

jurist · diction

A MAGAZINE OF THE SYDNEY LAW SCHOOL FOR ALUMNI AND THE LEGAL COMMUNITY
SPRING 2011



FORGING AHEAD: GLOBAL ENERGY AND RESOURCES LAW



THE UNIVERSITY OF
SYDNEY



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magazine for alumni and
the legal community.

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REGULARS

04
MESSAGE FROM THE DEAN
Professor Gillian Triggs

23
APPROACHING EVENTS

24
ALUMNI AND STUDENT NEWS

26
SULS NEWS
By Geoffrey Winters

27
RECENT PUBLICATIONS



Photograph: Mark Tedeschi.

Contents

SPRING 2011

COVER STORY

08
FUEL FOR THOUGHT
Chris Rodley talks to Kevin McCann
and Martin Ferguson

FEATURES

05
VALE JUSTICE RODDY MEAGHER
By RH Weinstein SC

11
**RESPONDING TO THE CHALLENGES OF
CLIMATE CHANGE: CARBON PRICING IS KEY**
By Celeste Black

12
THE ENERGY OF YOUTH
JuristDiction talks to Peter Nicholas, Luke O'Callaghan
and Caitlin Westgarth

15
OVERCOMING ENERGY CRISES IN KOREA
Penny Crossley attends an important conference in Seoul

16
DRAFTING LEADERS FOR AFRICA
By Peter Butt

18
CHANGING OF THE GUARD
Sydney Law School Alumni continue to head
the NSW Supreme Court

20
THE PETER NYGH HAGUE CONFERENCE INTERNSHIP





A message from the Dean

Professor Gillian Triggs

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. *jd*

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.



Vale Justice Roddy Meagher



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

COLLECTING PASSIONS

Justice Roddy Meagher was a gentle connoisseur, passionate about the visual arts. He spent his adult life collecting, and generously bequeathed his entire art collection to the University of Sydney.



Dr Ann Stephen, Senior Curator of the University Art Gallery, says the collection represents an enduring legacy for both the student and staff community, and the broader public. 'Roddy intended to pass on his passion, through the splendid collection he nurtured for so long, to a new generation of Australians,' she said.

Meagher made forays into the birth of modernism through French graphic art — including Manet, Toulouse-Lautrec, Bonnard, Rouault and several works by Matisse and Picasso — as well as 20th century British art by Augustus and Gwen John, Gaudier-Breszka, Ben Nicholson, Graham Sutherland and Lucien Freud.

At the heart of the collection is a broad range of Sydney modernists, from Roland Wakelin, Margaret Preston and 19 works by Grace Cossington-Smith, to seminal figures of abstraction from the itinerant Ian Fairweather, John Passmore, and Godfrey Miller.

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 among 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 was called to the bar in 1960. His equity tutor was Anthony Mason, later Chief Justice of the High Court of Australia; his common law tutor was Gordon Samuels, later a Judge of Appeal of the Supreme Court of New South Wales and then Governor of that State. He was made Queen's Counsel in 1974, and served as President of the New South Wales Bar Association during the years 1979–81.

He had a formidable reputation as a barrister and appeared

in many important cases against the leading silk of the day. Although he practised primarily in equity and commercial law, such was his reputation that he was retained by the wife of a well-known Labor Party cabinet minister in a matrimonial cause. He loved the bar, and spent virtually the entirety of his career on the 8th floor of Selborne Chambers.

Roddy was Challis Lecturer in Principles of Equity and Roman Law at the University of Sydney for many years. He authored important books and monographs on several topics, most significantly *Equity, Doctrines and Remedies* with WMC Gummow and JRF Lehane. He taught legions of students at the Law School on Phillip Street over almost three decades, some of whom complained that he talked to a painting on the wall rather than to them. He said that he was shy and did not know quite where to look, so he just looked to one side.

In 1989, Roddy was appointed to the Court of Appeal of the Supreme Court of New South Wales, where he served until his retirement in 2004. There he hid Spanish and Chinese screens and Japanese woodblocks, among other treasures, from Penny, although she knew perfectly well that the purchases were accumulating in his chambers at Queens Square.

He famously had a feud with Michael Kirby, who was the President of the Court of Appeal until 1996. It was not quite the whole truth. Although they often (and publicly) disagreed, they maintained a cordial friendship. In 1991, Roddy mischievously hung two Brett Whitely male nudes in the corridor outside Kirby's chambers. Kirby did not mind the tease one bit, and there the drawings remained. They exchanged birthday greetings for many years after Kirby's appointment to the High Court.

