Faculty of Law, University of Hong Kong, studied common law and Chinese law at the University of Hong Kong, Peking University and the University of London. Apart from law, he has also received academic training in economics, business administration, sociology and social policy. He is a Visiting Scholar of Peking University Law School, Visiting Professor of Tsinghua University Law School, Visiting Scholar of Melbourne Law School, member of the Editorial Advisory Board of international journal of Legal Ethics and the Collaborative Research Network on East Asian Law and Society. Dr Wu has published refereed articles in international journals and contributed chapters to academic books published in China and overseas. He has also presented papers at international conferences in Beijing, Shanghai, Seoul, Jakarta, Singapore, London, San Francisco, Perth, Canberra, Berlin, Taipei, Istanbul, Montreal, Gold Coast, Stockholm, Rome, Fukuoka, Hsinchu, Chicago, Kuala Lumpur, Glasgow, Tokyo, Sydney, Boston, Paris, Banff, Vienna, and Dublin. Before joining academia, Dr Wu was a partner at the largest and oldest law firm in Hong Kong. He was qualified in four common law jurisdictions, and is eligible to practise as Solicitor of the Supreme Court of Hong Kong; Solicitor of the Supreme Court of England and Wales; Barrister and Solicitor of the Australian Capital Territory, Australia; Barrister of High Court of Australia; Advocate and Solicitor of the Supreme

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Court of Republic of Singapore; and Legal Practitioner of the Supreme Court of New South Wales, Australia.

10 October 2013

Legal & Economic Reforms in Myanmar

Seminar 1: Legislative Foundations of Myanmar's Economic Reforms: Myanmar's journey from the richest to the poorest country in Southeast Asia was propelled by many factors, but not the least of these was the dismantling of the legal infrastructure that underpinned a properly functioning market economy. Now Myanmar seems to be on the threshold of change. The installation of a quasi-civilian government in 2011 has brought with it some progress in the economic sphere, and reforms enacted point in the direction of better times ahead. In this seminar Dr Turnell reviewed some of Myanmar's significant new 'economic laws', along with the challenges that remain. The latter forces the conclusion that, while a useful start has been made to crafting laws to underpin Myanmar's economic progress, much heavy awaits.

Sean Turnell is an Associate Professor in Economics at Macquarie University in Sydney, Australia. With a research focus on Burma and its economy, Sean has been an advisor and consultant to a number of government departments, multilateral agencies and international NGOs, and he has testified on Burma before US Senate and House of Representative Foreign Relations and Human Rights committees. Sean has strong links both with Burma's National League for Democracy, as well as reformers within the country's government. He is the author of numerous academic papers on Burma, and has been a regular commentator on the country in the international press. His book on Burma's monetary and financial history, *Fiery Dragons: Banks, Moneylenders and Microfinance in Burma*, was published in 2009 by the Nordic Institute of Asian Studies.

Seminar 2: Prospects and Challenges for Constitutional Reform in Myanmar: In 2011, Myanmar officially began its transition to a more democratic form of government, which has taken place within the framework of the 2008 Constitution. This is in stark contrast to the period from 1988 until 2011, when the military overtly ruled without a constitution. This momentous shift has been followed by significant national legislative reforms on a wide range of areas from media laws to land laws and economic reform. A key area of debate has been the 2008 Constitution itself, and the need for constitutional amendment prior to the 2015 elections. A process has recently been established to provide for formal review of the Constitution, although it remains unclear how this process will unfold. A wide range of issues may potentially be addressed – from the requirements to run as president, to the role of the military, to the separation of powers and the independence of the judiciary, among many other pressing matters. This presentation placed Myanmar's constitutional developments in a historical and social context, highlighting the key challenges for the future in terms of constitutional reform.

Melissa Crouch is a Research Fellow at the Centre for Asian Legal Studies, the Law Faculty, National University of Singapore. She has previously been a Postdoctoral Fellow at the International Institute of Asian Studies, Leiden, and a Research Fellow at the Melbourne Law School, University of Melbourne. Melissa's research has been published in journals such as the *Sydney Law Review*, *Asian Studies Review* and the *Singapore Journal of Legal Studies*. She has a forthcoming book on *Law and Religion in Indonesia: Conflict and the Courts in West Java* (Routledge). Her current research is on administrative law; constitutionalism and minorities; and Islam and the state in Myanmar.

'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.

29 January, 2013

Comparative Corporate Governance in Asia: Complexity Revealed

At the turn of the millennium, the world of comparative corporate governance was a much simpler place. The fall of the Berlin Wall had ordained the United States as the world's sole superpower. Economic calamities in Japan and Germany had ostensibly discredited the two principal competitors to America's shareholder-centered economic model. The game changing success of Silicon Valley and burgeoning US financial markets had solidified America's economic hegemony. It was in this context that the field of comparative corporate governance (logically) reached a consensus: the American corporate governance model, with its hallmark features of shareholder primacy and dispersed shareholding, was the model to be replicated and researched around the world. Indeed for over a decade, this has largely occurred. The American model has been the theoretical backbone for comparative corporate governance scholarship and reforms around the world. Although most have failed to notice, the world of comparative corporate governance has become (and almost certainly always was) markedly more complex. The rise of Asia's leading economies has been defined by a variety of corporate governance systems and mechanisms which either escape or contradict the American corporate governance model. This critical development in comparative corporate governance has almost been entirely overlooked. Post global financial crisis, this lacuna in the literature has become more glaring as Asia's economic prowess continues to rise and Western economies continue to fall. The goal of this presentation was to explain the

consequences of this lacuna, chart the steps to fill it, and posit some tentative conclusions.

Dan W. Puchniak is an Assistant Professor in the Faculty of Law at the National University of Singapore specializing in company law, with an emphasis on comparative corporate law in Asia. Dan has published widely on comparative, Japanese and Singapore corporate law and governance and is regularly invited to present his scholarship and lecture at leading law schools around the world. Dan has recently won several research and teaching awards and is currently a Senior Fellow in the Melbourne Law School Masters Program, the ASEAN Convener for the Australian Network for Japanese Law and a member of the Editorial Board for the Max Planck Institute's Journal of Japanese Law.

18 March 2013

Changing Families and an Unchanging Legal System: Birth Registration in Contemporary Japan

The modern family registration (*koseki*) system in Japan has a relatively short history, which can be split into two main periods: from 1872 to 1947, and from 1947 to the present. The postwar system codified a relatively egalitarian two-generation nuclear family based on the model of a married couple with children. The features and limitations of this particular model of the family can be seen by mapping the system of birth registration, paying particular attention to those situations where the system 'fails' to provide some children with birth registration, legitimate status, or nationality. In this paper, Vera looked at situations where the current system of birth registration has come under strain: where children are born from relationships between parents of different nationalities and where children are born through assisted reproductive technologies. These case studies reveal that the assumptions behind the modern *koseki* system no longer accord with the diversity of current family forms. The inflexibility of the current *koseki* system and the reluctance of the Japanese government to regulate these new family forms results in some children not having the rights that they should be guaranteed under Japan's obligations as a signatory to the UN Convention on the Rights of the Child (CRC). While the family is constantly being transformed, legal change works on a much longer and slower temporal cycle.

