FOOD & LOVE IN A COLD CLIMATE

New home for Murray-Darling Research Centre
DEATH OF RICHARD MCGARVIE
Prominent jurist, Governor of Victoria, La Trobe University Chancellor

The Vice-Chancellor of La Trobe University, Professor Michael Osborne, has paid a tribute to Mr Richard McGarvie – former Governor of Victoria and Chancellor of the University from 1981 to 1992 – who died on 24 May.

A prominent jurist, Mr McGarvie was Chancellor of La Trobe University when appointed Governor of Victoria. He died at the age of 77 in Bethlehem Hospital, Caulfield, after a short illness.

Professor Osborne said that the La Trobe University community was much saddened at the death of the University’s third Chancellor who fulfilled the duties of this office in a most distinguished manner.

Professor Osborne said: ‘Following wartime service in the Royal Australian Navy, Richard McGarvie embarked on a distinguished legal career which culminated in his appointment as Judge of the Supreme Court of Victoria in 1976.

‘Prior to this he was heavily involved in a number of committees, councils, associations and other organisations pertaining to legal and human rights – all manifestations of his lifelong quest for justice and fairness to all members of our community.

“We at La Trobe University benefited not only from his professional experience but also from his ever-present sense of what was practical – and above all what was just and fair. These included his concerns for social justice and the provision of education in the disadvantaged rural sector, particularly in the north and west of Victoria.

‘During his long term as Chancellor, Richard McGarvie gave support and advice to all involved in developing our then relatively new and growing University.

‘Among his enduring contributions are substantial revisions to the University’s legislation dealing with appeals and grievances and the establishment of the Office of the University Ombudsman.

‘In 1995, La Trobe University showed Richard McGarvie its appreciation by conferring on him the award of Doctor of the University (honoris causa). The citation described him as a man of vision, sensitivity, humility and great moral strength – characteristics he carried all through his long and fruitful life.

‘I would like to acknowledge publicly the role he played, not only in the development of this University – but to the development of the State of Victoria and its people.’
The Albury-Wodonga laboratory of the Murray-Darling Freshwater Research Centre (MDFRC) has accepted an offer from La Trobe University to move to its Albury-Wodonga campus.

The MDFRC and La Trobe already have a strong relationship through both collaborative research projects and the development of a joint research facility in Mildura, to be completed late in 2003.

The Chairman of the MDFRC Board, Dr John Langford, said: ‘The move represents a significant step toward securing the future of the MDFRC to ensure that the region will continue to have access to high-quality research on water issues.’

The decision follows a major review and extensive consultation between the MDFRC Board and stakeholders.

Dr Langford said the MDFRC Board of Management believes the enhanced relationship with La Trobe will allow the MDFRC to build capacity to deliver relevant information to managers and communities to help sustainable management of water resources. The MDFRC will continue to collaborate with other universities and organisations for the benefit of the entire Murray-Darling Basin.

The Albury-Wodonga link will help ensure that the MDFRC can develop its research along the entire length of the southern Murray-Darling Basin. It is also anticipated that La Trobe’s strategic alliance with Queensland’s Griffith University will help build a stronger support network for the MDFRC’s Northern Basin Laboratory in Goondiwindi in southern Queensland.

La Trobe, Dr Langford, said, recognised the benefits of developing regional capacity to undertake multi-disciplinary research into issues of both regional and national significance.

Economist joins US Treasury Iraq team

Professor Imad Moosa, Head of La Trobe University’s Department of Economics and Finance, has been invited by the US Treasury to represent Australia on the team of economists assembled to rebuild Iraq’s financial sector.

Professor Moosa joined La Trobe from the University of Sheffield in 1994 where he obtained his PhD in monetary economics in 1986. Until 1991, when he began lecturing in economics and finance, Professor Moosa worked as a financial analyst, financial journalist and international banker, and also served on the staff of the International Monetary Fund.

The bulk of Professor Moosa’s career has been spent as a professional economist and an investment banker and this has led to his expertise in securities portfolio management, treasury and foreign exchange, direct investment and syndicated loans.

Clive James to give La Trobe-ABR Lecture

Celebrated expatriate author, critic and television entertainer, Clive James, will deliver the La Trobe University-Australian Book Review (ABR) Annual Lecture at 8pm on Friday, 25 July. The lecture, to be held at the Mildura Arts Centre Theatre, will be a key literary event on the eve of this year’s Mildura Writers’ Festival. He will also deliver the lecture in Melbourne on Monday, 28 July, time and venue to be announced.

Clive James has lived in Britain since 1962. He has written more than twenty books and countless essays and newspaper articles and is described by ABR editor, Peter Rose, as one of the finest autobiographers of our time.

La Trobe University is a major sponsor of the ABR.
How do industrial chemicals and global warming change the world in which we live?

Monitoring this change – and in certain circumstances trying to manipulate or prevent such change – is the role of CESAR. And rendering onto CESAR funds for this important work is the nation’s peak government research body, the Australian Research Council (ARC).

CESAR, based at La Trobe University’s main Melbourne campus at Bundoora, stands for the Centre for Environmental Stress and Adaptation Research.

As an ARC-funded special research centre, CESAR combines the skills and expertise of scientists from La Trobe, Melbourne and Monash universities.

CESAR Director, La Trobe’s Professor Ary Hoffmann, recently hosted a visit to Centre by the ARC, part of its inspection of research programs at the University.

Professor Hoffmann said the environment is increasingly coming under threat from a range of stresses, including land degradation, salinity, industrial pollutants and climate change.

‘Our mission is to understand the way organisms respond and adapt to these changes and to disseminate this information to industry and community groups.’

At La Trobe, CESAR involves a team of more than 35 senior staff, research assistants, and postgraduate students.

