

Dates for your Diary:

- ❖ Week 5: Nominations for NDLS First Year Representative
- ❖ Tues 28th March: First round Freehills Open Mooting competition from 7.00pm
- ❖ Wed 29th March: NDLS 'Fun Day', Law Courtyard from 12.30.
- ❖ 5th May: Tri-Law Party and commencement of tri-law week
- ❖ Weeks 7-9: Mallesons Negotiation Competition

Individual Highlights:

HI FROM THE PRES.

PUB REVIEW

FRESHER IMPRESSIONS

NT CLERKSHIP

SENIORITIS



The only guy who turned up to the sundowner (JJ) . Picture: Ben Martin

Wild Times At Law Sundowner

- Debbie Constable

A night of dresses, dancing, and most importantly, drinking, took place at last Thursday's Sundowner at the Cottesloe Hotel.

Perched high above the Indian Ocean many a law student indulged in great company and seafood delicacies (perhaps one too many onion rings however) for a fantastic evening to mark the start of the Notre Dame Law Student Society's social calendar.

The atmosphere was superlative with a band playing at the commencement of the night followed by all your classic party tunes.

Whilst some students may have taken greater pleasure in dancing on the couches as opposed to the dance floor (you know who you are) and

used the all-you-can-drink bar situation to their advantage perhaps a little too much, the night proved to be a momentous success.

After the final song ended, many thankful eyes watched as a bus pulled up at the door to take some very happy campers on to Claremont to cap the night off.

Thanks have to be extended to the members of the hardworking Law Student's Society for organizing such a great event, hopefully the rest of the year's events prove to be just as unforgettable (or as in many content cases, unable to be recalled the next morning).

Check out more photos in the centrefold

A Message From President Madge



Madge Mukund
NDLSS President 2006

NDLSS Team Members 2006:

Tom French - Education
Vice-Pres.
Catherine Noonan- Social
Vice-Pres.
Ben Secrett- Treasurer
Rosalie Poole - Secretary
Daniel Paplia- Sponsorship
Cathy McComish -
Competitions
Emma Cullen - Publications
Ben Martin - Sports
Rachel Mounsey - Mature
Age Rep.
Mark Donaldson - 4th Year
Rep.
Terri Francis - 3rd Year Rep.
Noura Huneidi- 2nd Year
Rep.

Hi Everyone!

Welcome to the first edition of the new, revamped and sexed-up (in a good way) Sundry Crimes, or SC as you will come to know it.

This edition promises to be full of scandal, intrigue and, of course, intellectual stimulation. We began our new year of life in ND Law with, as is customary for all good dramas, some new faces.

Welcome to the new freshers, it's good to have you around to remind some of us who are in our 20's but still playing 18 year olds that we well and truly don't look it any more. Just lap it up while you can, and look peppy about it, because no one looks that good forever (unless you live in Orange County).

Well Semester 1 has begun in style with various lectures and workshops given by major firms and a steamy Careers Fair at the Parmelia Hilton.

I say "steamy", due to the hot weather that evening, coupled with the high concentration of back-stabbing, career-minded law students battling to get a word in with the unsuspecting HR's and grab a free souvenir (ranging from Crunchie bars to lap top bags) on their way out; Julie Cooper-Nichol, eat your heart out!

Then we launched the brilliant 2006 edition of the Career's Guide on CD-rom, lovingly compiled by our resident smouldering, tow-haired, wife-beater wearing, bad boy-turned-curly-haired-cherub, Tom French. We commemorated the occasion with a celebratory soiree (read: barbecue) in the Law courtyard that even a Nichol or a Cohen would be proud of, complete with the kind of drama (a last minute room change and dash across Campus) which only Notre Dame could provide.

With our first social event, the NDLS Sundowner, well and truly under our belts, we've kicked off the year with a grand and boozy start. In the words of NDLS Social VP, Catherine Noonan, "Guys, Thursday night was offensive...awesome".

In true SC style, everyone did a "Kirsten Cohen, pre-rehab" and drank at LEAST their \$35

worth, but, being Notre Dame, AKA: classy people and seasoned drinkers, all attendees observed the advertising posters and didn't "drink till they drooled" - good work team.

While I, myself, was cajoled out by your esteemed SC editor, Em "let's go to the Red

Windmill" Cullen, to a less-than-prestigious establishment where Hayley Nichol probably worked once, most people caught the rockin' bus to Club Bayview (that charming place where dreams are made, the haze makes EVERYONE look good- with disastrous consequences, and it is clearly the floor, covered in a miscellaneous cocktail of spew, beer, and an elusive 'something', that is accountable for That Clubba Smell, which you only notice when you're there sober.) Still a great, if not blurry, night.

A huge thanks to Cat for all her efforts and to all who made it what it was: fabulous work!