Vera Mackie is Australian Research Council Future Fellow and Professor of Asian Studies in the Institute for Social Transformation Research at the University of Wollongong, where she is research leader of the Forum on Human Rights Research. Vera has published widely and some of her works include *Gurôbaruka to Jendâ Hyôshô* [Globalisation and Representations of Gender], Ochanomizu Shobô, 2003, and special issues of journals such as the *Asian Studies Review* ('Human Rights in Asia', 2013; 'Globalisation and Body Politics', 2010); and *Japanese Studies* ('The Cultural Politics of the City in Modern Japan', 2011).

8 May 2013

Food Security as Social Provisioning: Insights from the International and Indonesian Experience (PhD Completion Seminar, with Office for Research, Centre for Indonesian Law, Islam and Society, and the Institute for International Law and the Humanities)

This thesis argued that the international community's struggle to effectively deal with and take responsibility for food crises is rooted in both the structure of international law and the economic thinking that was wired into the early UN organisations. It presents a heterodox conception of economics — institutionalism — as an alternative way of thinking about problems of food and hunger. Building on the institutionalist emphasis on social provisioning, the thesis located the legal dimension of institutionalist thought within a public law framework that emphasises authority and duty. This approach links economics and jurisprudence and conceptualises economic policy as a duty to provide.

Peter Dirou is a PhD candidate at the Melbourne Law School and an independent economic consultant on public finance and financial sector issues. He has undertaken international consulting assignments for the ADB, World Bank, IMF, UNDP, DFID, AusAID and NZAID. These assignments have primarily been in Southeast Asia and Peter has worked regularly in Indonesia since 2001 on a variety of economic governance projects. Prior to becoming a consultant, Peter was on the executive staff of the Reserve Bank of New Zealand and he has also worked for the Economist Intelligence Unit. His academic work has focused on the public debt issues, including the linkage between public debt and the strength of the international financial system, and debt-for-development exchanges.

15 May 2013

Regulating Morality: Law, Pornography and Indonesia's Islamic Defenders Front (PhD Completion Seminar, with Office for Research and Centre for Indonesian Law, Islam and Society)

In 2005 and 2006, FPI became involved in support for the controversial Anti-Pornography and Pornographic Action Bill. Over the same period FPI reported three cases to the police, stating that they had violated provisions prohibiting pornography in the Criminal Code. The cases were an artwork (Pinkswing Park), Indonesian Playboy (which had no nudes) and Indonesian Princess (Puteri Indonesia) 2005, Indonesia's entrant to the Miss Universe 2006 beauty contest. The thesis examined the use of largely symbolic law reforms to establish norms and the use of legal threats and prosecutions to enforce these norms throughout society. In this presentation, Helen offered a brief summary of her thesis, before focusing on the Puteri Indonesia case study.

Helen Pausacker is a PhD candidate in the Law School. For further information, see Asian Law Centre Staff - Principal

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Researchers, above.

16 May 2013

Judicial Loyalties: Assessing the Politicization of the Venezuelan Legal System (with Centre for Comparative Constitutional Studies)

Why do Courts fail to uphold the rule of law in weakly institutionalized democracies? In part, this is due to the nature of the relationship between judges and politicians. Judicial decision-making may be largely conditioned by individual commitments based on particularistic goals, instead of public policy objectives. This negatively affects the judiciary's ability to become influential and assertive in the political arena, and impairs the beneficial effect of changes directed to empower the judiciary in developing democracies. Raul's research explores this argument in the context of Venezuela before and after Hugo Chávez's come to power. In this presentation he briefly explained the theory and offered a discussion grounded on qualitative and quantitative empirical analysis of constitutional review decisions during the past two decades.

Raul Sanchez Urribarri is a Lecturer (Assistant Professor) in Legal Studies at the School of Social Sciences, La Trobe University. His teaching and research focus on judicial politics in comparative perspective, with an emphasis on Latin America. His work has been published in *Law and Social Inquiry*, *The Journal of Politics*, and edited volumes. He is currently writing a book on the politicization of courts through informal connections in developing democracies, covering Venezuela, Paraguay and Costa Rica.

23 May 2013

Legal (or Religious?) Pluralism in Bangladesh: An Overview of Personal and Customary Laws

The Bangladeshi legal system, which is predominantly common-law based, contains a number of ('official and unofficial') sub-systems, such as Muslim, Hindu, and Christian personal laws and the customary laws of indigenous people. In this paper Dr Hoque presented an impressionistic view of the functioning of these laws, noting the trend in their development or stagnation, with a special note about the application of non-state laws to the regulation of personal affairs of aboriginal people living in the Chittagong Hill Tracts (CHT). This presentation argued that the pluralist nature of the legal system of Bangladesh is often under-recognized, and, especially with regard to the customary laws of the CHT, state law is dominating, thus putting legal diversity at risk.

Dr Ridwanul Hoque is Associate Professor of Law at the University of Dhaka. He formerly taught in the Department of Law at the University of Chittagong in Bangladesh. Dr. Hoque was a Commonwealth Scholar at the University of London's School of Oriental and African Studies where he studied for his Ph.D. in Comparative Public Law. He studied Law at the University of Chittagong for his LL.B. Honours and LL.M., and went to Cambridge where he studied for an LL.M. in International Commercial Law. He has published in British, American, Indian, and Bangladeshi law journals.

28 August 2013

Religious Convictions: Prosecuting Christians in Seventeenth-Century Thailand and Vietnam

In the sixteenth and seventeenth centuries, Catholic missionaries from Europe travelled throughout Southeast Asia attempting to convert local populations to Christianity with varying degrees of success. Missionaries were initially welcomed by rulers of Siam (Thailand) and were permitted to build churches, to preach publically, and to make converts. Following a royal coup, however, a number of missionaries and converts were arrested and imprisoned. Rulers of Cochinchina and Tonkin (Vietnam), on the other hand, oscillated between policies of toleration and of suppression: sometimes permitting the missionaries to establish churches, to worship publically, and to evangelise, sometimes passing laws prohibiting such behaviour, and ordering local magistrates to prohibit Christian gatherings. On several occasions clampdowns on Christianity in both Tonkin and Cochinchina resulted in mass arrests, prosecutions and even executions. This paper explored the legal basis upon which Christians were prosecuted in these two regions, and the role that 'religion' played in their conviction. These examples speak to wider issues concerning concepts of 'religious' beliefs and practices in pre-modern Southeast Asian legal systems; and the interplay or conflict between religious and legal obligations in the context of conversion to 'alien' belief systems.

Dr Tara Alberts is a Lecturer in History at the University of York, United Kingdom. She previously held research fellowships at the European University Institute, Florence, Italy, and at Jesus College, University of Cambridge. Her work focuses on the encounter between Europeans and Southeast Asians in the sixteenth and seventeenth centuries with a particular focus on religious conversion, the development of colonial hierarchies and ecclesiastical jurisdiction, and on the exchange of beliefs and knowledge about medicine and healing. Her first book, *Conflict and Conversion*, which came out with Oxford University Press in 2013, explored conversion to Catholicism in (what are now) Thailand, Vietnam and the Portuguese port-city of Melaka (Malaysia).

