



DE MINIMIS

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AN OPEN LETTER TO THE LSS

AN OPEN LETTER TO THE LSS FROM 'LAW STUDENTS FOR REFUGEES'

Dear LSS Executive Committee,

Earlier this semester the 2015 Executive Committee voted to endorse marriage equality and to advocate for its legalisation in Australia.

The LSS stated at the time that underpinning this advocacy was its constitutionally-entrenched purpose to "promote a commitment to social justice and a critical interest in law and the operation of law in society".

Law Students for Refugees (LSFR) applauds this decision.

It is absolutely right and just that the LSS should seek to ensure its LGBTIQ-identifying student members "feel both comfortable and welcomed being themselves amongst all members of the Melbourne Law School community".

It is also absolutely right and just that such members should "receive equal treatment and protection under the law and should not be discriminated against".

LSFR urges the LSS to take a similar public stance with regard to the government's treatment of refugees and asylum seekers.

Under the Graduate Access Melbourne (GAMs) program, MLS provides support for applicants who have either a "previous status as a refugee or are current holders of a humanitarian visa".

The LSS should therefore count amongst its membership those who have sought asylum in Australia.

Specifically, LSFR urges the LSS to take a position against the offshore processing of asylum seekers by the Australian Government.

This is for two reasons.

Firstly, those subject to offshore processing are selected arbitrarily based on the fact that they have arrived in Australia by boat.

This is clearly discriminatory and against international law: Article 31 of the Refugee Convention states that countries should not penalise asylum seekers based on their mode of arrival.

It is quite possible that an LSS member may be in the position of Mohammad Ali Baqiri, a law student at Victoria University, who at ten years old was detained on Nauru and witnessed hunger strikes, detainees sewing their lips together, and attempted suicides.

Like LGBTIQ members, members like Mohammad should "receive equal treatment and protection under the law and should not be discriminated against". Such members should "feel both comfortable and welcomed" amongst the MLS community.

Secondly, the conditions in offshore detention camps are such that they amount to a breach of the UN Convention Against Torture, according to a UN special rapporteur on torture.

The former chief psychiatrist to Australia's detention centres, Dr Peter Young, agrees. In August last year he wrote, "if we take the definition of torture to be the deliberate harming of people in order to coerce them into a desired outcome, I think it does fulfil that definition."

Continued on the next page...



The MV Tampa, focal point of the 2001 'Tampa Affair' which saw the first use of the Nauru Detention Facility. Photo credit: Remi Jouan, sourced from Wikipedia.

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Paediatrician Dr David Isaacs has said of the detention of children on Nauru, "It's child abuse".

Seventeen children engaged in self-harm, including attempted hanging, between October 2013 and October 2014.

Guards employed by the Australian government have been accused of raping, physically assaulting and even killing asylum seekers in the centre.

Successive misinformation from the then Minister for Immigration and Border Protection, Scott Morrison, surrounding the murder of Reza Barati, together with claims of evidence tampering, has already cast doubt on the *only* court proceedings for these allegations to date.

What's more, offshore processing has been destructive of the rule of law in the island nations where the detention centres are located.

On Nauru, opposition MPs have been suspended from parliament for "talking too much to foreign media", including the ABC.

The Nauruan government said it was reacting to "concerns raised by donors, and considerations to suspend aid programs to Nauru".

Australia is far and away the main such donor, providing around \$30 million per year.

Given that the LSS has a constitutional "commitment to social justice and a critical interest in law and the operation of law in society", it is appropriate and necessary that the LSS take a stance against such abuse of life, liberty and due process.

As future members of the legal profession, we should not stand idly by whilst such abuse continues.

The support of civil society for

the asylum seekers arbitrarily and indefinitely detained on offshore detention camps is indispensable to the cause of justice.

The Australian journalist, Peter Grete, who was until recently detained by the Egyptian authorities has said that he would not have been released without the "massive groundswell of popular outrage of what had happened to us".

We must play our part in doing the same for those detained by the Australian authorities.

In the words of Arundhati Roy, "a thing once seen cannot be unseen, and if you've seen a moral wrong, to stay silent is as much a political choice as to resist it."

Yours sincerely,

Law Students for Refugees

Clerkships

THE SEVEN STAGES OF CLERKSHIPS

The clerkship process is, in one sense, a LIV coordinated route for getting an internship in corporate law.

In another (more accurate?) sense, it's a grueling psychological marathon designed to weed out those with any faint candle of life still flickering within. It's probably both.

Except that the first sense is a faint possibility, and the second is a given.

Anyway, the defining aspect of the whole process is, one could argue, grief. And some people smarter than me have formulated stages of grief.

And maybe applying that framework to clerkships would be valuable, or at least stop me from doing Corps readings. So here goes.**

1. Shock or Disbelief

The moment when that rejection email first gets opened.

"Allensons rejected me!!!!?????!!!"

"Wait. I must be dreaming. Or hallucinating. I have had nightmares about this before. Stay calm. Pinch yourself"

2. Denial

The time spent either a) denying that the prolonged silence you're getting means rejection, or b) denying that the rejection you got was real.

"I probably put down both the wrong number and email in my application, I'd better check all of my applications to make sure. Nope, hhhmmmm.

