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ISSUE 2



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Letter from the Editor

Welcome to Issue Two of the Obiter Magazine!

Here I find myself in May wondering what happened to the whole semester. As we all get busier, time goes by quicker and we sometimes forget to take care of ourselves.

Exams are fast approaching and I think it's a good time to stop, check in with ourselves and figure out what we need to accomplish in the next month.

It might be dropping your social commitments and getting stuck into your books, it might be finding time to exercise again or reconnecting with family who have been waiting for a phone call for three weeks now.

For me, it's a time to be honest with myself. It's recognising that my mental health needs some rest and recovery as I set off home to Newcastle for a week before I start preparing for hours upon hours of study.

Whatever your goals are, wherever your aspirations lie, I encourage to dig that little

bit deeper to finish the semester as strong as you started it.

Every semester brings its own set of challenges but I hope it has also brought achievement for you all.

Maybe you got a chance to commit yourself entirely or maybe life got in the way. Either way, it's a time to be proud for getting to this point in the semester and holding on for just a little bit longer.

I'd like to congratulate everyone who gave mooting a go this semester, especially those in the junior moot who had the courage to participate for the first time.

I hope you enjoyed it as much I did and to those who progressed to the senior moot, I am extremely proud and impressed by the commitment to take on two mooting competitions in one semester.

I wish you all luck for your exams and final assessments and look forward to seeing you after the much-needed winter break



*Danielle
Hagan*

Mandatory is Mandatory

In Victoria, a paramedic is assaulted every 50 hours.

In no other workplace would this be acceptable behaviour and the emergency workers are fed up.

CEO of Ambulance Victoria, Tony Walker spoke to 3AW this week after two women escaped jail time for assaulting paramedic Paul Judd.

While Victoria carries a minimum mandatory sentence of 6 months, this week has shown that the laws are not serving the victims or the community.

Perpetrators Amanda Warren and Caris Underwood were arrested in April 2016 for attacking Mr. Judd while he and a colleague were treating a patient in Reservoir. They were drunk, high on cannabis and bashed Mr. Judd who is still unable to return to work.

They plead guilty but have managed to escape jail time after launching an appeal to the County Court.

Her honour Judge Barbara Cotterall upheld the appeal, waiving the mandatory sentence. She said that in this case, prison time “would achieve little”.

For the paramedics facing abuse however, a prison sentence would show support for their work. It might deter people from behaving the same way or it might raise awareness for the acute issue.

Instead, these two women are walking free for carrying out a heinous assault and the paramedics are no closer to a just outcome.

When asked by 3AW for the next move, CEO Tony Walker said that he’s seeking legal advice, but he doesn’t see an avenue for action.

There has been an uproar from the community who are demanding tougher punishment for these types of assault.

One petition calling on the Victorian Government to reform mandatory sentencing has over 190 000 signatures.

It is the fastest growing petition in 2018 and will likely reach its target of 200 000 by the time this article is published.

If nothing else, this case has shown that Victorians are demanding more from law-makers. They stand with our emergency workers who work tirelessly in our community and who deserve to feel safe in their workplace.



Source: Twitter

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Hear From Our PLT Graduates



Graduate Diploma in Legal Practice | PLT

Samuel Legge

Monash University

Leo Cussen was a tight-knit group of mentors and classmates who were all supportive of each other's professional development. It was acceptable to seek advice and engage in discussions about how to best undertake tasks. Openness and honesty were not viewed as a vulnerability or weakness but as a foundation to consolidate knowledge. The distinct lack of competitiveness positively shaped my Leo Cussen experience.

I studied law to challenge myself and did not necessarily envisage myself practicing law when I commenced the JD. However, I was thoroughly engaged by numerous areas of law that converged with pre-existing interests.

I am currently working in the Kimberley for a Prescribed Body Corporate, Nyamba Buru Yawuru. I assist with the joint management of the Broome Conservation Estate and the Roebuck Bay Marine Park. Equally, I am involved in native title and future act matters, which seek to protect,

promote and sustain the law and culture of the Yawuru Community.

I was attracted to Leo Cussen because friends had previously attended Leo Cussen and encouraged me to do so.

“Leo Cussen was a tight-knit group of mentors and classmates”

Additionally, the ability to work and study remotely was essential and something that Leo Cussen accommodates.