29 August 2013**Policing Political Speech: Japan's Mistrust of the Marketplace (with Centre for Media and Communications Law)**

Electoral campaigning in Japan is heavily regulated, with strict limitations and controls over the form and content of political speech. The system has been hesitant to embrace new technology. Indeed, the July 2013 election for the upper house of the Diet was the first in which internet campaigning was allowed, following amendments to Japan's electoral law earlier that year. This presentation considered the new law in the context of overall campaign regulation in Japan, and explored the effects of the current system on democracy and freedom of speech.

Professor Dan Rosen has lived in Japan for nearly 20 years and taught at many of its best-known universities. Dan has been a professor at Chuo University Law School since 2004 and an adjunct professor at Waseda University since 2005. From 1997-2004, Dan was a member of the Faculty of Law at Doshisha University in Kyoto. He also has been an adjunct or visiting professor at Kobe, Osaka, Ritsumeikan, and Ryukoku Universities. In the United States, Dan was a member of the faculty at Loyola University Law School in New Orleans. Before that, he served as a law clerk to James R. Browning, Chief Judge of the U.S. Court of Appeals for the Ninth Circuit. Rosen received J.S.D. and LL.M. degrees from Yale Law School and a J.D. from Southern Methodist University (SMU), where he was Editor-in-Chief of the law journal. In addition to Dan's regular teaching and research, he comes to Melbourne every year in connection with a joint program conducted by Chuo and Melbourne Law Schools.

16 September 2013**"Catch Them If You Can": The Prosecution of People Smugglers in Indonesia (2008-2012) (with Centre for Indonesian Law, Islam and Society)**

In this seminar, Dr Missbach will compare the prosecution of people smugglers and their helpers before and after the criminalisation of people smuggling through the new Law on Immigration (2011). She will utilise case studies of convicted people smugglers collected in Indonesia in recent years in order to demonstrate how local courts have treated these matters and what penalties have resulted from the convictions. While the number of trials for people smugglers in Australia has decreased since 2012, the opposite is the case for Indonesia.

Antje Missbach obtained her PhD from the Australian National University in Canberra. She has taught at Humboldt University in Berlin, Germany and also at Heidelberg University, Heidelberg, Germany. Antje is currently a McKenzie Postdoctoral Fellow at the University of Melbourne. Antje is interested in questions on mobility and the instrumentalisation of (be) longing. In the past, she has studied diasporic interventions in homeland politics. More recently, her interest has shifted towards 'irregular' migration and people smuggling.

**8 October 2013****Pivot and Partnership: An Examination of the Trans-Pacific Partnership in the United States' Asian Strategy (with Global Economic Law Network)**

The Trans-Pacific Partnership Agreement (TPP) will cover almost 800 million people in 12 countries, which account for nearly 40 per cent of global GDP. It will govern a comprehensive range of areas including trade liberalisation, investment protection, intellectual property and regulatory standardisation. Its negotiation demonstrates the importance of the Asia-Pacific region to global trade and investment and the potential realignment of economic power in coming decades.

This seminar explored the TPP in the context of the United States' Asia strategy, including the United States' perception of its role in the Pacific, the areas in which US policy towards the TPP is continuous with the past, and areas in which the US needs to modernise to fit new circumstances. In particular, Mr Gresser discussed the role of US trade policy in Asia and the relationship between the TPP and the US policy 'pivot' or 'rebalance' towards Asia and China. Mr Gresser's valuable insights, gleaned from years of experience in US and global trade policy, were enlightening and informative.

Edward Gresser, one of the United States' best known and most influential trade policy scholars.

10 October 2013**Reforming Justice: The Imperative to Realign the 'Rule of Law' - with Specific Reference to the Asian Experience**

Justice is fundamental to human well-being and development. Over the past fifty years development agencies have spent billions of dollars supporting legal and judicial reforms around the world. Official development assistance – foreign aid – has grappled with the challenges of improving 'the rule of law' through improving economic growth and good governance. But the results

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have usually been underwhelming and often dismal. The unmet challenge is to address mounting concerns about equity and distribution. In his new book, 'Reforming Justice: A Journey to Fairness in Asia' (Cambridge University Press: 2012), Dr Armytage called for justice to be positioned more centrally in evolving notions of equitable development. Building on new evidence from Asia, he argues that there is now an imperative to realign these reforms to promote justice as fairness or equity. Fairness is attained through the enablement of rights, which embody the norms of civic well-being, whether vested in international, domestic or customary law.

Dr Livingston Armytage is a specialist in judicial and legal reform, advising governments, courts and international development agencies on improving justice systems around the world. He has worked in senior roles for major development agencies in more than 30 countries, from Afghanistan and Azerbaijan, to Haiti, Palestine, Pakistan and Papua New Guinea. Livingston is a visiting fellow at the Lauterpacht Centre of International Law, University of Cambridge. He is Founding Director of the Centre for Judicial Studies (www.educatingjudges.com) and Adjunct Professor of Law at the University of Sydney. His other books include *Educating Judges* (Kluwer/Brill: 1996), and *Searching for Success in Judicial Reform* (OUP: 2009).

20 November 2013

If You're Crazy Enough: Access to Justice and Tourist Guidebooks on Singapore Drug Laws

Access to justice is defined as access to lawyers as well as legal information and informal dispute resolution mechanisms. Legal information is normally thought of as the information provided by formal institutions such as courts and non-profit organisations, but tourist guidebooks are also a source of legal information, one that likely reaches a much larger audience. This talk explored the type of information shared about Singapore law in tourist guidebooks, as compared to other Asian countries, and considered whether access to justice is served by this kind of legal information.

Helena Whalen-Bridge is an Associate Professor at the National University Faculty of Law. Helena teaches Legal Ethics and advanced skills courses such as Comparative Advocacy and Legal Argument and Narrative. She received the NUS Teaching Excellence Award and is a longstanding member of the Law Faculty's Teaching Excellence Committee. Her research interests include legal education, legal ethics and pro bono, and access to justice. Her next article on "Conceptualising Pro Bono in Singapore" is forthcoming in the *Asian Journal of Comparative Law* (2014), and she has published on non-profit pro bono work (*Legal Ethics* 2010 and the connection between ethics and legal narrative, *Journal of the Association of Legal Writing Directors* 2010). Helena is a founding member of the Law Society of Singapore's Project Law Help, and she worked with the UNDP Team that translated Laos laws into English. She has been the Faculty Advisor for the Law Faculty's student Pro Bono Group since its inception in 2005.

