FORGING AHEAD: GLOBAL ENERGY AND RESOURCES LAW
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jurišt·diction
Sydney Law School’s magazine for alumni and the legal community

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Photograph: Mark Batten

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The Sydney Law School aims to prepare lawyers for an international and transnational legal environment. No issue is of greater importance to Australia and the Asian region than energy security. With gifts from one of our alumni, Mr Kevin McCann, and the Macquarie Bank, we have been able to develop a new postgraduate unit in ‘Global Energy and Resources Law’, now in its second year and attracting growing student numbers. We have also launched the annual ‘Kevin McCann Lecture’, which this year was given by the Minister for Resources and Energy, The Hon Martin Ferguson. This edition of JuristDiction focuses on Global Energy and Resources Law and profiles both Mr Ferguson and Mr McCann, along with three young graduates who are making their mark in the field. Peter Nicholas is Senior Adviser to the Minister for Climate Change and Energy Efficiency, and Luke O’Callaghan is a solicitor in Perth, where the mining boom creates opportunities for legal advice. Caitlin Westgarth provides leadership as legal counsel for Shell Development (Australia).

We were pleased that The Hon Greg Combet, the Federal Minister for Climate Change and Energy Efficiency, chose to launch the Government’s ‘Clean Energy Plan’ at Sydney Law School. Dr Celeste Black briefly outlines the Plan in this issue.

Sadly, our much loved alumnus, The Hon Roddy Meagher, died some weeks ago and we have included in this edition of JuristDiction the portrait he presented to the Law School. As you may know, Roddy generously gave his art collection to The University of Sydney. In our last issue of JuristDiction on Law and Development, I mentioned that we would be welcoming 10 lawyers from East Africa to attend a course on legislative drafting, presented by Emeritus Professor Peter Butt. This AusAID funded program is also highlighted.

Finally, the Law School has cause once again to be proud of its alumni. In the recent round of appointments, 11 Sydney graduates were appointed as Senior Counsel. Recently, the Sydney Law School and Law Foundation held a reception to celebrate the career of The Hon James Spigelman AC QC, who spoke with affection of his days as a student, and commended the Law School’s recent move back to the main campus. In a tribute, the Chief Justice of the Supreme Court of NSW, The Hon Tom Bathurst QC, also spoke of the outstanding contribution Jim Spigelman has made to the law and to the life of the law.

I wish you a happy Christmas and a peaceful and fruitful New Year.

Vale Justice Roddy Meagher

Portrait of Justice Roddy Meagher (opposite), completed in February 2011 and hanging at the Sydney Law School. For four months, artist Guy Brown drew Roddy each week. The painting reflects the artist’s philosophy that to capture a good likeness, it is important to know the sitter’s character. Guy says that over time he and Roddy became friends, and had many and varied discussions on a wide range of issues. Following the completion of the portrait, Guy continued to paint still lifes at Roddy’s home, recently exhibiting them at the Ray Hughes Gallery.
Roddy Meagher (BA 1954, LLB 1958, LLD 2000) was a barrister, teacher and a Judge of Appeal of the Supreme Court of New South Wales. He was considered to be one of the most brilliant and remarkable characters to have graced Phillip Street.

Roderick Pitt Meagher was born on Saint Patrick’s Day, 1932 in Temora, New South Wales. He was the second of five children born to Marian and Peter Meagher, and was known as Roddy throughout his life. He was blessed with both a big brain and a big heart.

Roddy was educated at Saint Ignatius’ College, Riverview, where he boarded. There he developed lifelong interests in music, literature, history and art. It is said that he was amongst the most outstanding students Riverview ever produced. Certainly, it was the beginning of a life of tremendous accomplishment.

Roddy next attended St John’s College at the University of Sydney where he read classics and law, winning the University Medal in both. There he made many enduring friendships. In the mid 1950s, Roddy met Elma Penelope Moss, known as Penny, who had read economics at the University. She was a gentle and kind woman who would become an accomplished painter. They married in 1962 and had one child, Amy.

Roddy valued beauty, honesty, humour, loyalty, and scholarship, and was the most devoted friend imaginable. He loathed foolishness, hypocrisy and pretension, and was quick to identify those attributes in others. Some of his friends felt that he was a misunderstood personality. He did not agree. He was content to be judged by his words and deeds. He often deliberately provoked controversy, which was infuriating to many, but kept his smile and won his friends over. He knew best, as he was exceptionally broadminded. He readily conceded that his opinions had changed remarkably over time.