Professor Hoffmann said the first two years of the ARC-financed project had already led to some interesting discoveries. For example, one study involves testing how rainforest species can evolve in response to stresses arising from habitat fragmentation and global warming. This work led to the discovery of a newly discovered species of vinegar fly, Drosophila bunnanda, found in north Queensland and named after an indigenous mythical water fairy. Populations of several species of drosophila are being evaluated for their ability to cope with hotter and drier environments. Thousands have been collected from more than 50 places between Iron Ranges National Park near the top of Cape York in far north Queensland, to Huonville in southern Tasmania.

‘For example, we have shown that when flies from a temperate environment encounter winter they shut down their reproduction until spring, while tropical flies are not able to do this effectively. We are now isolating the genes that are responsible for such changes and have identified several candidates.

‘In the long run, by understanding the processes and genes involved in climatic adaptation, we can develop ways of ensuring that organisms adapt to future environmental changes – something that is extremely important in maintaining agricultural production and in conserving threatened species in the face of global warming and increased urbanisation,’ Professor Hoffmann said.

Scholarship to honour Bali bombing victim

A scholarship to honour the memory of Bali bombing victim, La Trobe University graduate Andrea Hore, is being set up on the University’s Albury-Wodonga campus to help business students at that campus.

Ms Hore graduated with a Bachelor of Business (Enterprise Development) before gaining a managerial position with ISI-Master Foods Australia New Zealand. Strong community support through a fund raising dinner and a generous donation from Master Foods of $20,000 has brought the appeal total to more than $50,000.
Former WTO Head takes up law post at La Trobe

Former Director-General of the World Trade Organisation (WTO) and Prime Minister of New Zealand, Mike Moore, has been appointed an Adjunct Professor in La Trobe University’s Faculty of Law and Management.

Professor Moore is well-known internationally as a proponent of a free and fair global trading system. He led the WTO from 1999 until 2002.

A prolific author, his most recent book is A World without Walls (Cambridge University Press, 2003). More than a dozen governments as well as universities in the Americas, Africa, the Pacific and Europe have honoured him.

Professor Moore has served as New Zealand Trade Minister, Foreign Minister and Deputy Finance Minister. He was Prime Minister in 1990 and Leader of the Labour Party and Opposition from 1990 until 1993. He is also a member of the Privy Council.

Born in Whakatane, New Zealand in 1949, he worked as a printer, meat worker, construction worker, social worker and trade union researcher before becoming the youngest Member of Parliament ever elected in New Zealand in 1972.

Professor Moore’s term as Director-General of the WTO coincided with momentous changes in the global economy and multilateral trading system.

La Trobe University Professor of Commercial Law, Dr Gordon Walker – who is organising a seminar on international trade law at which Professor Moore will be keynote speaker on 1 July – says Professor Moore is widely credited with restoring confidence in the system following the setback of the 3rd WTO Ministerial Conference in 1999.

He was the driving force behind the decision to launch a new round of multilateral trade negotiations at the 4th WTO Ministerial Conference in 2001. This saw the accession to the WTO of China, Chinese Taipei and a group of smaller nations, bringing the majority of the world’s population within the rules-based trading system during his term of office.

Professor Walker says Professor Moore introduced significant changes to the way the WTO operates. Maintaining the organisation’s focus on its core business of trade liberalisation, he also helped poor countries participate effectively in the multilateral trading system.

Previously an active participant in international discussions on trade liberalisation for New Zealand as Minister of Overseas Trade and Marketing, Professor Moore played a leading role in launching the Uruguay Round of GATT negotiations.

In November 2002, Professor Moore accepted an invitation to be a Special Advisor to the China Institute for Reform and Development WTO Reference Centre.

Trade, Islam and national security under the microscope

Professor Moore and Professor Raj Bhala from The University of Kansas will be joint speakers at a seminar on ‘Great Schisms in Trade – The First, Third and Islamic Worlds and the Link to National Security’, to be held at La Trobe University on Tuesday 1 July, 2003.

This seminar will discuss what Professor Walker describes as the ‘two great challenges in the world trading system’: the gap between developed and developing countries and the failure to integrate more fully many Islamic countries into that system; and the link between these challenges and national security.

It will be held from 2 to 4.30 pm at the John Scott Meeting House on La Trobe University’s main Melbourne campus at Bundoora.

Professor Bhala, a specialist in international trade law, comparative law, and international business transactions, has worked in more than 15 countries. Author of several books and co-author of a major treatise, World Trade Law, Professor Bhala has been a consultant to the World Bank and the International Monetary Fund, and a delegate to the United Nations Commission on International Trade Law. He has also worked as an attorney for the Federal Reserve Bank of New York.

The seminar forms part of the University’s course on International Trade Law in the LLM in Global Business Law program.

For details about course and seminar costs please contact Professor Gordon Walker on (03) 9479 1462 or Gordon.Walker@latrobe.edu.au

On Wednesday 2 July 2003, Professor Moore will address an Australian Institute of Company Directors luncheon. The luncheon will be hosted by the AICD and sponsored by La Trobe University’s Graduate School of Management. Details from Tel: (03) 9479 3106.
Karpal Singh visits La Trobe

High-profile Malaysian defence lawyer and politician, Mr Karpal Singh, recently spoke on the University’s Bundoora campus about human rights, the rule of law and the rise of Islamic fundamentalism in Malaysia.

A long-standing opposition parliamentarian and an ardent defender of human rights, Mr Singh is National Deputy Chairman of Malaysia’s Democratic Action Party.

He is a key defence lawyer in the case against former Malaysian Deputy Prime Minister, Anwar Ibrahim. Karpal Singh was also defence barrister for Australians Barlow and Chambers, who were convicted and executed for drug trafficking in Malaysia.

Mr Singh said the Internal Security Act, the British-based common law legal system and judicial independence had been repeatedly used by Dr Mahathir’s government over the years to detain political opponents and, more recently, in convicting his former deputy, Anwar Ibrahim.