Penny died tragically of leukemia in 1995. The years following

her death were dark and depressing as Roddy adjusted to life without her. In 2001, he self-published a book of Penny's paintings. It ranks among the most beautiful expressions of love of our time.

In 2000, Roddy was awarded the honorary degree of Doctor of Laws by the University of Sydney for his contributions to the law. In 2005, he was made an Officer of the Order of Australia for service to the judiciary, to legal scholarship and professional development, and to the arts.

On his retirement in 2004, Chief Justice James Spigelman told a packed Banco Court that Roddy was one of the most beloved judges of our time.

After his retirement from the Court of Appeal, Roddy returned to the 8th floor of Selborne Chambers, which then boasted two High Court judges among its alumni — 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 — pithily — 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 infamously 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 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, not least to some of those who loved him most and knew him best, as he was exceptionally broadminded. He readily conceded that his opinions had changed remarkably over time.

His passion for art is well known. To describe his enormous collection as eclectic understates both its importance and its diversity: paintings, drawings, prints, sculpture, ancient and contemporary ceramics, coins and items of 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. It 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.

In the end, Roddy's big heart gave out. His mind was still sharp, having recently read the complete works of Karl Marx.

He is survived by his daughter Amy and son-in-law Mark Gerstl, their sons Orion and Astin, his brothers Peter, Christopher, and Philip, sister Mary Ann, Aunt Nancy and many nieces and nephews. *jd*

RH Weinstein SC

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Fuel for Thought

All photographs in this article, Ted Sealey.

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 Federal Resources and Energy Minister Martin Ferguson, who is a friend of McCann. Since that night 17 years ago, the commercial lawyer has gone on to 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, becoming 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 buffalo).

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



Kevin McCann



Martin Ferguson

Given that this is such an important sector of our economy, we need well-trained lawyers who can facilitate industry activity end to end.

Kevin McCann

Tristan Antico asked him to join the board of Pioneer Concrete. That launched what became a second, parallel career, leading to a string of other appointments with organisations like State Rail of NSW, HCF and Ampol, and later the first of his chairmanships with private hospital operator HealthScope.

One of the secrets of his success as a company director, McCann says, has been an ability to take measured and appropriate risks. 'Lawyers tend to look at issues narrowly and are usually very risk averse,' he explains. 'What I learnt in business is that you need to be a measured risk taker, and to be innovative.'

As time has gone by, McCann has also increasingly dedicated himself to assisting cultural and educational institutions: among other commitments, he sits on the board of the National Library of Australia and the University of Sydney Senate.

In 2007, Sydney Law School also benefited from a generous gift from McCann which enabled the creation of a new postgraduate law unit, Global Energy and Resources Law, as well as the Kevin McCann Lecture on Energy and Resources Law, which gives prominent figures a platform for addressing contemporary issues in the sector. 'My career has pretty much been shaped by the training I received at the University,' he says. 'This is an opportunity to recognise the contribution Sydney Law School has made to my career.'

Through his support, McCann is keen to draw attention to the importance of energy and resources law and those who practise it. 'Given that this is such an important sector of our economy, we need well-trained lawyers who can facilitate industry activity end to end — dealing with the development of projects, the regimes under which the minerals are exported, environmental and Indigenous issues, funding and the contractual arrangements for investment in projects.'

Another contemporary issue the legal profession must grapple with, he says, is the controversy over the rights of surface owners in relation to 'strategic agricultural' lands and grazing properties.

Australian-trained experts in law and resources also have a vitally important role to play internationally, McCann adds: for example, Australian lawyers are currently helping mineral-rich Mongolia draft mining and taxation legislation and advising companies there on major minerals and energy projects.

'I really don't think there's been a more interesting time for resource lawyers to be in practice,' he says.

Chris Rodley

ENERGY LAW FROM ALL ANGLES

Thanks to a gift from Kevin McCann, Sydney Law School launched its new postgraduate unit on Global Energy and Resources Law in 2010.

The course covers the spectrum of legal issues relating to energy and resources, drawing upon land law, public international law, contracts and environmental planning law, among other disciplines. Hot-button policy issues related to exploration, mining, energy transmission and retailing also come under the microscope.

