



The GAVEL

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CLSS thanks you for your support

Special O-Week Edition

CHINESE LAW STUDENTS SOCIETY: A HISTORY



Founded in 2004, the Chinese Law Students Society (CLSS) has consistently grown, expanding its presence at Sydney University and beyond. It is a society dedicated to enhancing the quality of student life at university and providing its members with career opportunities on a global scale.

Our committee works on four main portfolios to keep our members in the action throughout the year:

CAREERS

CLSS helps members pursue exciting legal career opportunities in Australia and the Asia-Pacific region. We hosted our second annual Hong Kong Law Fair in 2010, and published the Hong Kong Law Careers Guide. We keep you updated on career opportunities, host events with multinational law firms, and workshops focused on developing job interview skills.

EDUCATION

First year study sessions for

Foundations of Law and Torts provide members with valuable first hand advice from their peers. 2011 will see peer-study sessions for all grades of law via an interactive forum on the CLSS website.

SOCIALS

We aim to entertain! We can't promise to keep you out of trouble, but we can promise to keep you busy with plenty of CLSS awesomeness at our social events such as welcome drinks, karaoke nights, ski trip and the end of year party.

PUBLICATIONS

The Gavel (this very publication) is regularly published by CLSS. It ensures you're in on all the action with a mixture of legal news, articles, and 'hardcore' student journalism.

律

Linklaters

Linklaters Greater China Graduate Recruitment



Trainee application process for 2013 runs October 2010 to April 2011
Summer Vacation Scheme application process for 2011 open October 2010
to end of February 2011
Please apply online at: www.linklaters.com/joinus

Link up

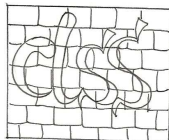
Meet the executive

An illustrated guide to your club committee.

Rebecca Pu — President

Commerce/LLB V

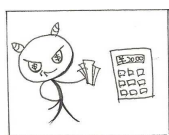
Rebecca lives and breathes CLSS. She talks it, dreams it, craves it, smokes it, and above all, will convert you into a CLSS addict as well.



Elizabeth Wang — Vice-President (Sponsorship)

Commerce/LLB IV

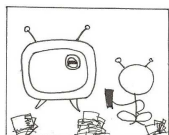
After spending 3 months in Shanghai, Elizabeth has now developed (besides a larger waistline) superpowers in bargaining (half of half of the stated price), can divide instantly by 6.5 in her head and is a semi-expert in the art of explosive pyrotechnic devices. But most of all she wishes to have the power of indefatigability - because there is so much in store for CLSS this year!



Shirley Wong — Vice-President (Careers)

Economics/LLB IV

With little knowledge of economics, despite having completed said degree, Shirley can only hope for better luck in her dreaded fourth year law. This misfortune might be explained by her hobbies: in between doing absolutely nothing, watching Hong Kong dramas, wondering why American shows are always on hiatus, and being unable to say no, she rarely finds a moment to study. All that's going to change though this year!



Sarah Li — Treasurer

Commerce/LLB III

At a young age, Sarah had already developed a deep fascination with origami cranes. Her fondness for origami (and for paper, in general) resulted in her choosing a career in law. She is now exceptionally happy that literally thousands of reams of paper can be readily accessed, on a daily basis, to fold paper cranes, as she uses and abuses her Treasurer Powers.



Boya Han — Secretary

Commerce/LLB IV

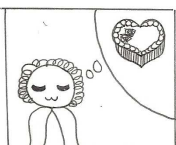
After compiling and formatting numerous emails, taking minutes and three years of law in general, you'd think that words would come a tad more easily for Boya. Unfortunately, all that work has worn her out, and all we know is, despite her reason for joining CLSS being a dubious one (she was "referred" by a former CLSS president at another society's stall), she is our greatest asset. Meetings wouldn't be the same without her.



Bethia Cho — Education Director

Commerce/LLB IV

Living on a staple diet of ice cream and general junk, Bethia's back-up plan is to become a world famous chef! Here's hoping that she fails her law degree, so we can indulge ourselves in her delicate desserts. She, however, has other ideas, working towards her degree, and helping her younger peers do the

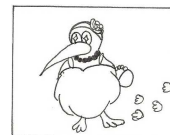


same through facilitating epic CLSS workshops.