Check out the incriminating photos within...

Other than that, the Freehills Open Moot Competition starts this week and Cathy McComish, in the true spirit of an "it-girl" has been hard at work, schmoozing around the place to organise it. Make sure you all get down to uni on Tuesday nights to encourage your fellow students, pep-rally style.

Finally, the NDLS has got a massive 'Fun Lunch' party day lined up for Wednesday 29th March so come down and buy yourself a t-shirt or social membership, enjoy the NDLS BBQ and get a sausage cooked by your fave star or starlet of the SC.

So between the mess of the Back to Uni party (at which it was great to see a massive law student turn-out) and Tri-Law Week, headed by the Tri-Law party on May 5th, coming up, not to mention the regular ND Law onslaught of budding romances, tears, fistfights, betrayals, glamour, bling, pumping party circuits, and many, MANY alcoholic beverages, this Semester is shaping up to be a Golden Globe winner. So make sure you get into it and you'll be hooked, I guarantee it.

Or maybe I just watch too much of the OC. Either way, what will YOU be talking about around the recently-installed Courtyard water cooler?

Flick through to find out...We'll see you again next time in the SC.

Pub Review

The Royal Mounted Footwear Police

- Alisha Maharaj

There are few things in life that really irritate me.

However one of these annoyances is pubs' wanting to be trendy by screening their patrons for fashion faux pas. My grievance stems from the fact that I wanted to enjoy a balmy Perth evening in this said alcohol-doling institution, but my patronage was refused due to my choice of summery footwear.

You see this institution's bouncer believed he was the Royal Mounted Footwear Police, of which my choice in wearing a pair of iconic thongs was indictable, rendering entry impossible.



Ben Secrett and Ben Martin enjoying a bevvie at the Orient- one of Freo's great pubs. Picture: Emma Cullen

As I ambulated away from the pagoda construct on Murray St, under which Perth's newest pub, Tiger Lils is housed; I could not help but reminisce about Freo Pubs where a pair of thongs is considered a fashion item. So I have concluded that from this day on I shall only review and bring you anecdotes from our Freo pubs, where a pair of iconic thongs will not cause such grief.

A Day in the Life of a Fresher

- Michelle Vaughan

"Beep, beep, beep, beep" my alarm goes off, its 6.30am and for the first time in 3 months I'm up and out of bed before midday.

Time for law school!

Unfortunately unlike Reece Witherspoon in Legally Blonde I don't have little Bruno to sit in my handbag and keep me company so I head off to Notre Dame alone, hoping uni is everything it looks like in the movies. (Frat parties, Road trips!)

First class of the day is Ethics and the Law. I'm running a little late (nothing unusual) so I slink in and sit at the back hoping I won't get in trouble. Here we sit totally baffled trying to comprehend talk about the Teleological theory of ethics and wondering how on earth Aristotle fits into all this.

Aah, confusion has set in already.

Luckily, in the first week we only have a tut for Legal Research and Writing, where we learn valuable skills on how to do legal research good and learn how to write good. (Think I'm learning already!)

Most freshies this semester are studying legal process too, where a same seat policy is enforced each week! I hope that everyone was sitting next to nice people on their first day cos thats where your stuck all semester! Haha by the way, I am sitting next to very nice people.

Aboriginal People is also a unit a lot of people are studying.

This is a unit that will be good for really bad spellers because Nyungar can be spelt in many different ways and is still spelt right. (Eg; Noongar, Nyoongar and Nyungah.)

Another law unit most of us freshies have this semester is Criminal Law A- Procedure. In the first lecture I thought Ben had brought in an example of a criminal but it was actually our tutor Chris Mulley!

Finishing up I'd just like to offer some words of wisdom, always turn your phone to silent in class- especially if your ringone is R rated- or you'll be receiving a few evil glares from lecturers which isn't a pleasant experience at all. Peace out!

*Sundry Crimes
Committee 2006:*

Emma Cullen- Editor

Debbie Constable

Michelle Vaughan

Christian Foyle

Alisha Maharaj

Lis Costa

Richard Vinciullo

*Thank you for your
invaluable
contributions.*

Orientation Day 23rd February 2006



Law School Sundowner Cott Hotel 14th March 2006



Religion v The Law

- Christian Foyle

Can the Catholic Ethos Violate the Law?
Some thoughts about Notre Dame and the Constitution

The first amendment to the American constitution and Section 116 of the Australian constitution are similar in that they both disallow the government to make a law on the establishment of a religion and the observance of a religion. In Australia we don't have many interesting cases on Section 116 so we look over the seas to our religiously charged American friends to work out what to make of the religious guarantees contained in the constitution.

