

De Minimis

Tuesday, 10 May 2016

Volume 9, Issue 10

www.deminimis.com.au

Cruel to be Kind, to be Cruel



Illustration by third-year JD student Harley Ng

Henry HL

Every day there is a new outrage. People set themselves on fire. Children are sexually abused. Self-harm is inflicted. Refugees are delivered back into the hands of their persecutors. Hopes of resettlement are crushed. People are killed by vicious mobs, or guards, if there is still a meaningful difference. This article could simply list such outrages, any of which should suffice to close the camps forever.

Yet the Liberals don't close the camps. And Labor don't demand them closed. Instead we get the same tired lines: 'The most compassionate thing you can do is stop the boats. We have stopped the boats' or perhaps 'The only way you can stop the deaths is to stop the people smuggling trade. The only way you can stop the deaths is in fact to stop the boats.'

We are told that instituting mandatory detention is necessary. It is implied that the appalling conditions are necessary too. These are all allegedly necessary to deter people from trying to come here, which will then apparently stop them drowning along the way, which supposedly makes us tough but decent human beings instead of torturers of the world's most vulnerable. We'll see about that.

I'm still not convinced that anyone, deep-down, really believes that the camps are a compassionate venture by the Commonwealth. Least of all the people who support them. But this 'compassion' serves as a comforting lie, something to whisper to yourself when you see the latest human rights violation or self-immolation. Something you only half-way believe, but

Continued page 2

MLS Students Welcome Library Changes

Melbourne Law School students say recent changes to level three of the Law Library are much-needed, and couldn't have come sooner.

The renovations have seen an overall reduction in the size of the law student study area, along with the removal of several computers and a lounge area. Several bar-style desks have also been moved to outside the 'law students only' area. The changes were made in an effort to better accommodate the primary users of the Law Library - commerce students.

"Our research revealed that commerce students feel marginalised by the inclusion of a law students only area in the library," said Library Manager Cherry Bookson. "As a result, we've made this area smaller and reduced the overall level of amenity it provides to law students. It is hoped that these changes will make the Law Library a more welcoming place for commerce students."

Law students who spoke to *De Minimis* say the changes were needed because the law students only area was clearly too big, reflected in the fact that it was always far too easy to find a vacant desk.

"I've never, ever had a problem finding a desk in the library's law student area," said second-year student Alison. "This indicates an oversupply of seating, which comes at the expense of commerce students who generally can't access the area. Plus, even if I were ever to find the area full, walking up two large flights of stairs to find an empty desk in the library with my backpack, laptop, water bottle, textbooks and lunch is a breeze."

Students have also embraced the fact that the law student area has not been access-controlled for much of the semester, a decision which has vastly improved accessibility for non-law students and thieves.

More recently, there have been rumours that the new sliding door will make its inaugural opening motion in coming days.

Staff say additional changes are afoot in a bid to further improve the library. These include plans to remove already scarce power outlets from the law student area, and to replace the rectangular desks with more of the impractical, unusually-shaped ones.

According to Bookson, the ultimate goal is to entirely eliminate law students from the Law Library by late next year. Next week an advertising campaign will be launched to promote the recent modifications to the Law Library. The campaign will see the changes promoted through a series of posters to be placed throughout The Spot and the Goblin Eunson Library. Commerce Faculty lecturers will also be asked to encourage students to take advantage of the law building.

Cruel to be kind continued

still does the job of deflecting the guilt. Lies like these are what allow good people to do so much evil in this world of ours. So let's look at this 'compassion'.

Firstly, has mandatory detention actually stopped that demand, and those journeys, and those drownings? This seems like a vital question, but we just don't know. There have been no more reported boat arrivals. But that could just be because the government stopped reporting them, at about the same time they stopped reporting anything whatsoever about those mysterious 'on-water operations'. Who knows?

But let's say that you do deter people from coming to Australia. Does that mean they're out of harm's way? Where do they go? Do they stay home, in the country they are being persecuted in? Do they take a similarly dangerous journey to a different country, across the Mediterranean maybe? Do they

stay in the squalid, dangerous conditions in a transit country? These aren't safer options, and forcing people to choose them doesn't save lives. It just lets us pretend that those lives aren't our ours to save.

