And the Winner is...



Volume

May 1996

SYDNEY!!!

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Editors: David Weisbrot Catherine Hurley

Editorial Assistance: Dawn Cockle Pauline Moore

Typeset by: Publications & External Relations Division Sydney University Law School

> © 1996 The University of Sydney Published by the Faculty of Law, The University of Sydney 173-175 Phillip Street Sydney NSW 2000 Australia

Front Cover Photograph: Jessup International Moot Court Competition Trophy.
Reunion photos by Penny Clay & Marinco Kojdanovski.

ISSN 1031–8232
This publication was funded by the Committee for Postgraduate Studies in the Department of Law,
The University of Sydney

From the Dean's Desk



The Teaching Revolution

At its meeting on 12 March 1996, the Faculty voted overwhelmingly to move away from the traditional large lecture (supplemented by tutorials) format to a new paradigm of teaching involving small-medium sized ("seminar") groups, commencing in 1997. The new approach responds to long-time concerns by staff and students about the classroom experience at the Law School, which seemed to fall short of the sum of the talents of individual members of academic staff. Given the extremely high calibre of our students and staff, the teaching and learning experience should be immensely satisfying and enriching for both, and it is my mission to guarantee this.

The main features of the new system are: all undergraduate subjects will be semesterised and taught in twice weekly, 2-hour seminar blocks; all compulsory subjects will be taught in groups capped at 30–35 students, except for Legal Institutions (and perhaps other "foundation core" subjects), which will be capped at about 25; enrolments in elective subjects (apart from those focussing on clinical skills, such as Trial Advocacy and Dispute Resolution) will be allowed to float, but additional groups will be added where enrolments exceed 50-60; and harmonisation of teaching method, materials, and assessment will be encouraged in multi-group (multi-teacher) courses, but ultimately individual autonomy, creativity and academic freedom will be respected.

The new system will involve academic staff accepting a 33 per cent increase in weekly face-to-face teaching hours. However, the overwhelming vote reflects my own view that the added satisfaction that will flow from moving to seminar-style teaching—the smaller classes; the reduced marking and supervision; the increased opportunity to experiment and innovate; the facilitation of clinical, skills-development and problem-based learning approaches; the more active participation of our students in their own education; and improved staff-student relations —will vastly outweigh any inconveniences. Given the severe deterioration of academic salaries and conditions over the past decade, it is a mark of the Faculty's commitment to excellence in teaching that staff have so readily embraced a new regime which involves increased teaching hours.

It is hard to overstate the significance of this fundamental shift in the way Australia's oldest law school will carry out its teaching responsibilities—this may be the most exciting development since the degrees of Bachelor of Laws and Doctor of Laws were established at the University in 1858 by Royal Charter.

1996 Admissions

Demand for places in Law seems to be insatiable. Despite the sharp increase in the number of university law schools (there are now 30 in Australia), the TER cut-off for admission to this Faculty's Combined Law programs in 1996 was 98.10—the highest in this University, and the highest for any Law School in NSW and the ACT (only Medicine at UNSW had a higher cut-off this year). The mean and median TERs for our 1996 intake were both 99.05. In other words, more than half of our intake came within the top 1% of students in the State, and all came within the top 2%.

Maintaining the same TER cut-off as in 1995 actually represents a significant accomplishment, since the HSC candidature was about 6% smaller, and the Faculty sharply increased its first year intake as part of the University's overall effort to increase student load (following last year's shortfall).

We take great pride in the distinction of our students, and the fact that our undergraduate programs do extremely well in an increasingly competitive "marketplace ". Although it may be contrary to our interests, the Faculty would nevertheless strongly resist the idea that the TER cut-off is itself a clear, final—or even major—measure of the quality of any academic program. The cut-off represents only the mark of the last student through the door. A significant increase in the number of students admitted would normally lower the cut-off (as happened in Arts and Science); if we decrease student numbers, the cut-off would tend to rise. This year, all five of the students who achieved a perfect TER of 100 and chose to do Law picked Sydney Law School. Had we limited our 1996 Combined Law intake to five, therefore, our cut-off would have been 100!

The "cult of the HSC", promoted so relentlessly by the *Sydney Morning Herald*, fails by its scoreboard approach to take any account of: those courses to which admission is not determined by a TER (such as our own Grad Law course); the nature and quality of the teaching program offered to those students who are admitted; the research standing and output of the academic staff; the nature and quality of post-graduate programs; the Library and other teaching and research facilities and services available to students; the faculty's record of community service; the reputation of the faculty among employers, the profession, the judiciary and so on. If ranking is important, we deserve a much more intellectually honest and sophisticated approach.

The Dean's Breakfast Series

We are planning to step up our alumni activities in 1996. The Faculty's new Director of Graduate and Professional Relations, Ms Barbara McDonald, with

... From the Dean's Desk

support from the Faculty's Publications and External Relations Division, is endeavouring (among other things) to resurrect the Sydney University Law Graduate Association (SULGA) and to facilitate reunions of graduating classes.

Following the success of the inaugural event last year, featuring former Premier Nick Greiner, a program of Dean's Breakfasts has been scheduled for 1996. This year's series stars the Attorney-General, the Hon Jeff Shaw QC, on 29 May (on "The Hitchhiker's Guide to Law Reform "); legal journalists Richard Ackland and Janet Fife-Yeomans on 28 August (on "Moist Moments in Reporting the Law: Reptiles on the Justice Beat "); and counsel assisting the Royal Commission of Inquiry into the NSW Police, Ms Virginia Bell, on 23 October (on a topic which, at this stage, we can only identify as "GDW1"). The aim of the Breakfast series is to bring together the various strands of the Law School community (existing staff and students, graduates, friends and guests) in a relaxed, light atmosphere, with the aim of improving esprit de corps and fostering something of an alumni culture. Speakers are to be drawn mainly, but not exclusively, from our graduates. Absolutely no CLE points will be awarded. Subscription information is provided elsewhere in this edition of the Reports.

Congratulations

The Class Notes section later in this edition makes mention of some important career moves and developments among our many graduates and former staff. A few others also deserve special mention and congratulations. Justice Michael Kirby, formerly President of the NSW Court of Appeal, has been appointed to the High Court of Australia, succeeding another Sydney graduate, Sir William Deane, who has become Governor-General of Australia. Justice Kirby will be awarded a Doctor of Laws degree (honoris causa) from the University at the Faculty's main graduation ceremony on 4 May 1996, and he will also deliver the Occasional Address. In March, Sir William swore in John Winston Howard as the new Prime Minister of Australia, leading a Government containing a number of other Sydney graduates. The Hon Gordon Samuels AC QC LLD, formerly Lecturer in Pleading, is now His Excellency, the Governor of New South Wales. Justice Margaret Beazley of the Federal Court of Australia moved to the New South Wales Court of Appeal on 29 April 1996 (becoming the first woman to serve on that Court), and will deliver the Occasional Address at the second (postgraduate) graduation ceremony on 4 May 1996.

A number of colleagues also deserve a special mention: Dr Patricia Loughlan has been named the inaugural winner of the Law Faculty's Award for Teaching Excellence; Dr Eilis Magner has taken two years' leave to become Foundation Dean and Professor of Law at the University of New England; Associate Professor Hilary Astor has been appointed the first chair of the National Alternative Dispute Resolution Advisory Committee (NADRAC); Associate Professor Jennifer Hill has completed a commissioned study for the Australian Investment Manag-

ers Association (AIMA) on the remuneration of company directors; and Ms **Penny Pether** has been selected by the Chancellor of the University of California, Irvine (UCI) to participate in the prestigious Visiting Faculty Program in early 1997.

As detailed elsewhere in this issue, the Law School's Moot Court team won the Australian section of the Jessup International Moot Court Competition for the second year in a row, and went on to win the International Competition in Washington DC in March.

And for the bad news...

While activities within the Law School are looking brighter than ever, the physical facilities remain a real drag on efficiency, morale and health. The very considerable disappointment in the Law School community over the abandonment (in 1994) of the planned move to a grand purpose-built facility on the main campus was leavened somewhat by the relief from the uncertainty of the previous several years, and the promise of a substantial improvement to the appalling conditions in the existing Law School Building on Phillip Street.

An Accommodation Study prepared by consultant architects Devine Erby Maslin (DEM) indicated that over \$28 million (in 1995 prices) would be required to renovate the entire building, with priorities given to: bringing the building "up to Code" in terms of occupational health and safety requirements; improving the general amenity of the building (eg improved air flow, natural lighting, disabled access); and meeting the space requirements of the current users—given that staff and student numbers are vastly in excess of those planned for at the time the building was designed and built, with a consequent critical shortage of office and meeting space, and inflexible and inappropriate teaching spaces. According to the University's 1995 Statistics, the Law Faculty has the worst space allocation of any of the 17 faculties or colleges, at nearly five times less than the University average of "useable area" per student.

Although the Faculty understood that \$8.5 million would be made available for refurbishment in 1996–1998, with a similar sum provided several years down the track, the final version of the University's Capital Management Plan 1996–2005 approved by Senate in December contains insufficient funds even to bring the building up to minimum Code standards by the end of the millennium, much less to make a substantial, visible difference in the quality of life at the Law School.

Land Weirbrof

Jessup International Moot Court Competition

And the winner is ... SYDNEY!!!

The University of Sydney Law School's Moot Court team has returned victorious from the 1996 Philip C Jessup International Law Moot Court Competition in Washington DC, and team members Ben Kremer and Matthew McLennan were named the top two performers ("Best Oralist" and "Runner Up") in the entire competition. The other members of Sydney's winning team were Jane Doolan, Rebecca Kavanagh, and Ben Olbourne, and senior lecturer Dr Don Rothwell served as the coach.

Sydney's victory is the first for a Law School in this State, and only the fourth time an Australian team has triumphed (the ANU in 1981, and Melbourne in 1988 and 1993) at the international level of the Jessup Moot, which is universally regarded as the toughest and most prestigious international competition for law students. This achievement confirms Sydney's position as a major power in Australian and international mooting—Sydney has won the Australian finals of the Jessup competition in 1991, 1995 and 1996, and also has won the Butterworths Moot Court Competition (for NSW law schools) in 1995 and 1996.

