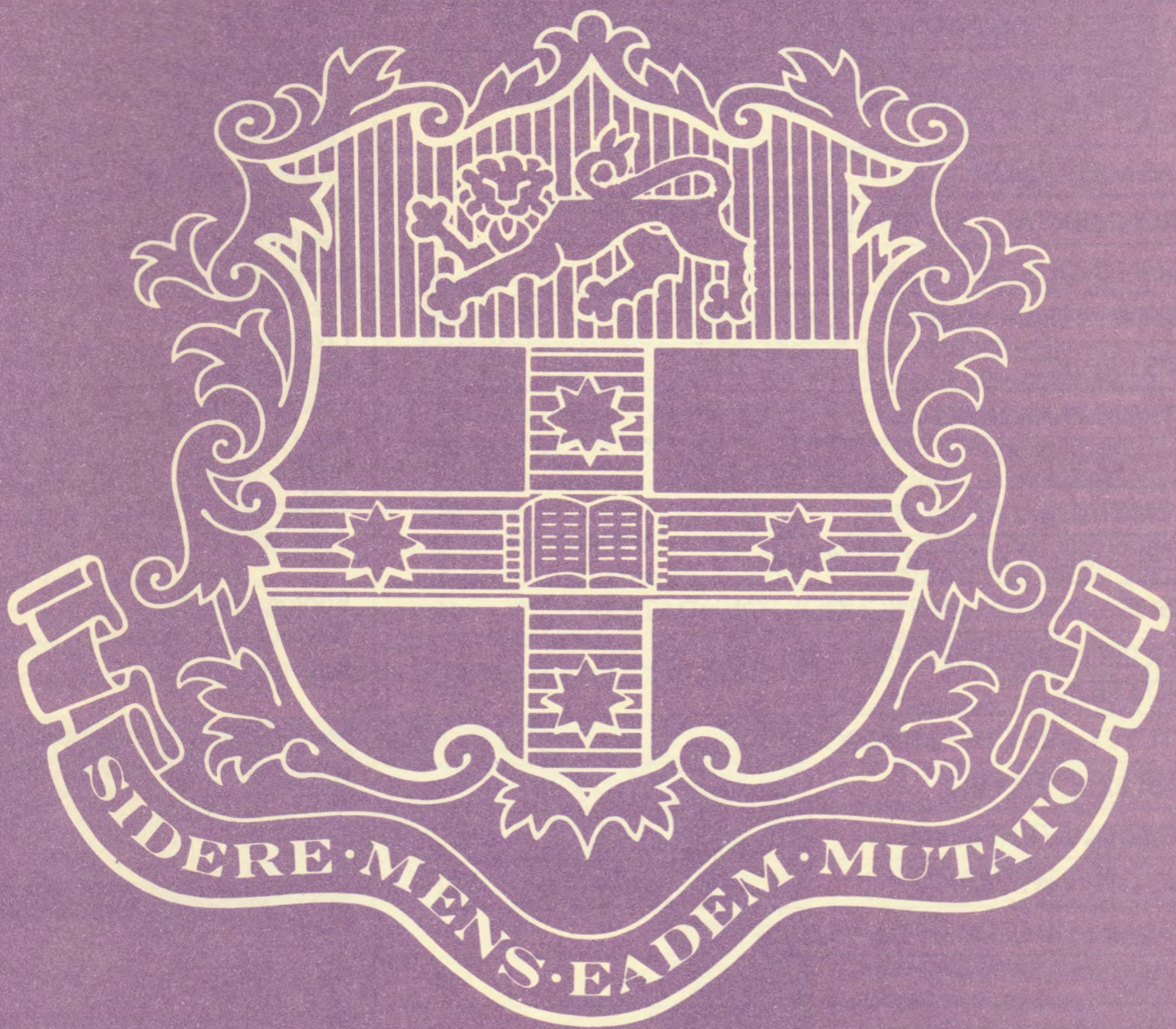


THE SYDNEY LAW SCHOOL REPORTS



VOLUME 2, NUMBER 2, 1992

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28 YEARS OF LOYAL SERVICE

The longest serving current member of the Law School staff, Mrs Ramah McDonough retired on 10 July 1992.

Mrs McDonough was first employed as a research typist in the Department of Law in 1963 and apart from a brief interruption of service in 1967 worked at the Law School continuously from that time. From 1969, she worked for a number of Senior Administrators in the Faculty of Law: beginning with the then Clerk of the Faculty Mr V M (Bill) Conrick. She later served a series of Sub-Deans (and more recently Associate Deans), the first being Mr John Mackinolty. When John Mackinolty became Dean in 1980 she was appointed his secretary, a position she retained during the term of his

successor, Professor Colin Phegan. But it was not only to the ordinary call of duty that she contributed. The annual Christmas parties, largely organised by her, became legendary. She will also be remembered by generations of law students for her sympathetic but firm approach to their problems which were most often brought to her en route to Deans and Sub-Deans.



*Professor Colin Phegan makes a speech at Ramah's farewell
From Left to Right: Mrs Ramah McDonough, Professor Colin Phegan and Associate Professor Alex Ziegert*

On Thursday 2 July a function was held at the Law School in Ramah's honour. In a farewell tribute Professor Phegan described her as "highly efficient, organised, industrious, and loyal — qualities to which all those who had worked closely with her would testify". He added that her length of service meant that no current member of staff knew what the Law School would be like without her. She would be missed.

The high personal regard in which she was held by colleagues was borne out by the large attendance at her farewell. Amongst those present were not only members of present academic and general staff but others who had worked at the Law School in the past. They included John Mackinolty, Judy Mackinolty, Miss Olive Wood (1964-1988), Miss Kathleen Bryant (1942-1978), Mrs Noni Gaunson (1945-1974), Miss Zena Sachs (1947-1973), Miss Marie de Youngman (1960-1986), and Mrs Carol Farmer (1973-1988).

Our best wishes to Ramah on her retirement.



*Friends Re-united
Clockwise from top: Jenny Littman, Carol Farmer, Noni Gaunson and Zena Sachs*

An Occassional Address by the Honourable Mr Justice Wilcox, at the Faculty of Law Graduation Ceremony, Saturday, 2 May 1992.

Late last year an American commentator revealed his calculation that, if present trends continue, by the year 2067 every American man, woman and child would be a lawyer. I understand that we vie with the Canadians for the second highest legal graduation rate; so presumably we would reach the same smother of lawyers not long afterwards. I admit to some partiality to lawyers. But I have to say that, even to me, this seems too much of a good thing.

The question is already being asked, how many lawyers should we graduate? In a thoughtful article in the *Sydney Morning Herald* last February, Peter Smark pointed out that the number of law students in NSW

rose by 72 per cent between 1984 and 1991, to 2750. This number will be further increased by the new law faculties at Wollongong and Newcastle. As Smark points out, even now in NSW there is one lawyer for every 500 people; not far short of the current one in 415 in the United States. The annual growth rate of lawyers in NSW is six per cent, compared with a general population growth of 1.2 per cent.



The Honourable Mr Justice Wilcox.

The comment should immediately be made that it does not follow that the number of legal practitioners will increase at six per cent per annum. Heaven forbid. This would mean a doubling of practitioners every 12 years. As Peter Smark himself acknowledges, an increasing proportion of law graduates do not enter private practice; indeed, apparently only about 50 per cent now do so. Many law graduates enter the world of commerce and government

service; areas in which a legal training is an advantage. At a time when we seek to improve the performance of both these sectors, it makes no sense for us, as a community, to be parsimonious in the training of those who undertake those activities.

Nevertheless, it surely cannot be long before governmental restrictions are placed on the increasing output of lawyers. It is true that law is one of the least

demanding disciplines, from a funding point of view, and that under the Higher Education Contribution Scheme the Commonwealth eventually recovers about one-third of its outlay on legal education. Nonetheless, that education costs the community tens of millions of dollars each year. Moreover, and perhaps this is the more serious point, the diversion of so many bright and ambitious young people in law — and, I would add, medicine — reduces the pool of talent available to other disciplines, on some

of which our economic welfare more substantially depends.

Supposing I am right, and in the near future there is some reduction in the proportion of university graduates who emerge with law degrees, what are the implications of this for you who graduate today, who stand at the threshold of a career of 30 or 40 or more years in the law? During the 32 years since I sat where you graduates sit today there has been an explosion in the ambit of practice. Whole new areas of law have appeared: trade

AND THAT INCLUDES LIFE IN THE LAW

practices and consumer protection, environmental law, anti-discrimination law, immigration, to give five examples. Other areas have grown immensely in scope, complexity and significance. I instance taxation, intellectual property, family law and administrative law. Thirty years ago even the major legal firms had minimal overseas clientele. Today Australian lawyers annually earn hundreds of millions of dollars from overseas clients.

I see no likelihood of these trends being reversed. In a country with a growing — and ever more diverse — population increasingly oriented towards participation in the world's fastest growing economic region the scope and complexity of legal practice must further increase. The challenge for the profession will be to cope with those changes, without the luxury of an ever-increasing proportion of law graduates.

How is this to be done? Only by increased efficiency, I suggest. This is relevant to you graduates, because the need to keep up, to be increasingly productive, will dominate your professional careers. The tools are at hand. When I graduated, legal practice was much as it had been a century before; the only significant innovations had been the typewriter and telephone. As you know, a technological revolution has since ensued, giving lawyers computers, efficient photocopiers and fax machines. The problems — basic to any legal practice — of information storage and retrieval and communication are substantially resolved. You come to this technology with a great

advantage; you are a computer literate generation. But the changes of the next thirty years may match those of the last; you will need energy and enthusiasm to keep abreast — not only of the new technology but also of ever-changing law and procedures.

Specifically, and speaking of what I know best, there will be a revolution in the way we conduct litigation. No longer is it sensible to lead all evidence orally and to allow unlimited cross-examination. This leisurely method was born of the civil jury, an institution now in discard. It ought not to be continued in hearings before judges sitting without juries, especially with present day legal costs and court delays. Much greater emphasis must be placed on the presentation of written material, with careful identification of the critical issues in the case. In the same way, we are moving to a situation where appeals will substantially be argued in writing, with a minimal oral hearing to allow the bench to raise with counsel matters of concern.

So far I have spoken of the future. But two functions are traditional on occasions such as this: a word of congratulation and a word of advice. As to the first, I heartily congratulate not only you who graduate today but also all those who have supported you through your years of study — parents, family, partners and friends. To get into Sydney Law School is today an achievement; to graduate a greater one. For myself — and, if I may presume to do so, on behalf of all those who have gone before — I extend very best wishes to all

you graduates for your life in the law.

The word of advice is related to enjoyment of life in the law. I could put the matter on a different basis. I have already mentioned the privilege involved in admission to a Law School and the community cost in producing a graduate. The skills and intelligence of lawyers are significant community assets. But a plea of obligation might have limited effect; few of us are able to sustain the saintly life. So I will put the matter on a selfish basis. It is this: you will get more enjoyment out of your life in the law if you consciously maintain at least one interest outside the law; an interest where you may use your legal training and your organisational and communications skills, but for a purpose dear to your own heart and not imposed by client demands. The lawyer-client relationship offers great satisfactions, especially over time and in the resolution of complex problems. But it tends to make the lawyer client-driven, an intellectual and emotional prisoner of clients' needs and interests; and, therefore, a narrower individual. You will feel freer, you will be a more interesting person, if you devote some of your time and energy to a wider interest, preferably something that will stimulate you intellectually and expose you to people, situations and problems different from those of every day practice. I realise the tendency of legal practice insidiously to take over one's time. You will need deliberately to set aside time for your outside interest. But it is important to do so. Life ought to be fun, and that includes life in the law.

PORTRAIT UNVEILING

On the 27 February this year, the Robert Stein Memorial Fund unveiled two portraits which now grace the walls of the conference room on level nine of the Law School Library.