'In my career as an environment and planning lawyer, I look at some of the issues relating to global energy resources, such as environmental planning and regulatory approvals, but I wanted to understand how they fit into the bigger picture,' says Alicia Kuczera, who completed the unit of study last year.

'We have major developing countries which are projected to have a rising need for fossil fuels, and those energy sources will run out one day,' she continues.

'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.'

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 liquefied 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 resources 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 right balance between developing the resources sector in a sustainable way and generating returns for the Australian community. 'The introduction of the Minerals Resource Rent Tax and the extension of the Petroleum Resource Rent Tax to onshore projects are key policy reforms to help achieve this, as are our investments in skills, training and education,' he said.

'We can't ignore this opportunity: that means you undermine the nation's future,' he added.

Chris Rodley



Above: Martin Ferguson and Kevin McCann in discussion.

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

By Celeste Black

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'.

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 first 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 that point, creating the effect of a carbon tax. Further to the issue of timing, many 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.

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 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 liabilities in the fixed price period and to an unlimited extent in the flexible price period. In the flexible price period, businesses will also be able to surrender eligible international emissions units to meet their liabilities. *jd*

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



Tanya Plibersek MP, Federal Member for Sydney, Professor Rosemary Lyster and Greg Combet AM MP at the launch of the Clean Energy Future legislation at the Sydney Law School.



The Energy of Youth

JuristDiction speaks to three young alumni, each working in very different energy-related roles



Peter Nicholas

Senior Adviser to the Minister for Climate Change and Energy Efficiency BA 2000 (Hons 1) LLB (Hons 1) 2002

It 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 the UN's response to the environmental security debate. Later, at Law School, Professor Ben Boer's environmental law classes helped him to crystallise his views (he also found Ross Anderson's private international law classes 'captivating' — 'like almost every other Sydney Uni law student').

In 2003, Peter landed a graduate role with the Australian Government Solicitor (AGS) in Canberra and later joined AGS's Office of General Counsel. His first year included work on ACCC price-fixing litigation, general advising and commercial matters.

A key turning point came in June 2004 when Robert Orr, then Deputy Chief General Counsel, walked into his office to ask if he was interested in taking a secondment to the industry department to work on energy market reforms.

'At that stage I had not had any involvement with energy issues: I had been doing general legal work,' he remembers. 'Robert is the kind of person it is hard to say no to.'

His immersion in energy law took a brief hiatus as he completed a Master of Laws at Jesus College in Cambridge (he served as President of Cambridge's Graduate Law Society). On his return, he continued his posting in the industry department where he helped to implement the Federal Government's energy market reform agenda. He played an important role in negotiating the 2006 amendments to the Australian Energy Market Agreement as well as the Energy Access Review, National Gas Law and electricity pricing rules.

Eventually, and after a change of government, he returned to the Office of General Counsel where he began work on the

ill-fated Carbon Pollution Reduction Scheme. Following another secondment to the Department of Climate Change, he was offered his current position advising Greg Combet in 2010.

It is a high-pressure role which requires an exhaustive knowledge of the intricacies of the carbon pricing legal and policy framework. Staying in command of the details, he says, is the biggest challenge of his job.

'It's great being able to contribute to national economic reform in relation to one of the most difficult and challenging problems facing Australia and the global community.'

What sustains him — apart from his family, including his two-year-old daughter, Elsie — is a sense of purpose about the work he is doing.

'It's great being able to contribute to national economic reform in relation to one of the most difficult and challenging problems facing Australia and the global community,' says Peter, 33.

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.'



Luke O'Callaghan

Lawyer, Blake Dawson, Perth LLB (Hons) 2008

During 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 in Perth's business community: mining giant Rio Tinto. 'The multinational energy and 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.

Now more acclimatised to Perth culture, Luke is a young and dynamic member of Blake Dawson's energy law team there. 'For an energy lawyer, it's like being somewhere where

everyone speaks the language,' he says. 'Perth is to energy and resources what Sydney and Melbourne are to financial services.'

Back when he enrolled at Sydney Law School, he held other plans for his legal career. 'I think, like a lot of people starting Law School, I had visions of myself be-wigged and "shutting the gate" in cross-examination,' he laughs. 'If I'm honest I think I had some serious delusions of grandeur. But I don't come from a family with any prior connection to the profession, so on entering Law School, my knowledge of the profession was pretty heavily based on films.' (His only other brush with lawyers was a trip with his parents to the family solicitor for a property conveyance at age 10: 'I remember that as the most boring hour of my life — it was probably only 15 minutes.')

