



The GAVEL

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WELCOME BACK TO SEMESTER 2



Welcome to our second issue of the Gavel this year and thanks for your support and interest in our society. We have had a busy year and I am excited to share with you all our news, as well as give you the low-down on what else we have coming up and hopefully offer some words of wisdom.

For newcomers, you may ask, why is there a *Chinese Law Students Society*? If you have noticed, in the past decade or so, Australia has seen an increasing trend towards Asian markets, whether that be in services or production industries, investment opportunities, foreign trade, and the like. This trend has also encompassed the Australian legal sphere. Many of our top-tier law firms are setting up new offices in Asia. Further, many international firms see Australia as a springboard for their presence in Asian cities. An increasing number of Australian law graduates have elected to travel or work overseas, especially in Asia.

The legal market is in a time of change. CLSS is here to build bridges, connecting you to these new opportunities. We are a smaller society and so we are in a better position to provide for the alternative needs of law students.

This past year has seen an expansion of our careers portfolio. Our Hong Kong Law Fair, which has become one of our landmark events of the year, has grown even bigger and better than ever before. In March, CLSS showcased 20 exhibitors, including many of the largest and highest-grossing international law firms. We also ran many information sessions, workshops and networking sessions on behalf of particular law firms for students who are interested in a particular organisation. I highly recommend every law student to attend these sessions as you can gain valuable tips and advice in an industry that you may one day want to work in.

For those members who are seeking jobs and internships, our email bulletin is a great way for you to be reminded of job opportunity openings in the international arena. For example, in June this year we ran a series of successful

mock interviews. During these sessions, aspiring students were interviewed by a range of ex-clerks – those who have already gone through the interview process and have experienced working in top-tier government positions and corporate law firms.

For younger years, we also hold peer-assisted study session to help those stressful core law subjects. This year, our intelligent and resourceful education officer, Bethia, ran an informative and helpful study workshop for Contracts.

Socials has also dominated this year, with many drinks nights, yum cha and a very memorable Terrigal house party in July.

When it comes down to it, our society cannot be the way we are without our members. I think that what we do is very worthwhile and if you have not yet been a part of our events, I strongly encourage you to attend our next one. If you would like to become a more active member, our AGM rolls around in October and is open to anyone who is keen. Our executive roles are very rewarding and offer a wealth of experience in organising some great events.

As I am in my last year, I can look back at my time in the law school with affection and a hint of surprise that I survived. I will leave you with some last words. Time is going to go by really fast. Take a moment and really think about where you are and who you want to become. Too often, I see my good friends or colleagues falling into careers in law without really considering whether they want it are suited to it. Although you are a law student, don't let it define you. Talk to people – see what other paths you can take and keep an open mind. That's why joining a society like ours is so great. Because we are so tight-knit and considered a little niche, we can offer a support network to the alternative needs of law students. And no, you don't have to be Chinese to join.

Rebecca Pu
President

Master Mischief

A review of CLSS's winter weekend in Terrigal

BY SARAH TRAU (PUBLICATIONS DIRECTOR)



“THE CHANCE
TO WITNESS
YOUR FRIENDS’
SLEEPING,
COOKING, AND
GROOMING
HABITS”

For our biggest socials event of the year, CLSS organised a weekend house party up in Terrigal. You couldn't really ask for much more than a two-night, three day getaway at a huge three-storey house with amazing beach views at the bargain price of \$100, with great company and food to boot.

It's always interesting meeting new people, but rare to get the chance to witness their sleeping, cooking, and grooming habits...or realise that your own are actually unusual. There were around fifteen people all together, which may have contributed to the chaotic movement of mattresses, sharing of beds, and running out of alcohol by 10PM on Saturday.

The journey began with a slightly rocky start, but those of us who trained it had a reasonably easy and fun journey to Terrigal – which involved gloomy skies, rain, scrabble on the train, a faulty GPS, and the final hurdle of having to trudge up a muddy hill. We finally arrived at 18 Dover Road, Wamberal – our home for the next three days.

Upon taking a guided tour of the house (by fellow attendees who had arrived earlier), we were impressed by the size and homely feeling, as well as the massive glass windows which let us make the most of the beach views. The first night involved cooking a dinner of frozen pizza, pasta bake (where we managed to overcook pasta), meatballs and salad, and drinking champagne made of real strawberries. Exciting games of poker with Monopoly money, Seven Wonders (a complicated game which took 10 minutes just to be explained), and an intense game of Mafia then ensued, followed by winding down with the movie Titanic.