But let's assume these camps really do save lives, and that saving lives is their only purpose. Shouldn't we be investigating ways of saving those lives that don't involve psychologically torturing children? Shouldn't we be, say, using the billions of dollars poured into Nauru and Manus to ship those asylum seekers here ourselves? That would certainly break the people smugglers' business model. Who would get on a leaky boat when you could get on a nice navy vessel? If this isn't a feasible solution, something other than compassion has to be at play behind this policy.

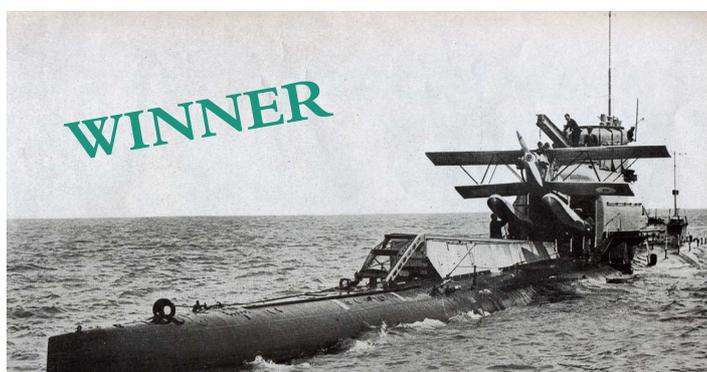
But alright, let's imagine that the camps stop the boats, saving lives, and in a way that nothing else could. What then makes the people in those camps so readily

sacrifice-able for the greater good? Imagine that Malcolm plucked 631 random australians from their homes and into Nauru to stop the boats, because who would come to a country crazy enough to pull something like that? Imagine it worked, that it stopped the boats, ending any drownings. Would people support this policy? Meekly accept this as the price to be paid? Trumpet it is as 'the most compassionate thing you can do'? No. These are human lives after all, not pawns to be sacrificed as the overall strategy requires. The outrage would be huge. Yet there is no outrage for asylum seekers. Are they not humans too though? For many, maybe not.

Don't think that the suffering in these camps is for some greater good. Don't think that your conscience is clear in supporting them. Don't think that Malcolm is being cruel to be kind. Don't think that the cruelty here is anything more than cruel.

Henry HL is a third-year JD student

'The 2016 Budget' or 'Things Middle-Aged White Men Like'



Mr Lib Errol Hack

Are you a wealthy middle-aged white man? Have you been feeling insecure about the socio-economic advances seemingly being made by women, young people, welfare recipients, and Aboriginal and Torres Strait Islander people? Are you concerned about the financial obstacles faced by giant corporations? Do you just really like whiskey? Fear no more! 2016 is the year for you, my friend! Your loyal servant, federal Treasurer Scott Morrison, has delivered a budget designed purely to cater to your needs. What a stand-up bloke.

Growth and prosperity are the watchwords of this year's budget. And if there's one thing that's truly essential for growth and prosperity, it's military aircraft. That's why Mr Morrison has given the Department of Defence \$32.3bn to spend on four new maritime patrol aircraft and 49 training aircraft, along with some top-of-the-range submarines and a raft of other fancy toys — I mean, vital defensive equipment. That should really give the Chinese something to worry about! *flexes bicep*

Nowadays, if you earn \$80,000 a year, you're only in the top 20% or so of earners in the country. Measly! Why should you have to support the other 80%? Why don't they just work harder or get better jobs? Don't worry lads, Mr Morrison has your back, implementing a nice little tax break for you.

It's not much, but it'll cover the country club dues just fine.

And as for big business, Mr Morrison will cut their taxes too, in a laudable acknowledgement that large corporations have only ever served the interests of everyday Australian families.

And how about the roads in this country? Bloody hard to take the Lambo out for a spin with the state they're in, full of speed limits and pesky cyclists. Well, Mr Morrison understands that cars truly are the way of the future in this country so he's set aside the entirely appropriate sum of \$7.9bn to make sure our roads are up to scratch.