The area of the course I enjoyed most was that there were no exams. The continual assessment, which replicates actual workplace practice made the course much more enjoyable. This practical approach to learning combined with excellent mentoring, in which comprehensive pre-submission feedback is provided greatly assisted my learning.



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Sarah Lukies

La Trobe University

The reputation and practical nature of the PLT is what initially attracted me to Leo Cussen. Although I developed a strong academic understanding of Law at University, I feel the practical skills learnt at Leo Cussen helped prepare me for the real legal world.

“My mentor during the course provided invaluable guidance and experience”

Leo Cussen provided me with the necessary skills and confidence to interview clients, draft documents, negotiate settlements and attend hearings, in a supportive and interactive environment. My mentor during the course provided invaluable guidance and experience and continues to remain a professional mentor for me.

Like many of my fellow Trainees, I was unsure about the area of Law I wanted to specialise in when I finished University. The PLT at Leo Cussen exposed me to a number of different specialities, and assisted me to determine which area of law best suited me. Upon completion of the PLT, I found that my real passion appeared to be Civil Litigation.

Today, I am the Liability Claims Coordinator at Wesfarmers Limited, responsible for managing public and product liability claims across the organisation. I negotiate outcomes, looking at the cost and commercial implications for the company. The skills and abilities I have, that were nurtured at Leo Cussen were not only instrumental in preparing me for legal practice, but continue to help me perform my job effectively.



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Writing Competition

Winning Submission

The separation of powers is a key doctrine that underpins the commonwealth constitution. Do comments made by politicians to the media about the judiciary undermine this system of checks and balances?

The separation of powers consists of the Legislative, Executive and Judicial branch. The separation of powers provides the community with a checks and balance system.

Furthermore, it establishes liberty by preventing the arbitrary concentration of power in any one branch of government.

Moreover, comments made by politicians can hinder the system of checks and balances depending on the nature and intent of the comment. Morry Bailes, president of the Law Council of Australia, said

‘We should never lose sight of the fact that the Westminster-style separation of powers we have in Australia is both important and fragile.’

The importance of the separation of powers transpires from the rule of law. The ‘rule of law’ can be described as a political value or an essential function that demands restrictions on the political process, in particular, through a separation of judicial from the other two arms.

Additionally, the fragile component pertains to the comments that scandalize the courts.

Three senior members of the Australian Government made comments about a recent sentencing held by the Victorian Court of Appeal.

The comments were made in The Australian newspaper where one member said:

"It's the attitude of judges like these which has eroded any trust that remained in our legal system."

Although in time the three Government members publicly apologised for their comments, such remarks may negatively permeate society.

The negative ramifications can transpire from an amalgamation of societal misperceptions and newly formed beliefs.

The judicial reticence comes a prevalent issue with a neglecting media.

Therefore, it becomes imperative for the courts to explain their law-making function to society.

It needs to be clear that the judges are not acting idiosyncratically as all reasoning is formulated through legal principles.

Moreover, society must understand the logic of a judge as this becomes essential in regard to upholding the rule of law. If the average unintelligible individual struggles to understand key rulings, then they will fail in supporting the rule of law.

However, there are certain safeguards in place to protect the judiciary. For instance, federal judges have tenor to seventy years of age. Further, they receive fixed remuneration. Also, the various areas of contempt protect the courts.

There are numerous examples of people being charged with this offence. In 1986, Derryn Hinch revealed on his radio program the previous criminal record of a priest who was about to be tried on charges of child molestation.

The High Court held that Mr Hinch was guilty of contempt, as his actions caused risk of serious interference with the fairness of the trial.

Ultimately, comments made towards the judiciary should not be so rancorous to result in scandalizing of the court.

Politicians should not question the intentions of the judiciary, as they are an impartial.

Conversely, it is important that the judiciary also ensures it does not make judgments on parliamentary topics. As Malcolm Turnbull said,

"In a free society, a person is entitled to criticise the conduct of the courts or of a judge."

Scrutiny is essential to uphold the rule of law and promote a healthy democracy but it should impede on the separation of powers.

Written By Jesse Toniolo – Winner of The ANU Writing Competition

Do you want to win \$100 cash for writing an article for the obiter? Check out the next question to be published in the fourth issue of The Obiter.

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There are many arguments for and against mandatory sentencing. With current issues such as attacks on emergency workers affecting the community, is this something that could work or is a one-size fits all approach a reflection of lazy policy writing?