The Jessup International Law Moot Court Competition commenced at Harvard Law School in 1959. The Competition was initially limited to North American law schools, but overseas law schools joined the contest in 1969. The Competition is now a major international event, in 1996 involving over 1500 law students from over 300 law schools in 50 countries.

The 1996 moot question dealt with the mythical states of Ercola and Filova, and raised difficult but topical issues of international terrorism, extradition, rights of self determination and sovereignty, international privacy, and the use of force.

During the preliminary rounds of the Australian competition in February, Sydney met teams from James Cook University, Murdoch University, the Australian National University and the University of Adelaide. Sydney was named the top team at the conclusion of the preliminary rounds and then met Bond University in a semifinal round before progressing to the final against the University of Western Australia. The final was held in the High Court of Australia, with Justice Gummow presiding, and was awarded to Sydney, with Matthew McLennan named Best Oralist in the final.

Both Sydney and UWA (as runner-up) then progressed to the International rounds of the Competition which were held in Washington DC between 25-30 March. During the course of

the International rounds, Sydney mooted against teams from Argentina, Turkey, the Netherlands and India. Sydney was ranked the No 1 team at the conclusion of the preliminary rounds and progressed to the quarter-final where it once again met and defeated UWA.

In the semi-finals, Sydney won in a close contest against the National Law School of India. A further highlight of the International rounds was a reception hosted for both Australian teams at the Australian Embassy in Washington. The Australian Department of Foreign Affairs and Trade traditionally has been a strong supporter of the Jessup Moot, and each year provides the winning Australian team with a cheque for \$10,000 to cover travel expenses. The support is much appreciated by the competing teams.

The International Final of the Competition was conducted in the Ceremonial Court Room of the United States Supreme Court before a large audience. Sydney met the National University of Singapore in the final where the presiding judge was Justice Stephen Schwebel, Vice-President of the International Court of Justice in the Hague. After a close moot, and lengthy deliberations amongst the three judges, Sydney was awarded the moot and title of Jessup Moot World Champion for 1996.

In a letter of congratulations to Dr Rothwell and the team, the President of the Law Council of Australia, Mr Michael Phelps, wrote that "The fact that your victory in this most prestigious competition is the second by an Australian team in just four years is a strong endorsement of the standards of excellence pursued by Australian law schools. Your victory assures the legal profession that its future is in good hands."



Back row (L to R): Ben Olbourne, Rebecca Kavanagh, Front row (L to R): Ben Kremer, Jane Doolan and Matthew McLennan

Law on the Internet

Regular users of the Law School Library will know that the library has a database network and subscribes to an extensive range of electronic products. This year the University Library installed a new online catalogue and, as part of the installation, provided access to the Internet from the catalogue terminals. This greatly expands the range of legal material available in electronic form, and provides our readers with a vast range of material that we could never hope to have in printed form. To search Internet the Library uses Netscape. A good way for a novice to begin is from the Law Library homepage. This has hypertext links to reliable law sites in Australia and overseas. For those familiar with Internet, the address is http://www.law.usyd.edu.au/~library/.

For those not familiar with Internet, Jeannine Goasdoue, the Reader Services Librarian, has been conducting full day classes on Internet For The Legal Profession under the auspices of the University's Centre for Continuing Education. The first class was attended by PP McGuinness, who wrote a glowing account of it in the Sydney Morning Herald. Further classes will be held later in the year and bookings can be made with the Centre on 351 2907. The course assumes basic PC skills and includes an introduction to the Internet and use of the web browser Netscape. There are live demonstrations and lots of hands on practice to encourage participants to improve their skills in researching legal and related topics.

So what material is available on Internet and why is it useful for lawyers? First of all there is a great deal of Australian material, and the major site for this is AustLII, the Australasian Legal Information Institute. AustLII is a new service and is by no means complete, but so far contains the text of Commonwealth and NSW legislation, full text reports from most Commonwealth Courts and Tribunals, the NSW Land and Environment Court Decisions and reports from the Supreme Courts of the Northern Territory and Tasmania. AustLII also has excellent links to other Australian material such as university law reviews, professional information and government material. It also has a comprehensive subject index of material from a variety of sources likely to be of interest to lawyers.

A lawyer can also use the Law Library home page to connect to major sites overseas. We recommend the sites provided by universities in the United States. The Legal Information Institute at Cornell Law School includes US primary materials such as recent US Supreme Court decisions and the text of the US Code and the Uniform Commercial Code. Emory Law Library Electronic Reference Desk is particularly useful for searching by country. We also provide links to United Nations documents in a form much easier to find and to use than the hard copy equivalents. The Fletcher School of Law and Diplomacy is particularly useful for treaty information.

Of course many lawyers will use the Internet for professional information, to make contact with their colleagues and to promote their own firms. Many individual lawyers have their own homepage. The NSW Bar Association and the Law Society of NSW have them. Heiros Gamos has a world wide list of lawyers. Now might be a good time for you to start to explore the information super highway.

Visiting Professor to teach Comparative Industrial Law

Professor Dennis R Nolan, the Webster Professor of Labour Law of the University of South Carolina will be visiting the University of Sydney Law School from 14 June until December 1996. As well as being one of America's foremost comparative labour law scholars, Professor Nolan has also written and taught in the areas of legal history, administrative law, legal education and alternative dispute resolution.

While visiting the University of Sydney, his major task will be the teaching of a postgraduate seminar course in Comparative Industrial Law. At a critical time in Australian labour relations, Professor Nolan will be able to give students and staff valuable insights into labour law

change. In 1989, Professor Nolan visited New Zealand, and whilst there he wrote the definitive legal history of New Zealand conciliation and arbitration from 1894 to 1984. He is currently editing a collection of essays examining various aspects of Federal and State labour law reforms in Australia.

In the United States, Professor Nolan is a well-known labour arbitrator and is a member of the National Academy of Arbitrators. It has been this work which has led him to develop his research and teaching skills into uses of alternative dispute resolution methods. These techniques are likely to become more prominent in Australian labour relations, especially in the conciliation of unfair dismissal claims.

Visitors

Professor David Williams

Professor David Williams, LLM, PHD ATII, Solicitor (England and Wales), has been appointed the Greenwoods and Freehills Visiting Professor in UK Taxation. Professor Williams will be at the Law School for the period 7 July–23 August 1996 during which time he will be teaching a course in the postgraduate tax program on "UK International Taxation". The course will be run over six weeks on Tuesday and Thursday nights 6-8 pm commencing on Tuesday 16 July. The course focusses particularly on the principles of UK taxation law (both income tax and VAT) as they affect international transactions.

Professor Williams is Professor of Tax Law at the University of London, where he is based at Queen Mary and Westfield (QMW) College. He is Deputy Director of the Centre for Commercial Law Studies at QMW where he also heads the Tax Law Unit. The Unit is responsible for graduate courses in all aspects of taxation and has an active research program. Current projects include European Community Tax Law, Taxation in the ASEAN states, Taxation of Intellectual Property, and the Interaction of Income and Social Taxes.

Professor Williams has previously been Dean of the Faculty of Law at QMW and Director of the Centre for Commercial Law Studies there.

Professor Williams acts as a consultant to OECD Fiscal Affairs Department, IMF Legal Department, and the EC PHARE fund. Recent consultancies include advice given in Pakistan, Slovenia, and Latvia to governments or ministries of finance. He has for several years been a member of the Revenue Law Committee of the Law Society of England and Wales and of its International Sub Committee and of the British Branch Committee of the International Fiscal Association. He has served on several government and Law Society Working Parties on tax reform. With colleagues at the Centre for Commercial Law Studies, he has been particularly active in fostering training on law and tax in the states of Central and Eastern Europe, and he has considerable experience training both officials and tax practitioners. He specialises particularly in tax, including value added tax, social security tax and the international aspects of taxation. He also lectures in EC Commercial Law.

David Williams is the author of several books on taxation and a wide range of papers. His book *Trends in International Tax* (1990) is being prepared for a second edition.

1996 Allen's Fellow— Professor Monroe Price



Professor Monroe Price

The next in a long line of very distinguished Allen & Hemsley Visiting Professorial Fellows is Professor Monroe Price, the Danciger Professor and Foundation Dean of Cardozo Law School, in New York City. Professor Price formerly taught for many years at the UCLA School of Law, where he had a legendary reputation as a teacher, and was "of counsel" to the leading firm of Munger Tolles and Olsen. He holds Arts and Law degrees from Yale, was Editor of the Yale Law Journal, and served as an associate to Justice Potter Stewart of the United States Supreme Court. Professor Price is one of the leading American legal scholars in the area of intellectual property, competition, regulation and the electronic media. He has written a number of books on cable television and his most recent book, Television, the Public Sphere and National Identity, was published by Oxford University Press in 1995. Professor Price is also a founder of "Advocates for the Arts", a group which assists artists and arts organisations to gain legal advice and representation. Professor Price will be joining us in second semester, and teaching an undergraduate elective on Law and the Arts (together with his wife, the noted art historian Aimeé Brown Price) and a postgraduate subject on Comparative Broadcasting Law (which is also available through the Faculty's CLE program).

Postgraduate Study in the Faculty of Law

Applications for second semester 1996 close 31 May 1996. The Faculty of Law at the University of Sydney offers the largest and most diverse postgraduate law training program in Australia. The teaching staff is drawn from the Faculty and the ranks of distinguished legal practitioners and judges. There are a variety of coursework and research programs available, with a number of specialist degree and diploma programs open to people without legal qualifications.

Master of Laws

The degree of Master of Laws offers a wide range of subjects including international, industrial, administrative, health and environmental law, taxation, company finance, trade practices, consumer protection, criminal law, criminology and jurisprudence.

Master of Environmental Law

The degree of Master of Environmental Law is designed to provide a specialist qualification in environmental law and policy and to meet the needs of those working professionally in the general area of the environment.