Joy Shi — Social Director

Commerce/LLB III

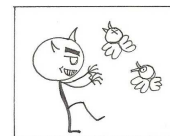
Claims that she can "make every boring activity", such as studying, fun. But when it comes down to it, she leaves it all to last minute, giving us the pleasure of seeing her in a constantly over-caffeinated state. Instead, when not talking about New Zealand, she spends her time keeping us up to our knees in fun, with her endless endeavor to party.



Sarah Trau — Publications Director

Commerce/LLB III

Known to be quiet and reserved, Sarah makes a habit of scaring people with sudden outbursts (especially when pigeons are around). When not screaming at birds, or working on The Gavel, she keeps busy watching her beloved Korean, Taiwanese, and American dramas, wondering if she too, can have a happy ending, minus all the drama.



Rebecca Yutong Yao — General Executive

Commerce/LLB III

Otherwise known as our resident fish bucket, doesn't mind being the forgotten Rebecca on the team (she's often overshadowed by the president). That's coz her secret motive behind becoming a CLSS exec was to explore her wild side, broaden her social life and get down and dirty partying, somehow without becoming a party animal. We don't know how that works, but we love her anyway.



Mavis Sun — General Executive

Commerce/LLB II

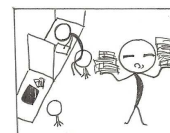
Also from New Zealand, Mavis is a sheep in more than one way (being born in the year of the sheep). As the youngest member of the team, she's plans to show us she's got what it takes, by making the law library her second home when not busy daydreaming, photographing (read: photo-stalking), and cooking whilst showing off her musical prowess.



Adrien Lau — General Executive

Commerce/LLB IV

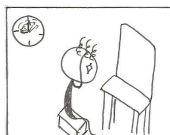
As one of the general executives of the team (aka President's bitch), Adrien has spent the summer busy being some other (but less) important person's bitch on a summer internship in Korea. We hope it gives him what it takes to take on what CLSS has planned this year.



Hans Anggus — IT Director

Commerce/LLB III

Obsessed with his startling lack of stringy Asian facial hair, Hans has devoted himself to the facial application of Rogaine, in the hopes that he may emulate his once great, now balding role model, the hairy, bespectacled man across the street. When not facially applying Rogaine, Hans can be found scouring costume stores for facial hair enhancers, or as we normal folk call them, fake beards.





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WHERE ARE THEY NOW?

INTERVIEWED BY REBECCA
PU

The Chinese Law Students Society has been the inspiration and home for many members. Let's see where they are now.

REBECCA
PU



DANIEL
NGUYEN

ANDREW
CONG



JOHN LEE



TOMMY
CHEN

COLLIN KWOK LUN WONG

B Commerce (Accounting and Finance)/Law 2007

Previous CLSS position(s) and year: President 06-07

Current employment: Trainee Solicitor, Mallesons Stephen Jaques

What is your best memory of CLSS? Running events with members of CLSS and meeting people from different law firms arranging sponsorship

What were you best known for during your CLSS time? Set up a relationship between CLSS with Mallesons

What have you learned through your involvement? My job, organization skill, people management skill and connection with not just the law firms but students from different age groups.

What does CLSS mean to you? A business model where we need to learn how to deal with external matters as well as internal matters requiring strong delegation skills, people management skill and organization skill.

What advice would you give a budding CLSS member? Be active and get yourself involved in the CLSS committee.

DANIEL NGUYEN

B Economics/Law 2007

Previous CLSS position(s) and year: Treasurer, 2006-09

Current employment: Commonwealth Attorney-General's Department (Office of International Law).

What is your best memory of CLSS? Watching people get rapidly inebriated during the 2009 ski trip.

What were you best known for during your CLSS time? My reliability and general affability. Properly running a budget.

Has CLSS benefitted you in any area of your life? If so, how? What have you learned through your involvement?

I learnt a lot about managing people, projects, and deadlines when organising the annual Hong Kong Law Fair. Coordinating between various private law firms, I got a better understanding of their respective cultures and values, and what they look for in a potential employee. This was the kind of exposure that I don't think could have been gained in any other way. (I also learnt that private law practice wasn't for me :))

Any regrets? I have no regrets.

What does CLSS mean to you? It means taking a break from your law degree, looking at alternatives, and enjoying yourself.