The portrait of Sir Anthony Mason, Chief Justice of the High Court of Australia, painted by the artist Frank Hodgkinson. Guests at the unveiling included Sir Laurence Street, President of the Sydney Law School Foundation, Dame Leonie Kramer, Chancellor of the University, and Mr Theo Simos of the Sydney University Law Graduates Association.

Also unveiled at the same ceremony was a portrait of Professor Alice Tay, Challis Professor of Jurisprudence at the Law School.



Professor Alice Tay is pictured beside her portrait with the artist MB Jenny Sands and the Chancellor Emeritus Professor Dame Leonie Kramer.

Both portraits were partly financed by the Robert Stein Memorial Fund and donations from friends and supporters of Sydney Law School Foundation. The Fund commemorates the late Dr Robert Stein, a senior lecturer in Succession and Legal History, who died in June 1990.

The portrait of Professor Tay was also made possible by the contributions of her friends while that of Sir Anthony received additional finance from the Sydney University Law Graduates Association.

*From left to right:
Mr Theo Simos, Sir
Laurence Street,
Dame Leonie
Kramer and Sir
Anthony Mason
discuss Sir
Anthony's portrait.*



LAW AS METAPHOR

"Destroy the insects", Lenin told his Cheka. After seven
Decades of Marxist murder people want constitutions
Not charisma, limits not Utopia, parliaments
And not the Havanna cigar exporting poverty and bullets.
The class enemy was defined by the style of his fatigues.
The shining path of sacrifice led to a museum of kitsch.

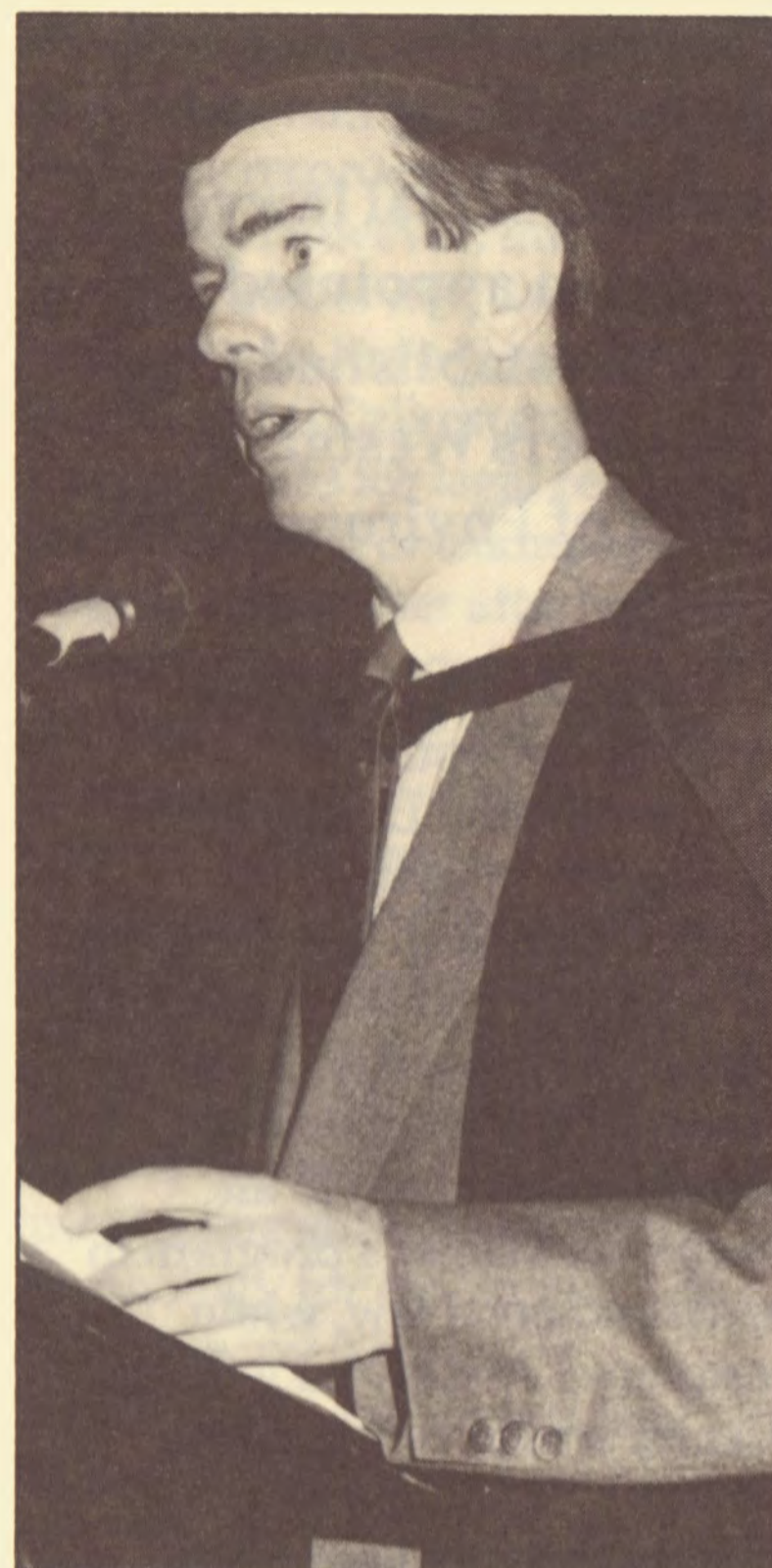
The rule of law, as an objet trouve, this democratic pumpkin
That's ripened on a rusted roof is back in favour,
Hoisted there by its own vine, now withered like tattered hessian,
With many pips, as Bacon said of truth and pomegranates.
Its skin is blotched pewter. We are refreshed by its intricate substance.
The damp inner glow of cold yellow flesh squeaks when it's cut.

Our commonwealth feeds through the green vine of metaphor.
In Iceland the cry of the unarmed man hacked down at a stream
And the man burned alive in his house becomes the legal concept
Of manslaughter. Their cry is heard through centuries,
Preserved in the slow meanders of emerging rules.
From the chatter of anecdotes in morocco bindings
Legal researchers listen for resonances and spot
The anomaly hiding at the bright edges of the paradigm.
The anecdotes become a living system of principles,
Growing from old fracture points, until the proliferating syntax
Is immobilised by ancient grammar and only the statute
Can cut us free and inscribe a new text on the palimpsest.

Law is a succession study. Peering through curved time
There is no simple starting point, only a maze of hoof-prints
Following obscure taboos and kinship rules. These fade
Into an illuminated codex of rights and duties of tenure,
Succeeded by the intricate structures of the present,
Corporations, tax and anti-trust. The complications
Reflect the underlying stresses. They are spontaneous
And basic like this chemical cascade through yellow flesh.

We brought the seeds in wooden hulls and planted them
In the stone court houses, violating the paleobotany,
Odd shapes and varieties multiplying, the ornamental gourds
Of legal ingenuity. The museums of Lenin
Have too little law, but the roof of our shed may be sagging
With too many pumpkins, the exuberance of adversarial justice.
Students at law, we must learn new skills, to simplify and make
With this cool substance, these sticky pips growing inch by green inch.

Geoffrey Lehmann



Professor Ben Boer, a distinguished environmental lawyer, has been appointed to the newly-established Corrs Chambers Westgarth Chair of Environmental Law.

He aims to establish an Australian Centre for Environmental Law at the University of Sydney in cooperation with the University of Adelaide and the Australian National University. Students from the three universities would be involved in an exchange Master's program in environmental law, while academics associated with the Centre would cooperate on research. 'We hope to draw people together both from within and outside the law faculties who have an interest in environmental law,' says Professor Boer.

He counts ecological sustainability among his principal interests. 'The debate over the last few years has been trying to sort out what sustainability actually means and how the concept should be translated into policy and legislation. From high philosophical ideals you have to come down to pragmatics.'

Professor Boer says Australia already has a Resource Assessment Act and the policy lines advocated by the Ecologically Sustainable Development Working Party, a federally-funded initiative, seem appropriate. 'But in terms of comprehensive state and federal legislation, we are years away from an appropriate framework.'

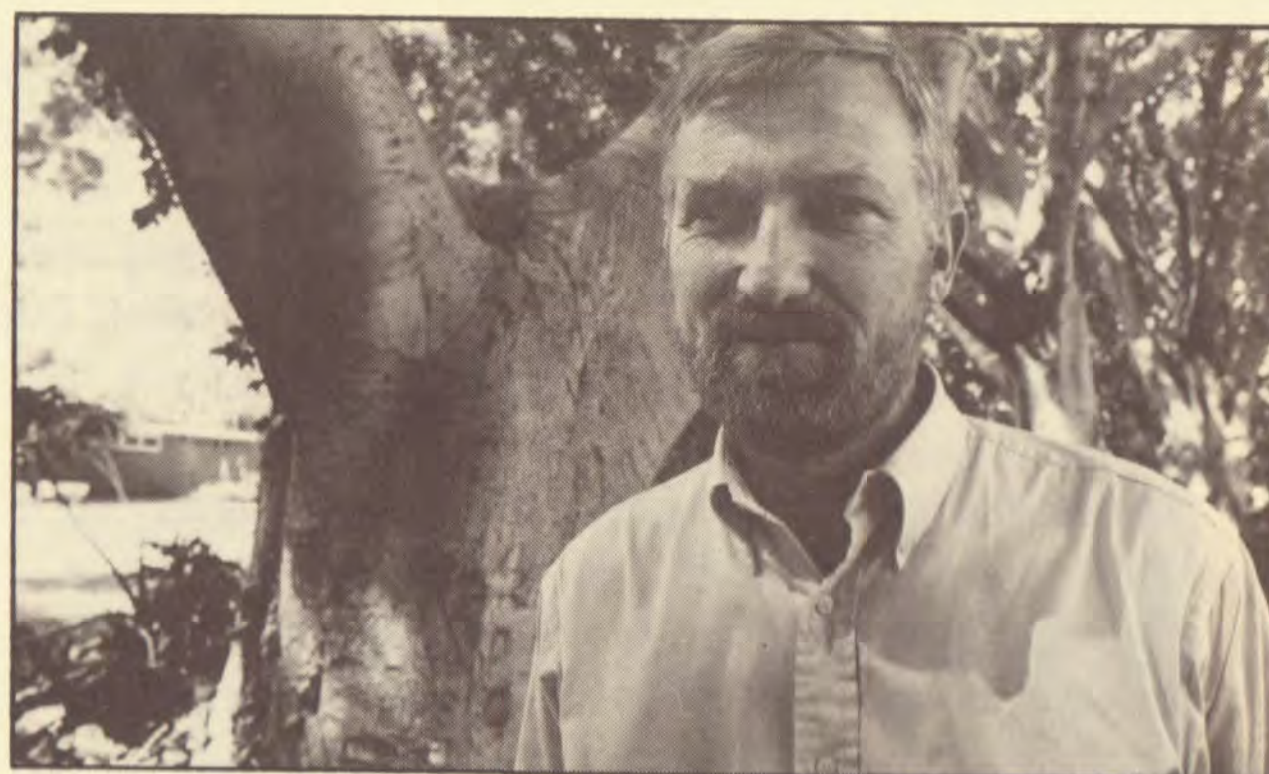
Professor Boer's other chief

interests are heritage law (including Aboriginal customary law in relation to the environment), and various aspects of environmental impact assessment.

While environmental law is a rapidly expanding area, Professor Boer says a great deal of legislation already exists. 'The flow is not going to stop. As more processes need to be regulated in order to limit their capacity to harm the environment, the enactment of legislation will continue.'

Professor Boer holds a BA/LLB and Master of Laws degrees from Melbourne University. In the 1970s he practised in Melbourne and taught at La Trobe University. From 1979 to 1991 he was a lecturer at Macquarie University. He has been involved in consultancy work with the Australian and New Zealand Environment Council, the United Nations Environment Program, the Resource Assessment Commission, and the World Conservation Union.

