

The Sydney Law School Reports

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1997 – A Watershed Year

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*C*ontents



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From the Dean's Desk



In February 1997 the former Dean of the Faculty of Law, Professor David Weisbrot, was appointed to the position of Pro-Vice-Chancellor (Humanities and Social Sciences), the role of 'Super-Dean', with jurisdiction over the very interesting group comprising the Faculties of Law, Arts, Economics, Education, the Graduate School of Business, the Sydney College of the Arts and the Sydney Conservatorium of Music.

With this rapid ascension I was called upon to serve in a different role. Having served the Faculty and the University as Head of the Department of Law in 1996 I was appointed to act as Dean for the period of 1997 while the University moved to the formal appointment of another Dean of the Faculty. A great challenge in this a year of great change; and a great privilege.

Budget - the "B" word

In the "Dean's Desk" column in the last edition of the *Reports*, Professor Weisbrot included a section on "Budget blues". Much of what I was called upon to do in the early part of this year focused directly upon the impact of changes in Federal Government policies towards higher education. The combination of a direct cut of 6% to our budget; unfunded (and long overdue, well-deserved) pay rises for academic and general staff of 12.5%; and the withdrawal of funding to postgraduate coursework places, meant, in net terms, a reduction of nearly one-third in the Faculty's budget. I moved from a hard year as Head of Department to this! It was as if a tidal wave had been launched at the higher education sector and we were left to build our own life-rafts to try to survive.

The Government offered one small, leaking liferaft in allowing Universities to admit up to 25% of its undergraduate student body as full fee-paying students. After 25 years of supposedly free public education, this represented to many in Universities far more than a pragmatic shift in funding. Taking on the role of Dean this year I considered it vital to acknowledge the depth of feeling in the University and the Faculty about the question of taking on fee-paying undergraduate students. Accepting the shift to a mixed undergraduate population (HECS-liable and fee-paying students) involved much talking and debating in the Faculty. The Faculty participated fully in a series of Working Parties, looking at a range of income generation strategies including the postgraduate and undergraduate areas, budget maximisation within the University and external fund-raising. There was also a specific Faculty Discussion Day on income generation strategies including much talk in the area of undergraduate fee-paying students. I am pleased to say that representatives of the Student Law Society (SULS) and other student representatives participated fully in the debates and written submissions. Ultimately the Faculty voted at its meeting in June narrowly in favour of accepting full fee-paying undergraduate students into its student population. I consider the narrow vote in favour of this expanded student population as a fair reflection of Faculty feeling: there were deep-rooted philosophical objections to the paradigm shift in higher education but, on balance, a pragmatic recognition of the need to address a serious long-term budget question not of our making. At the same time as accepting the admission of full-fee paying undergraduate students the Faculty supported my complementary recommendation to expand the number of places offered to students with recognised educational disadvantage, under the University's "Broadway" scheme. The student population will be an expanded one. I sincerely hope it will also be one of increasing diversity.



Dean's Desk

The teaching revolution

Well, we did it. We have made the leap to small group teaching this year - keeping the first year classes in Combined Law to 25 and other compulsory courses to groups up to 40. It proved a rather difficult task to rearrange the students into groups with limited sizes and it will take some time before the administrative processes to achieve it are perfected. The goal has provided a real optimism and positive thinking in a year which has been filled with otherwise bleak news in higher education. The University has also rewarded our efforts by recognising the new style of teaching through a better position with regard to teaching in the University's funding model.

The Building

The Law School building evokes a mixture of responses: usually strong ones. Having heard largely negative comments, I was delighted to hear Aimee Price, the wife of our Allen, Allen and Hemsley Visiting Professor in 1996 and a distinguished art historian in her own right, comment that she "loved" our Brutalist building. At last it had a name (a legitimate one, at least).

The building is still stuck in a time warp of the 1970s. The orange which was so much in vogue at the time is still the colour of the toilet doors. The excellent carpet installed at the time is now very threadbare in places and is still the fashionable olive green of the day. The only things which have changed are the lifts - gone forever the Portel lift system of anecdotes and nightmares - and the level 12 student area, modernised over the last summer together with two classrooms.

There is so much we could do with the building. There are many great ideas which have been floated. But we are tied to our ability to secure appropriate funding from the University or our benefactors.

In the meantime I press my own view which is that the Law School is not to be regarded as a building, but as the people it represents - its wonderful students and fine academic staff.

Associate Professor Rosalind Atherton
Acting Dean



The Medallist of 1996 - Ben Kremer



Ben Kremer featured last year in the Reports as part of the Jessup International Mooting team from Sydney Law School which won the international competition in 1996 (see Vol 4 No 2 of the Reports). After taking out a the University Medal in Chemistry, Ben completed his set with the Medal in Law at the graduation on 3 May 1997.

The Reports found Ben in his laboratory, where, as he said, he is taking "a break from Law" by doing a Master of Science in organic chemistry: "I am working on the synthesis of glucose receptors (ie compounds which bind to glucose in solution but not to other things) and studying their structures (conformations) by one and two-dimensional nuclear magnetic resonance spectroscopy. The other part of my project is writing computer programmes to interpret two-dimensional NMR ("Noesy") data and reconcile it with physical measurements we can get from other sources. It sounds pretty esoteric but is actually quite a lot of fun and involves lots of good old-fashioned cooking and bucket chemistry ... the aim is at the end of the project to have a receptor which will be the glucose part of the Australian-developed 'nanomachine' which made a splash a couple of months ago. (It's a biosensor on a chip which will hopefully make diagnosis of various medical problems much quicker, cheaper & more accurate)."

Ben left in September to start a two-year Bachelor of Civil Law degree at Oxford. Ben will be at Magdalen College and will be taking intellectual property, topics in trusts, probably restitution, and, he says, "probably something international law-ish", with a thesis in intellectual property, probably in patents.

Before he left, Ben told the Reports that he hoped to take up cricket and fencing again. He had, he said, been spending too much time on the computer, reading, programming and other introverted pastimes. He also hopes to do a bit of travelling around Europe and America while he's at Oxford. Just in case he has any moments to spare, Ben has a number of other options; "doing some debating or something like the Revue (which I will miss a lot) and socialising".

Ben's future has already been mapped to some extent. When he returns from Oxford he has 6 months to do the College of Law and start work, before he takes up his appointment with the Hon Justice Gummow (1965) in the year 2000. The Reports was relieved to learn that Ben has no plans beyond this, although he "definitely wants to be a barrister in the long term".

The Reports has no doubt that Ben will have a successful career path - although its direction at this stage is anyone's guess!



L-R; Mrs Maureen Kremer, Associate Professor Rosalind Atherton, Acting Dean, Ben Kremer, Dr Edward (Ted) Kremer.



Law School Prizegiving Ceremony

Decorated with palm trees and filled with prize winners and their families bursting with pride, the Law School Assembly Hall was transformed again for the second annual Prizegiving Ceremony on Friday afternoon, 2 May 1997. The Prizegiving followed upon the great success of the inaugural prizegiving ceremony in the Faculty in 1996. Underneath the colourful image of the law School crest projected onto the screen in the Hall 58 students and graduands stepped up to receive their awards.

The Prizegiving Ceremony provides a wonderful opportunity not only to mark the achievements of the Faculty's top students and to share with their families a sense of pride, but also to acknowledge in a public way the significant and generous support given to the Faculty by our many donors.

The group receiving prizes and awards spanned the entire Law School community, from the winners of the prestigious Alumni Scholarships for students entering Law School for the first time in 1997 to the winner of the University Medal (Ben Kremer) and winners of postgraduate scholarships and awards. The Prizegiving Ceremony is timed to take place on the afternoon before the Faculty's major Graduation ceremonies for the year, so that families of graduating students can share both the Prizegiving and Graduation.

Prizewinners, families and Faculty members were honoured by the presence of senior members of the University community including the Chancellor of the University, Emeritus Professor Dame Leonie Kramer, Deputy Vice-Chancellor, Professor Ken Eltis, Professor Derek Anderson, Deputy Vice-Chancellor, Pro-Vice-Chancellor (Humanities and Social Sciences), Professor David Weisbrot, formerly Dean of the Faculty of Law, Pro-vice-Chancellor, Richard Johnstone and Professor John Mack, then Chair of the Academic Board.

In addressing the prize winners and their families, the Acting Dean of the Faculty of Law, Associate Professor Rosalind Atherton, referred to the special significance of 1997 in the history of the Faculty, as the centenary of the death of Mr Justice Sir William Charles Windeyer, one of the University's first graduates and "the father of the law school". It was Windeyer who steered through the Senate of the University the by-laws which constituted the Faculty in 1890 and worked for the foundation appointments of staff including the first Professor of Law, Pitt Cobbett (whose photograph hangs in the Law School Staff Common Room on Level 13).

Professor Atherton referred to the Prizegiving as an occasion in which can be seen the great kinship which connections with the University and the Faculty bring: "the awards contain many great and noble memories and are in many respects personal tributes to fine graduates of the past, for the awards contain many which are given in memory of our graduates by their fathers, brothers and sisters; by professional colleagues; by academic colleagues. Many are left as bequests to the University by graduates as a tribute to the graduates to come. All are given through great generosity of spirit and support for higher education".

In thanking everyone for sharing the ceremony, Professor Atherton concluded in saying: "We share this moment with you in a great spirit of kinship and with a great deal of pride. For those of you graduating tomorrow, we trust that this kinship will keep you in touch with us. We will certainly watch you all with great interest."

The Prizegiving Ceremony, was organised by the Faculty's Director of Graduate and Professional Relations, Ms Barbara McDonald; Ms Pauline Moore of the Faculty's External Relations Division, and Ms Jenny Littman, CLE Co-Ordinator. Assistance was also provided by representatives of the student association, Sydney University Law Society (SULS).

Once again, the Prizegiving Ceremony proved a very special part of the Law School calendar.



Mr Justice Sir William Charles Windeyer, c1887.

Prizegiving Ceremony



Prize giving 1996 winners

L-R; Alexandra O'Mara (top female Student); Ben Kremer, Uni medallist; Rosalind Atherton, Acting Dean



L-R; Brett Walker, Rosalind Atherton, Ben Kremer, David Weisbrot, Emeritus Professor Dame Leonie Kramer, Chancellor



1996 Prize winners



ur newest Professors

The Abbott Tout Chair of Litigation and Dispute Resolution - Professor Hilary Astor

Professor Hilary Astor was appointed to the Abbott Tout Chair of Litigation and Alternative Dispute Resolution in February 1997. First appointed to the Faculty in 1986, Professor Astor is the author (with Professor Christine Chinkin) of *Dispute Resolution in Australia* published in 1991. She has published widely on dispute resolution and is perhaps best known for her work on the mediation of disputes involving violence against women. She is the Chairperson of the National Alternative Dispute Resolution Advisory Council (NADRAC) which provides policy advice to the Federal Attorney General on dispute resolution.

Professor Astor presented her inaugural address on Thursday 17 July in the theatrette at NSW Parliament House to a packed audience. This was a special occasion and for the Faculty as it was the first such address in living memory.

In introducing Professor Astor, Associate Professor Rosalind Atherton, the Acting Dean of the Faculty said that all were there "out of a deep and abiding interest not only in Professor Astor's career but also in litigation - whether as teachers of the litigation professionals and dispute resolvers, mediators, adjudicators of litigation or even just disputants, the subject is one which involves us all."

Professor Atherton highlighted the role which sponsorships and donations of various kinds played in the life and history of the Faculty: "the Faculty of Law was born of great benefaction - through the bequest of Challis." Out of Challis's bequest to the University, three Chairs were created in Law, marking the beginning of the academic staff and the teaching in the Faculty with the appointment of Pitt Cobbett in 1890. Professor Atherton said that the great generosity of the firm Abbott Tout continued the great benefaction which has been a central and vital part of the history of the Faculty of Law and the University.

The idea for the Chair was the brainchild of Mr Alan Hunt, the Managing Partner of the firm. It was developed in discussions with the former Dean of the Faculty, Professor David Weisbrot, and the former Head of the Department of Law, Professor Terry Carney. The combination of Litigation *and* Dispute Resolution was Mr Hunt's idea: it not only reflected a major strength of the firm's practice, but it would also be an important symbol of the way lawyers *should* now be trained to think. It is the first Chair of its kind in Australia.

Professor Atherton said that when benefaction for such a Chair comes from a firm of solicitors, "it provides a very tangible link connecting our past, our present and our future: our past through the support many of our graduates bring, as professionals, through sponsorships and

continuing involvement in many forms; our present in the continuing contact of our donors in the present life of the law school; and our future in the great contribution to legal education and, in that way, to the legal profession".

Professor Atherton also paid special tribute to Sir Laurence Street for his support for the initiative and in participating in the selection process along with University representatives.

That Professor Astor was selected after an international search is both a mark of her exceptionally high standing in the community of scholars in the field but also a fine recognition of the quality of academic scholarship at the University of Sydney. Professor Atherton added that "Professor Astor is also a remarkable teacher and an exceptionally fine colleague".

Professor Hilary Astor



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Our newest Professors



Professor Astor chose as the topic for her inaugural address, "The Future of Alternative Dispute Resolution in Australia". She suggested that the most important challenges for the future of ADR in Australia lie in a refinement of our understanding for what ADR can and cannot achieve:

"We need to develop our understandings about which disputes and which disputants are suitable for ADR. Perhaps most importantly we need to pay great attention to the provision of quality dispute resolution services which provide fair procedures and outcomes for disputants. In particular we need to give great attention to the protection of vulnerable parties who use alternative dispute resolution, and sometimes to the protection of affected third parties. If I were to encapsulate my ambitions for the next stage of development of ADR in Australia I would emphasise the need for quality rather than quantity"

Professor Astor went on to examine the need for quality in ADR in relation to the challenges for courts and tribunals seeking to make appropriate referrals to ADR, the provision of ADR services which are culturally sensitive and the role of the legal academy in supporting quality ADR.

A packed audience of leading figures in the legal, political and academic world gathered at NSW Parliament House to hear Professor Astor's address. Mr Alan Hunt, Managing Partner of Abbott Tout, in delivering the vote of thanks to Professor Astor, said the firm's support for the chair was a recognition of the growth and importance of alternative dispute resolution in Australia. The interest was also reflected in those attending the lecture, including judges from the Federal Court, the NSW Supreme Court, the District Court and representatives of the Legal Aid Commission.



L-R: Associate Professor Rosalind Atherton, Acting Dean, Professor David Weisbrot, Pro-Vice-Chancellor, Professor Hilary Astor, Mr Alan Hunt.



Far left, L-R: Professor David Harland, Professor Derek Anderson, Deputy Vice-Chancellor, Professor Ivan Shearer



L-R: Robert Cameron, Abbott Tout; The Hon Justice John Lehane; Bruce Knowles, Legal Aid Commission of NSW



Our newest Professors

The Dunhill Madden Butler Chair of Women and the Law

Following an extensive international search, Professor Reg Graycar was appointed to the Dunhill Madden Butler Chair of Women and the Law in May 1997, the foundation Chair of such a kind in Australia.

Professor Graycar, formerly a Professor at the University of New South Wales, brings to the University of Sydney an outstanding reputation for her feminist scholarship and teaching.

