

our  
*Alumni*  
COMMUNITY



The Sydney  
**Law school**  
reports



Professor Gillian Triggs

*Report  
from the  
Dean*

In my final days in London as Director of the British Institute of International and Comparative Law I have gleaned a few minutes to reflect upon what I might bring to the Deanship of the Law School at the University of Sydney. In short, I hope to stimulate an international perspective in legal education to ensure that Sydney law graduates have the analytical and problem solving skills demanded by today's globalised world. I would like to build upon the strengths of the faculty as a leading Australian law school situated at the heart of one of the major financial and legal centres in the Asia Pacific. The exchange agreements negotiated by my predecessor, Professor Ron McCallum AO, with Oxford and Harvard universities, place the Sydney Law School at the centre of international legal scholarship and teaching. I hope to develop these programmes and to add to them in the Asian region.

It should also be remembered that about 50% of law graduates do not practice as barristers and solicitors but use their legal skills as government officials, corporate counsel, advisors to commercial organisations, pro bono advisors to NGOs and, indeed, as creative artists and poets. When thinking about the best preparation for lawyers in a competitive international environment we need also to recognise that a law degree is an outstanding foundation for contemporary life.

As an international lawyer, it might have been expected that I would be keen to encourage the study of international law. While this remains true, by the internationalisation of the legal curriculum I mean much more than public international law. Today, virtually all traditional domestic laws have an international aspect. Multilateral treaties now regulate the international sale of goods, taxation, international trade and investment, transnational pollution, and human rights. Clients – governments, corporations, private citizens, and international organisations- expect lawyers to have the skills to provide legal advice in these emerging areas of law.

My experience as an international commercial lawyer for many years, has taught me that international transactions require a wide understanding of private international or conflicts laws, comparative civil and common law, the laws of nations in transition from socialist to market economies and the principles underlying the jurisdictional reach of nations. A lawyer today might be asked to set up a joint venture company in Indonesia, advise on marketing the product in the European Community, protect the intellectual property involved, consider the international responsibility of corporations and organizations for environmental pollution or breaches of human rights or deal with an extradition request in a criminal matter. This transnational diversity of legal work demands flexible, well educated lawyers.

*Continued over ...*



The University of Sydney

contents

- 3 Lawyers seek to end the 'farce' of scientific whaling  
*Claudia Liu*
- 4 Finding the way home  
*Thao Nguyen*
- 5 The Great Cattle Station Scandal  
*Richard North*



- 6 Centre News
- 8 Faculty News
- 9 Staff Notes
- 10 Alumni Achievements
- 12 A life in the law: remembering C A Roger Hardwick CMG QC
- 13 SULS Report – Sydney University Law Students
- 15 Alumni Events
- 16 Recent Publications
- 17 Library News  
Sydney Law School Merchandise
- 18 Farewell dinner for Professor Ron McCallum, AO
- 19 Law School Visitors
- 20 Postgraduate Law @ Sydney

# REPORT FROM THE DEAN

*Continued from Page 1*

My goal over the next few years is to encourage the development of international legal skills so that Sydney's law graduates can move with confidence in the international legal environment to provide excellent legal services. Indeed, it is clear from my current perspective in London that Australian lawyers are much prized for their legal skills and are in high demand in this, one of the world's financial and legal capitals.

Perhaps you might be interested to know a little about my own background in the law. I completed my LLB at the University of Melbourne on a Commonwealth Scholarship, and, after a few months as a tutor at Monash University, I travelled to Southern Methodist University in Texas, to complete an LLM in international trade and human rights law. After a summer internship with the Dallas Police Department I was offered a position as Legal Advisory to the Chief of Police. As a seriously inexperienced lawyer I then presumed to advise on the Civil Rights Act 1964 and discriminatory employment practices. After four years in the United States I returned to the University of Melbourne in 1976 where I was fortunate to lecture for many years in Public International Law, Equity and Criminal law. I completed my PhD in 1982 on the principles underlying the acquisition of territory as they applied in Antarctica and was asked to join the Commonwealth Government's Antarctic Science Advisory Council. I had the extraordinary experience of spending nine weeks as a 'round tripper' visiting Australia's bases there as a ministerial advisor to the Hon. Barry Jones.

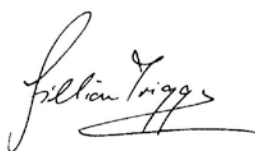
After a brief period at the Melbourne bar, I joined Mallesons Stephen Jaques in 1987 as a consultant on international law, a position I was to retain for the next 18 years. 1987 proved to be a particularly important time for the expansion of Australian legal services into the Asian region and I assisted in establishing new offices in Singapore, Kuala Lumpur and Jakarta. It was during these years that I learned the importance of transnational commercial legal skills and of working effectively with differing Asian cultures and legal and business approaches. I was able to advise clients on the international legal issues arising from disputed claims to off shore petroleum resources and on sovereignty rights over the continental shelf in the South China Sea and Timor Gap.

From Asia, I moved as a 'trailing spouse' to Paris for three years 1993-6 where my husband Alan Brown was Australia's ambassador to France. With my limited French I worked for the Cambodian Government on the joint development of the oil and gas resources of the Gulf of Thailand. I returned to the University of Melbourne in 1996 where I resumed my academic career in public international law and was variously, Associate Dean (Undergraduate) and Associate Dean (International) at the Law Faculty and Associate Dean (International) for the School of Graduate Studies. I also maintained a consultancy with Mallesons, advising on international environmental law and WTO trade disputes.

In 2005, I took up the position as Director of the British Institute of International and Comparative law where I have been joint editor of the International and Comparative Law Quarterly, and director of several research projects including a study of Damages Awards under Bilateral Investment Treaties and of Evidence before the International Court of Justice. My experience in London has convinced me of the continuing 'tyranny of distance' and the eternal vigilance needed to ensure that Australians remain actively engaged in the work of the law on the international stage.

I have published many papers and books including *International Law: Contemporary Principles and Practices*. This work is intended for legal practitioners, government officials, corporate lawyers and scholars. While a generalist text, in an age of specialization, it deals with some evolving aspects of international law including the WTO disputes process and case law. My latest publication returns to the problems of territorial sovereignty, *Territorial Boundaries: Law, Politics and Geography*, and is to be published with my co-author Emeritus Professor Victor Prescott in early 2008.

I very much look forward to my new role at The University of Sydney and to the opportunities presented by the new building on campus, which is scheduled to be complete by the end of 2008. More especially, I hope to meet our alumni over the coming months and to hear your thoughts on the future development of the Law School.



## stay in touch

This is a newsletter for you. To stay in touch and be part of the community of Sydney Law School please provide us with input. Your feedback is valuable and all contributions are welcome whether it be an update on yourself, photos from your Law School days, opinions, reunions or a request to get in touch with a former student, contact:

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**Sydney Law School**



**The University of Sydney**



# Lawyers seek to end the ‘farce’ of scientific whaling

by Claudia Liu

“AND GOD CREATED WHALES’ SAYS THE BOOK OF GENESIS. WHETHER GOD ALSO CREATED COMMERCIAL WHALING IS ANOTHER MATTER, BUT SINCE FISHERMEN DISCOVERED THE HUGE PROFITS TO BE MADE FROM WHALES, ALL EFFORTS TO END THE INDUSTRY HAVE FAILED.

The campaign against whaling now interacts with economics, ecology, humanity, law and politics, as participants heard at the ‘Current Developments in International Whaling’ seminar jointly organised by the Law School’s Sydney Centre for International and Global Law and the International Law Association (Australian Branch).

The seminar brought together Australian international lawyers and other experts to discuss legal developments and the future of whaling in the region. The speakers included Dr Tim Stephens from the Sydney Law School, Professor Don Rothwell from the Australian National University, Dr Natalie Klein from Macquarie University, Mick McIntyre from the International Fund for Animal Welfare and was chaired by Dr Chris Ward, President of the International Law Association (Australian Branch).

Well into the 1960s whales were heavily hunted by fishermen from Australia and New Zealand. But by the end of the 1970s, public attitudes towards whaling in Australia had changed, and since the passing of the Whale Protection Act in 1980, Australia has been a leading member of the global anti-whaling movement.

“Whales are crucial to the Antarctic marine ecosystem. They are at the top of the whole food chain”, said Dr Stephens. “Whaling does not just undermine one species, it affects all the species in the ocean.”

Discussion centred on options to curb Japan’s whaling activities. In Japan, whales have long been sourced for food, oil and craft materials, and a famous proverb says: “There’s nothing to throw away from a whale except its voice”.

Dr Klein said Japan was violating several international conventions in pursuing its new JARPA II whaling program that will see humpbacks killed for the first time in the name of ‘scientific’ research. “There are legal options available to governments to bring Japan into line and permanently end the ‘scientific whaling’ farce”, she said.

Although the International Whaling Commission brought in a moratorium in 1986 to end the commercial slaughter of whales, the following year the Japanese government introduced its Whale Research Program under special permit in the Antarctic, known as JARPA I.

Between 1987 and 2005, 6,800 Antarctic minke whales were killed by Japanese whalers, and the Japanese government is planning to kill 17,000 minkes, 800 humpbacks and 800 fin whales in the next 16 years under JARPA II.

Those opposed to Japanese whaling, including Australia, United States and New Zealand, maintain that Japan’s whaling program is thinly disguised and subsidised commercial whaling. Yet because of their relationships with

Japan, governments with strong anti-whaling policies had not taken any decisive action, said Professor Rothwell.

“The APEC summit will be a good opportunity for Australians to speak up clearly against whaling”, he added. “We will soon see whether the government is willing to take on this responsibility.”

It was notable that, during the busy APEC week, an open letter on Japanese ‘scientific’ whaling that was printed in The Australian newspaper attracted the breadth and depth of signatories, including former Prime Minister Malcolm Fraser, former whalers, as well as 14 Mayors, leading whale researchers, experts in international law and representatives of the whale watching industry and communities from around the country which attracted some good coverage in the media.

**JOHN HOWARD, YOU CAN STOP THIS**

**SAVE OUR WHALES**

Dear Prime Minister,  
The Government of Japan plans to begin killing Australian humpback whales at the end of this year. When the Prime Minister of Japan, Shinzo Abe, visits Australia this week, we, the undersigned representatives of local authorities, coastal communities, the whale watching industry and legal and scientific institutions around Australia, urge you to seize this opportunity to save our whales.

For the first time, Japan will add 500 Australian humpback whales to their hunt – the same whales that migrate to our waters each year. This threatened species has become iconic to the Australian public and supports a \$200 million whale watching industry.

We are deeply concerned about the provocative and unchecked expansion of Japan’s so-called ‘scientific’ whaling program. We ask that you raise this issue with Japan’s Prime Minister personally. We call on you to demand in the strongest terms that Japan drop its plans to kill 50 humpback whales a year and reconsider the future of its whaling program in the Southern Ocean Whale Sanctuary.

The Government of Japan’s plans to kill the very whales that breed in Australian waters must be the line in the sand and must be prevented.