Professor Boer says his involvement in environmental law dates back to his days as a solicitor in the early 1970's. 'As a solicitor I was doing very basic environmental law work, particularly relating to environmental impact assessment. In fact I first got into environmental law academically by writing a paper on the environmental and planning aspects of caravans and mobile homes.'



Professor Ben Boer, appointee to the new Corrs Chambers Westgarth Chair of Environmental Law.

Currently Professor Boer is coordinating a five nation project in the South Pacific to review the adequacy of environmental law in the Marshall Islands, Solomon Islands, the Federated States of Micronesia, the Cook Islands and Tonga. 'Low-income countries face a number of peculiar difficulties regarding environmental law. These include financial resources, lack of expertise, lack of political will, and cultural barriers — especially lack of familiarity with western-style legal regulation.'

This article was reprinted with the permission of The University of Sydney News.

UPDATE

Professor Ben Boer has since established a Centre for Environmental Law which will be offering a Masters in Environmental Law in 1993.

The Centre has been set up in conjunction with the University of Adelaide and the Australian National University, the project will be launched in the two states and territory in October of this year.

Professor Boer also took part in the Rio Earth Summit and has been involved in reporting on the outcomes of the summit in regards to ARC and ecologically sustainable development (ESD).

NEW CHAIR IN INDUSTRIAL LAW

Professor Ron McCallum has been appointed to the Blake Dawson Waldron Professorship in Industrial Law at the University of Sydney and will be taking up the position in January 1993.

This is the first professorship at any Australian Law School which has been designated in the field of labour law.

"In many ways, this Chair marks the coming of age of this sub-discipline of legal scholarship. It is indeed an innovative step for the University of Sydney Law School", Professor McCallum said.

"I am honoured to be the first person to fill this Chair, not solely for myself, but as a



Professor McCallum, Professor for new Chair in Industrial Law

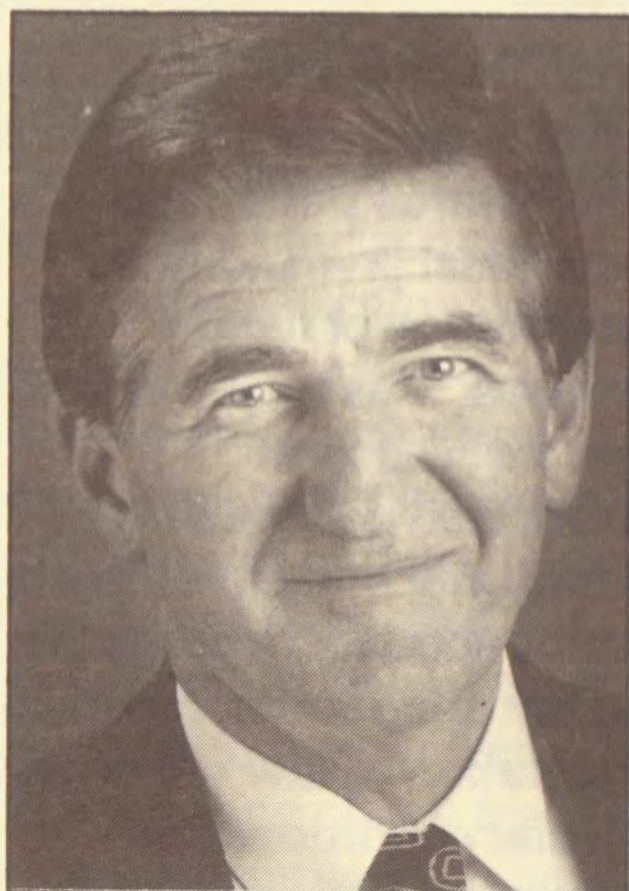
member of Australia's disabled community. I have been totally blind since birth, and to the best of my knowledge, I am the first blind or visually impaired person to have been appointed to a full professorship at any Australian University."

In the past Professor McCallum had to rely on braille and tape recorders while studying. However, the introduction of new adaptive technologies have given Professor McCallum greater opportunities for legal reading and research. For example, a speech synthesiser attached to a computer and a scanner, which can scan and store information to be later read out by the speech synthesiser.

"New intellectual doors have been opened up for me through the use of this new adaptive technology", McCallum said, "The University of Sydney is purchasing sufficient adaptive technology for me, so that I can continue my labour law teaching and research at the Sydney Law School."

CHAIR OF INTERNATIONAL LAW

Ivan Shearer, Professor of Law at the University of New South Wales has been elected to the Challis Chair of International Law at the University of Sydney with effect from January 1993.



Professor Shearer, new appointee to the Challis Chair of International Law

Professor Shearer graduated from the University of Adelaide in 1960 with a Bachelor of Laws, and in 1964 with a Master of Laws. He worked as lecturer, senior lecturer and later a reader at the University of Adelaide before going to the USA to complete a Doctor of Juridical Science at North Western University.

Professor Shearer has lectured at New South Wales University and was Dean of the Faculty of Law there from 1984-90.

He comes to Sydney University Law School with a wealth of experience in International Law, having acted as

- International Law Adviser to the Government of Lesotho under the United Nations Development Programme (1971-72, 1974).

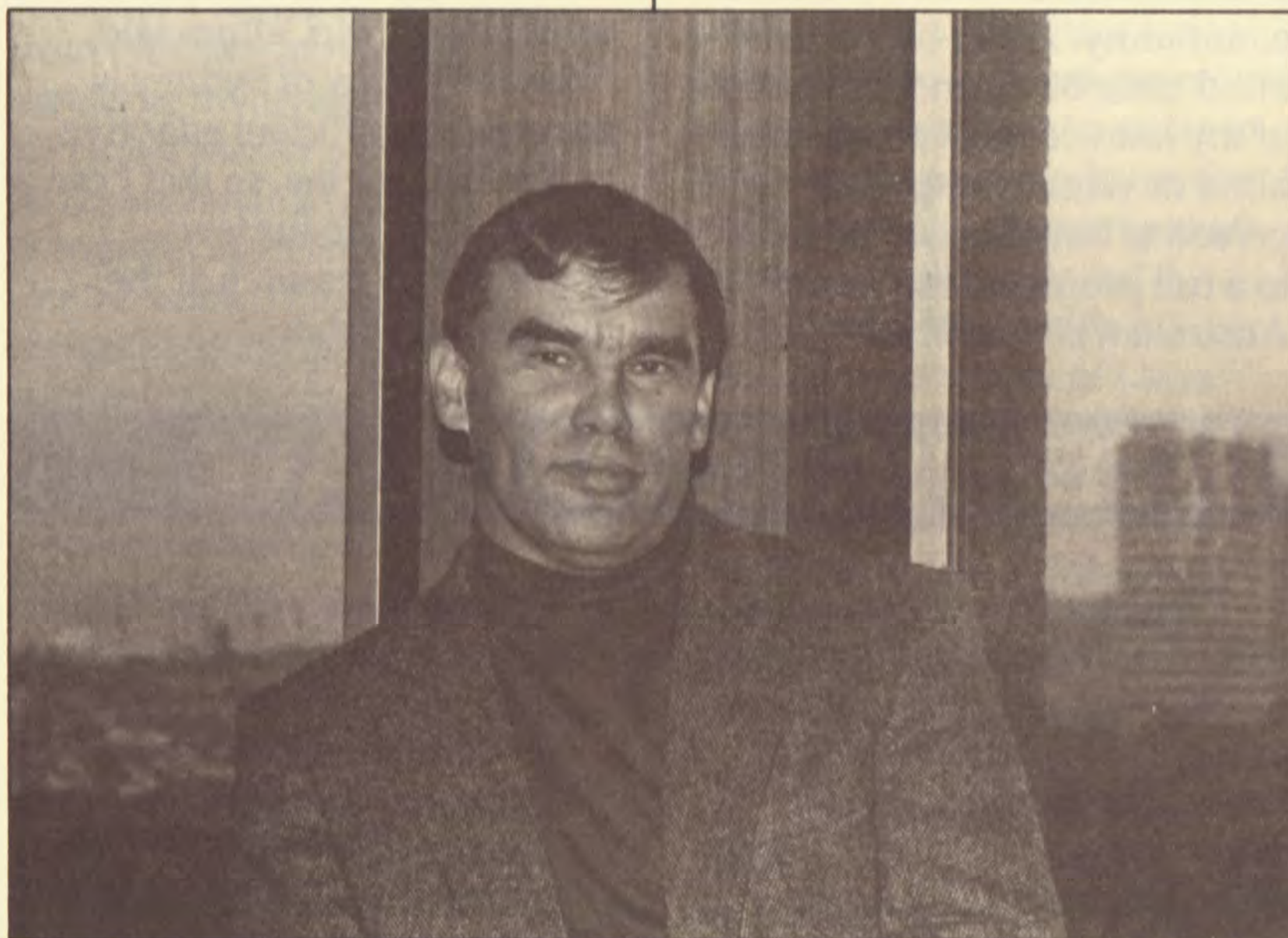
- Consultant to various Pacific Islands governments on state succession to treaties under the commonwealth Fund for Technical Cooperation.
- Consultant to the commonwealth Secretariat, London, on Commonwealth extradition law.
- a member of the Drafting Committee of the Madrid Action Plan of the International Institute of Humanitarian Law, San Remo, for the revision of humanitarian law applicable to armed conflict at sea.

Professor Shearer is also a Captain of the Royal Australian Navy (Reserve).

Professor Shearer has published a number of books and articles, mainly on the law of the sea and the international law of armed conflict.

Towards a Modern Understanding of Law

In the perception of the community, law has a strangely ambiguous appeal. On the one hand, nothing works without the law in a modern society and wherever we go, legal norms and regulations are already there. On the other hand, even with law things do not work very well, and there is a wide-spread frustration with lawyers, courts and incomprehensible legislation.



Associate Professor Alex Ziegert, Acting Dean

There are many reasons for this dissatisfaction with law and lawyers, far beyond the scope of the following observations, but obviously legal education and research at Sydney University Law School must address all of them. This is not an easy task, and a quick glance at the curricular activities in this law school can show that law is a far more complex structure than our dissatisfaction with it allows us to comprehend. However,

even such a cursory overview can show that, perhaps contrary to public perception, there is change.

For one thing, the legal system is changing. The centre of gravity of legal dynamics, also in Australia, is moving from reactive court-based private legal action to legislation and to preventive public law. As far as the cultural, economic and political infrastructure of a modern society is concerned, local councils, administrative law, tax law and legislative programmes have now a far greater impact on everyday life than litigation or, contrary to the high public profile and least effective of all, criminal law.

Secondly, faculties of law are changing. They are no longer, and probably never have been, exclusively training centres for the legal profession but they are now, and probably always have been to a degree, research centres which promote our understanding of how law operates. As the modern legal system differentiates, research becomes a paramount consideration in the operation of law schools. This research can no longer insist on the simulation of legal practice in an armchair only but must also address the differentiation of a complex legal system both in its thrust towards public and international law and in its diversification of legal operations. This research is no longer a question of sophisticated generalist legal doctrine only but a question of scientific specialist approaches in highly differentiated areas of the operation of law with their particular conditions and environments. It promotes specific multi-disciplinary

approaches which vary with the specific area of law under their scrutiny.

The modern understanding of law, then, is that of its diversity: diversity of areas of legal operation, diversity of legal roles, institutions and programmes, diversity of better methods and techniques to measure and understand the effects and outcomes of legal operations. No one single strand of legal diversity is more important than the other, nor does any one strand make sense without the other. This diversity includes rather than represses scholarly attention to the often maligned technical "black-letter" quality of some legal operations because this technicality remains a reality of common law in many areas of legal operation, as much as diversity promotes the attention to issues of law and gender because they are also the reality of the operation of law.

Diversity includes scholarly attention to mooting alongside research into mediation and negotiation strategies, and it promotes attention to socio-legal research on the outcomes of legal system operations, to economic assessments of the effects of tax and social security law, to criminological theories on the impact of legal policies, to political assessments of the operation of international agreements, to ecological research into the implications of environmental protection regulations, to philosophical evaluations of human rights principles at home and internationally, and so on. This research into the modern understanding of law feeds back on legal education through teachers who are intensely

involved in this research of modern law.