Maybe my phone just isn't receiving calls. Someone call my phone! *phone rings* Wait, Google obviously just isn't letting emails through to my account..."

"Well, someone in HR's gonna get fired over this. Sent this to the wrong

email, fell asleep on the job etc. I hate to do this, but I'd better call to sort out this terrible mistake. Haha-hah, I sure as hell wouldn't want to be those guys!"

3. Anger

Self-explanatory.

"Fuck this." *Throws phone across room*

"You can't fire me because I quit! And, I guess, because you never hired me."

4. Bargaining

"If I call HR and offer to do one for free, will that bump me up a few places? Hmmm, it's a shame that Adelaide place selling grad positions for \$20K got shut down."

"What if I offered you my soul in exchange for a clerkship? Oh, you'd be taking that anyway..."

5. Guilt

Incidentally, this period of guilt is a lot shorter than the gnawing, ever-present guilt you would probably feel working in corporate law.

"They don't want me defending asbestos, tobacco and coal companies for them. I am a terrible person."

"I should have spent less time convincing myself to sell out, and more time actually selling out. Or maybe just less time convincing myself to sell out."

6. Depression

Also self-explanatory.

"Fuck this." *Throws textbooks across room*

"I mean, I was going to leave to go to the bar after two years of experience/networking. And now I can't even do that."

7. Acceptance and Hope

The moment when you realise that this is probably a good thing.

"Well, I suppose some HR rep saw into my soul, figured I was the sort of

person who with enough integrity/morality/self-respect to hate this and drop out within a year, so decided against investing thousands of dollars training me. That's sort of a compliment."

"Well, I suppose I still go do that idealistic/interesting thing I entered into law school hoping to do. Wow, I feel better already. Wait, why was I applying for corporate law positions!?"

I think I just felt my projected quality of life go up. Like, physically felt it. It felt good."

**Note that these opinions are purely those of the author, and, in some cases, not even the author's opinion. Also, this is public on the internet, isn't it? Shit.

If any HR reps are reading this, know who wrote it, and are considering said person's application, I would advise you (yes you, HR rep) to disregard any/all of these opinions that would imply any critique of corporate law whatsoever. Maybe just ignore all of it. That's safest.

Clarke Shipley is a second-year JD student.

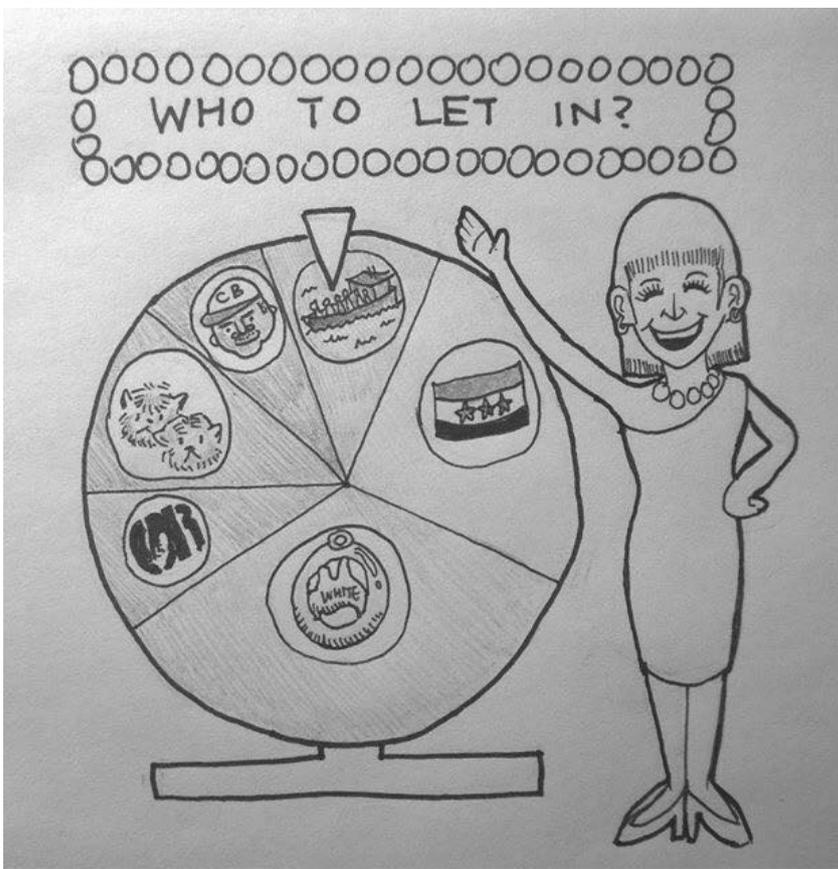
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Cartoon by Harley Ng

Reminder

De Minimis will be holding its Annual General Meeting at 6:15 p.m. on Thursday, 5 October 2015, in Room G29 at the Law Building.

To be voted on will be several constitutional amendments, as well as various elected positions for 2016. Several appointed positions will also be open for volunteers.

The elected positions are those of the Executive Committee, namely:

- Chief Editor
- Managing Editor
- Layout Editor
- Online Editor
- Sub-Editor
- Secretary
- Treasurer

All interested students are encouraged to attend and participate. Current first-years are particularly encouraged to apply.

Further details are available on the *De Minimis* Facebook page.

Wine and light refreshments will be provided.

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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