6 December, 2013

The Zamboanga Siege and Its Implications for the GRP-MILF Peace Accord

The struggle of the Moro people for self-determination has been going on for decades and attempts to achieve peace in Mindanao have so far failed to end the war. Barely four years after the peace agreement between the Philippine government and the Moro National Liberation Movement (MNLF) was signed in 1976, a nascent group called the Moro Islamic Liberation Front (MILF) began a new struggle against what they consider the national government's continuing colonial rule over the Moro people. After years of violent skirmishes, the government and the MILF attempted to forge a peace agreement in 2009 in Kuala Lumpur, but the Philippine Supreme Court declared the agreement unconstitutional. In 2012, President Aquino announced the signing of a "Framework Agreement" for peace with the MILF to set down the political and economic conditions for a planned Moro autonomous rule in certain areas of Mindanao. The MNLF objected to the planned peace agreement, claiming that it abandons the 1976 and 1996 MNLF-GRP peace agreements. This was the situation when fighting suddenly broke out between government troops and MNLF forces in Zamboanga. The fierce battles in that city resulted in many deaths and lasted for at least 21 days before the MNLF troops withdrew.

Rep. Colmenares discussed the possible reasons for this sudden attack by what the government thought was a moribund MNLF group and its implications for the GRP-MILF peace talks. He also discussed the political situation under the Aquino government, rocked by a corruption scandal and escalating human rights violations, as the national context of the search for a just and lasting peace in Mindanao, one of the longest theaters of war in the region.

Rep. Neri Javier Colmenares is the Senior Deputy Minority Leader in the Philippine House of Representatives and is on his 3rd Term as a Congressman representing the Bayan Muna (People First Party). He is a human rights lawyer and has argued before the Philippine Supreme Court on various constitutional issues, including the challenge to the emergency rule imposed by then President Gloria Arroyo in 2007, the constitutional validity of the US-Philippines Visiting Forces Agreement, the move to amend the Philippine Constitution through a "peoples" initiative, and recently, the constitutionality of the Cybercrime Law. He was a member of the constitutionally-created 11-member prosecution panel in the impeachment of the Philippine Ombudsman and in the 2012 impeachment trial of the Supreme Court Chief Justice who was convicted for corruption by the Senate impeachment court. He was an Associate of the Asian Law Centre when he was studying for his PhD with the University of Melbourne in 2001. He lectures on, among other topics, International Humanitarian Law in the Supreme Court-sponsored Mandatory Continuing Legal Education (MCLE) for members of the Bar.

Asian Legal Dialogues

The establishment of a seminar series presented only in Asian languages is an important initiative of the Asian Law Centre. This is a unique forum for regional scholars to discuss important legal issues in their own language, and is well attended by local ethnic communities. It also reflects the Asian Law Centre's emphasis on language skills as a key tool for research and teaching.

19 February 2013

The Role of Court Clerks in Japan

The role of court clerks in Japan is unfamiliar even to the citizens of Japan. Most people are unaware of what is involved in a court clerk's day-to-day work. In this seminar, Ms Kametaka spoke about how to become a court clerk, her role, and the importance of the job within the legal system.

Court Clerk Michiko Kametaka graduated from Chuo University and was appointed as a court clerk in 1999. She is currently an assistant chief of personnel division at the Yokohama District Court. Ms Kametaka researched work-life balance for court employees during her stay in Australia.

21 February 2013

The Life of a Judge in Japan

There are few people aware of what a judge really does in Japan. Most citizens will not have the opportunity to speak with or learn about their role in the judicial system. In this seminar, Judge

Kitagawa spoke about how to be appointed as a judge, her role, lifestyle, and the positives, as well as the burdens of the job. The presentation was based solely on her personal experiences. Judge Kitagawa presented in English and welcomed anyone interested in Japanese or comparative law to attend.

Judge Sachiyo Kitagawa is the tenth Visiting Research Scholar to visit the Melbourne Law School as part of the Supreme Court of Japan's Overseas Training and Research Program. She graduated from Kyoto University and was appointed as a judge in 2006. Judge Kitagawa is currently a judge at the Fukuoka District Court, and hears civil trial cases.

Majlis: South Asia Discussion Group

Majlis is a discussion group focussing on South Asian Law. It meets once every month to discuss current and historical issues related to South Asia, and uses films as a means to provoke discussion and debate.

18 April 2013

'Tales of the Night Fairies'

Director: Shohini Ghosh; Genre & Year: Documentary, 2002

Tales of the Night Fairies explores the power of collective organising and resistance while reflecting upon contemporary debates around sex work. The simultaneously expansive and labyrinthine city of Calcutta forms the backdrop for the personal and musical journeys of storytelling. The film attempts to represent the struggles and aspirations of thousands of sex workers who constitute the DMSC (Durbar Mahila Samanwaya Committee or the Durbar Women's Collaborative Committee), an initiative that emerged from the Sonagachi HIV/AIDS Intervention Project. A collective of men, women and transgendered sex workers, DMSC demands decriminalization of adult sex work and the right to form a trade union.

15 August 2013

'Tales from the Margins'

Director: Kavita Joshi

Twelve women take off their clothes on the streets of Imphal in protest. For six years, a young Manipuri woman has been on a protest fast demanding justice, even while she remains under arrest and the authorities forcibly feed her through a line. Why are the women of Manipur being forced to resort to using their own bodies as the battlefield on which to fight the Armed Forces (Special Powers) Act? Living in the shadow of violence, Manipur's people have for decades faced arrest, torture and extra-judicial killings, yet few are listening. This is a place that mainland India has marginalized and that the world has forgotten. *Tales from the Margins* attempts to lay bare the situation for public scrutiny.

MAJLIS

‘Little Terrorist’

Director: Ashvin Kumar

Jamal, a 12 year old Muslim Pakistani mistakenly crosses the border between India and Pakistan, finding an unusual ally in a Hindu Brahmin, Bhola. Indian soldiers descend on Bhola's village searching for the 'terrorist' who crossed over. His niece Rani insists they can't let a Muslim into their Hindu home. With Bhola and Rani grappling with the consequences of harboring a Pakistani and their deep-set prejudice against Muslims, Jamal's only hope is the humanity shared by a people separated by artificial boundaries a long time ago. Based on a true story; in early 2003 a twelve-year-old Pakistani boy crossed the Indo Pak border by mistake. Indian Prime Minister Atal Bihari Vajpaaee, amidst PR fanfare, restored the boy to his family in Pakistan, kicking off the thaw in tensions between these two nuclear countries who had come so close to war less than a year earlier.

9 September 2013**‘A Jihad for Love’**

Director: Parvez Sharma

Fourteen centuries after the revelation of the holy Qur'an to the Prophet Muhammad, Islam is the world's second largest and fastest growing religion. Muslim gay filmmaker Parvez Sharma travels the many worlds of this dynamic faith, discovering the stories of its most unlikely storytellers: lesbian and gay Muslims. Produced by Sandi DuBowski (Trembling Before G-d) and Sharma, A Jihad for Love was filmed in 12 countries and 9 languages and comes from the heart of Islam. Looking beyond a hostile and war-torn present, it reclaims the Islamic concept of a greater jihad, whose true meaning is akin to 'an inner struggle' or 'to strive in the path of God', allowing its remarkable subjects to move beyond the narrow concept of jihad as holy war.