Saturday breakfast began at around 9am, for our early risers, and continued all the way till noon, by which time more people had arrived. Some people— who shall not be named—indulged in ice cream, while others settled for more traditional breakfast foods (double-yolked eggs, toast, Coles scones and cereal). The skies cleared up to our favour, and a group of us strolled down to the beach, where the water was nice and cool, and a dog named Sammy who seemed obsessed with digging holes

and burying rocks and sticks became enamoured of us.

By mid-afternoon, more people arrived to join us. Since they came bearing gifts – potato wedges and chocolate ice cream – we welcomed them with open arms. A few of them were daring enough to swim in the beach (nice as it was, it still was the middle of winter and cold). Everyone pitched in to prepare our BBQ dinner, which involved creative concoctions using limited ingredients for marinades, and an endless stream of meat, seafood and veggies. After hours of eating and conversation, our night time antics began.

After a few drinks to start the night, we had a period of indecisiveness. We held a very ‘democratic’ vote (where the conductor of the vote—not to mention any names— used a heavily biased promo technique to sway us), and decided to watch the horror movie ‘28 Days Later’, followed by ‘Meet the Fockers’, and played more card games. While this author opted for an early night (3am), sounds of the Play Station could be heard through the ceiling for hours to come.

The next morning was off to an early start, with the threat of a 10am check out causing disarray as everyone was forced to pack and wash the seemingly endless pile of dirty dishes, drying them using paper napkins. However, checkout was subsequently delayed, leaving us to relax a little, and the end of the weekend left us refreshed for the new semester.

While there are probably many things you don't need to know about your friends, there are also many things you only learn by spending valuable time with them. The weekend offered a great excuse to eat marshmallows toasted over a gas stove, gain weight, and an opportunity to wind down before having to face the next semester of uni. All in all, I hope I speak for everyone when I say that we had a great time meeting new people and spending time away from Sydney. Added bonus: I'm now equipped with some new cooking techniques for my next goal: Masterchef 2012.

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 handshake



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CLSS Careers

All things jobs and beyond

BY SHIRLEY WONG (VICE-PRESIDENT, CAREERS)

We know how daunting it can be to think about career options, so the CLSS team devotes a lot of effort in helping students better prepare themselves for the next step after law school. Acting as a bridge between students and employers, we try to keep you updated with recent opportunities and provide you with helpful hints to give you a bit of an edge over that other applicant. In terms of careers so far this year, CLSS has focused on hosting the 2011 Hong Kong Law Fair and a Mock Interviews Workshop.

Hong Kong Law Fair

The Hong Kong Law Fair aims to provide a centralised venue for students to learn about their potential career paths in Hong Kong, and to interact with its employers and education providers. This year, the Hong Kong Law Fair was held on 23 March, and was a great success. Representatives from a diverse range of international and Hong Kong law firms, as well as universities offering the P.C.LL course, were present, and we recorded over 150 attendees, several of which were visitors from other universities. Hopefully those who came along learnt something new, made a few contacts and had a good time. A big thank you goes to the awesome CLSS team (past and present!), our wonderfully helpful volunteers, as well as the supportive faculty staff.

Mock Interviews Workshop

Whilst a glittering CV and networking with the HR team will give you a great head start, your interview is where you either make it or break it. So that you get a better idea of what to expect, CLSS put together a Mock Interviews Workshop. Our interviewers consisted of senior students who have come out alive and well from the clerkship experience. In their 20 minute session (or 30 minutes for penultimates), participants not only got feedback after a realistic interview experience, but also had the chance to discuss their CV and get first-hand tips about the application process and clerkships themselves. This couldn't have happened without our volunteer interviewers, so a huge shout of appreciation goes to all of them!

Coming up next

While Semester Two isn't as heavily loaded in terms of careers events, we are scheduled to release an up-to-date Hong Kong Legal Careers Guide. It will include profiles of the leading firms, information on obtaining a Practising Certificate, points-to-remember for applications and interviews, as well as a guide for living in Hong Kong. Production is already underway, and we hope that it will prove to be a useful resource for anyone wishing to explore their options in Hong Kong.