"Sydney Law Faculty has not only the longest and most productive history of on-going diversification of all law schools in NSW, but also a diversification with an impact of international significance."

Diversity demands large law schools which can engage in the many research tasks ahead of them on a high level of proficiency of national and international significance. In this respect, Sydney Law Faculty is uniquely placed. Sydney Law Faculty has not only the longest and most productive history of on-going diversification of all law schools in NSW, but also a diversification with an impact of international significance. Above all, this history of diversification has kept Sydney Law Faculty growing and attracting not only good students but also a great number of legal scholars with a high reputation for their research. This research in many different areas of law with diverse approaches and in different

disciplines is an excellent basis for tackling the demanding tasks which lie ahead of modern legal education in Australia.

Diversity, finally, takes us to the issue of admission to law school. If it is true that change is already under way through the on-going differentiation of the legal system and through the specialisation in many different fields of legal studies and research, our conclusion must be that our society needs many more rather than less law graduates. However, more of these legally trained specialists will enter the public service, join national and international organisations, business firms and research institutions rather than become legal practitioners. This will change our concept of what it means to be a lawyer in a modern society. The demand for this broader and more diverse spectrum of legal knowledge, which is already evident in the broader spectrum of diverse postgraduate degrees at Sydney Law Faculty, will not only change the image of law schools as places for elites but it will also change the law student population who seek admission. This may be deplored by some who see in this opening of the approaches to legal education the demise of the "intellectual challenge" of studying law. Such fears are misplaced. The intellectual challenge of learning to understand law does not correlate with the social mix of the law students. This challenge rests squarely on our willingness to acknowledge the diversity of law in a modern and democratic society.

Associate Professor,
Alex Ziegert,
Acting Dean.

PLANNING AND RELOCATION

In last year's *Sydney Law School Reports* it was noted that University Senate approved the site next to the Wentworth Union building on City Road as the best site for our new building. This decision meant that the Faculty has had to revise the preliminary brief it had prepared for the new building.

The strong financial support for the Sydney Law School Foundation has now enabled the Faculty to take the additional step of seeking the advice of a consulting architect in the preparation of the Faculty's user building brief. Our final user brief will outline the Faculty of Law's building requirements and will be presented to the University officers responsible for the planning and construction of new buildings on campus by the end of this year.

Partly as a consequence of planning a new building the Faculty recently has commenced a strategic planning process which involves defining the overall objectives of Faculty operations and detailing strategies for achieving those goals and objectives.

Comments or enquiries regarding this stage of the planning process would be welcomed. I can be contacted on 225 9260.

**Associate Professor
Alex Ziegert**
Acting Dean



*The building presently occupied by the Law School in Phillip Street, Sydney
(picture by Raymond de Berquel)*

Administrative Matters

After 28 years of loyal service to the Law School, Mrs Ramah McDonough retired from the University on 13 July 1992. Mrs McDonough worked for long periods as secretary to a number of sub-Deans and, in more recent times, as secretary to the then Deans, Mr John Macinolty and Professor Colin Phegan. Mrs McDonough will be affectionately remembered for her many contributions to the Law School including the able assistance she provided for those for whom she worked directly, the support she provided to staff and students and her organisation of memorable social functions.

Our best wishes to her in her retirement.

The Faculty's first Publications Officer, Mr David Weston, resigned from the Law School to take up a position with a publishing company. He has been replaced by Ms Catherine Hurley who brings to the position a wide range of desk-top publishing and editorial skills.

We were also pleased to welcome to the administrative staff in 1992 Ms Pauline Moore who is working as secretary to the Senior Administrative Officer.

Natalie Downey
Senior Administrative Officer.

COST-EFFECTIVE COMPUTER TUTORIALS

Budgets are shrinking, classes are expanding. How can we hope to maintain existing teaching services, much less expand into new areas? One answer that is often suggested but seldom implemented is the use of computers to assist with tutorials.

Computer tutorials are hardly new. Widely hailed in the 60s as an answer to the teaching/learning problem, they have been successful but costly. A major study in 1980 found that students in a wide variety of subjects could learn very well from computer tutorials and, interestingly, learn in substantially less time. The American CALE (Computer Assisted Legal Instruction) Project has a reasonably large library, but few of the tutorials are useful for Australian law schools.

The problem is that traditional computer tutorials are expensive to build. Even worse for a rapidly changing subject like law, they are expensive to maintain. The study referred to above found that computer tutorials worked on a ratio of approximately 200:1, that is, a one hour tutorial requires 200 hours to build. This ratio makes traditional computer tutorials unattractive

in all but the most stable subject areas.

International Law teachers have just completed a trial of a new form of computer tutorial. This form of tutorial, known as CRES (Critical Review Examination System) tutorials, can be built on a 15:1 ratio and, perhaps ever more importantly, can be modified easily and updated when the subject matter changes.

"A major study in 1980 found that students in a wide variety of subjects could learn very well from computer tutorials and, interestingly, learn in substantially less time."

Students in International Law were given the option of attending standard tutorials or CRES tutorials. They were given a full demonstration of the computer system so that their choice would be informed. Of the 155 students given the choice, 74 chose to attend the CRES tutorials.

The CRES tutorials paralleled the "human" tutorials as closely as possible in subject matter and time required. There were eight tutorials available, four in private international law and four in public international law.

Each of the computer tutorials required about one hour to complete.

Private and public International Law were examined separately. The "computer students" performed slightly better, having an advantage of one and a half points on each of the examinations. We are cautious in our interpretation of this result but are encouraged both by the consistency of the result and by the reception of the CRES tutorials by participating students.

The potential for this form of tutorial is exciting. We now have the option of offering CRES tutorial programs in courses where no tutorial program now exists. We can build a library of tutorials in cooperation with other law schools, thus sharing resources in an important and creative way. As a first step in this development, Shirley Rawson and Alan Tyree have received a DEET Teaching Development Grant to assist the creation of a set of CRES tutorials in contract law.

The International Law tutorials were written by Don Rothwell and Alan Tyree. Laboratory supervision was assisted by a grant from the Law Foundation Scholarship Support Fund. The CRES software was developed as part of the Keller Plan Project which is funded in part by the Law Foundation of New South Wales.

Alan L Tyree
*Landerer Professor of
Information Technology and
Law*

LAW FOUNDATION CENTRE FOR PLAIN LEGAL LANGUAGE

The need for plain language in legal writing is "everywhere". Using plain language principles in legal documents is vital to allow people in the community to get access to and understand the law in the documents.

What is the Centre?

The Centre for Plain Legal Language began operating in January 1991. A joint project of the University of Sydney and the Law Foundation of NSW, the Centre's aim is to promote the use of plain language in legal documents. It does this in a variety of ways:

- providing consultancy services in re-drafting, re-organising and re-designing public and private legal documents according to plain language principles
- providing education and training in plain language principles for lawyers and other people who write legal documents
- carrying out research in areas of plain language.

What has the Centre done in 1992?

In the consultancy area, the Centre has re-drafted the residential mortgage for St George in time for its launch as a bank. St George sees the plain language mortgage as an important service to its clients, as well as saving time for its staff in dealing with questions. We are now working on another standard form mortgage with another credit organisation.

We assisted the Attorney-General's Department to re-draft a notice informing people of their rights under section 439 of the Crimes Act. This section codifies the court's practice of taking a person's plea of guilty into account when deciding a sentence. Drafts were tested with students, workers and defendants at the courts.

We also re-drafted and re-designed the Water Board's Trade Waste Permission for use with its 25 000 "category one" customers.

Training and education

As part of our education role, the Centre has run a range of training courses, from introductory seminars for all to intensive courses over six weeks, working with the documents of a firm or organisation.

Members of the Centre participated in the teaching of an undergraduate course in plain language drafting in the Faculty of Law during the second semesters of 1991 and 1992. This is the first course of its kind in Australia.

Some of our research projects

The Centre writes a column called "plain language" in the Law Society Journal each month, examining legal words and phrases and whether they can be accurately recast into plain language. (Mostly they can be — and often more accurately.)



Bron McKillop (Academic Advisor), Judith Bennett (Principal Researcher), Malcolm Harrison (Executive Director), Kate Morgan (Administrative Assistant)

The Centre is also developing a survey of attitudes to and understanding of plain language among judges, lawyers and the public. We are also researching the issue of legal language in complaints to the Law Society of NSW. We plan to publish the results.

Not just language

The Centre has also worked with the NSW Parliamentary Counsel's Office in re-designing the format of legislation to help

people find information more quickly and accurately.

Who works there?

While the Director, Associate Professor Peter Butt, is on sabbatical leave for 1992, Bron McKillop, Senior Lecturer, is the Academic Advisor.

The full-time staff in 1992 included Malcolm Harrison, Executive Director, Judith Bennett, Principal Researcher, Harry Dunstall and Amanda Chambers as Research Assistants, and Suzanne Ercolini and Kate Morgan as Administrative Assistants.

Secondments and visitors in 1992 have included Maria Hunter and Associate Professor Margaret McLaren.

Where is the Centre?

You can find the Centre on Level 6 of the Law School, University of Sydney. Or telephone (02) 225 9323 or fax (02) 231 5635. Contact us to get on our mailing list — for our newsletter or other information about plain legal language.

Judith Bennett
Principal Researcher

On Sunday, 27 May 1990 in the Dutch village of Roermund, Nick Spanos and Stephen Melrose were murdered by IRA terrorists. Both were lawyers practising in London. Stephen Melrose was a graduate of Queensland University and Nick Spanos, the subject of this article, was a Solicitor of the Supreme Court of New South Wales and a graduate of Sydney Law School.

Nick, the eldest of two brothers of Greek parents, was born in 1961 and attended Fort Street High School. He attended the Law School at the University

of Sydney from 1980 to 1984, interspersing his law studies with some arts subjects. He was admitted as a Solicitor in July 1985 and was employed as a corporate solicitor in the State Bank of New South Wales.

He left Sydney in October 1989 to travel to England to join his girlfriend and broaden his career with a period of practice in that country. He continued practising in banking and finance law with the London firm of McKenna & Co. Whenever possible he travelled to Europe and planned to return to Sydney in September 1990.

An extremely quiet and unpretentious man, Nick was proud of both his Australian and Greek background. He had wit and kindness and a love of the arts and especially of painting.

His wasteful death shocked and outraged a country and continues to pain his family and

friends. He remains a young and handsome man in the minds of those who loved him and we'll never forget him.

Sam Anthony Ingui.
[Graduating Class of 1986]

NOTE: Nick Spanos' London law firm, McKenna and Co through their senior partner, R H Malthouse, has organised the Spanos and Melrose Memorial Scholarships in honour of the two Australians killed by the IRA. For further details of the Scholarships, which are available for graduates of Sydney University Law School, contact the Dean's office.

SPONSORS

The Sydney Law School Foundation would like to acknowledge the following corporate and individual sponsors who have contributed during the past financial year:



Pictured at the presentation of Ebsworth & Ebsworth's sponsorship of the Sydney Law School Foundation in the area of Maritime Law are from left to right: Associate Professor John Carter, Professor Don McNicol (Vice-Chancellor), Mr Peter Thornton and Mr Tony Scotford of Ebsworth & Ebsworth and Associate Professor Alex Ziegert (Acting Dean).