7 October 2013**‘Words on Water’**

Director: Sanjay Kak

For more than 15 years, the people of the Narmada Valley in central India have resisted a series of massive dams on their river, and in their struggle have exposed the deceptive heart of India's development politics. When the use of violence has become the arbiter of all political debate, 'Words on Water' is about a sustained non-violent resistance, an almost joyous defiance that empowers people as they struggle for their rights, yet saves them from the ultimate humiliation of violence.

Continuing Legal Education Seminar Series/Professional Development Strategy Seminar Series: Transactional Law Initiative



The Professional Development Strategy was adopted by the Asian Law Centre (ALC) in 2008 for the purpose of maintaining and developing its relationship with the legal profession. It accommodates a need identified by law firms and the profession for specialist training in Asian commercial law and legal practice, which can form part of the Continuing Professional Development (CPD) programme.

Since November 2011, the Professional Development Strategy has been pursued under the auspices of the Transactional Law Initiative (TLI), of which Andrew Godwin is the Director. Asia-related events that are organised by the Transactional Law Initiative are co-hosted with the Asian Law Centre as part of the Professional Development Strategy and marketed through its email distribution list.

The primary aim of the TLI is to help students understand:

- the relevance of legal principles and concepts in a transactional context;
- the role that transactional lawyers perform and the challenges that arise in performing that role; and
- the theory behind the skills that transactional lawyers need to develop, including drafting, advisory and negotiation skills, in order to perform their role effectively.

The secondary aim of TLI is to develop a further platform on which Melbourne Law School can engage with the legal profession

Relevant activities in 2013 included:

- 'Globalisation of Legal Services and Australia', at Joint Study Institute for Law Librarians Conference, 15 February 2013.
- 'Drafting Clearer Contracts' Workshop, Melbourne, 12 March 2013.
- 'Global Developments in the Regulation of Derivatives' Seminar, 12 March 2013.
- 'Drafting Clearer Contracts' Workshop, Sydney, 14 March 2013.
- 'Development of the Regulation of Law Firms in Asia' Roundtable, 5 April 2013.
- Moderating 'Servicing Asia's Booming Middle Class: Managing Complexities and Capturing Growing Opportunities', at *Next Generation* Seminar, Asialink, Melbourne, 21 May 2013.
- 'Liberalisation of Legal Services in Asia - An Update' Roundtable (with Asian Law Centre and Centre for Corporate Law and Securities Regulation), 22 May 2013.
- 'Adding Value to the Drafting Process for Government Lawyers' Workshop (with Law Institute of Victoria), 16 July 2013.
- 'Private Equity and Hedge Funds after the Global Financial Crisis' Roundtable and Book Launch (with Centre for Corporate Law and Securities Regulation), 15 August 2013.
- 'Lawyers' Ethics Regulation in China and Japan: A Comparative Study' (with Asian Law Centre), 22 August 2013.
- 'Proportionate Liability', Professional Training Workshop, Gilbert + Tobin, 28 August 2013.
- 'Good Faith in Performance of Contracts', Professional Training Workshop, Gilbert + Tobin, 2 October 2013.
- 'Indemnities', Professional Training Workshop, Gilbert + Tobin, 16 October 2013.
- 'Regulation of Foreign Lawyers in China', Allens China Interest Group, 31 October 2013.
- 'Preliminary Agreements', Professional Training Workshop, Gilbert + Tobin, 13 November 2013.

PROGRAMS & INITIATIVES

Asian Law Centre Programs and Initiatives

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 Rosalynd 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 Rosalynd Smith, and the many friends and colleagues of Professor Smith who have generously donated to the scholarship.

Recipients of the Malcolm DH Smith Memorial Scholarship include:

2013 – Mr Raoul Renard

2012 (retrospective) – Mr Rory Hudson

Chuo Summer School

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

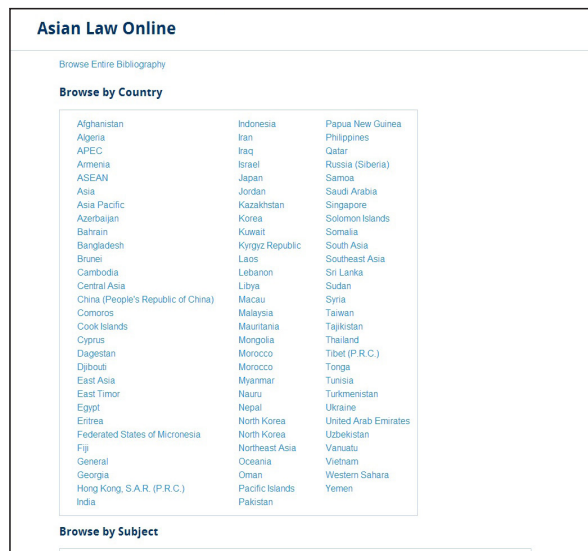
The Summer School continues the relationship with Chuo Law School that was developed – and originally taught – by the late Professor Malcolm Smith, when he joined Chuo Law School as Professor of Law in 2004.

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

Multimedia IT

Asian Law Online

http://www.law.unimelb.edu.au/alo_bibliography/index.asp



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.

The ALC has received extremely positive feedback in regard to *Asian Law Online*, which is reflected by the high number of 'page views'. Since its launch in 2002, *Asian Law Online* has been one of the most popular websites in the Law School, with more than 4.6 million page views. Users are based within the University of Melbourne and beyond.

ALC Useful Research Links

Linked to *Asian Law Online*, the Useful Research Links website is a searchable database of useful websites.

The database is organised according to countries in East Asia and a selection of basic legal areas and can be searched for any word. It can be accessed via *Asian Law Online*.

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/>

MULTIMEDIA IT

China Law Network



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

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

For further information, please see <http://www.law.unimelb.edu.au/0787FBC8-934E-11E1-A91D0050568D0140>

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>.

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://www.law.unimelb.edu.au/0BDBE0A0-2255-11E2-BCDC0050568D0140>

Faculty Teaching and Education

Members of the Centre have contributed programmes of Asian law-related subjects at the undergraduate, 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 over the last three years have included:

Postgraduate (LLM) Subjects

- Chinese Corporate Law and Securities Regulation
- Chinese Law
- Chinese Tax and Investment Law
- Commercial Law in Asia
- Corporate Law in a Global Financial Centre
- Deals with China
- Drugs and the Death Penalty in Asia
- East Asian Competition Policy and Law
- International Law and Development
- Islamic Law and Politics in Asia (intensive)
- Rule of Law in Asia

Research Students Under Supervision of Centre Members

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

In 2013, Asian Law Centre members supervised 28 PhD candidates, 3 of whom completed their PhDs in 2013.

