CROSSING NEW LEGAL FRONTIERS
OUR LEADERS MAKE A DIFFERENCE
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MESSAGE FROM THE DEAN

‘Crossing New Legal Frontiers’ is a snapshot of some of the remarkable work of Sydney Law School’s academic staff. We are an exceptionally strong faculty, and there are so many people whose innovative ideas might have inspired more portraits. Here we have chosen just a few scholars, to highlight some of the particular strengths of this faculty.

We are the home of the Sydney Centre for International Law, and Professor Ben Saul, renowned for his work on humanitarian law and international terrorism, is but one leader in a diverse team of researchers and teachers whose work engages in the broad spectrum of international law issues. Professor Chester Brown, for example, is a leading expert in international commercial arbitration. Professor Anne Twomey is one of three Professors in Constitutional Law, each of whom inspires a team of emerging public law scholars.

We are also the home of the Ross Parsons Centre for Corporate, Commercial and Taxation Law. Professor Jennifer Hill is a co-director of that centre, and her work focuses on international perspectives of corporate governance. With more space, we might also have profiled the work of Professors Richard Vann, Graeme Cooper, Rebecca Millar and Michael Dirkis in international tax law and policy, and Professors John Stumbles and Sheelagh McCracken, in aspects of banking and commercial law.

Some of the people profiled here have been chosen for their engagement in interdisciplinary fields of research for which this University is renowned. For example, Professor Roger Magnusson’s work on public health regulation contributes to the work of the Charles Perkins Centre for research into obesity, diabetes and cardiovascular disease. Professor Rosemary Lyster also works with colleagues in the Faculty of Science on sustainable energy and water policy.

To find out more about these scholars, and the many others whose new ideas are changing our world, visit our website: sydney.edu.au/law

JOELLEN RILEY
Dean, Sydney Law School
Sydney Law School is internationally renowned for our commitment to excellence in legal education, research and practice.

Led by a staff of globally recognised legal educators, world renowned researchers and highly respected professional practitioners, Sydney Law School places particular emphasis on international and comparative law while also maintaining strong profiles in taxation, corporate and criminal law. We also offer specialist research expertise in a number of cutting-edge areas including climate and environmental law, as well as health and medical law.

**KEY FACTS 2014**
We have 2943 enrolled students, including:
- 80 research students
- 1839 postgraduate coursework students
- 574 undergraduate students.

We also have:
- 126 academic and professional staff
- 26 postgraduate coursework degrees
- 21 areas of specialisation
- 14 research themes
- a ranking of 13th top law school in the world (QS World University Rankings 2013/14).
OUR RESEARCH EXCELLENCE

Sydney Law School’s research performance received the highest possible rating in the most recent *Excellence in Research for Australia outcomes* report released by the Australian Research Council, placing us ‘well above world standard’. We are also the highest-ranked Australian law school in the Social Science Research Network.

A member of the Group of Eight research universities, Sydney Law School has by far the largest cohort of doctoral and other higher degree by research students in the country, and is noted for the volume, depth and diversity of its legal scholarship and publications.

We are honoured to attract the active involvement of leading international academics as well as prominent members of the profession, the judiciary and government. We host a number of globally renowned specialist research centres, and our faculty members regularly secure major competitive grants to further their research in a wide range of doctrinal, theoretical and interdisciplinary fields of scholarship.

To prospective research students, we offer a vibrant and dynamic research culture, where internationally distinguished faculty members provide specialist expertise and research support across a broad range of fields.
OUR RESEARCH STRENGTHS
Sydney Law School currently specialises in 14 broad research themes. Our faculty members offer particular expertise in these areas and encourage excellence in research performance by providing a dynamic environment for discussion and mentoring.

These themes illustrate the breadth and diversity of Sydney Law School’s research strengths.

– Asian and Pacific Law
– Constitutional/Public Law
– Contract/Commercial/Obligations Law
– Corporate Law
– Criminal Law and Criminology
– Employment Law
– Environmental Law
– Equity/Property/Family Law
– Health Governance, Law and Ethics
– Intellectual Property and Media Law
– International Law
– Jurisprudence
– Litigation/Dispute Resolution
– Taxation Law
OUR INTERNATIONAL RELATIONSHIPS

We have a range of formal agreements and relationships of cooperation with other leading law schools around the world. This ensures that our students, researchers and academics remain at the forefront of global developments in law and have access to international opportunities.

Memoranda of understanding allow us to foster wider and deeper collaborative relationships with partner institutions, facilitating innovative research projects and funding initiatives.

Student exchange agreements provide exciting opportunities for our students to broaden their academic experience by studying with prestigious institutions around the world while experiencing different cultures and lifestyles.

Offshore units of study allow international students to undertake units of study offered by Sydney Law School at an overseas institution, with assurance that they are receiving the same standard of education as our Sydney-based students.
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OUR RESEARCH CENTRES AND INSTITUTES

Sydney Law School hosts a number of specialist research centres and institutes that both inform and reflect our postgraduate coursework and research programs. Each provides a conduit for cutting-edge specialist knowledge to reach a wide audience, including the academic and professional communities as well as the broader public.

AUSTRALIAN CENTRE FOR CLIMATE AND ENVIRONMENTAL LAW
The Australian Centre for Climate and Environmental Law (ACCEL) is an internationally recognised centre at the forefront of Climate and Environmental Law. Its objectives are to encourage, promote and support innovative and outstanding scholarship through teaching, research, consultancy and public-interest advocacy. It pursues these objectives within the University of Sydney, with related centres in Australia and overseas, the legal profession and with the wider community both abroad and in Australia. Members of ACCEL are active researchers and support the teaching of one of the largest postgraduate climate and environmental law programs in the world. ACCEL also publishes the Asia Pacific Journal of Environmental Law and hosts cutting-edge conferences and seminars each year.

