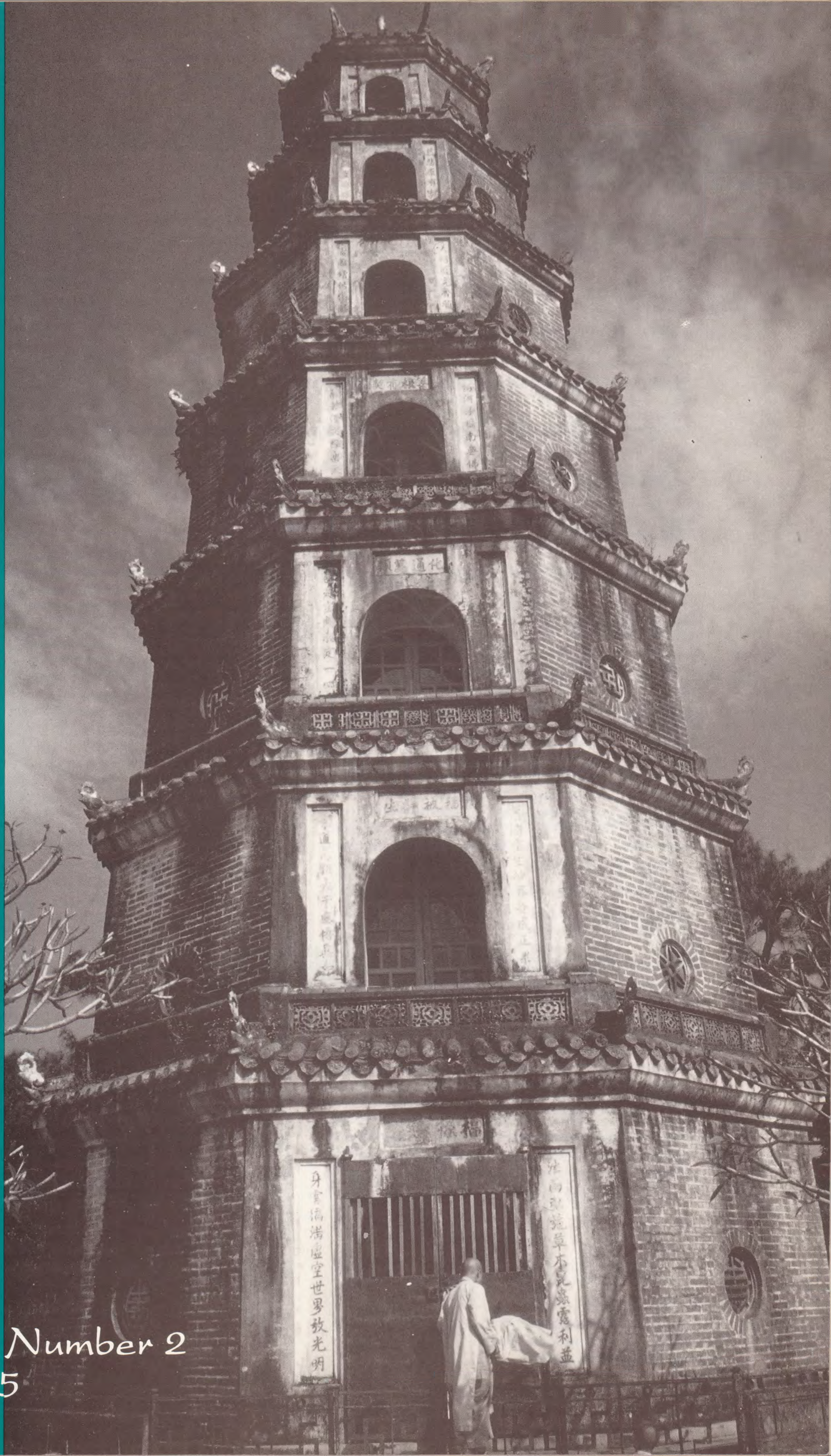


# The Sydney Law School Reports

Volume 3 Number 2  
May 1995





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# From the Dean's Desk



## Another Century Downtown?

The most commonly asked question by graduates and friends of the Law School is still "When are you moving to the Main Campus?"

In my last column in the *Law School Reports*, I did note that "detailed discussions with the Vice Chancellor and the University's senior planning officers have now made it clear that

there is no practical possibility of the Law School moving to a purpose-built facility on the main campus for at least the next ten years." The University's Capital Management Plan 1994-2004, released late last year, reflects this position, although there is an allocation of several million dollars towards the major refurbishment of the existing Law School Building in Phillip Street.

We are currently close to selecting one of the leading firms of architects and planners to conduct an "accommodation study", as a prelude to developing detailed plans. The key priorities, not surprisingly, are to improve greatly the general amenity of the Law School (more natural light, more breathable air, more pleasant surroundings, more explicable lifts) and to augment and enhance our working space (classrooms, offices, meeting rooms, research facilities, moot court rooms, and so on) in order to cope with our increasingly large and complex operations.

## ... with a Campus Presence

For the first time in its modern history, the Law School also will have a "campus presence", to support our undergraduate teaching program and the delivery of services for Combined Law I students. A section of the old Sydney Teachers' College building on campus (opposite the new Education Faculty Building) has been given over to the Law Faculty for this purpose. After some quick and almost-completed renovations, the facilities were put to use at the start of the 1995 academic year. We now have some excellent tutorial rooms dedicated to Law Faculty use, as well as a Student Services counter, and some offices for tutors and for staff-student consultations. With the relocation of our lectures to the Bosch Theatre, all of our campus teaching is now centred around the "Education precinct" on campus. The "Law School Annexe" will have its official opening later this semester.

## Fostering the Development of Skills

Although the Faculty of Law still suffers under the worst staff-student ratio in the University, a modest improvement in our resources — plus a great deal of energy and commitment — has seen a major increase in the Faculty's recent efforts to help LLB students develop generic professional skills. This semester, Associate Professor Hilary Astor continues to teach her popular course on Dispute Resolution. In addition, we invited Professor Les McCrimmon, of Bond University, to offer a special seminar on

Interviewing and Negotiating Skills. Next semester, Stephen Odgers and Associate Professor Peter Butt will again be offering optional courses on Trial Advocacy and Legal Drafting, respectively.

The Faculty has put considerable extra resources into our First Year teaching program for 1995 (and 1996, at least) with a special emphasis on reducing class sizes and revamping the Legal Writing component. Two new members of academic staff — Penny Pether and Graeme Coss — have done an exceptional job in developing an integrated legal writing skills program. The Director of the Faculty's Centre for Plain Legal Language, Mark Duckworth, is also currently involved (with one of the University's language labs) in the development of an interactive computer package for teaching effective legal writing.

The Faculty also has set aside funds towards the imminent establishment of a new position of Director of Clinical Programs, with the intention of developing a major placement-based clinical program for senior undergraduate students.

## Congratulations

The Class Notes section later in this edition makes mention of some important career moves and developments among our many graduates. A few others also deserve special mention and congratulations: to **Sir Anthony Mason**, who will become Chancellor of UNSW and a National Scholar at the ANU upon his retirement as Chief Justice of the High Court of Australia; to **Justice William Gummow**, the most recent appointment to the High Court (where he joins Sydney alumni **Justices Deane** and **Gaudron**), following a distinguished career at the Bar, as a Federal Court judge, and as a lecturer at this Law School for many years; to **Ms Irene Moss**, formerly Commonwealth Race Discrimination Commissioner and NSW Magistrate, who becomes the new NSW Ombudsman; and to **Mr Jeff Shaw QC**, recently sworn in as the new Attorney-General of NSW and Minister for Industrial Relations.

## Graduate Relations — Announcing "SULSAA"

Given the poor and declining levels of public funding available to Australian Law Schools, we are increasingly obliged to seek the kindness of strangers — and especially of our graduates, associates and friends — in order to deliver effective academic and professional programs. As the oldest University, with the largest number of living graduates, Sydney Law School should be in a most privileged position when it comes to tapping into the experience, insights, talents, contacts, cooperation and generosity of our alumni. Without minimising the difficulties involved in attempting to initiate an American-style "alumni culture" in Australia, now must be the time to start. Near the end of this edition, there is an invitation to help us establish a Sydney University Law School Alumni Association (SULSAA). If only a small percentage of our roughly 8000 graduates get involved, we should be able to do some wonderful things. Please get in touch.