The Americans have given us no end of amusing cases, from Atheists who object to Astronauts taking the moon in the name of God and the United States, to Mormons who felt they deserve a second wife. None the less, there's one American case that I've been musing about since I learnt about it from Gabriel Moens last year.

In *Gay Rights Coalition v Georgetown University*, several gay students at the Jesuit institution decided to form two student groups: Gay People of Georgetown University at the undergraduate campus and the Gay Rights Coalition of Georgetown University Law Centre. The university denied the groups' official recognition, a decision that prevented the groups from receiving university funds, subsidized office space, telephone services, supplies and equipment, and authorization to use the Georgetown University name. In a memorandum to the undergraduate student government, the Dean noted that recognition would "be interpreted by many as endorsement of the positions taken by the gay movement on a full range of issues," and that this would "be inappropriate for a Catholic University.

The Gay groups challenged the decision and on appeal, the D.C. Court of Appeals reversed the trial court with respect to the provision of tangible benefits. In the lead opinion, the Judge severed the issue of tangible benefits from the one addressing the recognition of the organisation by the school. The Court held with respect to the former, that the university did not have a valid free exercise exemption to the Human Rights Act. Without providing extensive analysis on the tangible benefits issue, Judge Mack concluded that the provision of such benefits did impose a burden sufficient to invoke the Free Exercise Clause.

In coming to its conclusion on whether the Human Rights legislation takes effect free of the Free Exercise clause the court considered the following test involving three main inquiries:

1. Whether there is a substantial burden on

the individual's or institution's free exercise of religion;

2. Whether there is a countervailing compelling state interest; and
3. Whether the mechanism of the statute is the least restrictive means of meeting the goals of the compelling state interest.

In deciding the legislation takes effect free of the free exercise clause the court examined the public policy basis for anti-discrimination legislation and the District of Columbia's strong stance on the elimination of discrimination. In coming to a conclusion the court found that the "relatively slight burden" of the potential association between the gay rights organisation and Georgetown's religious practice did not outweigh the compelling state interest of prohibiting discrimination, and that the Human Rights Act was the least restrictive means of attaining the goal.

In 2001 Labor was elected to government in WA with a considerable portion of their manifesto dedicated to stamping out discrimination. In 2002, the State Government revamped the Equal Opportunity Act (WA) to outlaw discriminating against gay people in relation to a number of areas. These included discrimination by an educational authority in the area of education, discrimination in the provision of goods, services, or facilities and discrimination in the membership of a club.

Are you thinking what I'm thinking pinky?

Creation of a new club at Notre Dame is a two tier process, first the Student Association must approve the new club then the University Administration must give it the nod. Last year the Student Association approved the creation of a new Queer club but when the club went before the University Administration for approval it was denied. You might think that it's an outrageous violation of Human Rights, you might think that it makes a lot of sense, the fact remains we can't do anything about it, we're all bound by the agreement we signed when we started university to respect the Catholic Ethos.

The question I put to you is what would happen if the High Court were to apply the *Gay Rights Coalition v Georgetown University* test to Notre Dame? My answer is that the courts could uphold the Equal Opportunity Act (WA) in the same way the DC courts upheld the Human Rights Act. It's not a huge assumption to make considering how much Australia has followed the US in terms of the freedom of religion clauses and something to watch in the future.

Sculpt Your Guns

- Ben Martin, NDLS Sports Rep.

Get fit people. NDLS has some sports events lined up for you keen athletes and not so athletes. At the moment we have these events on the go:

- Basketball and Netball vs. Murdoch Students Law Society
- Cricket Match vs. Notre Dame School of Health
- City to Surf Fun Run – 27th August
- Dean's Cup Football vs. Murdoch

The more people we get down to these events the better it will be. It's a great opportunity to meet fellow students and to wallop the opposition.

Keep your eyes out for posters around the law school letting you know of up-coming events.

For now though, start sculpting those guns.

Announcement

Rachel Mounsey is our friendly new Mature Age Rep. on the NDLS for 2006. If you need to contact Rachel don't hesitate to email her at rmounsey@student.nd.edu.au

Native Title: Clerking Outside the CBD

- Lis Costa

This summer I was fortunate to be involved in the Native Title Internship program run by Richard Potok at the University of New South Wales.

Along with a student from the University of Sydney, I was placed at the Goldfields Land and Sea Council for six weeks.

The GLSC has around 40 staff and represents 15 Native Title claims over a huge area spanning from Meekatharra to the South Australian border and down into the Southern Ocean..

We worked on a range of interesting and challenging tasks including legal research, drafting Federal Court documents, attending client meetings, taking affidavits from claim group members and working on mining tenements and heritage agreements.

I realised that the quickest and easiest way to do legal research is to make friends with the Supreme Court Librarians. They are all knowing and very helpful!

