

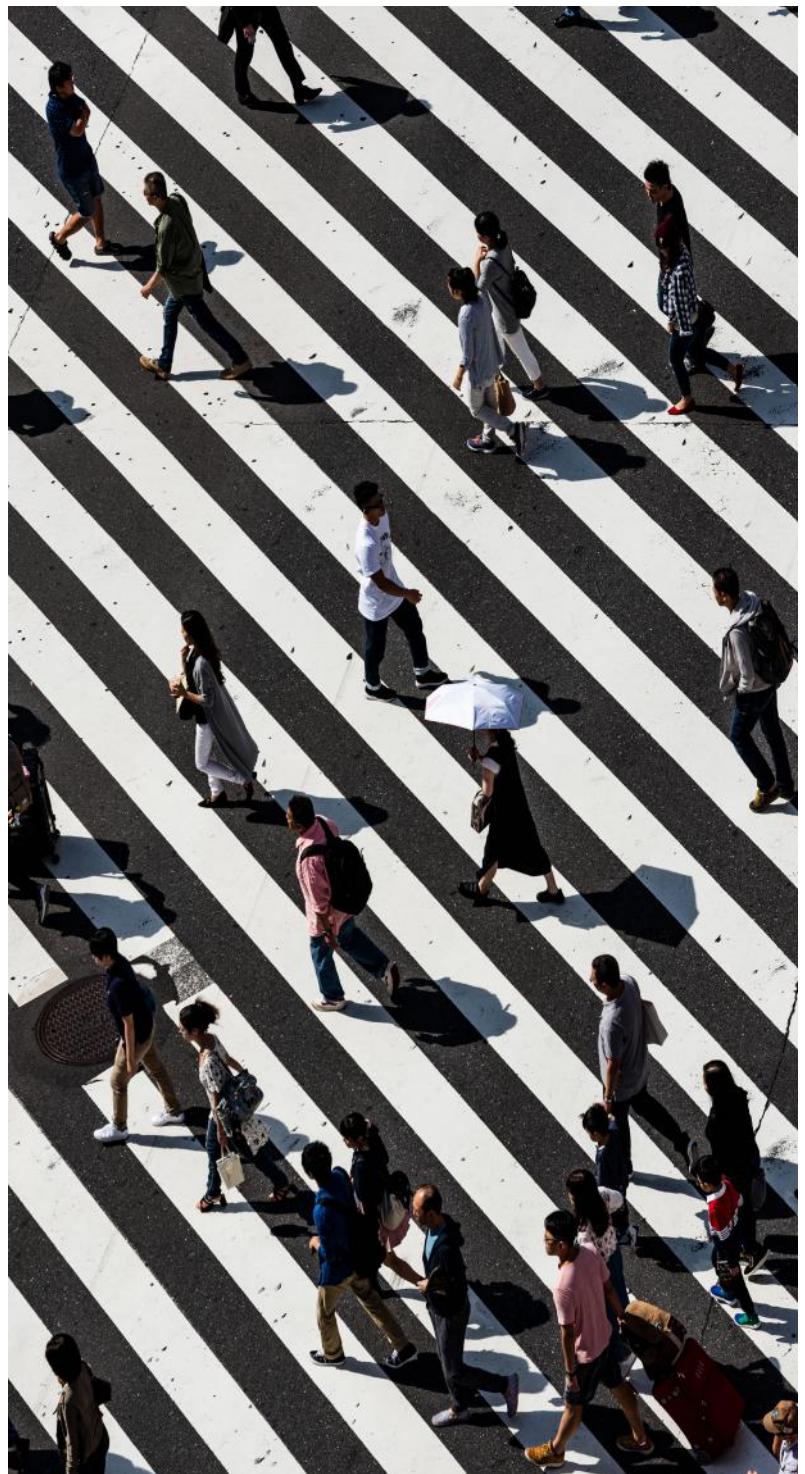
THE

# Obiter

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*Fail Forward 11*

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# *Letter From The Editor*



Welcome to Issue One of The Obiter Magazine 2018!

This is an entirely student-run publication where we want you to have your say. Covering the latest issues to keeping you up to date with what's happening on and off campus, we want to be your go-to for all things VU Law.