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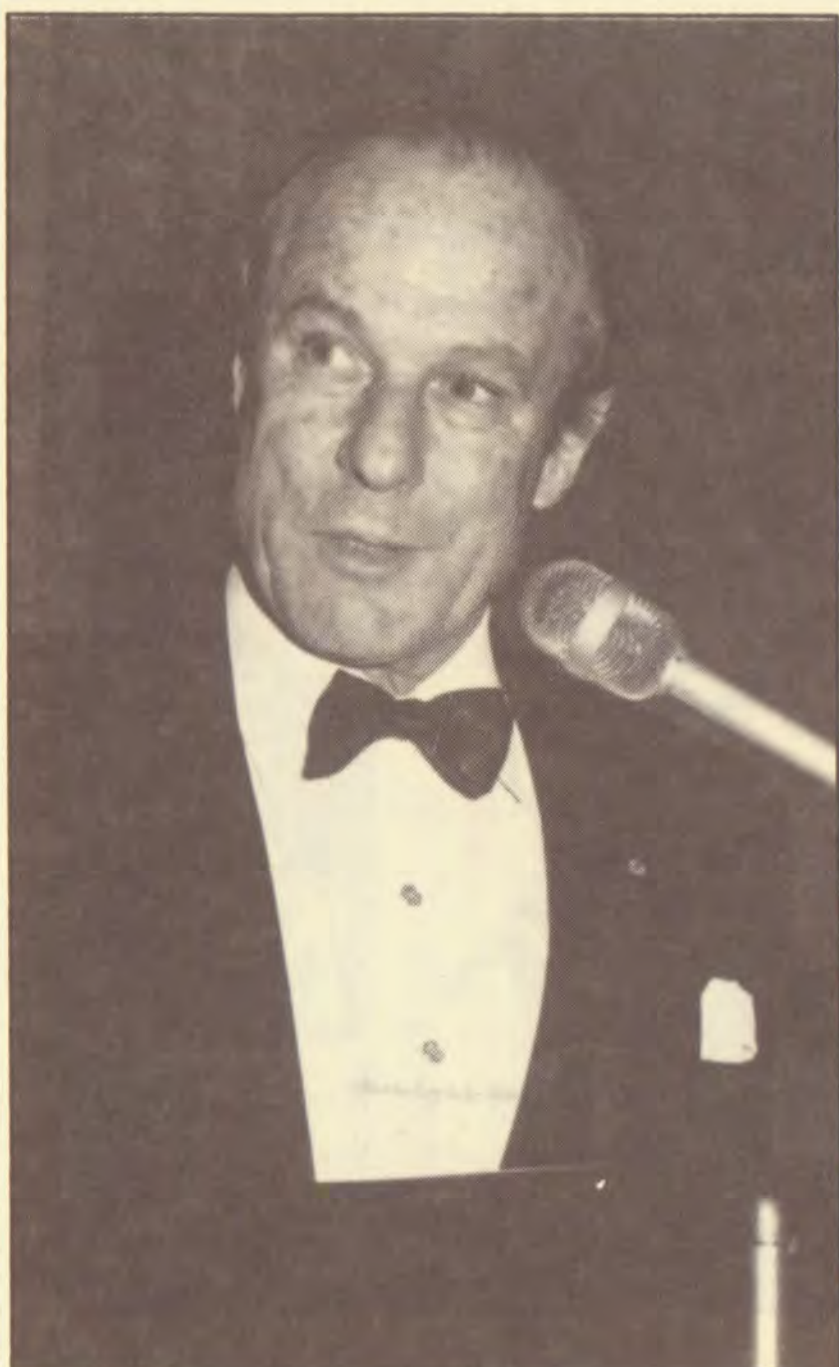
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SYDNEY LAW SCHOOL FOUNDATION



*Sir Laurence Street, President,
Sydney Law School Foundation*

Professor James Crawford was the driving force behind the conception and launch of the fund raising campaign of The Sydney Law School Foundation. We in the Foundation acknowledge with abiding gratitude his great contribution. He left in February of this year to take up the prestigious Whewell Chair of International Law at Cambridge University. Since that time Associate Professor Alex Ziegert as Acting Dean and Professor Richard Vann as Pro Dean have joined forces to ensure that the Foundation's activities remain active and that the goodwill established with our graduates in 1990 and 1991 remains strong and in place for the future.

The initial payments pledged by our principal sponsors have been received. Donations fall into various categories — towards the development of various academic positions, for the new building and for current use such as student scholarships. Sponsorship of major academic positions has resulted in the appointment of Professor Ben Boer as the Corrs Chambers Westgarth Professor in Environmental Law, a five year chair sponsored by that firm, and of Professor Ron McCallum to the Blake Dawson Waldron Chair in Industrial Law. Professor Boer has already commenced teaching his course and Professor McCallum will commence at the beginning of 1993. As well as these major sponsorships we have received donations from firms sponsoring other areas such as Ebsworth & Ebsworth's sponsorship of teaching and research in Maritime Law and Michell Sillar McPhee Meyer's contribution towards Asian/International Trade Law studies.

Other specific support includes the three year scholarship created by Connery & Partners and Sydney Law Graduates Association's contribution towards portraits of the Honourable Sir Anthony Mason and Professor Alice Tay hanging in the Conference Room of the Law Library.

The sponsorship of the new building remains tremendously strong with the receipt of regular and generous donations from our major building sponsors. These include Allen Allen & Hemsley, Freehill Hollingdale & Page and Minter Ellison.

On behalf of the Governors of the Foundation I should like to express to all our donors our sincere appreciation of the support and help you have given to the Foundation in its first stages. We hope we may look forward to a continuation of this support and help in the future. At a time of severe cuts to higher education funding we need the continued goodwill and regular financial support of graduates and members of the legal profession. (I venture to add a reminder that gifts to the Foundation are fully tax deductible.)

A handwritten signature in dark ink that reads "Laurence Street". The signature is written in a cursive, flowing style.

SIR LAURENCE STREET AC KCMG
President, Sydney Law School Foundation

INSTITUTE LAUNCHES MONOGRAPHS

Earlier this year the Institute of Criminology launched its Monograph Series with the release of the first two issues of the series: *Aboriginal Perspectives on Criminal Justice* edited by Chris Cunneen, senior lecturer in Criminology in the Faculty of Law, and *Doing Less Time — Penal Reform in Crisis*, by Dr Janet Chan, senior lecturer in Social Science and Policy at the University of New South Wales.

Aboriginal Perspectives on Criminal Justice, launched by Paul Coe of the Aboriginal Legal Service and Nerida Blair, Aboriginal Policy Advisor to the Human Rights and Equal Opportunity Commission, offers a timely collection of essays by Aboriginal writers, with



Chris Cunneen, editor of "Aboriginal Perspectives on Criminal Justice" at the launch of the Institute's Monograph Series

commentary by non-Aboriginal people, and addresses issues of institutional racism within the criminal justice process. Complementing the essays are photographs and poetry by Aboriginal contributors. The book is currently being used as a reference text at tertiary level.

Doing Less Time is based on Janet Chan's doctoral dissertation within the Faculty of Law at the University of Sydney, and was launched by Gordon Hawkins, one-time director of the Institute. It deals with the development and implementation of the release on

licence scheme introduced in New South Wales in the early eighties, which was subsequently abandoned amidst allegations of corruption which led to a judicial inquiry and sentencing of the responsible Minister Rex Jackson and others on charges of conspiracy. It also analyses theories of prison reform, decarceration and social control which led to the genesis of the scheme.

Associate Professor Mark Findlay, director of the Institute, believes the monograph series offers a range of topics of critical concern which "might not otherwise be conveniently available to students, researchers and policy makers". The Institute of Criminology intends to publish at least two more monographs in 1992. The monographs are available from the Institute's office on Level 11 of the Law School Building in Phillip Street (ext: 239).

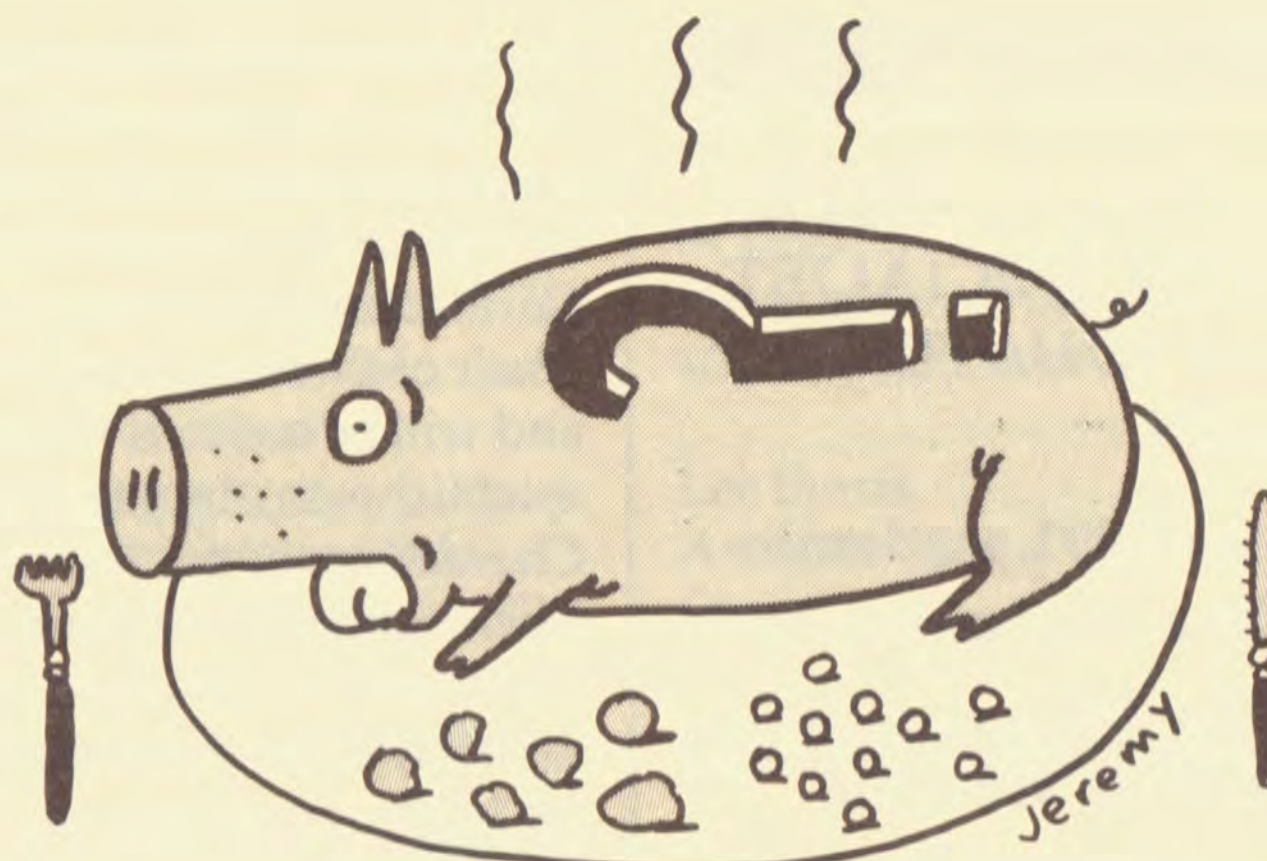


Janet Chan author of "Doing Less Time" at the launch of the Monograph series, held at the Harold Park Hotel

Ice skaters aspire to the triple axle; the Pope wears a triple crown; and the ultimate in gymnastics is a triple somersault. And so it is with *Polemic*, which achieved its triple in May of this year with the launch of Volume III and the celebration of its third birthday.

Born out of discontent with the content of — and access to — traditional legal journals, *Polemic* has rapidly established itself as a contemporary journal dedicated to examining law in its broader social and legal context. Since its inception it has rapidly expanded both its contribution base and its distribution level, and is now edited by students from the Sydney, NSW and Macquarie Law Schools and is subscribed to by students, professionals and libraries from around the world.

One of *Polemic's* aims is to stimulate debate and dialogue in key areas of the law. It was therefore felt appropriate that the launch of Volume III should include a formal debate. The topic for consideration was "Lawyers! Who Needs Them?" and the participants were (on the government) Justice Elizabeth Evatt, President of the



CARVING UP THE BACON

Australian Law Reform Commission, and Kim Garling, a partner with Price Brent and past president of the NSW Law Society; while the opposition consisted of Brett Collins, spokesperson for the Prisoners' Action Group, and Michael Stutchbury, Economics Editor of the *Financial Review*. The event was chaired by Justice Jane Mathews. The audience, which included 200 students, professionals, academics and concerned members of the public (including the very concerned Gypsy Fire and Tim Anderson), was evenly divided when voting on the motion, with a division of the house unable to break the deadlock.