His passion for art was well-known, and his enormous collection as eclectic understates both its importance and its diversity: paintings, drawings, prints, sculpture, ancient and contemporary ceramics, prints and graphics, furniture and antiquity. Australian, European, Chinese, Japanese and Pacific Islander. In his later years, after visiting the outback for the first time, he developed an interest in Aboriginal art which was a revelation to him. He generously lent items of his collection to leading institutions and made it available for inspection at his homes at Darling Point and Bowral to anyone who expressed an interest in it. He bequeathed it in its entirety to the University of Sydney.

It ranks among the most beautiful expressions of love of our time.

Roddy was famously a conservative, but associated with many of WMC Gummow and JD Heydon — each of whom had frequently appeared as Roddy’s junior in his heyday as a leading silk. He never again appeared before a court, but advised in conference and — pathly — in writing. It is not well known that during the years following his retirement, he did much pro bono work for the disadvantaged, including charitable institutions, Aboriginal people and artists. His kindness was never more apparent when fielding endless questions from both senior and junior barristers. No question was too silly or too difficult; it mattered not if the question came from a reader or a silk. He identified as a barrister to the end.

Roddy was famously a conservative, but associated with many left-leaning people he affectionately referred to as ‘pinkos’ and ‘commies’. He was informally and unjustly known as a misogynist. In fact, he promoted the careers of many talented women including that of his beloved daughter, numerous female solicitors and barristers and several generations of artists and musicians.

Roddy Meagher’s collection was a lifelong passion. Photo: Michael Myers, 2009

Her death was dark and depressing as Roddy adjusted to life without her. In 2001, he self-published a book of Penny’s paintings. It is not well known that during the years following his retirement, he did much pro bono work for the disadvantaged, including charitable institutions, Aboriginal people and artists. His kindness was never more apparent when fielding endless questions from both senior and junior barristers. No question was too silly or too difficult; it mattered not if the question came from a reader or a silk. He identified as a barrister to the end.

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FUEL FOR THOUGHT

Profile: Kevin McCann

In early 1994, Law School alumnus Tony Abbott (BEc 1979, LLB 1981), then best known as the director of Australians for Constitutional Monarchy, stood for Liberal Party pre-selection in the safe seat of Warringah.

His main rival for the votes of party members that evening was Kevin McCann (BA 1961, LLB 1964), who at the time was a partner of Allen, Allen & Hemsley, now Allens Arthur Robinson.

The current Opposition Leader won the poll — but had the pre-selection swung the other way, today’s political landscape might look very different. Yet Canberra’s loss has been the business community’s gain, says Professor Martin Ferguson, who is a friend of McCann. Since that night 17 years ago, the commercial lawyer has gone on distinguish himself as one of the nation’s most admired company directors: he currently chairs Origin Energy and Macquarie Bank and sits on the board of BlueScope Steel.

McCann’s path to becoming a pillar of Australian business began five decades ago at what he calls the ‘terrible old building in Phillip Street’ (not the current 13-storey structure, but the Law School’s previous home). The early 1960s was a heady time to study law, he says, with icons of the profession such as Julius Stone, Ross Parsons and Roderick Meagher on the teaching staff — as well as J A Iliffe, an ‘eccentric Roman law teacher who was also a part-time chook farmer’.

After graduating, McCann took up a position as a commercial lawyer with Allens, before a stint in the US, where he gained his Master of Laws from Harvard University. He returned home to rejoin his former employer, which becomes a partner in 1970 and ultimately Chairman in 1995.

From the beginning of his time at Allens, resources law was his métier. He worked across petroleum, coal and copper, representing many of the world’s resource giants including Rio Tinto, Getty Oil and — memorably — BHP during its merger with Billiton. A highlight, he says, was travelling to the Northern Territory to negotiate land rights agreements and his discussions with traditional owners held against the spectacular backdrop of Arnhem Land (and in the presence of wildlife such as crocodiles and water buffalos).

But it is the art of company directing, not legal negotiations, which McCann is best known for today. He was just 36 when his
Making Hay

When it comes to our resources sector, Australia must make hay while the sun shines: that was the message of Federal Minister for Resources and Energy, The Hon Martin Ferguson (BEC (Hons) 1976), when he delivered the Kevin McCann Lecture on Energy and Resources Law at the Sydney Law School on 27 September 2011.

‘Booms, whether in gold, wool or minerals, have long been part of our nation’s economic history,’ he said. ‘They have all contributed to our national prosperity while at the same time reshaping our economy. We cannot stand in the way of change or pretend it isn’t happening.’

And make no bones about it, Australian resources are still very much on the boil: the latest forecast is for resources and energy export earnings to increase by 21 per cent to $215 billion this financial year.

Indeed, the day before his speech, the Minister said, he was in Perth for the final investment decision on the Wheatstone liquified natural gas project, into which Chevron is ploughing $29 billion: it is the fifth LNG project in Australia to be sanctioned in the last 12 months and the seventh since 2007. Major resources projects like Wheatstone create a host of flow-on opportunities for diverse parts of the economy from engineers and project managers to catering firms, he said, and ‘re-gearing our businesses outside of resources and energy to take advantage of these markets is vitally important’.