CENTRE FOR ASIAN AND PACIFIC LAW
The Centre for Asian and Pacific Law at the University of Sydney (CAPPLUS) is a leading centre for the teaching and research of law and legal systems in Asia and the Pacific. Its members have legal expertise in a wide variety of Asian and Pacific jurisdictions, particularly China, Japan, Indonesia and Malaysia. It offers courses covering a range of legal issues in these countries including commercial law, investment, constitutional law, human rights, land law, tax and tax policy, environmental law, labour law, customary law, Islamic law, law enforcement institutions and dispute resolution.

sydney.edu.au/law/acCEL
sydney.edu.au/law/caplus
CENTRE FOR HEALTH GOVERNANCE, LAW AND ETHICS

The Centre for Health Governance, Law and Ethics builds on the excellence in health law research and teaching within Sydney Law School. Academic staff affiliated with the centre teach in the Law School’s extensive health law coursework at both undergraduate and postgraduate levels. The centre is also active in organising seminars and conferences on topics of contemporary relevance to health law and ethics and in building links with academic, community and professional organisations throughout Australia and overseas.

sydney.edu.au/law/health

CONSTITUTIONAL REFORM UNIT

The Constitutional Reform Unit (CRU) is an interdisciplinary body that draws on expertise across the University of Sydney. Based within Sydney Law School, it provides the objective research and analysis required to underpin and inform public debate on proposals for Constitutional reform in Australia at both Commonwealth and state levels. It is a non-partisan body that does not advocate or oppose particular reforms. Instead, its aim is to publish rigorous reports that:

– explain the background to reform proposals
– outline the history and operation of current Constitutional provisions
– set out comparative material that illustrates how such matters are dealt with in similar countries
– explain the options for reform
– analyse how they would fit in with the rest of the Constitution and what their likely consequences might be.

The CRU’s reports and commentary provide a resource for the media and the public, as well as for the advocates and critics of reform. The CRU’s objective is not to achieve or prevent Constitutional reforms, but to raise the level of public debate so that Constitutional reform issues can be decided on their merits, not on misconceptions and incorrect assumptions. The CRU also provides critical analysis on reform proposals at both Commonwealth and state levels. These include not only proposals for formal amendments to the written Constitutions of the Commonwealth and of the states but also Constitutional reforms within the broader context of reforms to the institutions of government – the Parliament, the Executive and the Judiciary. It also provides Constitutional commentary on current controversies in its blog, ‘Constitutional Critique’.

sydney.edu.au/law/cru

JULIUS STONE INSTITUTE OF JURISPRUDENCE

The Julius Stone Institute of Jurisprudence was established in 1999 with the assistance of alumni and friends of Sydney Law School, particularly those who had been students of Professor Stone or who had worked with or been influenced by him. It serves as a focus for theoretical scholarship in Australia, continuing the Sydney Law School’s strong leadership in this field, and recognises, honours and celebrates Professor Stone’s outstanding contribution to legal scholarship.

The institute is designed to continue Professor Stone’s commitment to the importance of legal theory in its broad sense, which includes philosophical reflection, sociological theory and comparative inquiry. It serves as a focus for new and imaginative work, not only at the University of Sydney but throughout Australia. It also acts as a vehicle for extending and deepening Australian legal culture’s engagement with legal theory and issues of social justice, and for projecting Australia’s own contributions internationally. It also stands as a celebration of Professor Stone’s commitment to legal scholarship and law reform.

sydney.edu.au/law/jurisprudence
ROSS PARSONS CENTRE FOR COMMERCIAL, CORPORATE AND TAXATION LAW

The objectives of the Ross Parsons Centre for Commercial, Corporate and Taxation Law are to undertake, promote and support innovative and important scholarship, including teaching, research, consultancy and advocacy, in all areas of commercial, corporate and taxation law. The centre is actively involved in undergraduate and postgraduate courses, conferences and seminars, sponsoring visits from international and Australian academics, encouraging and supporting research and developing links with other institutions with similar goals.

[link]

SYDNEY CENTRE FOR INTERNATIONAL LAW

The Sydney Centre for International Law (SCIL) is a centre of excellence in research, public policy and teaching in international law. It serves as a hub of international legal thought and debate in the Asia-Pacific region, building on Sydney Law School’s strong and well-recognised history of innovation in the international legal field. SCIL has made significant contributions to the teaching of international law and to enhancing the student experience, including through its Himalayan Field School and internship program. In terms of research, SCIL members are grappling with some of the world’s thorniest problems and doing so from a range of perspectives. SCIL’s approach is collaborative: its members remain in constant conversation with colleagues and policymakers around the globe.

[link]

SYDNEY INSTITUTE OF CRIMINOLOGY

The Sydney Institute of Criminology is an internationally recognised centre of criminological expertise. It publishes the journal Current Issues in Criminal Justice and a series of books in the areas of crime and criminal justice. Objectives of the institute include public education and engagement, the presentation of public and professional seminars, the provision of media commentary and the creation and maintenance of research networks. The institute’s researchers are involved in a broad range of activities from the evaluation of criminal justice and crime prevention interventions to groundbreaking original research initiatives. While the institute is based within Sydney Law School, it also draws on the academic areas of sociology, psychology and cultural studies, as well as on the contributions of members of the legal profession and of various government bodies.

[link]
Our people drive an innovative and cutting-edge approach to teaching, learning and research. Many of them are dedicated to leading real-world change in their areas of interest. Here are some of their inspirational stories.