Dr Anne Sarzin of the University News described Professor Graycar as a woman with a quest: "the quest to end women's subordination in law". Professor Graycar's appointment to Sydney Law School builds upon an established reputation for research, teaching and publications in the area of women and the law.

Professor Graycar's research has frequently triggered changes in areas of the law where she has identified discrimination against women. She attributes the pervasive prejudice against women to a law-making process which effectively excluded women. Only relatively recently, however, women achieved presence in national and international law forums.

Professor Graycar is concerned about gendered aspects of the law and damaging stereotypes that affect the court's perception of women. In collaboration with her Research Associate, Margie Cronin (an established poet in her own right), she is writing a book which evaluates the impact of gender on judicial decision making, especially in the area of personal injury damages assessments. The proposed book exemplifies Professor Graycar's approach to gender issues in law, probing a concrete issue to reveal inherent inequities within the context of gender. Professor Graycar says that: "Gender is always a key factor in judicial decision making and is not confined to those areas of law clearly seen as 'women's issues'."

It was at Harvard Law School, where Professor Graycar undertook postgraduate study, that her interest was sparked in feminist legal theory when she heard the highly provocative Professor Catharine MacKinnon. From then Professor Graycar began to think specifically of women's disadvantaged position in law and to incorporate this perspective in a very individual way in her own legal analysis.

Professor Reg Graycar



Professor Graycar believes that feminist jurisprudence goes far beyond the academic territory that might first be suggested by a Chair of "Women and the Law": "Feminist jurisprudence has had a major influence on legal scholarship and had been arguably the single most critical area of legal scholarship, impacting broadly on post-modern and post-structural questionings about law, and on narrative analyses of law", she said.

The insights of feminist jurisprudence had their origins in a political quest to respond to the disadvantage of women in law. "That is still the issue - it is not theory for theory's sake but a concern to end women's subordination."

Professor Graycar points with particular satisfaction to the impact of judicial education programs she has devised. Later this year she will also discuss her work on personal injury damages at an orientation program for new judges. Professor Graycar's work on personal

Our newest Professors



injury damages has attracted particular attention. In November 1996 Professor Graycar delivered the Douglas McK Brown Lecture on "Hoovering as a Hobby and Other Stories: Gendered Assessments of Personal Injury Damages" at the University of British Columbia in Canada. This lecture commemorates publicly one of British Columbia's most eminent citizens. Professor Graycar joins Professor Alice Erh-Soon Tay, Challis Professor of Jurisprudence in the Faculty, as one to hold the prestigious visiting Professorship.

While working with her co-author, Associate Professor Jenny Morgan of the University of Melbourne, on a second edition of their book, *The Hidden Gender of Law*, Professor Graycar will continue a collaborative project with the Family Court of Australia to review the effects of recent amendments to the Family Law Act concerning disputes involving children, and another of her many ARC-funded research projects, this one on intersectionality issues in family law.

Despite Professor Graycar's multiple research interests and teaching projects, including a re-invigoration of undergraduate teaching of Torts, Professor Graycar views her work at Sydney as building on the strengths and resources that already exist in the Faculty.

While introducing her students to feminist legal theory, Professor Graycar will undoubtedly highlight the value of talking to women about their lives: "Listening to women and learning about their lives is essential to every area of law".

The *Reports* looks forward to reporting on Professor Graycar's inaugural address scheduled for early in 1998.



Professor Hilary Astor, Abbot Tout Professor of Litigation and Dispute Resolution.

Professor Reg Graycar, Dunhill Madden Butler Professor of Women and the Law.

Gnats on the River Nile

*From our boat I see a bathtub
Sitting in the middle of the red clay
Women bent over it have mud between their toes
Their backs turned to us forever
I say I will take a photograph
Back to my friend's bathrooms
And say look at these prehistoric people
Isolated on islands living on orchid juice
Gracile bathing on the focused shores*

*But a gnat pushes through the air
And belts my cheek just before I
My camera is suddenly deep behind the boat
And I can no longer see the bathers
Those flies make river blindness says our guide*

*MTC Cronin from Zoetrope, Five Islands Press 1995.
Research Associate to Professor Graycar*



His Honour Judge Colin Phegan

In Volume 4 No 2 of the *Sydney Law School Reports* the glorious mooters of 1965 were included. One of those mooters has now left us to join the bench of the District Court, Professor Colin Phegan, now His Honour Judge Colin Phegan of the District Court of New South Wales, after a very successful year as Acting Judge of the Court.

Colin was a student of the Faculty in the early 1960s, taking up his first appointment in the Faculty as a Research Assistant in 1966. In 1971 he was promoted to Senior Lecturer, in 1983 to Associate Professor and he was appointed to a Chair in 1984. He was Dean of the Faculty from 1985 to 1989, and also spent two years as a Commissioner of the New South Wales Law Reform Commission.

Acting Dean of the Faculty, Associate Professor Rosalind Atherton, said that this was "an exciting appointment for Professor Phegan and a significant one for the Faculty and the University".

At a farewell function held on Tuesday 5 August, Professor Atherton singled out for mention Professor Phegan's love of, and ability in argument, and his strength, both on and off the Rugby field. She described the "young, fresh-faced but serious Colin Phegan" as an undergraduate law student trying out for the Law School mooting team in 1965.

"When Col was selected, Professor Morrison said that 'He was the strongest [mooter] the school was to produce for many years, sweeping the opposition aside on its way to winning the Australian trophy for that year'," she said.

"Col's team-mates were Roger Giles, Reg Blanch and Jack Goldring. Giles is now Chief Judge in the Commercial Division of the Supreme Court of New South Wales; as Chief Judge of the District Court, Reg Blanch received Col's commission [when he was sworn in as a Judge of the Court on Monday 4 August]; and Jack Goldring, Foundation Professor of Law at Wollongong University and a Law Reform Commissioner, accompanied Col in the list of Acting Judges last year.



"I asked Chief Judge Blanch what he remembered about that glorious [mooting] success and the competition which preceded it. All he could remember were the parties in Canberra."

Professor Atherton said that on the field as part of the University Rugby team and the Faculty's team, Professor Phegan was a prop, a position which she learned required great strength - "in the front row of the scrums, pushing like Hercules". "His role as a prop could be seen as a metaphor for his role at the Law School," she said. "Col was the defender of the Faculty at the time of the review of Law Faculties under Pearce, among many of his enduring contributions to the Faculty.

"In 1974 the then Dean of the Faculty, Professor Benjafield, said 'Mr Phegan is a member of staff here for whom we would predict a bright future'. Perhaps now, 25 years later, we can say: 'His Honour Judge Phegan was a member of staff here for whom we would predict a bright future'."

His Honour Judge Colin Phegan



In saying his farewells, Judge Phegan described his "infatuation" with the University from which, he says, he never recovered: "I became very attached to the traditional values of a University: the search for truth and excellence in scholarly endeavour, unaffected by markets and national priorities and even student preference, at least when the latter was motivated by career prospects and not a thirst for knowledge and understanding. My attachment to Sydney University was not only intellectual it was also physical. Sydney campus is a special place - not in this regard Sydney Law School - I felt a pang of nostalgia after my last campus lecture. I was waiting outside the Education Building for the Faculty car - not for the first time - when, as I looked up Science Road, I saw the morning sun reflecting off the northern wall of the Anderson Stuart Building (where the Law School should have been)."

Judge Phegan described his great pleasure in his associations with colleagues of the University and the Law School:

"Having so many people from such diverse backgrounds close at hand is part of the richness of University life. But inevitably it is my Law School colleagues with whom my association has been closest."

Amongst the colleagues he will miss, Judge Phegan listed members of the academic staff (fellow students with him and students of his, now colleagues, and others who've come to Sydney Law School from elsewhere), the general staff, library staff and the students:

"When I decided on an academic career it was partly the satisfaction I found in teaching and in the interaction with students which that entails. That has never changed."



L-R: Judy MacKinolty, John MacKinolty, Colin Phegan, Professor Jack Goldring, Professor Paul Crittenden, Associate Professor Rosalind Atherton, Acting Dean.



Ross Anderson



Olive Wood



Professor John Carter

Appointed to a Personal Chair in 1996 - Professor John Carter



Professor Carter was born in England in 1953, settling in Australia in 1960. After completing his Bachelor of Arts and Bachelor of Laws degrees at the University of Sydney in 1974 and 1976, he spent a year as Associate to the Hon Mr Justice Franki of the Federal Court of Australia. In 1978 he returned to England as a WM Tapp Research Student at Gonville and Caius College, Cambridge and graduated Doctor of Philosophy in 1981. In that year he took up a Lectureship in the Faculty of Law of the University of Sydney. In 1986 he was promoted to Senior Lecturer and Associate Professor in 1990. In 1996 the University conferred upon John Carter a Personal Chair in the field of commercial law. To be accorded the title of Personal Chair in the University of Sydney is a rare honour.

In 1988 Professor Carter established the *Journal of Contract Law*, of which he is the General Editor. He was also Executive Editor of the *Sydney Law Review* between 1990 and 1991. Between 1986 and 1989 Professor Carter served as consultant and part-time Commissioner to the Law Reform Commission of New South Wales.

Specialising in Contract, Commercial Law and Restitution, Professor Carter has written extensively in all these areas. He has published three major works: *Breach of Contract*, based on his doctoral thesis and now in its 2nd ed, 1991, published jointly by Law Book Co Ltd, Sydney and Sweet & Maxwell, London; *Contract Law in Australia*, with Professor DJ Harland of Sydney Law School, published by Butterworths, Sydney and now in its 3rd ed, 1996; and *Restitution Law in Australia* (the first Australian work analysing the subject restitution), with Justice Mason, President of the New South Wales Court of Appeal, published by Butterworths, Sydney in 1995. Professor Carter is the author of three titles in Halsbury's Laws of Australia: 'Contract', 'Restitution' (with Keith Mason and Andrew Bulley) and 'Sale of Goods'.

Professor Carter is a consultant to Freehill Hollingdale & Page, solicitors. He is also Chairman of the Education Committee of the Commercial Law Association of Australia and Director of Continuing Legal Education in the Faculty of Law.

Whatever happened to...



CAROLE ANNE FOREMAN

Carole came to the Law School armed with a tennis racket. She received her early education at SCEGGS Redlands where apart from spending most of her time on the tennis court as the school's tennis champion, she still managed to gain honours in her leaving certificate.

In 1958 this quiet lass entered Phillip Street but as many of her male friends found out, you cannot judge a book by its cover, for be it a tennis or squash court, Carole beat all-comers. How she managed to pass her exams, and pass them well, in between the various inter-varsity competitions is still a mystery to all and probably to Carole herself.

In 1960 Carole achieved the rare distinction of being awarded a University Blue in Tennis. This achievement for a female law student is as rare as the High Court granting a certificate for an appeal to the Privy Council on an inter se question.



Carole has represented combined Australian Universities at Tennis and table tennis (better known as Ping Pong). She has been at various times the University Women's Tennis, Table Tennis and Squash Champion apart from being the centre of admiration for all members of the faculty.

She holds various positions in University Sporting Clubs, amongst them Captain of Squash Club, President of Table Tennis Club and Vice-President of Tennis Club and were this list to be concluded, it would compare favourably with the Chancellor's imposing list of degrees. Carole will certainly be a success in anything she undertakes. Probably in her mind will always linger the Law Dinner of 1959 where she learned that a girl's place is certainly not at the Bar

MARGARET ANN O'TOOLE



Margaret O'Toole entered the Faculty of Law of the University of Sydney in 1959 and the hoary old joint has never been quite the same. There had been attractive females within these cloisters before but never one who could adorn the Associates seat at Moot Courts year after year, wear hats such as no mere male could have foreseen, giggle like a ten-year-old and still be a first-rate squash player and relentless debt-collector.

Maggie's scholastic record, though fair, may soon be forgotten but Maggie will not. When gorgeous almond eyes, costume so chic and a proud stride like an Amazonis make no impression, all will indeed be lost.

Maggie's attitudes have remained Catholic and conservative but, lest history infer stodginess, it should be added that she has constantly shown what is rare among women and conservatives: a pungent wit. Once for

example, well-known pomposity-around-town, V. J. Flynn was trying to convey news of her success in an election to another Margaret, Miss Amphlett, and, feigning ignorance of the lesser mortals, demanded of Maggie 'Are You Amphlett?' Replied our heroine: 'I'm O'Toole, Flynn, what's it to you?'

She is in fact both Character and Charmer of the Year and we wish her well.



Careers Fairs 1997

Bridging the Gap between Law School and Professional Life

In April, the annual Law Careers Fair was held for the first time at the Law School in Phillip Street rather than as part of the University-wide Careers Fair on the main campus. The Students' Common Room on level 5 was transformed from its usual casual and relaxed atmosphere into an arcade of stalls and displays backed by smart logos and posters featuring enthusiastic teams of energetic young lawyers. More than 300 students from the final and penultimate years spent the afternoon talking to representatives from large commercial law firms, accountancy firms, merchant banks, the Australian Stock Exchange. Staff partners, human resources managers and Sydney Law School graduates employed by the firms anchored the stalls, fielded enquires and caught up with both new and familiar faces amongst the academic staff.

The Fair provides an opportunity for the large employers of law graduates to meet the student body informally and to provide information about their staffing policies and requirements, the type of work and experience they offer, and about a matter of keen interest: their participation in the Graduate Employment and Summer Clerkship Employment Scheme (comprising firms and law schools who are members of the Scheme) or their individual summer clerkships.

The Scheme comprises approximately 23 law firms, several government legal departments and the Australian Stock Exchange and several law schools from New South Wales, the ACT and Queensland. A standard application form is used by all students applying for summer clerkships or graduate employment through the scheme and applications are collected on a common date by the law schools and sorted and forwarded to the law firms. A timetable is agreed by all participants for the holding of interviews, and the making and acceptance of offers. Places as summer clerks are keenly sought after by the students and further enquiries about participation in the scheme or about direct advertising at the Law School for applications from students are welcome.

(Enquiries may be directed to Barbara McDonald, Director of Graduate and Professional Relations, Faculty of Law, 9351-0307 or the Manager of Student Services, Faculty of Law.)

Alternative Careers Fair

In August, the University's Careers Centre organised an Alternative Law Careers Fair at the Law School, to provide an opportunity for students to find out about legal careers other than in the mainstream commercial world of large law firms, accountancy firms and banks, who had already been represented at the more traditional Law Careers Fair in April.

Many of those attending represented the "public sector" of the law, with representatives from the Australian Government Solicitor, the Commonwealth DPP, the Public Defenders Office, the Human Rights and Equal Opportunities Commission, the ABC, The Australian Securities Commission, the Environmental Defenders Office, the Redfern Legal Centre, the Police Force, to mention a few, but there were also representatives of the Bar and the Law Society of New South Wales. Many of the representatives were graduates of the Law School and it was obvious that our graduates can be found in many divergent areas of activity.

Representatives told students about the type of work involved in their employment, the qualifications and experience needed, the opportunities for employment and modes of recruiting staff. The Fair was very well attended by students from all years and it is hoped that it will become an annual event with a wide cross-section of legal and related careers represented.