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Chinese Law Students Society

www.skadden.com/recruiting

The advertisement features a dark background with several overlapping circles in shades of grey and red. The Skadden logo is prominently displayed in a red box in the upper right quadrant. The text is centered and uses a clean, sans-serif font.

Working in Hong Kong

A mix of work and play leaves HK far from dull

BY BETHIA CHO (EDUCATION DIRECTOR)

Bright lights and fast moving traffic, but nothing beats the rush of people in the city that never sleeps.

As Asia's financial hub and neighbour of the booming Chinese economy, Hong Kong's the place to start a promising career. Rumour has it that working hours are inhumane, but generally it's 9am to 6pm, 5 days a week. Perhaps once or twice a week when high profile multi-jurisdictional transactions are underway you'll work for a few late nights, but overtime cash is rewarding, you get a free taxi ride home and recognition from your supervisor for completing the deal.

But it's not all work. In the heart of the city is Lan Kwai Fong, the famous district of clubs and late night fun. Thursdays is known for ladies night, and now every Wednesday, guys get in free too. But if that doesn't tickle your fancy, then there's always Macau 1 hour away by ferry. With a starting salary of HKD48,000 average per month at an international law firm that increases up to HKD80,000 in 2 years, you'll have all the cash you want to invest in at the casinos.

As for nature's explorers, there's always the Peak to hike and camp out, as well as a 40km cycling track along the coastline leading out into the South China Ocean. Not far off in Lantau Island is Ngong Ping 360, a 5.7km cable car ride that takes you through a panoramic journey to Tian Tan Buddha and Po Lin Monastery for a weekend of cultural exposure. And if you ever want to reunite with your childhood fantasies, then take yourself to the magical world of Disneyland for a day of thrill, be it with Mickey Mouse or on the Space Mountain Rol-

lercoaster.

Along with exquisite food from all different cuisines to accompany the diverse attractions, your little bit of hard work and a few late nights will easily be compensated for by the vibrant lifestyle that Hong Kong has to offer.



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Link up

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LET IT BE?

BY KEVIN NGO

A reader submission



Some of you may have watched the documentary series, *Go Back to Where You Came From*, that recently aired on the SBS. It took six everyday Australians, who held contrasting views on refugees, into the plight of a refugee in reverse. This was done in the hope that it would catalyse a greater appreciation of the complexity surrounding an often misinformed debate.

Apart from allowing us to scorn at certain people (cough, Raquel), this documentary also allowed us to understand *why* these refugees were fleeing in the first place. Take the journey of Raye, Raquel and Roderick for example, who made the choice to travel into the Democratic Republic of Congo.

Here, the three witnessed the dire situation facing millions of Congolese people, whose country has been ravaged by the deadliest conflict since World War Two. This mass violence has often been accompanied by reports of war crimes and crimes against humanity being committed against the civilian population, with rape being singled out particularly as a weapon of war.

Due to continuing failures to ameliorate this humanitarian crisis, some have called for the international community to intervene under a so-called 'Responsibility to Protect' doctrine to help alleviate this tragedy. So what exactly is this 'Responsibility to Protect' idea?

Hopefully (I repeat, hopefully) most of us who have just completed the International Law unit will be able to tell you this but the R2P doctrine emphasises that state sovereignty in itself is not a privilege. Instead, it proposes the radical idea that sover-

eignty means *responsibility* – that is, a state has a responsibility to safeguard the security and wellbeing of its own citizens.

Covering four types of mass atrocities – genocide, ethnic cleansing, crimes against humanity and war crimes – R2P rests on three fundamental pillars. Firstly, a state has a responsibility to protect its own population from the above atrocities. Secondly, the international community should be committed to assisting states to develop their capacity to fulfil this responsibility. Lastly, there is a duty for the international community to undertake decisive actions, including military intervention as a last resort, when states have 'manifestly' failed to uphold this responsibility.

Although this may appear to be something that all states *should* be aspiring to achieve, the reality is a stark contrast, especially with the third pillar. It must be remembered that this is still a norm – after all, any intervention based on humanitarian grounds can only technically be authorised by the Security Council.