Mr Singh also warned of the dangers to Malaysia’s present legal system as a result of President Mahathir’s political strategy of courting the fundamentalist Muslim vote by declaring Malaysia an Islamic state.

Not only was this claim constitutionally incorrect, Mr Singh said, but it encouraged those who sought to impose Islamic ‘Sharia Law’ on a multi-cultural society where a great many people were non-Muslim.

Concluding with Dr Mahathir’s comment that he would step down from leadership later this year, Mr Singh said Dr Mahathir would nevertheless continue as the power behind the scenes.

Mr Singh’s visit was organised by Malaysian specialist, Dr Alberto Gomes, from the School of Social Sciences. He said nearly ten per cent of La Trobe’s overseas students come from Malaysia, making it one of the largest source-countries of foreign students for the University after China.

Following the lecture, Mr Singh, whose nephew Raj Singh is a student at La Trobe, met members of University’s Malaysian Students’ Association.

La Trobe also leads a consortium of top Australian universities in partnership with Nilai College in Malaysia offering university degree programs on a ‘twinning’ model in Malaysia.

THE ART OF BEING AUSTRALIAN

Cultural historian, Professor Bernard Smith, recently delivered the second La Trobe University ‘Thesis Eleven’ Lecture on La Trobe University’s main Melbourne campus at Bundoora.

Widely recognised as one of Australia’s leading intellectuals in anthropology and art history, Professor Smith spoke on Writing Art History in Australia.

The lecture was organised by La Trobe University’s Thesis Eleven Centre for Critical Theory. Centre Director, Professor Peter Beilharz is the author of the recent biography of Smith titled, Imagining the Antipodes.

Professor Beilharz says Smith’s work ‘provides fascinating perspectives on Australian culture and identity. It enables Australians to think about matters of place and cultural imperialism through the image of being not Australian so much as antipodean.’

The lecture was part of an all-day seminar which also featured ethnohistorian and award-winning author Professor Greg Dening, poet Professor Chris Wallace-Crabbe, and La Trobe art historians Dr Richard Haese and Dr Robert Gaston.

Space to learn for international students

The University’s Language and Academic Skills Unit has opened a Learning Centre for international and local students who use English as a second language.

The Centre gives students from many countries and different cultures in all faculties a quiet area where they can study, borrow materials and use computers.

It allows them to work in pleasant surroundings at their own pace, individually or in groups, calling on academic skills advisers when they need direction.

The unit helps some 450 students a year. It also teaches for credit two subjects which deal with English as a second language, conducts workshops ranging from taking lecture notes to critical analysis for essays, and offers a postgraduate bridging course dealing with research in Australian academic culture.

Opening the Centre, the Vice-Chancellor, Professor Michael Osborne, said with Australian universities becoming truly international, initiatives of this sort were very important.

‘I congratulate all those involved in setting up this area. I’ve spoken to the students and I know they will find it extremely useful.’
Refilling the subterranean shafts and tunnels that mining companies dig to extract ore may not appear to have profitable or pleasant results. But the contrary is true.

Efficient lower-cost backfilling techniques can mean huge financial savings for mining operations, enhance the safety of miners working underground, and create better environments on old mine sites.

Australia is at the forefront in efforts to develop new backfill technology thanks to a decade of dedicated research by recent La Trobe University Bendigo PhD graduate, Dr Scott Pigdon. Dr Pigdon’s PhD thesis described new and innovative ways whereby calcined gypsum can be substituted for cement to bind and strengthen mining backfill.

After completing a Bachelor of Applied Science degree and Honours in Biotechnology at La Trobe Bendigo, Dr Pigdon, originally from Cohuna, began his PhD research part-time in 1993 under the supervision of Associate Professor Joe Petrolito and Mr Ross Anderson, with a joint collaborative grant from the ARC and a company, Australian Mining Consultants.

For more than a decade, Dr Pigdon carried out an extensive series of tests in a laboratory at La Trobe, Bendigo investigating various combinations of calcined gypsum from a number of sources and mining residue from three mines – Broken Hill, Golden Grove in Western Australia and an abandoned gold mine near Bendigo. The aim of the research was to find an efficient substitute for cement, which has been the main binder used to stabilise mine backfill since the 1960s.

Mining regulations introduced several decades ago have forced the mining industry to clear up mining sites, leaving them ‘environmentally friendly’. Previously, in many areas including Broken Hill, underground mining operations generated huge unsightly ‘tailing’ heaps – massive mounds of material left over after the minerals had been extracted from the ore.

Returning mining residue underground has a number of benefits. One is that traditionally, miners had to leave sections of the ore body in the ground to ensure that their shafts did not collapse. By returning the residues underground and strengthening them with cement, the backfill generates enough support that the ore body originally left behind can be extracted for greater profits.

Cement is expensive to buy and transport and the industry has long sought practical cheaper substitutes. Dr Pigdon explains that gypsum and some other natural materials have the potential to substitute for cement following certain treatments – and this has been the basis of his decade long project.

Calcium and sulphate-based, gypsum is a suitable material because it is found naturally in old evaporative basins – ancient lakes now dried up. Inland Australia, where most mining takes place, can be near these evaporative basins so gypsum could be plentiful near mining sites and is thus relatively cheap to transport. Also, gypsum is a by-product of several chemical processes, and if accessible to mine sites, could provide economic and environmental advantages to several industries.

‘While further research and in situ testing is needed to fully examine the economic aspects of using this material, results so far are promising,’ he said. Now assistant manager of the Bendigo-based company, Goldfields Testing Services, Dr Pigdon works four days a week on soil testing and other operations, and one day continuing his research.