Yours sincerely,

**INHUMANE + UNLAWFUL + UNNECESSARY**

Published by the Australian Whale Conservation Society. [www.ahwcons.org.au](http://www.ahwcons.org.au)

# Finding the Way Home

by Thao Nguyen

AS ONE OF THE NEW GENERATION TO RETURN TO VIETNAM, THAO NGUYEN WRITES WITH PRIDE, LOVE, SADNESS AND FURY ABOUT THE PLACE HER PARENTS FLED.



It is 2007 and I have returned: a “foreign lawyer” with an international corporate law firm. After a childhood of home sweatshops and parent-teacher meetings without the parents, community development arts projects and Sydney University law school, I am here negotiating \$US200 million (\$234 million) deals three weeks after arriving in the country that my family fled as refugees almost three decades ago.

I am the intersection of an insider’s perspective and an outsider’s privilege. I can see incredible poetry as well as the deep frustration of contemporary Vietnam. “Foreign” is the exact term.

Survival is the principle that underpins Vietnamese society. Four days after I arrive to the mash and splendour that is Ho Chi Minh City, I mortgage my soul for the courage to ride my motor scooter.

Outside the now renamed Reunification Palace, stormed by tanks on April 30, 1975, the traffic halts for a red light. On a rusty motorbike is a family of four, a little girl tucked behind the handle bars, a father with weathered eyes and a mother on the back breastfeeding the newborn. Their bike, the Honda Dream, was an A-class vehicle many years ago.

On my first visit as an adult to Vietnam, I lay in a hammock in my grandmother’s house on a riverbank, and spoke to my cousin about her hopes. She wanted to buy the Dream within five years, she said.

For me, the dream was to return to this mystic place – to live, work and explore the intangible land of my childhood woven from Hollywood war stories, a mother’s tears of loss and broken conversations about re-education camps.

My introduction – “Hi, my name is Thao. I’ve just moved to Vietnam to work” – always causes amusement.

Cue question: “Oh, what do you do here?”

“I’m an intellectual property lawyer.”

Cue laugh: “Isn’t that a photocopied Lonely Planet guide you’re holding?”

Vietnam is the newest member of the World Trade Organisation. It is on a steep curve of legal, economic and business development.

What’s interesting about a country with no existing intellectual property law is that, at least in this case, the new regulations are straight from the international standard.

It’s a Monday morning and I’m working on an urgent trademark registration case under instructions from a huge car manufacturer.

What’s an international corporate lawyer to do? I hop on the back of my paralegal’s motorbike to

scan greasy car parts in the markets of downtown Ho Chi Minh City, posing as a customer. I’m obviously saving the world, one corporate trademark at a time.

Vietnam’s economy has the second-highest growth rate in Asia after China. There is a sense of electricity in the air. At the launch in a five-star hotel of a joint venture company’s historic London Stock Exchange listing, Australian wine flows as the marketing pitch unfolds against a techno-trance soundtrack.

Without a business card, I rely on charm, an ability to drink a lot of beer and a line in ethnic jokes honed in western Sydney.

Having grown up in Punchbowl and Bankstown, a feverish craving for humus seizes me and down a laneway I find a Persian restaurant serving Turkish coffee with rosewater and the most delicious baba ganoush and humus this side of Lakemba.

Having a foot in two worlds can be a privilege and a curse. In one day I can sit on a plastic chair by the roadside eating a meal costing less than \$1 and in the evening drink at a French bar with well-heeled shoe manufacturers. It helps to have an internal switch that flicks between foreigner and local.

The lessons can be harsh, as I find when I am stopped on my scooter by police. I was told by locals to not reveal that I am a foreigner when dealing with authorities. The “I don’t speak Vietnamese” tactic by Vietnamese from overseas is detested. I pretend to be a local from a far province trying to explain why I don’t have an identity card.

What proceeds is a disgusting display. The two officers make sexual comments, propositions and finally a demand: they will impound my vehicle unless I agree to a sexual favour at a convenient time. I give false details and ride away.

The following days and weeks, living as a local, reveal a culture of male entitlement. Women in traditional dress nestled in the armpits of Western men inside coffee lounges in Quiet American style provoke me. I bet the men can’t even pronounce their girlfriends’ names. My way of combating the racial and class hierarchy is to speak perfect Australian English very loudly. I, at least, am not for sale. I’ll show you. Hearing aid, anyone?

For me, there is no detachment. I have returned to fill in the pockets of missing history, heritage and identity in a paint-by-numbers style. I understand that my history is intensely layered.

While I might seem to be a local, drinking a roadside beer with ice, I also like the Flamenco bars where locals sing in Spanish covering the Gipsy Kings and JLo, serving martinis with ice and a glacé cherry.

What I see as flaws through a Western liberal lens are part of the culture and the country, and I can’t divorce these disappointments from my personal

heritage. Undeniably it is a part of who I am. In many ways, I feel betrayed. Before my arrival I had a romanticised image of the motherland. Growing up with racism, along with social, economic and class exclusion, refugee kids create a haven in their minds. It is where they feel like they belong: the search for the elusive concept of home.

When I visit a floating fishing village in northern Vietnam that is surviving its struggle, I am in tears with pride. This nobility should also run through my veins.

I am finding answers to lifelong questions. At my family’s village, I sit with my 96-year-old grandfather, the resistance fighter. I learn about my father before the camp changed him forever and I meet my mother’s dentist, who was left wondering why she missed her last appointment.

At night in the quiet village, cocks crow and one-eyed cats scowl. But pedicures cost less than 50 cents and we sleep on the floor like sardines caught in the mosquito net. I dream about a war zone and of evacuation to our bomb shelter – a shipping container sunk into the ground by a golden serpent from the sky. Inside, my grandfather makes tea while he waits for me.

I wake up renewed by the connection to the ancestry and mysticism that is essential to the Vietnamese spirit. In the morning, my grandmother uses a firewood stove to cook for me the chicken she reared then killed. I’m a vegetarian.

For now, I work, I wander and I wish. Transient and trapped is how most young people in this city feel – constrained by tradition and history but bursting with a hunger for the world. It is simultaneously dangerous and exciting. Their enthusiasm and curiosity may yield innovation but also recklessness. A French designer tells me that it’s like starving and then having a buffet table in front of you.

I am advised by a Vietnamese-German expatriate that you become immune to beggars. But images of women living inside concrete pipes juxtaposed against high-rise glass buildings have a way of plaguing the soul.

I watch an 80-year-old legless man drag himself to each restaurant customer to sell lotto tickets. I am sick, physically. I humbly carry an epileptic child into a taxi while his legless grandfather tells me how to fold up the wheelchair.

I pay for the cab but tailgate it until we reach the train station. They were finding their way home. So am I.

**Thao Nguyen is an intellectual property lawyer working in Ho Chi Minh City.**

*This story was featured in the Sydney Morning Herald – July 7, 2007.*

# The Great Cattle Station SCANDAL

## Law Lecturer plans test case on behalf of indigenous 'stolen wages' victims

by Richard North

BETWEEN THE 1880S AND THE 1960S, TENS OF THOUSANDS OF ABORIGINAL AUSTRALIANS LIVED AND WORKED ON CATTLE STATIONS IN THE NORTHERN TERRITORY.



Their contribution to the prosperity of the cattle industry and the Territory's economy was immense. They worked as jackeroos and stockmen, droving and mustering cattle, erecting fences and building roads and dams.

But in one of Australia's dark historic injustices, the vast majority worked for nothing, their wages withheld or stolen by the cattle station owners.

Sydney law lecturer Thalia Anthony is one of a handful of researchers leading a campaign to seek compensation for the indigenous cattle station workers and their descendants.

After giving evidence to a Senate inquiry last year, Dr Anthony is currently hoping to compile enough evidence to bring a test case involving about 40 workers from Wave Hill, one of the largest cattle stations in the Northern Territory.

She claims the Federal Government has a legal and moral obligation to offer compensation to the thousand or so survivors, many now in their 60s and 70s, and to the descendants of those who have died.

Liability should also extend to the owners of the cattle stations, she argues, who include major companies such as the Vestey Group and LJ Hooker.

But in the long term, she says, litigation is not the best way forward, and she would prefer the Government and responsible corporations to set up a voluntary compensation scheme administered by indigenous people. Similar schemes have already been set up in NSW and Queensland, where much smaller numbers of people were employed.

In a recent lecture at the Koori Centre, Dr Anthony said there was effectively a feudal bond between the cattle stations and their indigenous workers, many of whom were removed from their land by police and pastoralists and forcibly taken to cattle stations – a practice known as “running them down”.

There they were provided with food and clothing and could retain elements of their culture; they could practise ceremonies and even go walkabout in the wet season.

“The indigenous workers wanted to stay there because it was a way of sustaining their communities, but it wasn't a fair relationship,” said Dr Anthony.

When pressure was exerted on the cattle companies to start paying wages in the 1930s, many claimed exemption by saying they were providing for the families of their indigenous workers.

And when wages became obligatory after the Second World War, the wages would often be paid as credit at the station store where prices were inflated by as much as 300 per cent.

Dr Anthony said the arrangement was good for the cattle industry and good for the Commonwealth Government, which was freed of its responsibility towards Aboriginal people.

The Government made little effort to inspect cattle stations, and the employment licences which gave the owners control over their indigenous workers were rarely revoked. In the 1930s there were only 48 protectors to carry out inspections for the benefit of



Sydney Law lecturer Dr. Thalia Anthony

indigenous workers in an area covering 523,000 square miles.

Dr Anthony's next step is to collect more evidence for a possible test case. “At this stage it's a matter of collecting more testimonies and engaging legal services willing to take on the fight,” she said.

A Sydney arts and law graduate and a former postgraduate representative on the University Senate, Dr Anthony told the Senate inquiry last year that measures to remedy the injustice of stolen wages would go a long way towards helping the process of indigenous reconciliation.

## Ross Parsons Centre of Commercial, Corporate and Taxation Law Centre Members

### RECENT CONFERENCE AND SEMINAR PAPERS BY PARSONS CENTRE MEMBERS



- In September, **Graeme Cooper** (third from the left) was appointed to an endowed Chair in International and European Taxation Law at the University of Tilburg in the Netherlands. He regularly teaches a course in comparative personal and corporate tax at the European Tax College, a program jointly run by Katholieke Universiteit Leuven in Belgium and the University of Tilburg.”
- Four members of the Parsons Centre presented papers at a major commercial law conference in Sydney on Current Issues in Contract Law in July 2007. **John Carter** spoke on “Termination of Part of a Contract”; **Barbara McDonald** on “Excluding Liability for Negligence through Contract”; **Elisabeth Peden** on “Liquidated Damages”; and **Greg Tolhurst** on “The Assignment of Contractual Rights”.
- **Fleur Johns** presented a paper entitled “Performing Power: The Deal, Corporate Rule, and the Constitution of Global Legal Order” at the Meeting of the Law and Society Association and the Research Committee on Sociology of Law, Humboldt-Universität, Berlin (July 2007). Fleur’s paper, which is published in (2007) 34 *Journal of Law and Society* 116, is available on Sydney Law School Legal Research Paper Series website at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=981325](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=981325).
- **Jennifer Hill** presented a paper entitled “The Shifting Balance of Power Between Shareholders and Management: Comparative Corporate Governance Perspectives” at the TC Beirne School of Law, University of Queensland (September 2007). Jennifer’s paper examined some of the implications of the 2004 reincorporation of News Corp in Delaware for the current international debate on shareholder empowerment.
- **Rebecca Millar** presented a paper on “Jurisdictional Reach of VAT” to the VAT in Africa Conference at the University of Pretoria (June 2007). She was also an Academic Member of the Consumption Tax TAG for Working Party No 9 of the OECD, which met in Paris in September 2007. Her paper on “Cross Border Services: A Survey of the Issues” was circulated to members of the Working Party, and is now published in (2007) 13 *New Zealand Journal of Taxation Law and Policy* 302.
- **Luke Nottage** presented a paper entitled “Re-regulating Consumer Credit in Japan: The Culture, Economics and

**Politics of Contemporary Law Reform”** (with Souichirou Kozuka) at the Law and Society Association/RCSL joint conference, Berlin (July 2007); and at a symposium on *Approaches to Law and Development in the Asia Pacific Region*, Centre for Comparative Law and Development Studies in Asia and the Pacific, University of Wollongong (September 2007).