Apart from the (Gypsy) fire-works, the guests were "privileged" to taste a

home-brew specially commissioned for the occasion, "*Polemic Bitter & Twisted*". Plans to leave a decomposed snail in one bottle as a lucky door prize were aborted at the last minute.

The launch marked merely the beginning of Volume III, and two issues of it remain to be published. They will focus on respectively, the media and its regulation (III; ii) and constitutional law and sovereignty (III; iii). Contributions from interested parties are as welcome as subscriptions. Enquiries as to either of these issues can be addressed to: *Polemic*, Sydney University Law School, 173-175 Phillip Street, Sydney 2000.

Mark Simkin
Coordinating Editor, 1992



The debating panel (from left to right): Michael Stutchbury, Brett Collins, Justice Jane Matthews, Justice Elizabeth Evatt and Kim Garling

LAW FACULTY OFFERS TWO NEW SPECIALIST POSTGRADUATE DEGREES

While the 1991 academic year was a year of major change in the postgraduate area, the 1992 academic year represents a year of consolidation. 1991 saw the introduction of the Doctor of Juridical Studies (SJD) and three specialist Masters degrees, the Master of Criminology (M Crim), the Master of Labour Law and Relations (MLLR), and the Master of Taxation (M Tax). These new degrees have been well received, and each has experienced an increase in enrolments in 1992. Indeed the postgraduate population has now increased to over 750 students.

The Faculty has approved the introduction of two new specialist postgraduate degrees for 1993, the Master of Environmental Law and the Master of Jurisprudence.

The Master of Environmental Law (MEL) is designed to provide a specialist postgraduate qualification in

environmental law and policy. The introduction of this new degree has been made possible by the establishment of the Corrs Chambers Westgarth Chair of Environmental Law and will be assisted through the establishment, by the Vice Chancellors of the Australian National University and the Universities of Adelaide and Sydney, of the Australian Centre for Environmental Law. The structure of the degree is similar to the Faculty's other postgraduate degrees in that candidates are required to complete eight units of courses prescribed for the degree. The introduction of the MEL will see the Faculty offer a range of new courses in the environmental law area. These are Environmental Law and Policy, Comparative Environmental Law, Environmental Dispute Resolution, Environmental Economics, Environmental Impact Assessment Law, Hazardous Substances and the Law, Heritage Law, International Environmental Law, Natural Resources Law, Planning Law, Pollution Law, Protection of the Antarctic Environment, and Wildlife Law.

The Master of Jurisprudence (M Jur) is designed to provide a specialist postgraduate qualification in jurisprudence and legal theory, including sociological theory of law. The structure of the degree differs from Faculty's other Masters degrees in that candidates will be required to complete six units of courses and write an essay of between 15,000-20,000 words on a problem within the subject matter of the degree (the essay counting for two units). The courses prescribed for the M Jur will be those currently offered

by the Department of Jurisprudence within the framework of the general Master of Laws degree.

The admission requirements for both new degrees will be the same as for the Faculty's other specialist Masters degrees, namely that applicants must hold an undergraduate degree of sufficient merit (although not necessarily in law), or a completed tertiary qualification which is deemed by the Board of Postgraduate Studies to be an equivalent qualification.

This year has seen the introduction of two new courses in the postgraduate program, namely: Advanced Law of Collective Dispute Resolution (which is available to MLLR and LLM students); and Environmental Law. In second semester this year the Faculty is offering two seminar courses as part of the Masters program, namely: Introduction to US Antitrust Law; and Theoretical Models of the Corporation and Their Relevance to Modern Problems in Corporate Law. Introduction to US Antitrust Law will be taken by Professor George Hay who is the Allen Allen & Hemsley Visiting Fellow for 1992. Professor Hay is the Edward Cornell Professor of Law and Professor of Economics at Cornell University in Ithaca, New York. The course provides an opportunity for comparative analysis of the treatment of antitrust problems, as well as providing students with a basic practical understanding of the US antitrust law. Theoretical Models of the Corporation is a seminar course jointly taught by Professor Fisse and Jennifer Hill of this Faculty. The course examines various models of the

corporation, including holistic and atomistic theories, and discusses contemporary developments in areas such as institutional investors and corporate governance, corporate cultures and regulation, and minority shareholder relief from the perspective of underlying conceptions of the corporation.

1992 has also seen a further increase in the number of

students undertaking research degrees. This increase has largely been due to the successful introduction of the Doctor of Juridical Studies (SJD) last year. The SJD is a law doctorate involving an integrated program of coursework and supervised research. Candidates for the SJD are required to complete eight units of courses (six of which

must relate to the area of the dissertation), a compulsory course in either Legal Research or Legal Education and a dissertation of between 40,000-60,000 words.

Lee Burns
Associate Dean of Postgraduate Studies

SPRING OPEN WEEKEND



THE UNIVERSITY OF SYDNEY SPRING OPEN WEEKEND 4-6 September 1992

Sydney University's Spring Open Weekend will be held from 4-6 September, with the theme for this year being "Sydney University 'Building on the Past, Building for the Future'".

The purpose of Spring Open Weekend is to highlight the breadth and quality of work of the University of Sydney through a wide variety of activities, displays and events over the three days which are aimed at prospective students, current students, graduates, staff, the local and broader community.

Staff members from the Law School will be in attendance ready to answer any queries from prospective students and interested members of the public. Please bring your families along for a look at the activities at Sydney University.

The Coordinator for Spring Open Weekend is Meredith Cashier of the Office of Graduate and Community Relations and she can be contacted on 692 4310.

HONORARY DOCTOR OF LAWS DEGREES

Honorary Doctor of Laws degrees were conferred on Mr James Macken, a former Judge of the New South Wales Industrial Commission, author, lecturer and barrister; and Justice William Gummow of the Federal Court of Australia, at graduation ceremonies held on Saturday 2 May in the Great Hall.

Mr Macken has lectured in an honorary capacity in the University's Law School and the Department of Industrial Relations for more than 20 years. He is the author of several books on industrial relations and law, and wrote a book on the history of Coasters Retreat and Pittwater.

Justice Gummow has made an outstanding contribution to legal scholarship in Australia. A scholar of international repute, he has written extensively on subjects such as the law of equity and trusts. His great contribution to Australian law continues with his work in the Federal Court, where his judgments demonstrate his commitment to careful scholarship and rigorous legal reasoning.

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The University News*

LEGAL RESEARCH IN THE 1990'S

Of achievement and harder times to come

It would be easy for this report to detail our achievements in a bland and self-congratulatory fashion. Statistics are readily to hand which testify to the quantity and quality of research output, and the high standing in which that research is held within the local and international legal communities. However the future is not necessarily a rosy one: prospects are dimming; times are hard.

A record of excellence

Undoubtedly 1992 was a year of great achievement by Sydney Law School: members of the Faculty authored (or contributed to) the publication of 22 books and monographs, contributed 30 chapters in books, published 87 journal articles and 13 papers, and delivered 63 conference papers. It also saw the Faculty obtain five major grants from the Australian Research Council (initials and renewals), one from the University of Sydney Research Grant Scheme and ten from other bodies such as industry sources or the NSW Law Foundation.

The quality of that research was recognised in various ways, not least through the prizes awarded for outstanding contributions to the literature: such as the Francis Deak prize for the most meritorious article in the American Journal of International Law (Assoc Prof C Chinkin and S Wright), and the

Law Institute Journal editorial committee award (Dr Astor).

Such events as the election of Professor Crawford to the International Law Commission and to the prestigious Whewell Chair of International Law at Cambridge University, testify to the high standing of individual researchers.

"Academics can no longer assume that they are internally funded to undertake research at the level which academics have traditionally taken for granted."

Diminishing resources to support research

It would be misleading to dwell complacently on such achievements, however. Unquestionably, research is one of the hallmarks of a great Law School. And academics are expected to devote substantial proportions of their energies to publication: not less than a third of the working year and commonly much more. But chill winds have been blowing in the academic legal research community. Chill enough to raise serious doubts about our capacity to maintain this central academic function at levels which the community and the profession would expect.

Increasing reliance on external funds

Funding for serious research now mainly comes from external rather than internal sources. Academics can no longer assume that they are internally funded to undertake research at the level which academics have traditionally taken for granted.

Funds to undertake significant research must be won in competition with other disciplines. A major source of funds is the Australian Research Council. Since only one in five applications receive funding, it is pleasing to be able to report that, in the most recent round of grants, Sydney Law School obtained the largest aggregate share of funds won by the 21 Law Schools throughout Australia.

But there are very worrying aspects of this:

- Despite this success, these grants constitute less than 10 per cent of Faculty funding;
- ARC grants fund less than 50 per cent of the true cost of research projects;
- ARC projects tend to be large-scale projects, which call for a major commitment of time — yet the Faculty is not funded to allow the grant holder to be freed from teaching and administration to allow proper justice to be done to the field of enquiry; and
- Universities are no longer funded in ways which allow internal funds to be devoted to providing that support.

Shrinking internal budgets

There is a budgetary bottom line which drives this last point home. Under prevailing University funding arrangements, Sydney Law School suffers a real decline in resources. If other factors remained constant, there would be a reduction of up to 15 per cent compared to 1991 figures. Growth in post-graduate teaching loads and other adjustments will substantially reduce the "apparent" size of these budgetary reductions, but teaching and supervision loads will rise. The underlying squeeze on resources therefore remains. If applied to research activity, it would approximately halve the resources available to support such activity. The notional "research third" of the expected output of the Faculty would be severely damaged by such an impact.

Such a funding short-fall cannot be made up within the University. The budgetary situation is one which is common to the humanities generally and law schools in particular. Nor can it be off-set by re-adjusting priorities within the available budget: undergraduate and post-graduate teaching cannot be further depleted.

Fresh fund sources?

This leaves external sources. As mentioned, Sydney Law School currently holds the largest aggregate share of grants awarded by the major funding body — the ARC. Almost half a million dollars are won through competitive channels. However

it would be unrealistic to expect to do more than maintain this share (after all, more than half of the Australian law schools are not winning any grants at present). And even if it is maintained, funds to support research activity will roughly be halved.

There is just one other possibility — greater support from the profession, the alumni of Sydney Law School, and the community. The NSW Law Foundation demonstrated great foresight in instituting its three year "Legal Scholarship Support Fund". This recognised the plight of legal scholarship, providing a much needed boost to funds (and morale). But this scheme ends in 1993.

"Under prevailing University arrangements, Sydney Law School suffers a real decline in resources"

What can I do?

We are determined to maintain the reputation and profile of Sydney Law School as one of the great national (and international) centres of legal scholarship and research. But we cannot do this alone. If you have ideas about ways in which research might be supported, please contact one of the following:

- Ms Kiki Athanassopoulos (Sydney Law School Foundation): (02) 225 9297
- Professor Alex Zeigert (Acting Dean): (02) 225 9218 (Sally Spence)
- Professor Terry Carney (Research Committee): (02) 225 9225.

Terry Carney

INTERNATIONAL CONFERENCE ON CONSUMER LAW

The Third International Conference on Consumer Law was held in Canola, Brazil, in March of this year. The Conference was held under the auspices of a number of research centres and law faculties, including The Sydney Law School. Professor David Harland, Challis Professor of Law at Sydney, and Professor Jean Calois-Auloy of the University of Montpellier, France, were appointed the International Chairmen of the conference, which was attended by over 400 delegates and had a panel of speakers from some 20 countries. The theme of the conference was "Unfair marketing practices towards consumers".

The Placements Office is responsible for the Administration of the Law School's student employment activities.

The graduate Employment Program places final year students in full-time positions once they have completed their practical training at the College of Law. The Summer Clerkship Program places penultimate year students in employment during the approaching summer vacation.

