

De Minimis

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Does MLS Have a Drug Problem?

Anonymous

It was in my 2nd week of law school that I was offered drugs. An enterprising student had ferreted away a pharmaceutical drug, a methylphenidate variant, and was charging about 40 bucks for... well I can't remember to be quite honest, but it was a decent amount. A large part of this was probably him figuring that hell, in law school you can get it on every corner. In large part, he was right.

I have a strained relationship with drugs. In my undergrad, I made a tidy profit peddling marijuana, a fact I keep mum on for fear of it affecting my admission to practice. At the parties (oh, remember the parties) of my first four years at university, there was a lot of green that went around.

While it kept my pockets plump, I can't say I enjoy the high marijuana brings. It makes me paranoid. Occasionally, I was able to get my hands on the higher end stuff, usually through my supplier, the highs on that I could stand.

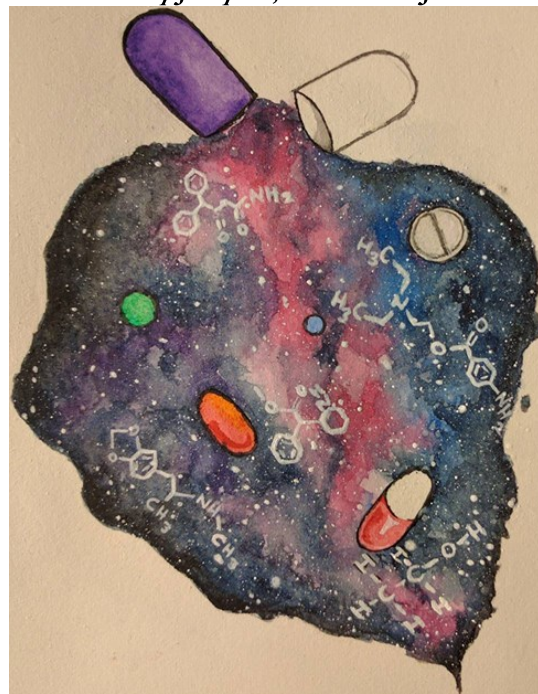
MLS is an entirely different game it seems. While pot is undoubtedly the most common drug, typical given that Australia has the highest rate of cannabis use in the

world. there seems to be a lot more cocaine use. This isn't that different from other places, those friends of mine that went straight into law from high school seem to see as much white as I do.

At my first law ball my date brought coke, we were offered coke by a fellow first year and on my trips to the toilet, I assumed I'd stumbled onto the set of the Scarface remake. Cocaine is seemingly fitting for law school, it is alarmingly expensive, and carries with it an air of professionalism. Most importantly, it allows you to stay up late and retain focus on subjects with iron clad discipline.

More than just the recreational party drugs, that student who solicited me for Ritalin only 3 paragraphs ago, is himself making a decent living, not to say he has no career prospects, If memory serves he did a clerkship this summer. One friend of mine, a stellar student, compared days with me. I had written 2000 words of notes, he said he was pushing 10,000 off a sesh on moda. This isn't

Illustration by Jenny Au, a Third Year JD Student



a drug I remember from undergrad, but it seems to have taken the academic world by storm. I can understand what the appeal is, we need to take every edge we can get, after all, we're graded on a curve.

Assuming that drug use exists, the question must be asked: does this pose a problem? There are studies that show problems with the aforementioned drugs, but I don't really want to grandstand here. Alternatively, we should consider what culture we have cultivated that drives people to feel they have to use drugs to perform.

More troubling is the idea that these drugs may work and that there are students showing up to jobs with averages higher than mine (72), while tweaking out of their fucking eyeballs. This is in no way meant to imply that any high performing students are drug assisted. In actuality, drug users probably perform below average (a number which seems to be pegged to my GPA).

Ultimately, I think what's needed is to push the spotlight onto the subject of drug use in universities, especially elite ones. I hope this article can be a part of that.

PARTY POLITICS HINDERING MARRIAGE PROGRESS

Ruby Hart

In the years since the Howard Government passed the Marriage Amendment Bill 2004, the issue of same sex marriage has become increasingly ubiquitous in Australian politics. Despite progress having been made for gay and lesbian Australians -- for example, the legal recognition of same sex de facto relationships in 2008 -- it remains that a marriage in Australia can only be entered into by a man and a woman.