A word/phrase which sums up your experience with CLSS

Let's meet at Azzuri's

What advice would you give a budding CLSS member? Don't just turn up to events, but get involved in the work and event organisation of the Executive body, understand how and why things are done. And ultimately, have fun!

ANDREW CONG

B Economic and Social Sciences (Government and International Relations)/Law 2011

Previous CLSS position(s) and year: President 2008

Current employment: Summer Clerk at Blake Dawson

What is your best memory of CLSS? Magician Peng's magic tricks at the start of year dinner.

What were you best known for during your CLSS time? Infamy.

Has CLSS benefitted you in any area of your life? If so, how? CLSS revealed to me the world of opportunities in law outside of domestic practice. CLSS offers a wide range of international career opportunities, particularly in Hong Kong and China.

What have you learned through your involvement? Far, far too much.

A word/phrase which sums up your experience with CLSS: Quiddity

What advice would you give a budding CLSS member? Take some time out from your studies and have some fun once in awhile!

JOHN LEE

B Commerce (Finance)/Law 2011

Previous CLSS position(s) and year: Publications Director 2006-2008

Current employment Hogan Lovells winter vacationer

Has CLSS benefitted you in any area of your life? If so, how?

CLSS helped me to gain a large group of friends in different years. It also gave me the tools and skills to tackle other university activities like start my own society, mootings etc. Most importantly, it helped me get a Hong Kong clerkship at Hogan Lovells.

What advice would you give a budding CLSS member? Study hard, and maintain that distinction average. Participate in extracurricular activities that you enjoy with

people whose company you enjoy, for ultimately, firms only care that you have some leadership experience not necessarily where you get it. But most importantly, have fun at university. 'Cause you're bloody well not going to have any once you start working at a corporate law firm. Also go on exchange.

TOMMY CHEN

B Commerce (Hons)/Law 2008

Previous CLSS position(s) and year: President 2004-2006

Current employment: Linklaters LLP, London

What is your best memory of CLSS?

Working with the team to produce the most awesome law fair pitchbook ever, in one night, accompanied by free pizza and cocktails.

What were you best known for during your CLSS time?

Instituting a demerit points system for executives who missed meetings.

Has CLSS benefitted you in any area of your life? If so, how? I have benefited from my experience with CLSS in more ways than I can list here. Just three of the most important ones: first, I met many great friends through CLSS; secondly, CLSS gave me a lot of fun events and great (free) food throughout uni; thirdly, career-wise, my CLSS experience has helped me immensely in securing vacation and graduate positions at, among others, Australia's top investment bank and one of the world's largest law firms.

What have you learned through your involvement? Everything from barbecuing a lamb chop to negotiating an agreement. One lesson is the importance of setting ambitious goals, but not losing sight of the work immediately in front.

Any regrets? That my creative drafting for the society constitution was vetoed by the Union.

What does CLSS mean to you? Apart from good friends, wonderful memories and free food, CLSS to me is proof that it is possible to achieve success by carving your own path in the world and without following the herd.

A word/phrase which sums up your experience with CLSS: Better than SULS

What advice would you give a budding CLSS member? Talk to people, especially the brilliant CLSS executives around you. Get involved in the CLSS executive, and then take every opportunity that CLSS provides to make yourself known to the profession. Follow your heart, not the crowd.

HONG KONG
香港
LAW FAIR
USYD 2011

when:

Wednesday, 23 March 2011

12:00 noon – 2:00 pm

where:

Level 2, Law School

(Ground Level from Eastern Avenue)

University of Sydney NSW 2006

firms in attendance include:

MALLESONS STEPHEN JAQUES **Linklaters** ALLEN & OVERY



Herbert Smith



FRESHFIELDS BRUCKHAUS DERINGER

Davis Polk



ORRICK

NORTON ROSE

Richards Butler
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 of Hong Kong



Deacons
 的近律師行



The University of Hong Kong



Faculty of Law
 The Chinese University of Hong Kong



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C L I F F O R D
C H A N C E



To do or not to do?

A must read survival manual for first years everywhere.

BY SARAH TRAU

LIKE “OMG I’M IN UNI!”

So. You’re finally at uni. You’ve worked hard for a whole year (or thirteen years) to get here, and you want to make the most of it. But it’s nothing like you’ve ever known (apart from the hard work and studying), and you’re excited but scared at the same time.