The legal services sector is another key beneficiary of the resources boom, he added, emphasising that its practitioners have an important role to play as advisers to resource companies and in business leadership positions, as well as in developing the government’s own regulatory frameworks.

Martin Ferguson’s enthusiasm for reaping the economic benefits of the mining boom follows a long-standing concern with jobs and labour market conditions in Australia. After completing his economics degree at Sydney — during a time he recalls the Merewether Building as being riven by ideological battles among faculty staff — he set about building a career in the union movement, ‘I finished university on the Friday and started work with the Miscellaneous Workers’ Union on the Monday as a research officer.’

He served as a union official during the 1980s and in 1990 came to public attention as the chief of the Australian Council of Trade Unions. After being elected to Federal Parliament in 1996 as the Member for Batman, he served continuously in the Shadow Ministry and then in the Rudd and Gillard Ministries.

Today, he sees his ministerial role as one of striking the balance of units need not be surrendered until 1 February 2012 and businesses that have an emissions liability will be required to surrender enough units to meet their requirements up to the time of the fixed price period.

The scheme will operate so that units purchased in the price ceiling period. In the flexible price period, the carbon unit price will be fixed for the three years and will therefore act like a carbon tax, but the actual form of the mechanism is an emissions trading (cap and trade) scheme.

In brief, an emissions trading scheme will be established from 1 July 2012 and businesses that have an emissions liability will be required to trade in carbon units; however, during the first three years of the flexible price period, fluctuations in carbon pricing will be controlled through a price ceiling and price floor. The timing rules for meeting liabilities will also differ in this period.

An important feature of the scheme is the ability to surrender a variety of units to meet an emissions liability. Agriculture, forestry and other land use activities will not be covered by the carbon price but a complementary scheme, the Carbon Farming Initiative, will provide incentives to undertake emissions reduction and sequestration activities. Units issued under this scheme, called Australian Carbon Credit Units or ACCUs, can be used to meet obligations under the carbon price up to 5 per cent of the requisite number of units by 1 February of the following year following the emissions year and will not be required to make an interim surrender.

Responding to the Challenges of Climate Change: Carbon Pricing is Key

By Celeste Black

A central element of the package of legislation introduced into Parliament on 13 September 2011 is the creation of a carbon price with effect from 1 July 2012. Some confusion has arisen due to the decision that the carbon price will be fixed for the three years and will therefore act like a carbon tax, but the actual form of the mechanism is an emissions trading (cap and trade) scheme.

In brief, an emissions trading scheme will be established from 1 July 2012 and businesses that have an emissions liability will be required to meet that through the surrender of carbon units where each unit correlates to one tonne of greenhouse gas emissions. During the first three years of scheme operation, referred to as the ‘fixed price period’, a business will be able to purchase as many carbon units as it requires for a fixed price. This price will start at $23 per unit and will be indexed up at the rate of 2.5 per cent per annum in real terms. The scheme will operate so that units purchased in the fixed price period are issued and immediately surrendered to meet the business’s compliance obligation. This will have the income tax consequence that an expense for the cost of the unit will be recognised at the point, creating the effect of a carbon tax. Further to the issue of timing, liable entities will be required to surrender sufficient units to meet 75 per cent of their estimated emissions liability by 15 June of the current emissions year (where this will also often be their tax year), The balance of units need not be surrendered until 1 February of the following year.

A carbon tax for Australia? Not exactly. The Government’s most recent attempt to put into effect a comprehensive policy response to the issue of climate change comes in the form of the ‘Clean Energy Plan’.

After the first three years of operation, the scheme will move to the ‘flexible price period’ where the carbon unit price will be determined by the market and the number of units issued will be determined by the pollution cap. Businesses will then be able to trade in carbon units; however, during the first three years of the flexible price period, fluctuations in carbon pricing will be controlled through a price ceiling and price floor. The timing rules for meeting liabilities will also differ in this period. Liable entities will only be required to surrender the requisite number of units by 1 February of the following year following the emissions year and will not be required to make an interim surrender.

An important feature of the scheme is the ability to surrender a variety of units to meet an emissions liability. Agriculture, forestry and other land use activities will not be covered by the carbon price but a complementary scheme, the Carbon Farming Initiative, will provide incentives to undertake emissions reduction and sequestration activities. Units issued under this scheme, called Australian Carbon Credit Units or ACCUs, can be used to meet obligations under the carbon price up to 5 per cent of the requisite number of units by 1 February of the following year following the emissions year and will not be required to make an interim surrender.