This is my first time running this gig and what an exciting process it has been. I come from a background in radio and communications but pulling a magazine together is a whole other story.

I can tell you though that it has really opened my eyes to just how much opportunity is out there in not only the legal profession but this great city of Melbourne.

If you are new to VU, buckle up and enjoy. If you're a returning student, welcome back!

It's still early days in the semester, it's time to commit, with all we have and drive our degrees to the next level.

I encourage all of you to get involved in as many ways as you can. I'm not usually one for clichés but this time I'll make an exception because truly, your only regret will be not doing it sooner!

Thanks for reading Issue One of 2018 and feel free to get in contact with me if you would like to contribute to any future issues of The Obiter Magazine.

Danielle Hagan  
Director of Publications  
[publications@dictumsocietyvu.com.  
au](mailto:publications@dictumsocietyvu.com.au)

# Meet the President: Q+A

*A new year means a new Dictum President. We thought that it was time that VU students got to know Jasmine Alcon a little better.*

D: Hey Jas, thanks for sitting down with us today! We all know you as the president of Dictum Society but for the readers who haven't had the pleasure of meeting you, can you tell us a little bit about where you're from and what made you decide to study law?

J: As you would know, my name is Jasmine, I'm a proud daughter of Filipino parents, and I was born and raised in Melbourne.

I was very clueless on what I wanted to do when I finished high school, I wasn't very good at maths but I like to problem-solve. I hated English and literature because I never understood the symbolism of characters in books, but I like to read. After I spoke to everyone about my contradicting interests, they all suggested a career in law or commerce, and four years later, here I am in my penultimate year of my double of Bachelor of Business/Bachelor of Laws.

D: So, nobody just wakes up as president with no pretext (unless your name is Trump). How did your involvement with Dictum come about?

J: I was first a Peer-to-Peer Mentor, and I loved helping my mentees and telling them things I wish I'd known in my first year. It was also a great way for me to make new friends and collaborate with other mentors.

In 2017, I was successfully elected as the Director of Education, where I had the chance to be on the opposite side of the coin.

I organised the Peer-to-Peer Mentor Program, I also assisted my colleagues run their events and competitions. Being a part of Dictum Society boosted my confidence. At that point, I decided to run for President. I hope to inspire students to go for everything they dream of.

Victoria University isn't in the main picture when it comes to going for the conventional legal jobs, that is, Seasonal Clerkships or Traineeships. However, that shouldn't stop students from trying and preparing themselves for when it is their turn to apply for graduate programs or penultimate year programs.

This year's Dictum team is a pleasure to work with, they are hard-working and aim to serve our membership base by ensuring information is accessible and opening up opportunities for our students.

D: So what's the plan for the year in Dictum Society? What can we all expect?

J: There are three main things everyone should look out for:

1. Social events – Trivia Night and Law Ball are the two social events that we hold this year, and it's a chance for everyone to relax and meet new people!

2. Competitions – The Junior Moot and Senior Moot are running this semester! It is a wonderful opportunity to be exposed to public speaking and a great chance to watch your peers perform in an intense environment.

3. Careers Guide – Our Director of Careers, Steph, is working tirelessly to publish a careers guide that will be useful to all students, from first years to final years. As part of the planning process, I can't wait to read it because I know everyone (myself included) will learn something from Dictum's Careers Guide 2018.

D: OK look, it's early days but if anyone is as crazy as me, they already have a dress in mind, has the planning begun for law ball?

J: Yes! We hope to finalise a venue by the middle of April. We also hope to get an awesome deal for the students.

D: So you must be flat out between work, study, and being president. How do you keep it all together?

J: I like to write out to-do lists, organise uni work weeks ahead of time and I also wouldn't say no to a bev.

D: What's something that you wish people knew about you?

J: It has taken me five years to read through a 10 book fantasy series, and I am nowhere close to finishing it. I love fantasy books, so if you have any recommendations, hit me up!

D: Now for the contentious issues – what is your favourite subject and why?

J: Taxation Law is a pretty good subject. It's a bit of a challenge because you cover so many areas of law and the law is constantly updating. But I guess that's why I enjoy it, I really like the fact the constantly changes and it is still not up to date with the current market.

D: Thanks Jas! Anything else you want to say to our readers?