Master of Labour Law and Relations

The degree of Master of Labour Law and Relations has been developed to meet the needs of two groups: those with degrees in non-legal disciplines who wish to study Labour Law and Relations and those with law degrees who wish to specialise in employment or industrial law. Half of the coursework is in law and is taught by the Department of Law. The other half of the coursework is taught by the Department of Industrial Relations in the Faculty of Economics. (Course structure does not allow mid-year enrolment).

Master of Criminology

The degree of Master of Criminology is inter-disciplinary in its approach and is designed to meet the needs of researchers, practitioners and professionals in fields associated with crime and crime control. The degree covers a wide range of issues including theoretical perspectives, research and policy in criminal justice, policing, sentencing and punishment, juvenile justice, forensic psychiatry and advanced criminal law and procedure.

Master of Taxation

The Master of Taxation degree is designed to provide a specialist postgraduate qualification at Masters level in taxation. In addition to a thorough grounding in taxation law, the degree exposes students to both policy issues and the operation of the income tax system in practice.

Master of Jurisprudence

The degree of Master of Jurisprudence is designed to provide a specialist qualification in jurisprudence and legal theory, including sociological theory of law.

Master of Administrative Law and Policy

The Master of Administrative Law and Policy is designed to provide a specialist postgraduate qualification in administrative law and public policy. The degree is inter-disciplinary in its approach, with coursework/electives available in the Faculty of Law, the Department of Government and Public Administration, the Department of Social Work and Social Policy and the School of Social and Policy Studies in Education.

Master of Health Law

The Master of Health Law degree is designed to provide a specialist qualification in health law. The degree will provide a wide-ranging inter-disciplinary coverage of the contemporary legal and social debates in health.

Graduate Diplomas

The Faculty also offers the following diplomas: Graduate Diploma of Law, Graduate Diploma in Jurisprudence and the Graduate Diploma in Criminology.

Further information and application forms are available from:

Karen Hunt, Postgraduate Adviser on 351 0265 or Sue Ng, Postgraduate Assistant on 351 0347, Fax: 351 0200 or Postgraduate Student Services

Level 12, 173–175 Phillip Street, Sydney NSW 2000

Email: stuserv@law.usyd.edu.au

Whatever happened to ...???

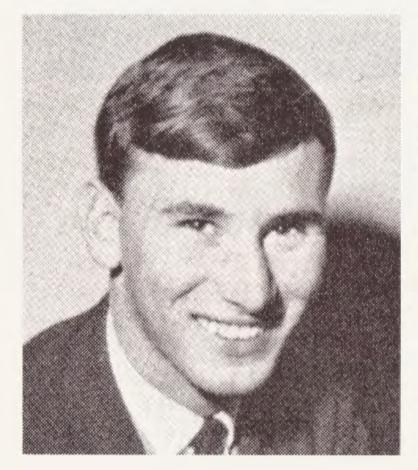
John Winston Howard

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 envrionment. Today, he is still almost as youthful-looking, no longer bewildered but selfassured 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.



[Source: Blackacre, 1960]

James Roland Wood



Jim "Waves" Wood's years have been packed with boomers, beer and blondes, in each of which he is not only a great performer but puts in many hours of practice. A familiar sight on his board in summer, he even swims in winter to keep in training. His capacity and staying power have been variously attributed to the huge stein out of which he drinks, to his selection of headgear while imbibing (including chamber pots and umbrellas) and to his energetic slides down imaginary humps hanging ten in the middle of the room. Perhaps the greatest decision Jimmy faced occurred this year when he bought a 'plucky little English sports car" in the form of a chartreuse sprite. Having swallowed his pride at being overtaken by no less than 21 cabbage-trucks on the way back from one of his Leura trips, Jimmy realised that apart from himself he could only carry his board or a female companion. Monetary considerations prevailed, and thinking he might as well make use of his registration fee, he settled for the board. "When does he study?", you ask?; it is a continuing mystery and yet despite his crowded hours and despite arriving at every exam with a healthy tan, Jimmy continues to disgust us all by performing brilliantly.

[Source: Blackacre, 1963]

William Montague Charles Gummow

Bill came to Law School in 1961 after a two years' sojourn in Arts. A Student Editor and a seasoned mooter, he is noted for his widely dispersed lecture notes, his lively sense of humour and above all his good natured readiness to assist other people. Articled to the oldest legal firm in Sydney, he is reputed to know more about aspirin and the law enveloping it than any other clerk at the Law School. While his success last year may have surprised those who regarded the first portion as subject to a permanent prescriptive right, it came as no surprise to those aware of how thoroughly he applies himself to the task in hand.

[Source: Blackacre, 1965]



Awards

Law Reform Prize to Sydney Student Highlights Reform Agenda

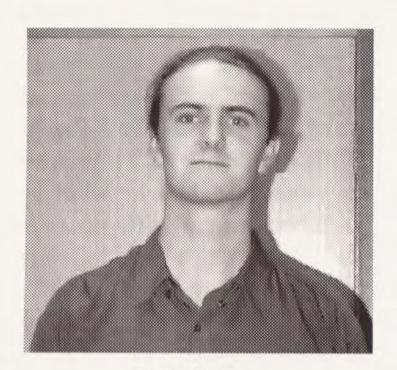
A University of Sydney student has won a prestigious national law reform competition with an essay arguing that law reformers need to keep abreast of social diversity and the information revolution in order to protect people's rights.

The essay competition won by Mr Martin was sponsored by the Australian Law Reform Commission in conjunction with its 20th anniversary celebrations.

In his essay, final year law student Paul Martin wrote: "The growth of information technology is undoubtedly one of the most important matters that law reformers face over the next decade. Information is not only a product; it is rapidly becoming the means of production."

Mr Martin went on to argue that media and information technology should be under the jurisdiction of the normal trade practices legislation and authorities.

The Dean of the Faculty of Law, Professor David Weisbrot, commented that "We are delighted that Paul's essay was selected as the winner by the Australian Law Reform Commission's panel—it is not only another wonderful achievement by one of our students, but also



Paul Martin

reflects well on the Faculty's very prominent role in high-level law reform activity.

Various members of the Faculty are currently involved as Commissioners or consultants to the Australian, New South Wales and Fiji Law Reform Commissions, or are providing policy advice to governments, government agencies, parliamentary committees and community groups. No doubt this influences our approach to teaching—as evidenced by Mr Martin's essay."

National Council of Women of NSW Centenary Awards



Carey Hawker, from Blake Dawson and Waldron Solicitors and Deborah Siddoway

The National Council of Women was established in New South Wales in 1896 and since then has worked for the removal of discrimination against women and raising the status of women in society. A high priority in its first 100 years has been the fostering of education for women and girls. Particular achievements of the Council include a significant role in the introduction of women's suffrage in New South Wales, equal pay, provision of Nursery Schools, Early Childhood Centres and Child Welfare.

To mark its centenary in 1996 the National Council of Women of New South Wales presented several Awards in conjunction with particular donors. The awards were presented to assist and encourage further studies and were made on the basis of considerations of academic merit, financial need and extra-curricular activities such as community service. The Council particularly encouraged applications from candidates who had overcome a disability or financial hardship. Twelve awards were presented at the "Celebrate Being an Australian" luncheon at Parliament House, Sydney on 24 January 1996.

Deborah Siddoway, currently a final year student at Sydney Law School, received a Centenary Award sponsored by Blake Dawson Waldron Solicitors. Blakes support this initiative out of their commitment to supporting women in an equal opportunity and meritorious environment. Ms Carey Hawker, representing the firm at the award presentation, said "As the legal industry opens its arms to the capabilities and contributions that women can offer, we will continue to recognise the positive impact that women make in the corporate legal environment."

Sydney Law Review launches special issue on Internationalisation of Law



L to R: Professor Colin Phegan; Chief Justice of Australia, Sir Gerard Brennan; Deputy Chancellor Daphne Kok; former Prime Minister Gough Whitlam, and Dean of the Law School, Professor David Weisbrot.

At a function held at the Law School on 27 July to mark its publication, the third special issue of the *Sydney Law Review* (Vol17 No2) was launched by the Chief Justice of Australia, Sir Gerard Brennan. In his opening remarks, Sir Gerard described the issue as "a topical work of great value to those who are engaged in any matter in which international conventions or international law may have an impact upon domestic law, in which a rare combination of scholarship and reflection shows…in practically every page".

The special issue contains articles by a number of distinguished lawyers from around Australia: Henry Burmester from the Commonwealth Attorney-General's Department (national sovereignty); Professor Cheryl Saunders (constitutional law) and Penelope Mathew (human rights) from the University of Melbourne; Professor Jeff Waincymer (trade law) from Deakin University; as contributors from the Sydney Law Faculty: Associate Professors Margaret Allars (administrative law) and Mark Findlay (criminal law); Dr Donald Rothwell and Professor Ben Boer (environmental law) and Professor David Harland (product liability). The foreword was written by Professor Ivan Shearer, Challis Professor of International Law.

The appropriateness of the choice of internationalisation as a theme for the special issue was acknowledged in the following comment, made by the Chief Justice in the course of his address: "The stage is long past when public international law could safely be disregarded by municipal lawyers. The global village is no longer divided by natural barriers and that phenomenon has been accompanied by some bridging of

the strict divide between international and municipal law. The influence of international law on statutory interpretation, development of the common law and administrative decision-making has been examined by the courts of this country."

Referring to the "extreme importance" of human rights in the context of internationalisation, Sir Gerard continued: "It is therefore to be expected that the international norms of human right will have a greater influence, whether by way of statutory interpretation or by way of incorporation into parts of our common law, than they have had in previous times."

But while recognising that international norms may find their way into Australian law without the formal step of legislative incorporation of a treaty obligation (as demonstrated in his own judgments in *Dietrich v R* and *Mabo v Queensland (No 2)*), Sir Gerard expressed reservations about any claim that the whole international law is part of the common law of this country.