Now, it's fair enough that people who've had it a bit tough should get some money from the government. Otherwise they'd all die off and there'd be no one to exploit — ah, I mean, employ — in our companies. But make it too easy for them and they'll just bludge about on the dole forever rather than working as they clearly all could if they tried hard enough. And the amount Centrelink pays all those public servants to make sure people comply with the completely reasonable and not at all demeaning procedures, oh boy, it's enough to make you choke on your scotch fillet. This is why Mr Morrison has introduced a brilliant new plan: he's going to cut 810 jobs from the Department of Human Services! Not answering 22m calls last year and having the Centrelink website crash every

second day or so already kept the plebs nice and downtrodden, but this should really send the message home. And think of all the money we'll have to spend on ego-massaging phallic symbols — I mean essential military hardware! Ingenious.

Mr Morrison is also taking the admirable step of taking no action to stop the funding cuts to the country's community legal centres. Massive drain on the economy, CLCs, and what for? So a bunch of hoodlums can misuse the courts to "enforce their legal rights". Utter nonsense. If these people can't afford a real lawyer, they've got bigger problems to deal with. Besides, the good-for-nothing miscreants probably did whatever it was anyway.

Ideas are what made this country great. Ideas and sheep. That's why Mr Morrison is going to facilitate an IDEAS BOOM through cutting funding to our national science organisation and promoting entrepreneurship. After all, what's the point of having ideas if you don't already know they're going to make you money? It's not like anything useful was discovered through sheer curiosity!

And finally, in the measure that really lets you know he's looking out for you, Mr Morrison has introduced an excise rebate for whiskey distillers that'll make the after work tippie with the boys just that much sweeter. Pip pip!

Mr Lib Errol Hack is a third-year JD student

Interview | Claire Poyser Chats to the Hon. Elizabeth Curtain



Claire Poyser

I was lucky enough to sit down recently with this semester's Judge in Residence, the Honourable Elizabeth Curtain. As a young female in the legal profession, I am incredibly grateful to have the opportunity to follow a path that women like her have carved out for us.

During her time at the Victorian Bar, Elizabeth Curtain was often asked which barrister she was secretary to.

At that time, it was a rarity for women to go to the Bar. However, once her colleagues learnt that she was in fact a young barrister trying to make a start, they did everything in their power to assist her to succeed.

If it was a huge step for a female law graduate to go to the Bar when Justice Curtain did, then holding the varied judicial positions that her Honour did can only be considered a leap of epic proportions.

But when I asked if becoming a judge was ever a goal for her Honour, she responded that it was never even considered a possibility. In fact, she said that if someone had told her

that she would be a judge one day, she would have laughed - at the time the concept of a female judge was considered too abstract. During her time at Melbourne Law School, her Honour remembers there only being one female judicial role model: South Australian judge Dame Roma Mitchell.

However, our discussion didn't focus heavily on what has unquestionably been an impressive and enviable career. Instead, we had a fairly candid discussion of mutual experiences studying law. When I admitted to her that I felt that law sometimes consumed me entirely, she completely understood. She told me that she balanced her working life with her interest in theatre and amateur acting, and also with horse racing. She believes that the Spring Carnival is a fun time in Melbourne, for the horse racing, but also for the incredible fashion and hospitality.

Perhaps because of her efforts to maintain interests outside the law, her Honour's love of horse racing and her career converged when she became Deputy Chairman of the Racing Appeals Tribunal.

I noted that I had an interest in combining a career in law with education, the career path both of my parents have chosen. Her Honour believes there is a key challenge in this area, which she believes creates severe misunderstandings of the judicial system.

In Australia, unlike in the United States or other countries around the world, there is no culture of civics teaching in Australian schools.

Her Honour's concern was reinforced when I ashamedly let on that I had no idea about the three separate branches of government in Australia until I started law school at 21, and that my introduction to the Australian Constitution was while watching 'The Castle.'

Naturally, many Australians have a view on the way the justice system, especially the

criminal justice system, should be administered. Reporting on crime and sentencing forms the bulk of our news, and concerns us all.

However, she argues that through no fault of their own, the majority of people don't understand what judges do or what constraints they face.