J: The Dictum Committee are all really friendly, so please don't hesitate to come by the Dictum Office (ROBL08) and say hello! If you have any questions about Dictum Society, our stakeholders and our plans for the future, please email me on [president@dictumsoci-etyvu.com](mailto:president@dictumsoci-etyvu.com).

D: Thanks Jas for coming in and hanging out at the Obiter!





# International Women's Day

By Georgia Murphy

Flos Grieg was not only the first woman accepted into law school in Australia, she was also the first woman to be admitted to practice as a solicitor in 1905.

At the time of her admittance, women didn't even have the right to vote, let alone the right to study and practice law. In fact, her male peers initially objected to her enrolment in Melbourne Law School.

Being admitted was no easy feat but nevertheless, she persisted. Grieg was finally allowed in after completing a year of study in another field and gaining the support of her peers who had initially rejected her.

Along with her supporters, Grieg campaigned for the Women's Disabilities Removal Act 1903 (Vic). It made it possible for her to be admitted into law and her trailblazing efforts lead to Joan Rosanove being the first woman to sign the Bar Roll in Victoria in 1923.

Her determination has enabled remarkable women like Marilyn Warren who was appointed as the first female Supreme Court Justice in 2003. Warren has played an instrumental role in supporting women within the legal system and modernised the Supreme Court to make it more accessible.

International Women's Day ('IWD') is a day of recognition, but it is also a day of change. This past year has been a tipping point for women's empowerment as we see the strength of the #metoo campaign pouring out on social media.

Twitter confirmed that by the end of November last year, 1.7 million people had used the hashtag. On Facebook, there were 24 million uses of #metoo and 45% of all U.S. users had friends who posted about sexual assault.

What is becoming increasingly clear is the strength women have when we unite across the world. I am proud of every woman and man who has spoken out in the #metoo campaign and stood up for what's right. I look forward to the day when no one has to say #metoo again.

IWD is about recognising the hardships faced by the women before us and celebrating how far we have come. It is a day to reflect on the women who have made an impact on our lives and it is about doing what we can to pave an easier path for the women to come after us.

For me personally, my mother is my greatest female role model. Her incredible strength and determination is what I admire the most. I can't even begin to count the number of times my mother has stood up for me and pushed me to be my best. She has taught me the importance of speaking up and embracing the power of being a woman.





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### QUESTION

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### RULES

1,000 words +/- 10% • Deadline: 5PM, 11 May • \$100 to the winner  
More information: [www.dictumsocietyvu/writing-competition](http://www.dictumsocietyvu/writing-competition)

# Guilty of ‘Needing Protection’

*By Danielle Hagan*

On March 8 of this year, the Victorian Labor Government announced that it would expunge criminal records wrongly given to survivors of the Stolen Generations.

Following an investigation by National Indigenous Television Australia, it was discovered that children who were forcibly removed from their homes and taken into state care were given criminal records.

Prior to 1992, there wasn’t a clear division between welfare and criminal proceedings. As a result, thousands of Stolen Generation children were permanently affected by being charged with the crime of ‘needing protection’.

The NITV investigation tells the story of Uncle Larry Walsh who never understood why the police and the courts always told him he had a criminal record despite not learning of his initial crime until some 60 years later.

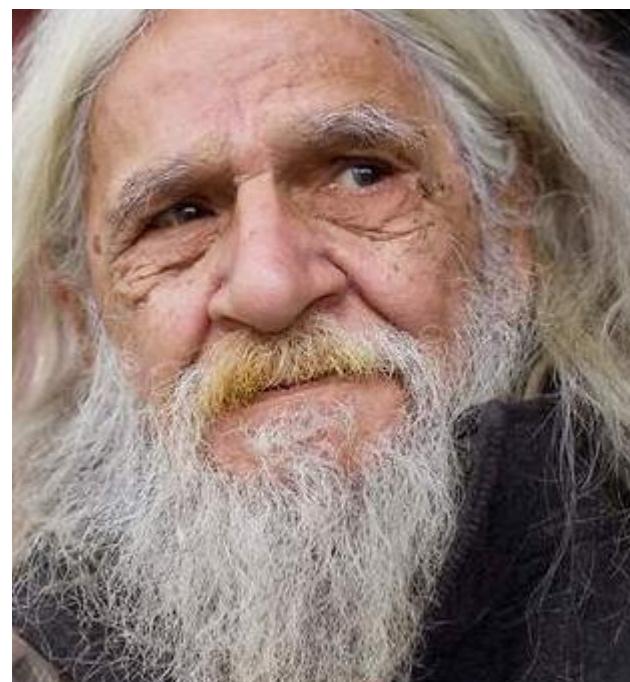
“In court I’d say ‘come on your honour, 1956, I was two and a half years old, how can I have a criminal conviction from then?’” he said. It seemed that no one could give him a straight answer.