‘The aim is to bring the technology to commercial application – resulting in profit to the mining companies and pleasure to those who will enjoy the enhanced environment of old mining sites,’ Dr Pigdon said.
Man’s greed and brutality – resulting in a lucrative ‘Seal Rush’ – led to the extinction of fur seals on Macquarie Island, 1500 km south-east of Hobart.

Within 15 years of its discovery in 1810, not a single survivor remained from the original population of about 200,000. Today, the identity of the original species is unknown.

Yet more than 170 years after the last seal succumbed to the sealers’ clubs, fur seals from three species are attempting to colonise the island, vying for the island’s rich seasonal food resources. It is the only location where three such species occur together and, most unusually, undergo extensive hybridisation.

The population’s recovery has been the focus of a 15-year monitoring program by La Trobe University ecologist, Dr Simon Goldsworthy.

‘Fur seals are back and increasing – but their population is an incredible biological mess,’ says Dr Goldsworthy. ‘We have years of work ahead to determine how and why the population got to this point, and the implications that hybridisation will have on the future status of each species,’ Dr Goldsworthy says.

‘We are engaged in, or are initiating, research programs into their origins, mating and breeding patterns, problems relating to hybridisation, and other conservation and management factors.’

The research will take another step forward next summer when PhD student, Ms Melanie Lancaster, co-supervised by Dr Paul Sunnucks, will spend three months on the island undertaking a range of tasks including ‘paternity’ testing next season’s cohort of pups, about 160 of which are born there annually.

Ms Lancaster explains that no fur seals were observed on Macquarie for 100 years. In 1915 Sir Douglas Mawson noted a few, but none were breeding there.

It was not until 1955 that the first fur seal pup in more than 130 years was born there. The increase in the population since then has created many conundrums caused by the cohabitation of three different species – Antarctic, subantarctic and NZ fur seals – and their hybrids.

CSIRO scientist Dr Peter Shaughnessy began research on the Macquarie Island fur seals in early 1980s. A decade later Dr Goldsworthy, with the advantage of developments in DNA technology, began to unravel some of its mysteries.

Since then, systematic DNA sampling of all pups born in each breeding season, and of most of the adult breeding population, has provided samples from which the extent, trends and implications of hybridisation can be determined, as well as providing important insights into the way barriers to gene exchange function, the genetic basis of these barriers, and the dynamics of the ‘speciation’ process.

During this time, the population has undergone a rapid increase of about 13 per cent per year. DNA analysis undertaken by Dr Goldsworthy in the early 1990s identified that the breeding population comprised Antarctic and subantarctic fur seals, and a non-breeding visiting population of mostly male NZ fur seals.

With the advent of new molecular tools to investigate nuclear DNA, significant levels of hybridisation were recorded between the two breeding species, but not with NZ fur seals.

Ms Lancaster, a molecular biologist, did her honours thesis working on DNA specimens that Dr Goldsworthy brought back from Macquarie Island in the late 1990s. From these she made the startling discovery that more than one-third of the population comprised hybrids or ‘backcrossed’ individuals.

She also found that, contrary to earlier findings about hybridisation between Antarctic and subantarctic fur seals, nearly 80 per cent of hybrids and backcrosses had resulted from females mating with itinerant NZ males. As NZ fur seals avoid breeding colonies on the island, researchers are perplexed as to how, where and why females mate with them.

‘Perhaps females slip away from the breeding territories when they come into oestrus, to copulate with NZ males near their resting areas where they come ashore,’ says Ms Lancaster. ‘However, this raises important questions about the females’ ability to recognise males of their own or other species.’
Overhaul UN human rights, but not Howard’s way

When Australia thumbs its nose at basic standards, human rights abuses become easier for less democratic states.

Dr Goldsworthy’s earlier genetic studies found that female Antarctic and subantarctic fur seal females, a highly polygamous animal, were choosing their mate, rather than just accepting any male, to optimise the reproductive success of their offspring. Mate-choice, he says, can reduce the ‘potential fitness costs’ involved in mating with hybrids or the wrong species.

Although the recent results support that ‘pre-mating barriers’ – the ability to recognise another species – may be well developed between Antarctic and subantarctic fur seals, females of these species appear to have a poor capacity to discriminate between their own and NZ fur seal males.

‘We believe the extensive hybridisation and backcrossing with NZ fur seal males may be a consequence of the high numbers of ‘unsuitable’ hybrid territorial males in the population, and the lack of range overlap with NZ fur seals. Sharing the same range typically leads to the evolution of more developed species recognition capabilities.’

Dr Goldsworthy concludes: ‘The only population where such mating barriers could have developed historically was Macquarie Island – and that population was completely eliminated. As a consequence, if any mating barriers had developed, they have now been lost.’

United Nations Human Rights committees are in dire need of an overhaul but Australian proposals for reform are aimed only at further covering up a lamentable retreat from international obligations under the Howard Government, according to La Trobe University academic, Associate Professor in Law, Spencer Zifcak.

Dr Zifcak’s comments came in a paper he wrote for the public policy think tank, the Australia Institute, titled the New Anti-Internationalism: Australia and the United Nations Human Rights Treaty System. Dr Zifcak is also a Vice-President of the International Commission of Jurists.

Launching the report, Dr Clive Hamilton, Executive Director of the Institute described it as ‘one of the most comprehensive analyses to date of Australia’s role in recent bitter altercations with UN committees on human rights issues from the Tampa and the so-called Pacific Solution to our ongoing failings with indigenous affairs’.

He said Dr Zifcak details Australia’s intransigence in the face of UN criticism. ‘He traces the Howard Government’s move away from international human rights law to populist domestic politics pursued at the expense of international obligations often pioneered by Australia in the past.’

In his paper, Dr Zifcak said Australia’s relations with UN Human Rights committees had deteriorated to an unprecedented degree.