David Weisbrof



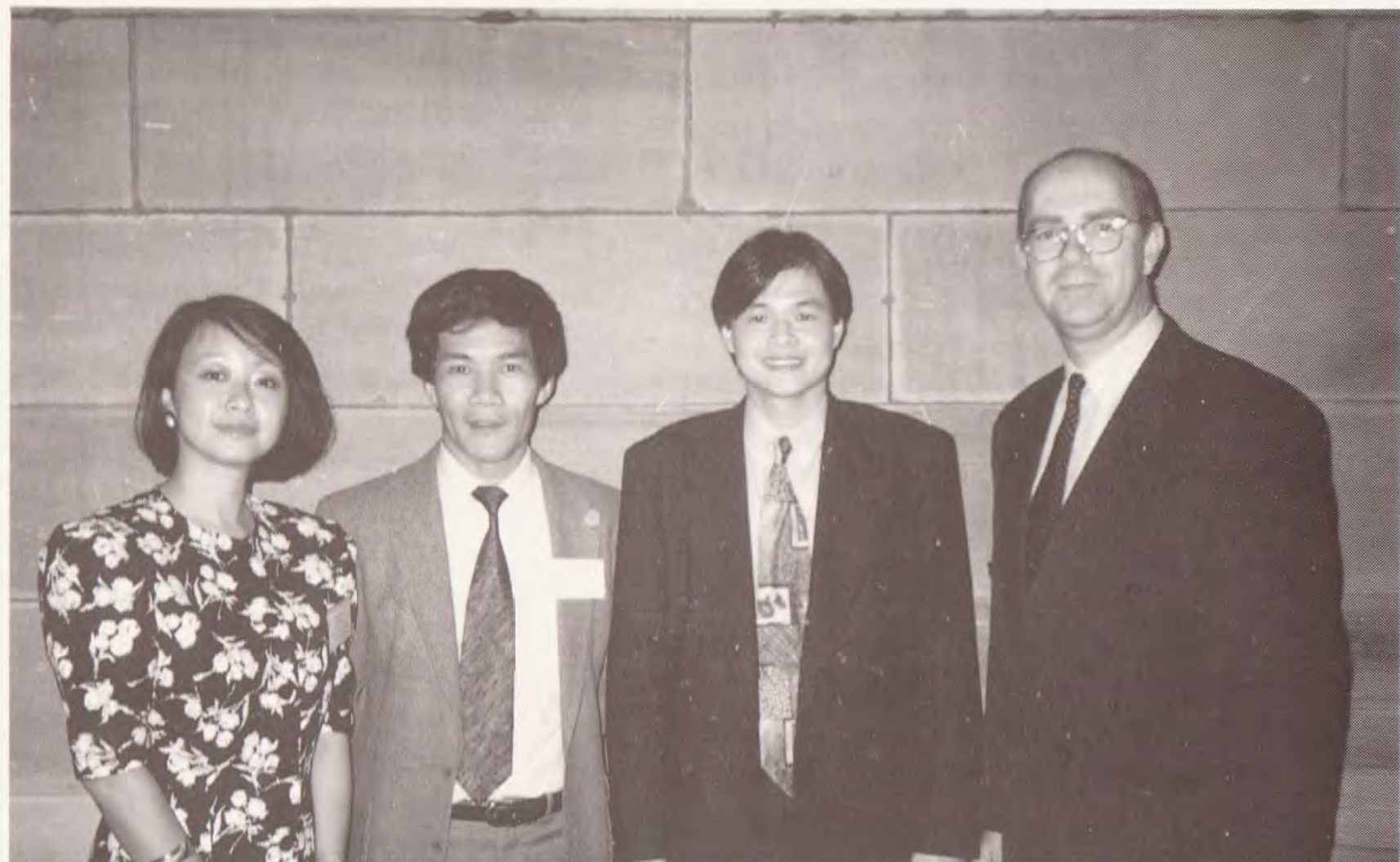
# CAPLUS

## **Centre for Asian and Pacific Law at the University of Sydney**

**W**ith an Australia which is rapidly developing both trading and diplomatic relations with the many countries of Asia and the Pacific, the contemporary interests there in law as a vital tool to stability and economic growth have also become our concerns. Yet law and legal infrastructures can keep up with economic development or lag seriously and detrimentally behind it. Aware of the recent setbacks in the use and development of legal infrastructures in so many of the countries of Asia and the Pacific, they are now seeking self-consciously to overcome the handicaps of a legal vacuum. For Australia and Australian investors in Asia and the Pacific, doing business there and getting to know and work with their partners has meant learning to recognise temporary shortcomings in the legal field and transmitting an understanding for and reliance on legal processes and principles. The process has been a culturally beneficial experience for both Australians and the peoples of the Asia-Pacific region. A richer understanding of each other and a deeper appreciation of equitable and mutually respecting interdependence have resulted.

Yet this process may not grow sufficiently fully and strongly without efforts from other sectors of the community: lawyers and schol-

ars. It is with this perception that the University of Sydney proposed the establishment of a Centre for Asian and Pacific Law. There was no shortage of supporters for the concept of a centre with a wide range of legal professional, academic scholarly and social objectives for the development of knowledge and understanding of Asian and Pacific law and legal systems, of their legal educational systems and needs, and of their practices and customs.



*From left to right: Ms Conita Leung, Associate Director of CAPLUS; Dr Nguyen Qui Binh, Ministry of Foreign Affairs, Vietnam; Mr Vincent Lin and Mr Peter McMahon, both of Rosenblum & Partners.*

Housed within the Faculty of Law's building, the University's Centre for Asian and Pacific Law (CAPLUS) operates under the directorship of Professor Alice E-S Tay, Challis Professor of Jurisprudence. CAPLUS was officially launched on 27 November 1994 but had been operating informally prior to the launch. With sponsorships from John Landerer and the Law Book Company the Centre has, despite its youth, already achieved some significant goals in the area of Asia-Pacific law. Its functions include the promotion of knowledge in and understanding of the laws, legal systems, constitutions, legal culture and business laws



of the countries of Asia and the Pacific through seminars, research and teaching on Asia-Pacific law; providing a source of information on legal developments in the Asian and Pacific region and Australia; organising exchange programs and specialised courses for students, scholars and lawyers; publishing and circulating work on the laws, legal systems, legal and constitutional developments; and updates of business and commercial laws of these countries.

During 1994, the Centre had already commenced operations and undertaken numerous activities and plans, such as signing 13 Memorandums of Understandings with the four top universities of the PRC, 4/5 of the universities of the Ministry of Justice of the PRC, the China Law Society which has a membership of over 50,000, and Hong Kong University, whose Vice Chancellor Wang Gungwu is a member of the Centre. It also inaugurated the first four week Winter School for Chinese Law in Shanghai in January 1995, and commenced collaborative projects on environmental law with Wuhan University as well as planning for further activities in 1995.

At the official launch of the Centre, the opening speech by Professor Tommy Thong Bee Koh, Director of the Institute of Policy Studies, Singapore, said that the National University of Singapore Law School would like to establish an institutional link with CAPLUS, and would also be interested in concluding an agreement for the exchange of undergraduate law students with Sydney University.



*Professor Alice E-S Tay, Director of CAPLUS and Challis Professor of Law.*

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## VIETNAM SENDS JURISTS TO SYDNEY FOR LEGAL TRAINING

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**T**wenty Vietnamese jurists began three months of professional further education in late February 1995, after the University of Sydney again won the contract to provide them with legal and language training. The delegation from the Vietnamese Ministry of Justice is studying under a program funded by the Swedish International Development Agency (SIDA) and designed to meet the needs of the rapidly developing Vietnamese economy.

According to Professor Alice Tay, Director of the Centre for Asian and Pacific Law, the growth of the Vietnamese economy is outstripping the pace of legal reform. "With the opening up of the economy, there is a great need for new commercial law, property law, civil procedure law and particularly for laws to protect foreign investment," she said. "In the past, their legal system has drawn on a range of influences, from Confucianism to Soviet socialism. The Vietnamese government realises, however, it now has to learn from bodies of developed commercial law, such as those that exist in Australia." Professor Tay said the 1993 program was a major benefit to the Vietnamese officials who participated. "On returning to Vietnam, several won scholarships to study abroad or were promoted within the Ministry of Justice," she said. "The program is also a huge plus for the University, local Sydney law firms and the Australian legal system as a whole. All parties involved will be able to make invaluable contacts. Ten years on, the Vietnamese legal system will be dotted with decision-makers who have trained here."



Professor Tay says the program is an important step in the export of Australian education. "Education comes in all shapes and sizes and with this program we have been flexible and sensitive enough to tailor a program to the specific needs of our Vietnamese guests. All parties — including the Vietnamese Ministry of Justice, SIDA and the lawyers themselves — were so pleased with the schedule we organised in 1993 they asked us to run another program this year." The lawyers have begun a month of English classes on the University's Camperdown-Darlington campus, to be followed by two months training in Western legal systems and Australian legal institutions at the Faculty of Law.

Source: University of Sydney News, 1 March 1995, author: Chris Kearney.

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## Asia-Pacific Law Conference

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The Asia-Pacific Law Conference was held on 17–19 November 1994 in Sydney, organised by the Asia-Pacific Law Conference Committee of NSW Young Lawyers. The conference attracted approximately 100 delegates and 40 speakers, the latter including Professor David Weisbrot, Dean of Law, University of Sydney; Professor Alice E-S Tay; and Conita Leung. With an opening address given by the Federal Attorney-General, Michael Lavarch MP, the conference theme was to explore the process of, and prospects for, harmonisation of laws and further co-operation between lawyers in the Asia-Pacific region.

Copies of the conference papers are available from NSW Young Lawyers, telephone Poppy Hatzistergos on 220 0270.

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## INDONESIAN LAW AT SYDNEY UNIVERSITY

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Sydney University Law School was the first Australian law school to offer a course on Indonesian Law. It has been taught in the Law School's postgraduate program for twenty years by Dr John Ball who has written three books on the Indonesian legal system and compiled a bibliography of English language materials on Indonesian Law. The course, which requires no prior knowledge of Indonesia or of any foreign language, is designed as an introduction to the legal system of Indonesia. Australia has maintained a close relationship with Indonesia and might expect increasing cultural and trading links in the future. Since Indonesia has the world's largest Muslim population, a study of its legal system also provides some insight into the nature of Islamic law.