Her Honour believes that this lack of understanding leads people to criticize judges for being out of touch with society, or for making decisions from ivory towers.

But her Honour states that this view of judges couldn't be further from the truth. She believes that her career, first and foremost as a criminal lawyer, and then later as a judge, has allowed her to see the full spectrum of human nature and emotions.

In her own words, she says that she has seen bad things happen to good people, good people do bad things in moments of extreme pressure, people demonstrating extreme acts of resilience and courage, and everything else in between.

While the public hear a snippet of reporting about the length of a sentence or a small extract of what might be a lengthy and considered judgment, a judge has witnessed every aspect of a trial play out, sometimes for days or months on end. They have watched how the trial has affected those who are involved in it, and have read every document, and every witness statement, first hand.

The courts, like the theatre, are forums for social commentary. Her Honour has given, and continues to give, an outstanding performance.

Claire Poyser is a third-year JD student

The Honourable Elizabeth Curtain has an open door policy. You can contact her at elizabeth.curtain@unimelb.edu.au or pop in to room 0954.

The Problem With the Youth of Today

Abby Cone

I have a bee in my bonnet. Actually, most days I have many bees in my bonnet. But this bee is a particularly loud and obnoxious one. It is on my television at night and in my newspapers in the morning, it is something we've probably all had to deal with from time to time. This bee, is the Baby Boomers.

I've been thinking about Baby Boomers for what some might consider an unhealthy long time. Mostly due to the fact that I'm entering the stage of applying for jobs outside of the glorious world of hospitality. As I sit across the table from yet another Baby Boomer looking at me with their silently judging eyes and asking the usual gamut of interview questions, it takes the total sum of my willpower not to manhandle their freshly ironed collar, get my face right

up close and ask them some questions.

'Oh yes Baby Boomer Bob/Bobette, I totally agree that volunteering has been a wonderful addition to my formal education. But tell me, how many unpaid jobs did you juggle whilst doing your degree? Oh I see, were they not as necessary for you as you were finishing university at a time of some of Australia's lowest youth unemployment rates?

And was that on top of the paid job you needed to do to cover increasing rent and living expenses? And Bob/Bobette, when you did start earning a proper wage, exactly how much of that went to paying off your degree? Would you say having that little extra helped or hindered your entrance into the housing market?'



Continued page 4

The problem with the youth continued

You see, recently an ABC Four Corners episode was aired on the current housing crisis where a bunch of Baby Boomers explained to me that the fact that the idea of ever owning a house makes me laugh maniacally for many hours is actually my own fault. They tell me that TV that I scavenged off the side of the street is holding me back, those clothes I buy from Savers are leeching my house fund and my bike repairs are keeping me from achieving what they managed by the grace of only their hard work and sacrifices. This argument happily and deftly manoeuvres around the question of exactly how much they sacrificed for their white picket fence. In the mid 70s the average house price in Sydney was approximately 5 times the average wage so I'm not arguing that they didn't work hard to get their slice of suburbia. What I am saying that with those same prices now being 13 times the average wage we, as a generation, may need to make some larger sacrifices. Like a kidney. Or our first born child.

Before we get swept up in my incredibly one-sided opinion (read: rant) and start throwing around words like 'ageist', let me say that I have Baby Boomer friends. My parents are Baby Boomers and yes I know, not all Baby Boomers.

The thing that I'm protesting here is the oft-repeated complaint that the younger generations 'aren't willing to do the work', that we are the age of entitlement, expecting things to 'just happen'. In a recent example, a bunch of Baby Boomers in a big green room (mostly male but that's a whole other 6 bees' worth of opinions) told me I have to learn to 'live within my means' for the good of the

country. I can only assume by this they meant stop going to university, move out of my rental and never get sick. I understand this was probably not directed solely at the younger generations but it comes on the back of hundreds of similar complaints that I am tired of hearing.

'They tell me that TV that I scavenged off the side of the street is holding me back, those clothes I buy from Savers are leeching my house fund and my bike repairs are keeping me from achieving what they managed by the grace of only their hard work and sacrifices.'