Despite it being the opportunity to finally escape six years of the same teachers, hallways, classrooms and the few peers you were unable to tolerate, starting university is also a somewhat daunting process. You find us welcoming you to a massive campus, different teaching methods, and a whole heap of freedom. It’s hard to believe after 30 hours of school each week, but eventually, you *will* get pitying looks if you have four days of uni a week, and five days will make you feel like you’ve been thrown into a torture chamber. The short contact hours and extremely long holidays are definitely easy to get used to, but some things will take time.

How to survive being a “law student”

There’s no doubt about it: law is hard, and you will have to study in order to do well. Your lecturers and tutors won’t be spoon-feeding you the materials you need for the exam. It’s all about independent study, and being able to self-motivate.

Law involves a *lot* of readings (100 pages a week only if you’re lucky). It pays to do them before your lectures or seminars – this way you will be able to contribute in class (and score those class participation marks!). You’ll understand what is going on, without leaving it until STUVAC, by which time it’ll be too late.

The people you meet may seem like insanely intelligent specimen (or maybe you don’t see that coz you’re one of them) who never settle for anything less than a HD, and you might think that you’ll never be up to par. After years of always being near the top, you’re getting below 90% (oh the horror!) in your FoL assignment and thinking that you’ve failed. Don’t worry, because it’s perfectly normal. Lower marks are something most people have to get used to at uni (not just in law), but, in a number of cases, credit average or above is sufficient to get your foot through the door.

Friends and social life

You will (hopefully) very quickly learn that there is a lot more to uni than just studying. Sure, your academic achievements are important. But they aren’t the be-all-end-all of life. It’s essential to make sure you’re living a balanced lifestyle and having fun. Don’t be afraid to say hi, meet new people, and make friends with the people you will see for the next five years.

Make use of your access card (and get one if you don’t own one already!) and join a tonne of societies. Consider joining the executive committee of one or two (hint: CLSS). Joining societies is a great way to get your mind *off* those damned case notes, make friends in different disciplines, and learn to work better in a group environment. And plus, it will help you boost your resume and gain a competitive edge when the time comes to apply for clerkships, internships, or grad positions.

If you need some spare cash or just a way to wile the time away (because 100 pages of law readings a week just doesn’t do it for you), get a job. However, knowing your priorities is essential – if you’ve taken on too much, cut back on a few commitments. Even though study isn’t everything, it *is* important and the whole point of being at uni is to graduate!

Life DOES get harder after first year – so enjoy it while you can!

DO’S:

- Do your readings *before* your tutorials/lectures/seminars.
- Figure out whether group or individual study works better for you.
- Update your Facebook status the night before an assignment is due with your current word count (35000/2000) – everyone’s wondering.
- Be independent and self motivated.
- Create analogies using your newly-founded legal reasoning skills in everyday life. Your non-law friends will think you’re crazy and disown you, but we appreciate it.
- Go to law (or any other) camp. It’s a great investment if you bring a camera, as you can get blackmail material for when your friends become your courtroom opponents.

DON’TS:

- Be afraid to ask questions or express your opinions during class.
- Kill your social life.
- Take on too much. Study-life balance is important, but if you find yourself struggling to keep up with classes and meeting academic deadlines, it may be time to let go of something.
- Glare menacingly at non-law students who ignore the word “law” in Freehills Law Library, and find ways to kick them out (e.g. book out all the study rooms so Pharmacy kids can’t dominate them every day). Instead, use your skills to legally and bindingly remove them from what is rightfully yours.
- Give up. The determination that got you in to law school will help to get you out of it (armed with a degree or two).

QUICK QUIZ:

1. What year was Sydney Law School established?
2. How many sections are in the Australian Constitution?
3. Who is the most recent Australian Prime Minister to have completed a law degree at Sydney Uni?
4. Which former Justice of the High Court had never heard of the expression “hammered” until the case of *Joslyn v Berryman* (2003) 214 CLR 552?
5. At what age did the oldest judge retire from the High Court?
6. On FB, the Justice Michael Kirby Appreciation Society has over 5000 fans. Now that Justice Kirby has retired, which current member of the High Court boasts the most FB fans?
7. Even if you are a Dutch-speaking Jordanian studying Medicine, are you allowed to join CLSS?