The course is divided into two parts. In the first part, students learn that the complex legal system inherited by Indonesia on independence was a product of indigenous, Indian, Islamic and European influences. Students then consider the way in which Indonesia has sought to develop a national law for a country which is anxious to assert its national unity but which recognises that it consists of many different peoples with different cultures, religions and stages of social and economic development. A detailed study is made of developments in land law, family and inheritance law, and the law of contract.

The first part also examines the respective roles of the legislature, the executive and the judiciary in the Indonesian law-making process. Special attention is paid to judicial review, judicial independence, observance of the rule of law, rights of suspects, and informal dispute settlement in Indonesia. The first part concludes with an analysis of the nature and current roles of *adat* (customary) law and Islamic law in the Indonesian legal system. The second part deals with areas of Indonesian law of special interest to Australian companies investing in or trading with or in Indonesia. Topics which may be studied include foreign investment law; company law; taxation law; intellectual property law; conflict of laws; recognition and enforcement of foreign judgments in Indonesia; arbitration of commercial disputes; credit and security law; transnational contracts; banking law; and the Timor Gap Treaty. The topics to be studied are influenced partly by the interests of students and partly by the availability of materials in English.



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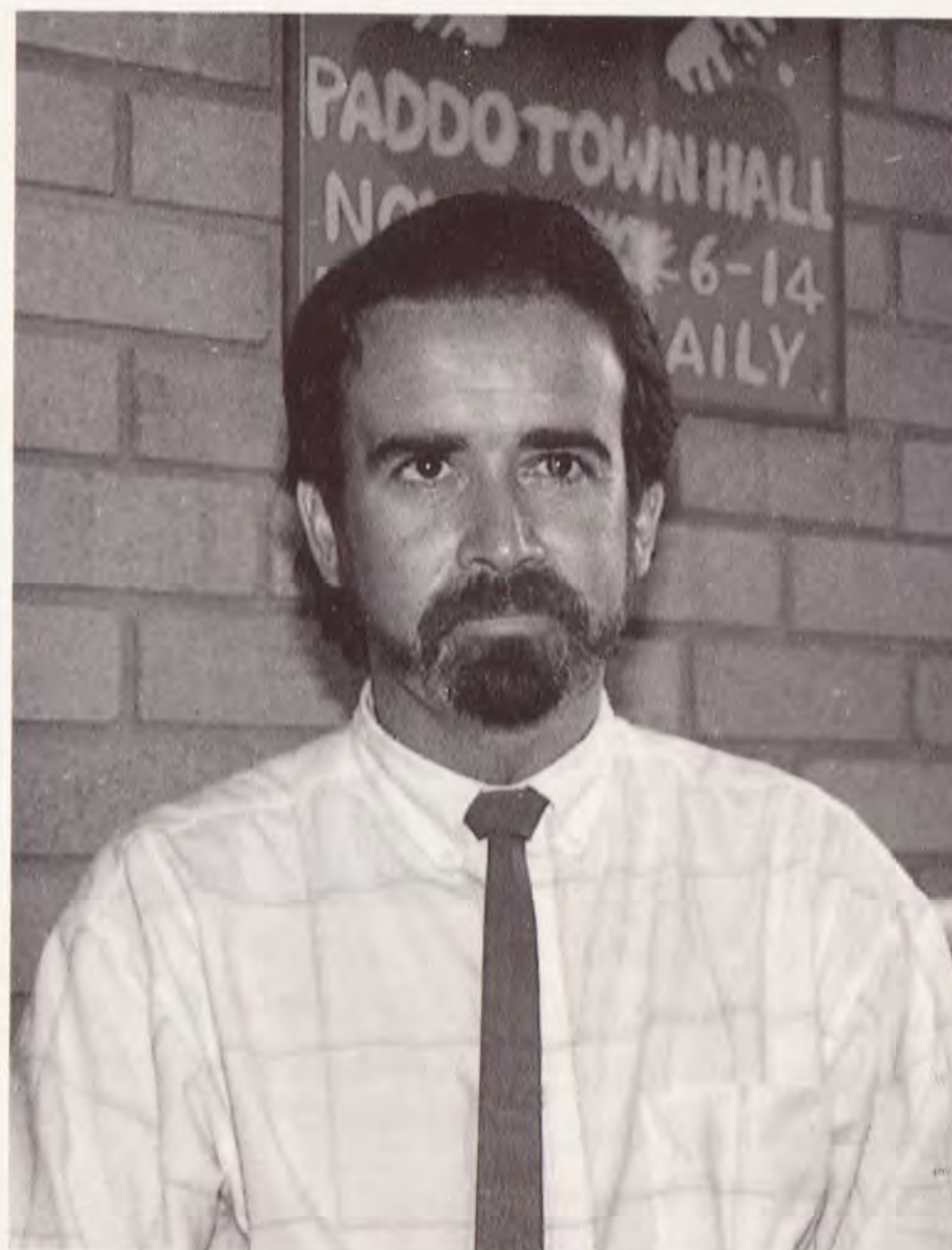
### **Mark Findlay takes up Professorship at the University of the South Pacific**

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**A**ssociate Professor Mark Findlay took up the Foundation Chair of Law at the University of the South Pacific on 1 February 1995. Professor Findlay, previously the Director of the Institute of Criminology in the Faculty, will be on leave from the Institute for the period of his appointment to USP.

In 1994 a Bachelor of Laws program was commenced at the University of the South Pacific. This program is unique in dealing with the laws of the 12 Pacific Island countries that make up the only regional university of this kind in the world. While the teaching of law for the award of the degree will adopt traditional "face to face" methods of instruction, the program will develop and expand the university's sub-degree and post-degree law offerings provided through a variety of sophisticated distance learning modes.

Prior to his departure Professor Findlay said he was excited at the challenge of the new post. "I feel it is important at this time that the oldest and no doubt principal law school in Australia should establish such a vital connection with an important new teaching program in the Pacific. Not only will my appointment forge links between Sydney University and the University of the South Pacific, but the expansion of a Visiting Fellows dimension of the program will create opportunities for other members of staff to assist in the research and teaching functions of the new law department. As head of that department I am committed to identifying and broadcasting the unique dimensions of law in each jurisdiction covered by the University. In addition I hope that the University of the South Pacific might assist in the co-ordination and expansion of regional law reporting. No doubt the newly established Centre for Asian and Pacific Law, within this faculty, will represent further possibilities for Sydney's support of the USP program."



*Associate Professor Mark Findlay, Director of the Institute of Criminology since 1990 and recently appointed Professor of Law at the University of the South Pacific.*

Professor Findlay is not the first in our faculty to be involved in the establishment of law as a discipline within the University of the South Pacific. Professor David Weisbrot, the dean of this faculty, has had a long and productive association with various South Pacific jurisdictions, and was in fact responsible for developing certificate courses in criminal law at the University of the South Pacific. Coincidentally Professor Findlay will take teaching responsibilities in the criminal law area within the new law program. In addition, Professor Weisbrot has recently been appointed as a Law Reform Commissioner for Fiji, and no doubt will be able to see at first hand the impact Professor Findlay is having on the development of legal teaching and research at USP. The major functions of the Institute of Criminology will continue over the next few years, and an interim director is yet to be appointed.



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## Updating Child Legislation

**A**ssociate Professor of Law and specialist in children's law, Patrick Parkinson, has been appointed by the NSW Government to chair a reference group to review the *Community Welfare Act* and the *Children (Care and Protection) Act*. The first act governs the funding regime for the non-government welfare agencies, such as Centacare, Careforce and Doctor Barnardo's, as well as looking after the emergency relief funds dealing with disasters like bush-fire and flood.

However, his most challenging task is the review of the *Children Act*, introduced in 1987, but now outdated according to Mr Parkinson, partly because of its very broad definitions of child abuse. These, he says, are anachronistic given the trend throughout the Western world towards more specific definitions of abuse, and for coercive intervention only in the most serious cases.

Under the current act, there are four types of abuse: physical, involving battering of children; sexual, covering incest and other sexually harmful or exploitative behaviour; emotional, where parental behaviour causes psychological harm; and neglect, usually involving the fundamental dereliction of a parent's duty of care. Since 1980, the number of cases notified to the NSW Department of Community Services each year, and covering all categories, has spiralled to nearly 30,000. More than half of these are substantiated.

The current law calls on teachers, school principals and counsellors to report suspected



From left to right: Acting Director General David Sherlock, Minister for Community Services Jim Longley and Professor Patrick Parkinson at the formal launch of the Advisory Reference Group on 14 December 1994.

cases of sexual abuse, but doctors who suspect any form of abuse must report it to the authorities. The reasoning behind this, said Mr Parkinson, was that what may appear physical abuse to a teacher, such as a blackened eye or bruising, may have been inflicted by a school mate or a sibling, but a doctor would be able to discern a pattern of abuse, such as fractures.

