



DE MINIMIS

A newspaper for the students of Melbourne Law School. Established 1948. Revived 2012. Made officially unofficial 2015.
Volume 6, Issue 7
Monday, 27 April 2015

An interview with MLS judge-in-residence

An interview with Peter Gray, MLS's Justice in Residence, by De Minimis Treasurer and Equity Uncle, Tim Matthews Staindl.

'I still want to be a rock star,' admits The Hon. Peter Gray as he pulls a harmonica from his top pocket. 'I like the feeling of having a tin sandwich close-by to munch on. Besides, you never know when you might want to play a riff.'

Current president of the Camberwell Music Society, His Honour is an *accordionista of convenience*; as much as he would have loved to, it's difficult for a Federal Court judge to take a trombone on the road. There's a hint of regret there.

By his own words, it was a lack of real musical talent that took His Honour to the law – that combined with a passion he held in spades: 'You might have gathered that I like to talk,' he says with a wry smile.

Childhood piano lessons gave way to countless public speaking and debating competitions – forums where talkative klutzes train to be tomorrow's advocates.

There was the occasional perk too. One high-school debating trip took place in Adelaide, where you could get your driver's licence at sixteen.

'My host had his, and his girlfriend was the prefect of the local girls' school.' After a short pause, 'We lost the debate.' But he quickly adds that they won the title back in Melbourne the next year.

It was perhaps this experience in public speaking that won a young

Peter Gray the illustrious position of co-editor of *De Minimis*. It was 1966, and four duos stood in front of the collected students to show their worth and try to earn the title. 'I don't know how,' he says, 'But we won it'.

There were about 6 issues for the year. Each one was handwritten, compiled, and taken to the shop to be typed and printed. The material



The Hon Peter Gray. Photo credit: University of Melbourne.

itself was all pretty light-hearted. 'John [Healy] had a wonderful poison pen... I saw my function as being to provide the dirty jokes and satirical content...I sort of specialised in digging out old cases that had connotations in them:

There was an old mercantile case called *Glasscock v Balls* – such a great delight for a law student!

His Honour tells us to go and look it up for ourselves. Apparently Ruth, his wife of 43 years, thinks he still has the humour of a twelve-year-old.

Whilst we have a chuckle at this, he is certainly not proud of some their material. 'We were horribly sexist', he says. Partly this was a product of the time and the blokey culture of the law school culture back then – women comprised only about 12 per cent of law students.

Nevertheless, among the graduates of 1967 are some distinguished names. Gillian Triggs stands out as one: 'She's performed immaculately in my opinion, in the face of ridiculous criticism of her.'

We mention that females now outnumber males as law students in Australia. His Honour nods his head and says to us, 'Sorry fellas, but the women also do better than you guys do'.

We get onto His Honour's previous life at the bar. For starters, commercial law never took his fancy – 'Ultimately, it's moving money from one corporation to another,' he says. 'What's so exciting about that?' Labour law allowed him to deal with issues that mattered to individual people.

Still, he thinks he did his greatest work as Aboriginal Land Commissioner – a position he embraced whole-heartedly, even explaining to us a few of the common language traps he encountered when speaking in an indigenous-English dialect.

And what of His Honour's time at the MLS in 2015? Firstly, he encourages everyone to have a chat with him; he's only here for a semester,

Concluded on the back page...

Opinion

PENALTY RATES AND THE NEED FOR JOB SECURITY

An upcoming Productivity Commission report is likely to make recommendations regarding penalty rates under the current Award. Debate whether to cut or preserve penalties, however, misses the real issue: the increasing dependence of Australians on penalty rates to live. Reform in this area must promote job security.

The most economically vulnerable people in Australia will suffer if penalties are cut. Last year the wage price index rose a mere 2.6%, well below the cost of living, and the lowest result since the ABS started collecting data. So where are low-income families getting their bread?

The Prime Minister recently claimed that low-paid workers “love to work late nights, weekends, because it substantially increase[s] income”. However, many workers *rely* on penalty rates to live. For example, last year 47% of laborers relied on penalty rates to meet the ‘cost of living’, according to the ABS.