Careers Fairs 1997



Enquiries relating to representation at future fairs are welcome and should be directed to Barbara McDonald, Director of Graduate and Professional Relations at the Law School 9351-0307 or to Steve Rawling or Keiran Passmore of the Careers Office 9351-3481.





Alumni notes

1946

C W Hartcher: *Sydney Law School Reports* received a letter from Patricia McCarthy advising of the death of her father, CW Hartcher on 1 September 1996. The Reports includes her poignant account of her father as follows: "My father was one of the many returned soldiers from World War II who had to begin a new career when Peace was declared. He chose the Law over his original discipline of Accounting and was completely happy with his choice. Through his working life, he included times in the Taxation Department, working in a group situation in the city, then branching out to his own business with people in everyday life in a quiet area, just as it began to grow. A seemingly uneventful, but satisfying life."

1950

Frank McGrath: After 27 years at the bench as a Judge of the Workers' Compensation Commission of NSW, later the Compensation Court, including 11 years as Chief Judge, Frank retired in December 1993. Frank returned to his love of history (he was a Medallist in 1942) and enrolled in the History Department at the University of Sydney as a PhD student. Frank's topic is "Intentions of the Framers of the Constitution of the Commonwealth of Australia". The Reports wishes him well in what is clearly a relaxing retirement!



Frank McGrath

1952

Robert Stack: Having been in general practice for more than 30 years at Maroubra Junction, sold his business but remained on as a consultant to the firm for a further 9 years. He has retained an unrestricted practising certificate and continues to serve some of his former clients in a very limited manner. He also enjoys participating on the Panel of Review at the College of Law on a fairly regular basis.

1957

James Wolfensohn: James Wolfensohn entered Arts/Law when he was only fifteen. First year was not a good start - passing only one subject in four. With encouragement from a family friend, Professor Julius Stone, the Challis Professor of International Law and Jurisprudence, James hung in with studies - excelling along the way in logic and music theory, although he was not known for his attendance at law school. Jim graduated in law in 1957, a group which included Patrick Lane, Bron McKillop, Rodney Rosenblum and Peter Nygh, to name a few. After three years with Allen, Allen and Hemsley as an articles clerk later employed solicitor and competing in the 1956 Olympics in fencing, Jim left Australia to attend the Harvard Business School, hitching a ride on an RAAF aircraft based on the slim pretext of his being in the Air Force Reserve.

By 1970 Jim was President of the J Henry Schroder Bank Trust Company, and the rest, as they say, is history: investment banker on wall street, patron of the arts, KBE in 1995, AO, President of the World Bank. On 29 September 1997 an honorary Doctor of Science degree was conferred on Jim in a special ceremony in the Great Hall. On the evening of the special graduation ceremony and a busy day at the University, James, a former lawyer with Allen Allen & Hemsley, spoke at the 175th anniversary dinner of the firm. Congratulations Jim!



James Wolfensohn

1962

Ruth Jones: Retired. 35th graduation anniversary in March 1997.

1965

William Gummow: Justice William Gummow: made a Companion of the Order of Australia in this year's Australia Day honours for services to the law. The Sydney Morning Herald at the time of the announcement of this honour included the following observations about our famous alumnus: "Most observers predicted the former veteran of the Sydney Bar would be a deeply conservative,

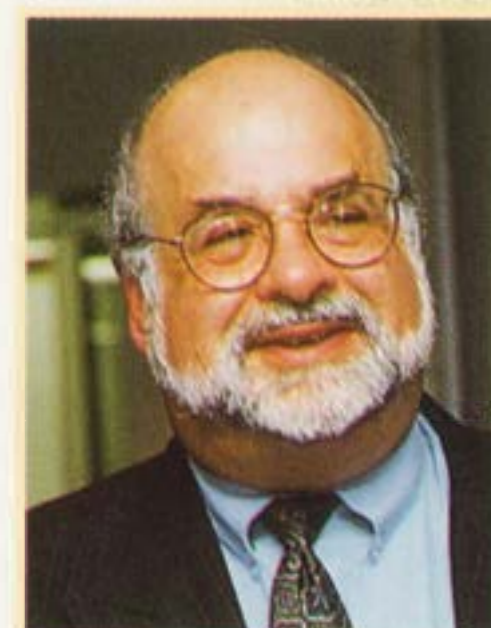
Alumni notes



black-letter judge who would convert the court's activist majority into a minority. Justice Gummow... has confounded their expectations..." The *Reports* would have expected nothing less.

1967

John Goldring: Professor Goldring was appointed New South Wales Law Reform Commissioner in January of this year, prior to this he was Founding Dean of the Faculty of Law, University of Wollongong. Jack has also been appointed for a second term as an Acting Judge of the District Court.



John Goldring

1971

Gerard Carter: is a Sydney solicitor. He is a prolific part-time legal author having recently published his tenth and eleventh legal books: a massive tome entitled *Subpoena Law and Practice in Australia* and a slim volume entitled *Choses in Action and Their Assignment*.

1986

Paul Suchar: after working with Arthur Andersen in Sydney, London, Budapest and Bratislava, has accepted the position of Director of Tax Services in KPMG's Zagreb office. Paul and his wife Yvonne are now living in Croatia.

Peter Mann: is a partner at Abbott Tout Solicitors, and has just published the second edition of his book, *The Annotated Insurance Contracts Act* (Law Book Company).



Joanna Bird

1989

Joanna Bird: Joanna graduated with a BA in 1987 and an LLB in 1989 with First Class Honours and the University Medal. Following graduation she spent a short time at the University of California, Berkeley before returning to Australia to work as Associate to Justice McHugh of the High Court. She then won a Menzies Scholarship in Law and went on to do a BCL at Oxford, graduating with First Class Honours in 1994.

Having spent a period as a Solicitor with Allen, Allen and Hemsley prior to going to Oxford, Jo returned to the firm after her BCL until her appointment as a Lecturer in the Faculty of Law from January 1996. Sydney Law School Reports is happy to report that Jo is still a valued member of the academic staff, teaching company law and restitution and taking on such major administrative roles as the Director of Continuing Legal Education in 1996. Added to Jo's particular teaching and research interests in restitution, private international law and corporate law is her special interest in her daughter Lucy Bell Bird, born on 18 January 1997.



Catherine Barnett

1994

Catherine Barnett: Cathy has recently left the legal profession to return to the University of Sydney to work in alumni relations. She was married in 1996 to Talbot Sanderson, a St Paul's College resident and Agriculture/Economics graduate. She is happy and healthy, having started yoga and aerobics classes since returning to the Camperdown Campus.

Matt Laffan: after completing his BA LLB in July 1994, Matt went on to the College of Law and received his Practising Certificate in December of that year. He is currently with the NSW Office of the Director of Public Prosecution. He also serves on the NSW Rugby Union Judiciary.

Rebecca Kavanagh: Rebecca, one of the world-beating Jessup Mooting Team in 1996 (see the *Reports* Vol.4 No.2), was awarded the 1997 Lionel Murphy Postgraduate Overseas Scholarship. Rebecca left for New York University in August 1997 to undertake a Master of Laws degree. She intends to focus on international human rights law and the relationship between race and the law, particularly in the context of the American and Australian criminal justice systems. Prior to her departure for the US, Rebecca was working in the Litigation section of Blake Dawson Waldron, Solicitors, one of the Faculty's major donors and special friends.



Rebecca Kavanagh



Alumni notes

1995



Rebecca Irwin, graduation day at Harvard

Rebecca Irwin: Rebecca has recently returned from Harvard Law School, where she completed her Master of Laws on a Fulbright Scholarship. Rebecca was awarded the Laylin Prize for the best thesis in international law. Her thesis analysed the effect of international free trade agreements on labour standards, and whether international trade should be conditioned on respect for human rights, and in particular labour rights. Harvard also gave Rebecca the opportunity to explore a number of her research interests by completing courses in constitutional law and one of the most recent additions to Harvard's curriculum, the Law of Cyberspace.

Rebecca was one of over 150 students from the Harvard LLM class, who came from all around the world, creating a diverse and intellectually challenging study environment. Rebecca contributed to the extra-curricular life at Harvard by coaching the Jessup International Law Moot Court team.

Whilst in the United States, Rebecca also participated in the activities of the Fulbright Commission and was selected to attend a Fulbright Foreign Student Conference in Washington DC, which explored the role of civil society in American democracy.

Rebecca will soon be joining a commercial law firm in Sydney.

Tress Cocks and Maddox Centenary year

This year Tress Cocks and Maddox celebrate their Centenary, commemorating one hundred years since the admission to practice of Herbert Langley Tress. He commenced practice as "Herbert L Tress" in 1897 at Vickery's Chambers at 76 Pitt Street, one of the then 74 law firms listed as practising in Sydney in the New South Wales Law Almanac.

The Faculty of Law and the Reports heartily congratulate the firm on this very special year and particularly those alumni who are presently partners of the firm: Graham Englefield (1967), Peter Chadwick (1967), Michael Heraghty (LLB 1976, LLM 1983) John MacLennan (1977), David Daniels (1972), Mark Bengtsson (1985), Alistair Little (LLB 1984, LLM 1991), Stephen Barnes (1980), Linda Murphy (1985), Joe Rooney (1965), Grace Basaglia (1981), James Tuite (LLB 1985, LLM 1991), Scott Chapman (1989) and Naomi O'Neill (1990).

Tress Cocks and Maddox provide much needed support to undergraduate students in the Faculty through the Tress Cocks and Maddox Scholarship in Law, established in 1990.

Allen Allen and Hemsley 175th year

The Reports wishes all at Allens, and especially our many alumni, all the best for a fabulous innings. We are looking forward to the double century!

To mark the 175th anniversary, a former lawyer with the firm, James Wolfensohn, now President of the World Bank (see page 18), spoke at a special dinner at the Sydney Opera House.

The Sydney Law School Reports would like to include your stories, memories, or reflections. Please send your snippets of experiences and memories to:

Pauline Moore,
Alumni & Promotions Coordinator External Relations,
Faculty of Law
alumni@law.usyd.edu.au
Tel: +61 2 9351 0202

Limited space means we may not be able to print your contribution immediately and entries may have to be held over until the following issue.



PHOTO - TRACEY SCHRAMM

L-R: Emeritus Professor Pat Lane, Emeritus Professor Bill Morrison, Emeritus Professor Ross Parsons.

Competition - a prize for the best caption:

First prize: One ticket to the Dean's lunch with Libbi Gorr (aka Elle McFeast)

Second prize: your choice of Law School Logo product (rugby shirt, polo shirt, baseball cap)

Entries close 14th November, 1997

Pauline Moore, Alumni & Promotions Coordinator

External Relations, Faculty of Law.

alumni@law.usyd.edu.au Tel: +61 2 9351 0202

Sydney Law School Corporate Law Seminar Series

Sydney Law School has conducted a series of very successful seminars in its Corporate Law Seminar Series over 1996-97. The seminars, which are held periodically throughout the year from 5.30-7.00pm at the Law School, are informal occasions where academics, solicitors, barristers, judges and regulators can meet to learn about and discuss current issues in Corporate Law. International speakers in 1996-97 in the program include:-

- Professor Richard M. Buxbaum, University of California at Berkley
- Professor Roberta Karmel, Brooklyn Law School, New York
- Norman E. Veasey, Chief Justice, Supreme Court of Delaware
- Professor Roberta Romano, Yale Law School, New Haven
- Professor Eddy Wymeersch, University of Ghent, Belgium
- Professor Charles Yablon, Cardozo Law School, New York
- Professor Len Sealy, Cambridge University, England
- Professor Roy Goode, Oxford University, England
- Professor Bernard Black, Columbia Law School, New York

If you would like to be on the mailing list for the Corporate Law Seminar Series, please contact the General Convenor of the series, Associate Professor Jennifer Hill, Telephone: 9351 0280, Facsimile: 9351 0200; email:jennifh@law.usyd.edu.au



SULGA – President's Report

The 1996 Annual General Meeting of the Sydney University Law Graduates' Association marked a changing of the guard, with the election of a new Executive and Council. In a break from the past, the majority of those elected were recent graduates, reflected in the fact that some are pursuing careers outside the legal profession. However, all those elected were mindful of the need to carry on and capitalise on the fine efforts of the many distinguished judges, barristers and solicitors who have held office since SULGA was formed in 1963.

The new Executive and Council

The SULGA Executive are: Manoj Murugan (President), Sarah Goldfinch (Vice-President), Joellen Riley (Vice-President), Jason Mendens (Honorary Secretary) and Shaughn Morgan (Honorary Treasurer). The SULGA Council are: Christopher Alexandrou, Ben Mortimer, Suzin Yoo, Alexandra Harland, Narelle Leong, Laurie Glanfield, Rebecca Kavanagh, David Kerr and Anne MacKenzie.

It was with regret that the Executive accepted the resignation of Shaughn Morgan as Honorary Treasurer early this year due to his work commitments. His duties have since been assumed by Jason Mendens, assisted by Christopher Alexandrou, and all three are deserving of hearty thanks for taking on what is often a tedious job. Many thanks also go to Peter Graham, Q.C, and David Yates, the immediate past SULGA President and Honorary Secretary respectively. Peter's efforts in particular should be mentioned, as he was one of the founders of SULGA, and he has been an active supporter over many years.

Statistically, the 1997 Executive matches the recent trend of graduates from the Faculty, with half of them not practising law. Manoj is a manager at WBML, an IT marketing and business consultancy, while Sarah is an executive at Maquarie Bank. Joellen, who has recently returned from her Masters at Oxford, is a solicitor at Mallesons Stephen Jaques, as is Jason at Abbott Tout.

The mix of careers is even more diverse within the Council, yet all members of the Executive and Council are able to work together well. This is partly due to the fact that many of us served together on Sydney University Law Society (SULS) in our undergraduate days, but also because we all share a commitment to see SULGA grow as a vibrant and dynamic alumni body.

Manoj Murugan, New President, Peter Graham, Previous President.



Narelle Leong, Laurie Glanfield, Joellen Riley, David Harland, Anne MacKenzie, Jason Mendens, Joanna Bird, Manoj Murugan, Suzin Yoo, Ben Mortimer, David Kerr.





SULGA's plans for the future

Support for SULGA amongst graduates of the Faculty is strong, and the growth in membership numbers continues to be healthy. However, the new Executive is working closely with the Faculty to achieve more than just an increase in numbers.

One of our primary goals is to organise activities that our members would like to participate in partly as a means by which they can renew their ties with the Faculty and the members of their year, but also to broaden SULGA into a social, charitable, and even a creative force into which its members can channel their energies.

The Executive feels very strongly that we were elected to serve the interests of our members, and not the other way around. Thus we were conscious that our planned activities for the year had to closely match the expectations of our members, and accordingly, we undertook our first ever survey. Most of our members responded very positively, and the results that we collected are as follows:

Event	% in favour
Charity Ball	26
Film Night	37
Dean's Breakfast/Lunch	47
"Best of the Law Revues" Show	38
Group Discount Tickets	33
Formal Debates/Trials	8
Informal Debates/Trials	8
Reunions	82
Social Drinks	39

Armed with these results, planning immediately began on several of the more popular activities, including a revamped reunion program, a revue show and the charity ball. As in many cases we are undertaking the activities from scratch, careful planning is required and although this has proved to be very time intensive, you will be hearing of several new SULGA events very shortly.