During his degree, Luke landed a summer clerkship at Middletons, which later became a graduate placement. As he did his rotations, he considered specialising in litigation, workplace relations or energy and resources. With the GFC unfolding at the time, corporate insolvency also held strong appeal. But ultimately it was energy — particularly downstream gas and electricity — that captured his interest.

His early work saw him documenting wind farm projects and gaining an understanding of the national electricity market. 'I came to realise many of those involved in developing wind farms and solar projects are clever people who are really committed to sustainable energy,' he says. 'They also run businesses like anyone else, which can be hard in the context of an industry that is so dependent on government intervention.'

Reflecting on his relocation to Perth in 2010, Luke considers it 'a huge but very positive change, both professionally and personally, not only in terms of jurisdiction but also for my family'. In his role at Blake Dawson, he is primarily focused on drafting and advising on electricity and gas supply and transportation contracts, advising participants in WA's wholesale electricity market, and retail gas and electricity work.

A recent passion has been co-founding the Young Energy Professionals (YEP) group in Perth, a special interest group of the Australian Institute of Energy, which grew out of discussions among friends and colleagues about the need for an association to provide a platform for the exchange of ideas and represent their interests in the booming energy hub of Perth. YEP now has over 350 members in Perth and has attracted the support of the WA Minister for Energy; Luke is its current chair.

As well as developing their skills, YEP provides a forum for young professionals in the energy industry to engage with the key issues facing their sector — such as Perth's entry in the international liquefied natural gas (LNG) market and growing role as a global gas hub.

'Colleagues of mine are talking about Perth in the same breath as Qatar and other LNG centres,' he says. 'However, this good fortune can also impact on the price of domestic gas for residential and commercial customers, and has the potential to reduce some of the historical and geographical advantages of Western Australian businesses.'

Other issues confronting him and his colleagues are the ongoing skill shortage in the WA resources and energy sector — which Luke points out is also affecting some of Perth's law firms — and, of course, the incoming carbon tax legislation. 'That is likely to result in a flurry of activity for lawyers, mainly an increase in advisory work and drafting new and amended contracts,' he says. 'After that I expect that sort of work will slow down a bit, much as was the case with the GST. That said, there's also likely to be an increase in work associated with trading international permits.'

The immediate outlook for energy lawyers in Perth is 'plenty of growth and plenty of great work,' he says, 'and that makes for a rewarding combination.' ▶



Caitlin Westgarth

Legal Counsel, Shell Development (Australia) Pty Ltd
BCom 2000 LLB (Hons 1) 2002

‘Originally wanted to be a dentist,’ says Caitlin Westgarth, the 31-year old legal counsel for Shell Development (Australia), ‘because I enjoyed maths, physics and chemistry.’

But after not achieving the necessary GAMSAT result for dentistry, her life took a very different path. She enrolled instead in a combined commerce/law degree at the University of Sydney and has not looked back since. ‘To be honest, it may have been a blessing in disguise,’ she smiles.

During her degree, Caitlin developed a passion for environmental law. Her first job was as a judge’s associate at the NSW Land and Environment Court, from where she moved on to environmental litigation work at Mallesons Stephen Jaques and then to environmental and planning transactional and advisory work at Denton Wilde Sapte in London.

In 2007, she made the pivotal decision to return to Australia and settle in Perth at the height of the mining boom (her reasons were personal: her husband was offered a PhD opportunity there). She gained a position in the busy energy and resources department of Allens Arthur Robinson, where she began her incarnation as a resources and energy law specialist.

‘My thinking was that it would be a great opportunity to continue to develop my environmental law skills while broadening my legal experience in an industry that is an integral part of Australian economy,’ Caitlin says. ‘When I was made a senior associate at Allens, I remember thinking: “Wow, I can do this.”’

Later came an opportunity to step into her current role on the in-house legal team of Shell Development (Australia) — a job she has an obvious passion for.

‘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 extension 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 that 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.’ *jd*

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.



Experts gather at the ‘Architecting Better Regulation to Overcome Energy Crisis’ conference in Seoul.

Overcoming Energy Crises in Korea

In July 2011, lecturer and Law School alumna Penelope Crossley (BEC (Soc Sci) (Hons) 2005, LLB 2006) was invited to participate on an International Expert Panel at the Korea Legislation Research Institute’s conference, ‘Architecting Better Regulation to Overcome Energy Crisis’ in Seoul. The conference, jointly sponsored by the Korean Presidential Committee on Green Growth and the Korean Ministry of Environment, brought together eight international experts from academia, industry and related professions.