More generally, ABS data from 2012

highlighted that penalties accounted for 7.84% of earnings across all industries, and in 2013 the number of people relying on casual work increased to 19.4%.

Young families are in an especially awkward position. Childcare providers are needed during ‘unsocial hours’ (which is prohibitively expensive) and this increases their reliance on penalties. It’s a classic Catch-22 situation, and it keeps families apart.

Penalties are unpopular with businesses, however. Lobbyists, especially in the hospitality and retail sectors, claim penalties inhibit economic growth. Peter Strong claims penalties are “currently so high that they’re getting rid of jobs”, especially on weekends. A previous Productivity Commission report also found that penalties “overcompensate” workers.

However, the debate whether to ‘cut or retain’ penalties is largely beside the point. An effective Productivity Commission report would analyse the merits of penalties within the context of widespread casualization, and promote job security through the transition from casual to flexible part-time agreements. This would benefit everyone.

Socially, workers (especially those with young families) should be in a position to achieve work-life balance

around unsocial hours. Flexible agreements are standard practice in local governments: it’s not pie-in-the-sky thinking. This transition would also reduce the dependence of workers on penalties.

Economically, this would increase flexibility in the kinds of agreements employers could reach with their staff. Award legislation, on the other hand, is inflexible and imposes the cost on employers of paying experts on award-compliance. Creating flexible agreements may also create more work, especially on weekends.

A problem with this solution is that it relies on the existence of a robust workplace bargaining process. The point here, however, has not been to provide a comprehensive solution. It has been to point out that the focus of the current debate is misplaced, and that an effective Productivity Commission report will consider penalties within the broader social-economic context of workforce casualisation.

Getting rid of penalties isn’t the answer, but a shift away from casual work would be a step away from our dysfunctional reliance on them.

David Allinson is a second-year JD student.

Wellbeing

EXERCISE AND MENTAL HEALTH

Anxiety, depression, and its various manifestations such as anorexia, bulimia, alcoholism and drug addiction, are all at their heart, issues that revolve around an individual’s psyche. For those who have experienced, or know someone who has experienced these or other mental health issues, you’ll know firsthand that absolutely nothing about the scenario is redeeming.

Having an issue mentioned above in no way makes you a person less deserving of respect, love or attention. But, they are dirty places to be. Depression is like trying to walk shoul-

der-deep upstream through a raging current, and it’s hard to fight because it lives within you and makes you fight yourself. Alcoholism or any other drug addiction will only ever be a temporary crutch, as biological constitutions can only be modified for so long. Moreover, they’re expensive, unhealthy and even illegal – all crosses to bear if only to feel a little better about oneself.

First things first: If you’re having any of these issues, talk to someone. Talk to a friend, your parents, a Unimelb counsellor, or a psychologist you might track down elsewhere. Nothing matters so much as when you’re thinking about it; and our minds are like cauldrons when it comes to stuff like this.

We boil and boil and boil the mix trying to solve the issue, but there is no easy resolution. The thing gnaw-

ing inside you can’t be extracted through stubbornness or pride. Rather – it’s much better to share the burden with someone willing to help you talk the issue through –

Continued on the next page...

DE MINIMIS IS...

Chief Editor
Hamish Williamson

Managing Editor
Duncan Wallace

Co-Editor & Secretary
Jacob Debets

Equity Uncle & Treasurer
Tim Matthews Staindl

Continued from the previous page...

even if you don't come to any conclusion, at least you're not alone anymore, and that's a great start.

Secondly: the greatest secret never told by the pharmaceutical industry is that exercise is singularly better for treating depression, anxiety, addictions and other mental health issues than any prescribed antidepressant medication *ever created*.

Studies over the past thirty-five years have demonstrated higher overall recovery rates and significantly lower rates of relapse, with only marginally slower recovery times.

It's true that Escitalopram, Sertraline, Effexor, Prozac, Paxil are as effective in the short-term as exercise, but they're also some of the most perplexing medications ever invented.

Case in point is that, in my experience, not a single doctor, psychologist or psychiatrist seems to know how the hell they actually work beyond vague notions of 'restoring chemical imbalances'. It could logically be the case, but shouldn't there be more information out there?