Although refraining from any direct comment on judgments of the High Court, the Chief Justice acknowledged as "a big question" the problem "of inconsistency in executive action between that branch of the Executive that enters into international obligations and that branch of the Executive which exercises domestic discretionary power," raised in the recent High Court decision in *Minister for Immigration and Ethnic Affairs v Teoh*. The case, which was the subject of Associate Professor Allars' article was, the Chief Justice suggested, "but the first step along what might be a very long road."

1971 Reunion



L to R: John McCarthy, Gordon Samuels, Greg Cusack & Jim Spigelman

Paul Akon is a solicitor with the Forbes firm of Palmers, and the author of *Play the Whistle:* A Practical Guide to Rugby Refereeing.

Rosemary Baldwin (nee Fowler) married a graduate of King's College London, in 1977, and lives in Barnet, Hertfordshire. Although admitted as a solicitor in England and Wales, she remains a full-time wife and mother of three (the oldest of whom displays a precocious interest in constitutional law and practice)

Alan Cameron was a partner at Blake Dawson Waldron, became Commonwealth Ombudsman in 1991, and is now the Chairman of the Australian Securities Commission.

Helen Coonan recently was elected to the Australian Senate, representing New South Wales.

Nicholas Cowdery QC is the NSW Director of Public Prosecutions.

Clifford Einstein QC was one of a group of Sydney barristers who taught advocacy skills in Bangladesh earlier this year.

Michael Eyers is a principal in the new firm of Sharwood Eyers Wilkie.

Paul R Glissan has been a barrister since 1974. Also an arbitrator and mediator and an Honorary Secretary of the Association of Lawyer Arbitrators and Mediators.

Datuk Bin Abdul Hassan is now a timber merchant and palm oil plantation-owner in the Malaysian State of Sabah. For his contributions to public service, he was conferred the title "Datuk" in 1975.

Peter Hidden was appointed a Justice of the NSW Supreme Court after a successful career as a Public Defender.

Greg James QC has been involved in many appeals to the High Court on matters of criminal law.

Cathy Lyons is with the Public Defender's Office, after a long period as a public solicitor in Papua New Guinea.

John McCarthy QC is currently a Fellow of Senate of the University of Sydney, and was a member of the Selection Committee for the



Helen Coonan



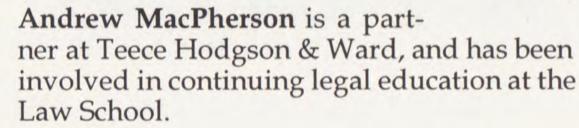
L to R: Datuk Bin Abdul Hassan, Kim Garling, Paul McGirr & Brian Wilson.

1971 Reunion

new Vice-Chancellor, Professor Gavin Brown.

David Marr presents an arts program on ABC Radio National, has written biographies of Patrick White and Garfield Barwick, and hosted ABC-TV's coverage of the Sydney Gay and Lesbian Mardi Gras.

Paul McGirr, SULS president in 1971, is a principal with McGirr James Hall & Associates, and honorary solicitor for the NSW Rugby Union, the Sydney University Sports Union, and the Australian Universities Sports Federation.



Andrew Martin is a partner at Abbott Tout.

Graham Mullane is a Judge of the Family Court of Australia.

Chris Murphy is a leading Sydney legal identity.

David Partlett is a professor of law at Vanderbilt University in the United States.

Michael Phelps is currently President of the Law Council of Australia.

Paul Redmond is a professor and Dean of the

Law School at UNSW. Among his staff are Dr Arthur Glass, Denis Harley, and Associate Professor George Zdenkowski.

Stephanie Rees teaches law at James Cook University of Northern Queensland.

Kim Santow is a Justice of the NSW Supreme Court and head of the Commercial Division.

Steven Scarlett was appointed Senior Children's Court Magistrate in October 1995 (not long after graduating LLM from the Law School).



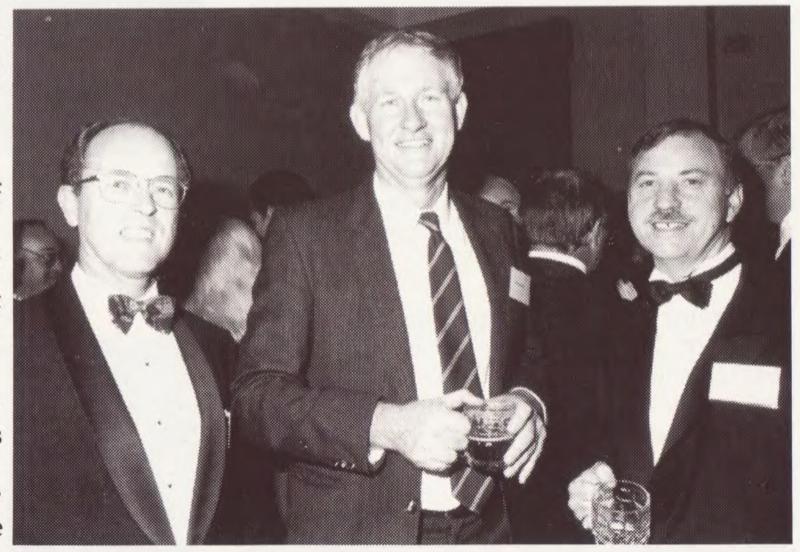
L to R: Tony Sunman, Stephen Scarlett, David Rohr & Des Kennedy

Jim Spigelman QC, the 1971 medal winner, dummied, stepped off his left foot, and sprinted 100 metres to score under the posts, while representing the Australian Rugby League in the Super League litigation.

Ralph Watzloff is currently National Compliance Manager for Medicare.

Brian Wilson is National Chairman of Clayton Utz.

Rob Woellner is professor and Foundation Dean of the Law School at the University of Western Sydney (Macarthur).



L to R: Paul Wood-Harvey, Denis Harley & Garry Walsh

1966 Reunion



A group of those present at the 1966 Reunion (Warwick Colbron, Convenor, 3rd from left in the back row).

Celebrating 30 years since finishing studies at Sydney Law School, 100 graduates and friends recalled old times and caught up on the latest news at the "Class of '66" Law Reunion Dinner held at Parliament House on 1st March last.

Thanks go to Sydney University Law Faculty for the great cooperation received from their staff. The names of those in the year and their addresses were compiled and invitations sent out by Dominic Williams and Warwick Colbron, with support from a committee whose size far exceeded that of the Sydney Olympic Organising Committee.

The Strangers Dining Room at Parliament House was made available thanks to the efforts of our host the Honourable Bob Debus, Minister for Corrective Services. Dominic Williams quipped that his welcome was more warmly received by those present than by those other guests of her Majesty who came under his charge.

Jim Poulos QC was entertaining as usual as Master of Ceremonies. He warmly welcomed distinguished guests Sir Laurence Street and Professor Gordon Hawkins both of whom had lectured back in the 60s and had many humorous anecdotes to share.

Obviously the Law School has reason to be proud of the quality of its '66 vintage as evidenced by the number of professors, judges, Queens Counsel and those who have distinguished themselves in law and other careers in

attendance at the dinner. The occassion was enjoyed by all.

The Dean of the Law School, Professor David Weisbrot, provided an update on developments at Sydney University Law School.

Story by Dominic Williams

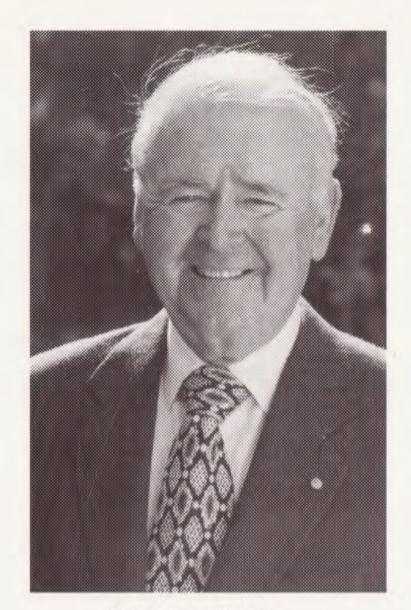


Above (L to R): Dominic Williams (Convenor), Bernard Gross QC and Brian McInerney.

Below (L to R): Jim Poulos QC, Ms Frances Hanks, David Kirby QC and the Hon Bob Debus.



Class Notes



Sir William Deane

1954

The Honourable Sir William Patrick Deane has been appointed the Governor-General of the Commonwealth of Australia. He took up the position in February 1996. Sir William graduated in Arts and Law from Sydney University in 1954. After graduation, he worked in the Commonwealth Attorney-General's Department in Canberra and then studied international law in Europe. In 1955 he was awarded the Diploma (cum laude) of The Hague Academy of International Law. He was admitted to the Bar in 1957. In 1956-57 Sir William was acting lecturer in international law at Sydney University, and taught equity at the Law School from 1957 to 1961. He was appointed Queen's Counsel in 1966.

Between 1977-82 he was a judge in the NSW Supreme Court, the Federal Court of Australia and the President of the Australian Trade Practices Tribunal. From 1982 to 1995, he served as a Justice of the High Court of Australia. He was appointed a Knight of the British Empire in 1982 and a Companion in the Order of Australia in 1988.

1959

Hon Judge Peter Rex Grogan, BA LLB BEc: Judge, New South Wales District Court since 1989. He has been the NSW Vice-President of the Australian Section of the International Commission of Jurists since 1989, and a Fellow of the Academy of American and International Law since 1967. Judge Grogan was a Member of the Committee of Australian Lawyers Christian

Fellowship from 1965 to 1974. He was the joint editor of *Company Directors* (3rd edn, 1974).

E (Zeke) Solomon, Partner in Allen Allen & Hemsley. Returned to practice in Sydney in 1993 after seven years in New York where he established and was Resident Partner of Allens' New York office.

1964

Justice James Roland Tomson Wood has in 1995 carried out the high profile role of head of the New South Wales Royal Commission into Police. Justice Wood graduated in Arts and Law from Sydney University in 1964, and was awarded the University Medal. He was solicitor with and then partner of Messrs Dudley Westgarth and Co. In 1982 he joined the NSW Law Reform Commission, and in 1984 was appointed Justice of the Supreme Court of NSW. While at the Law Reform Commission he was primarily involved in the Accident Compensation reference and he also made a major contribution to the Community Law Reform Program.