18  Professor Ben Saul
20  Professor Anne Twomey
22  Professor Roger Magnusson
24  Associate Professor Kimberlee Weatherall
26  Associate Professor Simon Butt
28  Professor Jennifer Hill
30  Associate Professor David Rolph
32  Associate Professor Belinda Smith
34  Penelope Crossley
36  Professor Mary Crock
38  Dr Ghena Krayem
40  Professor Rosemary Lyster
active professional practice does require thoughtful judgement when deciding whether to take on a particular case. “The way I choose,” he says, “is to get involved only in those cases which raise particularly interesting or challenging legal questions. I pick those where I think my expertise as an academic can make some significant contribution.”

Professor Saul currently represents more than 50 refugees who are indefinitely detained in Australian immigration detention centres. Nevertheless, he still manages to spend more of his time on research, with a particular focus on international law and counterterrorism. He is currently considering such questions as, “When is it appropriate to use military force against terrorists?” and “When is it appropriate to invade another country to prevent terrorism?” He does this in the usual way of academic research “by looking at all the legal cases, analysing them, and looking at what others have written about terrorism”.

Professor Saul did not initially set out to become an academic in international law, but realised that becoming an academic would be an important way of being able to make an impact in the area. “If I’d got ‘stuck’ working in the middle of a United Nations agency – or at the bottom of a United Nations agency – I think it could’ve been a lot harder to have an impact. If you have a reputation as an expert in the field, that then lets you have an impact in some ways at a higher level.”

Professor Saul has already had an important impact on some of the most difficult issues of international law, and he will undoubtedly continue to do so in times to come.
Professor Anne Twomey has always been interested in how governments work and policies interact with law. She has spent her career balancing her academic and research work in the field of constitutional and public law with her practical work with governments, parliaments and inter-governmental bodies.

On her motivation to specialise in this way, Professor Twomey explains, "Unlike being a 'normal' lawyer, where most of your time is spent applying laws, working in government allows you to contribute to making laws and achieve things that make a big difference."

Despite working as an academic at Sydney Law School, Professor Twomey continues to be active in advising and preparing reports for governments and intergovernmental bodies. She believes that her professional practice, research and teaching complement each other. "I think having been a practitioner and continuing to do professional work really informs my research," she says, "and that makes it much more interesting for my students."

"While some of the things I teach can be highly theoretical, when it comes to constitutional law I can give real examples of what happened in practice and why it matters. My academic work is also really useful when I do consultancy work, because I can draw on a lot of knowledge and translate it into practical terms for governments and others to use."

As with many areas of law, the field of constitutional law is constantly changing, and academics are required to adapt their teaching to the latest High Court judgments. "There is no room for complacency in this field," explains Professor Twomey, "because the High Court can hand down a judgment any day that completely revolutionises a previously well-accepted constitutional doctrine."

“We are constantly revising and updating our teaching to make sure that our students are well across new developments on the horizon.”

To keep pace with the ever-changing state of her field, Professor Twomey’s research includes projects that investigate contemporary issues of constitutional law, including proposals for constitutional reform.

One of her long-term projects is a book examining how heads of state exercise their reserve powers, particularly in less-populated countries that were formerly British colonies. “We all obsess about the dismissal of the Whitlam government in 1975,” she says, “but we don’t look at all at the similar crises in our neighbouring countries where the same precedents have been drawn upon and similar issues arise.”

In her short-term projects she analyses proposals for constitutional reform, seeking to clarify issues, raise concerns, suggest positive alternatives and educate the public. “My contribution is in looking at the ‘pointy end’ of constitutional law,” she says, “at the hard issues of how provisions interact with each other, how they might be interpreted by the High Court and what their effects might be in the future, rather than the jurisprudential or philosophical issues.” She also publishes prolifically in her field while providing media commentary to help clarify complex constitutional issues for the public.

During the course of her career Professor Twomey has worked with a number of significant government bodies, most notably the High Court of Australia, the Commonwealth Parliamentary Research Service, the Commonwealth Senate and the Cabinet Office of New South Wales. This experience has provided her with a vast knowledge of her field, which she puts to good use in her teaching and research.
Under the umbrella of health law there are a number of specific fields, including medical law, public health law and mental health law. Professor Roger Magnusson’s research focuses on the former two: the patient-focused area of medical law and the broader population-focused field of public health law. His particular research interest is the law’s role in responding to non-communicable diseases, such as cancer and stroke, and their risk factors, which include tobacco use, poor diet and obesity.

“Non-communicable diseases and their risk factors are responsible for the overwhelming majority of death and disability in all countries in the world except sub-Saharan Africa,” he explains. “Within Australia, many people have bad diets, 15 percent of the population smoke daily and people drink too much – as you’ve heard from all the media coverage of alcohol-related violence. These things add up to an enormous burden of premature mortality and disability, a significant component of which is preventable.”

“For countries like Australia, prevention also means regulating businesses. This is because businesses create markets for the risk factors that kill people, like tobacco, alcohol and a long-term diet of unhealthy food. The issue of regulation raises questions about freedom and liberty and how to regulate in a way that still preserves our freedom.”

Through his research, Professor Magnusson hopes to better identify the roles that the law can play in preventing non-communicable diseases, although he stresses that the objectives of his research involve more than simply seeking to influence lawmakers.

“We always want to influence lawmakers, and we do that partly by contributing to the literature. However, we are also educating the next generation – the up-and-coming public health leaders and public health lawyers of the future.”

Despite Australia being one of the healthiest countries in the world, Professor Magnusson says that average life expectancy, not to mention healthy life expectancy, could be significantly improved if effective policies for the prevention of non-communicable diseases were in place.

According to Professor Magnusson, health law is a relatively new area compared with other fields of law. “When I started studying law, the thought of health law being a unique speciality had only just begun to emerge. Fifty years ago, if you said you were a health lawyer, people would have thought, ‘A what? A healthy lawyer?’ But these days it is a recognised speciality area of legal practice, and many people make their living in this area.”