Junior Moot Winners Q and A

Mooting is no easy feat. It's daunting and overwhelming and requires hours of preparation. It's also incredibly rewarding and a whole lot of fun when you give it a go.

The Obiter sat down with one of the winners of the junior moot – Justin Howard

D: First of all, congratulations to the both of you. Not only did you compete in your first moot competition, you actually won!

J: I like advocacy. Litigation is where I want my career to progress to. I have received advice that competing in moots develops your skills and boosts your confidence.

D: How did you manage your preparation alongside your other studies?

J: It's all about time management. We agreed to a schedule where we met at certain times and any work we did separately, we agreed on time limits to have it done.

D: Did you enter together or did you enter separately and get placed together?

J: We decided prior to registration that we would do the moot together as a team.

D: What was the most challenging part about the moot?

J: Definitely preparing for questions from the tribunal. You never know what they might ask!

D: I think most mooters would agree with that! How did you go about handling them?

J: I was nervous. At times it can be a little intimidating. I think we went ok, but made some mistakes. It helped us for the next round.

D: It's all part of the experience I think. What was the most enjoyable/rewarding part of the moot?

J: Winning! It exposed my weaknesses and helped me improve on them.

D: Some people might not know this, but the grand final was held in the Federal Court! What was it like standing up and submitting your case there?

J: It was such a buzz! It was exciting and nerve-racking at the same time, but it is an experience I will never forget.

D: What's your advice to people who want to give moot a go but are a bit unsure or nervous about moot?

J: Do it! There is nothing negative about it. It helps you improve your research and advocacy skills. Everyone involved is encouraging and positive.

D: Thanks for your time Justin and congratulations again. I hope to see you in the Criminal Law Moot in September!



Eat Sleep Rave Repeat

We've all seen it, at some point or another it has popped up in our Facebook news feed and unfortunately it is just that little bit too relatable.

That meme. You know the one. It says "How am I supposed to work, go to school, study, stay in shape, help out at home and get 8+ hours of sleep at night?"

If you're anything like me it just seems a little bit unattainable. Great in theory. But like many things that seem great in theory, they just don't really work out in real life.

Trying to strike that balance between studying, work, extra-curricular activities and actually maintaining some sort of social life can at times seem a little bit impossible.

During my time studying I have learnt that it is important to try to find a balance between it all. The following tips might be a little cliché, but hopefully they're helpful!

1) **Exercise does help**

I don't know how many times I have read articles or watched TV programs about the benefits of exercise. But it really does help. Whether it's attending sport training on a regular basis, or just going for a casual 20 minute stroll, it is a good way to get out of the house and clear your thoughts.

2) **Keep a diary**

Maintaining some sort of diary or planner where you can write down your classes, work shifts, assignments and other commitments is often overlooked.

If you're anything like me, unless you write it in your diary, it doesn't exist. With so many different options available it is easy to find one that suits you. I personally prefer to keep a physical diary where I can write down everything that is happening, but many of my friends opt for the calendar and reminder features on their phones or computers.

3) **Eat**

It can be difficult at times to make sure you are eating enough fruit and veggies, especially during the busier time of the semester. But eating plenty of fruit and vegetables does not have to mean constantly chowing down on carrot sticks and spinach leaves.

I never leave the house without an apple in my backpack, and making easy meals (such as stir fry or spag bol with a bit of grated carrot and zucchini mixed in) allow you to add a wonderful combination of veggies to your meal.

Cooking just a little bit extra at dinner time can also mean you have a yummy lunch to look forward to (who doesn't love leftovers warmed up the next day?)

4) **Sleep**

Unfortunately no amount of coffee or power naps can make up for regularly not getting enough sleep (take it from someone who has learnt it the hard way).

One of the easiest way to do this is to make sure you go to bed and wake up at the same time every day. That way your body will get into the routine of snoozing at a certain time, so it will know when to release those wonderful sleep inducing chemicals into your buzz box (brain).

Another thing that is really helpful, and might seem weirdly impossible, it not using your phone and computer right before bed. At times this is pretty difficult, especially when you have a massive assignment due, but try to avoid mindless scrolling though Instagram/Facebook and other sites right before bed. The reason is pretty simple. The light from your device tricks your brain into thinking it is day time and will keep you up.

5) Rave

Ok. So maybe going to a rave right before exams isn't one of the greatest ideas, but my message here is clear: it is important to have a little down time and remember to have fun.