By Boya Han

The balancing act

The pros and cons of law studies

BY SARAH LI

SUDOKU PUZZLE

			4			2		5
				8				4
			7	3		9		8
3	9				4	7		
7			6		8			3
		8	3				5	2
6		1		5	2			
5				7				
2		9			6			

The ultimate pro: an unlimited supply of Sudokus during student elections will be sure to curb your boredom during law lectures...not that boredom is even a remote possibility, of course.

MIND CHALLENGE QUESTIONS

By Mavis Sun

Question 1

Among 9 identical crystals, there is a fake one that weighs slightly lighter than the rest. If you are allowed to use a balance twice (with no weights), can you identify the fake crystal?

Question 2

Five pirates have obtained 100 gold coins and have to divide up the loot. They decided to each pick a number (1, 2, 3, 4, 5) out of a hat and take turns proposing how to distribute the loot. Starting with pirate 1 they can make a proposal how to split up the coins. This proposal can either be accepted or the pirate is thrown overboard. A proposal is accepted if and only if a majority of the pirates agrees on it. What proposal should pirate 1 make in order to maximally satisfy his greed and remain alive?

NB: The pirates are all extremely intelligent and treacherous. Each pirate's selfish priorities are, in order, staying alive and getting as much of the gold as possible.

♥ **PRO:** Arguing is good. As a law student, you are entitled and even obliged to object, undermine and criticise everything. That's right, everything. So why not get started now?

✘ **CON:** There are going to be things that you can't argue against, for example: that the 2000 word mid-term essay (incessant pleading will not make it shorter – trust me, I've tried); or quoting judgments with triple negatives (they're the judges, so they get to decide on the tricky phrasing).

♥ **PRO:** Even if you can't change those pesky administrative details, think about the rich and inspiring environment that is law school. The unashamed advertising of law firms, the leaky negligence of the law library, and the empty yet utterly perplexing glass room near the moot court – these are all things you will remember fondly once you graduate.

✘ **CON:** Studying law is scientifically proven to be highly dangerous. It may cause all nighters, known to induce erratic zombie-like movements, interrupted by unavoidable bouts of sleep, throughout the next day. We do not recommend operating heavy machinery or textbooks during these episodes, although medicinal doses of caffeine (available over the counter at local beverage outlets) should be taken at regular intervals to alleviate the symptoms.

♥ **PRO:** Once you're a lawyer, you'll get to meet a wide range of people. In the courtroom, you could be acting for anyone: from a big corporate tycoon being sued for his boardroom antics, to a repeat serial arsonist linked to several state bushfires or even to a local neighbour who comes in complaining about a snail in her bottle of ginger beer. It's a great way to find new connections.

✘ **CON:** There's always the guilt of having to defend someone whom you

know is a 'true' criminal. But those are surely as uncommon as a once-in-200-year flood; provided of course, that you first let go of a few conservative morals and commonsense arguments.

♥ **PRO:** For the idealistic ones out there, law stands for justice & eliminating crime. (You may need to refer to current legal statistics on that one, since the cynicism that creeps up on you during your law studies compels me to leave it at that.)

✘ **CON:** Say goodbye to Hollywood. Although TV legal dramas are extremely engrossing, I can't guarantee that they will exactly correspond to the real law school and real legal practice. It may be a case of misleading advertising, but frankly any lawyer worth his or her salt will only give conditional legal advice on the outcome anyway.

♥ **PRO:** Greed is one of the seven biblical sins. But during your legal career it's relatively easy to become lost within the maze of money, mansions, shopping and fast cars. If you can't beat them, join them.

✘ **CON:** That is, if you ever become rich. Student fees are reaching astronomical levels (if the protests in London are anything to go by) and unless you become an over-worked partner in a prestigious top-tier law firm, there are many other easier ways to become a billionaire. Some involve nothing less than social networking or picking seven lucky numbers.

THE VERDICT: If you read this and you can only see the pros, then congratulations: you were destined from birth to become one of the world's most brilliant lawyers. If you read this and the cons seem to spring alarmingly close to your fears, then congratulations again: you may not be born a lawyer, but your determination in getting this far surely means that you will become a formidable legal advocate as well one day.