Higher degree research candidates who submitted or successfully completed in 2013 were:

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| <p>Mrs Nurhidayah Muhammad Hashim (PhD (Law))</p> <p>"Maintenance for Children after Divorce in Syaria and Civil Practice in Malaysia: What Malaysia can Learn from Australia's Child Support Scheme"</p> <p>Supervisors: Tim Lindsey, Abdullah Saeed (Asia Institute)</p> <p>Year of Completion: 2013</p> |
| <p>Ms Helen Pausacker (PhD (Law))</p> <p>"Morality and the Nation: Law, Pornography and Indonesia's Islamic Defenders Front"</p> <p>Supervisors: Tim Lindsey, Abdullah Saeed (Asia Institute)</p> <p>Year of Completion: 2013</p> |

RESEARCH STUDENTS

Ms Hajrah Saboor (PhD (Law))

“Pakistan’s Islamic Identity, its Blasphemy Law and the International Law of Human Rights”

Supervisors: Carolyn Evans, Amanda Whiting

Year of Completion: 2013

Research students under the supervision of Centre members in 2013 included:

Ms Anisa Buckley (PhD (Law and Asia Institute))

“Muslim Women, Family Laws and the Challenges of Securing a ‘Complete’ Divorce: The Australia Experience”

Supervisors: Abdullah Saeed (Asia Institute), Tim Lindsey and Andrea Whittaker (Monash University)

Expected Year of Completion: 2014

Ms Faye Chan (PhD (Law))

“Control and Resistance: The Social and Legal Regulation of Indonesian Chinese Women, 1930-2005”

Supervisors: Tim Lindsey, Kate McGregor (Arts), Katherine Darian-Smith (Historical and Philosophical Studies)

Expected Year of Completion: 2018

Mr Peter Dirou (PhD (Law))

“Food Security, Development and Law: Insights from the Indonesian Experience”

Supervisors: Tim Lindsey, Shaun McVeigh, Sundhya Pahuja

Expected Year of Completion: 2014

Mr Do Hai Ha (PhD (Law))

“The Right to Strike in Vietnam: Towards a Better Regime”

Supervisors: Pip Nicholson, Sean Cooney

Expected Year of Completion: 2014

Mr Stewart Fenwick (PhD (Law))

“Is Rawlsian Liberalism Compatible with Islamic Thought? A Case Study of Religious Freedom in Post-Soeharto Indonesia”

Supervisors: Tim Lindsey, Abdullah Saeed (Asia Institute)

Expected Year of Completion: 2014

Mr Hailegabriel Gedecho Feyissa (PhD (Law))

“The Ethiopian Civil Code at its Fifty: A Historical and Legal View from Inside”

Supervisors: Pip Nicholson, Takele Bulto (University of Canberra)

Expected Year of Completion: 2016

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| <p>Mr Andrew Godwin (PhD (Law))</p> <p>“The Relevance of Traditional Proprietary Rights to the Reform of Rural Land Rights in China”</p> <p>Supervisors: Sarah Biddulph, Michael Bryan, Sean Cooney</p> <p>Expected Year of Completion: 2014</p> |
| <p>Ms Carolyn Graydon (PhD (Law))</p> <p>“Reforming Customary Law Systems to Address Domestic Violence in Timor-Leste: Customary Law, Legal Pluralism and Women’s Rights”</p> <p>Supervisors: Tim Lindsey, Dianne Otto</p> <p>Expected Year of Completion: 2014</p> |
| <p>Ms Samantha Hinderling (PhD (Law))</p> <p>“A New Paradigm for Meaningful Evaluation of International Legal Development: The Recipients’ Perspective”</p> <p>Supervisors: Pip Nicholson, Tim Lindsey, Livingston Armytage (University of Sydney)</p> <p>Expected Year of Completion: 2019</p> |
| <p>Ms Tess Hardy (PhD (Law))</p> <p>“New Initiatives in Enforcing Employment Standards: Assessing the Effectiveness of Federal Government Compliance”</p> <p>Supervisors: John Howe, Sean Cooney</p> <p>Expected Year of Completion: 2014</p> |
| <p>Mrs Nurhidayah Muhammad Hashim (PhD (Law))</p> <p>“Maintenance for Children after Divorce in Syaria and Civil Practice in Malaysia: What Malaysia can Learn from Australia’s Child Support Scheme”</p> <p>Supervisors: Tim Lindsey, Abdullah Saeed (Asia Institute)</p> <p>Year of Completion: 2013</p> |
| <p>Mr Joseph Kikonyogo (PhD (Law))</p> <p>“WTO Negotiations on Agriculture: Will the African Group Always Have a Raw Deal?”</p> <p>Supervisors: Tania Voon, Pip Nicholson</p> <p>Expected Year of Completion: 2014</p> |
| <p>Ms Sally Low (PhD (Law))</p> <p>“A Legal History of the French Protectorate in Cambodia: 1863 to 1953”</p> <p>Supervisors: Pip Nicholson, David Chandler (Faculty of Arts, Monash University)</p> <p>Expected Year of Completion: 2014</p> |

RESEARCH STUDENTS

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| <p>Mr Imran Lum (PhD (Law and Asia Institute))</p> <p>“Negotiating the Prohibition of Riba: Australian and British Muslim Attitudes Towards Conventional and Islamic Banking”</p> <p>Supervisors: Abdullah Saeed (Asia Institute), Tim Lindsey</p> <p>Expected Year of Completion: 2014</p> |
| <p>Ms Daisy (Jin) Ma (PhD (Law))</p> <p>“Intellectual Property, Innovation and Transfer of Clean Energy Technologies: Study from the Standpoint of Developing Countries”</p> <p>Supervisors: Sam Ricketson, Sean Cooney, Jürgen Kurtz</p> <p>Expected Year of Completion: 2016</p> |
| <p>Ms Jessica Melvin (PhD (Law))</p> <p>“The 1965 Mass Killings in Aceh”</p> <p>Supervisors: Kate McGregor (Arts), Tim Lindsey, Steven Welch (Arts)</p> <p>Expected Year of Completion: 2014</p> |
| <p>Mr Nimmith Men (PhD (Law))</p> <p>“The Development of Alternative Dispute Resolution in the Cambodian Civil Justice System”</p> <p>Supervisors: Sean Cooney, David Chandler (Faculty of Arts, Monash University), Pip Nicholson</p> <p>Expected Year of Completion: 2014</p> |
| <p>Mr Jason Sze Chieh Ng (PhD (Arts))</p> <p>“Red Shadow: Malayan Communist Memoirs as Parallel Histories of Malaysia”</p> <p>Supervisors: Kate McGregor (History), Amanda Whiting</p> <p>Expected Year of Completion: 2016</p> |
| <p>Ms Wendy Ng (PhD (Law))</p> <p>“Stepping Through the Looking Glass: China’s Anti-Monopoly Law on its Own Terms”</p> <p>Supervisors: Sean Cooney, Caron Beaton-Wells</p> <p>Expected Year of Completion: 2014</p> |
| <p>Ms Helen Pausacker (PhD (Law))</p> <p>“Morality and the Nation: Law, Pornography and Indonesia’s Islamic Defenders Front”</p> <p>Supervisors: Tim Lindsey, Abdullah Saeed (Asia Institute)</p> <p>Year of Completion: 2013</p> |