‘The Government has had a stunning public relations success in side-lining human rights by exploiting economic insecurity and, more recently, terrorism, and painting human rights supporters as a politically correct minority, anti-nationalist and at odds with the so-called forgotten Anglo-Saxon majority.

‘Australia was a proud contributor to the international legal regime so patiently and co-operatively set up after World War II. Our rejection of it now is contributing to its corrosion. The long-term harm to standards of human rights internationally is incalculable.

‘When Australia thumbs its nose at basic standards, human rights abuses become easier for less democratic states,’ Dr Zifcak said.
Retrial after acquittal

Time to reform the double jeopardy rule?

Dr Corns: The issue is whether there ought to be further limited exceptions.

Raymond John Carroll – as anyone reading newspapers or watching television is well aware – was convicted and then, following an appeal, acquitted for murdering a 17-month-old girl.

That was in 1985. The girl’s body had been dumped on the roof of a toilet block in Ipswich 12 years earlier. For more than a decade, Carroll has escaped various attempts to bring him to justice, based on claims of compelling new evidence.

At the heart of this controversy is a corner-stone legal doctrine ‘double jeopardy’ that prevents people from being tried twice for the same crime.

Despite its central importance to our criminal law and criminal justice system, there has been little legal research in Australia into double jeopardy.

La Trobe Law School’s Dr Chris Corns is one of the few legal scholars in Australia who has studied the area at some length, recently publishing a review of whether reforms to traditional principles of double jeopardy can be justified in Australia.

He says following high-profile cases overseas, the doctrine of double jeopardy has already been relaxed in New Zealand and the United Kingdom. Even more radical statutory reforms can be expected in those countries in the near future.

Similar moves have also begun in Australia, prompted by the Carroll case. New South Wales and Victoria have already foreshadowed reform.

The recent High Court decision in the case confirmed not only the prohibition against a second trial for the same offence – but also, says Dr Corns, ‘a common law prohibition on a second trial for a different offence (perjury) where evidence sought to be led by the prosecution controverted the verdict of acquittal at the first trial. Thus the law, as interpreted by the High Court in the Carroll case, is in contrast to reform initiatives in several Australian States, the United Kingdom and New Zealand.

‘Further, the High Court decision in this case is also in contrast with legislative provisions in two Australian jurisdictions, Tasmania and Western Australia, where retrial following acquittal is possible in limited circumstances.

‘Equally important, the law in Australia regarding double jeopardy is inconsistent with principles recognised in the European Convention on Human Rights and the International Covenant on Civil and Political Rights. These permit the reopening of a case following an acquittal where fresh evidence of guilt has emerged or there is evidence that the trial was “tainted”.

Since the controversial High Court decision, Australia’s Attorneys General in April 2003 embarked on the first steps towards a national review of double jeopardy in Australia. All of which means Dr Corn’s study is now extremely relevant.

There is no suggestion of abolishing the prohibition against double jeopardy, Dr Corns explains. The rule protects citizens from potentially oppressive and unfair conduct on the part of the state. However, the law already recognises a number of exceptions where public interest outweighs the interests of the accused.

‘The issue is whether there ought to be further limited exceptions where it strongly appears that a guilty person has escaped conviction and punishment for a serious offence.’

‘It can be safely concluded,’ says Dr Corns, ‘that even if retrial post-acquittal on fresh evidence was permitted, the number of such cases in Australia would be very small.’

Dr Corn’s paper appeared in the April 2003 edition of the Criminal Law Journal. He will also speak on this topic in July in Perth to the Australian Association of Crown Prosecutors.
Their careers have helped those less fortunate gain access to the law – or contributed to our comprehension of the cosmos. And their positions range from Chancellor and Vice-Chancellor of the University to Head Ranger of the Bundoora campus Wildlife Reserves … The above are just some examples of a broad cross-section of La Trobe staff and associates recognised in the recent Australian Centenary Medal Awards. A meeting of the University Council congratulated all the winners who, in the words of Prime Minister, Mr John Howard, have helped make our country and the world a better place at the commencement of a new century.

For example, two La Trobe Law staff, Mary Anne Noone and Liz Curran, have been involved for many years in the University’s partnership with the West Heidelberg Community Legal Service, where La Trobe students help people in need and learn about ‘real life’ legal practice.

Also honoured was La Trobe Emeritus Professor Keith Cole one of the world’s leading solar-terrestrial physicists. His Centenary Medal co-incided with the award of Life Membership of the International Scientific Committee on Solar Terrestrial Physics (SCOSTEP).

Only nine such awards have been made in 20 years. Professor Cole served as president of SCOSTEP in the 1970s and 80s, helping co-ordinate major programs including the International Magnetospheric Study and Middle Atmosphere Program, involving scientists from more than 30 countries in ground-based and satellite experiments.

La Trobe Chancellor, Emeritus Professor Nancy Millis, one of Australia’s leading biological scientists, has strengthened the links between universities, industry, science and the public. A microbiologist and pioneer of the study of fermentation technology in Australia, she chaired the surveillance committee on genetic engineering for the Commonwealth Government for 22 years and has been Chancellor of La Trobe University since 1992. She was also recently awarded an Honorary Doctor of Laws degree from the University of Melbourne.

Professor Keith Cole served as President of SCOSTEP in the 1980s, helping co-ordinate major programs involving scientists from more than 30 countries in ground-based and satellite experiments.

Vice-Chancellor, Professor Michael Osborne – who has led La Trobe University for 13 years, overseeing its expansion internationally and nationally – was honoured for his service to Australian society and the humanities in classical studies.

Professor Osborne was recently also accorded the rare honour of being appointed a Professor of Peking University where he will give lectures and workshops in Greek archaeology, epigraphy and history, see page 15. And Deputty Vice-Chancellor (Research) Professor Fred Smith was also among the medal winners, receiving his for contributions to applied physics.

