



DE MINIMIS

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HOMELESSNESS WEEK

In recognition of Homelessness Prevention Week, an annual awareness and action campaign set up by Homelessness Australia—the national peak advocacy body on homelessness—De Minimis presents an article by Alexandria Anthony, discussing an issue which affects thousands of Victorians, especially over the winter months.

As Melbourne experiences some particularly cold nights, it's impossible not to consider the plight of the homeless.

Most winter mornings as I exit Melbourne Central, rushing towards the law school and its warmth, I pass sleeping figures, buried under a blanket or two in an attempt to achieve some level of comfort and privacy, or sitting up, eyes downcast, hoping someone will offer them some spare coinage.

But instead we head towards our heated offices, classrooms and workplaces, clutching our coffees, wrapped in coats and scarves, having had a good night's sleep in a warm bed, trying to forget and ignore the sad figures.

I know that I could search my wallet for some spare change but that's not going to change the problem.

They still won't have a job or security and it won't remove

whatever issues caused them to fall into this unfortunate position.

I ponder all these problems, but within minutes I'll have forgotten them as I go about my life, my mind again returning to other concerns, like rushing to get across the street before the green man turns red and stops flashing.

Yet here I am again thinking about what I can do. I could donate some time to helping the homeless. But I'm short on time and there are so many other causes. I could donate some money.

But the reality is I don't personally have the means to make any real difference to the overall problem. Besides, it still wouldn't be enough to get to the heart of the problem, because people don't just become homeless because there aren't enough people willing to help.

They face difficult mental health issues, domestic violence, addiction, depression and relationship breakdowns. They can't get work. They have a job but they can't make enough money to get secure housing.

They have fallen down a hole so deep they can't find their way out without significant aid. And the average person probably isn't going

to be able to help them with these issues on their own.

However, I truly believe we can make a real difference to fixing this problem. Several states in America have taken some really significant steps towards helping their homeless population get their lives back on track.

In Utah, 'Housing First', a strategy of housing people has actually managed to save taxpayers money, while reducing chronic homelessness by 72%.

This is because simply providing homeless people with the basic means of survival (homeless shelters and soup kitchens) actually costs more than providing them with housing.

And once they have their own housing, it's much easier for them to deal with the issues that caused them to become homeless in the first place.

The most incredible thing about this is that someone acting from purely financial motives should support such an approach.

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Feature

HOMELESSNESS PREVENTION WEEK

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And that's why this same approach is now being followed in other parts of the US.

Meanwhile in Australia and Victoria we are cutting back many of the services that are most likely to help the homeless. Why are we doing this? To save money apparently.

Doesn't make much sense really, does it?

But then, it's easy to explain it. This sort of action requires the government to act, not cut. And there isn't the political will. The government isn't going to engage in that sort of spending if it isn't in their interests.

But by the time there is any real financial benefit from such action the government will probably have changed, and let's face it, homelessness is not a big enough issue for most people to really care.

There isn't going to be the political pressure that we see for marriage

equality. Marriage equality is easy to care about. We all know people in happy same-sex relationships and it's pretty easy once people get past their prejudice to recognise that they should not be subject to arbitrary discrimination.

Even if it doesn't directly affect you, it probably affects someone you care about. And advocating for marriage equality is easy in a society in which most people support it and when recognising marriage equality doesn't really require you to do anything, or give up any of your money or time (assuming you don't get invited to same-sex weddings).

But giving homes to the homeless, well, that just seems radical. People shouldn't be given things they didn't earn, right? We all work hard to be able to get a home, to pay the bills, the mortgage, to be comfortable, so why should others just be given a home?

Well, this is why: being safe and secure is a basic human right. Even if you don't like the language of human rights, you can probably agree that we should not just sit back and let people die when we could easily help them.

If you came across someone bleeding to death in front of you, I'm guessing you would help. And if someone came to your door, starving and

freezing to death, you would probably at least give them some food and offer them help to find shelter and warmth for the night. Perhaps in the form of a blanket.

So if you were told you could actually help give that person somewhere to sleep for the night, and it was going to cost you less than if you simply provided them with food and a blanket, why would you not say yes to that, especially if you knew that by doing so, you were more likely to help them get into a position where they didn't have to ask for help anymore?

You might ask how can we give someone something for free, something more than they actually need to merely subsist, when we can't satisfy all of our own needs and desires that we've worked towards?

Well, it makes no sense not to do so when it is costing you less and you get the satisfaction of making a real difference in getting people's lives on track. So why not try it?

Alexandra Anthony is a second-year JD student.

For more information about homelessness, and how you can assist in preventing and ameliorating it, visit homelessnessaustralia.org.au.

History

JUDGES BEHAVING BADLY

One of the most interesting features of the furore surrounding Tim Carmody's appointment to the position of Chief Justice of Queensland last year was the criticism levelled at various members of the Queensland judiciary, for their public expressions of scepticism at his authority and impartiality.