You ask a doctor why paracetamol or ibuprofen or an anti-histamine works and they can tell you straight up. For anti-D's, it's justified as a leap of faith. 'It works on some peo-

ple, on others it did nothing', is about as much clarity as any of them can provide. Which in itself doesn't sound so bad if it wasn't qualified by the standard 'side effects may include' list which includes bruxism, hyperhidrosis and impotency.

You consider that in light of the prescription rates in the US - 33 million people on Zoloft, 28 million on Celexa, 24 million on Prozac, 23 million on Lexapro and roughly another 100 million on various other drugs such as Wellbutrin, Pristiq, Paxil, Remeron, Cymbalta and Desyrel - and you get the feeling that something sinister is going on.

But I digress.

Exercise works so well because it is its own form of drug addiction, but it's all-natural, and the only side-effects are potential injuries. After twenty minutes of moderate to heavy cardiovascular exercise, your brain starts to release endorphins - know what endorphins actually are? It's a portmanteau of **endogenous morphine**. Yep. You were born with the ability to make your own opiates.

In order to produce an amount necessary to combat mental health problems, or sustain a healthy state of mind, start with 20-30 minutes of 50-80% intensity cardiovascular exercise three times a week, and work towards getting to 30-45 minutes, four or five times a week at the same

intensity.

This exercise could be jogging, cycling, or swimming for those who stick to traditional methods of exercise. For the more adventurous, Yoga in its various manifestations is fantastic, not least for its added social element but also because its free at the Law School.

Martial arts are also excellent ways to exercise and the path has already been trodden by some great legal minds (Justice Gaegler on the High Court has a black belt in Taekwondo).

Any of these avenues, and the many that have been left out, ultimately achieves the same goal. Their benefit over drugs is that you're also learning and another skill (stimulating the mind) and in many cases meeting new people (stimulating the soul).

Whatever the case, mental health is a serious issue for which there exist serious and viable solutions. Stay in touch with your friends and family, talk to people, see a counsellor if you need to, eat and sleep as best you can, and exercise regularly! Before you know it, you'll be craving the next endorphin hit from a good 10 kilometre jog. Now, get out there and get bloody going!

Mitchell Holman is a first-year JD student.

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:

 mlsdeminimis@gmail.com

 deminimis.com.au

 facebook.com/MLSdeminimis

 twitter.com/mlsDeMinimis

**AN INTERVIEW WITH
JUDGE-IN-
RESIDENCE PETER
GRAY**

History and some other stuff

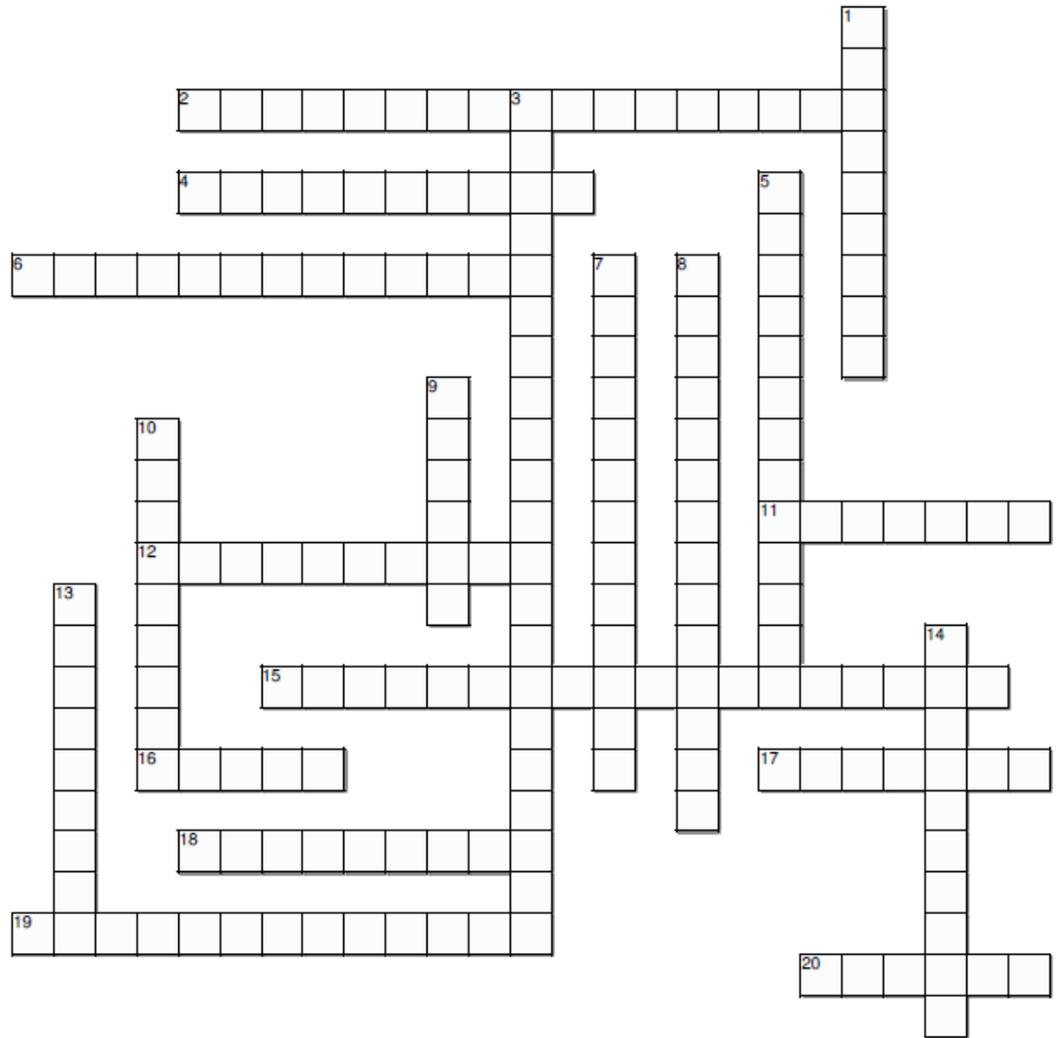
Complete the crossword below

Continued from the front page

and he wants to meet as many of us as possible. So far it's been highly rewarding: 'All the people that come to me are people who want to make the world a better place.'

From a justice of the Federal Court for 29 years, there's a wealth of experience to be had for any law student.

But perhaps more importantly, it comes mixed in with a mighty good chat. And who knows, if you're really lucky you might chance upon a rendition of 'For He's A Jolly Good Fellow' on that trusty tin sandwich.



Across

- 2. The Gallipoli Campaign was the brainchild of which First Lord of the Admiralty?
- 4. Who wrote the First World War poem 'In Flanders Fields'?
- 6. Australia's first Prime Minister, Edmund Barton, was elected as a member of which party?
- 11. What is the mandatory retirement age of Federal Court justices?
- 12. What was the name of the compendium which codified Roman law?
- 15. The head of which organisation was recently sentenced to 20 years in prison by Egypt's military government?
- 16. Which country was recently struck by a severe earthquake?
- 17. Justice Dixon of the High Court was an avid practitioner of which hobby?
- 18. Which section of the Commonwealth Constitution details the powers of the parliament?
- 19. Peter Gray, MLS's judge-in-residence, served for 29 years in which court?
- 20. Hackers from which nation are alleged to have accessed Barack Obama's emails last year?

Down

- 1. Popular term to denote a group of Australians detained in Indonesia on drug charges
- 3. The document in the Magna Carta which guaranteed economic rights
- 5. Which U.S. state plays host to the first primary election for both major political parties?
- 7. Justice Menzies of the High Court died in a queue for dinner, three spaces ahead of which subsequent Justice?
- 8. Which presenter was sacked over tweets accusing Anzacs of 'summary execution, widespread rape and theft'?
- 9. Tony Abbott, Malcolm Turnbull and Bob Hawke all received which prominent scholarship?
- 10. Which emperor first complied Roman law?
- 13. Protests have recently erupted in which U.S. city over the death of a man in custody?
- 14. Which philosophy of law privileges the source, rather than the merits, of any given law?