



Eight questions
for: Castan
Centre Associate
Joanna
Kyriakakis

What were you doing before starting work on your SJD?

I was working as a solicitor in South Australia on legal aid criminal and family law matters, as well as some accident compensation cases.

What made you decide to do an SJD?

I wanted the intellectual challenge, to change my specialisation towards human rights law and to retreat into a cave (only kidding – sort of).

What was the topic of your thesis?

After interning with Oxfam Australia's Mining Unit, I became interested in the problem of transnational mining companies involved in serious human rights violations, like torture and forcible relocations. My thesis argued that the International Criminal Court should be able to hear cases against such companies. They otherwise often avoid accountability. Since then there has been a surge of interest in this topic at an international level, so hopefully we will soon see some positive developments.

What area of human rights law are you most passionate about?

I think many of the key human rights challenges for Australia revolve around improving equality and tolerance. Ending mandatory detention of refugees, legally entrenched discrimination against same-sex couples and discriminatory policies against Indigenous communities such as the NT intervention are all issues that most Australians I think are particularly passionate about.

What do you enjoy most about teaching?

What it teaches me: about the subjects I teach and about the people I teach, and how we are all here – students and teachers alike – in the pursuit of learning.

You teach torts law... do you find a significant cross over between torts and human rights law?

Absolutely. Many torts protect the same interests that are also the subjects of human rights law. This means torts can be used to litigate human rights abuses using more familiar domestic legal tools. In the US an interesting recent trend are creative 'climate change' nuisance cases against large-scale carbon emitters in order to protect rights to health and a healthy environment.

What do you enjoy most about your role as an Associate?

Being part of a community of people passionate and informed about human rights and contributing to human rights becoming a greater part of the Australian legal landscape.

We hear you are a Port Adelaide supporter, what do you think their chances are this year?

We recently lost to the Gold Coast Suns. Need I say more?

Mollie Holman Doctoral Medal awarded for thesis on Indigenous customary law

Dr Kirsten McKillop, a former PhD student under the supervision of Deputy Director Melissa Castan, Centre Associate David Yarrow and Dr Sarah Middleton has been awarded the Mollie Holman Doctoral Medal for her doctoral thesis *Providing effectively for indigenous customary law: New Zealand, Canada and Australia and Indigenous customary adoptions*.

The Mollie Holman Doctoral Medal is awarded to the Doctoral candidate in each faculty of Monash University judged to have presented the best thesis of the year. The medal is named in honour of Professor Mollie Holman, who has made a long and distinguished contribution to the University and has been a vigorous champion of postgraduate education.

Kirsten's thesis considered how the legal systems of Canada, New Zealand and Australia provide for Indigenous customary law. It provided theoretical as well as pragmatic approaches to this issue. The thesis used a case study approach, comparing the legal provision for customary adoptions in the three countries. At a concrete level it suggested the best approach to providing for Indigenous customary adoptions is to provide legislative recognition, without codifying the content of this law. The study was timely and relevant because the Queensland Government was considering legislative changes to adoption law, which affects the customary adoption practices of Torres Strait Islanders

When asked about this great honour, Kirsten noted that she was "really pleased and excited to receive the award." Kirsten's supervisor, Melissa Castan, told *Rapporteur* that "Kirsten's research has contributed greatly to the international dialogue on how western legal systems can provide for Indigenous customary law. Utilizing case studies on customary adoptions in particular helped highlight the different approaches states have taken, and what they might learn from each other." The Centre congratulates Kirsten on this great achievement.

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