Employment Interview Scheme

In 1991 all of the law schools in Sydney participated (including the Law Extension Committee), as well as the ANU. This year we added the law schools of the University of Wollongong and Bond University. In 1991-92 we acted as the coordinating law school.

The firms and bodies that participate request to do so and in 1991 there were 32 participants, including Government agencies, like the Attorney General's Department and the Department of Public Prosecution, Commonwealth and State; out-of-Sydney firms, like Fitzgerald White Talbot & Co from Muswellbrook; small firms, like Bryson-Taylor & Associates at Bondi Junction; as well as many city firms, both large and small. All sent representatives to speak to our students during a series of lunchtime sessions and this year we particularly encouraged the speakers to include in their presentations information on

matters such as maternity leave, childcare, and part-time employment.

Of our students involved in the scheme in 1991, approximately 50 per cent obtained offers of employment on graduation or summer clerkship placements.

Additional Employment Information Day

In 1991 we asked the students in the penultimate year at law school what type of placements they were interested in knowing about, or finding for themselves. From the responses to our questionnaire, we found there was an interest that was not being met by the present scheme. We organised an Information Day that was held in September 1991. The Law Society of NSW supported the initiative by sharing the cost of a flyer in their Journal.

The aim was to provide more diverse information as to career possibilities/opportunities than was perhaps being conveyed by the existing scheme. We were pleased with the diversity of the participants we attracted: including, for example, legal centres, the NSW Crime Commission, Polygram Records and Macquarie Bank. Many firms of solicitors who were keen to attract students to come away from the metropolitan area of Sydney sent information where they could not attend in person.

In 1992 we will repeat this initiative and broaden its base, to include both a "Job Market" particularly for firms anxious to obtain our graduates as employees or our students as clerks; and an Information Day directed towards broadening

our students' horizons and imaginations when it comes to career possibilities.

Professional Observation Programme and Legal Professional Programme.

These are two other aspects of the activities of the placements office. The Professional Observation Programme is conducted by the Law Society through the law schools and provides an opportunity for students to observe professional practice. The Lecture Series is conducted by four major city firms and the College of Law and covers invaluable aspects of practice from Negotiation to Legal Professional Responsibility. Both of these activities were held in 1991 and again in 1992.

Thoughts for the Future

With the addition of several new law schools in NSW recently and particularly in times of recession, our students need to consider, and be given the information and opportunity to consider, career paths that may or may not include practice in the legal profession as a solicitor or barrister. While the main responsibility of the Placements Office has been to support the Summer Clerkship and Graduate Employment Scheme, we would like to see it contributing in some way to a broader vision of the opportunities for law graduates of the University of Sydney.

Felicity Halloran
Placements Officer
Rosalind Atherton
*Senior Lecturer in Law, and
Director of Graduate and
Professional Relations*

NOTES FROM THE COORDINATOR OF CONTINUING LEGAL EDUCATION

In a year when mandatory CLE has been converted to management by self-assessment, and some members of the Law Society of NSW are to be audited for their CLE attendance, it is important that consistent records be maintained both by users and providers. This has always been the case at the Sydney Law School.

Regular readers of this Journal will be aware of the range of courses offered in the Continuing Legal Education program of the Sydney University Law School. Several novel approaches have been implemented in the past year to supplement the usual courses provided.

In addition to the "Recent Developments in Legal Subjects" type of course, efforts have been made to increase the range available to include non-law — profession-specific courses but which are still within the ambit of the Training Guarantee Act, for example "Industrial Relations and the Law", of interest to Personnel and Industrial Relations Officers. Also in this category is the twelve week "Legal Studies in Secondary Schools" course for High School teachers of HSC

students. This course has now been offered for two consecutive years.

Also popular has been the "Bridging" type of course offered to practitioners who have not regularly worked in a particular area of the law, for example, Family Law. Subjects offered from the areas of the undergraduate program, either as refresher courses or as options chosen for a first time, are to be offered on a regular basis.

Plans are in place to conduct a program of day-time lectures in conjunction with the Faculty Committee on Women directed particularly at women re-entering the profession after an absence from the work force. The aim will be to improve skills as well as to refresh and up-date knowledge of the law. The offering of this course is conditional on external funding which is currently being pursued.

To suit the requirements of those who could not attend a particular session or who are "out of town" customers, the CLE Office continues to offer access to past papers by sale. A list of available past papers can be provided on request.

Please complete the coupon on the next page if you are seeking to be placed on our mailing list for information about past courses as well as those offered in the future.

Jenny Littman
Co-ordinator
Continuing Legal Education

HELP! HELP! HELP!

We need to update our data base. Having your details on our data base means you are kept up to date with what is happening at the Law School. It also means that should a re-union be organised you will be one of the first to know.

Keep us up to date so we can keep you up to date. Notify us if you have changed address, or changed jobs. If you know of anyone who attended the Law School and no longer receives *The Law School Reports*, why not prompt them to drop us a line and give us their new job and address details.

Please take the time to fill-in your name and address details on the coupon below and return it to:

Ms Kiki Athanassopoulos
Sydney University Law School
173-175 Philip Street
Sydney NSW 2000
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CONTINUING LEGAL EDUCATION

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CENTENARY PUBLICATIONS

- ☐ I would like to order copy/ies of the commemorative hardbound edition of *A Century Downtown* at \$60 each. (Please make cheques payable to the University of Sydney).
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For more information about the Sydney Law School Foundation please contact:

Ms Kiki Athanassopoulos
Sydney University Law School
173-175 Phillip Street
Sydney NSW 2000
Tel: (02) 221 5635
DX 983, Sydney

CENTENARY PUBLICATIONS

A CENTURY DOWN TOWN

Sydney University Law School's First Hundred Years

Hardbound and generously illustrated, 272 pages including lists of Law Graduates from 1867 to 1990, Law School Teachers and Support Staff, and index. RRP \$60 (including postage).

Edited by John and Judy Mackinolty, *A Century Down Town* is an historical and personal account of Law School life from 1890 to 1990, providing a rich source of information about our first hundred years.

THE SYDNEY CENTENARY ESSAYS IN LAW

Edited by Colin Phegan and Patricia Loughlan, this is a collection of seminal essays on matters of current concern, written by established scholars all of whom once taught or still teach at Sydney Law School. Subjects include jurisprudence, international law, equity, administrative law, conflict of laws, common law, criminology, industrial law, and taxation.

Hardbound, 263 pages.
RRP \$45 (including postage)

LAW SCHOOL TIES

The Sydney University Law School Society offers the following item for sale.

Beautiful navy blue silk ties dotted with the Law School logo (scales of justice), \$40 each.

THE HAY FIRST AID ROOM

The Faculty has now, as a response to an initiative originating with the Committee of Women, established a First Aid Room (Level 12) which is available for use by staff and students at the Faculty of Law.

Margaret Dalrymple-Hay was Clerk to the Faculty of Law, University of Sydney, between 1919 and 1953. She also presided over the Law Library. Her typescript reminiscences which give a picture of the human side of the law school during these years are held in the Law School Library. During the war-time years between 1940 and 1946, she administered the Law School Comforts Fund. In the name of the Fund, a list of Law School graduates and undergraduates serving in the Armed Forces was compiled and maintained. Those serving



The Opening of the Dalrymple-Hay First Aid Room, from left to right: Shelley Wright, Julia Tolmie, Jenny Barga, Elaine Fishwick, Julie Stubbs and Eilis Magner

in the Forces were encouraged to send news of themselves and others, censorship permitting, to the Law School for inclusion in the Legal Digest which covered Law School and legal news and was posted out every few months to keep its recipients in touch with the profession and each other. In addition, the Comforts Fund sent two Penguin books to everyone every month and special food

parcels and cakes at Christmas time.

In December 1991, Faculty resolved that the First Aid Room which has now been established at the Law School be formally named the Hay Room, in recognition of the contribution made by the support staff (of whom she is representative) to the aid and comfort of the denizens of this building and that a statement to this effect should be displayed in the room.

CENTENARY COMMUNAL QUILT

To ensure the involvement of women in the Law School's centenary celebrations in 1991, it was decided to create a communal quilt to celebrate the achievements of women, both in this law school and in legal or law-related careers generally.

Some wonderful patches for the quilt have already been received from staff and students, male and female alike. However for the quilt to be a success the project needs a lot more support.

If you, or any of your friends or family, are interested in completing a patch for the quilt please contact Catherine Hurley (room 1130A, phone 232 5944, ext 202) and leave your name, address and phone number and a quilt kit will be sent out to

you. The quilt kit consists of the feminist colours: green, white and violet, but you may use any colours you choose.

You do not need to be able to sew to complete a patch, those who feel uncomfortable with needle and thread can use other alternatives, such as glue and fabric paints. If you are the least bit creative, why not create a patch for the Centenary Communal Quilt?

Blackacre is the annual magazine of the University of Sydney Law Society. The catchcry of its editors is "It must be representative!": the result is that *Blackacre* stands somewhere between a "Law School Boys' and Girls' Own Annual" and a forum for serious discussion on law and school by students and professionals alike.

The Environmental Law Society, the Law School Branch of Amnesty International, Mooters and Law Revuers (the singing and dancing kind) all have a chance to let their voices be heard. The events closest to a law student's heart are relived with reports on the Law Ball, Interfaculty Sport and the ALSA Conference (the Australasian Law Students' Association). Creativity is kindled with literary and photographic competitions, current issues are canvassed and the institution of *Blackacre* itself is challenged:

I just want to say that as editors (but first as wommyn) you should refuse to participate in the conspiracy of semiotic domination which until now has gone unchallenged in this phallus hierarchy. As the title of our "forum", the name *Blackacre* signifies a complex of meanings to which we are all made subject. I, as one of many

voices, urge you to deconstruct the ideological mask of tradition. As wommyn you must recognise that it is one of the instruments of capito-patriarchal oppression operating on several levels

within this building. Don't be blinded by your conditioning. Look through the veil of discourse and see the linguistic politics of *Blackacre*.

Law in its social context is dissected and discussed. In the past, interviews have been conducted with Sir Anthony Mason, Justice Elizabeth Evatt and Sir Garfield Barwick, amongst others. Articles by professionals from the Redfern Legal Centre and country solicitors' offices have been published, and contributions