- On 2 July 2007, The Parsons Centre hosted a seminar on Regulatory Design and Law-Making Risks in Financial Market Regulation: Lessons from the EU. The seminar was presented by **Niamh Moloney**, who is the Professor of Capital Markets Law at the **University of Nottingham, UK** and one of the leading scholars in the field of international financial market regulation. **Kevin Lewis**, who is **Head of eCommLegal at the Commonwealth Bank** acted as commentator for the seminar. Professor Moloney’s paper is available on the Parsons Centre website – <http://www.parsons.law.usyd.edu.au/>
- **Parsons Centre publishes new book in its Monograph Series**

The Parsons Centre has recently published Monograph 3 in its Monograph Series. The book, **Private Equity and Corporate Control Transactions** is edited by **R.P. Austin**, Justice of the New South Wales Supreme Court, who is Challis Lecturer in Company Law, and **Andrew Tuch**, who is a member of the Parsons Centre.

The book contains an edited transcript of presentations at a joint Supreme Court/Law Society of New South Wales Conference, which was held on 28 August 2007, chaired by **Hon. JJ Spigelman, AC**, Chief Justice of the Supreme Court of New South Wales and **Justice Austin**. Presentations were made by **David Gonski** (Investec), **Alan Kohler** (financial journalist), **David F. Jones** (CHAMP Private Equity), **John M. Green** (business writer), **Tim Bednall** (Mallesons), **Braddon Jolley** (Freehills) and **Tom Bathurst QC**, together with a Hypothetical, chaired by **Alan Cameron, AM** (Blake Dawson Waldron). The book also contains an essay on private equity by **Andrew Tuch**.

Earlier monographs in the Series are: **Tony Damian** and **Andrew Rich**, *Schemes, Takeovers and Himalayan Peaks (2004)* (which was recently cited with approval by Fryberg J. in *Re Mincom Ltd [No 3] [2007] QSC 207*) and **RP Austin** (ed), *Company Directors and Corporate Social Responsibility: UK and Australian Perspectives (2007)*. Professor **Jennifer Hill** and Associate Professor **Barbara McDonald** are Series Editors for Corporate/Commercial monographs. Subject to availability, books in the Monograph Series can be purchased through the Ross Parsons Centre for Commercial, Corporate and Taxation Law.



Seminar on Regulatory Design and Law-Making Risks in Financial Market Regulation: Lessons from the EU. L to R: Emma Armon, Jennifer Hill, Niamh Moloney, Kevin Lewis and Jacqueline Mowbray



Greg Tolhurst and Jennifer Stuckey-Clarke



Tony Coburn, Barbara McDonald, Sir Anthony Mason and Anne McNaughton



Justice Kevin Lindgren, Elisabeth Peden and President Keith Mason

# CAPLUS – Law Reform and Business Efficiency – China and Indonesia

What is the relationship between law reform and business efficiency, and can it be accurately measured or predicted? The relationship is one which is difficult to quantify, particularly when dealing with economies such as China and Indonesia. China's efforts to improve its legal regime, its court system and the management of its bureaucracy are highly impressive. Indonesia is wrestling with a number of issues on the legal and the economic front, with the outcome as yet unclear.

Australians recognise the importance of understanding the economic and legal issues which affect the development of these two major Asian countries.

This recognition was reaffirmed by the interest shown in a recent conference involving the Law Council and the Centre for Asian and Pacific Law at the University of Sydney (CAPLUS).

The Law Reform and Business Efficiency – China and Indonesia conference, which was run at the Sydney Law School, University of Sydney on 6 July, 2007, was a joint initiative of the Centre for Asian and Pacific Law in the University of Sydney ("CAPLUS"), a centre based in the Sydney Law School, and the Law Council's International Law Section. The conference was opened by the Attorney-General, the Honourable Phillip Ruddock, MP.

This conference was the first in Australia to consider significant World Bank theories about how law reform can be effective in improving the economy. It featured speakers from the University of Sydney, University of New South



Vai Io Lo (Bond University); Judge He Bo (Beijing High People's Court); Judge Judith Gibson (NSW District Court) and Geoff Nichol (University of Canberra).

Wales, University of Wollongong, University of Canberra and the Australian National University, all of whom possess many years of experience in working in and studying the complexities of Asian economies and Chinese and Indonesian law.

The motivating factor for the conference was a number of papers prepared by academics from the University of Sydney, the Australian National University and the University of Wollongong for a study commissioned by the French government, commenting on the World Bank's "Doing Business" reports, which rank more than 150 countries around the world for the efficiency of their business laws. The study extends across 175 countries and concentrates on procedural aspects of each country's legal regime, while omitting a number of factors that might be highly significant, including wars, corruption, cronyism, hyperinflation and so on.

The speakers included representatives of the Sydney Law School (Vivienne Bath, Director of CAPLUS) and the Faculty of Economics and Business (Mary Ip, Timothy Fisher and



Vivienne Bath, Senior Lecturer and Director of the Centre for Asian and Pacific Law giving a paper at the conference.

Mark Melatos), as well as Judge He Bo, from the Beijing High People's Court. Speakers took a critical approach in examining the extent to which legal efficiency can be measured and, more fundamentally, what indicators should be examined in attempting to assess the business efficiency of a country's legal regime.

The conference followed a highly successful seminar on 4 July, 2007 entitled "Resolution of Commercial Disputes in the Chinese Courts – a Judge's View", chaired by Judge Judith Gibson of the District Court of NSW, at which Judge He Bo and Vivienne Bath spoke on developments in the Chinese judicial system.

The strong interest shown in the seminar and the conference, and the lively debate which the papers precipitated, demonstrates the strong interest of Australians in this interesting and important area.

Full details of the events and links to the speakers' presentations can be found on the CAPLUS website at <http://www.law.usyd.edu.au/caplus/events.shtml> and <http://www.law.usyd.edu.au/caplus/news.shtml>.

## Julius Stone Centenary Conference

Saturday, 7 July 2007 marked the centenary of the birth of Julius Stone, Professor of Jurisprudence and International Law at the University of Sydney from 1942 to 1972, and one of the pre-eminent legal theorists of the twentieth century.

The Julius Stone Institute of Jurisprudence celebrated this important event by hosting a three-day international conference exploring the themes of Julius Stone's work, its impact and the future of sociological jurisprudence as a field of legal research. The Julius Stone Centenary Conference and Dinner brought together thirty-two speakers from ten countries including Australia, New Zealand, the United Kingdom, the United States, Canada, Germany, Italy, the Netherlands, India and Israel.

The Chief Justice of Australia, the Hon. Murray Gleeson AC, opened the conference and discussed Professor Stone's influence on the legal profession in Australia. Adrienne Stone, Julius Stone's granddaughter and Professor of Law at the University of Melbourne, delivered a moving personal tribute to her grandfather in this opening session. She wore a white orchid from Professor Stone's own garden in her lapel. Professor Upendra Baxi of the University of Warwick then

gave the keynote address, 'Revisiting Social Dimensions of Law and Justice in a Posthuman Era'. Plenary sessions later on the first day included contributions from Professors Allan Hutchinson and Stanley L. Paulson.

The same evening, Professor Brian Tamanaha was presented with the inaugural Dennis Leslie Mahoney Prize in Legal Theory for his book *A General Jurisprudence of Law and Society*. The Hon. Dennis Mahoney AO QC, who endowed the award, explained its aim: to encourage the continuation and development of Julius Stone's work in sociological jurisprudence. Professor Tamanaha then delivered the 2007 Julius Stone Address on 'Understanding Contemporary Legal Pluralism'.

The conference continued on Friday with a range of papers in jurisprudence, legal theory and international law. Highlights were plenary sessions with Professors Reg Graycar, Wojciech Sadurski and Margaret Thornton on the theme 'Equality, Freedom and Bias'.

The conference ended on Saturday. Professor Jonathan Stone, Julius Stone's son, discussed his father's views on the role of the university and legal education, including archival recordings



Professor Adrienne Stone, wearing a white orchid from her grandfather's garden.

from appearances on radio. The conference concluded with a discussion of the future of sociological jurisprudence by a panel featuring Professors Brian Tamanaha, Margaret Thornton and Alex Ziegert.

The Julius Stone Centenary Dinner was held on the evening of Saturday, 7 July, at the Wentworth Sofitel in Sydney. The evening including contributions from Julius Stone's daughter, Dr Eleanor Sebel, a Sydney psychiatrist, and his biographer, Dr Leonie Star. The musical programme reached its climax with a performance of Beethoven's 'Spring' Sonata for violin and piano, Julius Stone's favourite piece, and later the diners sang a rousing 'Happy Birthday'.

## Australasian Criminology Conference: new path paved in critical teaching and learning

Crime and criminal justice processes are continually being constructed and reconstructed. However, criminology courses can be prone to inertia – tending to rely on mainstream approaches to criminal explanations, responses and methodologies. The University of Sydney Institute of Criminology hosted the first Australasian Teaching Critical Criminology Conference on 13 July 2007 to unpack traditional crime assumptions and provide new directions for teaching criminology in a critical and challenging framework.

Leading criminologists in Australia and New Zealand presented papers on teaching alternatives to conventional crime methods, theory, issues and practices. A captivated audience of students, teachers and practitioners from Australasia and Canada responded to these papers by sharing their teaching-learning experiences and pushing the boundaries of criminology's orthodox approaches.

New directions in criminology teaching were presented in terms of reorienting the focus from crimes of the individual to crimes of the state and corporation. Criminal harm was discussed in relation to torture, genocide and environmental destruction.

The new criminalisation of refugees, ethnic minorities and political dissidents was uncovered. Ideologies towards law and order, including curtailing the rights of prisoners, were provided in a critical lens, including with reference to the voices of prisoners. Restorative justice also did not escape unscathed, as Professor Chris Cunneen considered its institutional limitations.

University of Sydney's Professor Julie Stubbs gave the opening paper that set the scene for critical criminology. She outlined that critical criminology/ies are diverse, but common elements include an orientation against the mainstream, official definitions and statistics, and an aspiration towards social justice and human rights. Professor Stubbs described the need for a relationship between theory and methodology in critical criminology research, which drew on political and sociological contexts.