Celeste Black is a Senior Lecturer and member of the team teaching the postgraduate unit ‘Carbon Trading, Derivatives and Taxation’.

Chris Rodley

‘It is foreseeable that major conflicts between nations will be fought over access to resources. That makes this a complex but really important area now, and even more so into the future.’
I t is one of the great controversies of our time and the burning issue of the moment in Australian politics. For Peter Nicholas, Senior Adviser to the Minister for Climate Change and Energy Efficiency, it is also his daily routine.

Peter’s role involves advising Minister Greg Combet on the vexed issue of carbon pricing, as well as land sector and renewable energy issues, as the Gillard Government’s Clean Energy legislation passes through Federal Parliament. [Ed’s note: now passed].

The energy law and policy specialist has a passion for environmental and resource issues that began back at the University of Sydney; his honours thesis in arts focused on environmental and resource issues in relation to one of the most difficult and challenging problems facing Australia and the global community, he says, Peter.

He believes strongly that increasing our sustainability will help secure Australia’s future prosperity. ‘We have a huge potential to make the most of the clean energy economy as the highest per capita emitter in the developed world,’ he says.

‘Acting early is essential to our long-term competitiveness. Europe and China know this and are already acting. Failure to act will only leave us behind, as the race to succeed in the clean energy economy comes to dominate this century.’

There are many new frontiers still to be crossed and many challenges ahead, he says — including the task of developing the necessary legal innovations for transitioning into a clean energy landscape.

‘Unless we use markets to drive innovation and drive down pollution, we will not be able to tackle climate change and maintain economic growth. Laws and property rights underpin markets, which means lawyers have an important role to play in the process.’

Peter Nicholas
Senior Adviser to the Minister for Climate Change and Energy Efficiency
BA 2000 (Hons) LLB (Hons) 2002

D uring his first few months working in Perth, Luke O’Callaghan would occasionally hear talk of industry colleagues who had ‘gone to Rio’.

‘It was said almost as often as “so and so’s gone to Bali”, and with my Eastern States mentality, I got images of holidays and Peter Allen,’ he recalls.

Of course, as he quickly discovered, Rio refers to just one thing — Perth’s Eastern States mining mentality. ‘I got images of holidays and Peter Allen,’ he recalls.

The multinational and energy resources companies stand large in the city’s imagination, as do those local heroes that have built empires on mining, particularly iron ore, he says.

‘Unless we use markets to drive innovation and drive down pollution, we will not be able to tackle climate change and maintain economic growth. Laws and property rights underpin markets, which means lawyers have an important role to play in the process.‘

Luke O’Callaghan
Lawyer, Blake Dawson, Perth LLB (hons) 2008

The Energy of Youth

JuristDiction speaks to three young alumni, each working in very different energy-related roles...
It is top notch work that every lawyer in a law firm would like to get their hands on.

‘All the lawyers in the Shell Perth office are working on interesting projects whatever stages they may be at, exploration, development or production,’ she says. ‘It is top notch work that every lawyer in a law firm would like to get their hands on.’

A constant challenge, she says, is providing advice on issues as diverse as joint ventures, contract law, competition law, mergers and acquisitions, administrative law and property law, all with resources that are not, on the whole, as extensive as those of private practice.

‘Within Shell Legal we have sought to address that by, for example, coming together as a team to discuss particularly complicated legal issues in order to come to an arguable position,’ she says. ‘Occasionally, the lead lawyer has directly briefed a senior barrister on a matter and (we are quite proud to say) that senior barrister has agreed with our advice.’

An ever-present issue in her day-to-day work at Shell is employee safety. ‘Petroleum activities are dangerous and no one can afford to be complacent,’ she says. ‘I’ve heard a number of CEOs of petroleum and also mining companies say that their greatest fear is being called to say there has been a fatality on one of their projects.’

‘At Shell, I believe this fear and the priority it has in people’s minds is not only felt at the CEO level but through all levels of the organisation.’

Indeed, she considers it a responsibility of petroleum company employees, including the in-house legal team, to ask questions constantly, take an active role in making sure activities are conducted safely, and push for high operating standards to be rigorously adopted and implemented.

‘Thinking that I could have or should have done something to prevent a safety incident is a stressful issue,’ she says. ‘It does affect me.’

The proposed federal Clean Energy legislation is another issue on her agenda. Caitlin is currently examining the impact of the legislation to the Joint Development Petroleum Area between Timor-Leste and Australia (where Shell has an interest in the Greater Sunrise petroleum fields).

At a personal level, she says, she hopes the legislation will achieve its objective, in concert with other government initiatives to improve public transport links or make housing more energy efficient, for example, ‘as I’d like to see a reduction in Australia’s greenhouse gas emissions’.