Mr Parkinson's review will pose four major questions. How should abuse of children be defined? Who should report it? What emergency powers should be given to the authorities to intervene? And what responsibility should the government bear for children in its care?

"The 1987 Act gave the State a lot of powers but very few duties in relation to child protection," he said. "This review will have to ask what are the community's expectations of government when it comes to protecting children." He favours tightening the definitions of abuse, making them more precise and codifying the powers and duties of intervention. This means limiting the State's coercive powers to those cases where there is a serious risk



to the life, health and welfare of children. Moreover, he wants to see solutions sought outside the Children's Court. Instead, he will examine the New Zealand system of Family Group Conferences, involving police or child protection officers, the victims and their extended families.

"This system was developed after the Maori community objected to the initial child protection bill and said there were more traditional, community methods of dealing with these problems. If, for example, children have to be removed from the home, they may be able to live with a grandparent or aunt or another person considered by the community to be part of the family group."

Mr Parkinson sees particular value in Family Group Conferences when dealing with teenagers, who are still minors but, in that often rebellious phase of life, too old for foster homes. Many teenagers become attuned to, even toughened by, life on streets and are unable to settle down in foster homes or group homes, in what Mr Parkinson calls the "twilight zone" between childhood and adulthood. The courts, he says, often fulfil no useful role in overcoming so-called "irretrievable breakdowns" in families and, indeed, their legalism may be alienating. "I will be asking what the law can achieve and what can be best achieved by other means."

Mr Parkinson believes that although the law could be improved significantly, legal change alone will not resolve the major problems of the child protection system. "The basic problem for the community is that insufficient resources are being devoted to child protection, and therefore, when there is intervention it is often ineffective. If a child needs counselling for sexual abuse, it could take at least eight weeks to get the first appointment. We could do with far more counselling programs for parents to improve their parenting skills, and there are other strategies to support the family, which may prevent further abuse. Ultimately, early intervention and family support is much more productive and helpful than coercive intervention through the Children's Court."

Finally, Mr Parkinson wants to eliminate the possibility of so-called "systems abuse", where children in care effectively become victims of the very system set up to protect them.

The NSW Government is currently in breach of the United Nations Convention on the Rights of the Child because the current legislation does not require the Department of Community Services to periodically and individually review the cases of each child in its care. "Although these reviews do occur, there is nothing in the law to compel them to do so," he said.

Mr Parkinson's review will take four years and involve widespread community consultation, including the study of overseas systems of child protection.

Source: University of Sydney News, 2 November 1994, author: Andrew West.

### *Do you remember?*

#### WIN A COPY OF *A CENTURY DOWN TOWN*

In the next issue of the *Sydney Law School Reports* we're taking a trip down memory lane to celebrate the impending refurbishment of the Law School Building.

We'd like to hear your reminiscences about the Law School, be they about the building or the people who have populated it over the years. Photographs to illustrate your anecdotes would also be appreciated and can be returned to you.

We're giving away copies of *A Century Down Town* to the best 10 contributions to the next *Law School Reports*.

Please send your contributions to:  
**The Sydney Law School Reports**  
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**173-5 Phillip Street**  
**Sydney NSW 2000**  
**Fax: (02) 221 5635**  
**E-mail: [public@sulaw.law.su.oz.au](mailto:public@sulaw.law.su.oz.au)**



# Keep in touch with your Law School

**T**he Law School is establishing a new association for its graduates — the Sydney University Law School Alumni Association (SULSAA). The functions of this organisation will include offering a forum for discussion and exchange among alumni, organising past students reunions and get-togethers, information on continuing education and much more. This is your opportunity to become involved in this exciting development from the very beginning, whether by joining, being on the organising committee, organising reunions and other functions, or in any number of ways — we're open to your suggestions.

Sending us your changes of address will ensure you continue to get up-to-date information on your Law School. And remember to send us your news so we can publicise your achievements.

## PLEASE SEND ME INFORMATION ON THE FOLLOWING PRODUCT(S):

- ☐ *Sydney Law Review* (\$100 per annum, published quarterly)
- ☐ *Current Issues in Criminal Justice* (\$70 per annum, published three times a year by the Institute of Criminology)
- ☐ *Polemic* (\$15 per volume, published by the Sydney University Law Students Society)
- ☐ *A Century Downtown* (hardcover, available @ 50% discount, \$29.95 per copy)
- ☐ *The Sydney Centenary Essays in Law* (hardcover, available @ 50% discount, \$22.50 per copy)
- ☐ The Sydney University Law School Tie (silk, David Jones, \$40.00)

## I AM INTERESTED IN RECEIVING FURTHER INFORMATION ON:

- ☐ Continuing Legal Education
- ☐ Postgraduate study
- ☐ Sydney University Law School Alumni Association
- ☐ The Sydney Law School Foundation (which raises funds to support the academic programs of the Law School)

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\_\_\_\_\_

CITY: \_\_\_\_\_ P'CODE \_\_\_\_\_

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# Employment Security

**R**estructuring, voluntary early retirement and redundancies are concepts as familiar to today's University employees as unions and strikes were to preceding generations. But now the phrase "unfair dismissals" has become the watchword of thousands of workers throughout Australia, who believe they have been unfairly treated by employers, and who are turning to the Industrial Relations Commission (IRC) for arbitration and conciliation.

According to the Blake Dawson Waldron Professor of Industrial Law, Ron McCallum, current changes in industrial relations in Australia are revolutionary. And this industrial relations revolution is as significant historically as the industrial revolution itself was in nineteenth century England. "The enormity of the changes in industrial relations in the past 12 months has signalled a real revolution," Professor McCallum said. "We're now securing minimum wages for all Australians, there's an unfair dismissal regime that is being patronised by workers who believe they are being wrongly terminated, and there are new international labour conventions on discrimination, which will protect women and marginalised groups."

"The revolution benefits the employee but also benefits the nations and, with time, this will be acknowledged. It wasn't until the 19th-century industrial revolution was over that people spoke about it as the 'industrial revolution'. In recent years, government, particularly the federal government, has tried to refocus labour law, looking at security of employment not just for nine-to-five employees but also for groups that are in part-time, contract and casual positions."

"Unfair dismissal occurs when an employee is fired without an explanation. Those seeking compensation for unfair dismissal want to hang onto their jobs, they want to know why they were dismissed and they want to be given a chance to remedy their perceived

shortcomings. I find it extraordinary that since April this year 2,500 people, who have allegedly been dismissed unfairly, have applied to the IRC. People are hurting out there. When I was a young student, if you lost a job you got another—now it's different."

"A lot of employers have come up to me and said they will now think twice about taking on an employee; and I reply that if they wish to dismiss an employee for not being up to scratch, they should explain why and, if the employee cannot rectify the matter, a court will hold that termination of employment to be fair. With this change in the employment

culture, both employees and employers will have a clear understanding of their obligations. A secure employee will work harder and achieve increased productivity. If employers recruit correctly, dismissal won't be an issue. That's the sort of culture we should create."



Professor Ron McCallum

Professor McCallum, Associate Professor Greg McCarry, and Mr Paul Ronfeldt, Senior Researcher at the Australian Centre for Industrial Relations Research and Teaching (ACIRRT), have edited a book entitled *Employment*

*Security*, which was launched at the Law School recently by IRC Vice-President, Mr Iain Ross. (See page 20 of this issue.) The Dean of Law, Professor David Weisbrot, said the book had its roots in the University of Sydney. "It will be useful for postgraduate students and for those doing advanced electives in the undergraduate area," he said. "The authors have explored some of the subtleties of employment security. Issues of employment security are going to be increasingly important and controversial. Most people are going to negotiate through some sort of enterprise bargaining regime, and that issue is increasingly important for all of us. This text is an important contribution to the field, providing groundwork for real understanding of the new system of industrial relations in Australia."

Source: University of Sydney News, 12 October 1994, author: Dr Anne Sarzin.



# BRIDGING THE GREAT DIVIDE?

**O**n 14 November 1994, the New South Wales Bar Association hosted a debate-style seminar entitled "Academics and the Bar: Interests in Common or The Great Divide?".

The genesis of the debate was a journal article published by Professor David Weisbrot, Dean of Law at the University of Sydney, which suggested that a large and lamentable gap had developed between academic lawyers and private practitioners, which was at least as significant as the formal division between barristers and solicitors.

The speakers representing the academic community were Professor Weisbrot, Professor Michael Chesterman (Dean of Law, University of New South Wales), and Professor Jack Goldring (Dean of Law, University of Wollongong). Speaking for the Bar were Clarrie Stevens QC, Peter Taylor SC, and Bret Walker SC. The moderator was the Hon Gordon Samuels AC QC, formerly a Judge of the Court of Appeal, President of the NSW Bar Association, and Chancellor of the University of New South Wales.

In his paper, Professor Weisbrot stated that "the Great Divide" had unfortunate consequences for both the Bar and the legal academy. For example, the Bar had lost influence over the nature of law teaching and curriculum development; lost influence over law students — increasingly few of whom seem to be considering careers as barristers; alienated legal academics, who could have been potential allies in debates about professional reform and regulation; and lost the benefits of the

infusion of academic insights and approaches, interdisciplinary perspectives, and advanced research techniques.