L-R: Manoj Murugan (SULGA President 1997), Jacqui Lennon (SULS President 1996),
Ed Palmisano (SULS President 1997).



SULGA

Film Night at the Dendy Cinema

SULGA's first event proved to be extremely successful, and that was a film night (see photos) held at the Dendy Cinema in Martin Place on the evening of August 5th. The film screened was "Children of the Revolution", a deliciously black comedy that has recently won critical acclaim across the world. The large crowd that attended the screening was pleasantly surprised to discover that the film was written and directed by one of our own, Peter Duncan, a graduate from the class of '89. Peter was kind enough to take time out from his current film to join us on the evening and introduce the film, and shared with us the hitherto unknown connection between Professor Alice Tay's jurisprudence course and his blockbuster.

Many of those who attended were amazed and more than a little jealous to think that a law degree could lead to Hollywood and international film stars instead of a desk in an office! However, that is one of the real strengths of SULGA, for within our ranks are so many people successfully pursuing their dreams and careers, and we hope to hold many more functions in the future that will allow us to meet and exchange experiences.

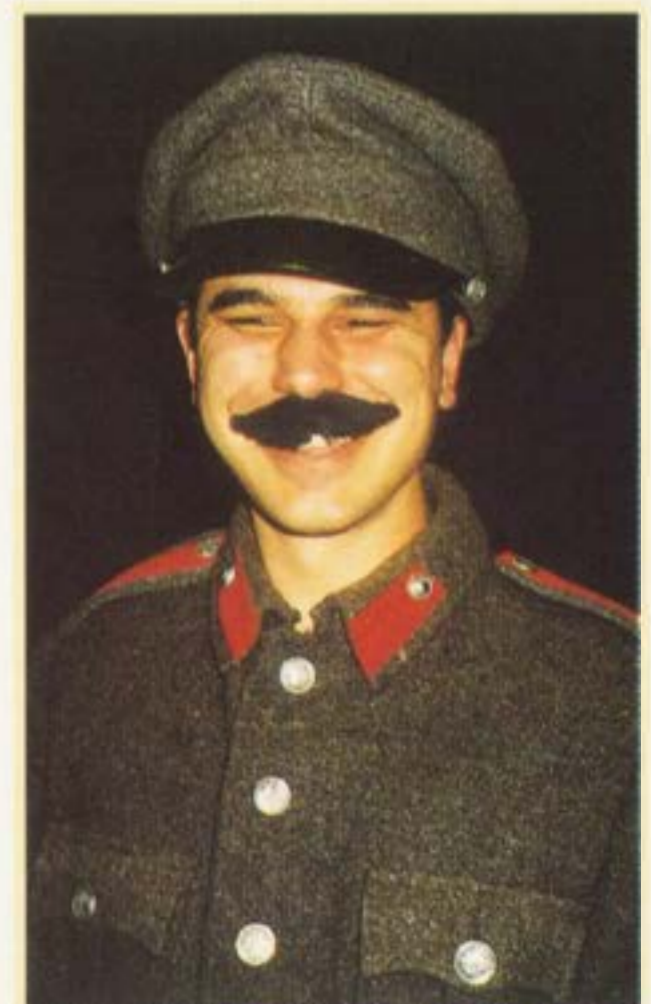
Right: Peter Duncan

Far right: L-R; M. Lorrimer,
Barry O'Keefe, L. Lorrimer.



Right: L-R: Ray Hughes,
Jennifer Hill, Vanessa Hutley,
Noel Hutley

Far right: Chris Alexandrou





Stay in touch with SULGA and the Faculty

On the issue of future SULGA events, as was mentioned earlier, planning is well underway on several of them. However, one of the difficulties that we face is in communicating efficiently with our members and fellow graduates - regular mailing flyers and letters is both costly and slow. We see one of the solutions as E-mail, which an increasing number of people are gaining access to through work or through their own personal accounts.

We would like to ask all our existing members, as well as any graduates that would like to stay in touch with the Faculty to please send us your E-mail addresses. Through regular and efficient two-way communication we feel that we will go a long way towards helping graduates maintain ties with each other and the Faculty, and ultimately develop a true sense of community.

Should you have any questions or suggestions for SULGA, please don't hesitate to contact either Manoj or Pauline. We look forward to seeing you at our next event.

Manoj Murugan
President, SULGA
manoj@wbml.com.au
Tel: +61 2 9928 1444

Pauline Moore
Alumni & Promotions Coordinator
External Relations, Faculty of Law
alumni@law.usyd.edu.au
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Alternatively if you wish to join SULGA or make any changes to your business or home address please complete the form on page 63 and return to Law School.

STOP PRESS Dean's lunch

Mark this date in your diary now: **20th November.**

Ms Lisbeth Gorr, a graduate of Melbourne University Law School will be the special guest at the 1997 Dean's lunch.

The Acting Dean, Associate Professor Rosalind Atherton is delighted that Ms Gorr has agreed to act as her special speaker for the occasion. Ms Gorr, aka Elle McFeast, has an extraordinary ability to put people on the spot and get them involved - this is a rare quality. Don't miss it!



Class of 1936

Rae Else Mitchell sent to the *Sydney Law School Reports* the following story of the reunions of the Class of '36:

In 1961 the late Lindsay Holmwood, then Deputy Chairman of the NSW Public Service Board, proposed to the other law graduates of 1936 then still surviving - there were originally 41 - that they should join together in some social function to mark the passage of 25 years since graduation.

The suggestion was favourably received by a majority of the graduates and a dinner was arranged at the Royal Automobile Club of Australia at which 24 graduates attended and agreed to repeat the reunion on a five yearly basis.

This was effected regularly until 1986 when 21 graduates gathered - again at the Royal Automobile Club - to celebrate the passage of 50 years since graduation and to compare their respective careers in law, administration and business and to reflect on the state of legal teaching and the law school. It was time they thought to revise the pattern of five yearly reunion dinners and to replace them with luncheons held annually.

In accordance with these sentiments luncheons have been arranged each year and in May 1997 thirteen graduates lunched together at the University and Schools Club and discussed current events and personalities in the law. Two graduates were unable to be present owing to various disabilities but, as the photograph (taken by the able organiser of the lunch, Keith Williams) shows, those attending were all in good health and enjoying life as well as their diverse professional activities which range from legal consultancies to membership of boards and public bodies on which their legal training and experience is highly valued."

The graduates of the year of 1936 were students during the Great Depression of the 1930s. *Sydney Law School Reports* wishes them well in their plan to continue their annual luncheons for many more years.



L-R: John Inglis, Chris Langsworth, Frank Walker (at rear), John Robinson, Rae Else-Mitchell, Bill Conway, Keith Williams (seated), Ken Gee, Ray Tobias, John Nagle, John Peoples, Marcel Pile, Gordon Scott.



Class of 1962

The Class of '62 met in March to reminisce about their Law School days. The Hon Justice Michael Kirby was the chief reminiscer, leading from the front with a speech of "Commemoration of the 35th Anniversary of the Graduation of the Bachelor of Law Class 1962". It was a very elegant speech, fitting of His Honour. It is summarised pithily by Ian Johnstone, another in the group, as follows:

"We reminisced about:-

- Doc Currey who lectured us in Legal History.
- Dick Bentham who was so young looking that we thought he was a student and he also lectured in Legal History.
- Professor Ken Shatwell who was a Rhodes Scholar in Boxing and lectured in Contract Law and said a contract was like a nut - the two sides of it were offer and acceptance and the kernel was consideration.
- Derek Thompson who lectured in Industrial law and grew his moustache down over his bottom lip so you couldn't see when he was talking and you had trouble hearing when he was talking.
- Joe Starke who lectured in Private International Law and later edited the ALJ.
- Professor Julius Stone - who was reputed to have a house with various additions much as his books had footnotes, appendices, bibliographies and so on.
- Vernon Treatt who used to come into the Phillip Street Theatre from the Legislative Council and lecture us in Criminal Law and tell us how Dudley and Stephens were set adrift in a small boat and ended up eating the cabin boy in order to survive. I remember him throwing his hat down on the floor next to the lectern and with great vigour treading on it and then asking us what would be the legal consequences if there had been a baby under it.
- Doc Benjafield who was in a wheelchair and smoked but had a razor sharp mind and taught Administrative Discretions Law.
- Frank Hutley who antagonised returned soldiers so much and wrote the book on Succession Law and ended up on the Supreme Court.
- Professor Morison who taught Torts and managed to look pale and cadaverous.
- Professor Pat Lane who was reported to have distilled all the constitutional decisions of the High Court onto one page.
- Illiffe who taught Roman Law and later went to Italy and kept pigs. He dressed shabbily and reacted strongly to someone taking a large tape recorder into one of his lectures.
- Mrs Gunson who handed out the notes.



L-R; Kim Jones, Deputy Secretary, Department of Foreign Affairs & Trade, Charles Curren AO, Hon Chief Justice Gleeson AC, Hon Justice Kirby AC, CMG.



Reunions

- David Selby who lectured in Matrimonial Causes.
- Ilmar Tammelo who was a disciple of Julius Stone.
- Barry O'Keefe, who is now head of ICAC, lectured in Criminal Law and his brother was a pop singer." see p.21

Justice Kirby ended with a section on "Abiding Values":

"So why have we met together 35 years on? Is it simply to look about and revel in each other's achievements. A Chief Justice of the State (A Gleeson). A Justice of the High Court (M Kirby). Judges of the new Federal Court of Australia (M Einfeld, D Hill, J Mathews, B Tamberlin), of the Supreme Court of the State (D Hodgson and formerly J Mathews and M Kirby), the Family Court of Australia (J Goldstein), the District Court of New South Wales (T Davidson, B Mahoney and formerly J Conomos), at least one member of the Local Court (Lilian Horler (nee Bodor) and many QCs (P Capelin, L Robberds, J Stowe and L Waddy) as well as leading members of large legal firms. Some of us went off to academe - including the late John Peden and the still very lively Geoffrey deQ Walker. Some went into commerce with great success, including Charles Curran. One at least practises in London - Tom Handler. Two became noted writers on Australian wines - Jim Halliday and John Beetson. One, Kim Jones, rose to the highest ranks in our country's diplomatic service and greeted me in his last Ambassadorial post as Australian Ambassador to France. One (Bryan Vaughan) became a leading member of the Legislative Council of the NSW Parliament. One defends the Sovereign who has reigned as Queen of Australia during all of this time. I refer to Lloyd Waddy QC. There may even be a couple of republicans amongst us. No more of that. Some have died. Some have tarried. One is reported as a beachcomber (reportedly, G Stephenson). One an actor (S Gryff). One an ex-Lord Mayor of Sydney (N Meers). All of us who have been spared continue with our lives. But we can never forget the time we spent together in Law School. It is the slow motion time of our youth and development.

We did not come to this reunion to talk about, or even particularly to think about, office and achievement. True it is, we were programmed by our education, and by the expectations of our times, to seek out personal achievement. But with the passage of the years, we have surely learned a little wisdom. We now realise that office and worldly achievements count as nothing in the privacy of our own existence. In that quiet place, the things that are important are life and health. The love of family, spouse or partner. The devotion of new friends. The blessings, if we have them, of children and grandchildren. The satisfaction of work in a profession which we were brought up to believe - and still believe - is a noble one.

We have never met as a group before these past 35 years. We should not highly resolve to meet regularly - each 5 years at least. To renew precious friendships. To recall the indelible bonds of youth. To remember special times."

L-R: Justice Jane Matthews,
Chief Justice Murray Gleeson,
Justice David Hodgson,
Justice Michael Kirby.





Class of 1986

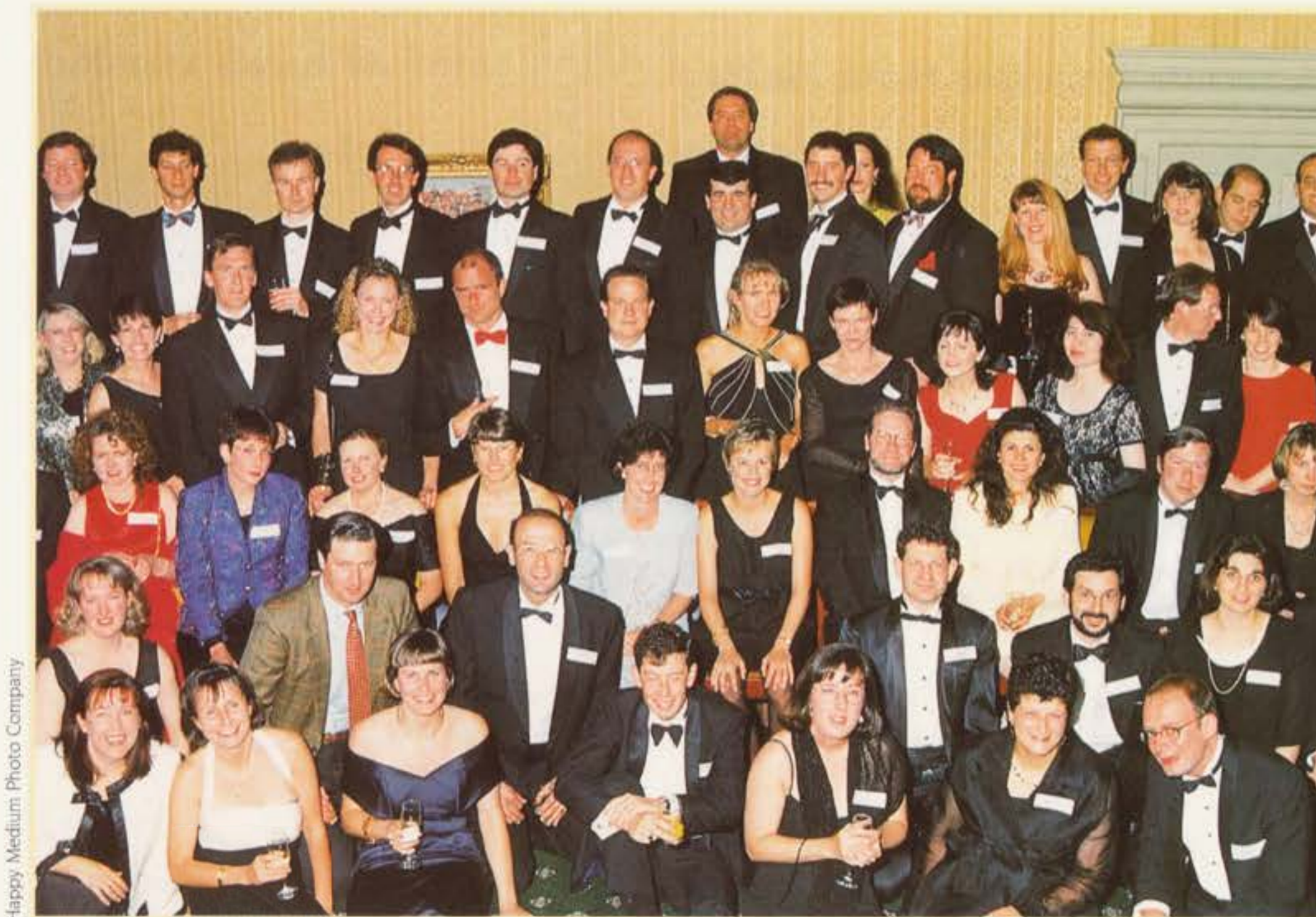
Sydney Law School Reports received the following bulletin of the 10-year reunion of the Class of 1986 from A Cahalan, E Dibbs, L Sutherland and M Balding:

"Early in 1996 some of the Law School Alumni knew it was time for a reunion. Pauline Moore at the Law School set us on the path to locating the scattered graduates from 1986. Meetings were held, lists poured over, a venue selected, invitations went out, and a RSVP date was set. There appeared to be lots of enthusiasm for the idea, but it didn't translate into early ticket sales. However, the old adage that 'it will be alright on the night' proved true. On 23 November 1996 over 100 people wine, dined (and some danced to the sparkling jazz trio) at the Refectory in the Holme Building.