Closing the conference was University of Sydney's Professor Mark Findlay (pictured) who offered an international dimension to critical criminology. He presented a comparative/analytical framework for positioning risk and governance in international crime (organised crime and terrorism in particular) and control. Professor



Professor Mark Findlay delivering his paper on risk, security and governance

Findlay pointed to the analytical potency of globalisation in teaching connections between crime, control and governance.

The Critical Criminology Reader (edited by Dr Thalia Anthony and Professor Chris Cunneen) will be released in early 2008. Federation Press will publish the papers as well as other contributions from leading critical criminologists. This comprehensive resource for students, teachers and researchers is the first of its kind in Australasia.

Another offshoot of the conference is a critical criminology network. To be part of the network, please email the conference convenor Thalia Anthony: T.Anthony@usyd.edu.au. The conference received seed funding from the Sydney Law School and support from UNSW Crime and Justice Network.

## Alumni Reunions in Berlin and London

The Australian Embassy in Berlin provided a wonderful setting for a research symposium and an Alumni Reunion Reception on 9 July this year.

The research symposium was on the theme of The Frontiers of Knowledge and addressed scientific, ethical and legal developments in stem cell research. Mr Daniel Sloper, Acting Australian Ambassador to Germany and Professor Gavin Brown, AO FAA CorrFRSE Vice-Chancellor and Principal, welcomed guests to the symposium. Speakers at the symposium included Professor John Hearn, Deputy Vice-Chancellor (International), Professor of Physiology, School of Medical Sciences and Associate Professor Belinda Bennett, Director, Centre for Health Governance, Law and Ethics, Sydney Law School.

The symposium was followed by the launch of the Group of Eight and German Academic Exchange Service (DAAD) Research Cooperation Scheme and an Alumni Reunion Reception which attracted over 90 alumni.

The splendid surrounds of the House of Lords Terrace overlooking the Thames River was the venue for the UK Alumni Association's annual summer reception on 11 July and the event attracted more than 250 UK-based alumni keen to network and catch up.

Baroness Trixie Gardner of Parkes (BDS '54), who is Deputy President of the Association, hosted the reception and President Pauline Lyle-Smith (BA '67, LLB '70), welcomed alumni and emphasised the importance of networking and keeping in touch with each other and the University.

Guests of honour Vice-Chancellor and Principal, Professor Gavin Brown AO FAA CorrFRSE, and the Deputy Vice-Chancellor Community, Professor Andrew Coats, reiterated Sydney's rise up the international rankings, notably those of the Times Higher Education Supplement, which places Sydney 35th in the world overall and its humanities at 5th best in the world.

A special feature of the day was a symposium held immediately before the reception at University College London titled The Frontiers of Knowledge and designed to bring alumni up to date with the latest developments in stem cell research and its legal and ethical implications.

Speakers included Professor Michael Freeman, Professor of English Law at University College; Associate Professor Belinda Bennett, Director of the Centre for Health Governance, Law and Ethics in the Faculty of Law at Sydney; Dr Chris Mason of the Advanced Centre for Biochemical Engineering, University College and Professor John Hearn, Deputy Vice-Chancellor

(International) and Professor of Physiology in the School of Medical Sciences.

The symposium was attended by over 50 alumni and academics and was very well received.



(From left): Professor Michael Freeman, Associate Professor Belinda Bennett, Professor Gillian Triggs (new Dean for the Faculty of Law at Sydney University)



(From left): Professor John Hearn, Associate Professor Belinda Bennett, Mr Daniel Sloper, Professor Gavin Brown

# STAFF NOTES

## New Staff

### ► Profile – Dr Shae McCrystal (Senior Lecturer)

Dr Shae McCrystal joined the Law School in July of this year after teaching for 7 years at the Australian National University. Shae specialises in labour law, with a particular focus on bargaining rights and strike action, and also has a strong interest in residential tenancy law. This year Shae is teaching labour law in both the undergraduate and postgraduate programs and will teach real property in semester one 2008.

### ► Profile – Dr Murray Lee (Senior Lecturer)

Prior to joining the University of Sydney Law School in July 2007 Murray Lee was senior lecturer in criminology at the University of Western Sydney. At UWS Murray was a member of the Centre for Social Justice and Social Change and formally a director of the Critical Social Sciences Research Centre. He is the author of *Inventing Fear of Crime* (Willan 2007) and has been published widely in scholarly journals. Murray is currently involved in two research projects working with disadvantaged youth in south western Sydney and is co-editing *Fear of Crime: Critical Voices in the Age of Anxiety* (Glasshouse 2008). Murray is teaching Criminology – undergraduate; Risk, Fear and Insecurity – Masters Criminology and Environmental Criminology – Master Criminology at the Sydney Law School.

### ► Profile – Ms Jacqueline Mowbray (Lecturer)

Jacqueline Mowbray will be joining the Sydney Law School as a Lecturer in January 2008. She is a PhD candidate at the University of Cambridge, completing her doctorate in the Faculty of Law. She is a graduate of the Universities of Queensland (BA/LLB (Hons)), Melbourne (LLM) and Cambridge (LLM (Hons)). She has practised law with Freehills in Melbourne and Barlow Lyde & Gilbert in London, and she currently teaches on the European Masters program in human rights, which is taught at the University of Sarajevo, Bosnia-Herzegovina. Her particular area of interest is international law and legal theory, with a focus on international human rights law. She also teaches in the area of commercial law and has a particular interest in international commercial issues. She has published several articles in her areas of research interest, and has been awarded a 2004 General Sir John Monash Award and the 2002-2003 Britain-Australia Bicentennial Scholarship.

## Retiring



### ► Professor George Winterton

Professor George Winterton has retired from employment at the University of Sydney and resigned his Chair in Constitutional Law.

He is one of Australia's most outstanding and respected constitutional lawyers, and the Sydney Law School has been truly fortunate to have Professor Winterton as a member over the last three and a half years. On Monday 20 August 2007,

the former Dean of Law, Professor Ron McCallum, AO awarded George the academic title of Honorary Professor of Constitutional Law for three years.

# CONGRATULATIONS CORNER

1. The Aurora Native Title Internships Program places law students from Australian law schools with Aboriginal land councils and other Indigenous organisation to learn about Native Title. This year, 10 Sydney University law students applied and five were successful.

Congratulations to Jeremy Dicker, Marianna Leishman, Aaron Rathmell, Sophie Crosby and Jennifer Goedhuys. This is a marvellous program which this Law School is delighted to support.

2. Congratulations to our Professor John Carter who was made a life member of the Commercial Law Association of Australia for his more than two decades of work in commercial law.

3. Congratulations to Professor Parkinson who has been appointed to the Australian Council for Families and Children. This is the peak advisory body to the Minister for Family and Community Services and Indigenous Affairs, Mal Brough.

4. Congratulations to Associate Professor Mary Crock who has been awarded the title of Honorary Accredited Specialist in the field of immigration law, owing to her many years of service in setting and in marking the specialist accreditation exams in immigration law for New South Wales and also for Victoria.

5. Congratulations to Andrew Tuch, whose research was cited extensively in a recent Federal Court decision in *ASIC v Citigroup* (No 4) [2007] FCA 963.

The case, which deals with the fiduciary duty of investment banks and attenuation of those duties by contract, is one most high profile and significant Australian commercial cases in many years.

Andrew's articles, which are cited in the judgment are "Investment Banks as Fiduciaries: Implications for Conflicts of Interest" (2005) 29 Melbourne UL Rev 478 and "Obligations of Financial Advisers in Change-of-Control Transactions: Fiduciary and Other Questions" (2006) 24 Companies and Securities LJ 488.

6. Congratulations to Professor Terry Carney who is currently Director of Research at The Sydney Law School. At the opening ceremony of the 30th Congress of the International Academy of Law and Mental Health in Padua on 24 June, Professor Carney was presented with a plaque (in English and Italian) in recognition of his distinguished presidency.

The IALMH is founded on the belief that issues arising from the interaction of law and mental health can best be addressed through multidisciplinary and cross-national approaches, drawing on law, the health professions, the social sciences, and the humanities.

7. Congratulations to the Jessup Mooting Team once again. To compliment its achievement in winning the 2007 Jessup Moot, the Sydney Law School Jessup Team is the winner of the 2007 Dillard Award.

The Dillard Award is given to the best combined memorials as selected from amongst the top memorials submitted in each of the 48 regional and national Qualifying Tournaments in the Jessup worldwide.

"This means competing against the best written memorials from the 10 regions in the United States, seven in Russia, and the national competitions in the United Kingdom, France, Germany, New Zealand, India and many other countries and regions," said the Dean, Professor Ron McCallum AO.

"This is truly fantastic news – very well done indeed and special thanks to coach Justin Hogan-Doran and all those on our Faculty who assisted with the preparation of the Jessup team."

## Queen's Birthday Honours List

The Sydney Law School would like to recognise and congratulate the following distinguished alumni who have been recognised in the Queen's Birthday Honours

**Mr Mark D I Burrows (BA '66, LLB '70)**

AO for service to the corporate sector in leading the development of nationally uniform corporate law and financial market regulation, and to the arts through contribution to theatre.

**Mr Philip M Clark (BA '63, LLB '68)**

AM for service to the legal profession and business, particularly through the development of national law firms and encouraging corporate involvement in community programs.

**Mr Richard H Fisher (LLB '76)**

AM for service to the legal profession, to law reform in relation to insolvency and the protection of creditor rights, and to the community.

**Mr John W Hiatt (DipCrim '73)**

OAM for service to the community through administrative roles in the horseracing industry, as a supporter of rugby league in the Penrith area, and to the law.

**Mr Gregory J Rochford (DipCrim '86)**

PSM for outstanding public service in the management of the NSW Ambulance Service.

**The Hon Justice Kim Santow (BA '61, LLB '64, LLM '71)**

AO for service to the judiciary and the law, to education governance, and to the arts.

**Mr Richard P Stanford (MCrim '95)**

APM – Australian Police Medal – Australian Federal Police.

**Mr Roger B Wilkins (BA '75, LLB '81)**

AO for service to public administration in NSW, particularly as a contributor to a range of policy initiatives, and to arts administration.