For its part, the legal academy had lost something of its professional identity; had been largely cut off from professional awards, honoraria and judicial appointments; academic work, ideas and perspectives had been marginalised; and the skills and experience of active practitioners were not being fully harnessed at a time when law schools were endeavouring to develop more and better clinical skills training.

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**"good barristers are now increasingly obliged to adopt computer-based research techniques; to reduce their research to writing (rather than oral argument); to be familiar with the international and comparative literature; to concern themselves with underlying questions of public policy; and to employ sophisticated techniques of textual analysis."**

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Professor Weisbrot offered his view that changes in the nature of legal practice has rendered barristers' work "more academic than ever". For example, both legal academics and barristers "worked independently, but collegially". Further, he said, "good barristers are now increasingly obliged to adopt computer-based research techniques; to reduce their research to writing (rather than oral argu-

ment); to be familiar with the international and comparative literature; to concern themselves with underlying questions of public policy; and to employ sophisticated techniques of textual analysis. This has been the stock-in-trade of good legal academics for some time".

Professor Weisbrot urged that the Bar and legal academics consult more regularly, and seek to put in place more collaborative work arrangements. This call was supported by the President of the NSW Bar Association, Murray Tobias QC, who recommended the immediate establishment of a liaison committee to foster these aims.



## Class Notes

**F**ollowing our invitation for alumni to write in and tell us what they are doing, it was exciting to receive a number of responses, which are reprinted below. Don't forget to send in your contribution for the next issue!

**Tom Handler** now works in London as a senior litigation partner and co-ordinator of environmental law group with Baker & McKenzie. He is an advisor to the Foundation for International Environmental Law and Development, and is on the executive committee of the Environmental Law Foundation.

**Paul Latimer** is Associate Professor of Law in the Department of Accounting and Finance at Monash University. He is the author of *Australian Business Law*, published annually by CCH since 1981.

**Bernard Narokobi** (LLB 1971) is now Minister for Agriculture in the Papua New Guinea Government. He was previously Attorney-General and Minister for Justice.

**Roewen Wishart**, after legal and policy work in the New South Wales government, is now a fundraiser for Community Aid Abroad, Australia's largest secular development agency.

**James Wolfensohn** (LLB '57) was recently appointed President of the International Bank for Reconstruction and Development by US President Bill Clinton, and is also chair of the Kennedy Centre for Performing Arts in Washington and a former chair of Carnegie Hall in New York.

**Suvan de Sousa** co-founded IPAC Securities in 1984—now one of the leading investment advisory and portfolio management firms in Australia. Suvan advises charities, super funds and private clients on investment strategy.

**James Rodgers** is Housemaster at St Ignatius College, coach of GPS Debating Premiers, and coach of Australian Schools Premier Cricket Team 1994.

**Gerard Carter** received his BEc in 1966 and his LLB in 1971. He is a solicitor and the author of legal practice books on Agricultural Tenancy and Fisheries Law, and has compiled legal resources books on

Waterways Law and court procedures. At the time of sending in his response, he had in press a guidebook on the Australian legal system and a legal practices book on subpoenas.

**DB Armati** has been chairman of the Licensing Court of NSW and Chairman of the Liquor Administration Board since March 1991. He was appointed a magistrate in 1984 and is presently vice-president (Pacific) of the Commonwealth Magistrates and Judges Association.

**The Hon Mr Justice J R Dunford** was appointed to the Supreme Court in February 1993.

### IN MEMORIAM

**Elisabeth Ann Slater** died on Friday 2 September 1994 at Royal North Shore Hospital in Sydney of viral pneumonia.

Libby Slater graduated BA (1978) LLB (1980) LLM (Hons) (1989) from the University of Sydney. She continued to play an active role in the Law School after her admission to practice, especially in the field of superannuation, in which she was a leading expert. In 1990, she devised the superannuation segment of the postgraduate tax course, Taxation Law 2C, which she later taught for several years. She also participated in Continuing Legal Education courses run by the Committee for Postgraduate Studies. She was a careful and thorough teacher, with a confident but unassuming manner that appeared to belie her quick and incisive analytical skills. She led students through some of the most complex tax legislation with great ease and insight.

At the time of her death, Libby was a partner with Mallesons Stephen Jaques. She had over 12 years created the firm's practice in superannuation, and in the process, established her own reputation among her peers, both in Australia and internationally, as Australia's leading superannuation lawyer. She served the community through her work on many professional committees and as an adviser to the Federal Government. She was also the joint author of the leading text in the field.

Libby was a most distinguished graduate, embodying the finest qualities that a University might inspire.



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## *The Law School in the 1920s*

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**I**n the 1920s the Law School occupied three floors in the since demolished University Chambers. There were two professors, Sir John Peden ("Jacko" to the students) and Professor Charteris. Practising barristers and solicitors lectured on a number of subjects.

The two professors were totally unlike. Peden was a ferocious disciplinarian. The slightest misconduct, such as talking during his lecture, would produce a fierce diatribe in which he would say that if he could discover the offender he would hound him out of the University and hound him out of the profession and he would finish by saying "Has the caddish bounder who has been talking got the decency to own up?" The invitation was never accepted. He delivered the first lecture of the law course and began with the words: "I see some students don't have an Arts Degree. I don't like it. You're too immature to do a Law Course. It's not too late. Go home and tell your father what I have said. Get yourself enrolled in Arts and come back here in four years time." It was a discouraging start for school leavers. However, despite his somewhat eccentric ways, he had a very deep love of the Law School and a profound respect for the profession.

Charteris was different in every way. His lectures on International Law were more in the shape of an informal chat than an academic lecture but he had a way of arousing a student's interest in the subject, recommending an interesting book which he had read or recounting an appropriate anecdote in a way which often induced a student to follow up the matter himself. He had no time for formal requirements. In his time it was said to be a rule that if a student missed more than three lectures in a term he would be precluded from sitting for the annual examinations and the time-wasting business of calling the roll preceded each lecture. Charteris ran through this procedure perfunctorily. On one occasion when calling a name there was no answer.

"Has Mr Smith no friends?" he asked. There was a roar of "Sir" from half the class. "Ah, that's better" he said as he apparently marked the missing Mr Smith as present.

Margaret Dalrymple-Hay was the librarian, very much part of the Law School and always ready to help a student with any problem which she was able to fix or on which she could give helpful advice.

There was only one lift serving all floors in the building and, with one exception, there was a wild scramble to get on board in time for a four o'clock lecture. The exception occurred on the afternoon when the monthly meeting of the University Senate was held. The Senate Room was on the fifth floor, a sort of Blue-

beard's Chamber behind a door which was locked except on Senate days. On those days, as Fellows of the Senate — usually distinguished by their black coats and grey-striped trousers — waited for the lift, students stood back politely, giving them precedence.

The curriculum was more theoretical and less practical than it is today. One of the subjects, Roman Law, obliged the unfortunate students to remember some of the Latin they had learnt at school as the exam paper had at least one question on Justinian in the original Latin.

Judge Edwards, of the District Court, lectured on Criminal Law. At the end of one lecture he said, "My next lecture will deal with the unpleasant subject of rape. I see that there are some lady students present. If you prefer to stay away it will not be held against you. There will be no exam question on that subject".

O tempora! O mores!

David Selby

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**"I see some students don't have an Arts Degree. I don't like it. You're too immature to do a Law Course ... Get yourself enrolled in Arts and come back here in four years time."**

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## *Graduates in the Great Depression*



*From left to right: Keith Harris, John Robinson, Gordon Scott, Ken Gee, Rae Else-Mitchell, Keith Williams, John Peoples, John Nagle, Frank Walker, Bill Conway, Marcel Pile, Wilf Hungerford (seated).*

**I**n contrast to the position today when Law is one of the most popular courses of study in the Universities, there were, during the Great Depression of the 1930's, only a small number of law students at the University of Sydney which was the only university in the State. Study for a degree in law was seen as a step in the pursuit of a career in the law, either as a solicitor or barrister, though an exceptional few treated the degree as a qualification for a career in commerce or in public administration. The law was also seen as a profession inculcating standards of integrity.

In the year 1936 a total of 41 students graduated in Law and the majority commenced practice as solicitors in Sydney, the suburbs or the country; a minority became barristers and a few others followed diverse vocations in business, public administration or primary production. Of the minority who were admitted to the Bar, either initially or after some time in practice as a solicitor, eight were later appointed as Judges of the Supreme Court, the District Court or the Workers' Compensation Commission; one of them, John Kerr now deceased, became Chief Justice of New South Wales and later Governor General. Those who became solicitors developed sound practices and some of them are still active as solicitors or consultants in legal practices.

There are now only 18 graduates of the year 1936 surviving, most living in or around Syd-

ney and suburbs. They maintain irregular contact but from time get together to exchange views and ponder the state of the Law and Legal Education. The most recent occasion for one of these functions was a luncheon at the University and Schools Club which was attended by twelve graduates photographed above with identifying captions. Those absent and unable to attend were Chris Langsworth, Alan Williams, Mark Morton, John Inglis, Ray Tobias and Paul Laurence.