Head Ranger of the University’s Wildlife Reserves, George Paras, was recognised for his services to the Reserves, a show-piece campus environmental restoration project that has captured the imagination of environmentalists far and wide.

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The list of those honoured is too long to detail all individual achievements here. However, many stories about the research and community service of Medal recipients have appeared in this magazine over the years.

The Centenary Medal winners are:

Professor Alexandra Aikhenvald, Research Centre for Linguistic Typology; Professor Barry Blake, Linguistics; Dr Ross Brady, Philosophy; Dr Joseph Brown, Benefactor; Dr Kate Burridge, (formerly) Linguistics; Mr Ross Campbell, Council member; Dr Inga Clendinnen, Emeritus Scholar, History; Emeritus Professor Keith Cole, Physics; Ms Sandra Cooke, (formerly) Law and Legal Studies; Ms Liz Curran, Law and Legal Studies; Emeritus Professor Ross Day, Psychological Science; Professor Stephen Duckett Dean, Health Sciences; Emeritus Professor Brian Ellis, Philosophy; Professor John Fitzgerald, Asian Studies; Emeritus Professor Elliot Forrythe, European Languages; Dr David Frankel, Archaeology; Professor Alan Frost, History; Dr Piero Genovesi, Italian Studies; Mr Wayne Gregson, Member, Bendigo Regional Advisory Board; Dr John Hirst, History; Professor Marilyn Lake, History; Mr Lou Lieberman, former Council member; Ms Ella Lowe, Head, Nursing and Midwifery; Emeritus Professor Alexander Mathieson, Chemistry; Mr Gordon McKern, Council member; Dr Joan Barclay Lloyd, Art History; Dr Alison McClelland, Social Work and Social Policy; Professor Robert Manne, Politics; Emeritus Professor Nancy Millis AC MBE, Chancellor; Ms Mary-Anne Noone, Professor Michael Osborne, La Trobe’s Vice-Chancellor and President; Emeritus Professor Eric Osborn, History; Mr George Paras Head Ranger, Wildlife Reserve; Emeritus Professor John Salmont, History; Professor T Fred Smith, Deputy Vice-Chancellor (Research); Emeritus Professor Bruce Stone, Biochemistry; Ms Janna Thompson, Philosophy; Emeritus Professor Alan Wardrop (Dec) Botany; Dr Jennifer Webb, Archaeology; Dr Robert Young, Philosophy.

Note: As the awards were made direct to individuals, it is possible there may have been some omissions in compiling the list. For these we apologise.
‘The Yorta Yorta sat patiently at the back of the court, waiting for justice to be delivered, while their independent voices were spirited away by outsiders.’

The ‘historical lack of voice’ for indigenous issues in Australian universities is acknowledged by La Trobe University through its Hyllus Maris lecture series, Pro Vice-Chancellor (Equity & Access), Dr Kerry Ferguson said when launching this year’s lecture.

However, it was the fate of indigenous voices within the legal system that was central to the lecture, detailing the Yorta Yorta claimants’ experiences of their native title case. Titled Our Country – Pushing Back the Tide of History, the lecture was attended by about 500 people.

An annual indigenous cultural event, the lecture also featured award-winning Aboriginal singer, Jimmy Little. Dr Ferguson said the evening highlighted the importance of keeping Aboriginal issues on the public agenda, and that universities had a role this process.

‘This University made a public declaration of support in adopting the Declaration of Reconciliation in 2001. We have many issues to address to further the participation and success of indigenous students.’

The Hyllus Maris lecture was established in 1999 in memory of Aboriginal leader, writer and educationist Hyllus Maris, a founder of Worawa College for Aboriginal secondary students in Victoria.

It was delivered jointly by seven Yorta Yorta claimants, La Trobe graduate, Dr Wayne Atkinson, Margaret Wirrpunda, Colin Walker, Josie Briggs, Elizabeth Hoffman, Des Morgan and Ella Anselmi. Former co-ordinator of the Yorta Yorta clans, Monica Morgan, and former counsel for the Yorta Yorta people, now Judge Ross Howie, also spoke.

The lecture was preceded by Aboriginal and Torres Strait Islander and Social Justice Commissioner, Dr William Jonas, conducting the Victorian launch of his 2002 Social Justice and Native Title reports (see story next page).

The Yorta Yorta claim, covering several thousand kilometres of land and water in Victoria and New South Wales, began in 1994. In 1998, the Federal Court ruled that the Yorta Yorta people’s claim had failed to prove that their traditional laws and customs, which form the basis of native title, had survived the impact of white settlement. The ruling was upheld on appeal by a High Court judgment late last year.

NATIVE TITLE: THE GLOVES ARE OFF

Hyllus Maris lecturer Dr Wayne Atkinson, a La Trobe University graduate in Law and Arts and one of the seven native title claimants presenting the lecture, said claimants had ‘suspicions or apprehensions’ about the native title process at the beginning of their claim in 1994.

‘Those suspicions or apprehensions were well founded. They were based on the realities of past experiences, the mindset of antipathy towards our people that still exists and the inability of the Anglo-legal system to deliver real justice to our people.

‘No tide of history will ever wash away those views. They are forever etched into the memory bank of our people.’

He said the Hyllus Maris lecture was the first time that the Yorta Yorta nation, through the family representatives, had the opportunity to speak for themselves on the ancestral lands that we love so much’.

Dr Atkinson said vast resources committed to native title have created a ‘Native Title Industry’. Native title claimants, to whom the industry owes its existence, benefit the least.

‘This was clearly demonstrated to us. The Yorta Yorta sat patiently at the back of the court, waiting for justice to be delivered, while their independent voices were spirited away by outsiders.’