Since 2004, no fewer than 17 bills in support of same sex marriage have been tabled in Parliament. Eleven of these bills were tabled in the last five years. Frustratingly, despite public support and parliamentary support for same sex marriage, no progress has been made. This can be partially -- but not totally -- attributed to the Coalition, the Labor Party, and the Greens

viewing this issue as a political point scorer. Having followed this issue for a number of years, it is apparent that there is very little cooperation between parties to make same sex marriage a reality in Australia. If all parties truly had the wellbeing of gay and lesbian Australians at the forefront of their minds, they would cooperate with each other in order to pass the bill.

The Labor Party has supported same sex marriage since 2011. Between 2011 and 2013, the Gillard government oversaw five same sex marriage bills, all of which were either discharged or did not pass a parliamentary vote. During this time, Kevin Rudd came out in support of same sex marriage, yet did nothing about it during his brief renaissance as Prime Minister.

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Anonymous is a JD Student

Trophy Hunting and the Colonial Game

Dinu Kumarasinghe

Shaul Schwarz and Christina Clusiau's documentary *Trophy* enters the debate around big game hunting, and its counterintuitive connection to conservation. Anchored in the narrative of John Hume, a private rhino breeder in South Africa, the film initially suggests a dichotomy: trade and survival against bans and extinction. Of course, it's not that simple and Schwarz and Clusiau know this. Where Hume profits from the living rhino, Philip Glass, the eager American hunter with whom the film starts, represents the consumer. Somewhere in between, we are told the animal itself might benefit. *Trophy* never answers its own question about how we best preserve Africa's big game. Still, it covers a lot of ground and in doing so raises new questions about power, predators and prey, winners and losers.

The film briefly considers how the industry affects local communities. Glass shoots a young bull elephant, who is given to a neighbouring town as part of their allocated 'own use' animals. In this instance, the elephant is cut and distributed as food. We also see a confrontation between wildlife officers and locals in Zimbabwe. The women lay flat on the ground, answering questions about their husband's suspected poaching amidst violent threats by the officers. The wildlife officer acknowledges the fear he instils in these locals, and defends its necessity. He must set these young locals on the straight and narrow, scare them enough not to poach. Scare them literally into the ground.

Trophy is beautiful and heart breaking. It's easy to get lost in the affective images of Glass hunting with his young son, or the crumbling legs of the buck/buffalo/elephant.

The chilling human gleam of that elephant's eye as its chest rises for a last time. It's even easier to get lost in the near absurd sincerity of Hume's love for his rhinos (from whom he's managed to stock up sixteen million dollars' worth of horn).

I'm still struck by the image of those rhinos, mutilated and left to rot by poachers. The image I find even harder to shake is less distinct, but it recurs throughout the film. It is that of the unmic'd black man in the background and at the edge of the frame. He is moving the crocodile or adjusting the dead lion for a photo. His is the body that does the

***"Trophy is beautiful
and heartbreaking."***

pulling and the pointing, but his aren't the interests depicted. The film touches on the effect of trophy hunting on local communities, but it is first and foremost a rich white man's expensive game.

There is an interesting, if not compelling, argument for taking money from wealthy hunters through a strictly regulated system and feeding that money into conservation efforts. It's unsavoury, but it's practical and it raises important questions — can the ends justify the means? What does it mean to commodify the killing of a living thing? Yet, discussion about who lies in between the hunter and the breeder or conservation authority is notably lacking.

Dr. Femke Brandt does raise this issue. Brandt considers the risk, both physical and financial, that Africa's indigenous peoples face when they participate in the trophy

hunting industry. When housing is connected to employment, a family that loses a father in a lion den loses their home in the same blow. On a broader scale, the potentially significant profits brought into the continent by the industry rarely flow through to the workers. Brandt states, 'in the context of colonialism and imperialism, nature conservation has been a tool to justify, and violently impose forced displacement of Africa's indigenous peoples, facilitated through processes of rural enclosures, and privatisation of natural resources.' The wildlife industry was built on the interests of British settlers in the 19th century and Brandt suggests that the trophy hunting industry will perpetuate the inequalities that existed then.