It has also prompted fears from countries such as Russia and China about this ground being used and abused for ulterior political agendas. Furthermore, there is also the ethical consideration held by in some circles that it is morally unjustifiable that individuals from an intervening state's armed forces should be expected to put their lives on the line to save others from being killed, almost akin to a 'let it be' attitude.

Another point that has often been raised is that states who have tried to intervene have abandoned their efforts at a premature stage, leaving

the victimised civilian population in a more dangerous situation – that is, it is too often a case of hello and then a quick goodbye. Think Somalia, Kosovo, Iraq and perhaps even now Afghanistan.

In saying that, the enforcement of the no-fly zone on Libya (there will probably be groans from a few corners concerning the mention of this country *again*) earlier in March this year by the Security Council does present a new dawn in many ways. It was essentially the first time that the five permanent powers were in general consensus over a matter of this kind, with no overt disagreements (and therefore, the use of a veto) being made. Despite the low likelihood of a legal acceptance of unilateral interventions, the ability of the Security Council to react to the Libya situation during the Arab Spring was remarkable, especially considering its haunting legacy of *inaction*.

Although the military intervention was not explicitly based on the R2P principle, it could be seen as an important example amongst others that solidifies the growing status of this norm. In the end, I hope readers will not just be only able to recognise my constant reference to *Beatles* songs, but also that the concept of R2P will continue to grow more and more important in stature as the twenty first century rolls on.

“ALTHOUGH
RESPONSIBILITY
TO PROTECT
MAY APPEAR TO
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REALITY IS A
STARK
CONTRAST”

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PRESIDENT

Rebecca Pu

EDITOR

Sarah Trau

CONTRIBUTORS

Bethia Cho
Boya Han
Kevin Ngo
Rebecca Pu
Joan Tang
Sarah Trau
Shirley Wong
Elizabeth Wang

SUBSCRIPTION

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www.usydclss.com

Quick Quiz Answers:

1. C
2. D
3. B
4. Offer, acceptance, consideration
5. *Spycatcher case*
6. You tell me =P
7. Dixon J; *Communist Party Case*



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CHINESE LAW STUDENTS SOCIETY

The Chinese Law Students Society (CLSS) was founded in 2004. We are a growing, dynamic society dedicated to enhancing student life and providing opportunities on a global scale. We host talks, workshops and events with multinational law firms with the aim of furthering the ambitions of our members. We support the academic pursuits of our members through our extensive education program. Our social events are not only fun, but are excellent opportunities to make friends and foster life-long networks.

A summary of law related news*Legal digest*

By Elizabeth Wang (Vice-President, Sponsorship)

Arrival of International Law firms into Australia

Australia's Mallesons Stephen Jacques and China's King & Wood are in talks about forming an alliance, in what would mark a significant tie-up in the Asia-Pacific market. The pair has discussed creating some sort of link or alliance, with a possible Swiss *verein* structure. Allen & Overy and Norton Rose both launched offices in Australia in 2010 with DLA Piper Australia formed in May this year. Norton Rose tied up with Deacons, while Allen & Overy hired a group of partners from Clayton Utz and Freehills.

Expansions into South Korea

Major European law firms are eyeing the South Korean market with the EU-FTA that came into effect on July 1. Under Korea's trade deal with the EU, the 2 trillion won (\$1.8 billion) domestic legal services market will be opened up in phases. The first phase started on July 1 when the FTA allowed EU law firms to open offices in Korea. During the current phase, however, foreign law firms are not permitted to employ domestic lawyers or to form joint ventures with local practices. Even though it will be nearly two years before EU and Korean law firms are permitted to jointly handle cases, let alone form joint ventures, the inflow of competition is bound to affect domestic law firms, which have so far enjoyed a monopoly.

The Korean Bar Association announced qualitative measures to help keep the domestic legal services market competitive. Large law firms also have plans to undergo M&As to pump up their size to compete with the bigger players while smaller law firms are reportedly seeking partners from overseas, saying they are ready to be absorbed if it leads to a brighter future. Sustainable quality of services, meanwhile, will continue to be the best policy for all law are bracing for change on the local legal scene.

Asia Pacific Pro Bono Targets

The federal government has injected funds into an organisation that will boost the legal profession's pro bono work in the Asia Pa-

cific. Law Council of Australia president, Alexander Ward said the funding will help ensure the future development of the legal profession within the region and in the promotion of the rule of law within the Asia-Pacific.