State governments were able to absorb extremely high levels of expenditure in opposing claims without public protest. This led to a massive increase in the cost and complexity of the process for all parties.
While our people suffer, the land will suffer

‘While our people suffer, the land will suffer,’ Margaret Wirrpunda said, wearing a possum skin coat handed down by her mother. Her family come from the Barmah Forest region of the Murray River. ‘Where our ancestors sleep is sacred ground. It’s where their spirits have returned to the Dreamtime – and they cry out for us to achieve justice.’

The Barmah Forest held the spirits of the Yorta Yorta and, even though many of her people had been removed forcibly from there by European settlers, she said she can trace her family back to Ulupna tribal lands. She is a descendent of Barkabilly, who lived more than 150 years ago. A record of these links, she said, still exists in Aunty Marj Tucker’s book, If Everyone Cared available at most good book stores.■

He said non-indigenous parties, particularly the large cohort of lawyers, were enriched, seeming to ‘gain more from prolonging proceedings than from resolving them.’

‘Indigenous claimants have had to wait impoverished on the periphery of the native title process. Yorta Yorta Nations Inc has been drained of its resources, most of which were siphoned off by the “expert” industry.

‘The words of many indigenous voices that Mabo “gave an inch but took a mile” and would deliver “not one iota of justice” to Kooris in the south, have been vindicated,’ Dr Atkinson said, warning ‘the gloves are now off’ as far as native title was concerned.

‘As we have seen so far, native, or the original title has been reduced through the political and legal processes to a form of permissive occupancy, similar to that of the infamous reserve system of 19th century Australia.’■

Native title law below human rights standards

Australian law remained incapable of dealing with indigenous rights – while the Federal Government continued to marginalise indigenous issues, adopting an antagonistic and adversarial approach.

These points were made by Aboriginal and Torres Strait Islander and Social Justice Commissioner, Dr William Jonas, speaking before La Trobe University’s Hyllus Maris lecture, during the Victorian launch of his 2002 Social Justice and Native Title reports.

He said reconciliation was a priority for the second term of the Howard Government, but did not rate a mention in recent announcements of the Government’s strategic long term vision for Australian society.

Indigenous issues were no longer treated as a national priority, and there were fundamental shortcomings in the native title system that failed to meet the human rights standards required at international law.

Dr Jonas saw the legal principles that have emerged from the High Court as providing a barrier for indigenous people to enjoy and protect their culture and property rights.

He called on the government to put reconciliation and native title back on the national agenda. However, he said instead, the government proposed to abolish the position of Aboriginal and Torres Strait Islander and Social Justice Commissioner. The post was created in 1992 to ensure ongoing national monitoring of human rights for indigenous people.

The government’s plan was to restructure the Human Rights and Equal Opportunity Commission, replacing the existing specialist commissioners with three new ‘generalist’ Human Rights Commissioners.

None of the general commissioners would have specific responsibility for indigenous social justice issues, nor would they be required to have had ‘significant experience’ in the community life of indigenous people, Dr Jonas said.■

The reports are available at: www.humanrights.gov.au

Molly Dyer Prize for 'Stolen Generation' essay

Lee-Anne Daffy, a student from La Trobe University, Bendigo, has won this year’s Molly Dyer Prize for an essay calling on social workers to confront their role in the ‘Stolen Generation’.

The prize is awarded at the Hyllus Maris Lecture by the Darebin Aboriginal and Torres Strait Islander Community Council for an outstanding essay written by an indigenous person about indigenous issues.

Ms Daffy, in the fourth year of her Bachelor of Social Work degree, said the authoritarian roles played by social workers and other professions have a rippling effect on indigenous communities, inciting continued mistrust and instinctive fear.

‘I offer this essay to challenge the thinking of social workers and others and to increase understanding of Indigenous issues.’■

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FIRST JAPANESE MASTER OF NURSING GRADUATES AT LA TROBE

The first Japanese graduates from a new La Trobe University distance education program in advanced nursing recently received their degrees on the University’s main Melbourne campus at Bundoora. All registered nurses, the 15 students concluded their Master of Nursing Studies course by spending a week on campus in May.

They attended seminars and visited several of the School of Nursing and Midwifery’s Clinical Schools, including those located at the Bundoora Extended Care Centre, the Alfred and Austin hospitals. Their course involves flexible self-directed study based on Japanese and English materials prepared by La Trobe, complemented by Japan-based tutors and Japanese-speaking lecturers and administrators at the Bundoora campus. Now in its 6th intake, the program has more than 100 enrolments.

The visit enabled students to mix with nurses from another country and to see aspects of another health care system in operation. La Trobe launched the course in association with the Nissokken Group, a non-profit semi-governmental organisation that focuses on educational programs and publications for nurses in Japan.

Signs for success

Kan Arthayukti, left, recently became the first deaf person to receive a research degree – Master of Arts in Deaf Studies – at La Trobe University. He and Sasipa Bunyapen, a Master of Sign Language graduate in linguistics, converse after their recent graduation ceremony on the University’s main Melbourne campus at Bundoora. Both have returned to work in Thailand, Mr Arthayukti to teach deaf history at Mahidol University’s Ratchasuda College and Ms Bunyapen to a career as a kindergarten teacher.

D.M. Myers Medals for top graduates

The designer of an ingenious ‘wireless’ link between personal computers and their peripherals is one of five La Trobe University graduates to win 2002 D.M Myers University Medals.

Karol Szwed was top student for both Electronic Engineering and Computer Science in 2002. He now works for a leading IT company and a number of commercial companies have expressed an interest in the invention.

La Trobe University’s first Vice-Chancellor, Dr David Myers, donated the D.M. Myers Medal to be awarded annually to the outstanding honours graduate in each of the University’s five faculties.

Other winners of the medal were: John Ozcan (Health Sciences); Andrew Graham Pooley (Humanities and Social Sciences); Sean Patterson (Law and Management); David Charles Nightingale (Regional Development).

NEWS EDITOR TURNS PhD

Community newspaper editor and mother of seven, Mary Jo Fortuna, recently graduated with a PhD in Sociology from La Trobe University, Bendigo.