Walsh was treated like a criminal throughout his adolescence and teens which lead to anxiety, depression, and him being committed to a Youth Training Centre at just 14. He was always targeted for any crime in the neighbourhood and it wasn’t long before he started behaving the way they expected him to because he’d be blamed either way.

The Stolen Generations are a dark part of Australia’s history but for men like Walsh there was a double injustice. Not only were they forcibly removed, but they were made to feel like criminals for it he said. In Victoria alone, over 39 000 children were taken into State care and a substantial portion would have received criminal records to go with it. It is a huge shadow on the legal system in Victoria but an apology and the expulsion of criminal records for all

children taken as wards of the State is a start. “Someone needs to admit wrong-doing; to admit that criminalising us as kids was the wrong policy, and that it may have caused some people the problems they are having today” said Walsh.

It becomes clearer everyday how deeply rooted the systematic discrimination against Indigenous persons in this country truly is. To be treated as a criminal from the age of eight because of the colour of your skin is disgraceful. To then be blamed for the life that was created for you is especially wicked.



*Uncle Larry Walsh. Source: Beata Mazur*

# How Not to be a Pilot: Why Success is Important, but Failure is Importanter

By Liam Currie

I'm young, but I've failed a lot. At stuff that was really important to me. Four times to be exact, but who's counting? The thing about failure is that you can succeed slow, but you always fail fast.

Sure, you could be going downhill for a while, but it always ends with the crushing realisation that you haven't made it. No one will ever tell you that you aren't going to make it. You can only realise it for yourself.

Failure to me is a lot of things, but mostly it's a cold river in August. I dumped myself out of a rowing boat on my first try. On my second try, I dumped myself and my coach. Then I was scared. I was scared of the boat. I was scared of the water. I was scared of embarrassing myself, but most of all I was afraid of it happening again. If you want to succeed, you can't be afraid of the boat. You must keep trying. It doesn't matter if you fail over and over and over again. You will learn something from it and that is success in itself.

Failure hurts more when you try harder at something. I put a lot of effort into getting something. Specifically, I wanted to be a pilot in the Air Force. I went through the application process from start to finish. It took me two years, and I got down to the final seventy people who get recommended.

During the two years, I was totally focussed on getting that one thing. I chased opportunities that would make me a better candidate. I made sacrifices. I stayed in my hometown when everybody had left, just so I could focus on my dream. But I'm still not a pilot. When you're so close to something but its still out of reach, it's so much harder to look back and appreciate what you've achieved.

Failure teaches you a lot. It teaches you that there are things more important than goals. It teaches you to be introspective. It teaches you resilience. But most importantly, it teaches you that life isn't fair. Or it doesn't have to teach you anything except failure is a part of life.

Human beings are hardwired to recognise failure more than we are capable of recognising success. Nothing is ever good enough, and when someone puts us down it destroys us. The fact is this: you won't be given what you want. Some will, but you won't. You will have to earn it. You will have to wake up every day and try again. Or you won't have to, and that's okay too.

I did have the chance to experience what it was like to achieve my goals. Through an administrative error, I received an offer to become a pilot on the 17th of January. However, I realised that success is not always what it seems. There are sacrifices we make to get what we want, and then there are sacrifices at the expense of ourselves.

The phrase 'be careful what you wish for' really is true. If you're chasing success because you think it will make you happy, it won't. If you're chasing success because you think that it's a requirement, it isn't. Truthfully, the only thing that really matters is family and friends. If you have those, then you are successful.