It was a great success despite the fact that no-one has yet been appointed a Supreme Court Judge, Senior Counsel or a Cabinet Minister, however we suspect it is just a matter of time. On the other hand no one present had been in jail, bankrupted or struck off. Again it may only be a matter of time.

David Garnsey and Alistair Henskens delivered an entertaining speech on what we had all been doing in the last ten years and what we all wished we had been doing.

Thanks to David Ash for being the barrel person for our charity raffle (which raised \$800 for the Sydney City Mission) and congratulations to Alison McDonald for winning two out of the three prizes. Any volunteers for 2006?"



Happy Medium Photo Company

Tell *Sydney Law School Reports* about your reunion - we can help you find your classmates and put you in touch with the revitalised Sydney University Law Graduates' Association (see their section of this report at pages 22-25). Give us the news. Send your photos. Invite us to join you and share your special function. Don't have a reunion without us!



Staff Notes

Professor Patricia Apps



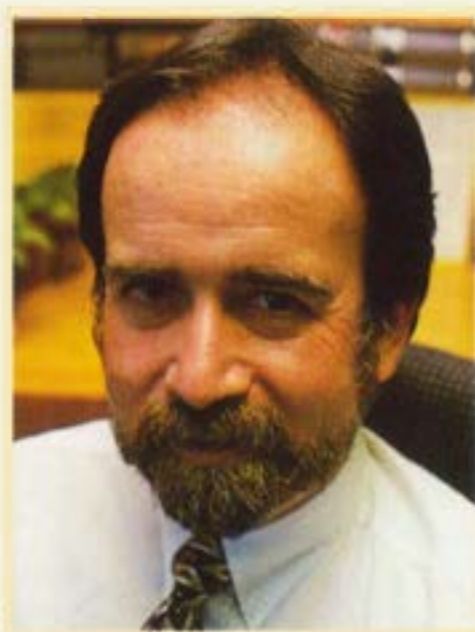
Professor Patricia Apps was awarded an Extended Research Secondment grant through the Research Institute for the Humanities and Social Sciences (RIHSS). The ERS scheme gives academics a break from teaching and marking responsibilities, by meeting four-fifths of the cost of a replacement teacher for the semester.

In an article in the University News on 7 August, the Director of the Centre, Associate Professor Paul Patton commented that: "Unlike researchers in the other sciences, academics in the humanities and social sciences don't need equipment and infrastructure. What they need is time."

Professor Apps, one of the Faculty's very successful researchers with an exceptional track record in securing large ARC grant funding, will use the grant to examine policies aimed at keeping tax low in Australia, such as preferential tax treatment of savings, lower tax rates for high income brackets and targeting the welfare system.

In the University News Professor Apps stated: "I want to identify the effects on saving behaviour that these types of policies have, due to their impact on employment, and in particular on female labour supply".

Associate Professor Mark Findlay



Associate Professor Mark Findlay rejoined the Faculty of Law this year after two years as Foundation Professor of Law at the University of the South Pacific. During this time he expanded his research interests in comparative criminal justice. This has resulted in a manuscript, "The Globalisation of Crime" soon to be published by Cambridge University Press. Prior to this, his work on juries in a variety of jurisdictions throughout the world has established Mark as a leading figure in comparative socio-legal research. In recognition of his scholarship in advancing the understanding of comparative criminology and criminal justice, Mark has been elected as an Honorary Fellow of the Society of Advanced Legal Studies (SALS). The Society has evolved out of the

Institute of Advanced Legal Studies, University of London, "to promote legal research at an advanced level". Honorary Fellows are elected by the Council of SALS and are persons of "high distinction in the contribution they have made to one or more of the following: legal scholarship, the teaching of law, the practice of law and the administration of law". Appointments at this level are for life. The other Australian to be elected to this fellowship is Justice Michael Kirby.



Therese MacDermott



Therese MacDermott joined the Faculty in 1992 after her undergraduate studies at the University of Queensland (Bachelor of Arts/Bachelor of Laws (First Class Honours) 1987), two years postgraduate study at Oxford on a prestigious Kobe Steel Scholarship and working in London for the English Law Commission.

Therese has taught in both undergraduate and postgraduate courses, specialising in labour law, including Employment and Industrial Law, Individual Employee Relations, Collective Employee Relations, and Anti-discrimination Law. Therese has also been actively involved in the Masters of Labour Law and Relations postgraduate program, which is

an interdisciplinary degree taught with the Department of Industrial Relations. Therese has taught the subjects Labour Law and Discrimination in the Workplace on this program, and is currently the Co-convenor of the degree program with Professor Ron McCallum, the Blake Dawson Waldron Professor of Industrial Law.

The research projects Therese has pursued combined her interests in Labour law and Anti-discrimination law. Therese has written numerous book chapters and articles on a variety of discrimination issues that pertain to the employment context. She is currently working on a project on human rights and labour law. Therese has also acted as a consultant to law firms and professional associations on employment discrimination issues and is one of our new Lecturers for 1998. Therese has been promoted to Senior Lecture from 1 January 1998.

Professor David Weisbrot

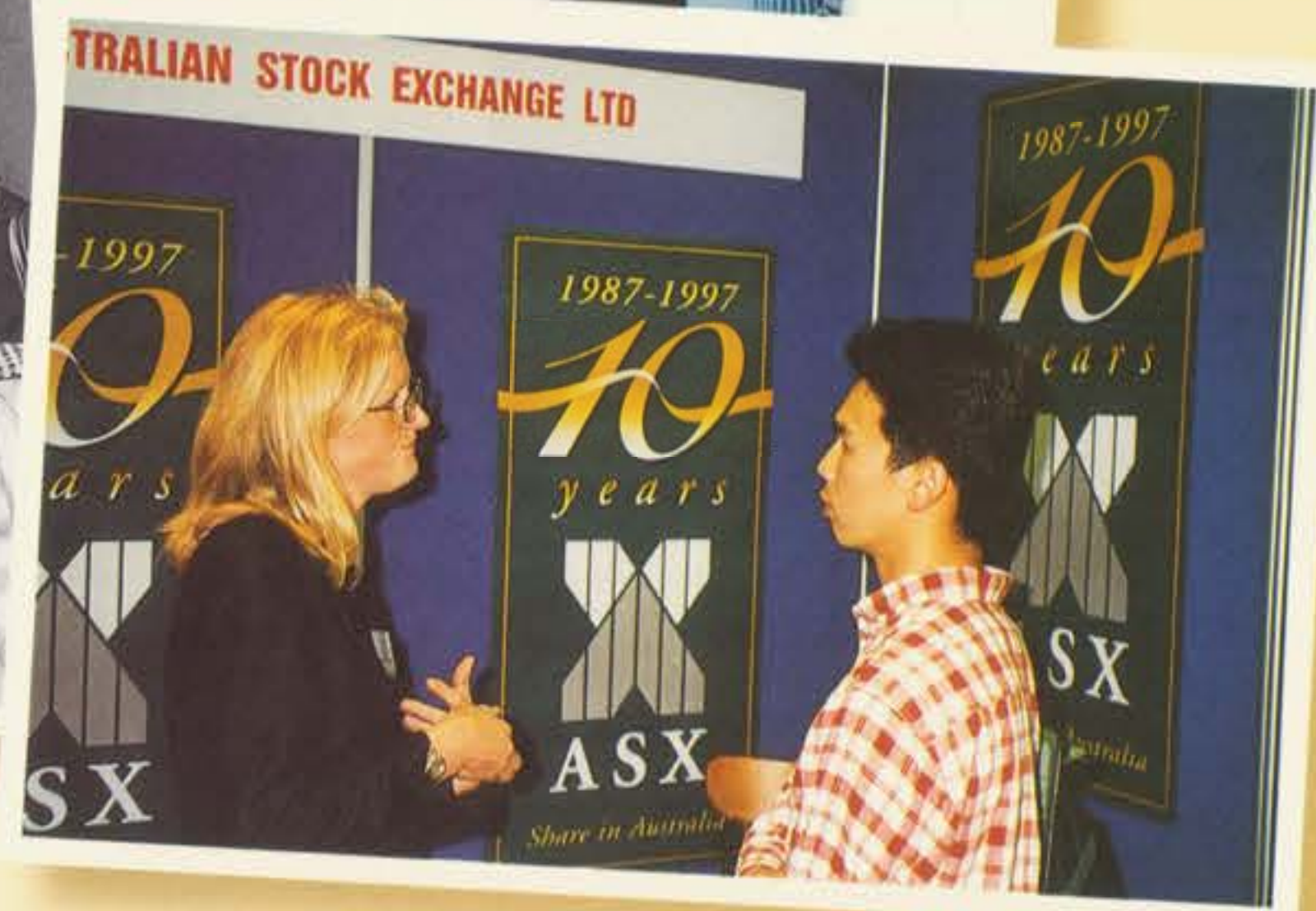
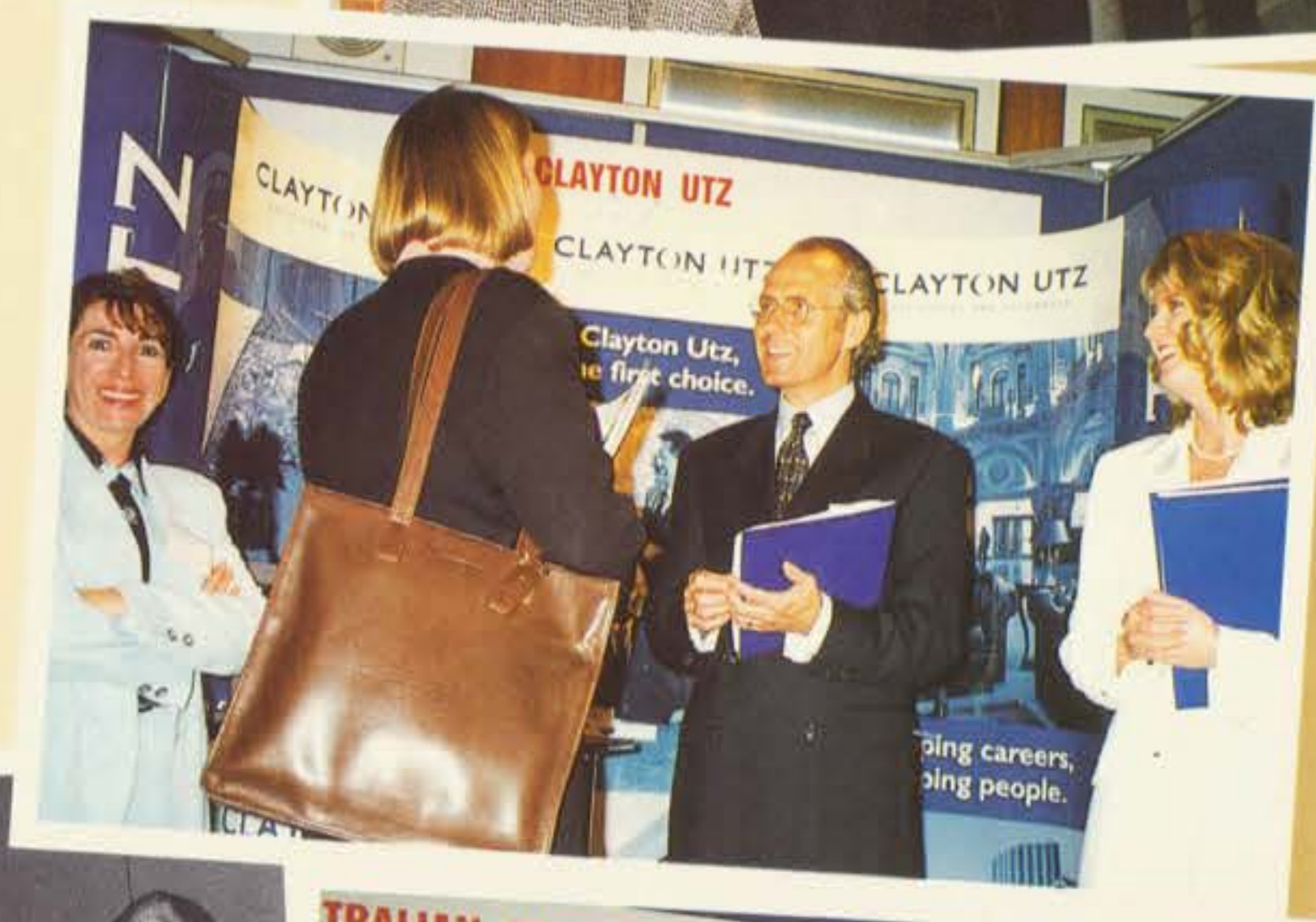


L-R; Manoj Murugan, SULGA President (see p22),
Professor David Weisbrot

Professor David Weisbrot, Dean of the Law School from January 1993 - March 1997, has been promoted to Pro-Vice-Chancellor and Head of the University's new College of Humanities and Social Sciences (CHASS). The College is comprised of the Faculties of Law, Arts, Economics, and Education, the Sydney Conservatorium of Music, the Sydney College of the Arts, and the Graduate School of Business, as well as a few dozen associated research centres and foundations. (With several thousand staff and over 15,000 students, CHASS is bigger than all but a handful of Australian universities.) The other two Colleges at the University group together the faculties in the areas of Health Sciences, and Sciences and Technology. David also was recently appointed an Acting Judge of the District Court of New South Wales. He has left an enduring mark on the Faculty of Law. Good on you, David!



'round the law school





International Exchange Scheme

In 1998, Sydney Law School will send the largest number of students yet on its International Student Exchange Program. Over 16 students will study at some of the most prestigious law schools in Europe and North America. An equivalent number of students from these law schools will come to Sydney under the program.

The Student Exchange Program at Sydney Law School has increased dramatically in the last year, with the number of participating international universities rising from 2 to 7. Sydney now has exchange arrangements with the following law schools:-

Europe:

Humboldt University, Berlin, Germany
Katholieke University, Leuven, Belgium
(commences 1998)
Utrecht University, Utrecht, the Netherlands

North America:

Cornell University, Ithaca, New York (commences 1998)
Duke University, Durham, North Carolina
University of Texas, Austin, Texas
Queen's University, Kingston, Ontario, Canada

Beau Buffier, Charles Magoffin, Georgina Brown, Laura Norrie and Jane Sebel have all recently returned from studying in North America under the exchange program. Below, they discuss some of the memorable aspects of their time at Duke, Queen's and University of Texas respectively. Study under the Exchange Program clearly contributed to their development as lawyers. It also gave them the opportunity to be part of very different academic cultures, and to experience first-hand three fascinating regions of North America.