Professor Magnusson says social policies have always intrigued him, and he sees health law as one dimension of this. “In the mid 1980s, I remember seeing a paper in the Medical Journal of Australia on law and cancer, and I thought, ‘What’s law got to do with a clinical disease like cancer?’” But the article sparked an interest that has lasted throughout his career.

As well as specialising in public health law and in medical law, Professor Magnusson works extensively in the field of health law development. He is the lead author of a report that aims to assist low and middle-income countries in the process of reforming their public health laws. “The purpose of the report is to encourage awareness of the role of law in advancing the right to health and in creating the conditions for people to live healthy lives;” he says.

On the importance of health law, Professor Magnusson reflects, “How do you make people healthier? Many people just think it is entirely up to each individual, but there is more to it than that. Law’s role is generally not to coerce, but to empower individuals and communities to live healthier lives.”
With advances in technology and the rapidly changing landscape putting extraordinary computing power and the ability to communicate in the hands of ordinary people, the laws that allocate ownership rights over technology and culture are constantly being challenged.

Being able to clearly define the relationship between law, creativity and innovation has never been more important, which is what makes the research of University of Sydney’s Associate Professor Kimberlee Weatherall so compelling.

Her study illustrates how the law can mediate between the interests of those who invest in new technology, books, art and culture, while also ensuring everyone can benefit from and engage with these creations.

Some of Ms Weatherall’s research looks at the increasingly controversial role that intellectual property rights play in trade negotiations. Of particular note, the scope of her research identifies whether recent and ongoing trade deals are embedding patent and copyright rules that will benefit everyone, or whether they are simply entrenching advantages for countries like the US, which is already at the cutting edge of research and film, television and music production.

“The US has a history of negotiating very strong intellectual property rules that match up to its own laws. However that’s controversial even for the US because the current rules advantage some industries (like the film industry) over others (such as information technology). Additionally, US-style laws may be even worse for countries like Vietnam which don’t have vast amounts of money to spend on research.”

She is concerned that the agendas that drive trade deals are not necessarily in the public’s best interest. “It’s not clear that Australia’s negotiators are taking the long-term view of what innovation and cultural policy might need to look like for the long term - for Australia and the rest of the world.”

Another part of Associate Professor Weatherall’s research tackles the difficult questions in intellectual property law by drawing on insights from experts in other fields. She has worked with economists to identify how Australia can promote local innovation, and most recently engaged with cognitive psychologists to investigate consumer behavior in relation to branding and packaging of consumer goods. This involved identifying the kinds of similarities in packaging which confuse consumers and harm businesses – and when the law should intervene.

“Lawyers have plenty to learn from other disciplines, like economics and psychology,” she says. “As lawyers we make assumptions about how economic factors will behave, or how consumers will process branding. Coupling our legal expertise with the work of psychologists means we can also discover how and why people make decisions or process information.” That’s why interdisciplinary work is so important, and so rewarding, she says.

Associate Professor Weatherall’s research and teaching is enriched by working at a leading university where she can engage with leading experts in other disciplines, in a city where many of the country’s big intellectual property cases are fought out in the courts.

A former graduate of the University of Sydney, Associate Professor Weatherall worked at the courts and in practice, then pursued postgraduate study at Oxford University and then Yale. She later held academic positions at the universities of Melbourne and Queensland before returning to the University of Sydney in 2012.
When Associate Professor Simon Butt was in high school it never occurred to him that his decision to learn the Indonesian language would lead to a lifelong interest in the country and its legal system. Since that early introduction to the language and culture of Indonesia, he has never left the area of study that he has become so passionate about.

When he went on to university he knew he wanted to continue studying the Indonesian language, but a desire to further expand his knowledge of the country led to his decision to study law. Since then he has developed a particular interest in “how law was used in Indonesia, particularly during the Suharto period, as a tool to oppress and reinforce what the government wanted. Since the fall of (former Indonesian president) Suharto (in 1998) it has been interesting to see the reform movements focused on law, and I think we can see what law can and cannot achieve.”

Associate Professor Butt’s primary research interest is Indonesian constitutional law, on which he has written a book and is writing another as part of an ARC four-year research fellowship. He is particularly interested in Indonesia’s decade-old Constitutional Court which, despite some setbacks, has been a model for judicial reform in Indonesia and has protected fundamental civil, political and socioeconomic rights.

In his research, he also focuses on core issues within the current Indonesian legal system, which features coexisting sets of national laws and regional laws, of which there are many thousand, as well as customary laws and Islamic laws. This system certainly has its complications.

“I think the problem in Indonesian law at the moment is that there is too much of it,” he says, explaining that the country’s individuals and businesses are often confused about which set of laws they should follow.

While the country has significantly improved its governance in recent decades, Associate Professor Butt predicts that the challenges it has traditionally faced, which include “corruption and the difficulties of managing an archipelago made up of more than 17,000 islands from one capital city”, will continue to be its main hurdles going forward.

He hopes his own research will provide people with a greater understanding of the challenges faced by the country. To this end, his book, Corruption and Law in Indonesia, explains the relevance of the Indonesian legal system and why it is essential for “the future success of Indonesian governance reforms”.

As well as pursuing his research, Associate Professor Butt teaches the units of study Indonesian Law, and Law and Investment in Asia. Just one of Sydney Law School’s strong contingent of Asian law experts – which includes an expert in Malaysian and Islamic law, two experts in Chinese law and an expert in Japanese law – he believes the faculty is among the strongest in the country in the field of Asian law.
Professor Hill’s research focuses strongly on the regulation and accountability of corporations and financial institutions from a comparative law perspective. Her research challenges a widely held view that a high level of regulatory homogeneity exists across common law jurisdictions. It illustrates that there are important differences in these legal regimes.