The conference addressed the challenges facing renewable energy and the path of transition to a low carbon economy. This was particularly timely given the recent shift by the Korean Government away from using a feed-in tariff (‘FIT’) system due to the strain it placed on government finances, with a renewable portfolio standard (‘RPS’) now the preferred model in Korea. The challenges this has posed to the Korean renewable energy sector highlight the importance of effective regulatory design as part of a long-term strategic plan within the wider energy sector.

Other themes emerged at the conference:

- Jannik Termansen, Vice President of Vestas, called for greater transparency, long term commitment and certainty within the renewable energy sector. He stated that this was necessary to provide the investment environment required to encourage growth in the renewable energy, which often has higher upfront capital costs.
- Professor Lincoln Davies from the University of Utah stated

that while selecting the right regulatory regime was essential for a jurisdiction, other factors such as the aggressiveness of renewable energy targets, available resources and access to existing energy infrastructure will also play an influential role in its success or failure.

- Penelope Crossley from Sydney Law School argued that renewable energy regulation has to reflect the growing role renewable energy is playing in ensuring national energy security, combating climate change and sustainably meeting rising energy demands. She stated that electricity markets have an increased likelihood of market failure without effective regulatory intervention and that it is critical that the externalities associated with renewable energy, including the role it plays to increase energy security, are commoditised.
- Professor Wu Zhongwu, from the Energy Law of China Law Society called for greater policy integration between renewable energy regulation and essential infrastructure planning, such as the planning or reinforcement of transmission and distribution networks.
- Nicolas Croquet, from McKenna Long & Aldridge LLP, discussed the hurdles to European Member States meeting their national renewable energy targets. In particular, he highlighted the following obstacles to the optimal functioning of the renewable energy market: insufficient investment in the research and development of renewable energy technologies, highly bureaucratic administrative processes and the under-development of smart grid technology. *jd*



Discussing renewable energy at the conference in Seoul.



Sydney Law School academic, Penelope Crossley speaks at the conference in Seoul.

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.



George Kalisa (Rwanda), Raoul Gasana (Rwanda),
Richard Hurford (NSW Parliamentary Counsel's Office)

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 Kasimba (Australian financial legislation); Marco Stella (introducing plain language to a large organisation); Colin Easterbrook and Peter Barrett (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. 



Rachel Nsiyona (Uganda) presents the Dean, Professor Gillian Triggs with flowers.



Back row, left to right: Emeritus Professor Peter Butt, Raphael Tugirimuremyi, Allen Bucyana, George Kalisa, Rachel Nsiyona, Speciose Kabibi, Lambert Dushimimana, Linda Atukunda. Front row, left to right: Melissa Burney, Joseph Rwamfizi, Sibó Yves, Raoul Gasana, Annette Giles



Sibó Yves (Rwanda) is congratulated by the Dean, Professor Gillian Triggs

Changing of the Guard

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 Hon James Spigelman AC QC
(BA 1967, LLB 1971, LLD 2004)



The Hon Tom Bathurst QC (BA 1969, LLB 1972)
is the 17th Chief Justice of New South Wales.

A number of years ago, the Hon J P Slattery delivered a compelling speech on Sir Frederick Jordan, for whom he had been Associate. Like Spigelman CJ, Sir Frederick was one of the country's greatest jurists to not be appointed to the High Court.

That speech enjoyed one very great advantage over this short note: its subject is no longer around to point out the misrepresentations.

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.

His coming to the Bar in 1976 was a great loss for the Commonwealth Government, though of course, a terrific gain for the law. It took a mere 10 years for him to be appointed Queen's Counsel, followed by an appointment to the Bench some 12 years later.

As a judge, his juristic talent was most evident in his understanding of the broad sweep and direction of the law. In the detail of his matters, he saw an explication of the subsequent case, and then the following one. There are few as adept as he at identifying the momentum of the law, and, indeed, in shifting its course. When he was crafting a judgment (the word craft being apt to describe a process involving a great many drafts), he was enlivened by those cases which called for an appreciation of context.

The Hon Tom Bathurst QC was born in England but moved to Sydney as a young boy. It is fortunate that Australia can call the Bathurst family its own: not only did the family produce a Chief Justice, but his mother, Joan, was a champion tennis player who won the Australian Open three times and was a semi-finalist at Wimbledon on two occasions.