Caitlin believes deeply that she and her colleagues in the resources and energy sector have a responsibility to both understand their companies’ impact on the environment and to minimise the impact as much as possible through best practice strategies.

‘Although some people may find it hard to believe that people who work in the petroleum industry care about the environment, there are a lot of us out there with that philosophy.’

The views expressed in this article are the views of Caitlin Westgarth only and do not represent the views of Shell Development (Australia) Pty Ltd.
Drafting Leaders for Africa

By Peter Butt (BA 1969, LLB 1972, LLM 1975, LLD 2005)

In July and August, Sydney University Law School conducted a course on modern legislative drafting techniques for 10 drafters and academics from East Africa. The course was funded by AusAID, as part of its Australian Leadership Award Fellowship scheme.

Participants were chosen for their existing expertise and their ability to influence change in their home jurisdictions. Two were from Uganda, and eight from Rwanda. Some specialised in drafting tax laws; others were employed to review draft legislation before it went to Parliament; and two were lecturers in drafting.

The course aimed to introduce participants to modern legislative drafting techniques and technologies. Much of it was taken up with a detailed analysis of ‘best practice’ legislative drafting styles in Australia and elsewhere. To keep the course as practical as possible, each participant was ‘embedded’ for two weeks in an Australian legislative drafting office — in the offices of Parliamentary Counsel in Sydney, Brisbane, Melbourne, Perth, and Canberra (both Commonwealth and ACT). This provided experiences that could not be replicated in the classroom. We are indeed indebted to the Parliamentary Counsel in each of these offices for their generous hospitality in hosting the Fellows in this way.

Another key element of the course required each Fellow to write a detailed research paper, applying aspects of the course to drafting practices in Uganda and Rwanda. The topics included: ‘Multilingual Drafting Challenges’ (in Rwanda, legislation is drafted in 3 languages); ‘Is Plain Language Appropriate for Rwandan Tax Laws?’; ‘Legislative Drafting – Some African Realities; Addressing the Main Features of Legalese in Rwandan Legislation’; and ‘The Need for an Interpretation Act in Rwanda’. We are planning to publish these papers, as a lasting record of the research.

Emeritus Professor Peter Butt co-ordinated the course, and did most of the teaching. However, other lecturers from within and outside the law school participated. They included Professors Richard Vann and Lee Burns (both of whom have extensive international experience in drafting tax laws); Patricia Lane (statutory interpretation); Kathryn O’Brien (judicial attitudes to plain language legislation); Dr Neil James (techniques for organising material); Pascal Kasumba (Australian financial legislation); Marco Stella (introducing plain language to a large organisation); Colin Easterbrook and Peter Barnett (former legislative counsel in Australia and overseas); Richard Hurford and Robyn Hodge, of the NSW Parliamentary Counsel’s Office; and Lauren Judge, from the Office of Attorney-General and Justice. More generally, sessions were provided by Leaders of Change on techniques for effecting change in organisations. Informative meetings were also held with the President of the Court of Appeal (Justice James Allsop) and the NSW Attorney-General. Sydney Law School is indebted to all of these contributors, who gave willingly of their time and expertise.

‘… a wonderful experience that shall remain vivid in my mind for the rest of my life.’

The course evaluations showed that the Fellows found the course inspiring. In the words of one of the Fellows: ‘I am so privileged, grateful and humbled to have been your student for the last six weeks. The period seems to have been short but much was gained which is relevant to our profession. The time we had together in the lecture room, on Sydney streets and in every office we visited … was a wonderful experience that shall remain vivid in my mind for the rest of my life.

And, of course, programs of this kind carry benefits far beyond the contents of a syllabus. They build personal relationships and forge lifelong friendships and professional links. These enrich not only the participants, but Australia in general and the University in particular.'
As Sydney Law School alumnus The Hon James Spigelman AC QC stepped down from his role as Chief Justice of the Supreme Court of New South Wales, another of our graduates, The Hon Tom Bathurst QC, was ready to step up to lead the State’s judiciary.

The law was not the first occupation in which Spigelman CJ practised. His time as principal private secretary to Gough Whitlam and, subsequently, head of the Department of Media, are well known. As indeed are his early books on matters of high public policy. He graduated from Sydney Law School in 1971, winning the University Medal, and published his first book Secrecy: Political Censorship in Australia the following year, and his second (with Peter Pringle), The Nuclear Barons in 1981.

By all accounts he was extremely talented and so dedicated to his work that he spent his 21st birthday running a matter from Papua New Guinea rather than celebrating with friends. He took silk 10 years later. Some of the more famous cases he appeared in include the C7 case, the Sons of Gwalia case, the Bell Group litigation and the James Hardie litigation. As a barrister, he became known for his incredible ability to digest a large and diverse sum of information quickly, reduce multiple ideas into a set of key propositions, and outline his case to the court clearly and succinctly.