## Other Alumni Achievers

**Jeff Lawrence (BA'75, LLB'77)** is the new Secretary of the Australian Council of Trade Unions.

**Marc-Oliver Kurth (LLM'05)** is a new partner of Taylor Wessing in Berlin.

## 2007 Senior Council Appointments

The Sydney Law School would also like to recognise and congratulate the following alumni who have been appointed Senior Counsel for 2007

**Mr Peter C Tomasetti (LLB '79)**

Martin Place Chambers

**Mr Anthony P Cook (BA '81, LLB '83)**

Carl Shannon Chambers

**Mr Gregory P McNally (BA '80, LLB '80)**

9th Floor Wentworth Chambers

**Mr Mark M Hobart (LLB '75)**

Crown Prosecutors Chambers – Sydney

**Ms Margaret M Cunneen (LLM '89)**

Crown Prosecutors Chambers – Sydney

**Mr David R Pritchard (LLB '85)**

Third Floor St James' Hall

**Mr Wayne G Muddle (BE '85, LLB '87, LLM '94)**

Third Floor Wentworth Chambers

**Ms Sophie J Goddard (BA '86, LLB '89)**

Nigel Bowen Chambers

**Mr Francois Kunc (BA '84, LLB '86)**

Eleventh Floor Wentworth/Selborne Chambers

**Mr Stephen C G Burley (LLB '87)**

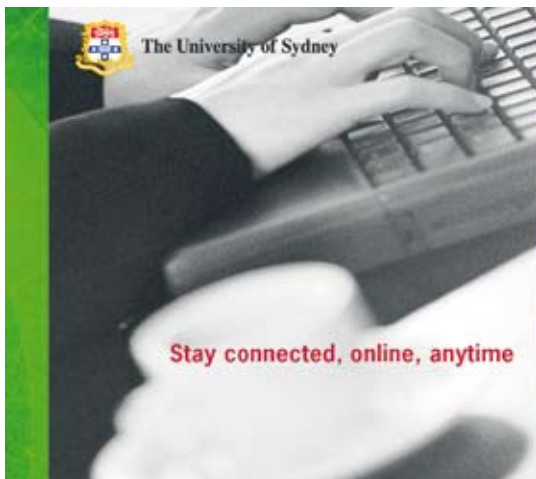
5th Floor Wentworth Chambers

**Mr Michael A Wigney (BE '85, LLB '88, LLM '94)**

Third Floor St James' Hall

**Mr Alwyn I Tonking (BA '68, LLB '71)**

7th Floor Selborne Chambers



## Join your alumni web community

register for your lifelong  
email forwarding service

update your contact details

look for fellow alumni online

[www.usyd.edu.au/alumni](http://www.usyd.edu.au/alumni)

## Dr James Renwick (LLB '85, SJD '94) Fulbright DFAT Professional Scholar

The relationship between the Australian and the United States' governments has never been closer than in the 'war' on terror, a 'war' which has seen much joint or complimentary action by the Alliance, including military operations, and law enforcement and intelligence activity. This project asks 'what are the main international and constitutional law constraints on such action?', a question which focuses attention upon bedrock issues of governments' powers and citizens' rights."

Dr James Renwick has received the 2007 Fulbright Professional Australia-U.S. Alliance Studies Scholarship sponsored by the Department of Foreign Affairs and Trade (DFAT). Through his Fulbright Scholarship, he will undertake research at the Merrill Centre for Strategic Studies at Johns Hopkins University in Washington D.C. into the perceived legal impediments to closer joint or complementary Alliance action and information sharing.

James is a barrister and an Adjunct International Lecturer at The University of Sydney Law School. He has a Bachelor of Laws and Doctor of Juridical Studies (SJD) from the University of Sydney. He established the first National Security Law course in Australia in 2003 and continues both to teach it and to be a leading practitioner in the area.

"My research requires access to many of the U.S. Government institutions which

are located in Washington DC, as is the Australian Embassy and its officials, and to leading strategic analysts and international lawyers, many of whom are located in my host institution," he explains.

"The security alliance between Australia and the United States is of great importance to each nation. It involves both wide and deep intergovernmental cooperation, sharing of information and joint or complementary action. Both nations live under and have abiding respect for the rule of law and are thus concerned to ensure that their actions are lawful."

"Achieving that aim however, for either country, is complicated by the differential operation of international and constitutional law in each country. The aim of this project is to examine critically some of these complications, and to consider whether there are principled and lawful ways to resolve or overcome them."



James, a former Parsons Scholar at The University of Sydney, has appeared as junior counsel in half a dozen major constitutional cases in the High Court of Australia in recent years. He was one of the counsel assisting the Building Royal Commission in 2001-2. He represented Australia in the 2004 hearings in *U.S v David Hicks* at Guantanamo Bay, Cuba. He has been a member of the NSW Bar Council. He also serves as a Lieutenant Commander in the Royal Australian Navy Reserve.

The scholarship is 3 months in duration. Having spent a month in the US in July, he will spend the final two months in Washington DC over the Christmas break, during which time he will speak at a major conference on the conduct of terrorism trials (having organised the conference).



## Jane Healy (BEC (Hons) '03, LLB '05) Chevening Scholarship

These are the words of Jane Healy, a young law alumnus who is exploring the bountiful opportunities and challenges her Economics/Law degree will provide.

Jane Healy who is currently working at Allens Arthur Robinson is on her way to Oxford in October this year after securing a Chevening Scholarship through the British Council.

She will be studying for a Bachelor of Civil Law at the University of Oxford, which is a one year course and plans to focus on International Trade Law, which combines her interest in both law and economics. 'In particular, I am hoping to write my dissertation on the way in which the international trade law system may be able to be reformed to promote a more equal distribution of the benefits of globalisation between developed and developing nations.'

One of the scholarship criteria is to be committed in returning back to Australia and implementing new skills and knowledge. When asked how she would utilise her scholarship, she said

'I hope one day to be able to work in the area of international trade law. Many developed nations, including Australia, are working to balance the effect of international trade agreements upon their own economies and upon those of developing countries. It is also necessary to balance the impact of trade laws not only upon national economies but also upon the environment, human rights and national sovereignty and culture. If I were lucky enough to find a job in the area of international trade, I would hope to use the knowledge acquired in the UK to assist in this process.'

The Chevening Scholarship is funded by the Foreign and Commonwealth Office and administered by the British Council. This prestigious award enables overseas students to study in the United Kingdom. Scholarships are offered in over 150 countries and enable talented graduates and young professionals to become familiar with the UK and gain skills which will benefit their countries. For more information about how Chevening Scholarships, visit [www.chevening.com](http://www.chevening.com)

'It is necessary to balance the impact of trade laws not only upon national economies but also upon the environment, human rights and national sovereignty and culture'.

# A life in the law: Remembering C A Roger Hardwick CMG QC

by Chris Rodley



Captain de Groot after he slashed the official ribboning at the 1932 opening of the Harbour Bridge.

With a career in law spanning over five decades, Charles Aubrey Hardwick CMG QC (BA '13 LLB '15), widely known as Roger, was a legend of the Sydney bar who crossed paths with some of the city's most colourful 20th century personalities in his long and energetic life.

In his most famous case, Hardwick defended Captain Francis de Groot after he slashed the official ribbon meant for Premier Jack Lang at the 1932 opening of the Sydney Harbour Bridge. He successfully argued for the release of Captain de Groot, who was languishing in custody after being deemed insane by the police; however, the New Guard member and antique dealer could not escape a later charge of offensive behaviour and was fined the sum of £5.

In recognition of C A Hardwick's remarkable life, his son Malcolm Hardwick QC decided to establish an academic prize in his honour at the University of Sydney, his father's alma mater. The result is the C A Hardwick Prize for Proficiency in Constitutional Law, an award of \$250 for undergraduate students which has been offered since 1997.

Like most prizes and scholarships within the Faculty of Law, the award was created by endowing a capital sum, a method which enables annual prizes to be given into the future, forming a lasting memorial.

"I wanted to commemorate my father's achievements," explains Malcolm Hardwick, himself a retired Sydney barrister. "He was an evening student at the University and I know very few evening students ever achieved the sort of results he did."

In recent years, he has begun to sort through dozens of boxes of papers left behind by his father, helping to fill in more details of C A Hardwick's life.

Born in 1885, he had his first taste of the legal world at the age of 17 when he took a job as a

clerk at Mudgee Courthouse. When Hardwick later matriculated to the University of Sydney, he had no option but to continue working for the public service during his undergraduate degree in order to pay his tuition fees.

"He used to say how hard it was combining work by day and study by night," says Malcolm Hardwick. His father was often exhausted by the competing demands on his time and would later recall coming close to falling asleep in the front row of Professor Edgeworth David's classes; his lapse of attention was met with a dry remark by the eminent scholar.

Despite the challenges he faced, Hardwick's conscientious work at University paid off. In 1913, he graduated with a BA and won the Pitt Cobbett Prize in Constitutional Law, something that later inspired his son to create another constitutional law prize in his honour. Two years later, Hardwick graduated with his LLB along with a class that included the future Justice McTiernan and Justice Dudley Williams of the High Court. He was admitted to the bar in 1915 and read with F S Boyce, a noted counsel and a future NSW Attorney-General and judge in divorce.

In the meantime, World War One had broken out in Europe. C A Hardwick was classified as unfit for military duty and instead joined a Red Cross bureau designed to provide information on missing and wounded soldiers. The centre was staffed by a group of lawyers led by future NSW Supreme Court judge Langer Owen KC, later Sir Langer Owen.

From the 1920s onwards, Hardwick went on to build up a large and diverse practice in

common law, migration and crime both in Sydney and on the Western Circuit. Some of his best-known cases were *Cofield v Waterloo Case Co Ltd* and *Bourke v Butterfield and Lewis*, both argued before the High Court, and later the long-running medical negligence saga of *Hocking v Bell*.

Widely renowned for his rhetorical flourish and his command of small details, he was appointed a King's Counsel in 1934. He briefly served as an acting judge in the matrimonial causes jurisdiction of the Supreme Court in 1939 before returning to work as a barrister for the next quarter of a century. When he retired in 1966, Hardwick had served as counsel for 51 years, one of the longest legal careers in the history of the NSW bar.

Politics was another passion for C A Hardwick. He joined the centre-right United Australia Party (UAP) in 1931, its first year of existence, and presided over a meeting which saw former Prime Minister Billy Hughes gain preselection for the upcoming Federal election. Hardwick then sought political office himself: in 1937, he ran unsuccessfully for UAP preselection in the state seat of Gordon, then he later gained endorsement as the UAP candidate for the Federal seat of Werriwa in 1940, but did not win the seat. After the UAP suffered a huge defeat at the 1943 election, he went on to play a part in the establishment of its successor, the Liberal Party.

Throughout Hardwick's career and into his retirement, he took a leading role in a number of charitable groups including the NSW Institute of Hospital Almoners, of which he was a foundation member, and the Benevolent Society, of which he served as president. His long-standing efforts in public service, as well as his contribution to the law, earned him a CMG in 1971.

C A Hardwick died in his sleep in Sydney on 6 March 1984 at the age of 98.

## Current news and happenings of Sydney University Law Students

Keen to build on a busy and successful first semester, it was with much enthusiasm that the 2007 SULS Executive returned to second semester.

The Executive was pleased to see a number of new initiatives come to fruition. After much hard work and dedication by the Social Justice Committee a winter clerkship program was put in place, allowing students to work in the pro-bono department of law firm, DLA Phillips Fox, over the winter break. The format of the SULS academic journal, *Polemic*, was also significantly updated and the 2007 annual edition, focusing on recent developments in Australian law, was launched at the end of the academic year.

Second semester was also a time for consolidating and building upon initiatives which have been developed over the last few years. The Women's mentoring program in which the SULS Women's Committee pairs female law students with mentors in various areas of practice continues to grow every year. A successful intervarsity sports carnival was again held in conjunction with UNSW, UTS and Macquarie (the trophy has now safely returned to the SULS cabinet where it rightfully belongs). Second editions of both the *Social Justice Journal*, *Dissent*, and *Women's Journal*, *Yemaya*, were produced this year, hopefully ensuring that these will become annual publications. *Yemaya* was launched early in second semester by Nanda Pok, the founder of *Women for Prosperity, Cambodia*, and *Dissent* was launched at the end of the semester by none other than former Chief Justice of the High Court of Australia Sir Anthony Mason.