Associate Professor Jennifer Hill
Coordinator, International Student Exchange Program

Duke University - Beau Buffier and Charles Magoffin



We arrived at Duke in the dead of winter: cold, shivering, surrounded by the gothic splendour of the Duke campus and not really knowing what to expect.

We very quickly discovered what a magnificent institution Duke University is. It has a vast campus of quite extraordinary beauty, set in acres of forest and parkland. Duke is in many ways the image of the ideal American University, with its edifying beauty, outstanding sporting facilities and the best college basketball team in the U.S. (the "Blue Devils").

Duke is known as the "Harvard of the South", and it certainly lived up to its reputation as one of the best law schools in the United States. The quality and commitment of the faculty was phenomenal, as was the wide range of courses offered. The Socratic method of teaching prevails at Duke, which put some pressure on us to be prepared for class. However, the teaching was engaging and often amusing, with some Professors regularly attracting a crowd just for their sheer entertainment value.

The student body at Duke was perhaps its great asset. The students were all a few years older than us, but this didn't represent a handicap at all. Nor did it apparently affect the social life of the place. The students put on a number of drama productions, film nights and the weekly "Bar Reviews" (Pub Crawls) were always well attended. The highlight of the social calendar was the Duke "Barrister's Ball", held this year in a local Durham mansion (pictures withheld!).

Our time at Duke was very rewarding. Studying in America was a fascinating, if at times bewildering experience. We made some great and (hopefully) enduring friendships and got to

International Exchange Scheme



see a lot of the United States. Duke offered a lot of challenges and opportunities, but ultimately we rose to the challenge and showed the "Dukies" that the two boys from Sydney were more than their equals.

Queen's University - Georgina Brown and Laura Norrie

With little idea of what was ahead, Georgina Brown and Laura Norrie, left on 29 December 1996, flying Canadian Airlines, for Queen's University, Kingston, Canada via New York.

Georgina and Laura told the *Reports* of their travels. "The sales were on there (in New York) after all and we had been told to stock up on appropriate winter clothing. However, even with the New York wardrobe, we were little prepared. The snow cover remained constant from our arrival until the first week in April, a period we thought classified as Spring. Walking on ice was a skill we picked up fairly quickly. The temperatures were also a little bit of a shock for the average Sydneysider: -10 to -15 degrees Celsius was a fairly good day, and we suffered -65 degrees Celsius (with wind chill admittedly) when skiing Mont Tremblant in Quebec. When it did reach 10 degrees in the last week we were there, it felt positively balmy.



Kingston is a university town on Lake Ontario with a population of 60,000, 30,000 of whom are university students. This meant that the town had a strong university focus. The sense of community was strong, particularly among the law students who spent much time in the library - more a place of socialising than study. We soon got into the swing of Canadian life, adopting such lingo as "pop" (soft drink), "tuk" (warm hat), "prof" and "paper" and finding ourselves explaining what a "jumper" was and that "uni" was the same thing as "school". We were once told by a fellow law student that while he couldn't understand a word we said, it was fun to listen to our accent. It was easy to get to know other students who were always interested to meet the latest Aussies and tracked us down. Being Australians, certain behaviour was expected from us, previous Sydney University exchange students having paved the way - Australians can apparently party like no other group of people. We felt compelled not to disappoint, becoming regulars at the Trash, the Toucan, the Shot and Stages.

Travelling too, was important to us, and we embarked on the Great Bus Tour of Eastern Canada, taking in Montreal (-23 degrees outside and no hot water to be had in the hostel, but lots of fun outside), Quebec City (tres charming) and Ottawa (including a compulsory visit to the Supreme Court of Canada). We also took in the sights of Toronto (where we built a snowman on the "beach") and Niagara Falls (much more spectacular from the Canadian side).

On the academic front, Queen's offered a wide range of interesting courses. We studied inter alia legal ethics, aboriginal and treaty rights, medical law and international environmental and resource law. The professors were very approachable, helpful and understanding - particularly when it came to end of term papers and journals. As law is a graduate degree in Canada, the students were generally older than us by a few years and had often worked before coming to law school and this meant a varied and interesting range of ideas and experiences were brought to class discussions. Going to Queen's was a fantastic experience both academically and socially. We received a warm welcome and had an unforgettable time.

The Faculty thanks Major sponsors of the International Exchange Program - Baker & McKenzie and Canadian Airlines; and also thanks Minter Ellison and Gilbert & Tobin for their continuing support.



International Exchange Scheme

University of Texas - Jane Sebel

Jane Sebel found her time at the University of Texas, Austin, a wonderful experience:

"My first experiences on campus proved the myth true that everything really is bigger in Texas. The sprawling campus takes up about seven or so blocks and is attended by 50,000 students from all over North America and around the globe. The Law School facilities were just out of this world. The Library for example was six floors, with leather bound swivel chairs and about 200 computers in its computer room. Not to mention being decorated with beautiful antiques. My studies were immensely rewarding and I made wonderful friends both with the students and faculty members. I was even called upon to help my Computer Law Professor with his understanding of the Australian legal system.

The food in Texas was also something else. Everything was Mexican, the spicier the better. The Texans had their own version of Mexican food known as Tex-Mex. During my stay, I had the pleasure of taking Jennifer Hill to a traditional Mexican breakfast at a famous Texan institution called Cisco's. In fact, the Texans even adapted Japanese food. The other Texan tradition was the BBQ. Don't be fooled, not a BBQ as we know it. The Texan BBQ was huge pieces of meat slathered with lavish amounts of BBQ sauce. I got horrified responses when I asked for my meat with tomato sauce or ketchup as they call it.

I also enjoyed getting involved in the student activities at the Law School. I was an honorary member of the Texas International Law Journal. The highlight was being a part of the Texas equivalent of the Law Revue, which was called "Assault and Flattery". This year we put on a take off of the entire musical "Hair" called "Hire". We put in five performances in four days. As well as having a minor role, I was in charge of the props. My biggest dilemma was deciding whether to deliver my four lines in a mock Texan accent or my native Australian. The Australian accent won out and my friends in the audience described the reaction it got, every performance. I also made great friends for life in the show.

Finally I managed to travel around the States during weekends and in my mid-semester break and after term finished. I travelled around Texas a little, managed to get to Monterey (Mexico) for a weekend and visited friends and family on the east coast. All in all, my time away was one of the best times of my life. I think the Exchange Program is a valuable part of the University of Sydney Law School and I look forward to watching its continued growth in the future."

Right: L-R: Jane Sebel, Jennifer Hill, (Texas student).

Far right: Georgina and Laura plus German students at "Toronto Beach".



Scholarships & Awards



Zoe Hall Scholarship

The Zoe Hall Scholarship was born out of tragedy. Zoe, a graduate of the Law School, was caught in the horror of Port Arthur in April 1996. At the time she was a solicitor with Minter Ellisons. Minters and Middletons Moore and Bevins, with whom Zoe had previously been employed, led the establishment of the Zoe Hall Foundation Ltd, to provide a scholarship in Zoe's memory.

On 1 September a special celebration was held at the Law School to present the first of the Zoe Hall Scholarships.

In presenting the award the Acting Dean of the Faculty of Law, Associate Professor Rosalind Atherton said that:

"The awarding of a scholarship is an occasion of celebration and congratulation in the University community. But we are all deeply aware that this particular occasion was borne out of deep sorrow and grieving. In drawing us together this evening, the family of Zoe, the Faculty and especially her work colleagues at Middletons and Minters have worked over the past year for a fitting way to honour Zoe's memory and her connection with law, a way to keep alive with us that great spirit which shines through the photographs and through the recollections everyone who knew Zoe will recount to you."

Selection for the scholarship was based upon academic merit, contribution to University, Faculty or community activities and need for financial assistance. The field of applicants for this first award was very strong - the applicants all having a good academic records and an impressive range of extra-curricular activities and involvement in University life.

Georgina Wright was selected as the winner of the first Zoe Hall Scholarship. Georgina is in the 4th Year of Arts/Law. What struck the committee assessing applications for the scholarship was the nature of Georgina's extracurricular activities.

Apart from her involvement in the Athletics Club of the University, Georgina had participated in a range of activities which revealed a particular generosity of spirit. Georgina is the Founding President of the St Vincent de Paul Society, University of Sydney. This was her initiative, supported by the Students Representative Council, to bring to the students of the University the opportunity for involvement in the work of a well respected charitable organisation. Georgina's group co-ordinates the "Night Patrol", a food van which services homeless people in the inner city area; participates in volunteer work at Yasmar Juvenile Justice Centre, Haberfield; provides English teaching at St Mary's Refuge for Women, Campsie; and assists in a soupkitchen near Hyde Park.



Far left: Georgina Wright
Left: R-L; Ross Anderson,
Georgina Wright and family.



Scholarships & Awards

Professor Atherton highlighted the impact of this on the Committee in saying:

"While many of our students are involved very fully in University life, there are not so many who reach out in the ways Georgina has done - to see what they can do for others, not waiting for things to come to them. To me this really strikes a chord with the description of Zoe by some of her former work colleagues: 'What set Zoe apart was her great compassion, she was a person who really cared for other people'."

Right: L-R: David Hall,
Penny Hall, Margaret Hall,
Graham Hall.

Bottom left: Phil Clark,
Managing Partner, Minter Ellisons.

Bottom right: L-R: Professor
David Harland, Emeritus
Professor Ross Parsons;
Gerard Ryan, Middletons
Moore and Bevins



D O N A T I O N C A R D

Donations can be made to the Zoe Hall Foundation Limited ACN 074 479 619
All donations over \$2 are tax deductible

Name: _____ Organisation: _____

Address: _____

Telephone: _____ Facsimile: _____

Amount: \$ _____

Signature: _____ Date: _____

RETURN ADDRESS:
PO Box 521, Sydney, NSW 2001

Scholarships & Awards



Spanos and Melrose Award 1997

In May 1990, two young Australian lawyers, Nick Spanos and Stephan Melrose, who were working with the London law firm, McKenna & Co, were murdered in Holland. The IRA admitted responsibility for the killings; the two had been mistaken for off-duty British soldiers.

The Spanos & Melrose Awards were established in memory of the two men by donations from more than 20 London law firms, and others, together with the support of Qantas which generously provides a return airfare to the award winners.

The awards are offered to recent law graduates of the University of Sydney and the Queensland University of Technology with the aim of allowing the award winners to spend a year with a firm of English solicitors to study English law and to experience life in England.

Applications are invited for the Spanos & Melrose Awards for 1997. The awards will be made to a graduate of law from each of the respective universities. Applicants must be under the age of thirty (30) years on 1 November 1997. The award will provide (2000 and a return economy airfare from Qantas.

Nominations for the award to a graduate of the University of Sydney are made to the Faculty of Law using the following criteria: the nominee would benefit from the opportunity to work in legal employment in London; the nominee's presence would enrich the experience of the colleagues with whom he or she will work; the nominee should be a good all-rounder.

The awards are conditional upon obtaining appropriate employment in London. The arrangements for this will be the responsibility of the applicant.

Applications by graduates of the University of Sydney should be made to the Scholarships Office, Main Quadrangle, University of Sydney, 2006. There is no formal application form. Applicants should include a full curriculum vitae and a covering letter which addresses the criteria for the award. Applications close 1 December 1997.

National Council of Women Awards

Following the success of the inaugural awards of the National Council of Women of New South Wales to celebrate its centenary in 1996, Blake Dawson Waldron has sponsored a further award of \$1000 by the National Council of Women for 1997 for a student of the Faculty of Law. The Award is given to encourage and assist further study by outstanding women students. In 1996 the Centenary award was presented to Deborah Siddoway, who graduated in May 1997. Deborah is now serving as Tipstaff to Justice Margaret Beazley of the New South Wales Court of Appeal (see page 42).

The award is made on the basis of considerations of academic merit, financial need, and extra-curricular activities such as community service. The National Council of Women encouraged in particular applications from candidates who had overcome disability or financial hardship.

Ms Kirsti Samuels was selected from a compelling field of applicants for the 1997 award. The Reports has learned that Kirsti is the oldest of three from a migrant family which came to Australia in 1989 having lived primarily in an isolated village in rural France over a 16 year period. Her family's search for work took her to France, England, South Africa and finally Australia. Family circumstances have meant that Kirsti has been self-supporting throughout her studies towards her BSc/LLB at the University of Sydney, working in both corporate firms and the Government sector.



Scholarships & Awards

National Council of
Women Awards 1997
L-R: Mrs Gordon Samuels;
Kirsti Samuels; Erik Lucas,
Blake Dawson Waldron



L-R: Kirsti Samuels, Erik Lucas



Kirsti stated that she was drawn to the law in a broad social and political sense, and to its potential as a regulating and equalising force within and across societies. At the same time as maintaining an outstanding record of achievement in her Science and Law studies, Kirsti's interest in social issues and law reform has led her to work as a volunteer at the Redfern Legal Centre and the Environmental Defenders' Office. Since 1995 Kirsti has been Vice President of the Management Committee of the Lilians Refuge for Young Girls.

At the conclusion of her undergraduate studies at the University of Sydney, Kirsti plans to undertake further studies in law.

On 23 January 1997 Kirsti was presented her award by the Patron of the National Council of Women, Mrs Gordon Samuels, in the presence of the Governor, the Hon Gordon Samuels, AC at the "Celebrate Being an Australian" Luncheon at Parliament House, Sydney. In deference to the presence of the Governor a Hebrew grace was included prior to the luncheon.

Writing to the Acting Dean after the luncheon, Mrs Natalie Guy, the Convenor of the Australia Day Awards, commented: "On behalf of the Council I want to thank you and your colleagues' co-operation in choosing candidates of such calibre the past two years for our Students of Achievement Awards. We hope to continue with this programme".

In sponsoring the award for a student of the Faculty, Blake Dawson Waldron, Solicitors (a great supporter and friend of the Faculty) stated that they were "pleased to support the National Council of Women 1997 Awards, and as an Affirmative Action Employer, has a commitment to supporting women in their business endeavours".

New Prizes & Scholarships



The Australian Institute of Company Directors Master of Environmental Law Prize

This new prize was established by the initiative of the Environment Committee of the Australian Institute of Company Directors to encourage academic scholarship by advanced students of environmental law. It was awarded for the first time in 1997 to the students who had showed the greatest overall proficiency and academic merit on completion of the Master of Environmental Law Degree in the Faculty of Law. The valuable prize, of \$1000 per annum, was shared this year by two students, Alan Bowen-James and Anthony English, and was presented at the Faculty's annual Prizegiving Ceremony (see Page 6) in the presence of Mr Damien Lynch of the Institute's Environment Committee.



Australian Institute of Company Directors, Master of Environmental Law Prize.

L-R; Professor Ben Boer, Damien Lynch, Alan-Bowen-James, Paul Frankel, Rosalind Atherton, Acting Dean.