1965

Charles Gummow was appointed Justice of the High Court of Australia in 1995. Justice Gummow graduated in Arts and Law from Sydney University in 1965. He became a member of the NSW Bar in 1976, and a QC in 1986. From 1986 to 1995 he served as Judge on the Federal Court of Australia. He has jointly authored Jacobs' Law of Trusts in Australia (3rd, 4th and 5th edns) and Equity: Doctrines and Remedies (1st, 2nd and 3rd edns). Justice Gummow taught Equity at the Law School from 1967 until 1995. A celebration of Justice Gummow's appointment to the High Court was held at the Law School in August.

1967

Adrian Abbott: after completing Economics Degree, Chartered Accountancy Entrance, earned the LLB in 1967. He is now practising as an Accountant in conjunction with Greenwood Challoner.

1968

Robert Debus is the New South Wales Minister for Corrective Services and Minister for Emergency Services. He graduated in Arts and Law from Sydney University in 1968. During the 1970s he was Executive Producer of the ABC's department of Radio Talks and Documentaries. From 1981 to 1988, Bob served as Member for

Class Notes

the Blue Mountains; he was the Minister for Employment and Minister for Finance and from 1986 to 1988 Minister for Finance, Minister for Co-operative Societies and Assistant Minister for Education. After 1988 he worked as the Executive Director of Australian Freedom from Hunger Campaign and Community Aid Abroad.



Bob Debus

1969

John Lehane has been appointed to the Federal Court of Australia, the first solicitor to be so chosen. He continues to lecture in equity at the Law School.

Richard M Ure: has given away legal practice and now does contract database development work using the Omnis group of programs for Macintosh and Windows.

1972

Peter Montgomery: Solicitor and a Member of the Executive Board, Australian Olympic Committee; Member Sydney 2000 Lobby & Bid Team; International Olympic Committee Athletes Commission; International Olympic Committee Co-Ordination Commission Sydney 2000 Games.

1973

Merran Loewenthal: After having been admitted in England in 1977 ended up as one of the very few foreign lawyers in practice in Vienna, Austria, in cooperation with an Austrian colleague, Dr Friedrich Schwank.

Also a part-time lecturer on Foreign Trade at the University of Economics in Vienna which provides her with exposure to a totally different kind of university philosophy.

1974

The Honourable Jeffrey William Shaw QC is the New South Wales Attorney-General and Minister for Industrial Relations. He graduated in Arts and Law from Sydney University in 1974. Jeff Shaw has been MLC (ALP) for NSW since 1990 and the NSW Shadow Minister for Industrial Relations and Local Government from 1991 to 1995. He was admitted to the NSW Bar in 1976 and appointed QC in 1986. He has co-edited several publications, including Federal Industrial Law (1989) and Transforming Industrial Relations (1990).

1976

William R Ash is Vice President Legal ARCO Coal Australia Inc Brisbane. ARCO operates two large coal mines in Central Queensland and has significant other coal mining interests. ARCO is part of the Atlantic Richfield Company a large US based international resource company.

Meredith Hellicar: Currently with TNT Limited as Managing Director TNT Logistics Asia Pty Limited; also Director of James Hardie Industries, Sydney Institute and Board Member NSW Environment Protection Authority

Denise Jamila Hussain: Currently working with Centre for SE Asian Law at Northern Territory University helping prepare materials for a new Masters in Comparative Law course to commence in 1996.

1980

Geoffrey Travers: After leaving practice in 1984, became a Stockbroker with Statton Securities. Geoffrey advises private clients on investment but also acts for deceased estates and has provided expert evidence in investment related litigation.

1987

Mark Dunstan: Presently, Head of Development & Operations at Banque Generale Du Luxembourg. Married with two small sons. In Luxembourg since 1987.

1992

Lucinda Jones: Finished Law 1992 and the College of Law in 1992. Undertook an Associateship with Davies J in the Federal Court 1992-93. Completed Masters of Law (International) (Hons) at Cambridge 1993-94. Worked at the BBC, London Legal Advisers' Division. Currently at the Australian Law Reform Commission.



Associate Professor Janet Chan

The Institute of Criminology's new director, Associate Professor Janet Chan, comes to the Law School from the School of Social Science and Policy in the University of New South Wales. She holds an MA(Crim) from the University of Toronto and a PhD from the Law Faculty here (1990), as well as a BSc in Applied Mathematics and a MSc in Applied Statistics. In 1989 Janet worked as Research Director for the NSW Judicial Commission. She has also worked on a broad range of research projects most recently a longitudinal study of police recruits in New South Wales funded by the Australian Research Council and the NSW Police Service. Recent publications by Janet include Doing Less Time: Penal Reform in Crisis (Institute of Criminology monograph, 1992), The Price of Justice? Lengthy Criminal Trials in Australia, (research project with the NCA, published by Hawkins Press in 1995); and Changing Police Culture: Policing in a Multicultural Society, (Cambridge University Press, forthcoming). Janet has been a member of the Editorial Board of the Australian and New Zealand Journal of Criminology since 1990.

Institute of Criminology

The Faculty's Institute of Criminology has continued its successful public seminar program with the first 1996 public seminar held on 4 April entitled, "Women's Imprisonment: The Politics of Difference". The seminar was co-sponsored by the University of Western Sydney and the Women's Services Unit in the NSW Department of Corrective Services. Professor Pat Carlen, an

internationally renowned expert on women and crime, was the keynote speaker.

The Institute's journal Current Issues in Criminal Justice has developed into an important forum for criminological debates. Issue editors in 1995 were Mark Findlay, Chris Cunneen, and Ania Wilczynski who edited a special issue on child abuse. Therese MacDermott was the book review editor in 1995. Eilis Magner, who has since taken up appointment as as Foundation Chair of Law at the University of New England, was the editor for the March 1996 issue of the journal. Russell Hogg of Macquarie University Law School is the journal's new book review editor. A new Editorial Board for the journal has recently been established, with members from eight different universities across Australia and one from Canada.

Following the success of the Institute's monograph series, plans are underway to publish occasional research papers and reports of current interest. The first of these will be a study of police reform in Queensland by Jill Bolen. The publication will be a joint venture of the Institute with Hawkins Press. A revised edition of Peter Shea's *Psychiatry in Court* is also forthcoming.

The Institute hosted a weekend conference "The Future of Criminology: Australian and International Perspectives" in Sydney in February 1996. The keynote speaker for the conference was Professor Richard Ericson from the University of British Columbia, a leading international scholar in sociology and criminology. The conference provided a unique opportunity to reflect on the past and future directions of criminological theory and practice and turned out to be a weekend of stimulating exchange among participants and speakers, many of whom are distinguished scholars and researchers from Australia and New Zealand. Papers from the conference will be published as a Special Issue of the Journal later this year.

Both the Institute's membership and the Journal's subscriptions have doubled during 1995—full credit to the Institute's Administrator Sandra Fox.

Research continues to be a strong feature of the Institute. In 1995 Julie Stubbs and Hilary Astor received an Australian Research Council large grant for a project on "Aboriginal Women and Domestic Violence". Chris Cunneen received a large research grant from the Aboriginal and Torres Strait Islander Commission in a joint project with the Australian Institute of Criminology, "An evaluation of the implementation of specific recommendations of the Royal Com-

mission into Aboriginal Deaths in Custody". Julie Stubbs, Chris Cunneen and Janet Chan are currently conducting research on "Cross-cultural Awareness for the Judiciary", together with Sydney University's Multicultural Centre at the Faculty of Education, in a project commissioned by the Australian Institute of Judicial Administration. Janet Chan, Chris Cunneen and Julie Stubbs have been research consultants to the Royal Commission into the New South Wales Police Service.

Dr Janet Chan was appointed Associate Professor and Director of the Institute for one year commencing 1 December 1995. She succeeded Julie Stubbs and Chris Cunneen who were Co-Directors in 1995.

Centre for Asian and Pacific Law at the University of Sydney

In January 1995 the first Winter School in Shanghai was successfully conducted. This is a fourweek intensive introductory course in English on the Chinese legal system and foreign investment regime. The students enrolled in this Winter School included students of law, engineering, commerce, architecture and agriculture. There were students of different years from different institutions: University of Sydney, University of Technology, Queensland, and University of New South Wales. Apart from attending lectures during most of the course, the students were offered Tai Chi and Mandarin lessons. The course also included trips to Hangzhou and Suzhou (optional).

A second Winter School has just been completed in January 1996 with 59 students enrolled in the course.

In the light of the success of the Winter School program, CAPLUS is now offering a Winter/Summer School program whereby courses are offered annually in January and July. Law students may take this course as a two-unit course as part of their undergraduate degree program. For further information, please contact the CAPLUS office.

In April 1995 the second group of Vietnamese jurists successfully finished the three month legal and language training program which was organised by CAPLUS and sponsored by the Swedish International Development Agency (SIDA). The jurists began the program with five weeks of English classes at the University's Centre for English Teaching, which was followed by four weeks of training in Western legal systems

and Australian legal institutions at the Faculty of Law in Phillip Street. This involved a series of lectures on a wide range of issues. These were presented by senior staff of the Law School, legal practitioners and senior judges. Furthermore, there was an exceptional external program. This involved the jurists meeting and discussing legal issues with the judges, visiting courts, tribunals, commissions, law firms, the Bar Association, financial institutions and regulatory agencies. On every occasion the group was received with warmth and enthusiasm. The Centre is most grateful to the numerous members of the profession and their staff who helped with the visits.

In July 1995 the third group of Vietnamese jurists arrived for a similar but shorter course. Again, this ten-week course was sponsored by SIDA. This group was headed by the Vice Rector of the Hanoi University of Law and the Deputy Director of the Law Department of the National Assembly. The course ended on 6 September with a ceremony of awarding Certificates of Achievement by the NSW Chief Justice Murray Gleeson.

