

FOREWORD

VICTORIA LAW SCHOOL 10 YEARS ON: A TIME TO PAUSE AND REFLECT

PROFESSOR ANDREW CLARKE*

On 4 November 2010, a large and distinguished audience assembled at the Queen Street Campus of Victoria University to celebrate the 10th anniversary of the founding of Victoria Law School. The event also served to inaugurate the annual Michael Kirby Justice Oration and the unveiling of our flagship publication titled, DICTUM—Victoria Law School Journal. As Head of the School of Law, I feel honoured to have been asked to prepare this foreword and to record the diverse achievements of Victoria Law School over the past decade.

I A BRIEF EXERCISE IN HISTORICAL REVISIONISM

On 6 December 1999, the Council of Victoria University announced that it had decided to establish an undergraduate law degree and a separate Law School in the University and that the teaching of law would begin in 2001. After initially commencing formal teaching classes at Victoria University's Footscray Campus, the decision was made to relocate the Law School to the former Registry for Births, Deaths & Marriages offices located in Queen Street, in the heart of Melbourne's legal precinct. The Queen Street Campus would become the 'home away from home' for hundreds of undergraduate and postgraduate law students and provide a nexus for Victoria University to build relationships with Melbourne's established legal community.

A new law school invariably faces many challenges, not the least of which is immediately validating its appointment to the esteemed category of a university law school. In a competitive market for higher education, a new law school must satisfy the impossible dichotomy of incorporating the best practices of other schools while also offering points of difference and thereby attracting a diverse group of students and the very best teaching staff.

Notwithstanding these hurdles, the creation of a law school also presents many benefits and opportunities. The founders have the ability to study various changes and trends that have taken place in legal education and more generally, across our wider legal system, and to incorporate all these into a coherent and competitive curriculum. To name just three of these changes: the move from content-heavy degrees to more problem-solving, practical and skills-based courses; and the increase in use of Alternative Dispute Resolution for resolving conflicts; and the importance of the 'global legal market', particularly, as Australia becomes more dependent on Asia as a future source of capital and investment.

* Head, Victoria Law School, Victoria University

Ten years on since Victoria Law School was established, one must pause to reflect on whether we have succeeded in achieving our goals? Ultimately, I will leave this question for our graduates to answer and the wider community to judge. What I will say is that ‘success’ is often difficult to achieve but far more difficult to quantify. In measuring the success of a law school, one inevitably faces the uncertain task of re-examining the intentions and goals of various interest groups in legal education and reinterpreting these goals in light of what our graduates, and indeed employers, expect from a law degree in 2011.

What I am sure of is that we have succeeded in empowering hundreds of students every year with well-recognised, profession-ready, undergraduate law degrees. I am proud to say that many of our graduates are from migrant backgrounds where English is not spoken at home and are often the first in their families to complete a university degree. They represent the school’s ethos of empowerment through education and the ongoing need for the legal profession to continue to embrace students with multicultural backgrounds. We have succeeded in developing a postgraduate research centre, now comprising over 60 PhD students. We have succeeded in developing the Sir Zelman Cowen Research Centre into one of Victoria’s most vibrant and respected training and research centres. All these achievements prove that Victoria Law School has sought to live up to the responsibilities and expectations of holding such a high-profile and venerated position in Melbourne’s legal community.

II *DICTUM*—VICTORIA LAW SCHOOL JOURNAL

In an article published in the *Melbourne University Law Review* in 2002, retired High Court judge, The Honourable Michael Kirby AC, defended the importance and relevance of student-run law reviews. His article was a direct riposte to the very famous and lugubriously titled, ‘Goodbye to Law Reviews’ written by Fred Rodell and published in the *Virginia Law Review* some six decades prior.

I would therefore not do this foreword any justice without first addressing what is sure to be pointed out by every law journal sceptic, namely, that there are too many law school journals producing dull, monochrome, mirthless and often irrelevant articles. This belief is often justified on the grounds that law journals can no longer attract a substantial readership and therefore offer little in promoting legal discourse.

In my view, the enduring vitality of student law journals stems from the fact that a democratic and diverse society requires debate and rational discussion. Law journals capture the common law’s ability to be stable yet progressive in its rules; rational, yet dogmatic in its underlying values. English polemicist Christopher Hitchens once defended his position on the controversial Iraq war by famously stating, ‘as I never tire of saying, heat is not the antithesis of light, but rather the *source* of it.’ It is for this reason that law journals will continue to lie at the very centre of university research and rational discussion.

A significant feature of the inaugural edition is a published interview with the incumbent Chief Justice of the High Court of Australia, Hon Robert Shenton French. The foundation article of the first edition is written by the Hon Michael Kirby AC CMG, which was originally

presented at the inaugural Michael Kirby Justice Oration. As a notable exponent of human rights, his article explores the very contentious issue of HIV-AIDS and more specifically, what role the law can play in curbing the impact of this devastating global epidemic. The other contributors to this edition of *DICTUM* are legal academics and practitioners: Dr Sirko Harder propounds the idea that gains-based relief should be available for plaintiffs claiming invasions of privacy, while David Bailey discusses recent developments in Victorian Civil Procedure. Professor Roman Tomasic's article looks at the relevant changes to company law in the United Kingdom in light of the Global Financial Crisis.

The publication of *DICTUM*—Victoria Law School Journal, marks a coming of age for Victoria Law School. It is testament to the school's ethos of empowering its students with both an intellectually stimulating and content-rich course with practical skills and industry networks.

On behalf of Victoria Law School, I welcome you to *DICTUM*—Victoria Law School Journal and hope that you will enjoy this first edition.