Throughout his career in the legal profession Bathurst CJ has been a formidable leader and a generous mentor.

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The Peter Nygh Hague Conference Internship
An opportunity to work in the international law capital

By Nicola Nygh

The Peter Nygh Hague Conference Internship was established in 2006 by the Australian Institute of International Affairs (‘AIIA’) and the International Law Association (Australian Branch) (‘ILAA (AB)’), in memory of the Hon Dr Peter Nygh AM, a graduate of Sydney Law School and a former lecturer and professor in international law at the law school in the 1960s and 1970s. The award pays for a graduate or final year student of an Australian law school to travel to The Hague and undertake an unpaid internship at The Hague Conference.

The internships have worked on a variety of projects at The Hague Conference in fields ranging from family law, evidence and access to justice, to cross border flow of personal data, migration, and civil liability for trans-boundary harm. They have monitored the application of existing conventions and have assisted in preparing handbooks and responding to queries from states about the application of conventions. The Nygh Interns have also been involved in research and other preparatory work for future conventions. Many of the interns have worked as recording secretary at a diplomatic convention of The Hague Conference in the Peace Palace either after completing or during the internship. The opportunity to observe the negotiation of an international convention first hand has been a highlight of their internship. I recently received an enthusiastic email from the 2010 Nygh Intern, Kim Pham, who was participating in the Special Commission on the Child Abduction and Child Protection Conventions.

The Nygh Internship provides young lawyers from Australia with a unique opportunity to live and work in The Hague which is home to many of the world’s leading international law institutions. In her report on the internship, Katie Price, the 2008 Nygh Intern, wrote about living and working in The Hague. She said ‘for an international law nerd it is much like Nirvana’ and she summed up her experience saying, ‘I had the time of my life thus far.’

One of the objectives of the Nygh Internship is to encourage young graduates of Australian law schools to develop careers in private international law. Both the 2007 and 2008 Nygh Interns continued to assist The Hague Conference with projects after completing their internships. The 2009 Nygh Intern, Alexander Kunzelmann, is currently working on a contract as a legal officer at the Permanent Bureau of The Hague Conference. In 2011, the inaugural Nygh Intern, Zoe Justines, was awarded a Hugo Grotius Fellowship to undertake a Masters in Law (LL.M) at the University of Michigan, Ann Arbor, specialising in private international law. She firmly believes that her experience as a Nygh Intern was an important factor in being accepted into the LLM programme and in being selected as a Hugo Grotius Fellow.

The Board of the Peter Nygh Hague Conference Internship is calling for applications for 2012 internships. Graduates and final year students of Australian law schools who are 35 years old or younger, and who have an interest or experience in one of the fields of law relevant to the work of The Hague Conference, are encouraged to apply. Further information about the award and the selection criteria can be found on the websites of the AIIA (http://www.aiia.asn.au/get-involved/nygh-internship) and the ILAA (AB) (http://www.ila.org.au/nygh_internship.htm ). Applications for the 2012 Nygh Internship close on 30 January 2012.

$10,000 SYDNEY LAW FOUNDATION SCHOLARSHIPS

On 22 July 2011, the Sydney Law Foundation established three new scholarships for outstanding international students at Sydney Law School. One scholarship worth $10,000 will be awarded in each of the JurisDoctor, Master of Laws by coursework and Bachelor of Laws course. The scholarships must be taken in the students’ year of study.

The Dean of Sydney Law School, Professor Gillian Triggs said, ‘We are thrilled that we are able to award and assist our leading international students, thanks to the generous support of the Law Foundation. These scholarships will help us to continue to attract the very best of international students to the Law School.’ Potential applicants should contact the International Office. See http://sydney.edu.au/international/international_students.shtml.
As legal educators, we work increasingly in a global context and our graduates seek professional opportunities throughout the region and the world. With law reform, trade practices and legal harmonisation taking place between individuals and communities around the globe, legal education faces a new challenge in the twenty first century.

In our increasingly interconnected academic fraternity, scholarly dialogue transcends national boundaries. Quality legal research increasingly incorporates a comparative approach and the application of our comparative research efforts are bearing fruit through engagement in law and development, social justice and human rights work.

The theme of this year’s Australasian Law Teachers Association conference reflects this increasingly global outlook and invites comment debate and discussion on the benefits and challenges raised by this developing context and our graduates seek professional futures.