Seminars

Comparative Commercial Law Seminar in Hanoi: A team of Australian commercial law experts, headed by Professor Alice Tay, was invited by the Vietnam Lawyers Association to give a 4-day seminar on comparative commercial law in May 1995 in Hanoi. Participants in the Opening of the seminar included: the Australian Ambassador to Vietnam, the Vice Chairman of the National Assembly, the President and the Vice President of the Vietnam Lawyers Association and other distinguished guests.

Public and International Law Seminar: A six-day seminar on public and international law was conducted in November 1995 by CAPLUS in association with the National Centre for Human Rights Research in the Ho Chi Minh National Academy of Political Sciences. The Australian participants were Professor Alice Tay, Conita Leung, Professor Ivan Shearer and Brian Opeskin.

Sustainable Development in Law in China and Australia seminar was held in November 1995. This seminar was jointly organised by CAPLUS, Australian Centre for Environmental Law (ACEL) and the Research Institute for Environmental Law in Wuhan University.

CAPLUS organised two Continuing Legal Education seminars in 1995: Vietnam: an Emerging Giant in the Asia-Pacific Region and China: the Awakened Giant.

Vietnam seminar: This seminar examined the changes that have taken place during the last ten years as Vietnam adopted the Doi Moi [Renovation] policy to embark on market economy reform. The papers presented focussed on the current legal, economic and environmental developments in Vietnam and highlighted the extraordinary transformation occurring within the Vietnamese economy and legal system. Keynote speakers included Professor Alice Tay, Mr John Gillespie and Professor Ben Boer. In addition, the seminar featured a panel of senior jurists from the Vietnam Ministry of Justice and the National Assembly who were available for discussions.

China seminar: A booming Chinese economy and increasing questions concerning the return of Hong Kong to China in 1997 provided the framework to this important seminar chaired by Mr Murray McLean OAM, Assistant Secretary, East Asia Branch, Department of Foreign Affairs and Trade. Speakers also included Professor Zhang Longguan, East China University of Politics and Law, Shanghai, Mr Tang Zhen Xi, Shanghai University Law School, and Dr Chen Duan Hong, Peking University.

Visitors in 1996:

Professor Sun Chao, legal adviser to the Mayor of Shanghai and Head of Department of Law in the East China University of Politics and Law, Shanghai, is Visiting Professor in the Centre from 1 March to 31 May 1996. His visit is supported by the Australia-China Council in the Department of Foreign Affairs and Trade to conduct research on the economic legislative process in Shanghai. While in Australia, Professor Sun will make brief visits to and present seminars in Canberra, Melbourne and Brisbane.

For more information on CAPLUS, contact Conita Leung, Associate Director,

Phone: (61 +2) 351 0275, Fax: (61 +2) 351 0200,

email: conital@law.usyd.edu.au

Australian Centre for Environmental Law — Sydney

MEL program

The Faculty's 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. This diversity contributes to lively and broad ranging classroom discussions.

Students enrolled in the MEL program are required to complete eight courses. Currently, the program involves some 12 subjects per year which include the following:

- Comparative Environmental Law
- Environmental Dispute Resolution
- Environmental Economics
- Enviornmental 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 semester breaks. Short courses which can be automatically accredited to the Sydney MEL degree, are also offered through ACEL at the University of Adelaide and the Australian National University.

ACEL home page

ACEL has established a home page on the Internet which has links to ACELANU and includes information about the MEL program, the ACEL Newsletter and other activities of the Centre. Its purpose is to inform current and prospective students about the Centre and the Masters of Environmental Law Program, as well as encourage and facilitate students in retrieving information and navigating around the Internet. To this end, links are provided to World Wide Web Pages containing environmental information such as the United Nations Environment Program, Greenpeace, the Australian Environmental Information Network (ERIN) and a number of other pages. The home page location is http://www.law.usyd.edu.au/~acel.

With around 35 new candidates for the Master of Environmental Law being admitted for 1996, the MEL Program is now one of the largest specialist postgraduate law programs at the University of Sydney.

Regional Activities

Professor Ben Boer and Dr Donald R Rothwell visited Bangkok on 15-16 December 1995 to present a seminar in conjunction with the Mekong Regional Law Centre on International



Professor Ben Boer with Deputy Director of the Environmental Law Institutions Program, Mr Donald Kaniaru, Nairobi.

Environmental Law and Heritage Conservation. The seminar was well attended and presented an opportunity to discuss recent developments in environmental law in the region. The opportunity was also taken to discuss possible links between ACEL and the Mekong Regional Law Centre with Dr Richard Blue, Director of the Centre.

Ben and Don also attended a jointly sponsored IUCN/UNEP/ National University of Singapore Expert Group Meeting in December 1995 in Singapore. The participants discussed a proposal to stage a series of workshops for teachers of environmental law in Singapore from 1996. The major participants at these workshops will be teachers from Universities in the Asia Pacific region where environmental law is currently not offered or where environmental law lecturers would benefit from participation in such a course. It is anticipated that personnel from ACEL will eventually be involved as instructors in this program when it commences later this year.

Protection of the Antarctic Environment

The ACEL Short Course on Protection of the Antarctic Environment will be held in January 1997 during which students will have the opportunity to undertake a field trip to Antarctica. The course was first offered in 1995 with assistance provided by the Australian Antarctic Foundation.

Centre for Plain Legal Language

In the past eight months, the Centre for Plain Legal Language (CPLL) has run training sessions and given seminars to a wide range of organisations. These include the New South Wales Fire Brigade, the ABC Legal Department, the Aboriginal Cultural Heritage Working Group, the Community Services Commission, State Super, the National Children's Youth Law Centre, Tress Cocks & Maddox, the Health Care

Complaints Commission, the Environment Protection Authority, the Legal Aid Commission, the Housing Appeals committee, and the Law Reform Commission of New South Wales.

In May 1995, CPLL launched the Queensland Law Society Plain Language Campaign at Brisbane. It also held a session on plain language at the NSW Legal Convention in November.

The Centre's voluntary work has included drafting for the Office of the Legal Services Commissioner, and seminars and talks for the Kingsford Legal Centre, Council on the Ageing, Consumer Credit Legal Centre and the Law Society's Practice Management Group.

The Centre's document drafting and design projects over the past eight months include rewriting and redesigning insurance products for major insurance companies, employment contracts for the Legislative Council, forms and letters for a major superannuation corporation, policies for the Legal Aid Commission, and guidelines and parts of an Award and enterprise agreement for the Australian Industrial Relations Commission.

The final report into the costs and benefits of plain language is almost ready to be launched. This is the product of a joint research project conducted by CPLL and the Centre for Microeconomic Policy Analysis.

CPLL has recently published *Law Words*—a book of essays on legal words and phrases, and continues to write a monthly article on plain language for the *Law Society Journal*.

The Centre has also developed further shells for the computer-assisted legal writing course for first year students.

For more information on the Centre for Plain Legal Language, phone 02 351 0323, fax 02 351 0200, email cpll@law.usyd.edu.au

Dr Patricia Loughlan

Dr Patricia Loughlan has been awarded the Faculty of Law's inaugural Excellence in Teaching Award.

The award recognises Dr Loughlan's reputation as an energetic and interesting teacher whose classes combine a comprehensive knowledge of her subject-matter with good humour and a clear, concise approach to teaching.

Notable features of Dr Loughlan's teaching include her contagious enthusiasm for her subject, her gift for clarity of explanation and the interest she takes in the progress of her students.

Dr Loughlan was nominated for the award by the Sydney University Law Students' Association (SULS) and the nomination was accompanied by a student petition of support, as well as

letters of recommendation from past and present students, and references from colleagues.

SULS wrote: "Dr Loughlan enjoys a peerless reputation as the most outstanding teacher currently lecturing in the Faculty of Law. Her work represents the best of academic teaching within the Faculty. Her vibrant, interesting classes, her commitment to

the promotion of high academic standards, and her support and encouragement of her students and colleagues combine to make Dr Loughlan a superlative teacher."

The Excellence in Teaching Award was established by the Faculty in 1995 to recognise and encourage teaching excellence and innovation within the Law School. It will be awarded annually and the recipient receives a grant for use in the further development of teaching, curriculum and research.

Dr Loughlan teaches intellectual property and equity, and has also taught legal institutions,

administrative law, personal property and succession at the University of Sydney. She began teaching in the Faculty of Law in 1987 and has been an Associate Dean since 1994.

Penelope Pether

Penelope Pether joined the staff of the Law School in 1995. She teaches Constitutional Law and Legal Institutions, and is developing an innovative integrated Legal Writing Skills program for the Faculty. She is also constructing a course in her specialist research area, tentatively titled "Reading Legal Fictions/Writing Legal Subjects".

In 1993-94 she lectured in law at the University of Wollongong—where she taught Public Law, Law in Society, Legal Writing Skills, Advocacy and ADR skills, and an interdisciplinary course in law and literature. She also coordinated Wol-

longong Law School's undergraduate search program. She was a member of Wollongong's Academic Senate, and a Senate appointee to the Albury Committee, which undertook a major review of Wollongong's Affirmative Action and Equity performance. She has taught Australian Literature and Comparative Constitutional Law in Boston



Dr Pat Loughlan

University's Sydney program.

On completing the BA/LLB program at Sydney University, Penny practised as a solicitor in the Sydney office of Freehill, Hollingdale and Page, before taking up a senior position in the NSW Ombudsman's Office. There she established the first "civilian" unit to investigate complaints of police misconduct in NSW. While working in the Ombudsman's Office she also lectured in American Literature at what is now the University of Western Sydney—Macarthur.

After completing an (external) M Litt in English Literature at UNE, she worked as an Associate Lecturer in the Department of English at the

University of Sydney in 1988-92. Her specialist teaching and research areas were late C19th and C20th English and American Literature, although she worked in areas ranging from the literature of the English Renaissance to contemporary Australian indigenous writing. With Dr Simon Petch, she established Australia's first interdisciplinary course in Law and Literature, and founded the Law and Literature Association of Australia. She co-convened the Association's conferences in 1990, 1992 and 1993.