*"The greatest teacher, failure is."*

# LEO CUSSEN'S TRIVIA NIGHT



## **Bar tab and finger food provided!**

Location: Metropolitan Hotel 263 William Street (cnr Lt Lonsdale) Melbourne  
Date: 29/03/2018  
Time: 6pm-10pm

Ticket prices:  
Early bird: \$10  
members  
\$15 non-members.  
Early bird prices end:  
7 - 14 March COB

# Careers Panel

UNDERSTANDING THE LEGAL MARKET

## GUEST SPEAKERS

RACHEL  
CHRAPOT

General Manager of  
Members Services,  
Victorian Bar

THOMAS  
HOBBS

Legal Recruiter,  
Burgess Paluch Legal  
Recruitment

ALEX  
GIANNOPoulos

Graduate Place &  
Careers Advisor, Leo  
Cussen

AMY  
LISTON

Learning Advisor  
(Careers), Learning  
Hub Victoria University

## LIMITED TICKETS

Register here: <https://www.eventbrite.com/e/i-have-my-llb-now-what-understanding-the-legal-jobs-market-tickets-43540149760>

Date: Wednesday 28th March

Time: 1 pm - 2 pm

Room: 1.02



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# Real Talk: The Intricacies of the Internet

*Anonymous*

The internet. What is it? We at the Obiter don't know, but it appears that it's becoming the 'New Big Thing', and like all big things, it comes with big problems. Many students find great pleasure in connecting with fellow students on Facebook page Law Chat, often connecting students right in the face with well-placed three-paragraph essays about why the world is flat and the science to prove it.

From all of us, fellow students – don't do this. It doesn't make you look smart, or funny, or clever, in fact, quite the opposite. All participants in social media can learn from the age-old adage: 'Fighting on Facebook does not determine who is right, only who is left'.

In the good old days, all an employer had to assess you by was your appearance, your manner, and your CV. These days, they can look back through pages and pages of incriminating material. The worst part? You've incriminated yourself. Treat social media the same way you treat strangers on the street – by following the Obiter's Patented Five Point Program to Internet Success.

## 1. Don't argue on Facebook.

Don't get your back up on Facebook. One day, you will meet the person you ripped into for liking pineapple on pizza. It won't be a Bruce Lee movie, it will probably be in the waiting room for a job you really want. And the other person will be the interviewer.

## 2. Your lecturers are on Law Chat.

There are lecturers and tutors on Law Chat. Probably not a good idea to write 500 words about why you hate a certain subject when that post will most likely get back to the person who teaches that unit. And your name is on it.

## 3. Remember that employers look at your social media.

Social media is the way people market themselves. Employers want to find out what you look like and whether you behave professionally in public. It's probably not a good idea to have the photo of you shot-gunning a six-pack of Bintang on Kuta Beach back in 2009, and then stealing a mop and crashing into a t-shirt stall.

## 4. It's hard to convey that you're joking in text.

You probably think you're really funny, but statistics show that you're almost certainly not. The joke you might think is a real knee-slapper, it's probably going to get a bad reaction from the masses.

## 5. Be nice.



# Nothing to it but to Moot it

By Danielle Hagan

The room is both bare and silent. You notice how warm it is inside, does anyone else notice it too? You notice your breathing has become rapid as colour flushes to your cheeks.

You check your notes for the 13th time to make sure you have everything, not too much though.

You put your pen down to ensure you don't play with it and remember that you're supposed to be listening to the other team and pick it back up to take notes. What do I write? What will I need to say? It's impossible to listen when your breathing just won't slow down!

Just relax, just stay calm. You know this stuff, you know what you're doing.

"And that concludes our submissions on behalf of the plaintiff"

Ok 12 minutes, you've got 12 minutes, get it together. He's got this.

Yes, good answer. If he can do it, so can I.

3 minutes. Ok sip of water, deep breath.

"Members of the tribunal we will make two further submissions on behalf of the respondent in this matter..."

Those first words in a moot are full of both panic and relief as you settle into the discussion with the judges. It is an incredibly nerve-racking process but it is also incredibly rewarding.

It's not giving a presentation where you can learn your speech inside out and deliver it. It's learning your case inside and out and being prepared to answer any and all niche questions the tribunal

might throw at you. It's staying calm when you want to scream at the Tribunal member to just let you finish! Its skipping to the last point you were about to deliver to answer the question in front of you.