The highlight of the internship was the opportunity to work in Esperance and Kalgoorlie and spend time "on country".

A few fantastic and unique experiences really coloured my internship experience.

Firstly, climbing Frenchman's Peak in Cape Le Grande National Park, which should have a disclaimer at the bottom saying "Climbing up mountain: Exhausting. Climbing down mountain: Terrifying.", but the breathtaking 360 degree views from the

top were totally worth it! Secondly, attending a meeting of 150 Nadju people in Norseman where the GLSC was trying to distribute money from a mining agreement.

It was good to see Native Title in action but I was happy to be safely at the back of the hall when the discussions got heated!

The most memorable part of my internship was going to Coonana Aboriginal Reserve, about 200kms east of Kalgoorlie on the Nullarbor. I took witness statements from the staff about a recent trespass on the reserve and talked to claim group members.

They offered us a house but we opted to camp in the desert, where I learnt that a swag is a rolled up mattress, tents are for wusses, giant bull ants may look harmless but they creep into your swag and eat your flesh and giant lizards may look like they want to eat you up but are harmless (apparently).

Overall, the internship was a fantastic opportunity to contribute to an under resourced area.

Over six weeks, I made great friends and learnt a lot about the practical side of "post-Mabo" Native Title and the problems facing indigenous people in today's society. I am glad that I did a clerkship outside the CBD because it was not just work experience but also a life experience.

Editor Emma Cullen

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We Would Like to thank
our generous sponsors:



Senioritis

- Richard Vinciullo

In America they call it 'Senioritis'. You're in your last year of uni, you're almost there. You've suffered the intellectual equivalent of four or five years in Abu Ghraib.

You've racked your brain in the attempt to memorise pointless legal minutiae like the difference between libel and defamation.

You've forced yourself to laugh when your lecturers crack terrible jokes. You've even made friends with that scary mature age student just because he's always taking notes frantically, tape recorder in tow.

And now that you're in your last year...

Well, you just don't care anymore.

My own, ongoing encounter with Senioritis took me completely by surprise. I was like a pack a day smoker who gets lung cancer: I knew I was in the risk group, but I never thought it would happen to me.

But by the beginning of third week, I hadn't bought a book, let alone opened one.

The warning signs were all there: shortness of breath at the thought of three hour Civil Procedure lectures; chronic fatigue; weight loss; and the delusional belief that watching Blue Heelers at 1:30pm on a Monday is a decent reason to avoid study.

But most important of all was the one thing I took for granted: rampant alcoholism.

Notre Dame law students tend to begin their career in alcoholism shortly after their first Legal Research and Writing lecture.

As in, they finish the lecture and run directly into The Orient.

But it's only when Senioritis kicks in that the reason for all of those years of heavy drinking becomes clear: you were in training.

Like Leisel Jones, you've done the hard yards and now you're ready to go all out and claim the gold. The drinking gold. And what better time to do it? Not only is final year the last chance to put your reckless behaviour down to being a student, but The Orient has just reintroduced student prices. 11am pints taste that much sweeter when they're only \$5.

Wait.

Who am I kidding?

They taste sweet either way.

The best part of Senioritis is the Uni events. Though the thought of actually attending *lectures* makes me break out in a cold sweat, so far this year I've been rocking up to even the most obscure events, on the one condition: free booze.

There's something cathartic about mass humiliation between classmates, and you always get to have those great conversations at uni the next week (over a beer, of course):

Alcoholic Law Student X: 'Hey mate. God, Friday was messy. How'd you go?'

Alcoholic Law Student Y: 'Awesome'

ALSX: 'Oh yeah? What happened? I can't remember a thing!'

ALSY: 'Neither can I! I blacked out after those tequila shots.'

The only known cure for Senioritis is a large dose of stress delivered three days prior to exams. It's believed that disastrous interviews with prospective employers may have the same effect. I'll get back to you on that one.

Clerking Coronary

- Tom French, NDLSS Education Vice President

Thank God the vacation clerkship application ordeal is over! On Thursday afternoon I felt as if I had handed in a thesis on 'why I will be an asset to a big commercial firm' (...damn I'm a good liar). Careers week went swimmingly with the tri-law careers fair, the Blake Dawson Waldron cv workshop and finally the Minter Ellison careers guide launch. Apologies to all those who did not get a copy of the guide (we slightly under-catered). There are additional copies now at law admin and the guide can also be accessed from the student server on campus. As soon as the NDLSS website is up and running the careers guide will be up and continually updated. Best of luck with your clerkship applications, there is nothing quite like 20 letters of rejection to toughen your skin up! A wise man once said that a sign of character is shown not through how one deals with success but how they accept failure. Ill be at the bar (at the orient of course) on 10 April from about 11am if you would like a companion to drown your sorrows with...☺