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| <p>Mr Richard Powell (PhD (Education, Linguistics))</p> <p>“Vernacularising the Law: Malaysia’s Bilingual Policy as a Model for Postcolonial Common Law Systems”</p> <p>Supervisors: Joe LoBianco, Amanda Whiting</p> <p>Expected Year of Completion: 2014</p> |
| <p>Ms Rheny Pulungan (PhD (Law))</p> <p>“The Shortcomings of International Law on Piracy and Maritime Terrorism: Options for Strengthening Maritime Security in the Malacca Strait”</p> <p>Supervisors: Tim Lindsey, Andrew Mitchell</p> <p>Expected Year of Completion: 2014</p> |
| <p>Ms Sonia Randhawa (PhD (Arts, History))</p> <p>“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?”</p> <p>Supervisors: Kate McGregor, Amanda Whiting</p> <p>Expected Year of Completion: 2018</p> |
| <p>Ms Jennifer Rowe (PhD (Law))</p> <p>“Human Rights and Harm Reduction Amongst Drug Dependent Populations in Cambodia”</p> <p>Supervisors: Tim McCormack, Nick Crofts, Sarah Biddulph, Rob Moodie, Nick Thomson</p> <p>Expected Year of Completion: 2014</p> |
| <p>Mr Dudi Rulliadi (PhD (Law))</p> <p>“The Transformation of Public-Private Partnerships (PPPs) in Infrastructure: The Case of Indonesia”</p> <p>Supervisors: Anne Orford, Tim Lindsey, Andrew Mitchell</p> <p>Expected Year of Completion: 2015</p> |
| <p>Ms Hajrah Saboor (PhD (Law))</p> <p>“Pakistan’s Islamic Identity, its Blasphemy Law and the International Law of Human Rights”</p> <p>Supervisors: Carolyn Evans, Amanda Whiting</p> <p>Year of Completion: 2013</p> |
| <p>Adv Andy Schmulow (PhD (Law))</p> <p>“Problems Associated with Prudential Regulatory Enforcement in the Indonesian Banking Sector”</p> <p>Supervisors: Tim Lindsey, Charles Coppel (History)</p> <p>Expected Year of Completion: 2014</p> |

RESEARCH STUDENTS

Mr Hao Zhang (PhD (Law))

“Legal Risks of Payment Scheme of Carbon Trade and its Judicial Remedy in China”

Supervisors: Lee Godden, Sarah Biddulph

Expected Year of Completion: 2014

Highlighted Achievements by Asian Law Centre Members

Launch of the new Centre for Indonesian Law, Islam and Society

The Melbourne Law School's new Centre for Indonesian Law, Islam and Society (CILIS), directed by former ALC Director, Professor Tim Lindsey, was officially launched in May, 2013. The ALC and CILIS are closely linked, as CILIS has grown out of the ALC's longstanding programmes on Indonesian law, and Tim remains an Associate Director of the ALC. We look forward to close cooperation between the twin Centres over the coming years. More details about CILIS are available at <http://www.law.unimelb.edu.au/cilis>

Sean Cooney appointed to Professor

Congratulations to Sean Cooney, who has been recognised for the excellence of his research, teaching, service and engagement by promotion to professor in the Melbourne Law School from 2013.

Sarah Biddulph appointed to Professor

Congratulations to Sarah Biddulph, who has been recognised for the excellence of her research, teaching, service and engagement by promotion to professor in the Melbourne Law School from 2014.

Sarah Biddulph's ARC Future Fellowship

Congratulations to Sarah Biddulph, who was awarded an ARC Future Fellowship in 2013. During the period of her Fellowship (2013-2017), Sarah will research "Administrative Justice in China: Harnessing the Rule of Law to Deal with Citizen Complaints against Official Misconduct".

Highlighted Achievements by Asian Law Centre RHD Students and Research Assistants

MLS Student Published Research Prize 2013

Anesti Petridis wrote a paper for the Advanced Research subject in February 2012, which won the ANJeL / Ashurst Essay prize and was also accepted for publication in the *Journal of Japanese Law* ('Knocking at the Door of the Stone Fortress: Appeals to the Supreme Court under Japan's 1996 Code of Civil Procedure', *Journal of Japanese Law*, Spring 2013 issue (No. 34)). 'Knocking at the Door of the Stone Fortress: Appeals to the Supreme Court under Japan's 1996 Code of Civil Procedure'.

It went on to win the MLS Student Published Research Prize for 2013 and has been acknowledged as the best student published article in the JD category. The Asian Law Centre and its members congratulate Anesti on this outstanding achievement.

Anesti's article presented the first long-term statistical analysis of Japanese Supreme Court appeals since reforms to Japan's Civil Procedure Code were passed in 1996. Using data compiled from annual court reports, he found that appeals filed in the Supreme Court have increased dramatically under the 1996 Code, contrary to the reform's stated objectives.

Position at Centre for Corporate Law and Securities Regulation

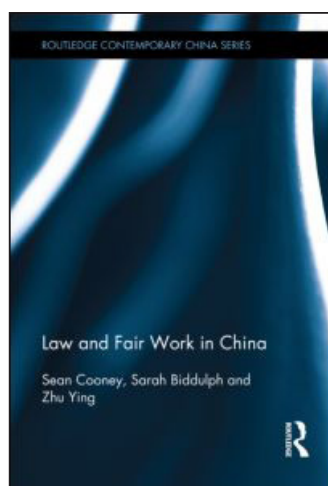
Reegan Grayson-Morison, a Research Assistant for the Japan Program at the Asian Law Centre, began a continuing position at the Centre for Corporate Law and Securities Regulation (CCLSR) at the Melbourne Law School in June, 2013. Reegan will be responsible for providing high level administrative support to Professor Ian Ramsay and other members of the Centre, as well as assisting members of the Centre with research. Reegan is also planning to pursue further postgraduate studies at the Melbourne Law School in 2014.

We wish Reegan well with her new position, and look forward to continuing to work with her.

PUBLICATIONS

Highlighted Publications

Law and Fair Work in China (2013)



Authors: Sean Cooney, Sarah Biddulph and Ying Zhu

China's economic reforms have brought the country both major international clout and widespread domestic prosperity. At the same time, the reforms have led to significant social upheaval, particularly manifest in labour relations. Each year, several thousand disputes break out over working conditions, many of them violent, and the Chinese state has responded with both legal and political strategies.

This book investigates how Chinese governments have used law, and other forms of regulation, to govern working conditions and combat labour disputes. Starting from the early years of the Republican period, the book traces the evolution of the law of work in modern China right up to the reforms of the present day. It considers the structure of Chinese work law, drawing on both Chinese and Western scholarship to provide new insights into its unique features and assess where the law is innovative and where it is stagnant and unresponsive. The authors explore the various legal and extra-legal techniques successive Chinese governments have adopted to enforce work law and the responses of firms, workers and organizations to these practices.

To purchase: www.routledge.com

Publications of Members, Associates & Researchers

Books

Cooney, S., Biddulph, S. and Ying Zhu (2013), *Law and Fair Work in China*, Routledge, London.

Makruf, J. and **Lindsey, T.** (eds.) (2013), *Hukum Keluarga, Pidana dan Ekonomi: Kajian Perundang-undangan Indonesia, Fikih dan Hukum Internasional [Family Law, Crime and Economics: A Study of Indonesian Law, Islamic Jurisprudence and International Law]*, Kencana Prenada Media Group, Jakarta.