SULS also continued to provide a number of important opportunities for Law students in terms of education and professional development. The annual *Careers Guide* was published for students about to embark on summer clerkship applications and lunchtime information seminars were organized with a number of the Sydney firms. Through the Vice-President (Education) and Education Committee SULS liaises with the Faculty on a number of important education issues. The Competitions Directors and their hard working committee continue to organise high quality internal mooting and skills competitions each semester. SULS also sent teams to a number of intervarsity mooting competitions, including a team who were Runners up in the Shine Torts Moot. An active Public Forums committee organised speakers on a number of topical issues including APEC policing powers, climate change and corruption.

Finally, the university experience would not be complete without a busy social calendar, the true highlight of which was the 2007 Law Ball. Over 700 students joined in the "Phantom of the Opera" themed festivities at the Sydney Town Hall and in their masks enjoyed dinner, dancing and even the rendition of a certain piece of Andrew Lloyd Webber music on the Town Hall's famous organ. It truly was a night to remember.

SULS now has a re-vamped website [www.suls.org.au](http://www.suls.org.au) and all the alumni are encouraged to visit the site find out more of what has been happening over the year.



Australian Law Student's Association (ALSA) Conference in Canberra. L to R: Symmie Swil (Negotiations), Shusmita Chowdury (Client Interviewing), David Nguyen (Negotiations), Laura Johnston (IHL Moot), Nick Sandrejko (Witness Examination), Hugh Atkin – trophy winner for Best Oralist (ALSA Moot) and Robynne Croft (IHL Moot).

## Sydney University National Competitions Successes

In addition to international mooting competitions, Sydney University has performed extremely well in national intervarsity competitions this year.

In July, Sydney University reached the finals stages of three competitions at the Australian Law Student's Association (ALSA) Conference in Canberra. Robynne Croft and Laura Johnston reached the Semi Finals of the Red Cross International Humanitarian Law Moot. Hugh Atkin and Felicity Graham reached the Quarter Finals of the ALSA Championship Moot. David Nguyen and Symmie Swil reached the Quarter Finals of the Sir Lawrence Street Negotiations Competition. Hugh Atkin won the trophy for Best Oralist, Felicity Graham also being declared 3rd Best Oralist.

In August, Sydney University was the Runner Up at the Shine Lawyers Torts Moot in Queensland, being defeated by UNSW in the Grand Final. The team comprised of Patrick Bateman, Ben Coles, Nadia Yetton-Lim and Alice Zheng.

In October, Sydney University was the Winner of the Sir Harry Gibbs Constitutional Law Moot in Victoria, defeating the University of Adelaide in the Grand Final. The team comprised of Robynne Croft, Andrew Lee, Andrew McLeod and Susannah Morris.

Also in October, Sydney University defeated Macquarie University in the annual Sir John Peden Contracts Moot. The team comprised of Nadia Yetton-Lim, Alice Zheng and Alim Khamis.

# Graduate Connections Breakfast

## featuring Mr Robert Albert AO (BA '58, LLB '61)

### Sonata for solo voice

By Hazel Baker

The glorious Atrium of the Sydney Conservatorium of Music provided the perfect setting for Robert O Albert AO RFD RD (BA '58, LLB '61) when he took his audience on a journey of anecdote, humour and inspiration on the beneficial power of music in everyone's life.

Mr Albert is the current patriarch of the Albert family, whose business J. Albert & Son is one of Australia's oldest and most respected independent music publishers and recording companies. The company was founded by Robert's great-grandfather Jacques 117 years ago and has become practically a national institution, so prolific that there must be few music stands throughout Australia that do not have at least one sheet of music published by Alberts!

The company is now headed by Robert's son David, the fifth generation of Alberts to run the business.

Describing his presentation as "a sonata for solo voice with breakfast accompaniment", Mr Albert portrayed his life as one that had been "surrounded by music on all sides" and produced a lively exposition of his music credentials. These included his mother's ambitions for him to be a concert pianist and hence his 14 years of music study all through his school days during which he never learnt to sight read.

This led to his ultimate embarrassment during his national service, when having practiced Onward Christian Soldiers on his harmonium for the Sunday Division at Balmoral Naval Depot for officers, NCOs and hundreds of "nashos", the hymn was announced as Stand Up, Stand Up for Jesus.

"I never played that harmonium again!" said Mr Albert.

On a more serious note, Mr Albert went on to enumerate the benefits of bringing music into

Champagne, Chopin and a cracking good speech – it would have taken little more to produce a standing ovation, despite the 7.30am start for more than 100 alumni and guests attending the latest Graduate Connections breakfast on 25 September.



the lives of the sick, the disadvantaged and especially children, and of music education in the national education system, all areas in which the Albert family company has provided long-standing philanthropic support.

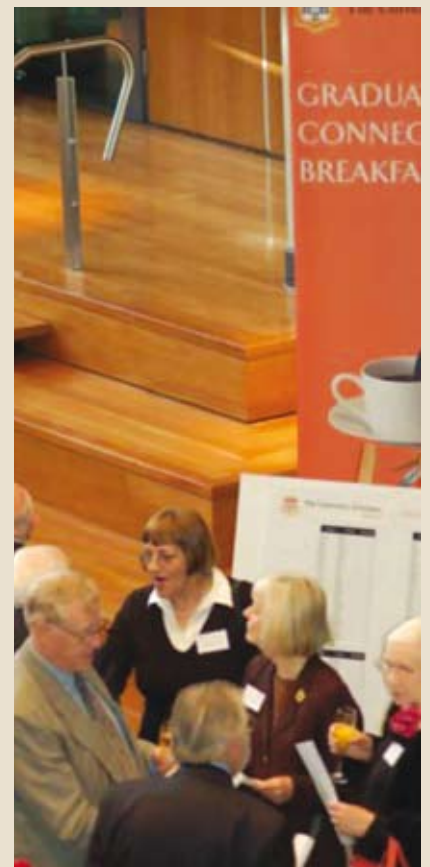
While Robert Albert never became a concert pianist, he did become a successful music publisher and lawyer – and he can still play Onward Christian Soldiers by heart!

Following Mr Albert's speech, Gregory Kinda, a PhD student at the Conservatorium and the inaugural recipient of the prestigious Stuart Piano Scholarship, himself played Onward Christian Soldiers as a salute to Mr Albert (to the uproarious appreciation of the audience) and then concluded the event with a splendid and uplifting rendition of Chopin's "Ballade in A Flat Major No 3" on the Con's Stuart concert grand piano.

Graduate Connections Breakfasts are held four times a year and feature orations by University of Sydney Alumni who inspire, inform and invite discussion.

**To book your place at the next event, please contact:**

**Alumni Relations Office**  
phone +61 2 9351 2673  
fax +61 2 9351 6868  
email [rsvp@usyd.edu.au](mailto:rsvp@usyd.edu.au)



Photos by Diana Simmonds

## Women in Law Dinner – Women's college

On Monday 6th August, almost 300 women lawyers and past and present Women's College law students gathered at The Women's College for the second bi annual Women in Law Dinner which was hosted in conjunction with the Women Barristers Forum.

The dinner was preceded by a concert by the Australian String Quartet. Following the dinner, the Honourable Justice Virginia Bell gave the evening's address.

The Honourable Justice Bell has been distinguished by a diverse career. She has been a judge of the New South Wales Supreme Court since 1999 and throughout her career she has predominantly practised criminal trial work as well as serving on various committees of the New South Wales Bar Association including the Criminal Law Committee. After having been admitted as a solicitor in 1977, she spent six years working at the Redfern Legal Centre and following her admittance as a barrister in 1984, was a public defender for two years. Justice Bell

is currently President of the Australian Institute of Judicial Admission.

While acknowledging the male supporters who attended on the night, Justice Bell highlighted the difficulties she had faced as a female law student and referred to the "glass ceiling" she had often encountered. Justice Bell also acknowledged that times were changing and noted that there were many more opportunities available to young women today than when she was a student.

Mary Walker, President of the Women Barristers Forum, who had earlier welcomed the guests, noted the rare occasion that so many distinguished female lawyers were all gathered in the one room and what a special evening that made it.



L to R: Kirsten Cheatham 4th year Arts/Law student, Fiona Roughley ex Women's College Arts/Law student, guest speaker of the evening The Honourable Justice Virginia Bell, SC, Julie Bowes 3rd year Arts/Law student and Kirsty Kennedy 4th year Arts/Law Student.

## Sydney Law School LLM in Europe Program for 2008

Following on from the great success of our 2007 offerings, Sydney Law School's LLM in Europe program would like to announce three new courses offered below as part of the program in 2008, in Cambridge and Berlin, with dates and venues for two further courses to be confirmed shortly.

### January 6-9 2008 COMMERCIAL EQUITY with Mr Mark Leeming, SC at Robinson College Cambridge

Litigation against trustees, accessorial liability, the role of subrogation, contribution and marshalling, and the use and availability of injunctions, equitable compensation and other equitable remedies in commercial litigation. Note: Student accommodation at the College will be available to participants in this course.

### June 22-26 2008 CONTRACT NEGOTIATION with Prof David Yates at Robinson College Cambridge

This unit will examine the legal principles that provide the overarching framework within which contract negotiations take place. Topics covered will include: standard form contracts and negotiated contracts; "agreements to agree" and the requirements of certainty; "long-term" contractual relationships and the use of hardship and intervener clauses; "good faith" negotiations and negotiation techniques. The unit will also involve a simulated contractual negotiation in which the class will be split into teams of 2 or 3 (depending upon class size) for a "team against team" negotiation. Note: Student accommodation at the College will be available to participants in this course.

### July 3-6 2008 INTERNATIONAL CORPORATE LAW with Mr Saul Fridman at the Australian Centre Europe in Berlin

This unit studies the policy and application of basic principles of corporate law shared by a

number of common law jurisdictions. It looks closely at the fundamental theoretical principles on which these jurisdictions have based their statutes, focussing primarily on Australia, Canada and the US. The unit will cover the following topics:

- Policy and principles of corporate law, history of the corporate form
- Formation of the corporation
- Corporate personality
- Duties of directors and managers: corporate governance
- Majority control of corporations
- Devices for the protection of the minority

### Late July 2008 – INTERNATIONAL COMMERCIAL LITIGATION with Justin Hogan Doran. Dates and venue to be confirmed

A repeat of a highly popular and successful course. Visit <http://www.law.usyd.edu.au/fstudent/coursework/LLM/units.shtml> for course description, updates and further details.

### September 2008 – DOING BUSINESS IN CHINA with Vivienne Bath, dates and venue to be confirmed

This unit aims to provide an introduction to the legal and practical aspects of doing business in China. The unit will commence with an overview of the Chinese legal, political and economic system and will then move on to an examination of the system of commercial regulation in China, including contracts, land use, regulation of private and state-owned businesses and Chinese companies and securities laws. The unit will focus on Chinese contract law and the foreign investment regime and the related structuring and regulatory issues related to foreign participation in the Chinese market. Areas covered will discuss the principal issues relating to the establishment of a corporate or other presence in China and the

related negotiation process, including taxation and foreign exchange controls. The unit will conclude with an examination of methods of resolution of disputes arising under contracts entered into in China. More specialized topics which may be covered include intellectual property, labour law and regulation of financial institutions.