The documentary doesn't delve into a biting critique of the industry's recollection of those colonial relations, but it doesn't really need to. *Trophy* can't escape its own implications: whichever side wins, the black body remains just out of frame. If trophy hunting is prohibited and endangered animal parts banned from trade, it is the poor black man that poaches, the black family that gets raided. If trophy hunting is encouraged and big game enters the market, it is the black man who is closest on the rope tugging at a 3.6-meter crocodile. We don't need another talking head, however, to see that even in postcolonial Africa, the trophy hunting industry has an uncomfortably colonial tenor.

You should watch *Trophy*. You might question who should win, but I can hazard a guess as to who might lose either way.

Dinu Kumarasinghe is a Third Year JD Student

I WANT MY UNDERPANTS ON THE OUTSIDE

Ben Wilson

I'm writing this to my future self, and the message is simple: remember why you're doing this.

You're doing this because you want to wear your underpants on the outside.

That's what your philosophy prof said with a sardonic smile, as pint in hand you were spilling your guts about your future.

He nailed it. If you were in this for pleasure, you'd have stayed working with computers up North. Half the money, but one quarter the hours and one tenth the stress. You're doing this because you want to be a hero.

And you're going to have to hold onto

that, because things are about to get hard.

Right now, clerkships, jobs, any kind of work experience — it all seems impossible. That's okay, you'll get through that with courage and perseverance. It'll seem like it was a doddle on the other side. After that it gets tougher: an office run by severe women and alpha men with no time for failures. There'll be long hours and the struggle to keep energy enough for Melissa and the kids. You know you have what it takes; the danger is who you'll be tempted to become. You're not an alpha man with no time for failures. You've always had time for failures, that's why you're doing this, remember.

But after the baptism of fire, once the long first few years of becoming a lawyer with some value are done, that's where the

real temptation begins, and you know what it looks like: the big house; in the expensive suburb; the VW bus and Tesla Model S in the driveway; kids at Scotch; photos of European holidays filling your Facebook wall and all your school chums seeing that you're a rich lawyer and you're a big man and you made it. In a word, success.

Also, debt, mountains of it. And 60 hour weeks. And soulless corporate work. And your kids growing up mostly without you.

So, remember why you're doing this. And remember the lawyers you've seen who've really made it. No, not the Senior partners. The ones who really made it.

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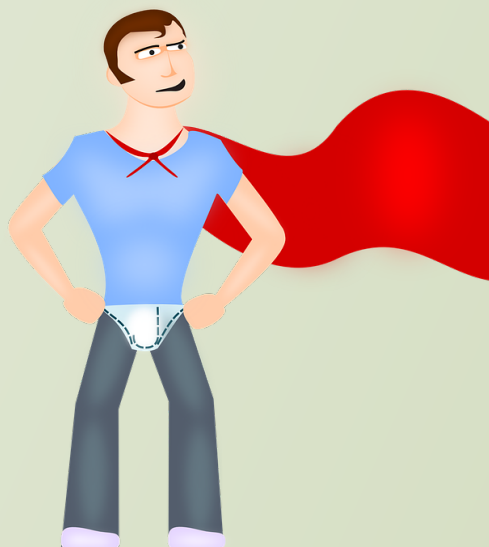
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The lawyer who was only pulling \$90k working for herself – remember the fire in her eyes when she took on yet another pro bono because some poor soul had been truly screwed at work.

The semi-retired lawyer who still worked to bring conciliation rather than acrimony in his clients' divorces because it genuinely wasn't about the money.

The lawyer who worked three days making big bucks doing corporate so he could work two days helping abuse victims seek justice without having to charge them.

Remember them, because each time you met them you knew that this is who you wanted to become. You wanted to look into the eyes of the mistreated



employee or the abuse survivor and say, 'what happened to you was wrong, it was unlawful, and they're not going to get away with it.' You wanted to look into the eyes of the divorcee in anguish or the bewildered accused in the cell and say, 'it's okay, I can help, you're going to make it through this.'