If various serious-minded commentators in *The Australian* are to be believed (and why shouldn't they be?), any spats between judges—no matter how important—should be hidden from public view, in the interests of maintaining faith in the judiciary.

Some examples from the history of the High Court in its Dixonian 'golden age' should put these contemporary disputes in perspective:

— During the 1930s, when the High Court justices spent a third of the year sitting in various state capitals, Evatt and McTiernan JJ travelled from Adelaide to Perth by sea to avoid Starke J, whom they hated. This isn't to imply that Evatt and McTiernan were on good terms either—during the voyage, the former bullied the latter into giving him his cabin, because it had a bath.

— Justice Powers' reputation was so dismal that some mean-spirited lawyers liked to joke that certain matters were *ultra vires*—'beyond Powers'.

— After a speech by Sir George Rich, in which he propounded the benefits

of employment, Dixon J wrote to his daughter that 'the idea of Sir George preaching the doctrine of work struck Mum as particularly amusing'. This was harsh but probably fair: Dixon has been accused of ghost-writing many of Rich's judgments.

Hamish Williamson is the Chief Editor of *De Minimis*, and a second-year JD student.

DE MINIMIS IS...

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Comment

ARE YOU A LAW SCHOOL LOSER?

Hint: It's a strong probability

Why? Because in all likelihood, you're a highly ambitious and highly competitive individual—an inference drawn partially from your decision to study at Australia's "best" law school; partially from the fact that law school itself is essentially an intellectual hunger games, complete with a limited number of survivors grad jobs; and partially from the fact that human beings have an inherent lust for distinctiveness.

Our collective competitiveness means we're more likely to enter competitions – that's why mooting, witness competition and negotiations have waiting lists.

It drives us to apply for more legal jobs, more positions on law journals or MLS societies, more clerkships, and—just to demonstrate how insanely competitive the legal profession is in this country—more volunteer positions.

It motivates us to bail on friends to get in those extra few hours of study, and skilfully evade security after 10 p.m. so we can stick it out on level 3 after hours.

This hunger to take every opportunity that presents itself means that, invariably, we confront rejection far more than the 'reasonable person' we hear so much about in contract law. In short, we lose often. Which means that by definition, we, and by that I mean you, are a 'loser'.

You want the good news or the bad news? The good news is that being a 'loser' is not, by any stretch of the imagination, something to be ashamed of. The bad news is, not many people in this institution seem to have gotten the message.

Maybe it's that Melbourne defines itself by its #1 place in the Australian rankings, or that the student population is increasingly being herded towards jobs in the cut-throat commercial law sector, but there is a frightening lack of honesty in the way students talk nowadays.

How they refuse to talk about the times they didn't get the H1, didn't get the internship or didn't win a fucking award at the Oscars.

I have heard my peers flat out lie to one another about marks, application outcomes and career direction. Not to parents or teachers or firm representatives, but to their friends.

Others flatly refuse to talk about certain subjects – the taboo around marks is perhaps the most pertinent example.

It's like losing – or more accurately, not coming first – just isn't in our vocabulary anymore, a notion that is terrifying given that, per the above, we do it a lot.

And this dialogue-of-deception isn't limited to the students.

Whilst speaking to Associate Professor Katy Barnett earlier this year, she told me about the response she had received from her peers when she told them a journal had declined to publish an article she'd submitted to them:

'Talking about this made people privately bring up instances where they had also failed, but couldn't talk about it publicly in the same way that I had. Which made me think – why? Why can't people talk publicly about the times they've been rejected?'

At the start of the semester 2, each of the JD classes will have its reasons to be anxious. The grad process is well underway for those students nearing the merciful end to the JD; clerkship mania has descended for those of us just passing the halfway mark; and the Hart-Fuller debate awaits those who have just begun (disclaimer: I loved Legal Theory).

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Don't like the content? Write your own!

De Minimis is written by, and for, the students of Melbourne Law School.

We welcome any and all quality writing that might interest our readers.

If you have insights into the student experience, the legal industry, events on campus, politics, movies, or even fashion, send an email to the editor:

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Comment

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As the competition heats up, it's important not to lose perspective. A large proportion of the 2014/15 JD student populace is going to apply for (grad or clerkship) positions; and a good percentage of us are going to come up short.

Others will perform worse than they expected, and a few others will fall on the far left of the bell curve.

These eventualities are not something to be ashamed of, and we – the students of MLS – owe it to ourselves to combat this “culture of excellence” when it becomes corrosive.

Be kind, and honest, to your friends and to yourselves. And remember

that doing poorly at law school is not the end of your career – legal or otherwise. Want proof?

Associate Professor Katy Barnett scraped through Intellectual Property while at law school, and didn't get articles in her grad year.