In spite of the different paths in the law and elsewhere which these graduates have followed, they agreed during a nostalgic session that the courses of study for the degree in Law, combined with a term of three or five years in articles, provided a sound basis for a rewarding and satisfying career and one which would impart the standards of integrity which currently seem to be suffering erosion. Indeed it is probable that most of the graduates of earlier times would today favour a return to a compulsory period of articles to be served concurrently with the degree course. That, however, was possible in the past only because lectures took place at times which did not conflict with the demands of legal practice, namely before 10am and after 5pm with a compulsory Saturday morning lecture. Comparison with a past era may be odious but in view of widespread unemployment and complaints about the cost of legal practice courses, an examination of past practices may prove of value in assessing issues of legal education.

**Rae Else-Mitchell**



# Scholarships & Prizes

## Spanos and Melrose Scholarships 1996

Applications are invited from Sydney University Law Graduates for the annual Spanos and Melrose Scholarship, named after two young Australian lawyers — Nick Spanos, who graduated from Sydney University in 1984, and Stephan Melrose, who graduated from QUT in 1985 — who were murdered in Holland in 1990 in what the IRA admitted was a case of mistaken identity. The scholarship fund was established in their memory, its purpose being to provide financial help for recent graduates of the two universities in order for them to spend a year with a firm of English solicitors to study English law and practice and experience English life. Mr Richard Malthouse, of McKenna & Co, London, with whom Nick Spanos and Stephan Melrose were employed, organised sponsorship of the award.

Two scholarships are awarded annually, one to a graduate of each university, until the funds expire. Each scholarship holder receives 1500 pounds sterling payable in two equal instalments — one prior to departure from Australia and one six months later. In addition, Qantas has generously donated a return economy class ticket to London for each scholarship winner.

The respective law faculties nominate the candidate on behalf of the donors. The criteria for selection have been provided by the donors in general terms as follows: (a) that the nominee would benefit from the opportunity to work in the office of a firm of London solicitors; (b) that the nominee's presence would enrich the experience of the colleagues with whom he or she will work; (c) that the nominee should be a good all-rounder.

The award is conditional upon placement with a firm of English solicitors; but arrangements for this are made by the Faculty's nominated awardee together with the English firm of solicitors co-ordinating the administration of the awards. Applicants should have graduated from the University with a law degree and be under 28 years of age in the year in which they apply.

Applications for the 1996 scholarships will be due by 1st October 1995. The scholarships are publicised annually in the New South Wales Law Society Journal, in the Law School and University publications. **Contact at the Law School: Associate Professor Rosalind Atherton, Director of Graduate and Professional Relations, Faculty of Law, University of Sydney, 173-5 Phillip Street, Sydney, tel: (02) 232 5944.**

## did you know ...

Sydney University has produced 85 Rhodes scholars since the award was established, of which two were in pure Law degrees and eight in combined Law degrees: six were from Arts/Law, one from Economics/Law, and one from Science/Law courses.

Source: University of Sydney Faculty of Engineering: PNR Periodical 15, January 1995.

## Student Wins National Award

Adam Geha, who completed a combined Economics/Law degree at Sydney University last year, has won the 1995 Business Student of the Year award, sponsored by AMP and *Business Review Weekly* magazine, beating over 60 applicants to win both the Finance and Australia-wide awards. Adam's honours thesis was on the subject of employee share ownership plans. He worked with Freehill, Hollingdale and Page and with the Macquarie Bank while completing his studies.

## Stop Press

On 28 March 1995, Justice William Gummow, of the Federal Court, was named as the latest member of the High Court of Australia. Bill is a leading graduate and long-standing friend and colleague of Sydney Law School. He has also been a most obliging colleague as a part-time teacher in Equity and other courses, notwithstanding his busy schedule as a judge. Congratulations!



## *Around the Law School ...*

### **Continuing Legal Education**

**T**he Law School's Continuing Legal Education (CLE) program is off and running again this year. Last year 16 courses, ranging from single-evening seminars to a 12 week lecture series, were offered and at least that number should be available this year.

Two of last year's courses were particularly successful. One was Professor David Harland's seminar on "The Impact of the Statutory Prohibition of Misleading or Deceptive Conduct on the Law of Contract", which by popular demand was repeated. The other was "An Introduction to Computer Assisted Legal Research" presented by four of the law librarians, which was also repeated.

Two recent developments in our CLE program are worth noting. The first is joint convening of courses. Last year we combined with Teece Hodgson & Ward, Solicitors, in convening two seminars ("The Regulation of the Information Superhighway" and "Looking After Other People's Money") and another such venture has been arranged for this year ("Retail Electronic Banking: Who Owns the Transaction?" Also last year, together with the Australian Centre for Industrial Relations & Teaching (ACIRRT) of the University of Sydney we convened the Second Annual Australian Labour Law Conference, and we are



*Bron McKillop, Director of CLE and Senior Lecturer in Criminal Law, and Jenny Littman, CLE Coordinator.*

jointly arranging the third such conference this year.

The second development is the opening of some of our postgraduate courses to auditing students via CLE enrolment. This occurred last year with the course on International Taxation conducted by the Greenwoods and Freehills Visiting Professor (Professor Hugh Ault) and is happening again this year with that course (by Professor Brian Arnold). Further information about this year's programme is available from Jenny Littman (telephone: 225 9238; fax: 221 5635). Jenny is also the person to contact with suggestions about new courses, particularly joint ventures with us.

**Bron McKillop**  
Director of CLE

### **Sydney Law Review**

**L**ike its predecessors, the 1995 special issue of the *Sydney Law Review* will use as a theme a subject currently the focus of much debate amongst lawyers and in the wider community.

In what is often described as our "shrinking world", the relevance of international legal obligations to domestic or internal law has become an increasingly important issue. Under the heading "The Internationalisation of Australian Law" the special issue will include articles on fundamental constitutional questions such as how national sovereignty is affected by the intrusion of international laws and whether the increasing reliance by legislators and courts on Australia's international obligations can be accommodated by our constitution. Mr Henry Burmester from the Commonwealth Attorney-General's Department and Professor



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## *Around the Law School ...*

Cheryl Saunders of Melbourne University have been invited to write on these themes. Other articles will concentrate on how the injection of international norms is affecting law in areas where this process is most evident: human rights; the environment; trade and commerce and crime. Contributors include Ms Penelope Mathew (Melbourne); Professor Ben Boer and Mr Don Rothwell (Sydney); Professor Jeffrey Waincymer (Deakin) and Associate Professor Mark Findlay (Sydney). Professor Ivan Shearer, Challis Professor of International Law at Sydney, will write a general introduction and foreword.

The process of internationalisation is not confined to adoption or absorption of international law. The "shrinking world" also contributes to increased access to and interest in other national legal systems including those who do not share our common law tradition. Their influence will also be explored in the special issue. Contributors on this aspect include Professor David Harland (Sydney) and, it is hoped, Professor Richard Buxbaum (University of California, Berkeley).

The special issue, which is number 2 of Volume 17 of the *Review*, is scheduled for publication in June.

Colin Phegan  
Editor

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### **ACEL Update**

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#### **MEL Program**

The master of environmental law program was initiated in 1993 and has attracted students from a very wide range of areas. As an interdisciplinary program, the proportion of lawyers to non lawyers is around 60%-40%.

The program involves approximately 12 subjects per year, chosen from the following: Comparative Environmental Law; Environmental Dispute Resolution; Environmental Economics; Environmental Impact Assessment Law; Environmental Law and Policy; Environmental Planning Law; Heritage Law; International Environmental Law; Natural Resources Law; Pollution Law; Protection of the Antarctic; Wildlife Law. Some of these subjects are offered as "short courses" in the July break. Short courses, which can be automatically accredited to the Sydney MEL Degree, are also offered at the University of Adelaide and at the Australian National University.

On 6 May 1995 the first major group of graduates from the Master of Environmental Law program will graduate.

#### **ACEL Staff**

Helena Simpson recently became the new ACEL Coordinator, and Julia Pitts, ACEL Research Assistant, was seconded to the Department of the Environment, Sport and

Territories from January to June 1995. Julia is working on the National Pollution Inventory with the Environment Protection Agency.

#### **Environmental and Resource Law Information Service**

Robyn Murphy, the Centre's librarian, is setting up an Environmental and Resource Law Information Service, specialising in Australian, Asian and Pacific Environmental Law. The service will make the ACEL Library holdings available to a much broader range of people. Access to the specialist collection by law firms, government departments and the private sector will be available on a commercial basis, to offset the costs of maintaining the library.

Several ACEL volunteers have been systematically collecting environmental legislation and policy materials from a wide range of Asian and Pacific countries, to add to the collection already built up over the past few years.

#### **ACEL Environmental Outlook Conference**

The second ACEL Environmental Outlook Conference took place on 22-23 March 1995. Speakers included the Hon Penny Wensley, Australia's Ambassador for the Environment and Permanent Representative to the United Nations in Geneva; Professor David Freestone, Faculty of Law, University of Hull; Professor Nicholas Robinson, Head of the Post-



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## *Around the Law School ...*

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graduate Environmental Law program at Pace University, White Plains, New York, and recently elected Chair of the World Resources Institute; Mas Achmad Santosa, Director, Indonesian Centre for Environmental Law; Associate Professor Wang Xi, of the Environmental Law Research Institute, Wuhan University, China.