Chapters in Books

Ahmed, F., 'Religious Norms in Family Law: Implications for Group and Personal Autonomy', in Mavis Maclean and John Eekelaar (eds.) (2013), *Managing Family Justice in Diverse Societies*, Hart Publishing, Oxford, 33-48.

Ahmed, F. and Ghanea, N. (2013), 'Religion and Human Rights: Conflicts and Connections', in Paul Hedges (ed.), *Controversies in Contemporary Religions, Volume 2: Public and Ethical Controversies*, Praeger Publishers.

Biddulph, S., 'Compulsory Drug Rehabilitation in China', in Fifi Rahman and Nick Crofts (eds.) (2013), *Drug Law Reform in East and Southeast Asia*, Lexington Books, USA, 233-243.

Biddulph, S., 'Rights in the New Regime for Treatment of Drug Dependency', in Mike McConville and Eva Pils (eds.) (2013), *Comparative Perspectives on Criminal Justice in China*, Edward Elgar Publishing, UK, 323-344.

Lindsey, T. and Butt, S., 'Unfinished Business: Law Reform, Governance and the Courts in Post-Suharto Indonesia', in Mirjam Künkler and Alfred Stepan (eds.) (2013), *Democracy and Islam in Indonesia*, Columbia University Press, USA, 168-186.

Missbach, A., 'Stuck in Limbo: Transit Migration in Indonesia', in Matthias Heise and Kathrin Rucktäschel (eds.) (2013), *Indonesia's Search for Democracy: Political, Economic and Social Developments*, NOMOS Verlag, Baden-Baden, 259-276.

Whiting, A., 'Human Rights: Malaysia', in Joseph Suad (ed.) (2013), *Encyclopedia of Women and Islamic Cultures*, Online Supplement, Vol VII, No. 1.

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- Crouch, M.** (2013), 'Shifting Conceptions of State Regulation of Religion: The Indonesian Draft Law on Inter-religious Harmony', *Global Change, Peace and Security* [Special Edition: State, Society and Religion in Asia-Pacific], 1-18.
- Godwin, A.** (2013), 'Going Global - The Australian Legal Profession in the Asian Century', 87(12) *Law Institute Journal*, 43-45.
- Godwin, A.** (2013), 'Obligations to Negotiate in Good Faith in Cross-border Deals', 3 *Harvard Business Law Review*, 92-97.
- Godwin, A.** (2013), 'The Internal Logic Behind the Evolution of Company Law in China: Do Legal Origins Matter?', 14(2) *Australian Journal of Asian Law*, Article 5: 1-21.
- Hardy, T., Howe, J. and **Cooney, S.** (2013), 'Less Energetic, but More Enlightened? Exploring the Fair Work Ombudsman's Use of Litigation in Regulatory Enforcement', 35 *Sydney Law Review*, 565-597.
- Hooker, M.** (2013), 'Maria was a Christian - Nadra was a Muslim: Hertogh Revisited', 14 *Australian Journal of Asian Law*, 1-35.
- Hooker, M.** (2013), 'Muslim Law, Ahmadiyya and Islamic Doctrine in Singapore', 14 *Australian Journal of Asian Law*, 1-45.
- Howe, J., Hardy, T. and **Cooney, S.** (2013), 'Mandate, Discretion and Professionalisation in an Employment Standards Enforcement Agency: An Antipodean Experience', 35 *Law and Policy*, 81-108.
- Larcombe, W., Tumbaga, L., Malkin, I., **Nicholson, P.** and Tokatlidis, O. (2013), 'Does an Improved Experience of Law School Protect Students Against Depression, Anxiety and Stress? An Empirical Study of Wellbeing and the Law School Experience of LLB and JD Students', 35 *Sydney Law Review*, 407-432.
- Missbach, A.** (2013), 'The Waning and Waxing of the Acehnese Diaspora's Long-distance Politics', 47 *Modern Asian Studies*, 1055-1082.
- Missbach, A.** (2013), 'Transit Migrants in Indonesia: Between the Devil and the Deep Blue Sea', 39 *Pacific Geographies*, 31-35.
- Missbach, A.** (2013), 'Waiting on the Islands of "Stuckedness": Managing Asylum Seekers in Island Detention Camps in Indonesia: From the Late 1970s to the Early 2000s', 6 *ASEAS: Austrian Journal of South-East Asian Studies*, 281-306.
- Missbach, A.** and **Crouch, M.** (2013), 'The Criminalisation of People Smuggling: The Dynamics of Judicial Discretion in Indonesia' (2013) 14 *Australian Journal of Asian Law* 1-19
- Nicholson, P.** and **Hinderling, S.** (2013), 'Japanese Aid in Comparative Perspective', 5 *Hague Journal on the Rule of Law*, 274-309.
- Nicholson, P.** and **Low, S.** (2013), 'Local Accounts of Rule of Law Aid: Implications for Donors', 5 *Hague Journal on the Rule of Law*, 1-43.
- Petridis, A.** (2013), 'Knocking at the Door of the Stone Fortress: Appeals to the Supreme Court under Japan's 1996 Code of Civil Procedure', 34 *Journal of Japanese Law*, 229-260.
- Whiting, A.** (2013), 'Emerging from Emergency Rule? Malaysian Law "Reform" 2011-2013', 14 *Australian Journal of Asian Law*, 1-55.
- Zhang, H.** (2013), 'Design Elements of Emissions Trading Regulation in China's Pilot Programs: Regulatory Challenges and Prospects', 30 *Environmental and Planning Law Journal*, 342-356.

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- Crouch, M.** (2013), 'The Constitution, Emergency Powers and the Rule of Law in Myanmar', in *Panorama, Special Edition: Myanmar in Transition*.
- Crouch, M.** (2013), 'Myanmar's Constitutional Transition is the Military's Call', November *The Conversation*.
- Crouch, M.** (2013), 'Indonesian Constitutional Court Rejects Blasphemy Law Case', October I-CONNECT [*International Journal of Constitutional Law* blog].
- Crouch, M.** (2013), 'Teaching Myanmar's Next Generation of Lawyers', September, *East Asia Forum* (ANU).
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- Crouch, M.** (2013), 'Myanmar: Civil-Military Relations and Constitutional Reform', June *East Asia Forum* (ANU) [reposted in *Asia Sentinel*, 21 Jun, and *The Irrawaddy* 24 Jun].
- Crouch, M.** (2013), 'The Challenge of Regulating Religious Freedom in Indonesia', February *Right Now*.

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- Godwin, A.** (2012/2013), 'Compensate or Indemnify?', 4(1) *China Business Law Journal*
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- Godwin, A.** (2013), 'Liberalisation and Integration', 4(6) *China Business Law Journal*
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- Godwin, A.** (2013), 'Privilege', 4(8) *China Business Law Journal*
- Godwin, A.** (2013), 'Bankrupt or Insolvent', 4(9) *China Business Law Journal*
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- Missbach, A.** (2013), 'How Effective are Indonesia's Efforts to Stop Asylum Seekers?', November *The Interpreter*.
- Missbach, A.** (2013), 'Indonesia-Australia Relations Sour over Asylum Seeker Boats', December *Asylum Commentary*.
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