A lecturer at the Bendigo and Shepparton campuses of the University, she has spent 15 years studying to achieve her dream of a PhD – after being widowed in the early 1980’s with seven children aged from two to 15 years.

‘I realised I needed a career and took up a Bachelor of Arts part-time at La Trobe University and have never looked back,’ she said.

After completing her Honours degree, she began teaching sociology and politics and began research in women’s issues and social theory.

She said her doctoral thesis ‘Other Ways of Counting to One: Women’s Spirituality and the Pursuit of Wholeness’ draws on the Beguine Movement of the 12th to 15th centuries to suggest the positive contribution of a feminist approach to solving the world’s ‘problems’.

Dr Fortuna said the PhD offered a sense of personal achievement – and the availability of university courses in the region was crucial to her returning to study. ‘It is also one of the reasons I am committed to teaching at a regional campus.’
URGING GRADUATES TO TEND THE ‘PILLARS’ OF CIVIL SOCIETY

In recent years, as the powers of the state and the demands made upon it increase, many see law more and more as an instrument for social control and social change – and, in recent months, as a tool of authoritarian government.

This was one point made by Emeritus Professor Alice Ehr-Soon Tay, President of the Human Rights and Equal Opportunity Commission, in a wide-ranging graduation address titled ‘Pillars of Civil Community: Law, Justice and Education’, that she delivered recently on the University’s Bundoora campus.

Professor Tay said governments want to substitute social policies and administrative direction for law and legal values and procedures, elevating, among other things, ‘purposes over tradition, and sovereignty over individualism’.

‘I want to stress that personal success is, of course, not to be denigrated. It is very important to pursue and achieve the goals that we set ourselves. However, we live in an age where the philosophy of "liberal individualism" is one of our defining characteristics.

‘Combined with our pursuit of “economic rationalism”, we have created a culture where personal success and economic security are viewed as the highest good. The race to succeed, to accumulate, to hoard and to consume has become frighteningly savage.

‘The problem with such a philosophy is that we do not live as individuals, but as families, communities, societies. And as such we have a responsibility to contribute to a broader community because that broader community has given so much to us – health, security, support, education, opportunities.

‘Similarly, “economic rationalism” that has come to dominate our lives is not as simple as it sounds. There are different forms of this. In Anglo-American and Thatcherite terms it denotes the capacity of property or wealth to do as it has the power to do, without regard to others, subject only to the constitution and law, to social responsibility.

‘Such “economic rationalism” supports the exclusionary power of private property which together with the right to the pursuit of happiness leads to an egoistical social philosophy.

‘In Europe, economic rationality as the expression of private property, of the power of property and wealth, is limited by constitutional and legal responsibilities to the less fortunate; hence the public law principle of the social responsibility of property.

‘This means that no private property can be used in a manner that does not take into account the social needs of the community,’ Professor Tay concluded.

RARE HONOUR FOR VICE-CHANCELLOR

La Trobe University’s Vice-Chancellor, Professor Michael Osborne, was recently accorded the rare honour of being appointed as Professor of Peking University. The award was presented during a ceremony in Beijing.

Peking University, founded in 1898, has long been recognised as the most prestigious University in China and its status was recently re-affirmed in the so-called 985 Program (a program designed to benefit nine leading universities in China).

Professor Osborne has been appointed as Professor in the School of Archaeology and Museology in the Faculty of Humanities and he will give lectures and workshops in Greek archaeology, epigraphy and history.

Professor Osborne said: ‘This appointment is a very significant honour for me personally, but it also reflects the exceptionally strong links that La Trobe University has developed with the leading universities of China.’

La Trobe’s Department of Archaeology has a particularly strong relationship with Peking University and La Trobe staff regularly give lecture programs and undertake collaborative archaeological work in China. La Trobe also has a well-established joint program with the School of Public Health of Peking University.

Professor Osborne said that there was a steadily growing interest in Greek archaeology and culture in numerous Chinese universities – and noted with envy that Peking University was constructing a large new complex for archaeology on its main campus.

In addition to this teaching appointment, Professor Osborne holds honorary professorships in numerous Chinese universities, notably in the Sichuan University and in Harbin Medical University. On his most recent visit, Professor Osborne spent time in Heilongjiang, the most northerly Province of China, developing further links with universities in Harbin, Daqing and Qiqihar.
Winning an audience – Breath by Breath

Two members of La Trobe University’s Theatre and Drama Program – Peta Tait and Meredith Rogers – recently took their talents to town in a new play, Breath by Breath, and won over audiences and critics alike. The play attracted full houses every night during an extended 18 performance season at Carlton’s La Mama Theatre.

Breath by Breath is a play within a play, set at the end of the 19th century. It revolves around Russian playwright Anton Chekov – struggling with consumption and creative crisis – and a group of displaced Russian Jews – battling prejudice still faced by minority groups and refugees today.

The Herald Sun praised the play’s ‘haunting’ and ‘mysterious’ qualities, while The Age review began: ‘What a pleasure to encounter a new play that is as ambitious, powerful, moving and complex as this one. …Let us hope that this excellent production will be restaged for a larger audience,’ The Age concluded.

Ms Rogers, who directed the play, won last year’s prestigious Ewa Czajor Award for dramatic direction. A founding member of the Mill Theatre Company with a strong interest in community and women’s theatre, she has a long list of successful productions to her credit.

Breath by Breath was co-written by Dr Tait, her third major work performed in recent years. Dr Tait specialises in research into emotion and performance, particularly in Russian theatre and Chekov, publishing a book on this subject last year.

One of the main characters was played by Bob Pavlich, Director of Student Theatre at the La Trobe University Union. Two La Trobe Theatre and Drama graduates, now working as professionals in the field, were also on the production team.