FIGURE 2

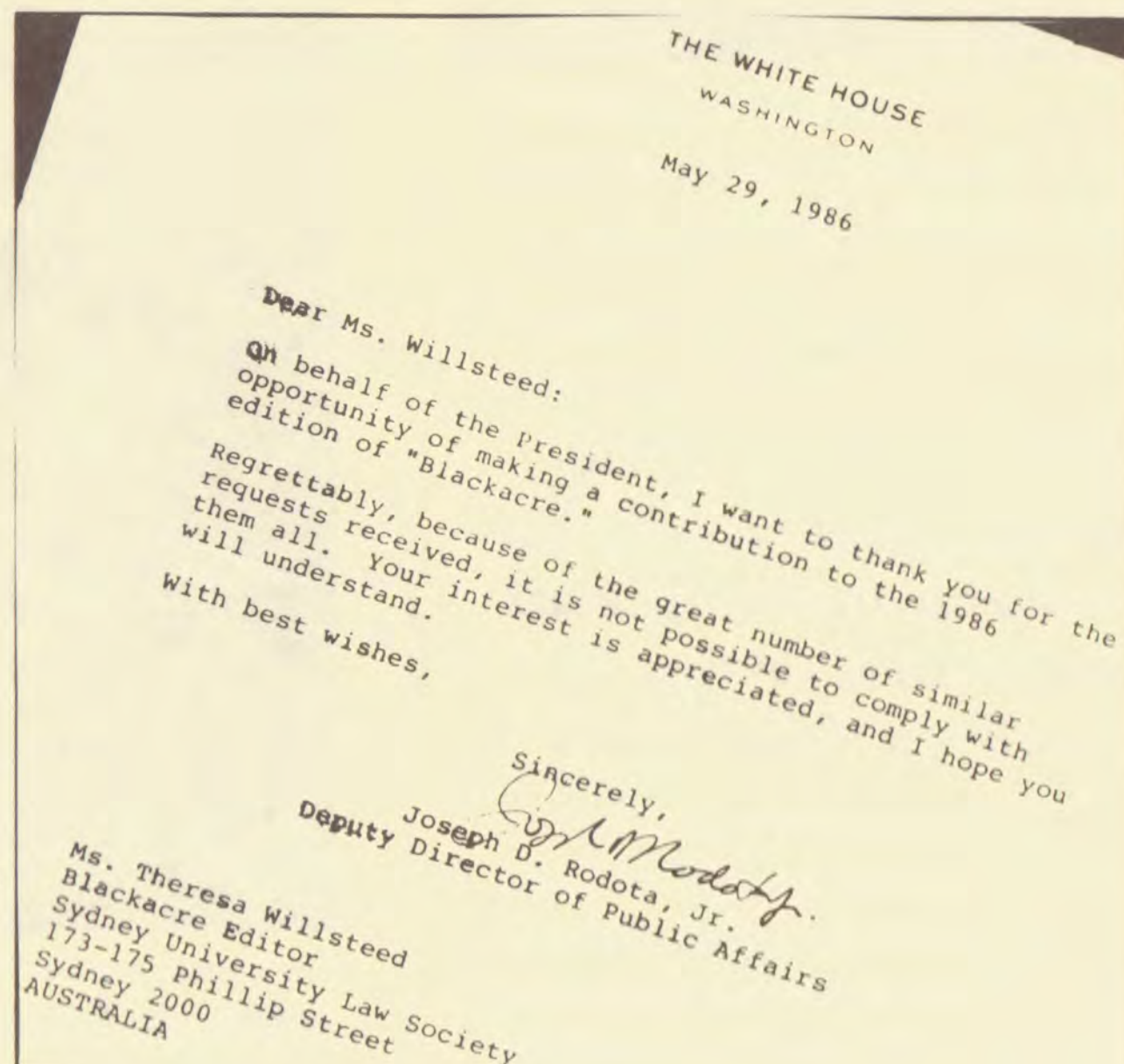


FIGURE 1

have been sought from even further afield (refer figure 1)

Whatever the stance of its editors, *Blackacre* guarantees that the views of our favourite lecturers will find a place for expression. Thus the wit of Professor Crawford continues to amuse:

"Contrary to popular belief, I am not infallible, although I do have a strong opinion on the subject."

"This is the result of a Law Reform Commission Report for which I'm responsible — he said modestly".

Blackacre 1990

JOHN WINSTON HOWARD

When we first met John in 1957 he was a youthful-looking, bewildered and ambitious young man trying to make the best of his newly-acquired environment. Today, he is still almost as youthful-looking, no longer bewildered but self-assured and mature. His intelligent approach to Law, superadded to his years of valuable debating experience, ensure that John is going to be a truly successful and competent "mouthpiece." In politics he has always been a staunch Liberal, whereas his views on morality were rather conservative; it is great to see that his moral standards are, at last, beginning to move in line with his political convictions.



"That was a joke by the way. A very little joke."

Such gems are to be matched only by the words of Professor Austin:

"Did I hear some raised eyebrows?"

"I must admit a lot of the articles are by me."

Perhaps most important for those who have reached their final year at law school are the valedictories, if only to prove, years later, that "I knew John when he drank coffee on level five": (refer figure 2).

The *Blackacre* editors of 1992 hope this year's magazine will be as entertaining and

informative as ever.

Contributions are gladly received, and enquiries should be directed to:

The Editors of *Blackacre*
c/o The SULS Office
173-175 Phillip Street
SYDNEY NSW 2000

THE SYDNEY LAW REVIEW

The "Before the High Court" column was introduced to *The Sydney Law Review* upon its change from a yearly to a quarterly publication. "Before the High Court" allows expert commentators to contribute and respond promptly to significant developments in the Law, a move applauded by the Honourable Sir Anthony Mason in his opening address to the *Sydney Law Review* Conference in October 1991:

"As a judge I have always marvelled at the sagacity and perception of academic lawyers who make their views known after, not before, the High Court has delivered its judgment. How much better it would be for the Court if it had the benefit of these views before judgment, preferably before argument. The *Review* now provides that

opportunity, just as the *Law Quarterly Review* has done for many years, though mainly by means of editorial comment upon decisions under appeal. I hope that the opportunity is taken up. After all, on points of pure law, the writings of the Roman jurists were more influential in Roman tribunals than the arguments of Cicero or Hortensius; the magistrates before whom they appeared were not so learned in the law. Mind you, I am not suggesting that we should elevate our academic lawyers to the status accorded to the great Roman jurists. Nor is it my intention to debase the role of counsel to that of Cicero and Hortensius. All that I am saying is that it would be helpful if, from time to time, we had the advantage of reading a reasoned and critical appraisal of judgment under appeal in the form of an article or note in a law journal. Not every case, even in the High Court, is argued with consummate skill and ability. So I congratulate the *Review* on its new approach, one which may yield real benefits to the Court and to the development of the law."

The *Sydney Law Review* is a refereed journal and receives contributions from a board of student editors as well as the Faculty Editorial Board.

Students who have achieved distinction in other subjects are offered a position on the board of student editors. Those who take up the offer are given an insight into all aspects of the world of academic writing. Student Editors are required to edit manuscripts, review articles, write case notes and book reviews for publication and compile indexes and tables for the *Review*.

Where possible experts in the field are invited to talk to students on aspects of legal publishing. Only recently Professor Pat Lane, who has compiled the index of the *Commonwealth Law Reports*, for many years, spoke to the students about the technique and intricacies of indexing, a more complex process than most would imagine.

The Law Book Company has given the *Review* generous financial assistance and publishes the *Review* on behalf of the Faculty.

Appointments

Professor Ben Boer, MA, LLB, BA (*Melb*) — Corrs Chambers Westgarth Chair of Environmental Law.

Mr Christopher Cunneen, MA(*Syd*), BA DipEd (*NSW*) — Fixed Term Senior Lecturer in Law.

Mr Bernard Dunne, BA, LLB (*Macq*) — Temporary Lecturer in Law.

Ms Therese MacDermott, LLB, BA, (*Qld*), BCL (*Oxf*) — Fixed Term Lecturer in Law.

Ms Barbara McDonald, LLB (*Lond*), BA, LLM(*Lond*) — Lecturer in Law.

Ms Kathryn McMahon, BEc.LLB (*Syd*) — Lecturer in Computer Assisted Legal Research

Mr Colin O'Hare, LLM, LLB (*Syd*) — Senior Lecturer

Mr David Fraser, LLB (*Laval*), LLM (*Dalh*), LLM (*Yale*) — Senior Lecturer.

Promotions

Dr Lyndel Prott was appointed Professor in Cultural Heritage Law, University of Sydney (personal Chair).

Dr Christine Chinkin and Mr Mark Findlay were promoted to Associate Professor.

Mr Ross Anderson and Ms Nicola Franklin were promoted to Senior Lecturer.

Resignations

Professor James Crawford resigned on 1 April 1992 to take up the Whewell Chair of International Law, University of Cambridge.

Ms Katharine Grevling resigned on 7 October 1991 to take up a lectureship at Exeter College, Oxford.

Mr Andrew Stewart resigned on 30 November to take up an Associate Professorship at Flinders University.

Dr Alan Reeves resigned on 31 December 1991.

On Study Leave

Mr Stanley Yeo — 1 March to 31 December 1991

Dr Margaret Allars — 29 March 1991 to 27 April 1992

Ms Jane Swanton — 10 June to 10 December 1991

Dr Hilary Astor — 1 July 1991 to 31 January 1992

Mr Graeme Cooper — 1 July to 31 December 1991

Mrs Rosalind Atherton — 1 July to 31 December 1991

Ms Jennifer Stuckey-Clarke — 21 July 1991 to 19 February 1992

Ms Shelley Wright — 1 January to 1 July 1992

Associate Professor Peter Butt — February to December 1992

Dr Patricia Loughlan — 1 February to December 1992

Ms Dimity Kingsford Smith — 24 February to 24 June 1992

Associate Professor C Chinkin — 1 March 1992 to 31 August 1992

Professor David Harland — July 1992 to January 1993

Mr B Opeskin — 1 July to 31 December 1992

Ms E Magner — 20 July 1992 to 1 February 1993.

Staff on Leave

Associate Professor Patrick J O'Keefe — August 1991 to November 1992

Dr Lyndel Prott — August 1991 to November 1992

Ms Jane Swanton — 24 February to 5 June 1992

Ms Nicola Franklin — 16 March to 29 June 1992

Mr Patrick Fazzzone — 1 January to 31 December 1992

Associate Professor John Carter — 10 August to 18 December 1992

Visiting Fellowships

Professor Dr Norbert Reich, Professor of Law at the University of Bremen and Managing Director of the Centre of European Legal Policy at the University of Bremen, was the Allen Allen & Hemsley Visiting Fellow for 1991 (22 July - 15 December).

Professor George A Hay, Professor of Law and Economics at The Cornell Law School is the Allen Allen & Hemsley Visiting Fellow for 1992. He will be with us from July to October 1992.

Professor Nanette Davis, Department of Sociology, Portland State University, Senior Fulbright Scholar from 10 February to June 1992.

Professor Susan Smith, Willamette University College of Law, Oregon, Fulbright Fellow from 15 June to 15 December 1992.

Visitors to the Faculty (June 1991 — May 1992)

Professor Grant Hammond, Dean, Faculty of Law, University of Auckland — 31 May to 5 June 1991.

Associate Professor Caroline Forell, School of Law, University of Oregon — 3 to 7 June 1991.

Dr Iain Steware, Faculty of Law, Macquarie University — 1 July to 31 December 1991.

Professor R Hildreth, School of Law, University of Oregon — 3 to 7 June 1991.

Professor Fran Olsen, School of Law, University of California at Los Angeles — 24 to 26 July 1991.

Mr Robert McCorquodale, Fellow, St John's College, Cambridge — 29 July to 15 August 1991.

Professor George P Smith II, The Columbus School of Law, Catholic University of America, Washington — 30 July to 26 August.

Professor Mikhail Marchenko, Dean, Faculty of Law, Moscow State University — August to September 1991.

Professor Miroslaw Wyrzykowski, Faculty of Law, University of Warsaw, Poland & The Institute of Comparative Law Switzerland — September to October 1991

Professor Pu Zengyuan, Institute of Law, Shanghai Academy of Social Sciences, People's Republic of China — September to October 1991.

Associate Professor Young Gon Kim, College of Law, Chosun University, South Korea — August to December 1991.

Professor Graham Davies, Department of Psychology, University of Leicester — 5 to 11 August 1991.

Mr Rex Ahdar, University of Otago, New Zealand — 20 to 23 August 1991.

Associate Professor Elizabeth Sheehy, Faculty of Law, University of Ottawa — 20 September to 15 November 1991.

Mr Gerard McCormack, Faculty of Law, University of Southampton — 20 September to 15 December 1991

Dr Harold Wilkinson, University of Bristol — 7 October to 4 November 1991.

Emeritus Professor P Blumberg, University of Connecticut — 24 February to 13 March 1992.

Associate Professor Margaret McClarren, University of Waikato, New Zealand — 3 to 14 February 1992.

Dr Richard Erickson, Centre of Criminology, University of Toronto — 29 April to 1 May 1992

Professor Mary Jane Mossman, Osgoode Hall Law School — 27 April to 22 May, 1992.

Professor Stanley Paulson, Professor of Law and Professor of Philosophy, Washington University, St Louis, Missouri — 9 to 20 March 1992

Professor Dr jur Rudiger Voigt, Faculty of Social Sciences, University of Armed Forces, Munich, Germany — June to September 1991 & July to August 1992.

Professor Rex Martin, Department of Philosophy, University of Kansas, Lawrence, Kansas, USA — July to November 1992.