Vivienne Bath is a Senior Lecturer in Law and Director of the Centre for Asian and Pacific Law at the University of Sydney. Prior to joining the Sydney Law School, Vivienne was a partner of international firm Coudert Brothers, specialising in commercial law, with a focus on foreign investment and commercial transactions in the People's Republic of China. She previously practised as a commercial lawyer in New York and Sydney, and worked in the Federal Office of Parliamentary Counsel as a parliamentary draftsman.

Vivienne has also published widely in the area of Chinese law and is a frequent participant in conferences and seminars focussing on developments in the Chinese legal regime.

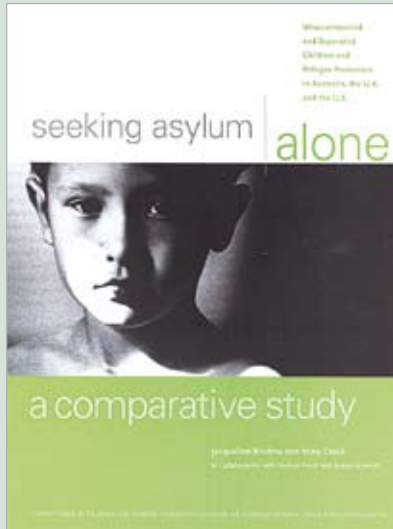
Visit <http://www.law.usyd.edu.au/fstudent/coursework/LLM/units.shtml> for updates and further details.

For further details about any of the above programs including advice and information about enrolment please see visit our website <http://www.law.usyd.edu.au/fstudent/coursework/LLM/index.shtml> or call Sue Ng, Postgraduate Team Leader  
Tel: +61 2 9351 0265

If you would like to attend as a Legal Professional Development participant, please contact our LPD Co-ordinator Val Carey  
V.Carey@usyd.edu.au or call +61 2 9351 0238

# RECENT PUBLICATIONS

Faculty Staff and alumni



## Seeking Asylum Alone: A Comparative Study

Author: Mary Crock  
 Publisher Themis Press  
 Paperback/129pp  
 ISBN 9781921113017  
 Australian RRP \$39.95

## The Mason Papers

Selected articles and speeches by

Sir Anthony Mason

Author: Sir Anthony Mason AC, KBE and

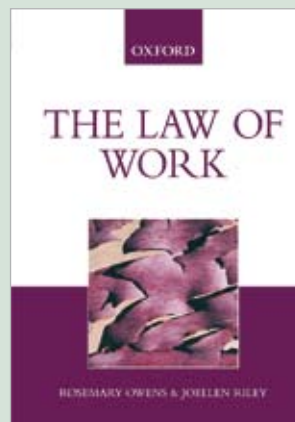
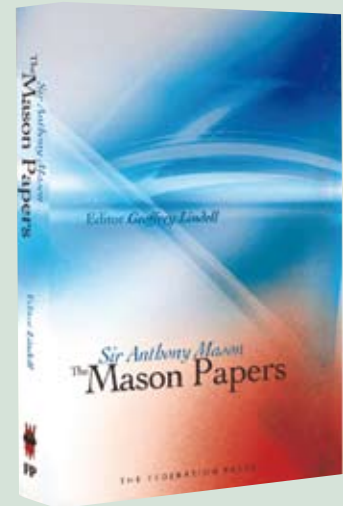
Edited by Geoffrey Lindell

Publisher The Federation Press

Hardback/448pp

ISBN 9781862876521

Australian RRP \$85.00



## The Law of Work

Authors: Rosemary Owens, Joellen Riley

Publisher Oxford University Press

Paperback/589pp

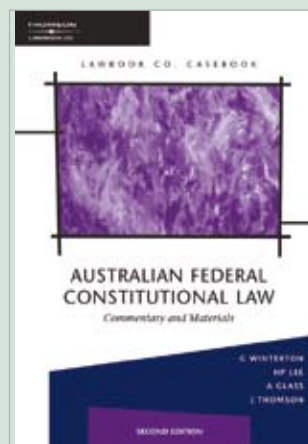
ISBN 9780195512229

Australian RRP \$95.00



## Environmental and Planning Law in New South Wales

Authors: Rosemary Lyster, Zada Lipman, Nicola Franklin, Graeme Wiffen and Linda Pearson  
 Publisher The Federation Press  
 Paperback/640pp  
 ISBN 9781862876309  
 Australian RRP \$85.00



## Australian Federal Constitutional Law: Commentary and Materials, 2nd edition

Authors: George Winterton, HP Lee, Arthur Glass, James A Thomson, Peter Gerangelos  
 Publisher Lawbook Co.  
 Paperback/1404pp  
 ISBN 9780455219554  
 Australian RRP \$139.95



## Companion to Uniform Evidence Law, 2nd Edition

Authors: Miiko Kumar, Stephen Odgers, Elisabeth Peden  
 Publisher Lawbook Co.  
 Paperback/893pp  
 ISBN 9780455224374  
 Australian RRP \$99.95

## We want to hear from you ...

The Sydney Law Report is always looking for contributions from our alumni for our next editions. If you have a publication that you would like us to include, please contact the Alumni and Events Coordinator at [law.alumni@usyd.edu.au](mailto:law.alumni@usyd.edu.au) or +61 2 9351 0327 to discuss further.

# LIBRARY NEWS

ACCESS OVER 3000  
JOURNALS ON-LINE FROM  
YOUR WORKPLACE VIA  
THE UNIVERSITY OF SYDNEY  
LAW LIBRARY



The University of Sydney Law Library holds a comprehensive collection of Australian and international primary and secondary materials. This includes a broad US and International Law collection.

Alumni can obtain membership to the University of Sydney Library and access some of its services. These include borrowing from all the University of Sydney libraries and access to any primary materials, reference, loose-leaf and journal collections within the library. Also, alumni are eligible to a limited "walk in" access to our on-line databases and the services of our reference team. Membership costs \$80 for 12 months.

Membership to the library also entitles alumni to remote access to the Macquarie Dictionary Online and the large Proquest 5000 library. ProQuest 5000 provides access to over 3,500 full-text journals with indexing and abstracts for a further 3,500 titles, including the subject areas humanities and social sciences. These include over 200 legal titles.

To see what is available, visit:  
<http://www.library.usyd.edu.au/clients/alumni/>

Our Law Library web page provides links to many free legal sites which can be accessed remotely. These include web sites linking to Australian and international primary materials, government sites, free e-journals and newspapers and Google Scholar. The web site can be viewed at:

<http://www.library.usyd.edu.au/libraries/law/>

Each month there is an updated list of new books purchased for the Law Library on legal topics, available for viewing via the Law Library web page. Most items will be available for loan.

The Acting Law Librarian Lesley Adukonu and other Library Staff can be contacted at:

Level 8, Sydney Law School  
173-175 Phillip Street  
Sydney NSW 2000  
Telephone: +61 2 9351 0216  
Email: [law@library.usyd.edu.au](mailto:law@library.usyd.edu.au)

## OUR COLLECTION OF MERCHANDISE

The Law School has an exciting range of merchandise. We hope these items will not only be a suitable memento of your time at Sydney but serve a variety of other family purposes as well, such as gifts for family and friends.

The collection includes business card holders, memo holders and key rings. Each of these items comes in an individual gift box. We also have ties, mugs and separate men's and women's polo shirts.

In addition, existing stock of Law School Caps and Rugby Jerseys are now available at a discounted price. Merchandise can be purchased in person at the Information Desk at the Sydney Law School or via email or by post. Postage costs are extra.

### In Person

Information Desk  
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Monday to Thursday  
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Friday and during non-teaching periods



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We will then contact you to organise payment and delivery\*.

### By Post\*

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Alumni and Events Coordinator  
Sydney Law School  
University of Sydney, 173-175 Phillip Street  
Sydney NSW 2000 Australia

We will then contact you to organise payment and delivery\*.

### For further information

Please call: +61 2 9351 0327 or  
Email: [law.alumni@usyd.edu.au](mailto:law.alumni@usyd.edu.au)

\* Delivery costs may incur an extra charge.

Item	Price (GST incl.)
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<b>Silk Tie</b>	\$55.00
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<b>Canvas Baseball Cap**</b>	\$6.75
<b>Rugby Top**</b> (Size: S, M, L, XL)	\$39.50
<b>A Century DownTown Book**</b> – History of the Sydney Law School	\$11.00
<b>Lapel Pin**</b>	\$4.00

\*\* Items not shown

# Farewell dinner for Professor Ron McCallum, AO 27 September 2007



Professor Ron McCallum, AO, Mrs Lee Santow, The Honourable Justice Kim Santow, AO and Mr Bruce McWilliam



The new Dean of Law, Professor Gillian Triggs entertains guests



Staff of the Faculty in deep conversation



Associate Professor Helen Irving, Professor Ron McCallum, AO and Guy Houghton



Professor Don Nutbeam giving a speech



Mr Adrian Morris, Professor Kim Walker – Dean of The Conservatorium of Music and Professor Ron McCallum, AO



Sharing a laugh, Mr Jim Dunstan and Professor Peter Wolnizer – Dean of Economics and Business



Professor Ron McCallum, AO with Katherine Fallah (a PhD student and Ron's research assistant) (in the middle) and his daughter, Kate McCallum



Professor Ron McCallum, AO, Mr Dennis Wilson and The Honourable Justice Margaret Beazley

Professor Ron McCallum retired from the Deanship of the Faculty of Law on 30 September after completing a term of more than five years in office. Among the events to farewell him and honor his splendid service, a dinner with friends and colleagues was held on 27 September at “Moonshadow Grille” restaurant, close to the Law School. Members

of the Judiciary and the profession, members of the Law School Advisory Board, deans of other faculties, fellow academics, and members of Ron’s family attended. Other guests included the former Chancellor of the University of Sydney, Justice Kim Santow and Lee Santow, and Provost and Acting Vice-Chancellor, Professor Don Nutbeam and Sarah Nutbeam.

It was a lovely, informal occasion, with speeches delivered by Professor Nutbeam and Justice Margaret Beazley of the Supreme Court of NSW. Professor Nutbeam spoke warmly of Ron’s service to the University, and Justice Beazley spoke of Ron’s personal approach to the role of Dean.



Makoto Ibusuki. Prof. Dr. of Ritsumeikan University, School of Law

**Visiting Scholar: Mr. Shimpei Takahashi**  
**Wed 20 June 20 2007 to June 2008**  
**Room 1333 on Lvl 13 / 10210**  
**t.shimpei@gmail.com.**

Mr. Shimpei Takahashi is currently a Visiting Scholar with the Faculty of Law. Mr. Takahashi has been a Judge of the Yokohama District Court, Japan, dealing with civil and administrative cases since October 2004. He is currently undertaking research into the laws and judicial system of Australia. Mr. Takahashi is particularly interested in civil cases and administrative lawsuits, including the lawsuits tried at the Administrative Appeals Tribunal.