Chief Justice Bathurst was educated at St Ignatius College before studying law at Sydney Law School, where he excelled in commercial law subjects.

He was admitted as a solicitor in 1972 and commenced his professional life with E J Ernest Kirby & Co. He claims that he was never a particularly good solicitor, and said as much at his swearing in as Chief Justice. His supervisors say otherwise. 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.

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

Beyond his casework, his knowledge of public administration led him to propose a number of significant changes to the listing and hearing practices of the Court. In doing so, he revealed great fortitude — the track-record of those seeking to improve the timeliness and decrease the cost of litigation is not good. The comparative ease with which Spigelman CJ was able to implement his changes is testament to the very great esteem with which the judicial officers and administrative staff of the court held him.

Ironically, given his published aversion to performance measurement, it is possible to see the record of his success in the Supreme Court's 'Key Performance Indicators'. It is no longer the case that young litigants grow old while waiting for a hearing date.

He saw the global engagement of the legal profession as vital. The judicial exchange programs that he developed, particularly with regards to the judiciary of China, and the agreements he reached with foreign courts as regards judicial exchange and the certification of question of foreign law, have put the NSW Supreme Court in a leading position within the region.

His recent appointment to lead an inquiry into the constitutional recognition of local government, together with his leadership of major national institutions like the National Library, make clear that his retirement will not diminish his continued contribution.

Samuel McSkimming is a lawyer at Gilbert + Tobin, and a former researcher to Spigelman CJ.

Chief Justice Bathurst was called to the bar in 1977. 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. He was President of the Bar Association from 2008 to 2010, during which time he led the profession with distinction and served as a mentor to many young barristers. In his early days on the court he has demonstrated a commitment to collegiality, ensuring that the Supreme Court of NSW is a wonderful place to work.

In his spare time, Bathurst CJ barracks for the New South Wales Waratahs, swims, plays tennis and enjoys the opera. He has an excellent sense of humour and is widely loved and constantly praised by the barristers, and baristas, of Phillip Street.

Claudia Newman-Martin is Research Director to the Chambers of the Chief Justice of New South Wales.

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) ('ILA(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 Netherlands to undertake a 3-6 month unpaid internship at The Hague Conference of Private International Law, and makes a contribution to the intern's living expenses while in The Hague.

Funding for the award was donated by Dr Nygh's son and daughter, James and Nicola Nygh (both also Sydney Law School graduates), other members of the Nygh family and a number of generous individuals. A grant of \$50,000 from the Attorney-General's Department reflects the importance the Australian government places on the work of The Hague Conference. Allens Arthur Robinson provides administrative support for the award.

The Hague Conference is a permanent intergovernmental

organisation, based at The Hague in the Netherlands, with over 60 member States. Taking into account non-member States which are nevertheless party to one of more of the conventions of The Hague Conference, The Hague Conference reaches more than 130 countries. It addresses the challenges arising from differences in law between jurisdictions by developing and implementing global legal conventions. The ultimate goal of The Hague Conference is to work for a world in which, despite the differences between legal systems, persons — individuals as well as companies — can enjoy a high degree of legal security. To this end, The Hague Conference has developed conventions in the fields of international legal cooperation and litigation, international commercial and finance law and the international protection of children, family and property relations.

Dr Nygh's involvement with The Hague Conference spanned more than 25 years from 1975, when he was a member of Australia's first delegation to The Hague Conference, until his death in 2002. He was involved in negotiating and drafting conventions on celebration and recognition of marriages,

Opposite: Three Nygh interns at the Permanent Bureau of the Hague Conference: Melissa Hanks (2011), Kim Pham (2010) and Alexander Kunzelmann (2009).

matrimonial property and child abduction. He also devoted a considerable amount of time to negotiations on the judgments project. Unfortunately, it was not possible to negotiate a convention for the recognition of foreign judgments, but after Dr Nygh's death a convention on the recognition of submission to jurisdiction clauses was finalised. After he retired as a judge of the Family Court of Australia, Dr Nygh spent a considerable part of each year working at The Hague Conference, often at his own cost. He told me that his work at The Hague Conference was the most important of all of his life's work. It is therefore most apt that this award in his memory supports a graduate or student from an Australian law school to undertake an unpaid internship at The Hague Conference.