Visit the website now for more information.

sydney.edu.au/law/alta
CONGRATULATIONS Katrina

Alumni and Student News

Katrina in her early days

Director Professor Rosemary Lyster giving the recent Alumnum relations officer, who will keep a record of reunion for your Sydney Law School class? contact

Australia’s minister for climate change and energy Senior counsel by the NSW Bar Association in 2011: has clearly stated his desire to engage with young Sydney Law School alumni who were appointed to the historical context to the legislation’s introduction. earliest drafts of the government’s clean energy

MINISTER UNVEILS DRAFT LEGISLATION AT SYDNEY LAW SCHOOL

Alumnus Greg Combet (DipLabRel&Law 1991), Alumnus Greg combat (diplabrel&law 1991), a Minister for Climate Change and Energy Efficiency, visited Sydney Law School to unveil the earliest drafts of the government’s Clean Energy Legislative Package on Thursday 28 July. In a special session for students and staff with media representatives in attendance, the Minister described the elements of the legislation and commented on the appropriateness of a low school being the venue for such an event.

The Law School’s Australian Centre for Climate and Environmental Law hosted the event, with Centre Director Professor Rosemary Lyster giving the recent historical context to the legislation’s introduction. Professor Lyster welcomed Mr Combet’s visit as ‘one of the first and most important decisions that the minister has clearly stated his desire to engage with young people to explain the legislation firsthand.

CLASS REUNIONS

Are you organising, or thinking of organising, a reunion for your Sydney Law School class? Contact the Alumni Relations Officer, who will keep a record of your reunion and can also provide advice and assistance with class lists, promotion and provision of function space in the New Law Building on the Camperdown campus.

STAY IN TOUCH

With alumni of the Sydney Law School achieving great things both in the legal profession and beyond, graduates are encouraged to stay in touch and update us on your contact details and career achievements. We are always pleased to hear of new appointments, awards and significant partnerships and projects.

With your up-to-date details, we can keep you in the loop on special alumni social events, legal professional development seminars, and other opportunities to maintain valuable connections with the profession, academia and colleagues in related fields.

To update your details and stay connected, please contact:

Jennifer Waters
Alumni Relations Officer, Sydney Law School
E: law.alumni@sydney.edu.au
T: +61 2 9351 0294

SHINING AT THE MOOT

Sydney Law School was delighted when its team has won the final of the Shine Torts Moot, held in August in the Banco Court of the Supreme Court of Queensland.

The team won one round of the competition, beating the University of New South Wales in the semi-finals and the University of Technology, Sydney in the final. The team consisted of Sarah Broadbury (2nd year Media and Communications/Law), Louise Coleman (3rd year Arts/Law), Mark Khurshid (2nd year Economics/Law) and Ramya Krishnan (4th year Arts/Law).

Their energetic and skilled coach was Chelsea Tackett who is a final year Graduate Law student and a member of the 2011 World Champion, Jessup Team. The team also received a great deal of assistance in practice moots from a number of senior student mooters.

Sarah and Louise represented the team in the final and were awarded joint best speakers.

AND CONTINUING TO SHINE...

Sydney Law School’s world champion Jessup Mooting team collected two further major awards in the international competition for their written submissions.

The team won the 2011 Baxter Award for their Respondent Memorial, which was ranked first in the world. They also picked up second place in the Dillard Competition, for their combined memorials. These awards confirm that not only were the team stellar advocates on their feet, but were also outstanding in their written advocacy.

CONGRATULATIONS KATRINA

On 20 September 2011, academic and professional staff of Sydney Law School hosted a morning tea in the common room to congratulate and celebrate with Katrina Thomas, who has been working for the faculty for 25 years.

The room was bustling with staff members past and present coming together to share stories and add to the wine and froth for Ross Anderson and Katrina on her 25th anniversary. It was a real pleasure to have such a large gathering of alumni, friends and colleagues.

In Katrina’s 25 years, she has been described as a ‘a true professional, a true lady and a true inspiration’. Ross Anderson, her husband, has remained by her side as she has made an impact on the local and international legal community. The morning tea was just one way to show how much they were appreciated.

An emotional Ross Anderson spoke of Katrina’s diligence and commitment to the faculty, while Katrina reminisced about staff members past and present. ‘It’s always been a wonderful place to work, she said, “and that’s why I’ve stayed so long.”

NAOMI WRITES A WINNER

Congratulations to Naomi Henn (Llb 2009, LLB 2011) on winning the 2011 Governor-General’s Undergraduate Essay Competition.

Justice Virginia Bell of the High Court announced Naomi as the winner on 14 July 2011. Naomi’s essay was on Australian refugee policy and the need for Australian laws to address this issue while considering humanitarian concerns and national security.

I really valued this opportunity to engage with not only dimensions of individual citizenship, but also what we should expect of responsible, compassionate governments. Naomi said. It was rewarding to immerse myself in a topic I find interesting, and especially to defend my position before the judging panel.

Naomi will be awarded her prize by former Governor-General, Major General Michael Jeffery AC, AO(MH) CVO, MC (Retd) and Her Excellency, Professor Marie Bashir AC, CVO, Governor of NSW at a CERF Awards Ceremony to be held in Sydney on 29 November 2011.