The Charles Aubrey Hardwick Memorial Prize in Constitutional Law

This Prize has been established in 1997 by the generous gift of Malcolm Hardwick QC in memory of his father Charles Aubrey Hardwick CMG, QC (1885-1984) who graduated from the University of Sydney with a Bachelor of Arts in 1913 and with a Bachelor of Laws in 1915, after being awarded the Pitt Cobbett Prize in Constitutional Law in 1912. Charles Hardwick kept chambers in Phillip Street for 50 years until he retired in 1965. The prize will be awarded for the first time at the 1998 Prizegiving Ceremony.



New Prizes & Scholarships

The Playfair Prize in Migration Law

This new prize was established in 1997 by the gift of Playfair Immigration to reward the most proficient student in Migration Law. This year it was awarded to Deborah Siddoway in the presence of Ms Petra Playfair of Playfair Immigration.



Playfair Prize in Migration Law
L-R; Petra Playfair and 1996 winner Deborah Siddoway.

The Tomonari Akaha Memorial Prize

This prize is in the process of being established on the initiative of Mr Ian Tonking, barrister, formerly of Allen Allen and Hemsley, solicitors, in memory of the late Tomonari Akaha, a Graduate Law student of the Law School between 1992 and 1995, who died suddenly in May 1996 shortly after his admission to practise and while working with Mr Tonking at Allen Allen and Hemsley. The objective of the prize is to reward academic achievement in the undergraduate law program, particularly in the subjects of Equity or Company Law, by an international student, like Tomonari Akaha himself, of non-English speaking background of the Asia Pacific region.

Contributions to this prize fund are now being sought and would be most welcome. Donations are tax-deductible and may be forwarded (made payable to The University of Sydney) c/- the Dean of the Faculty, or to Barbara McDonald, Director of Graduate and Professional Relations, Faculty of Law (telephone 9351-0307).

New South Wales Justices Association Prize in Administrative Law

This prize is to be established by the generous gift of the New South Wales Justices Association for academic proficiency in Administrative Law. It will be awarded for the first time on the basis of performance in 1997 and will be presented at the 1998 Prizegiving Ceremony.

Developments in Postgraduate Studies



SYDNEY: Still 'The' One

Sydney Law School has long been noted for the depth and quality of its postgraduate program. It supplies nearly half of all the postgraduate training in the country, whether by coursework or by thesis. The academics and the (often very senior) practitioners who lead the program comprise most of 'the' names in their fields, including some of the most distinguished visiting scholars from overseas.

Sydney coursework Master's programs offer by far the most diverse range of general (eg LLM) and specialist programs (such as the MTax) in this country, and it offers many interdisciplinary programs open to both lawyers and non-lawyers (such as the MLLR, the MEL and MHL). In addition to full thesis programs such as the LLM and MCrim, and the PhD, the Faculty pioneered the professional doctorate (the SJD).

Professor Terry Carney, Convener of the Postgraduate Studies Committee of the Faculty, warns the *Reports*, however, that "complacency is a well known enemy of quality". During 1997, Faculty has therefore embarked on an ambitious process of review and development. "All programs are now subject to rigorous scrutiny by independent review panels (most recently confirming the quality and international standing of the Criminology program). Professional consultants were commissioned to survey existing and potential markets for programs, and provide advice on all aspects of quality and services. Publications and student services are under review too", Professor Carney said.



Professor Terry Carney

The product of this work is now beginning to emerge, as detailed in a number of related items in this issue of the *Sydney Law School Reports*. Of greatest interest, no doubt, will be the new programs on offer from the beginning of 1998. These include 4 new Diplomas, and a new degree (the Masters of International Tax). The M(IntTax) recognises the globalisation of national economies and international trade. During the early 1990s Faculty decided to make internationalisation one of its key strategic objectives, and this initiative will be a key plank in the realisation of that policy.

The new Graduate Diplomas cater to the growing demand for highly specialised qualifications short of the full Masters degree. In 1998 Faculty will offer these both in established areas (such as Tax and Environmental Law) as well as in fields such as Commercial Law and Corporate, Securities and Finance Law. These new programs harness the long-established reputation of Faculty in these fields, and position us to meet the rapidly rising demand for such specialisation both within the legal profession itself and (frequently) also from non-lawyers too.

There are a number of other initiatives in the late stages of development (including reviewing the form in which programs are offered, and setting long-term fee structures). These will be announced in future issues of the *Reports*. Professor Carney comments that "arguably the most far-reaching and exciting of the various initiatives, however, are those discussed in this issue".



Postgraduate Studies

A new degree in the collection - the Master of Asian & Pacific Legal Systems

The Master of Asian and Pacific Legal Systems (MAPLS) was introduced in 1997 for the first time. The degree is designed to provide a specialist postgraduate qualification in Asian and Pacific Legal Systems, presenting students with an opportunity to undertake in-depth study on the historical, economic, social, political and legal developments of various countries of the Asia/Pacific region.

Legal areas covered include dispute resolution, labour law and relations, taxation, administrative and environmental law. The compulsory course "Law and Legal Culture in Asia and the Pacific" enables students to recognise and evaluate the social and historical influences in Asian and Pacific societies upon the operation of their laws and their legal systems. The range of elective courses offered allows each individual student to construct a grouping of subjects most appropriate to the student's interests in the Asia-Pacific region..

The MAPLS degree is not intended to attract students solely from a legal background. In fact any potential applicant who holds an undergraduate degree at an appropriate level (be it in law, economics, government, social work or another relevant discipline) and is interested in obtaining further in-depth knowledge about the Asia-Pacific region is encouraged to apply. The courses offered in the MAPLS degree are taught by acknowledged experts in their fields from the Faculty of Law at the University of Sydney and also by Visiting Professors from universities in the Asia/Pacific region and elsewhere.

Masters in Environmental law

Rosemary Lyster



PS

A feature of the MEL has been its pioneering short courses. In 1997 this has continued in force. Associate Professor Donald Rothwell ran a popular short course, Protection of the Antarctic Environment, in February, with several guest speakers including Martyn Wilder, E Adamson, and representatives from Allen, Allen & Hemsley, Kinhill and Associates, and the Wilderness Society. International Environmental Law was also conducted this year as a short course over two weekends in April. The course was convened by Professor Ben Boer and also involved a Parsons' Award Visitor, Professor David VanderZwaag, of the Marine and Environmental Law Program, Dalhousie Law School, Halifax, Canada. Also contributing were Mr Ross Ramsay of Freehill,

Hollingdale & Page who delivered a special lecture on the Climate Change Convention, and Ms Catherine Giraud, who delivered a lecture on implementation of the Biodiversity Convention in the Asia-Pacific region.

Nicola Franklin



PS

Another popular short course, Environmental Dispute Resolution, was conducted by Rosemary Lyster and Brian Preston in July. In August, Rosemary Lyster and Ben Boer conducted the short course Comparative Environmental Law, together with Professor Susan Smith of Willamette University and Mr Tim McBride of the University of Auckland.

A special feature of the postgraduate program in 1997 was the introduction of a new Course in Local Government Law conducted by Ms Nicola Franklin, Senior Lecturer in Law. This course focuses on developing an understanding of the social, economic and managerial trends that have shaped Australian local government and its recent restructuring. It focuses particularly on New South Wales, and gives a working knowledge of the existing powers and responsibilities of local government, in terms of constitution, organisation, decision making processes, avenues for accountability and local government finances.



Masters in Taxation - Taxing Times

Taxation has never been far from the headlines in recent years and tax reform has once again become a government priority. In keeping up with these taxing times Sydney Law School's postgraduate tax has been expanding and spreading its reputation internationally. After being the first to introduce a Master of Taxation in 1990, in 1997 Sydney was a foundation member of the Consortium of Australian Tax Schools (CATS) which brings together the Law Schools of the University of Sydney, the University of Melbourne and Queensland University of Technology with the premier professional tax association in Australia, the Taxation Institute of Australia. In 1997 common courses have been offered in Sydney, Melbourne and Brisbane and in 1998 the courses will spread Australia-wide and internationally. The program being established by the participating institutions will cover tax education from entry to advanced postgraduate level and be accorded various forms of official professional and University recognition.

Apart from teaching in depth the Australian tax system, the CATS program features a significant international element. In 1998 the University of Sydney plans to introduce a Master of International Taxation which will include study of Australia's international tax rules, a number of comparative tax courses and special seminars taught by leading tax academics from around the world.

The tax program in 1997 featured two international visitors: Professor John Prebble, New Zealand's leading academic tax lawyer and Professor Jinyan Li, a member of the academic staff of the National Tax Centre of the Faculty of Law of the University of Western Ontario, Canada. At Sydney Professor Prebble taught an intensive course on New Zealand International Taxation, which included baroque music as part of the teaching atmosphere. Professor Li taught Chinese International Taxation during September and October.

Both 1997 visitors have been sponsored by Greenwoods & Freehills, Taxation Consultants of Sydney and accordingly have been given the title of the Greenwoods & Freehills Visiting Professor of International Taxation. The Faculty is very grateful to the firm for its continuing sponsorship of the tax program. In early 1998, Professor Kees van Raad, Professor of International Taxation at Leiden University will teach a course on Netherlands International Taxation, and Professor Frans Vanistendael of Catholic Leuven University, Belgium will visit in mid 1998.

The tax staff at Sydney are recognised as leading academics internationally. The head of the tax program, Professor Richard Vann is also a professor on the Global Law Faculty of New York University which involves teaching in the US every two years. He is a consultant to the IMF and OECD, a member of the Australian Taxation Office International Tax Rulings Panel, Chair of the Taxation Centre of Excellence of the Australian Society of CPAs and a member of the Board of Governors of the Australian Tax Research Foundation. Professor Patricia Apps is recognised internationally for her policy work on taxation (see Reports page 27). At the moment she is much sought after by the Australian media because of her studies on the economic effects of tax mix changes involving a GST. Mr Robert Allerdice joined the Faculty in early 1996. He was previously a leading tax practitioner and has been involved in professional tax affairs for many years in various capacities with the Taxation Institute of Australia. He was one of the original private sector representatives of the Tax Law Improvement Project. Dr Peter Harris joined the tax group in late 1996. He has recently completed his doctorate at Cambridge which was awarded the Mitchell B Carroll prize of the International Fiscal Association as the leading piece of international tax research in 1996 and the Yorke Prize, awarded by the Law Faculty of the University of Cambridge in March 1997.



Professor Richard Vann



Robert Allerdice



Postgraduate Studies

As new people have been arriving, other Sydney tax faculty have been on secondment to international organisations. Associate Professor Graeme Cooper has spent two years with the Fiscal Affairs Division at the OECD in Paris where he has been working on training and advising

Dr Peter Harris



TS

in taxation for former Eastern bloc countries. Recently he was appointed to the newly created Chair of Taxation Law at the Melbourne Law School which he will take up in January 1998. Although his appointment is Melbourne's gain, he is not lost to Sydney as he will remain closely involved with our tax staff through CATS. Mr Lee Burns is currently Tax Counsel with the Legal Department of the International Monetary Fund in Washington DC where he is drafting tax laws for developing countries. He returns to Sydney in mid 1998 where he will introduce two new units of study, Comparative International Taxation and Asian Pacific Tax Systems which he has pioneered at Georgetown University Law School over 1996 and 1997.

Research is given a high priority by Sydney's tax scholars, both in broad policy areas and on detailed matters of tax law. Among them, the staff hold no less than five research grants from the Australian Research Council, Professor Patricia Apps being a Principal Researcher for three of the grants. An expanded version of Dr Harris's doctorate was recently published by the International Bureau of Fiscal Documentation under the title Corporate Shareholder Income Taxation. Professor Vann is a joint author of a unique book, *Comparative Income Taxation*, which brings together tax scholars from 9 countries.

With their breadth of coverage of the tax arena and international reputations, Sydney's tax teachers will certainly be playing a prominent part in the tax debate over the coming times ahead.

Criminology

Associate Professor Julie Stubbs



JS

An expert panel appointed by the University has provided strong endorsement of the Faculty's postgraduate programs in Criminology, co-ordinated by Associate Professor Julie Stubbs. The Master of Criminology and Graduate Diploma in Criminology provide an interdisciplinary approach to criminology which builds on the expertise of Faculty members in areas such as juvenile justice, criminological research and policy analysis, policing studies, issues of race/ethnicity and gender in criminal justice practices, and forensic psychiatry.

The review was undertaken in line with University policy which requires that each postgraduate program should be reviewed every five years.

The review examined the Master of Criminology and Graduate Diploma in Criminology programs in the context of feedback about the programs from students and members of Faculty, and as compared with programs offered at other universities in Australia and internationally. Professor Arie Freiberg, Head of the Department of Criminology at the University of Melbourne brought particular expertise to the review. The review committee also proposed a number of innovations to ensure that the programs continue to respond to the changing context of higher education and to student expectations.

Postgraduate Studies



Labour Law and Relations

The Master of Labour Law and Relations is an interdisciplinary degree with half the coursework taught in the Faculty of Law and the other half of the coursework taught in the Department of Industrial Relations in the Faculty of Economics. The Law Faculty side is anchored by Professor Ron McCallum, Blake Dawson Waldron Professor of Industrial Law, and Ms Therese MacDermott. The degree seeks 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 and industrial law.

With a view to better serving the needs of students in this area, an Information Evening was held for the MLLR in September to provide advice and information to prospective students. Iain Ross, who is Vice-President of the Australian Industrial Relations Commission spoke at the evening on postgraduate studies and careers in labour law and industrial relations.

The Board of Studies which oversees the degree program is also looking at moving towards more intensive courses in labour law and related areas. An added benefit of this approach is that it will provide an excellent form in which to involve eminent overseas academics in the teaching program of the MLLR.



Professor Ron McCallum



Therese MacDermott



MEL Graduates May 1997

Back row L-R; Wayne Tagalai (Nuie), Professor Ben Boer, Ana Lopez Woodcock (Spain), Stéphane Doussin (France), Colin Tickell (Australia), Dr Ian Woods (Australia)

Front row L-R; Maureen Wade (Australia), Susan Budd (Australia), Rocio del Moral Blanco (Spain) will graduate in October



Teaching notes

Law School Legal Education Workshop

Les McCrimmon



In order to assist academic staff to implement the changes in teaching introduced in 1997, the very hard working Teaching and Curriculum Committee of the Faculty provided staff with the Law School Legal Education Workshop to provide an enjoyable and accessible one-day course tailored specifically to the needs at Sydney.

The workshop covered many issues relevant to teaching including teaching to groups of around 40 students (rather than the large lectures of many Law School memories). Topics included "Theories of Teaching and Learning", "Use of Teaching Techniques and Methods", and "Setting Course Objectives".

The course was presented by Kay Lauchland of Bond University and the Faculty's own Director of Clinical Programs, Mr Les

McCrimmon. Both Kay and Les have extensive experience in running similar workshops. Those fortunate enough to attend the prestigious Australasian Law Teachers Association Teaching Workshops testify readily to the skills of these legendary presenters and to the fact that such workshops are not only useful but enormous fun.