You might remember her for being an esteemed academic, former solicitor for Freehills, and teaching you Trusts, Remedies and a pile of Masters classes. Screw you, unrealistic expectations.

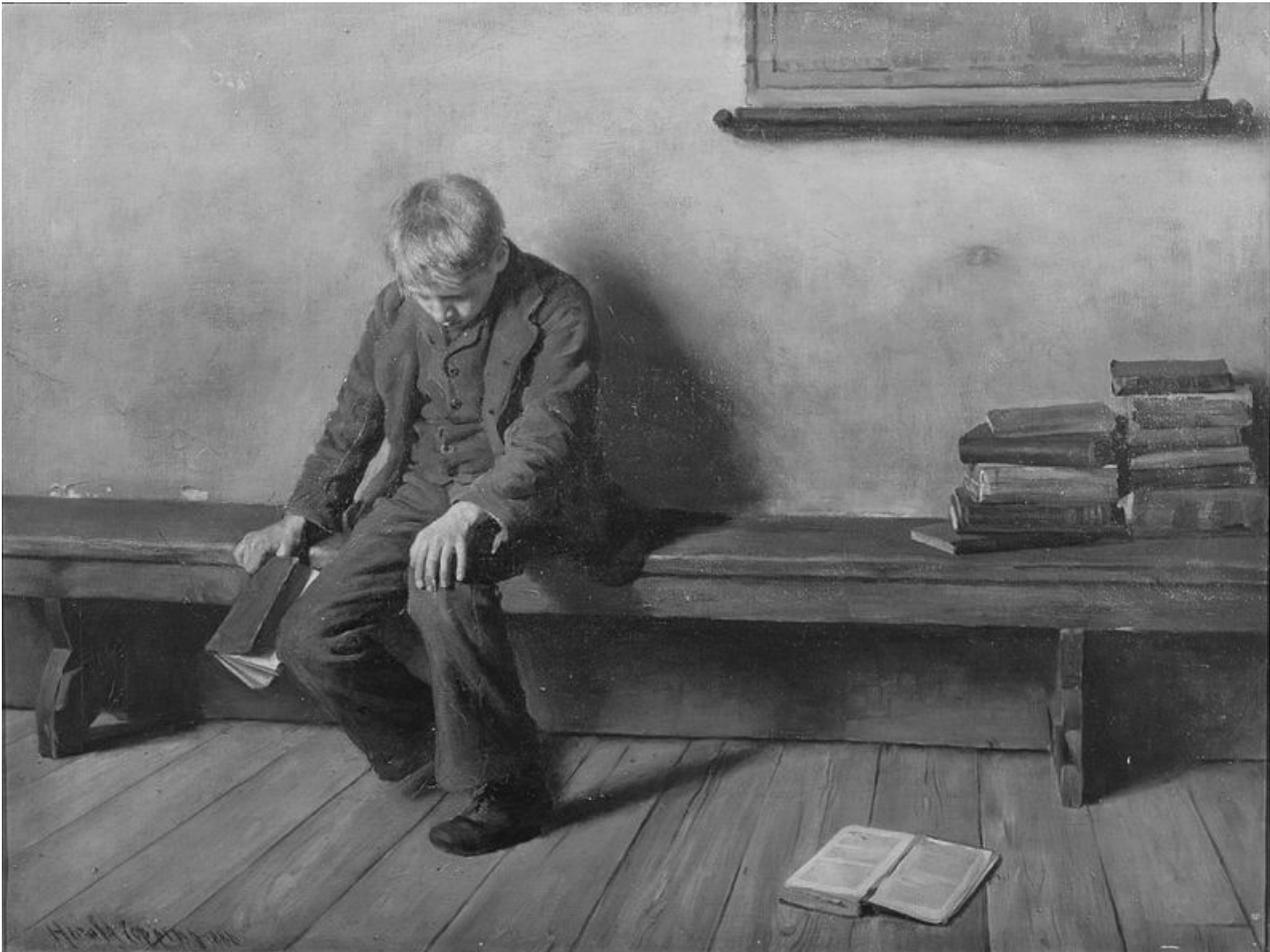
Associate Dean Jeannie Patterson wasn't accepted into law on her first try, and failed her first interim assessments for Contracts and Torts.

You might remember her for being the associate Dean, as well as a former solicitor at Mallesons and recipient of numerous subject awards. Take that, impenetrable job market.

The Honourable Bronwyn Bishop failed 11 subjects at Law School and was deemed ineligible to finish her L.L.B.

You might remember her for ~~being a horrible person~~ holding the third highest office in the Federal Parliament (until last week). Anything is possible!

Jacob Debets is a second-year JD student, and Co-Editor and Secretary of De Minimis.



Harold Copping's 'The Dunce'. Image source: Wikimedia Commons.