Penny's recent publications include an article on sexuality and Victorian defamation law in Cardozo Studies in Law and Literature, and an essay on E M Forster's A Passage to India, which has been anthologised in the New MacMillan Casebook on Forster. She is completing a PhD thesis on the writing of Forster and Virginia Woolf, and a legal writing skills text commissioned by Butterworths (with Judith Bennett.) In October 1995 she gave a seminar on Miller's The Crucible at the University of Michigan at the invitation of Professor James Boyd White, and a major paper at the joint US/Australian Law and Literature conference at the University of California, Berkeley. She was a founder and continues as an editor of the journal Law/Text/Culture.

In 1995, Penny was awarded a University Quality Grant to enable her to enhance and develop the Faculty's Writing Skills program, and was a participant in the University's inaugural Women in Leadership program. She has recently accepted an invitation to teach in English and Comparative at the University of California, Irvine in winter semester, 1997 under the University of California's Chancellor's Visiting Faculty Program.

In 1995, Associate Professor Jennifer Hill and Professor Richard Vann jointly received an Australian Research Council grant of \$75,000 for the project "Regulation and Taxation of Institutional Investment in Companies". The research project focusses on the interaction of four rapidly developing bodies of law: the regulation of companies, the regulation of investment institutuions, the taxation of companies and the taxation of investment institutions. The project examines how, although these categories developed in isolation from each other, they increasingly interact in modern commerce as institutional investors (such as insurance companies, superannuation funds, banks and public unit trusts) become the major sources of investment capital in Australia.

Bron McKillop has just returned from study leave in which he visited law faculties and

criminal courts in Paris, Strasbourg, Aix-en-Provence, Poitiers, La Rochelle and Rennes (some people really have it hard!). During his study leave Bron, who is fluent in French, gave lectures on comparative criminal justice and the common law system—a field in which he is recognised as an authority in France. Bron also attended trials in the three levels of jurisdiction and continued research he began last study leave on a murder trial. This time he was able to interview the convicted defendant in prison. Bron also participated in a CLE program for French judges organised in Paris by the National Judicial School. His paper will be published in a leading French law journal.

Law Society of New South Wales Specialist Accreditation. Several members of the Faculty of Law have served or are serving as academic advisers to the various committees set up by the Specialist Accreditation Board of the Law Society of New South Wales. The academics assist with the drafting of performance standards and the indentification of required areas of knowledge, as well as advising on and assisting with the assessment process. Associate Professor Greg McCarry was a member of the Employment and Industrial Law Committee, Associate Professor Rosalind Atherton of the Wills and Estates Law Committee, and senior lecturers Diane Skapinker and Barbara McDonald are members of the Property Law and Personal Injury Law Committees respectively.

The former Director of the Centre for Plain Legal Language, **Mark Duckworth**, has taken the position of Principal Policy Officer in the Intergovernmental Relations Unit of the Cabinet Office in the NSW Premier's Department. The Acting Director is now **Anne-Marie Maplesden**.

Dr Don Rothwell has been invited to participate in the POLOS project out of the Nansen Institute in Norway. POLOS is an international collaborative project involving researchers from the United States, Chile, Norway, Switzerland and Australia assessing the state of the polar oceans and their legal regime. A major focus of the project will involve environmental protection and management.

Evan Fountain, Sydney University Law School graduate, has been chosen as the Rhodes Scholar for New South Wales for 1996.

Professor Patricia Apps, Dimity Kingsford-Smith and Lee Burns, were successful in winning an Australian Research Council Large Grant for a project on "Women and Retirement Income Policy".

Sydney University Law Professor Richard Vann has one of the most daunting tasks in international finance-creating a tax structure out of nothing.

For the past three years Professor Vann has worked for the Organisation for Economic Cooperation and Development (OECD) organising tax training in 25 socialist countries in Eastern Europe, the Baltics, the former Soviet Union and Mongolia. He had previously drafted tax laws for several countries during his stint with the International Monetary Fund in 1990.

Under the communists, the tax system in socialist countries was "trivial". But, says Professor Vann, that is changing dramatically, as evidenced in the soaring number of tax officials in Russia from 7,000 to more than 150,000.

With the advent of foreign investment in these socialist countries, many bilateral tax treaties have been negotiated and drafted. "The OECD countries, as a group, want to invest in stable countries," Professor Vann said. "So a tax system, and institutions for a free-market economy, are fundamental requirements for socialist countries. But it can take years to create a legal infrastructure.

Professor Vann has helped several countries draft tax legislation and tax treaties, and he has organised 150 weeks of training modules per year at OECD centres in Copenhagen, Budapest, Vienna, Ankara and Moscow.

But Professor Vann is concerned at the poor understanding in Australia, especially in the private sector, of the role of international organisations and models in the development of international taxation. "In Australia, as elsewhere, the focus is on treaties between our country and other countries, rather than on the model underlying all such treaties.

"For the future evolution of tax treaties in Australia, it is necessary to access the large body of shared experience in the application of tax treaties and policies of other countries.

"As tax treaties are bilateral and sometimes multilateral instruments, it's vital to be aware of these issues, to understand current and future international tax law."

Professor Vann will this month begin a course of seminars on current international developments in tax treaties. "We will explore developments from an international perspective rather than from a narrow Australian focus," he said.

Professor Vann, who maintains an ongoing contact with the OECD, has shifted the focus of his scholarship and involvement from the socialist countries to Latin America and Asia. He recently taught international taxation to officials in Mexico and Korea, helping them negotiate treaties and write tax laws.

Although the OECD model for tax treaties is only a recommendation, Professor Vann tries to persuade students that a stable, transparent, well-administered tax structure, which follows international norms, appeals more to multinationals than special "on-today-off-tomorrow" deals. Foreign investment was vital to an increase in prosperity. For example,

Albania, which had cut itself off entirely from the world economy, was still relatively primitive.

Professor Vann advocates eliminating tax returns for the majority of income earners, and criticised the Australian tax system. "Despite the recent furore about alleged errors in the TAX PACK, no-one has asked why we need a 104-page book to file a tax return, or why we are filing them at all."

Most Australians have a wage income and possibly bank income. "Although it can't be done overnight, you can easily set up a system so that most people, other than those with two jobs or other types of income, don't file a tax return," he said. "Only 10 to 20% of the income-earning population should have to file a tax return.

"The TAX PACK substantiation provisions relating to documentation of deductions is unjust. You can claim up to \$300 without documentation, but to prove those expenses you need documentation anyway.

"Just as Australia abolished entertainment deductions, so New Zealand took employee deductions off its tax books. If you abolish tax deductions, you could lower the tax rates. You have to decide what is fairest to the majority."

Source: Anne Sarzin, The University of Sydney News 28, 5 July 1995

Sydney University Law Graduates' Association

The Sydney University Law Graduates' Association was established in 1963 with the aim of coordinating, fostering and encouraging liaison between graduates, students and members of the Faculty of Law of the University of Sydney.

Over the years the association played an important role in supporting a number of activities and developments of the law school. It encouraged the establishment of the LLM program by course-work offered by the Faculty and it continues to fund the University Medal awarded to students of outstanding merit graduating with the degree of Master of Laws. It has made donations to the Faculty, including a portrait of Sir Anthony Mason.

In its early years the Association provided a forum to discuss and encourage law reform. It has also held functions to celebrate the beginning of the Law Term and luncheons at which distinguished members of the profession have spoken.

The Association is keen to update its current membership records and to obtain expressions of interest from any graduate of the Law School who wishes to become a member. Please take time to complete the form which in enclosed with this edition of the *Law School Reports*, or contact Barbara McDonald on 351 0307 or the P&ER Division at the Law School on 351 0287.

Law Professor gives keynote address at Australia's Premier IR Conference



Professor Ron McCallum

Each triennium, the Industrial Relations Society of Australia holds a convention to assess labour relations developments. Ron McCallum, the foundation Blake Dawson Waldron Professor in Industrial Law of the University of Sydney, gave the keynote address at the 8th National Convention which was held in Hobart in February 1996. The Convention was opened by Sir Guy Green, the Governor of Tasmania.

As Professor McCallum stated at the outset of his address, rarely can there have been a more propitious time to discuss industrial relations. The federal election which was so convincingly won by the Liberal Party and National Party Coalition was just two weeks away. The public would have before them two clear industrial relations choices. Either the Australian Labor Party-sponsored enterprise bargaining schemes would continue: or the model of contractualism favoured by the conservative parties would be placed onto the federal statute book. Professor McCallum devoted the remainder of his paper to an analysis of this conservative brand of contractualism.

He made the point that the proponents of using individual contracts as the major prescription for the terms and conditions of employment, look to the United States where contracts determine the wages and benefits of the vast bulk of America's workers. He argued that given the different values of Australia—our greater collectivity, egalitarianism and sense of social justice—we should not adopt this method here. After examining the evidence, he concluded that it had not been proven that productivity increases via individual contracts were higher than in circumstances where more cooperative and collectivist methods have been used.

Nevertheless, Professor McCallum said that those favouring a contractualist approach were in the ascendancy. If deregulation went too far too quickly, however, Professor McCallum believed that there would be a swing back to the use of industrial relations tribunals as determiners of wages and conditions. In his view, by the early 21st Century, Australia will be a republic, republicanism is inherently nationalistic, this form of nationalism will place greater demands upon both politicians and bureaucrats. Republican Australia will, in his view, demand that citizens have some role in workplace governance. While this type of participation can be attained through collective bargaining or via industrial tribunals, the individual contract which is based upon the old common law rules of master and servant, is inapt for such a task. Therefore while we may see future federal legislation sanctioning the use of individual workplace contracts, in the fullness of time this measure will be supplemented by further guarantees for enabling both direct and indirect employee participation in employment decision-making.

Special thanks

We would like to express our thanks to all those who made generous donations to the Law School in the 1995 University of Sydney Annual Appeal:

Mr CH Brown

Mr MW Bruce

Mr GK Burton

Mr FH Codd

Mr TM Donahoo

Mrs N Henchman

Mr NR Korner

Mr JE Lemaire

Mr SK Ling

Ms CR Mo

Professor RW Parsons

Mr D Shultz

Mr EM Stewart

Hon BR Thorley

Miss ESM Wong

Ms HFY Wong

We would also like to thank all those who donated anonymously.