RARITY OF THE WORLD BANK SYMPOSIUM

In September, Sydney Law School was pleased to host the World Bank for a Symposium entitled Justice: Conflict and Development, as part of the Justice for the Poor (JFP) partnership with AusAID.

Participating as speakers in the symposium were alumni Sam Alameen (LLB 1991), a Senior Governance Specialist in the World Bank, and Nick Marsden (LLB 1998), Justice Reform Specialist in the Justice Reform Practice Group of the World Bank’s Legal Vice Presidency. Sam and Nick were discussants in a thematic session on Service delivery: public entitlements, grievances and equity.

ALUMNI HOSPITALITY PROGRAMS

The University of Sydney’s alumni community is a valuable resource for students who have much to benefit from their experience. Fun, Fare & Future Alumni’s hospitality program has already included current international and local students with alumni. Gatherings over a meal hosted by alumni provide an opportunity for students to meet and engage with their fellow students and alumni families, enabling all to share academic, professional and social experiences and foster new friendships.

Please assist Sydney students by volunteering to host a function. Contact the Alumni and Events Office on tel: +61 2 9358 9504 or visit sydney.edu.au/alumni/hospitality.

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The Year in Review

SULS President, Geoffrey Winters, reports.

The Sydney University Law Society (SULS) is the largest law students’ society or association in Australia in terms of members, activities and funding. In addition, we are the oldest law students’ society in Australia, founded in 1902 and led by students that have gone on to be judges of the Supreme Court of New South Wales, the High Court of Australia, and members of cabinet in the Commonwealth Government.

While our past is impressive, the efforts of our members in 2011 prove that SULS is at its best. Coming off the back of winning the Jessup Championship in Washington over the summer, the competitions portfolio of SULS grew to its largest this year. More students participated in the internal competitions than ever before, and we saw the introduction of the Gaden’s Inter varsity Women’s Moor. It is fantastic to see such initiatives being supported by our legal fraternity and congratulations must go to the two Sydney University teams that made it through to compete in the grand final. In addition, we performed extremely strongly at the Australian Law Students’ Association Championship in July and at the New Zealand Law Students’ Association shortly after. Huge thanks and congratulations must go to all the student conveners and competitors. As well, I would like to thank the lawyers at our sponsoring firms, members of the Faculty, the Supreme Court of NSW and the High Court of Australia for their ongoing support as judges.

One huge area of growth in 2011 was education policy. The introduction of the PASS program in a pilot form in second semester was a huge success. So many students have already benefited from this supplementary academic program which targets skills for success and aims to reduce unhealthy competition in our law school. Many thanks must go to the organisers as well as the Faculty for their support (in particular, Professor Barbara McDonald). Two years ago the position of Queer Officer was added to the SULS Executive team. To be honest, not a great deal was made of that position until this year when Glen Wolter put his imagination and energy to task. The first annual Big Gay Moot between Sydney Law School and The University of New South Wales Law School was a great hit. So successful was this event that flamboyant Sydney barrister and judge on the night, Charles Waterstreet, dedicated a section of his column in the Sun Herald the following weekend to detailing the great fun of the evening. Congratulations to all those who participated and attended.

These are just a few of the very exciting new things that we did in 2011 to expand the already amazing program that SULS delivers. As always the social program (particularly the annual Law Ball) was of a stellar standard and sold out: campus barbecues, sports events and public forums made our Law School the envy community that it is. We continued to expand the social justice portfolio and very soon for the second year a team of students will head into regional NSW on the SULS Road Trip to visit some of NSW’s most disadvantaged schools.

I would like to take this chance to thank the many student members who contributed to SULS in 2011 as a member of a sub-committee. Our society is proud to include hundreds of students every year in producing award-winning publications and running wonderful events. Thank you.

Finally, huge thanks to the 2011 Executive team. You have worked hard and produced a wonderful legacy. We leave SULS 109 years old and in an extraordinarily strong position for the 2012 Executive. Thank you for your dedication to your community and peers. I would also like to wish the winners of this year’s election all the best with plans and the year ahead, and thank our patron, Dean Professor Gillian Triggs, for her endless support and encouragement.

Geoffrey Winters is the elected President of SULS. He can be contacted via email: president@suls.org.au

This page features books edited or written by Sydney Law School academics.
THE SYDNEY MASTER OF LAWS (LLM)

“Sydney Law School is a powerhouse for critical legal thinking. It attracts academics of the highest calibre from the most reputed universities across the globe, and fosters an environment where academic enquiry and rigour is actively nurtured and encouraged.”

Sashika Jayewardene, Master of Laws (LLM)

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