A summary of law related news

Legal digest

By Elizabeth Wang

HIGH COURT TO DECIDE COPYRIGHTS FOR COMPUTERS

Since *Ice TV v Nine*, where it was found that Ice TV, which had taken and re-used information from the Nine Network's television guides to produce its own electronic programming guide, had not infringed any Nine copyright, copyright laws have dramatically changed. Federal Court judges have applied the reasoning in *Ice TV* to deny copyright protection to a range of compilations of valuable data, including Telstra's White and Yellow Pages. In part, the reasoning has focused on the fact that many of these works have no human author. What remains unclear at this stage is how the courts will draw the line between works created with the assistance of a computer, and works wholly (or mostly) generated by computer. The High Court, later this year will be asked to consider the copyright status of works that are created as a result of an automated process, such as maps and compilations of valuable data.

PAVING THE ROAD TO HUMAN RIGHTS

Australia made their first appearance at the Universal Periodic Review (UPR). Fifty countries made 150 recommendations on how Australia could improve its human rights protections. The Government has made voluntary pledges to table all concluding observations and UPR outcomes in Parliament from 2011 onwards. It also agreed to incorporate all accepted recommendations of the UPR into the new National Action Plan on Human Rights, and to develop an accessible database of all treaty findings.

THE UPDATED GST REGIME

Treasury recently released exposure draft legislation regarding the GST treatment of taxes, fees and charges imposed by Australian Government Agencies. The current GST rules set out in Division 81 of the A New Tax System (Goods and Services Tax) Act 1999 (GST Act) exempt GST for listed Government Agencies in a legislative determination issued by the Treasurer. Under A \ New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2011 (No. 1) all Australian Government Agencies will need to determine the GST treatment of their fees and charges on a principles-based approach. The new rules are proposed to take effect from 1 July 2011 with transitional effect where taxes, fees and charges currently listed in the legislative determination will remain exempt from GST until 1 July 2012.

DOMESTIC & INTERNATIONAL

ARBITRATION REFORM

A Clayton Utz partner has become the first Australian to lead the Chartered Institute of Arbitrators, a global organisation for the training and accreditation of alternative dispute resolution. The appointment has been warmly received by members of the arbitration world including eminent jurists such as Retired Chief Justice of the High Court of Australia and Patron of the Chartered Institute of Arbitrators Australia, the Hon Murray Gleeson AC and the Hon Michael Kirby AC CMG who sits on the Arbitration Panel of the International Centre for Settlement of Investment Disputes for the World Bank. Commenting on the increasing importance of arbitration, Professor Jones AM said demand for arbitration and dispute resolution services was growing around the world, particularly in the Asia Pacific region.

WIKILEAKS LEAD TO SCRUTINY FOR 'JOURNALIST PROTECTION

WikiLeaks' revelations, the sources involved and the relationships with mainstream newspapers bring into focus the state in this country of whistleblower protection for sources and shield laws for journalists. Currently, two shield laws are before Parliament, one from the Opposition's legal spokesman, Senator George Brandis, and one from the independent MP Andrew Wilkie, a former whistleblower. The proposed legislation, though limited to Commonwealth offences, confides that communication between a journalist and a source is presumed to be protected, unless "public interest concerns" outweigh the disclosure. The bill also has a narrow definition of "journalist", confining it to someone who is employed as such.

GLOBAL MERGED ENTITY DLA PIPER INTERNATIONAL

DLA Phillips Fox is set to merge with global giant DLA Piper International, with Australian partners to be fully financially integrated with their international partners from May 1. The move will shake up the legal market in the Asia-Pacific region, with DLA Piper expecting in excess of \$312m in revenue. The move follows other developments with global firms in the Australian sector. Once complete, the merger will create the largest Australian operation for a global business law firm. The Asia-Pacific business will have more than 650 lawyers in Australia, China, Hong Kong, Japan, Singapore and Thailand.

COLOPHON

The Gavel is published by the Chinese Law Students Society and distributed free-of-charge at the University of Sydney.

This newsletter is set in Baskerville and Gill Sans in Apple Pages and Microsoft Word. The masthead is set in Didot.

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SUBSCRIPTION

For previous editions of *The Gavel* visit our website:

www.usydclss.com

Quick Quiz - Answers

1. 1855
2. 128
3. John Howard
4. Kirby J
5. Justice Rich, aged 87
6. Gummow J (*Gummow Club has 161 members at time of writing*)
7. Yes. You don't have to be Chinese or even a law student (=).

Mind Challenge Questions – Answers

Don't be silly! If we gave you the answers, it wouldn't be a challenge, now, would it?



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