Thus far, the award has sent five young Australian lawyers to The Hague. The interns 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, Zoë Justice, was awarded a Hugo Grotius Fellowship to undertake a Masters in Law (LLM) 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 the 2012 internship. 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.aiaa.asn.au/get-involved/nygh-internship>) and the ILA(AB) (http://www.ila.org.au/nygh_internship.htm). Applications for the 2012 Nygh Internship close on 30 January 2012. *jd*

\$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 courses. 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.



Alexander Kunzelmann and Thomas Dealye-Fortin outside the Peace Palace, the Hague, Netherlands



Session of 2010 Special Commission in the Peace Palace.



ALTA CONFERENCE: LEGAL EDUCATION FOR A GLOBAL COMMUNITY

1-4 JULY 2012
SYDNEY LAW SCHOOL



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 perspective.

Visit the website now for more information.

sydney.edu.au/law/alta

COMPARATIVE CP TED CONFERENCE

This one-day conference will explore recent developments in crime prevention through environmental design (CP TED) practice and theory and will bring together an exciting array of international and local academics and practitioners. National trends and local case studies will reveal different approaches and innovative developments in CP TED practice from numerous jurisdictions.

Tuesday 24 January 2012

Time: 9am – 5pm

Venue: New Law Building, Eastern Avenue,
The University of Sydney

Registration*: Full fee: \$200 inc GST

F/T student: \$130 inc GST

Sydney Law School alumni: \$160 inc GST

University of Sydney staff: \$160 inc GST

*Discounts will be granted for group bookings

<http://sydney.edu.au/law/events>

4TH ANJEL AUSTRALIA- JAPAN BUSINESS LAW UPDATE (TOKYO)

This seminar aimed especially at Australian practitioners in Japan, as well as Japanese practitioners interested in Australian law and the economy, introduces new Australian developments in labour law and consumer law, including dispute resolution aspects, comparing also some developments in Japanese law and practice.

Saturday 11 February 2012

Time: 2 – 5.30pm

Venue: Herbert Smith, Tokyo, Japan

Registration: Full fee: \$200 GST exempt

Sydney Law School alumni: \$160 GST exempt

<http://sydney.edu.au/law/events>

CONFERENCE: INTERNATIONAL LAW & THE PERIPHERY

Sydney Law School will co-host an international law conference with the American University in Cairo in February 2012, to be held in Cairo one year on from the 'Arab Spring'. The conference invites reconsideration of the idea that global order is marked by peripheries, providing cheap labour, natural resources and relatively unregulated consumer markets to metropolitan centres at which social and economic capital are concentrated. It seems timely, in light of recent political and economic shifts, to explore the extent to which such models still hold and to probe the contemporary significance of the periphery in international legal work.

Friday 17 – Sunday 19 February 2012

Venue: American University in Cairo, Egypt

Registration: Please refer to the

website for further information.

<http://sydney.edu.au/law/events>



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Approaching Events

SURVEILLANCE AND/IN EVERYDAY LIFE CONFERENCE

The University of Sydney's Surveillance and Everyday Life Research Group is hosting a two-day international conference entitled, Surveillance and/in Everyday Life: Monitoring Pasts, Presents and Futures. The event will bring together key international scholars, policy makers, practitioners, artists and social commentators to discuss the social, cultural, historical, political, legal, economic and technical dimensions of surveillance. Few topics have greater contemporary public relevance and social significance than the increased monitoring and visibility of everyday living and the emergent surveillance capacities of new information communication technologies and organisational practices.

Monday 20 – Tuesday 21 February 2012

Time: 9am – 5pm

Venue: New Law Building, Eastern Avenue,
The University of Sydney

Registration fees: Full fee: \$220 inc GST

F/T student: \$50 inc GST

<http://sydney.edu.au/law/events>

SCIL/ANZSIL SYMPOSIUM: CURRENT RESEARCH IN INTERNATIONAL ECONOMIC LAW

This full day event on International Economic Law provides an opportunity to engage with new research in the field. Papers will cover a range of issues in international economic law. Topics to be covered will span international trade in goods, international intellectual property and international investment treaties.

This symposium is jointly convened by the International Economic Law Interest Group of the Australia New Zealand Society for International Law (ANZSIL) and the Sydney Centre for International Law (SCIL) at the Sydney Law School, University of Sydney.

Friday 2 March 2012

Time: 8.30am – 6pm

Venue: New Law Building, Eastern Avenue,
The University of Sydney

Registration: Please refer to the website
for further information.