6) Repeat

Having a semi-regular schedule has proven to be one of the greatest ways for me to manage to have some sort of uni/work/life balance.

Obviously, every week is different and things pop up all the time, but don't underestimate the usefulness of maintaining some sort of regular routine. It means that I have a far greater ability to plan ahead and manage my time a little more effectively.

Hopefully these tips have been helpful. Best of luck with the end of semester one 2018!

Georgia Murphy

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Do I Really Need LinkedIn?

As more and more people take to social media platforms to communicate and connect, so too are employers.

LinkedIn is the world's number one job site with millions of employers and potential employees actively using it to network and connect with one another.

The benefits of joining and using LinkedIn are immense. LinkedIn is a platform to make connections and follow people and keep up to date on what they're working on, which is a great way to keep things active.

There isn't just people on LinkedIn, there are also many jobs that are available to LinkedIn-users! You can save jobs to look at later or send them to your friends who might be interested too!

To learn more about LinkedIn, there is an article about the benefits of having a LinkedIn in Dictum Society's Careers Guide 2018 on page 156.

Here's a few handy tips to help you get started on your LinkedIn profile:

Have a clear and professional looking photo. This doesn't need to be from a photoshoot, just pick a photo with either a clean background and business attire or one that shows you in action (those moot final photos you took in the Federal Court? Yes!). Avoid selfies where possible.

Pick a custom URL

When you create your profile, LinkedIn will give you a standard URL that ends in some numbers and letters. Make yourself more searchable by customising the URL on your homepage. Be professional and pick something that aligns with your name, not your high school Hotmail account.

Make use of the summary space

The summary space is valuable and gives you a chance to sell yourself to anyone viewing your profile. Keep it short and sweet, a quick elevator pitch summarising you and your achievements.

Keep up to date

Make sure you regularly update your profile. If you are doing an internship, volunteering somewhere, or even won an award, you want to make sure your next potential employer can see that. An out of date profile that hasn't seen any love in a long while can sometimes be worse than not having one at all!



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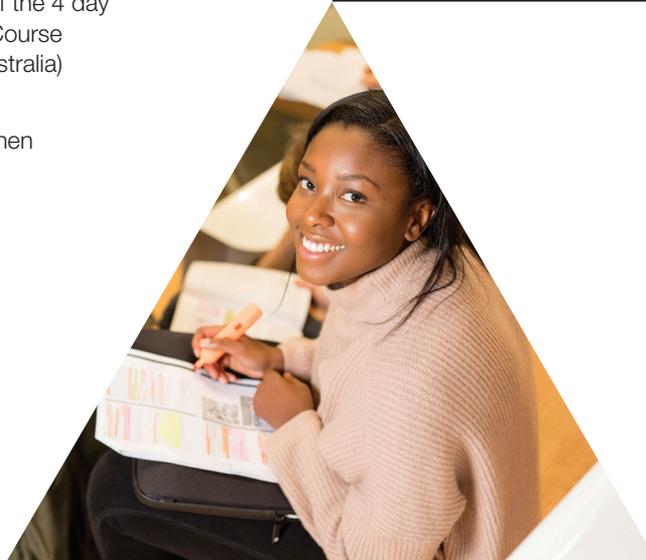
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Exam Prep - Tricks of the Trade

It's that time of year again – Exams. Everyone has their own methods of madness but thought we'd ask the Dictum Committee what has helped them over the years.

1. Wear something comfortable – the exam rooms get really cold.

2. If you're driving, take cash! Parking is \$10 and its cash only

3. Don't try to be healthy or do what others tell you Exam period is temporary. If you need to cram and pull an all-nighter and drink copious amounts of coffee- do it. Just do whatever you need to do to get through it.

Jasmine Alcon

For me it's all about planning.

Get to exams early in case you get lost or there is a line in the locker room.

The same goes for sitting the exam, dedicate time for planning and structure before you start writing so that you don't lose the structure of your argument.

Demyana Thomas

Take in spare pens and highlighters.

A legal dictionary will also help if the mind goes blank. Don't forget that it can't be a VU library one though!

Be sure to write your seat number and building number on the front of your notes and make sure you have ID!

Georgia Murphy

Be sure to give yourself that extra 5-10 minutes at the end of your exam to read over your answers and highlight key cases. Process charts for IRAC and also really helpful.

Kresta Lokumarambage



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