The funding will see a new clearinghouse for pro bono work, the Centre for Asia Pacific Pro Bono (CAPPB), to coordinate requests from the Asia-Pacific region. Over the coming months the Law Council will focus on the establishment of the CAPPB, which will include the promotion of the Centre both nationally and internationally.

The announcement of the CAPPB coincides with the official launch of the South Pacific Lawyers' Association (SPLA), which will help lawyers in Australia and the South Pacific build on their regional expertise. The Australian government will provide \$475,000 to the association to help build the council's pro bono program and improve legal professionalism across the region.

Opportunities in Mongolia

Mongolia is an emerging economy with increasing volumes of businesses, especially in the mining, capital markets, banking, project finance, hospitality and leisure and infrastructure sectors. This has attracted considerable investment from neighbouring G20 economies, Russia, China, Korea, Japan and Australia.

Repatriation of escaped Chinese Fugitive

Canada's Federal Court, last Thursday (21 July), allowed China's most wanted fugitive Lai Changxing to be sent home to face criminal charges after 12 years of illegal stay in Canada. Lai, 53, accused of leading China's most notorious smuggling operation in Xiamen, a coastal city in East China's Fujian province, was valued at \$10bn. The court turned down Lai's appeal to suspend the repatriation order. "Lai's successful repatriation to China is a big deterrence to escaped corrupt officials overseas," says Hong Daode, a law professor at the Chinese University of Political Science and Law. The Ministry of Public Security reports that there are still around 580 fugitives involved with economic crimes staying in foreign countries.

Required Reading

BY JOAN TANG
A READER SUBMISSION

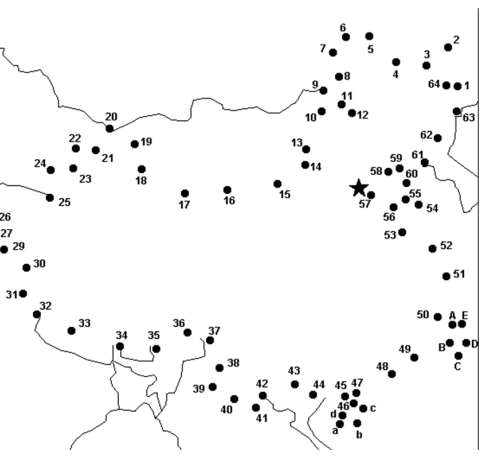
Law.	Reading materials and textbooks.	Law.
Due dates.	Law.	Reading materials and text- books.
Law.	Readings to be continued...	Law.
Word count limit.		Readings to be continued...
Law.	Law.	Law.
Footnotes, citation and references.	Coffee.	Life.
	Law.	No life.
Law.	Almond Croissants.	I am joking!!!
Lectures.	Law.	Or maybe I'm not.
Law.	Dinner with friends.	
Overused seminars.		
Law.	Law.	Law.
Application in tutorials.	Readings.	I love.
	Reading materials.	Law.
Law.	Law.	I hate.
Readings.	Materials and Textbooks.	Law.
Law.		I love and hate you at the same



Sudoku Puzzle

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

Connect-the-dots



Quick Quiz By Boya Han (Secretary)

<p>Chief Justice Barwick refused to install a wheelchair ramp at the High Court thus preventing which High Court Justice from serving on the bench any longer?</p> <p>a) Justice Kirby b) Justice Dixon c) Justice McTiernan d) Justice Stephen</p> <p>Which of the following High Court cases was not heard by the Mason Court?</p> <p>a) Mabo case b) Dietrich v The Queen c) Cole v Whitfield d) Boilermakers' case</p>	<p>In a criminal matter the burden of proof rests on the:</p> <p>a) prosecution to establish their case on the balance of probabilities b) prosecution to establish their case beyond reasonable doubt c) defence to establish their case on the balance of probabilities d) defence to establish their case beyond reasonable doubt</p> <p>What are the elements required to form a simple contract?</p> <p>On average, how many times will a law student fall asleep in class?</p> <p>Which Justice once noted in his diary: "At 3.30 we had a judges' conference. The CJ began by wasting time over a request for a cooler uniform made by the tipstaffs... We then got to the case, but got nowhere."</p> <p>Bonus: What case were they discussing?</p>
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