The conference themes included Trade and the Environment; Biodiversity Conservation Law; Waste Management and Greenhouse Gases. There was a special session of the conference devoted to Asian and Pacific Law, with papers on Environmental Law in the People's Republic of China, Indonesia, Vietnam and an overview paper by Mr Greg Rose of the Department of Foreign Affairs and Trade on Australia's involvement in environmental matters in the Asian and Pacific regions.

### **Institutional Linkages Grant**

ACEL, in collaboration with the Centre for Asian and Pacific Law within the University of Sydney (CAPLUS) has won a grant for \$11,500 from the Department of Foreign Affairs and Trade, under its Institutional Linkages in Asia scheme. The grant is directed to the running of the Sustainable Development Law Seminar at Wuhan University (see below) and involvement in environmental law training programs in conjunction with the Mekong Region Law Centre in

Bangkok and the newly established Environmental Law Centre at the University of Singapore.

### **Sustainable Development Law Seminar in China**

Brian Preston, a lecturer (part-time) in Environmental Law, and Ben Boer are planning an intensive seminar to be held later in 1995 at the Environmental Law Research Institute, Wuhan University. The program is to take around twenty Australian students in the Master of Environmental Law program to Wuhan, and to conduct a seminar with both Chinese and Australian Environmental Law teachers over a fifteen day period. The seminar will include a four day field trip to the Three Gorges Dam project, as well as visits to a number of offices of the Chinese Environment Protection Agency.

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### **CPLL Update**

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In 1994 the Centre for Plain Legal Language became part of the Law Faculty. The Centre was originally set up in 1991 as a project of the Law Foundation of NSW and the University of Sydney. It promotes the use of plain language in all legal and administrative documents. It carries out research into the use of plain language and runs training courses in applying the principles of plain language to legal writing.

The Centre is a consultant to business, courts, government and community organ-

isations. It writes a range of legal and administrative documents including major commercial documents, user guides and forms.

### **New Director and structure for Centre**

In 1994 Mark Duckworth became Director of the Centre. Mark is admitted as a solicitor in Australia, and in England and Wales. Before joining the Centre, Mark worked for the Law Reform Commission of Victoria. At the Commission he was involved in the plain language redrafting of many documents. Mark co-authored the Commission's second report on plain language *Access to the law: the structure and format of legislation* (1990). He was involved in research and writing for the Commission's reports on *Competition Law*, *Statute Law Revision and Miscellaneous Amendment*, *Codes of Practice*, *Accountability of the Legal Profession*, and *Restrictions on Legal Practice*. From 1988-93 he was also a Councillor of the City of Melbourne. Mark is also member of the NSW Law Society's Plain Language Committee and Editorial Board of the *Law Society Journal*.

The Centre now has a new streamlined structure for its operations. The management committee consists of Professor David Weisbrot (Chair), Dean of the Faculty of Law, University of Sydney; Professor Terry Carney, Head of Department of Law, University of Sydney; Mr Dennis Murphy QC, Chief Parliamentary Counsel for

*continued on page 21*



## Faculty Notes

**T**he NSW government appointed **Patrick Parkinson** to chair the Consultative Committee directing a review of NSW child protection legislation (Michael Hogan, from PIAC, one of the partners in the National Centre for Children and Youth Law is a consultant to the review). See story on page 6 of this issue.

The **National Children's & Youth Law Centre** has moved from the Law School to premises at UNSW in Kensington, a move which took place in late 1994.

**Shelley Wright** has been appointed to the Ariel F. Salows Chair of Human Rights at the University of Saskatchewan, Saskatoon, Canada, from 1 January to 31 December 1995 with a possible extension for another year. Shelley will mainly focus on research and writing two books, one on "Women's Rights/Peoples' Rights/Human Rights: Critical Approaches to International Human Rights" and the other a longer term book project on Intellectual Property.

**Andrew Stewart**, a former staff member at the Law School, has been appointed Professor and Dean of Law at Flinders University in Adelaide, following the resignation of Rebecca Bailey-Harris.

**Belinda Bennett** was officially awarded her SJD from Wisconsin University, USA, on 23 December 1994.



**Jenny Hill**

Jenny Hill won an ARC grant of \$10,000 for her 1994 project "Models of the corporation and their relevance to corporate governance", and \$4,000 from the Law Foundation of NSW Scholarship Support Fund in 1995 for a research project entitled "The evolution of contemporary shareholder participation in corporate governance and its implications for the future of Australian corporate law". Jenny was Visiting Professor at Cornell Law School during the Spring Semester 1994 (January–May 1994). While there, she taught two Corporate Law Seminar Courses, "Models of the Corporation and Modern Corporate Law" and a comparative course in "Shareholder Remedies". Her recent publications include: Hill, "Institutional Investors and Corporate Governance in Australia" (1994) in Baums, Buxbaum and Hopt (eds), *Institutional Investors and Corporate Governance*; Hill and Ramsay, "Institutional Investment in Australia: Theory and Evidence" (1994) in Walker and Fisse (eds), *Securities Regulation in Australia and New Zealand*; Hill and Harmer, "The Criminal Liability of Enterprises in Australia" (1995) in Tiedemann (ed), *Criminalisation of Corporate Behaviour*, as well as a number of articles on aspects of Corporate Law.

**Professor Ivan Shearer** was made a Member of the Order of Australia in the Military Division in the 1995 Australia Day Honours list, for legal services to the Navy.

Congratulations to **Professor Patricia Apps** on her election as one of 23 new Fellows of the Australian Academy of the Social Sciences (others include Elizabeth Evatt, Tom Campbell from the ANU, Cheryl Saunders from Melbourne, and Graeme Gill from the Department of Government in Sydney).

**Professor Bernie Adell** of Queen's University Law

School visited the Law School from 17–19 October. As a Parsons visitor, he took classes for Therese MacDermott and Ron McCallum, in both the undergraduate and postgraduate programs. His interests are labour law, sociology and law and jurisprudence. He has worked for the ILO and for various governments.

**Professor Ian Dennis** of University College of London has been appointed the 1995 Allens Fellow. He will be visiting the Law School during the second semester (24 July to 30 October).

Several new members of staff joined Faculty on 3



## Faculty Notes



### Isabel Karpin

Isabel joined the Law School in 1994 and teaches Law and Gender, Legal Institutions and Constitutional Law. In 1996 she will be teaching subjects in the Masters of Health Law and Policy. Isabel obtained her BA LLB here at Sydney University, attended College of Law and then joined the firm of Blake Dawson Waldron where she stayed for a year before being appointed as a legal officer at the Human Rights and Equal Opportunity Commission. She left the Commission to undertake a Masters of Law at Harvard University which she completed in 1991. After successfully completing the New York Bar Exam she began a JSD at Columbia University in New York which she is currently in the process of completing. Her research interests include feminist legal theory, reproductive technology, and law and popular culture to name just a few. Her latest work — a chapter in the book *Women Law and the Media*, to be published by Oxford University Press late in 1995 — is called "Pop Justice: TV, Feminism and the Law". Isabel has co-edited a book with Professor Martha Fineman of Columbia University — *Mothers in Law* — which is due out this year.

January 1995: **Miranda Kaye** is from the English Law Commission, where she was mainly working on the report on *Domestic Violence and Occupation of the Family Home* (1992). Her undergraduate degree is from Cambridge, followed by a BCL from Oxford. She will be teaching in criminal law, child law and criminology. **Ania Wilczynski** completed an arts/law degree at UNSW, followed by a MPhil and a PhD from Cambridge (on child homicide). Most recently she has been working for the Child Protection Council (and the ALRC), and lecturing (in criminal law) at Macquarie. Ania will be teaching criminology and criminal law.

**Dr Mary Crock and Joanna Bird** also joined the Law School in mid-January 1995. Mary specialises in immigration and refugee law and has a PhD from Melbourne University. Her thesis topic was "Administrative Law and Immigration Control in Australia". In 1993 she edited a book entitled *Protection or Punishment: The Detention of Asylum-Seekers in Australia*, and she is currently working on a text on immigration law entitled *Immigration Control and the Law in Australia*. Recently, Mary was made a life member of the Victorian Immigration Advice and Rights Centre (VIARC) in recognition of her ongoing contribution to the centre. Joanna Bird's qualifications

were gained at Sydney University (BA, LLB) and Oxford University (BCL). Her teaching interests are company law, contracts and legal institutions.

**Professor Kevin Teeven** is visiting from Bradley University, Illinois. On a six-month sabbatical, he is doing research at the law school. His research interests are Contracts and Legal History.

The tax visitor for first semester 1995 is **Professor Brian Arnold** from the University of Western Ontario. Brian has visited Australia (and the Law School) several times already as a consultant to the Government and the Tax Office. He is very well known internationally as a specialist on international tax. He is teaching a post-graduate seminar and CLE course for the Law School.

**Ros Atherton and Patrick Parkinson** have both been promoted to Associate Professor—well deserved recognition of their many contributions to teaching, research and administration in the Law Faculty.