Publications & External Relations Division

If you haven't already noticed changes in the way the Law School presents itself and its involvement in alumni functions and reunions, you soon will.

As a result of an administrative restructuring of the Law School in 1993, the Publications and External Relations Division was set up to continue the existing work of the Continuing Legal Education Program, the publishing program of the Law School and to raise the profile of the Faculty by becoming actively involved in helping to organise, and organising its own, alumni activities.

The Dean's breakfasts are only one type of activity we have planned for 1996 (more information about the Dean's breakfasts can be found on p25). If you are interested in becoming involved with activities we have planned in 1996/97 please take the time to complete the flyer in this issue of the Reports and return it to us to ensure we tailor our programs to suit you and that we are also sending our information to the right address.

Barbara McDonald, a senior lecturer at the Law School, is the new Director of Graduate and Professional Relations. Ms McDonald is involved in reviving the Sydney University Law Graduates' Association and overseeing the alumni activities of the Faculty.

The P&ER Division is jointly managed by Catherine Hurley and Pauline Moore who jobshare

the position. Ms Moore is also Coordinator of the Sydney Law Review. Jenny Littman is Coordinator of CLE and is a familiar face to anyone who has attended any of our courses (Joanna Bird is the new Director of Continuing Legal Education, replacing Bron McKillop). Dawn Cockle is publications assistant to the division.

If you would like to organise a reunion, become involved in alumni activities, find out more about the Dean's Breakfasts, subscribe to one of our publications, order items from our range of merchandise or enrol in, or convene, one of our Continuing Legal Education seminars, we can be contacted on the following numbers:

Barbara McDonald
Director, Graduate & Professional Relations

351 0307

Joanna Bird 351 0234

Director, Continuing Legal Education

Catherine Hurley 351 0240
Pauline Moore 351 0287
Managers, Publications & External Relations

Pauline Moore 351 0287 Coordinator, Sydney Law Review

Dawn Cockle
Publications Assistant

351 0284

Jenny Littman 351 0238 Coordinator, Continuing Legal Education

Call for Blackacre

The P&ER Division has just installed some wonderful new computer equipment and software. A colour scanner is just one of the new pieces of equipment.

As a long term project we'd like to scan in back issues of *Blackacre* to make it available for display at reunions and for use in our own publications. If you have any old issues of *Blackacre* we'd like to borrow them, (we'd be even happier if you donated them) and return them to you once we've scanned them.

Any other memorabilia you may have, such as photos of your days at the Law School, would also be greatly appreciated.

Please call Catherine Hurley or Pauline Moore to make arrangements for copying your materials.

Class of 1986

A 10 year reunion for students whose last year at the Law School was 1986 will be held on Saturday 16 November 1996 in the Great Hall at the University of Sydney. The Organising Committee, (Liz Dibbs, Margaret Balding, Andrew Cunningham and Alexis Cahalan) is in the process of finalising details, however, it is hoped that all students from that year will put this date in their diaries. Invitations will be circulated in the next two months. If you have recently changed addresses or are about to change addresses, please contact the Publications and External Relations Division at the Law School on (02) 351 0287 or (02) 351 0284 with your change of address details.

New Postgraduate Programs

Master of Administrative Law and Policy (MALP) Program

From 1996 the postgraduate program at the Faculty of Law includes the Master of Administrative Law and Policy, a specialist postgraduate qualification in administrative law and public policy. The three core subjects in the degree ensure an interdisciplinary approach. First, there is a choice between two courses on public sector policy taught by Patricia Apps, Professor in Public Economics in Law. These are Public Sector Policy and the more advanced course Microeconomics and Public Sector Policy. The second core subject is Administrative Law, taught by Associate Professor Margaret Allars of the Faculty of Law. The third core subject is Public Policy Making: Structures and Processes, designed by Associate Professor Helen Nelson, Head of the Department of Government and Public Administration.

The wide range of electives available allows each student to construct a grouping of subjects most appropriate to developing a sophisticated appreciation of the way in which law and policy interact in particular areas of public administration. Students will be able to choose designated electives from the Faculty of Law, the Department of Government, the Department of Social Work and Social Policy and the School of Social and Policy Studies in Education. The electives now available in the Faculty of Law are: Law, Ageing and Disability; Judicial Review: Principles, Policy and Procedure; Government Regulation, Health Policy and Ethics; Environmental Impact Assessment Law; Taxation Administration; and Customs Law.

The degree aims to develop an understanding of the relationship between law and the analysis and implementation of public policy. The values inherent in administrative law and those of public administration are examined, together with the practical aspects of the application of law. The public policy component of the degree analyses the structure of the public sector and the role of government in the economy. The aim is to provide a knowledge of the objectives of public policy and of appropriate methodological approaches to analysing social and economic effects of reforms. An appreciation of the relationship between law and policy is fostered by the creation of an opportunity for public administrators specialising as lawyers or as policy analysts to learn together within the disciplines of law, government and social policy.

In the case of administrators with no legal training, the course provides a grounding in administrative law and offers an opportunity to acquire a more advanced knowledge of modern analytical and empirical approaches to the design and implementation of policy. For lawyers, the course provides a grounding in the field of policy analysis and strengthens capacity in administrative law.

It is expected that the degree will be popular with private sector lawyers engaged in tribunal and appellate advocacy practice, and providing advice to government, and those involved in public interest advocacy organisations and government lobbying activities. The degree will also be invaluable for lawyers employed within federal and state departments, regulatory agencies and tribunals.

Admission is also open to non-lawyers who hold an undergraduate degree at an appropriate level, or a completed tertiary qualification which is deemed equivalent, in economics, government, social work or other relevant degree. The degree will therefore be attractive to tribunal members who are not legally trained; economic analysts of government policy in such areas as taxation, social security, health, education, housing, superannuation, public enterprise pricing and regulation; and employees of government service agencies in the broad fields of health, welfare, planning and environmental administration.

There is no other masters degree in Australia which combines the study of administrative law and public sector policy making in this way. The Master of Administrative Law and Policy will provide an environment within which lawyers, public sector managers and tribunal members can engage in a more sophisticated discourse about fair, rational and efficient government and develop an understanding of each other's perspectives.

Master of Health Law (MHL)

The Master of Health Law degree is designed to provide a specialist postgraduate qualification. The degree will provide broad and interdisciplinary coverage of the contemporary legal and social debates in health and medicine.

Applications for admission to candidature are required to hold an undergraduate degree at an appropriate level, or a completed tertiary qualification which is deemed equivalent. The degree must be in law, medicine, health science, nursing or another relevant health care degree.

Dean's Breakfast Series

1st Breakfast The Hitchhiker's Guide to Law Reform, featuring Jeff Shaw QC, on Wednesday 29 May

1996 at Sheraton on the Park, 161 Elizabeth Street, Sydney, 7.45 am

2nd Breakfast Moist Moments in Reporting the Law: Reptiles on the Justice Beat, featuring Janet

Fife-Yeomans (*The Australian*) and Richard Ackland (*The Australian Financial Review, Justinian*) on **Wednesday 28 August 1996** at Sheraton on the Park, 161 Elizabeth

Street, Sydney, 7.45 am

3rd Breakfast Topic to be advised, featuring Virginia Bell (Counsel Assisting the Royal Commission

into the NSW Police Service) on Wednesday 23 October 1996 at The Wentworth

Hotel, 60-101 Phillip Street, Sydney, 7.45 am

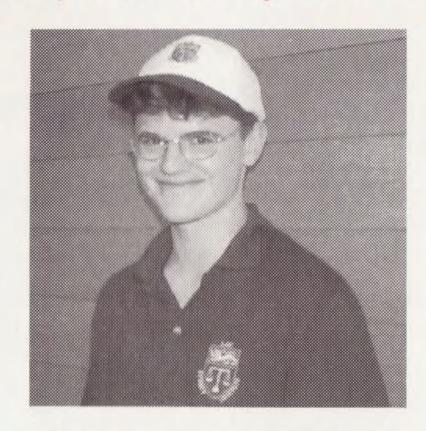
The Menu for all three breakfasts consists of Continental Breakfast, Chilled Juices,

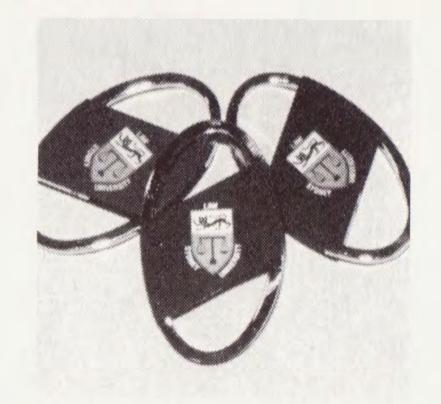
Fresh Seasonal Fruit and Berries, Tea and Coffee.

Cost per breakfast is \$40.00 or save \$15.00 and book all 3 for \$105.00.

The Law School now has a range of promotional merchandise. Members of the Sydney University Law Graduates' Association are entitled to a discount on these items. For membership information please see flyer in this issue of the *Sydney Law School Reports*. There is more information about SULGA above on page 21.

Sydney University Law School Mementos





All items bear the Law School's Crest and can be purchased from Level 12 of the Law School.

	Members*	Non-Members
Keyrings	\$8.00	\$10.00
Pencils	\$18.00	\$20.00
Roller Ball Pens with refill	\$18.00	\$20.00
Fountain Pens	\$18.00	\$20.00
Lapel pin with three colour crest	\$4.00	\$6.00
Dress watch	\$45.00	\$50.00
Canvas baseball cap (one size)	\$13.00	\$15.00
Polo t-shirts (md,lg,xl,xxl)	\$22.00	\$25.00
Rugby Tops	\$60.00	\$65.00
Law School Tie (Silk)	\$35.00	\$40.00
Mug	\$10.00	\$12.00
Golf umbrella	\$22.00	\$25.00

^{*} Members of Sydney University Law Graduates' Association.