Professor Hill’s scholarship also analyses the increasingly complex and fragmented ways in which corporations are regulated – by laws, principles and codes, as well as commercial norms.

“My research is strongly international. I am fascinated by the way different jurisdictions around the world deal with identical problems, but adopt varying regulatory solutions. I also find historical and cultural dimensions of corporate law very interesting, and how legal regimes can evolve quite differently depending on their history and background. And, of course, law is never a one way street. There can be intriguing commercial pushback to the introduction of new laws, which can lead to unexpected consequences. Corporate law in action is always a dynamic process, and examining that process is a fruitful field of research.”

These issues are at the forefront of a book Professor Hill recently co-authored with Professors Eilis Ferran (Cambridge University), Niamh Moloney (London School of Economics) and John Coffee Jr (Columbia Law School), entitled The Regulatory Aftermath of the Global Financial Crisis (Cambridge University Press, 2012).

The book provides a detailed examination of legal responses to the crisis in the United Kingdom, the EU, the United States and Australia. Professor Hill’s section of the book addresses the puzzling question of why Australia survived the global financial crisis so well compared with other developed nations.

“One of the things I explored was the common perception that the mining industry alone kept Australia afloat,” she says. “However, I came to the conclusion that regulatory differences between Australia, the United States and the United Kingdom were extremely important in protecting Australia during the crisis.”

Professor Hill is also interested in the balance of power within corporations, and how law can change that balance. She wrote an influential article in the Vanderbilt Law Review, entitled ‘Subverting Shareholder Rights: Lessons from News Corp’s Migration to Delaware’. The article, which was selected as one of the top annual corporate law articles in North America in 2010, explored changes in the balance of power between corporate management and shareholders at News Corp as a result of the company’s decision to reincorporate in the United States.

She is currently co-editing with Professor Randall Thomas (Vanderbilt Law School), a book on shareholder power. “One of the things I find most interesting is that there are completely inconsistent visions of the shareholder underpinning regulatory developments in this area. The law can’t decide whether shareholders today are vulnerable and need help, or whether they are powerful and predatory and must be controlled. Yet, this has important implications for how we regulate.”

She is co-director of the Ross Parsons Centre for Commercial, Corporate and Taxation Law, and coordinator of the Law and Business teaching and seminar/conference program at Sydney Law School. She has been a Visiting Professor at a number of international law schools, including Cornell, University of Virginia and Vanderbilt. She has been appointed as a Research Associate of the prestigious European Corporate Governance Institute (ECGI) and elected as a Fellow of the Australian Academy of Law (AAL).
Having completed his legal education at the University of Sydney, Associate Professor David Rolph joined the University as a full-time academic in 2005, immediately after completing his PhD.

A specialist in media law, he first became interested in the field when the case of Andrew Ettingshausen surfaced in 1991. The case involved Ettingshausen, a well-known footballer, complaining that the publication of naked photographs of him by an Australian magazine exposed him to ridicule and was therefore defamatory.

“I’ve always been a great newspaper reader, ever since I was very young,” Associate Professor Rolph explains, “and in 1991 when I was in Year 11 the Andrew Ettingshausen defamation trial was on and was being reported over a few weeks. I had already decided that I wanted to study law at Sydney, and it was that case, before I had even come to university, that piqued my interest in defamation law.”

Despite this keen interest, he says he might not have gone on to enter academia were it not for the strong support he had from his teachers at the University of Sydney. “I had people here who were very inspirational and really encouraged my intellectual interests when I was an undergraduate,” he says.

“Media law covers issues such as defamation, privacy, breach of confidence, contempt of court, media regulation – all areas that have an impact on the day-to-day practices of media outlets,” Associate Professor Rolph says. “It is also a particularly interesting, challenging and applicable field of law.”

“There are so many different ways you can approach media law. You can approach it from a doctrinal perspective, or a policy perspective. There are lots of theoretical perspectives and some of the work I’ve engaged in has drawn on cultural and media studies. You have to be a little bit nimble in your legal understanding to be able to deal with new challenges.”

Associate Professor Rolph’s expertise in media law has gained him roles on the editorial boards of the Media and Arts Law Review, the Communications Law Bulletin and the International Journal of the Semiotics of Law. He also served as the editor of one of Australia’s leading law journals, the Sydney Law Review, for seven years.

The freedom of choice he has as a researcher with Sydney Law School is what he values most about being an academic at the University of Sydney.

“That level of independence, in terms of what you do and how you do it, is very rare to find in any other job. I would think there are very few people who can get paid to do something they are so passionate about, and in which they are given such autonomy.”
Associate Professor Belinda Smith specialises in labour law, with a particular research focus on anti-discrimination law as it applies to workplaces. She explains the relationship between these fields: “Labour law is an umbrella term, with many other disciplines coming underneath it; anti-discrimination law is one of them. Anti-discrimination law is in fact a set of laws that prevent discrimination on the basis of gender, race or sexuality in the workplace (among other contexts).”

While she can’t pinpoint exactly when her interest in labour law began, she observes that it may have had its origins in her childhood. “Maybe it’s because I come from a working-class family, and I always wanted fairness in the workplace. You can also see how women are still marginalised in terms of salary, when education is no longer the issue. Most women have the same education level as men but at the same time their salaries are still lower.”

In recent times the topic of racial vilification has been prominent in public discourse, especially with the current debate surrounding proposed changes to the Racial Discrimination Act. Associate Professor Smith has been closely monitoring the situation.