**Professor Makoto Ibusuki**  
**Ritsumeikan University**  
**Fri 5 November 2007 to Tue 6 May 2008**  
**Room 1333 on Lvl 13 / 10210**  
**makoto.ibusuki@nifty.com**

Professor Makoto Ibusuki is visiting as an ANJeL research visitor. His research project compares transparency in criminal procedure, especially the hot issue in Japan (and elsewhere) of the recording of pre-trial interrogations. Makoto is also one of Japan's leaders in cyber-law, and the Director of the ANJeL-supported Kyoto Seminar in Japanese Law for Australia and Japanese law students ([www.kyoto-seminar.jp](http://www.kyoto-seminar.jp)).

He is also helping co-ordinate ANJeL's next annual conference, to be held this time in Kyoto on 16 February comparing Australian and Japanese law ([www.law.usyd.edu.au/anjel/content/anjel\\_events\\_anjelconf202008.htm](http://www.law.usyd.edu.au/anjel/content/anjel_events_anjelconf202008.htm)).

Ross Parsons Visitors

**Professor Niamh Moloney**  
**University of Nottingham**  
**Sun 7 to Mon 16 July 2007**  
**Room 1422 on Lvl 14 / 10368**  
**niamh.moloney@nottingham.ac.uk**

Professor Moloney is a distinguished European corporate law scholar, and is currently involved in several major international corporate governance projects. She is the UK expert for EU "One Share One Vote" project and is a Research Associate in Law for the European Corporate Governance Institute. She is also one of the Editors of International Corporate Law and Capital Market Regulation (Cambridge University Press).

**Luis Moreno-Ocampo, International Criminal Court, The Hague**  
**Wed 8 to Thu 9 August 2007**  
**Room 626a on Lvl 6 / 10285**  
**otp.informationdesk@icc-cpi.int**

On 21 April 2003, the Assembly of States



Niamh Moloney, Professor of Law at the University of Nottingham

Parties elected Mr. Luis Moreno-Ocampo of Argentina as first Chief Prosecutor of the Court. Mr. Moreno-Ocampo has a distinguished career as prosecutor, trial attorney, university lecturer and legal strategist on issues ranging from international criminal justice to human rights law, corruption control and journalists' protection. From October to April 1984, he led the investigations into the case against 9 senior Army commanders, including 3 former heads of state, from the military juntas which ruled Argentina between 1976 and 1980.

The subsequent trial, which was held between October 1984 and April 1985 and led to the sentencing of the 5 of the accused, was the first case brought against individuals responsible for mass killings since the Nuremberg Trial of Nazi officers. During the proceedings, Mr. Moreno-Ocampo presented arguments for 700 counts of "murder, kidnapping and torture," calling 835 witnesses and citing thousands of documents.

He later prosecuted those responsible for mass killings during the 1987 and 1992 military rebellions in Argentina. For a decade after the so-called "Junta Trials," Mr. Moreno-Ocampo was involved in several high profile cases of international criminal justice, including the extradition of the former Nazi officer Mr. Erich Priebke to Italy, the trial of Chilean secret police for the murder of General Carlos Prats and case against military commanders accused of malpractice during the Malvinas/Falklands war.

**Professor Gerry Simpson**  
**London School of Economics**  
**Fri 17 to Mon 19 August; Mon 30 to Tue 31 August; Thu 13 to Fri 14 September; Thu 20 to Fri 21 September 2007**  
**Room 1320 on Lvl 13 / 10245**  
**g.j.simpson@lse.ac.uk**

Gerry Simpson is a Professor in Public International Law at the London School of Economics and Political Science. He is the author of Great Powers and Outlaw States (Cambridge, 2004) (awarded the American Society of International Law's annual prize for Pre-eminent Contribution to Creative Legal Scholarship) and is co-editor (with Tim McCormack) of The Law of War Crimes: National and International Approaches.

His most recent books were War Crimes Law Volumes I and II (Ashgate, 2005) and he is currently completing two books: Law, War and Crime (Polity, 2006) and Iraq and Just War (ed. Ashgate, 2006). Professor Simpson was a member of the Australian Government



Allen Ferrell, Professor of Law at Harvard University

Delegation to the Rome Diplomatic Conference for the Negotiation of the Statute for the International Criminal Court.

**Professor T. Brettel Dawson**  
**Carleton University, Ottawa**  
**Mon 15 to Mon 22 October 2007**  
**Room 1320 on Lvl 13 / 10245**  
**bdawson@ccs.carleton.ca**

Since 1999, Professor Dawson has devoted a portion of her time to the National Judicial Institute in Ottawa. She was Coordinator (then Senior Advisor) of Social Context Education and is currently the Academic Director at the Institute. She works with both the domestic and international program of judicial education.

She is currently involved with projects in the Philippines, Ghana and Rwanda. She has played a significant role in efforts to better coordinate judicial engagement in international cooperation efforts and to facilitate informed access to Canadian judicial expertise. She is currently completing two manuscripts: one on social context in judicial education and one focused on design and delivery of judicial education.

**Professor Allen Ferrell**  
**Harvard Law School**  
**Mon 26 to Tue 27 November 2007**  
**Room 1320 on Lvl 13 / 10245**  
**fferrell@law.harvard.edu**

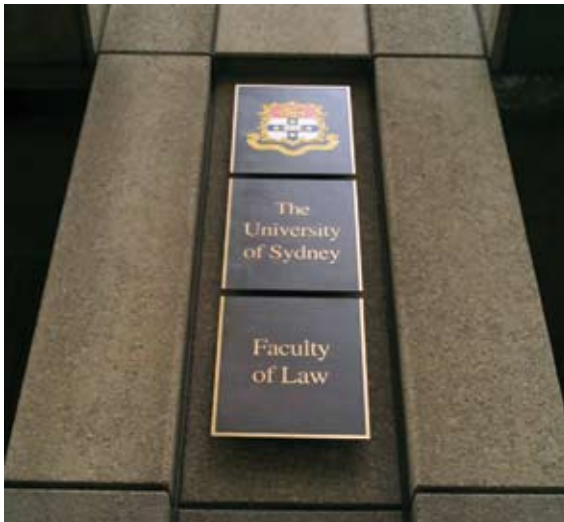
Allen Ferrell is a Professor of law at Harvard University and a former Harvard John M. Olin Research Professor in Law, Economics, and Business.

He is also a member of the NASD's Economic Advisory Board. His interests include corporate governance, finance, regulation of financial institutions, and securities regulation.

**Professor Horst Dippel, University of Kassel, London School of Economics**  
**Mon 3 to Thu 13 December 2007**  
**Room 1320 on Lvl 13 / 10245**  
**ddombri@uci.edu**

Professor Horst Dippel received his Ph. D in 1970 from the University of Cologne. From 1970-1992 he held various academic positions at different German universities and research institutes and since 1992 has been Professor of British and U.S.-American history at the University of Kassel.

From 2000-02 he has been Dean and since 2000 Director of the research project "The Rise of Modern Constitutionalism, 1776-1849.



## Legal Professional Development



The Law School's Legal Professional Development program offers you two ways to update your knowledge concerning current legal developments in all aspects of law and practice:

- Seminars and Conferences
- Single Postgraduate Unit Enrolment

**Seminars and Conferences** are offered in commercial and corporate law, environmental law, health law, international law, taxation law, and labour law, as well as one-off seminars in other areas from time to time.

**Single Postgraduate Unit Study** is possible on an "Attendance Only" basis. Courses are available in Corporate & Commercial Law, Criminal Law and Criminology, Environmental Law, Health Law, International Law, Labour Law and Taxation Law.

**Units of Study which will be offered over the next few months include:** Australian Financial Services Regulation, Labour Law, New Directions in Public Health Law and Policy, Environmental Law and Policy, Tax Administration and Corporate Taxation. (All conducted over 4-6 days by Intensive Mode Study)

**For further information:** Please contact Val Carey, Sydney Law School, Tel: +61 9351 0238, email: v.carey@usyd.edu.au OR check our website: <http://www.law.usyd.edu.au/LPD/>

Faculty website address: <http://www.law.usyd.edu.au>

## POSTGRADUATE LAW @ SYDNEY

Sydney Law School offers Australia's largest postgraduate program in law. Our units of study are taught by our reputable staff as well as prominent experts at a national and international level. Our classes are taught at the Law School's St. James Campus and in locations within the Sydney CBD. You can complete a unit of study on an intensive basis, where you simply attend classes over at least four to five days. You can choose to enrol in the LLM or another coursework master's or even select a subject on a single unit, non-award or CLE basis. All units are taught between 9am and 5pm unless otherwise indicated. Please check the Sydney Law School website to confirm all details – [www.law.usyd.edu.au](http://www.law.usyd.edu.au)

The following is a brief selection of postgraduate subjects taught on an intensive basis between February and June 2008:

**Unit of Study:** US Government Contract Law

**Date:** 8, 9 & 15, 16 February 2008

**Lecturer:** Professor Donald Arnavas, Adjunct Professor, Dickinson School of Law, Pennsylvania State University, USA

**Unit of Study:** International Securitisation Law & Practice

**Date:** 3, 4 & 6, 7 March 2008

**Lecturer:** Mr. Jan Job de Vries Robbe, FMO (Dutch Development Bank)

**Unit of Study:** Comparative Law of Evidence

**Date:** 12-15 March 2008

**Lecturer:** Professor Ian Dennis, University College, London, UK

**Unit of Study:** Principles of Defamation Law

**Date:** 28-29 March & 4-5 April 2008

**Lecturer:** Dr. David Rolph, Sydney Law School

**Unit of Study:** Terrorism & Counterterrorism Policy

**Date:** 11-12 & 18-19 April 2008

**Lecturer:** Dr. Ben Saul, Sydney Law School

**Unit of Study:** Information Rights in Health Care

**Date:** 10-11 April & 8-9 May 2008

**Lecturer:** Associate Professor Belinda Bennett, Sydney Law School

**Unit of Study:** Environmental Planning Law

**Date:** 11-12 & 14-15 May 2008

**Lecturer:** Ms. Nicola Franklin, Sydney Law School

**Unit of Study:** Construction Law

**Date:** 24, 28 April & 2-3 May 2008

**Lecturer:** Professor John Carter, Sydney Law School & Professor Michael Furnston, Bristol University, UK

**Unit of Study:** Sports Law

**Date:** 2-3 & 9-10 May 2008

**Lecturer:** Mr. Saul Fridman, Sydney Law School

**Unit of Study:** US Media Law

**Date:** 23-24 & 30-31 May 2008

**Lecturer:** Professor David Partlett, Emory University School of Law, Atlanta, Georgia, USA

**Unit of Study:** Genetically Modified Organisms & Environmental Law

**Date:** 12-14 & 16 June 2008

**Lecturer:** Professor Johannes Somsen, University of Amsterdam, Netherlands

If you would like further information or a copy of the Sydney Law School Postgraduate Guide, please contact the Postgraduate Team:

**Phone:** +61 2 9351 0351 or +61 2 9351 0361 or +61 2 9351 0347 or +61 2 9351 0267

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