The saying goes: 'always be yourself, unless you can be Batman, in which case be Batman.' You've chosen a life where sometimes you get to be Batman. After all the workaday office crap and money work that making a living demands, there will be times when you get to kick some arse and do some justice. Forget being Bruce Wayne. Be Batman. You're in this to wear your underpants on the outside.

Ben Wilson is a Third Year JD Student

PARTY POLITICS HINDERING MARRIAGE PROGRESS – Continued

Despite this, since 2013 the Labor Party has rebranded itself as the party for same sex marriage, promising to amend the legislation within the first 100 days of election.

The Greens have tabled several same sex marriage bills, particularly during the Gillard years. In doing so, they did not seek to discuss these bills with either major party, the support of which is crucial for bill passage. The fact that they made no such effort renders their same sex marriage bills as mere political stunts with no hope of passing a parliamentary vote.

The Turnbull government claims it was re-elected with a mandate on a same sex marriage plebiscite. However, the Coalition did not run the plebiscite as a major policy, and it cannot be said how many people who voted for the Coalition did so because of or in spite of this policy. Furthermore, public surveys suggested that the majority of respondents, including the majority of Coalition voters, did not support a plebiscite. For transparency's sake, I do not think a plebiscite is a good idea as I believe it is a waste of time and money to tell us what we already know, which is that the majority of Australians support same sex marriage.

That said, I believe in pragmatism and think the plebiscite was handled poorly by the other parties. There was a window of opportunity for Labor and the Greens to work with the Coalition and improve the plebiscite. However, instead of doing this, they dug their heels in and opposed it completely. This is despite the fact that as recently as 2013, Opposition Leader Bill Shorten stated he was "completely relaxed" towards the idea of a plebiscite. Before the failure of the plebiscite, the Turnbull government declared that it would not

consider any other options in the event of the bill not passing, and has since made good on its word and done nothing to advance same sex marriage. We are now nowhere closer to having same sex marriage than we were a year ago.

In 2016, upon the defeat of the plebiscite bill, Attorney General George Brandis decreed that the Labor Party had "driven a stake through the heart of marriage equality". This was a simplification at best. Same sex marriage should not be a partisan issue, and no party should make a claim to have any more connection to the issue of same sex marriage than another. In contemporary public discussion of same sex marriage and the plebiscite, Senator Brandis has been held up by some as an opponent of same sex marriage legislation.

"We are in a ridiculous situation in Australia"

And yet, in 2004 Senator Brandis abstained from voting in the Marriage Amendment Bill. This is but one example of how the same sex marriage debate does not fall neatly into the narrative of the Coalition as the opponents and the Greens, and increasingly the Labor Party, as the champions.

Historically, there have been gay and lesbian MPs and senators from all sides of politics. An early example is Don Dobie, who was the Liberal member for the New South Wales seat of Cook from 1966 to 1996. Whilst Dobie did not publicly identify himself as gay, he lived openly with his male partner, Dr George Burniston, from the 1950s until Dr Burniston's death in 1992. Another early example is former South Australian Labor Premier Don Dunstan, who had two heterosexual marriages during his early life and from 1986 until his death in 1999 was in a relationship with a male partner. Like Dobie, Dunstan did not publicly identify

himself as gay or bisexual. Former Greens leader Bob Brown was openly gay at the time of his election in 1996. Labor Senator Penny Wong was appointed as the first openly gay cabinet member in 2007.

Since then, we have seen many more gay and lesbian parliamentarians. This is, of course, not including those who came out after retiring -- such as Neil Brown, former member for Menzies and Deputy Leader of the Liberal Party, who came out in 1996; or Neal Blewett, former Labor member for Bonython, who came out in 2000 -- or those who are yet to come out. These parliamentarians demonstrate that gay and lesbian people align themselves all over the political spectrum. To suggest otherwise would be naive. To suggest, as some do, that a person's sexuality should dictate their political views is patronising and ignorant.

We are in a ridiculous situation in Australia where the majority of the public support same sex marriage, the leaders and deputy leaders of all three major parties support same sex marriage, and yet nothing is being done about it. Meanwhile, countries such as Ireland, where there is no separation between church and state, and the United States of America, which tends to be more socially conservative than Australia, have legislated for same sex marriage.