“Obviously the current government is in talks on altering the current racial vilification laws to be more lenient. For example, with the Andrew Bolt case a few years back, there have been talks that it should be changed, that it shouldn’t be too harsh, and that these laws are not needed to allow free speech. But at the same time, some people believe that it is absolutely necessary, and that the Andrew Bolt case was a good thing.”

In 2011, newspaper columnist Andrew Bolt was found liable for having breached the Racial Discrimination Act with comments made in one of his columns, despite his argument that he was simply exercising his freedom of speech.

With respect to anti-discrimination laws that apply to the workplace, Associate Professor Smith says that some of these are confusing and a revision should be on the agenda.

“So much change is needed. I really think what is needed is for the different sets of anti-discrimination laws to be more concise and consolidated. There are just too many different laws in different states, and they have different standards in terms of discrimination on the basis of gender, sexuality or ethnicity.”
Penelope Crossley is a specialist energy and resources lawyer at Sydney Law School. After graduating from the University of Sydney, she worked as a project finance lawyer in London and Beijing, focussing on the energy, resources and infrastructure sectors. Penelope has also worked in-house advising the alternative energy and emerging technologies teams at an energy supermajor. In 2010, she returned to Sydney Law School to become an academic.

Ms Crossley’s research is primarily focused on renewable energy law. “Over the past five years, the renewable energy sector has experienced an unprecedented boom in terms of investment and technological development. This is due to growing recognition of the role it plays in ensuring energy security, sustainably meeting rising energy demands and mitigating climate change,” she explains. “This period has seen technological convergence, an increasingly globalised market and a sharp growth in the number of countries regulating to accelerate the deployment of renewable energy.”

In addition to her research which addresses the legal impact of these changes, Ms Crossley is currently completing her PhD on the nature and effectiveness of the regulatory support mechanisms offered to the renewable energy sector in Australia, China and the United Kingdom. Through her research she hopes to understand how renewable energy laws can be better designed to ensure they achieve their legislative objectives.

Ms Crossley chose to undertake her PhD at Sydney Law School due to its “excellent international reputation and the fact it has identified energy and resources law as one of its key long-term strategic research areas.” Her expertise in this field has already been recognised internationally, with Ms Crossley being one of seven experts invited to present their research to the Korean Presidential Green Growth Committee in Seoul, Korea.

Ms Crossley also trains government officials and non-governmental organisations from more than 20 African and five Asian countries to more effectively negotiate their contracts in the extractive industries. This training is international in nature with courses taught on the ground in Sydney, Perth, Liberia, Mahe, Seychelles and Ethiopia.

“My focus is to help negotiators from developing countries develop a better understanding of the sector, its contracts and how to sustainably manage revenue flows,” she explains. “We talk about how to structure projects to ensure they achieve a better deal.”

“In some of the countries I work with, these extractive industry projects can be their greatest hope for development. If implemented successfully, communities get jobs, income, access to clean water and electricity, as well as essential infrastructure such as schools, roads and hospitals.”

The impacts of this worthwhile project are already apparent. “We are seeing better deals being negotiated and active monitoring of projects to ensure that companies comply with their contractual and legal obligations in areas such as exploration and production, taxation, employment, community development, health and safety, and the environment. We have also set up a good long-term relationship with students in my postgraduate unit, Global Energy and Resources Law, helping these governments and NGOs solve some of their complex legal problems.”

“Being involved in this project has been incredibly rewarding. I am able to incorporate real world problems into the course, and my students then help to find solutions. This not only provides the governments and NGOs with access to high quality research, but it means my students get to take their knowledge out of the classroom to help people in developing countries.”
Professor Mary Crock is one of Sydney Law School’s most experienced academics, not only in terms of her own years of research but also in the number of other respected law practitioners and academics she has taught and mentored.

Her area of specialisation, immigration and refugee law, has become such a prominent topic of discussion in recent times that it is hard to imagine a time when it was not at the forefront of public debate. Before her 1995 appointment as a lecturer at the University of Sydney, Professor Crock helped establish the first legal centre in Melbourne to deal with matters of immigration and refugee law. This was where her interest in the political aspects of these issues was born.

“The battle royal that has raged between the courts and the government in the area of immigration law really drew me in,” she says, “Ultimately, it was the expertise I developed in immigration as an area of public law that most interested the University. My 1998 textbook was one of the first comprehensive accounts of the law in this area.”

While most law academics stop practising when they enter academia, Professor Crock has remained active in the profession. “I think my practice has always informed my academic work. If you don’t know what’s happening on the ground, then you’re not cutting it – especially in immigration law, where law and policy change so frequently.”

Professor Crock’s objective as a teaching academic is to influence public discourse by creating future leaders – a goal she has been fulfilling since she first began her academic career.

“To take just one example, my colleague Ben Saul was in one of my very first classes, and he is now a global expert in international law” (see page 18).

“I also have former students teaching migration law in faculties in Melbourne, Sydney and Canberra. Others are playing leading roles as practitioners. It is a privilege to teach such talented young people.”

With ‘the asylum seeker debate’ a hot topic in contemporary Australia, Professor Crock has been kept busy in recent years both as an accredited specialist in immigration and refugee law, and as a high-profile public intellectual.

“The current situation is dire and unsustainable,” she observes. “We have tens of thousands of asylum seekers in Australia living in limbo with few rights. Deflecting people to Nauru and Manus Island is costing billions, ruining lives and trashing our human rights record. ‘Push-back’ initiatives are jeopardising relations with neighbours of critical strategic importance. It is so important to engage the Australian public in debate over these issues.”