### BOOKS

*The Law of the Sea in the Asian Pacific Region: Developments and Prospects*, published in 1994, is edited by **James Crawford** (former Dean of the Law School and now Whewell Professor of International Law, University of Cambridge, UK) and **Don Rothwell** (Senior Lecturer in Law at the Law School). The



volume surveys and discusses the range of current issues arising in the law of the sea from an Asian-Pacific perspective. There have been major developments in the law of the sea in the region: many current controversies (for example, over archipelagic sealanes passage, driftnet fishing and environmental management) have their origins, or important exemplars, in the region. The contributors include international lawyers, political scientists and government officials with expertise in the region. Particular aspects of the book which are of interest are: (a) its discussion of the perspectives of particular countries in the region (East Asia, Australia, the Pacific Islands); (b) its focus on issues of the marine environment and fisheries, including driftnet fishing; (c) discussion of specific developments which are of general interest (the Torres Strait Treaty and its implementation, maritime-confidence-building measures, dispute resolution; and (d) an overview of issues relating to high seas freedoms, including in particular transit through straits and archipelagoes. There is a concluding essay by the editors summarising the various trends. *The Law of the Sea* is available from Kluwer Academic Publishers Group, The Netherlands, fax: (31 78) 524474, or can be ordered from local suppliers.

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### David Harland

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David Harland was appointed to a chair in the Faculty in 1981, and has been Challis Professor since 1989. After graduating in Arts and Law in this University (winning the University Medal in law), he went on a Shell Postgraduate Scholarship to Oxford and subsequently spent a year as an instructor at the Law School of the University of Pennsylvania. He returned to the Sydney Law School as a lecturer in 1966 and has been a member of the Faculty since then. From 1982-1986 and again in 1990-1991 Professor Harland served as Head of the Department of Law. Outside the University he has held a number of government appointments, including as foundation Chairman of the National Consumer Affairs Advisory Council and a term as an Associate Member of the Trade Practices Commission. Currently he is Chairperson of the Australasian Law Teachers Association, a member of the Trade Practices Committee of the Law Council of Australia and a part-time member of the Commercial Tribunal of New South Wales.

David Harland is well-known for his writings in contract law and consumer law. He is co-author (with the Faculty's Associate Professor John Carter) of the first fully "home-grown" Australian text on the law of contract. In more recent years he has been particularly active in writing on various aspects of consumer law and policy. He has a special interest in international aspects of consumer policy and in comparative studies in the area, especially from the perspective of developments in the Asia-Pacific region and in Europe. During a sabbatical leave in 1992 he taught a postgraduate seminar on International Dimensions of Consumer Law and Policy at the University of Louvain, Louvain-la-Neuve, Belgium, and also spent some time in Germany, under a grant from the German Academic Exchange Service, researching developments in European consumer law. A frequent invited speaker at international meetings on consumer law, in 1993, for example, he delivered papers on the control of advertising at the 4th International Conference on Consumer Law in Buenos Aires and on the control of unfair contracts at a seminar held in Kuala Lumpur. In 1994 he gave papers on consumer guarantees at a conference in England sponsored by the Consumer Policy Service of the European Commission, and on liability for defective products and services at the Japan Seminar on Consumer Affairs, held at Ritsumeikan University, Kyoto. Professor Harland recently travelled to India for several weeks, where he had been invited to visit the Indian Law Institute, a prestigious research institute in New Delhi, and the Law Faculty of Delhi University, as well as the Law Faculty of Bangalore University and the National Law School of India University, also situated in Bangalore.



## Faculty Notes

*Women, Male Violence and the Law* is the most recent publication of the Institute of Criminology in the Faculty of Law. This book, edited by Julie Stubbs, provides an international perspective on legal responses to violence against women. It includes contributions from leading scholars in Australia, New Zealand, Canada and the United Kingdom. Sydney University is well represented by Hilary Astor, Julia Tolmie and Julie Stubbs, and by Professor Christine Chinkin previously from the Faculty and now Professor and Dean of the Faculty of Law at the University of Southampton. The approach taken is interdisciplinary, feminist and critical as authors examine such issues as international legal responses including the Declaration on the Elimination of Violence Against Women; mediation; judicial attitudes; the politics of undertaking feminist research; the experiences of Aboriginal women; attempts to introduce co-ordinated and consistent policy and practice across the legal system; and the battered woman syndrome. The book has been very well received and is to be used as a text for a Canadian course called "International perspectives on women and law reform". Contributors to the book Hilary Astor, Nan Seuffert (from the University of Waikato) and Julie Stubbs were invited to present sev-

eral seminars concerning the book at the University of British Columbia and at Canadian feminists contracted to respond to a review of the Canadian Criminal Code.

Other recent publications by members of the Institute of Criminology include: *Corporations, Crime & Accountability* by Brent Fisse (Cambridge University Press, 1994); *Australian Criminal Justice* by Stephen Odgers, Stanley Yeo and Mark Findlay (Oxford University Press, 1994); and *Alternative Policing Styles* by Mark Findlay (Kluwer, 1993).

September 23, 1994 saw the launch of *Employment Security* by **Ron McCallum**, **Greg McCarry** and **Paul Ronfeldt** (Federation Press, 1994). The book arose out of the 2nd Annual Labour Law Conference in March last year, organised jointly by the Committee for Postgraduate Studies and ACIRRT. Chapters include Therese MacDermott, "Equality of Employment Opportunity in a Decentralised System: The intersection of minimum labour standards and anti-discrimination legislation"; Greg McCarry, "The Demise of Tenure in Public Sector Employment"; and Ron McCallum, "The Imperfect Safety-Net: The Enforcement of Federal Awards and Agreements". Other contributors include Sydney law graduates Ron Harmer and Jeff Shaw QC MLC.

### ADMINISTRATIVE STAFF

**Leila Wong**, long-standing member of staff at the Law School and coordinator of the *Sydney Law Review* for the last 11 years, retired from the Law School at the end of 1994. Leila's valuable contribution to the Law School and the Review are much appreciated and we will miss her greatly.

**Jenny Littman**, coordinator of the Continuing Legal Education program, received a bronze medal from the University at a ceremony on Friday 9 December 1994, in acknowledgement of having completed 25 years of service. Well done, Jenny!

**Nelson Velasquez**, our resident computer whiz for the past 5 years, is moving away from law and into the world of high finance. Nelson is taking up an appointment with J P Morgan, investment bankers, shortly after Easter. Good luck in your future endeavours Nelson. We'll miss you.



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## Jessup International Law Moots

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The Sydney University team recently won the Jessup International Law Moot Competition in Canberra on 18 February 1995. Team members Rebecca Irwin, Elizabeth Avery, Justin Hogan-Doran, Justin Hewitt and John Robertson defeated the University of Western Australia in the final, and Rebecca Irwin was named best oralist for the final. The team leaves on 30 March to go with the UWA team to the international competition in

Philadelphia NY, to compete with 50 other law schools from around the world. Sydney University Law School will also receive a cheque for \$10,000 from the Department of Foreign Affairs.

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## Sydney University Law School Alumni Association

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The Law School is planning to establish a new association for its graduates. The functions of this organisation will include offering a forum for discussion and exchange among alumni, organising past students

reunions and get-togethers, information on continuing education and much more! This is your opportunity to become involved in this exciting development from the very beginning, whether by joining, being on the organising committee, organising reunions and other functions, or in any number of ways — we're open to your suggestions!

Please mail, fax or phone the Publications and External Relations Unit, Sydney University Law School, 173-5 Phillip Street, Sydney NSW 2000, tel (02) 225 9240/284, fax: (02) 221 5635. Email: [public@sulaw.law.su.oz.au](mailto:public@sulaw.law.su.oz.au)

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New South Wales; Ms Dawn Wong, Assistant Director, Law Foundation of New South Wales; and Mr Mark Duckworth, the Centre's Director. Anne-Marie Maplesden is the Centre's principal drafter. Kate Morgan manages information design and publications.

### Recent projects

In 1994 CPLL and the NSW Parliamentary Counsel's Office published the discussion paper *Review and redesign of NSW legislation*. This proposed a new design that will make NSW legislation much easier to use.

The Centre has been working with Sun Alliance and Royal Insurance to help them to rewrite a number of policies.

For the Federal Department of Industrial Relations, CPLL

designed a guide for people with small claims in the Industrial Magistrate's Court.

In 1994 the Centre ran over 25 workshops and seminars on plain legal language for law firms, government departments and courts.

The Centre has developed a course with the Australian Centre for Industrial Relations Research and Teaching on how to write enterprise agreements in plain language.

CPLL and the Centre for Microeconomic Policy Analysis are working on a major project to assess the costs and benefits of plain legal language. This study is funded by the Law Foundation of NSW. In late 1994 the two Centres published their preliminary survey *The costs of obscurity: a discussion paper on the costs and benefits of plain legal language*.

In July and August 1994 Mark Duckworth gave a series of talks to law firms in the USA, with Christopher Balmford, Head of the Plain English Department of Phillips Fox in Melbourne. Both Mark and Christopher had previously been with the Law Reform Commission of Victoria.

Topics included how law firms could use plain language as a service to their clients, the Centre's study into the costs and benefits of plain legal language, and the design of legislation. The tour was extensively covered in the US legal media.

For more information contact the Director of the Centre on Tel: (02) 225 9323; Fax: (02) 221 5635.





*Some of the students from CAPLUS Winter School in Shanghai, January 1995. Clockwise from front: David Luji, Graham Wong, Clifford Wong, Paschal Law, Ada Kwok, Yvonne Lin, Veronica Lam and Donna Chiu.*