It's sweating it out in your blazer, keeping as still as a statue and crossing your hands in front of you so you don't swing your pen around or tap your fingers or put the judges off in anyway.

Mooting is a challenge, it is so many things all wrapped in one but it is also one of the most exciting components of law school as you put the skills you've been earning into practice.

When you nail a question, and conclude your submissions, you walk out feeling like an absolute boss. You're hooked. It's a feeling that doesn't come by so often and you need to grab hold of every chance so tight and run with it.

It can take you all over the world, it can introduce you to some incredible people and if you're really lucky, it'll bring you face to face with the Hon. Michael Kirby who will apologise for you having to read his lengthy dissents throughout your law degree.

Everyone tells you how great mooting is but it is hard work. It is reading the problem everyday so you know the facts like your personal story. It's spending your Saturdays at university and staying up until 3am figuring the problem out but it's also smashing your contracts exam because contract law makes a world of sense now that you're a low-key mooting pro.

Mooting is for everyone and there is no better place to be than at Victoria University College of Law, hosts of the largest national mooting competition in Australia: The Hon. Kirby Moot.



## JUNIOR MOOT SEMINARS

**SEMINAR #2 Legal Research and Writing**

March 20 - 6-7pm - Room Q102c

March 22 - 1-2pm - Room Q102e

**SEMINAR #3 Advocacy Skills and Moot Etiquette**

March 27 - 6-7pm - Room Q102c

March 29 - 1-2pm - Room Q102e





# The Rites of the Cultural Movement

*From the Field: Roving Reporter*

A few people gather in a cold warehouse. It is abandoned, but for a burning steel barrel around which they are positioned. There are maybe 20 or 30 people, all shivering in the cold of Melbourne's winter – protected only by a thin layer of denim.

The leader of the pack steps forward holding a bundle of papers... methodically, he reads each of them, before dropping them each into the fire. "A funeral pyre" the leader - a young second-year Monash law student named Anton – says.

They are pages of poetry, left to burn after being heard only once. I was later told that this bizarre ritual was inspired by Buddhist monks.

This is one of the rites of a new counter-culture – the legal art movement. A few law students, feeling crushed by the overwhelming responsibilities of study, have taken to staging overwhelmingly fresh displays of art.

Painters, photographers, poets, and writers alike have all banded together to create a group they call – The Minority. Musicians at this stage are excluded, I'm told, as they 'have too many friends and are too loud'.

One of the groups first major coups was staging a vast unplanned art display outside of Melbourne Uni. Using projectors hijacked from Monash's art department, they projected reams and reams of recommended readings onto the walls of the institution.

One of the guerrilla artists later told me: "We wanted the walls of the school to be like the walls of a prison, and the words of the readings were like the bars. I said at the time that bars go vertically, but I was voted out of creative duties after that."

Although the group is strictly a 'meritocracy', a splinter cell of the group has taken it onto themselves to arrange elections and a constitution. Early reports indicate that the constitution would be 500 blank pages, indicating the 'pointlessness of the rigidity of the printed word', and calling into question 'the imperturbability of English'.

The elections, naturally, will be won by the person with the fewest votes, as 'popularity is a cancer that should be eradicated, and the only chemotherapy is being hated by the group'.

We at the Obiter hope that Victoria University's law campus may start its own art societies to follow the example of other law students. Some influential people at other institutions have already suggested that participation in art would soon be made compulsory, with students required to complete one major exhibit every year, with points deducted for 'being derivative'.

However, we are all encouraged to take up the pursuits of painting, writing, poetry, sculpture, or the many other forms of expression



# All Things VU - What's Coming Up!

## TRIVIA NIGHT

29th March

6pm

Metropolitan Hotel

Tickets: \$15 Members

\$20 Non-Members

## CAREERS WORKSHOP

28th March

1-2pm

Room 1.02

Tickets: Free but booking  
is essential!

## JUNIOR MOOT

Claimant Memo Due:

28th March Respondent

Memo Due: 4th April

Oral Rounds: 10th April

## SEMESTER BREAK!

First Year Model:

Block 1 ends 23rd March

Block 2 begins 26th March

Regular Delivery Model

Mid-Semester Break: 30th

March - 6th April





**CAREERS  
GUIDE  
COMING  
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**MAY 2018**





## Get Social

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 Victoria University Dictum Society

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