The Labor party may have driven a stake through the heart of the plebiscite, but the plebiscite was not the only way to legislate same sex marriage. The Liberal party can't claim to have unequivocally advocated for same sex marriage legislation. We have a rare opportunity for the bipartisan passing of a policy which is popular and will have a positive effect on the lives of many Australians. Same sex marriage and the lives of gay and lesbian people need not be caught in the crossfire of party politics and political game playing.

Ruby Hart is a Third Year JD Student

THE LOSS OF LOST PROPERTY

And the Return of the Bermuda Triangle

Alice Kennedy

A week or so ago I made the error of misplacing my *Commercial Law in Practice* textbook. As a consequence I learned two things. Firstly, that the security desk has been removed from the ground floor and secondly, that lost property has been replaced by a hole in the space-time continuum. Both these facts have staggering implications for students at MLS, so please, read on.

The natural reaction to realising that I had lost my textbook was to bat that realisation aside and assume that someone else had stolen it. As I trudged downstairs towards Ground Floor to make a report to security, my stomach sank. The desk was gone. It had mysteriously disappeared, like a *Commercial Law in Practice* textbook that had been there one second, and gone the next.

I realised that there was: no way to quickly lodge reports of a theft; no way to lodge a lost property report and be contacted if that property were found and no way to efficiently let someone know if a flasher began streaking around the law school.

Tapping my foot with disapproval, I eventually figured out how to call security and make a report. Not having them on speed dial, I had to look up their number. I pondered whether a potential mugger would wait politely or even wander away while I took the time to call security. Probably. I only have an iPhone 4s.

As I hung up, I desperately tried to unravel this conundrum. Who would do this? Who would remove a centralised security service from a part of the university that was not connected to the main campus? Who would deny law students the convenience and safety of security staff? And, more importantly, who would now tell me off for sneaking a durry slightly too close to the law school entrance?

Using my Evidence and Proof-based deductive reasoning, I formulated a case theory. They tell you to stick to an explanation that is plausible, coherent and supported by evidence. There was only one logical explanation, offered to me by one of the librarians. The security desk and lost property had been swallowed, and replaced, by the Bermuda Triangle.

The Bermuda Triangle is ordinarily located in the North Atlantic Ocean, but is



Illustration by Beixi Sun, a Third Year JD Student

sometimes displaced. Consistent with its reputation for the strange and paranormal, it is drawn to highly concentrated levels of absurdity. Despite its attraction to Donald Trump's hair and his politics, Melbourne University's Law School has become fertile ground for the Triangle. Online commenting on *De Minimis*, extended JD Facebook debates, policies surrounding lecture recordings, clerkship stress, statements about graduate employability and the removal of the security desk are likely contributing factors.

The specific power of the Bermuda Triangle is to cause the disappearance of objects under mysterious circumstances linked to warps in the space time continuum. Clearly, this was consistent with the loss of my *Commercial Law in Practice* textbook and the security desk.

The librarian (known as Tarek) informed me that the straw that broke the camel's back was not the theft of several Ethics textbooks, though the Triangle feeds on irony as well.

"The sheer paradoxicality of multiple law students exhibiting the very dishonesty the subject is designed to educate against should have been enough to shatter the space-time continuum completely."

However, I was told that the precise moment of the warp had been narrowed down to the relocation of lost property.

Lost property, formerly located at the security desk, has been separated into levels two, three and six. Property is collected at these places (at some point) and then (somehow) transported to Union House where it is (somehow) separated from the rest of the university's lost property and (somehow) students realise they have to walk across the campus to find it. Apparently, this is necessary because there is nowhere to store the lost property – which is because there is no longer a security desk in the law school.

In the wake of this logical loop coming full circle, the Bermuda Triangle has descended to fill the rational void. Students should now be aware that the Triangle's warp in the space-time continuum will cause items to disappear and appear at random. Sometimes they will appear in Union House, sometimes in the LSS Office, sometimes in the library or level six. And sometimes they will be exactly where you left them. It will be up to students to trudge to all four locations to lodge four separate reports in order to solve the mystery of their missing belongings.

As for that *Commercial Law in Practice* textbook? It was located 20 metres away from where I was seated in the Law Students' Study Area, which was where I had been studying the day before. Mysterious indeed.

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