One of Professor Crock’s current research projects looks at the experiences of refugees overseas who are living with disabilities. “The project involves working with the United Nations High Commission for Refugees (UNHCR). We are looking at the way the agency identifies refugees with disabilities and how they have been treated,” she explains. “It has been a life-changing experience to reach out to refugees living in Indonesia, Malaysia, Pakistan and Uganda. This year we go to Turkey and Jordan. The research has seen us develop and trial a new tool for identifying disability within populations of displaced persons. Our overall objective is to assist UNHCR in its humanitarian support work.”

Between creating future leaders, maintaining her own practice, commenting on matters of public interest and conducting research that will benefit those who need it most, Professor Mary Crock is well on her way to leaving a significant legacy.
Islamic law is an issue that is not well understood by many Australians, and one that is therefore subject to a number of misconceptions — many of them negative. Dr Ghena Krayem, a specialist in multiculturalism and Islamic law, wants to change this situation so that future public debate on the topic will be based on facts rather than myths.

All religions and cultures have their own laws. In countries where the majority of the population adheres to a certain religion or culture, these laws are enshrined within the country’s own legal system. In other cases they may be accommodated to some degree by the country’s legal system.

Dr Krayem’s research looks at how Australia’s legal system copes with the various religious and cultural laws held by different sections of its multicultural population — with a particular focus on those of her own religion.

“The area I have been looking at is in relation to the Muslim community — simply because it affects me, being part of the Muslim community,” she says. “I think there’s also a spotlight on this issue, where people want to know more about how it works, and there are also myths and misconceptions around this issue. Through my research, I want to clarify them. At the moment I think the reality is quite often missed, we can easily be caught up in these debates and people can jump to judgements very quickly.”

Dr Krayem explains that one of the most significant misconceptions held by non-Muslim Australians is that most Muslim Australians want a parallel Islamic legal system to be established alongside the existing Australian legal system. Her research has shown that this is not the case, and she wants people to know.

“There is no shortage in experts in the area, but very little of the public discourse is based on any real research,” she says. “So I’m both proud and humbled to say that I have published the first empirical research in this area in Australia. I’m hoping that it can contribute to a more informed debate, so that when we talk about Islamic law in Australia, people won’t think that we are thinking of setting up a parallel legal system but instead see how Islamic law could fit in to the existing legal system.”

Dr Krayem is also currently working on a book with Associate Professor Salim Farrar that compares various international common law jurisdictions and how they accommodate Muslims. “The core message of the book is the same — that it is about accommodations, and doesn’t involve setting up anything separate from the existing legal system,” she says.

In making public the results of her research, Dr Krayem hopes we will all better understand the views of the various members of our community, and that more informed debates will take place.
The Intergovernmental Panel on Climate Change’s (IPCC’s) 2013 Fifth Assessment Report states that combined land and ocean temperatures have risen 0.85°C between 1880 and 2012, and there is a 95-100 percent probability that more than half of the increase in surface temperature from 1951-2010 is human induced.

By 2081-2100, temperatures could rise by as much as 1.7°C and in the worst case scenario by 4.8°C.

Professor Rosemary Lyster’s research in the area of climate law examines the international and domestic law and policy frameworks that respond to this scientific consensus on climate change.

“International law lays down the frameworks for mitigating greenhouse gas emissions and adapting to climate change. More recently it has also begun to address the loss and damage arising from extreme weather events and disasters, particularly in the least developed countries,” she explains.

Professor Lyster’s research in this challenging area of the law is multifaceted. As a comparative climate law scholar, she critically analyses the various responses in different jurisdictions including Australia, Europe, the United States, Southeast Asia and China.

She observes that a country’s climate law and policy frameworks are very much dependent on the political preferences of its incumbent government.

“For example, in Australia the former Labor government established a carbon price mechanism requiring polluters to reduce their greenhouse gases. However, the current Abbott government is seeking to repeal that measure and replace it with a Direct Action policy which pays polluters to reduce their emissions.

Meanwhile, the United States Congress has not yet managed to pass any federal legislation to control greenhouse gas emissions.”

Professor Lyster’s comparative climate law research is also concerned with notions of climate justice, particularly the impacts of climate change on developing countries and climate displaced persons.

As a researcher in a very contemporary field, Professor Lyster says her research is necessarily at the cutting-edge. “My most recent research looks at how the law should respond to current and future extreme weather events and disasters in order to mitigate their impacts. It also identifies the most appropriate governmental institutions to manage the climate disasters, and the legal mechanisms for compensating the victims of such disasters.”

“Through this research, I will be making an original contribution to the academic literature and hoping to influence the development of legal responses internationally and domestically.”
OUR PUBLICATIONS

SYDNEY LAW REVIEW
The Sydney Law Review is a peer-reviewed journal of high repute with a wide readership in Australia and internationally. Established in 1953, it is published quarterly by the Sydney Law School and includes articles, case notes and book reviews. Emphasising Australian law, the Sydney Law Review is committed to publishing articles that are comparative and topical and make an original contribution to legal scholarship. Its ‘Before the High Court’ section serves as a forum for Australia’s leading academics to comment on cases currently awaiting hearing by the High Court of Australia.

CURRENT ISSUES IN CRIMINAL JUSTICE
The major Australian journal on criminal justice, Current Issues in Criminal Justice is produced by the Institute of Criminology Press at Sydney Law School. Contributors include academics, researchers and professionals, who provide expert analysis of the many aspects of criminal justice. The journal covers national and international issues and has subscribers from many different countries and disciplines. It features ‘Contemporary Comments’ at the cutting edge of the crime and justice debate, as well as reviews of recently released books.

AUSTRALIAN INTERNATIONAL LAW JOURNAL
The Australian International Law Journal is a peer-reviewed journal of international standing published jointly by the Sydney Centre for International Law and the International Law Association (Australian branch). Its editorial advisory board comprises eminent international lawyers and academics from all over the world. Its articles have covered topics including the laws of cyberspace, libel tourism in Australia, membership of the World Trade Organization, the regulation of illegal timber importation, international arbitration in Australia, deep seabed mining, the European Union and the United Nations. In addition to articles, it also includes symposium papers, surveys of recent decisions of the International Court of Justice and book reviews.