<http://sydney.edu.au/law/events>

SYDNEY LAW SCHOOL PODCASTS

Missed an event? We have a range of audio podcasts available for download from our 2011 events line up, including the Sydney Law School Distinguished Speakers Program.

<http://sydney.edu.au/law/video/>

UPCOMING EVENTS

For more information on the most up-to-date 2012 events program, go to: <http://sydney.edu.au/law/events>.

RECENT APPOINTMENTS

Sydney Law School congratulates **The Hon Justice Ashley Black** (LLB 1987, LL.M 1993), Adjunct Professor and alumnus, on his recent appointment as a Judge of the Supreme Court of NSW.



The Hon Justice Ashley Black

Congratulations are also extended to the 11 Sydney Law School alumni who were appointed Senior Counsel by the NSW Bar Association in 2011:

Richard Campbell Beasley SC (LLM 1996)
 Alister Andrew Henskens SC (LLB 1987)
 Robert Steven Hollo SC (LLB 1993)
 Braddon Hamilton Hughes SC (LLB 1978)
 Sarah Megan McNaughton SC (LLB 1987, LL.M 1996)
 Duncan Trevor Miller SC (LLB 1988)
 Patrick William Larkin SC (LLB 1990)
 Anthony Philip Peter Lo Surdo SC (LLB 1987, LL.M 1996)
 Michael Bryan Joshua Lee SC (LLB 1989)
 Ian Robert Pike SC (LLB 1991)
 James George Renwick SC (LLB 1985, SJD 1994)

MINISTER UNVEILS DRAFT LEGISLATION AT SYDNEY LAW SCHOOL

Alumnus Greg Combet (DipLabRel&Law 1991), Australia's 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 law 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 in the true academic tradition where 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.

Alumni and Student News

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 (J4P) partnership with AusAID.

Participating as speakers in the symposium were alumni Saku Akmeemana (LLB 1991), a Senior Governance Specialist in the World Bank, and Nick Menzies (LLB 1998), Justice Reform Specialist in the Justice Reform Practice Group of the World Bank's Legal Vice Presidency. Saku 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* is a hospitality program connecting 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 9036 9504 or visit sydney.edu.au/alumni/hospitality.



Jane Spring (Bec '86, LLB '89, GradDipPAdmin '06, M.P.Admin '07, HonFellow '08) and students enjoying a day at Avoca Beach

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:

Jenifer 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 all 6 rounds 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 Bradbury (2nd year Media and Communications/Law); Louise Coleman (3rd year Arts/Law), Mark Khunnithi (2nd year Economics/Law) and Ramya Krishnan (4th year Arts/Law).

Their energetic and tireless coach was Chelsea Tabart 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.



Sydney Law School's Shine Torts Moot team was victorious in August.

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.

**NAOMI WRITES A WINNER**

Congratulations to Naomi Hart (BA 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(Mil), CVO, MC (Rtd) and Her Excellency, Professor Marie Bashir AC, CVO, Governor of NSW at a CEFA Awards Ceremony to be held in Sydney on 29 November 2011.

CONGRATULATIONS KATRINA

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



Ross Anderson and Katrina on her 25th anniversary.

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, 'that's why I've stayed so long!'



Katrina in her early days at the Law School.



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-University Women's Moot. 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, and 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 envied 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.

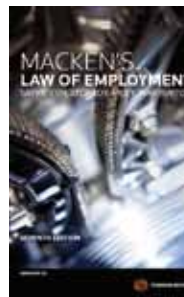
I would like to take this chance to thank the many student members who contributed to SULS in 2011 as a member of a sub-committee. Our society is proud to include hundreds of students every year in producing award-winning publications and running wonderful events. Thank you.

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. *jd*

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

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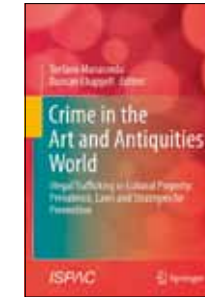
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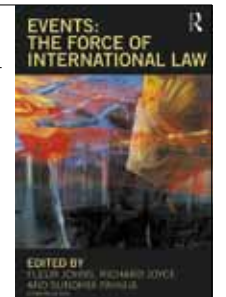


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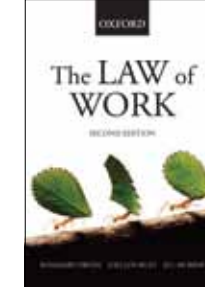


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