I am sick and tired of being put down because of my age. I am sick of constantly feeling that I am barely keeping my head above water during semester as I struggle to decide what in my life has to give in order to take on a new volunteer position that may or may not lead to me getting a paid position somewhere, and then being told I don't understand what an honest day's work means. I am sick of the anxiety that curls in my stomach when I think of the future, yes my personal future but also that of our community. And I am most definitely sick of being told that my generation refuses to take responsibility for our actions (Oh hello there Pot, may I introduce you to Kettle? cough climate change cough) or, my personal

favourite: that we have a problem with authority.

To that last one I say good. We SHOULD have a problem with this authority. In a time where 'the youth' have to constantly fight to have our voices heard we are weighed down by the label 'apathetic'. While we struggle to find jobs in an increasingly competitive market we're mocked as 'bludgers'. We are socialised into a community that tells us we are only as good as our image and then we are saddled with 'narcissistic'. We grow up with the knowledge that our tax (after HECS of course) will go to supporting an ageing population who currently tags us as 'selfish'.

Now, I'm not advocating that we all run out and tell a Baby Boomer what we think of 'their generation'. I know I for one, will continue to try and come up with the pithiest and most impressive answers to those baby boomer interview questions whilst silencing my incredibly stylish and impractical bee bonnet of rage. What I am advocating is that we never stop questioning the power structures in our society. That we take a moment to be proud of our generation. Proud of what we have achieved and proud of everything we will achieve. If only for today we should say 'I am a product of my time but I will not be defined by my time. I will be defined by my actions and my choices.' And I just hope like hell that those choices won't screw over the next generation.

So here's looking at you Millennials, you bubble-wrapped, participation award-winning, philandering layabouts.

Abby Cone is a second-year JD student

Editorial Clarification & An Open Call for Submissions

De Minimis Editorial Team

Over the past few weeks, *De Minimis* has become aware that certain elements of the student body feel that the publication has been overly critical of the Law Students' Society. In particular, it has been suggested that *De Minimis* has actively sought out articles with an anti-LSS theme, or that editors have deliberately exaggerated or misrepresented facts to suit some overarching anti-LSS agenda.

We write this article to set the record straight.

De Minimis has, and always has had, a very clear policy: we publish anything that is not defamatory or grossly offensive and is of sufficient quality. Consistent with this policy, we have not rejected a single student submission in 2016, and have in fact published seven articles by LSS committee members.

We do have a team of staff writers, but we do not exercise any editorial control over

what they write or how they write it. We may from time to time ask an author if they are interested in writing a piece (for example, interviewing someone – like the Judge in Residence), but that's where our influence stops.

Of course, we edit articles when we receive them. This is, however, limited to grammar and fact-checking. We don't exercise any control over the substance of articles. In fact, the closest we've come was in response to last week's anonymous Law Ball Review, when we discussed asking someone to write a more positive one to 'balance it out.' That is, until we remembered that it isn't our job to promote 'balance'.

It's our job to provide a platform for students to report on and debate issues relevant to students.

So this article serves two purposes: to provide clarity and to send an open invitation.

Clarity

The editors of *De Minimis* do not wish to unfairly malign the LSS. We're actually pretty damn impressed by how incredibly hard-working and passionate they are. That said, if people are criticizing the way they do their jobs, or suggesting ways they could do it better, we will facilitate that conversation in any way we can.

After all, they are *student representatives*, and that's how democracy works.

Invitation

If you don't agree with what we publish, then please, submit something yourself. Interestingly, we often see comments under online articles which would make for excellent response articles in themselves. Quite simply, if you comply with our standards (which, as you can see, are very lax indeed) we'll publish. This clearly includes proposing ways we can do *our* job better.

De Minimis

De Minimis is: Duncan Wallace | *Chief Editor*, Jacob Debets | *Managing Editor*, Tim Matthews Staindl | *Online Editor*, Louella Willis | *Layout Editor*, Sarah Goegan | *Sub-Editor*, David Vuong | *Secretary*, Mariana Estifo | *Treasurer*

Don't like the content? Create your own! Send an email to the editors at mlsdeminimis@gmail.com