ASIA PACIFIC JOURNAL OF ENVIRONMENTAL LAW
The Asia Pacific Journal of Environmental Law is published in a single volume each year by the Australian Centre for Climate and Environmental Law.
Top: Associate Professor Simon Butt accompanies students during South East Asia Winter School in Indonesia. Centre left: Students in Nepal during the Himalayan Field School. Centre right: Professor Jennifer Hill with presenters at the jointly convened Australian Securities and Investments Commission Seminar on Market Manipulation including The Hon. Justice Ashley Black of the Federal Court of Australia (far left). Bottom: Professor Mary Crock pictured with her team of researchers.
Associate Professor Simon Butt was awarded $15,000 as part of an Australian Centre for International Agricultural research grant to determine the viability of legally enforcing GIs within the Indonesian legal system, and in the global market, through a review of intellectual property case law.

Associate Professor Shae McCrystal was awarded $318,000 for an Australian Research Council (ARC) Discovery Project that will investigate protected action ballots and protected industrial action under the Fair Work Act and the impact of ballot procedures on enterprise bargaining processes. She will lead a team that includes researchers from RMIT and Griffith universities.

Professor Luke Nottage is participating in an ARC Discovery Project on the importance of foreign direct investment to Australia in the 21st century that will look at reforming treaty and dispute-resolution practice.

Professor Chester Brown and Associate Professor Tim Stephens are among the recipients of the 2014 ARC-LEIF grant for their research project titled ‘The International Law Library on WorldLII: New content and facilities for the leading library and citator for international law’.

Professor Mary Crock leads a consortium that includes Emeritus Professor Ron McCallum, the HIV/AIDS Legal Centre and the University of New South Wales, which has been awarded $16,593 by UNAIDS for a project to review and analyse current and proposed changes to restrictions on entry, stay and residence for people living with HIV in Australia.

Professor Cameron Stewart is CID on an NHMRC-funded project titled ‘Addressing conflicts of interest in public health and biomedicine: enhancing professional integrity and safeguarding the public’s health’.

Associate Professors Judy Cashmore, Rita Shackel and Professor Patrick Parkinson were awarded $161,848 by the Royal Commission into Institutional Responses to Child Sexual Abuse for their research project ‘The impact of delayed reporting on the prosecution of child sexual assault cases and the outcomes’.

Professor Helen Irving’s outstanding reputation in Australian and comparative constitutional law was evidenced by her being elected a Fellow of the Academy of Social Sciences in Australia.

Associate Professor Tim Stephens was appointed, on the nomination of the Australian Government, to the List of Experts for the South Pacific Regional Fisheries Management Organisation for his expertise in a wide range of public international law issues, including law of the sea.
In changing times, legal knowledge is more important than ever.

In order to effectively address the urgent challenges our world currently faces – from climate change to financial regulation to finding a balance between international security and individual freedom – we need experts who can understand the complex legal issues involved and craft viable solutions.

At Sydney Law School, our goal is to produce legal graduates and scholars who can tackle the pressing concerns that confront society in the 21st century. Our academic staff are leaders in their disciplines, providing the clear thinking required to develop new carbon trading laws, protect refugees, regulate global finance and address a range of other economic, social and environmental issues. Meanwhile they are providing an inspiring education to our talented students, equipping them with the transferrable skills of problem solving and advocacy so they will be able to contribute as influential lawyers, business executives, community leaders and citizens.

And because we live in a world where legal issues are increasingly globalised, it has become a central tenet of our mission to create graduates with the ability to move flexibly across national borders and navigate different legal systems.

The stakes are high – no less than the future of the world and Australia’s place within it – which is why we are dedicated to expanding and enhancing our rich program of world-class research and education.

But we need your support to achieve our goals.

INVEST IN CHANGE
Research
A truly great law school is research driven.

By helping our world-class academics to seek and find solutions across a diverse spectrum of issues – from whaling and deforestation to child protection and tax reform in developing nations – you will broaden and enrich the scope of the research we are able to undertake.

By supporting research in a particular area that matters to you, you can play a crucial part in expanding our impact as we continue to attract talented new scholars and foster greater collaborative links throughout Australia and globally.

Your support will help to enhance Sydney Law School’s international reputation and enrich our teaching and learning programs, by facilitating pioneering research programs that tackle and resolve some of the most pressing challenges our global community currently faces.

MAKE A DIFFERENCE
Scholarships
Sydney Law School has a strong tradition of academic excellence. Providing our students with the support they need to undertake their rigorous studies is vital to preserving this legacy of academic distinction.

Give back to the faculty that launched your own career by helping us to continue our 150-year tradition of educating talented people to make a difference – as prime ministers, chief justices, human rights advocates and in countless other leadership roles.

By supporting our scholarships program you can help us continue to attract the best and brightest students. You can also give a talented student who is financially or otherwise disadvantaged the opportunity to realise their potential by studying at Sydney Law School, or support our postgraduate students who will become the next generation of thought leaders.

Facilities
With the strong support of our loyal alumni and friends, we recently developed a state-of-the-art home for Sydney Law School at the heart of the University’s historic Camperdown Campus. Equipped with purpose-built teaching spaces, a dedicated law library and an electronic moot court, the facility is a platform for us to consolidate our position as one of the world’s leading law schools.

We require ongoing investment to provide the leading-edge technology required for a 21st-century legal education, and to continue supporting our academics and students in all that they do. Your support will help to secure the ongoing success of your law school.

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