The evaluations of those who attended the workshop rated it as excellent. Participants recommended that more such workshops be run and commented on its usefulness and its contribution to collegiality.

Faculty Award for Teaching Excellence

Dimity Kingsford Smith



The Faculty annually makes an award for excellence in teaching and/or teaching innovation. The winner of the award receives a certificate and a prize of \$3000 to be used for teaching or research related activities.

In 1996 there were two very strong candidates and the Teaching and Curriculum Committee had the greatest difficulty in selecting the winner. In the event the award went to Dimity Kingsford Smith for her innovations in the teaching of Corporations Law.

Dimity developed an Incorporation Kit. At the commencement of the course the students formed themselves into small groups and used the kit to form an Australian proprietary company. In subsequent classes the companies were presented with tasks

requiring each "company" to consider its position in relation to key legal and policy issues, especially those arising from the growing importance of statutory provisions, in modern corporate governance. Dimity developed a corporate life cycle, requiring the "companies" to confront events in the life of a company. Student learning was supported by course materials and assessments based around the classes and a research essay on approaches to interpretation of Corporations Law provisions.

Sydney University Law Society 1997



The Presidents Report

The Sydney University Law Society (SULS) has once again had a very busy year organising and co-ordinating a wide variety of events which endeavour to encompass the interests of all law students. The aims of the Executive are various, and include the creation of an enjoyable social climate and feeling of camaraderie among the students. Furthermore SULS, through its continued sponsorship, has been successful in developing a stronger relationship between Sydney University and the legal profession.

This year's executive consists of:

- Edward Palmisano (President, Grad III)
- Daina Richmond (Vice-President, Grad III)
- David Roache-Turner (Vice-President, Combined IV)
- Yi-Lin (Lin) Chua (Treasurer, Combined IV)
- Rowena Murray (Secretary, Combined III)
- Sophie Cockayne (Social Director, Combined V)
- Robert Smithies (Sports Director, Grad II)

As the Law School is geographically separate from the University's main campus, SULS assumes an important role in representing the interests and needs of the students, the University, the Faculty, the Union and the SRC.

STOP PRESS Dean's lunch



Mark this date in your diary now: **20th November.**

Ms Lisbeth Gorr, a graduate of Melbourne University Law School will be the special guest at the 1997 Dean's lunch.

The Acting Dean, Associate Professor Rosalind Atherton is delighted that Ms Gorr has agreed to act as her special speaker for the occasion. Ms Gorr, aka Elle McFeast, has an extraordinary ability to put people on the spot and get them involved - this is a rare quality. Don't miss it!



SULS

Highlights of the 1997 SULS Calendar include:

Law Ball: The 1997 *Romeo and Juliet Masquerade Ball* once again proved to be the feature event of the SULS social calendar with over 500 students, their guests and staff attending. The Sydney Town Hall was a spectacular venue for the evening and guests were treated to a number of live entertainers including international organist David Drury and a quintet from the Conservatorium of Music. The highlight, however, was the Law School Revue Band who managed to fill the dance floor for their entire set which included a wide variety of songs ranging from hits from the Blues Brothers to popular dance tunes.

Other Social Events: In addition to the Law Ball, the social agenda included cocktail parties, pub parties, blind date nights (with Macquarie University Law School and Sydney University Medical School), the final year dinner and a wine tour to the Hunter Valley.

Law Revue: This year's Revue, *The English Precedent*, was held from August 20-23. Once again it was a very humorous, witty and entertaining production which included political skits with the main slogging focused on Pauline Hanson, John Howard and Mal Colston. Other skits included profiles of the University's future full-fee paying students, and (in line with tradition) the nude skit which this year was set in parliament. Cast and crew worked "around the clock" not only to make the production into one of such a high standard on each of the nights, but also to make the four cast parties the big nights they were!

ALSA: SULS is a member of ALSA (the Australasian Law Students' Association). Annual conferences are held in the half-yearly break with an intervarsity mooting competition, witness examination competition, student papers and legal seminars as its primary focus. Sydney University performed admirably in every section of the competition which this year was held at Brisbane's Griffith University. Of note was the submission made by Sydney University that ALSA implement an inquiry to the legal merits of full fees. This was unanimously accepted by the assembly and will be investigated by the ALSA Council.

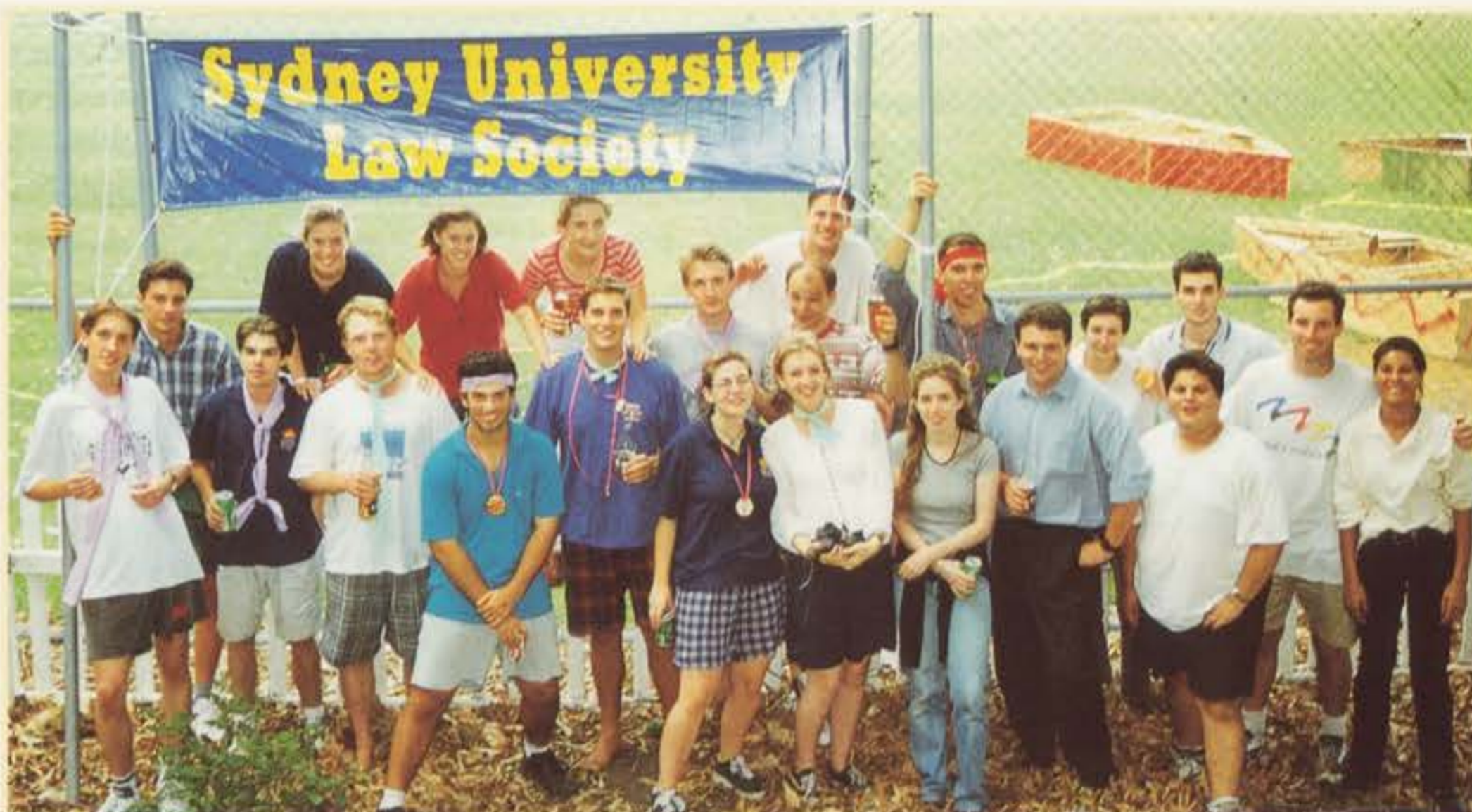


L-R: Sophie Cockayne, Rowena Murray, Ed Palnusana, Lin Chua, Rob Smithies, Diana Richmond, David Roache-Turner, at the *Romeo and Juliet Ball*.



Publications: The Society publishes its own annual journal, *Blackacre*, which contains a variety of articles, ranging from the humorous to the historical in addition to valetes on each of the final year students. SULS also publishes a fortnightly newsletter, *Hearsay*, which provides students with regular information about upcoming social events, lectures and interesting legal snippets. *Polemic* is a sociolegal journal also published by SULS which has a vast range of contributors from all facets of the legal profession.

Sport: One of SULS first events for 1997 was the "Lawlympics". Held on main campus and supplemented by a sausage sizzle and beers, events included the beer can relay and the ironcuts competition which involved running to various stations and eating the designated food. The menu ranged from frozen meat pies to raw eggs. Sydney University was, surprisingly and for the first time, successful in defeating Newcastle University in our annual rugby match played in Newcastle (on our way home from the wine tour). On a more serious sporting note, SULS is responsible for providing teams for the inter-faculty sporting events. Many of our teams have been very successful with victories in the electronic triathlon and soccer.



SULS team at the Lawlympics



Where are they now?

Law Society Committee,
1962-1963

Front Row: L-R; Vice-Presidents B W Duck, J L O'Meally, M D Kirby, Barbara Meagher

Centre Row: L-R; P R Graham (SRC Rep), J L Trew (Hon Secretary), D Pearce, B B Scott, J Connolly, J M N Rolfe, J S Ridely (SRC Rep), D E Harding (Asst Secretary), P Simons, D J Harland (Hon Treasurer)

Back Row: L-R; R Pryor, P White, V Boland, B Bilinsky (Sports Rep)



Mooting notes

Associate Professor Don Rothwell



Jessup International Mooting Competition

We knew it was a hard act to follow - winning the highly prestigious Jessup competition in 1996. Associate Professor Don Rothwell threw his all into selecting and coaching the team again. In January 1997 the team (Damien Hazard, Kirsti Samuels, Ben Vonwiller, Kim Weatherall and Houda Younan) together with team coach Don Rothwell, made the pilgrimage to the Australian National University for the Australian Rounds of the competition. The question for this year was an amalgam of many international legal issues - the difficulties of determining the rights of refugee children to identity and family, as well questions of economic sanctions within the GATT system, and issues of State jurisdiction. The Sydney Team was undefeated in the preliminary rounds, but went down narrowly to the University of New South Wales team in a closely-fought quarter-final. Damien Hazard and Kim Weatherall both ranked within the top 10 oralists from the preliminary rounds. UNSW went on to the final of the competition where they were defeated by the team from the University of Western Australia for the Australian Jessup trophy for 1997.

Don can reflect on a considerable run of success: Sydney's record stretched to a series of 17 wins, the last defeat being in the Quarterfinal of the International rounds of the competition in April 1995. An excellent innings indeed! Congratulations to all Sydney mooters throughout all the competition rounds and to their very excellent coach and hard taskmaster, our Don.

National Family Law Mooting Competition

This year Sydney University entered the National Family Law Mooting Competition which is run by the Family Law Section of the Law Council of Australia. Students from Miranda Kaye's 1997 family law class selected their own team for the competition which took place in the Family Court. The Faculty was represented by Suzanne Christie, Rachel Kelleher, Derek Lee and Elizabeth Raper. The team won all preliminary rounds to reach the NSW State Finals where they met the University of Western Sydney. A close final was very narrowly won by UWS. Suzanne Christie was judged the Best Performer in the State. There is still a possibility that the team will reach the National Finals. Even if this proves not to be the case, the Faculty can be very proud of the team's success.

Faculty mooting

Each year SULS co-ordinates the mooting competition within the Faculty, enlisting much support from academic staff and professional colleagues. The finals of the 1997 competition were held at the end of September. The standard was, predictably, extremely high. The enthusiasm was high with 75 junior and senior mooters participating. The competition winners were Andrew Krestovsky (Junior); Elizabeth Vuong (Intermediate) and Angela Seward (Senior).

Once again SULS and the Faculty are extremely grateful to all those who acted as judges in the competition: Justice Dowd, Peter Hall QC, Jonathon Trew QC (Junior Comp); Justice Lester, John Garnsey QC, Dr Robert Austin (Intermediate Comp); and Justices Hodgson and Lehane and Ms Barbara McDonald (Senior Comp).

In addition to the internal competition, Sydney University hosted the Butterworths Intervarsity Moot and the annual "grudge moot", the H V Evatt Moot which is held annually against the University of NSW. Once again Sydney convincingly defeated UNSW and once again the Reports was told that no remorse was felt! Sydney University also entered a team in the Jessup International Law Mooting Competition, and although we did not manage to defend our title, our team performed extremely well. UTS went on to win the Butterworths Moot.

Mooting notes



In the Evatt Cup the Sydney Team of Angela Seward, Kim Weatherall and Stephen Klineberg met the UNSW Team in what could only be described as an extremely challenging moot before the President of the NSW Court of Appeal, the Hon. Justice Keith Mason, Stuart Littlemore QC and Robert Sheller (a UNSW academic), the Sydney mooters lost to a very polished UNSW team. (We beat UNSW convincingly last year, so this is only fair!)

In the first week of September, the Butterworths NSW Intervarsity Mooting Competition was convened by Kim Weatherall. Teams from UNSW, Sydney, ANU, UTS, the University of Wollongong and the University of Western Sydney addressed s 90 and s 92 of the Constitution only a couple of weeks after the decision in *Ha and Hammond v State of NSW* (unrep) was handed down by the High Court. The overall competition was won by the UTS team before a bench comprising Justice Margaret Beazley, Mr David Bennett QC, Justice Ronald Sackville and Associate Professor Don Rothwell. The Sydney Team - Houda Younan, Michael Davis, Michael Izzo and Pallavi Sinha mooted well to be placed third overall.

The many students competing in the 3 internal competitions continue to subject themselves with a surprising degree of devotion to the rigorous discipline of regular moots. Even more encouraging is the increasing number of subjects in which mooting is being offered as a form of assessment - and the large number of students who are availing themselves of this opportunity. It certainly bodes well for the future both of mooting at Sydney and the quality of future candidates for the Sydney Bar.



1997 Sydney University Mooting Competition Winners

L-R; Andrew Krestousky (Junior Competition), Angela Seward (Senior Competition), Liz Vuong (Intermediate)



Social events

Dean's breakfast series 1996

One of the special features of Professor David Weisbrot's period as Dean of the Faculty of Law was the institution of his "Dean's Breakfast Series" of speakers. The program of speakers in 1996 included Attorney General Jeff Shaw, QC, legal journalists Richard Ackland and Janet Fife-Yeomans, and the final breakfast was presented by Virginia Bell, Counsel assisting the Royal Commission into the NSW Police Service. Ms Bell, aka Gigi de Winter, captured the attention of the more than 150 alumni of the Faculty, staff and students, and left us roaring in the aisles.

Virginia Bell



The University News leapt at the story of this event. "Bell rings in a feminist menu at Dean's Breakfast" read the headline:

"She's gutsy, feisty, an iconoclast, a worthy role model, and when she spoke at the Law Dean's breakfast, her tongue was very firmly in her cheek."

Dr Anne Sarzin of the University News shared her report of the event in the News on 31 October 1996 with *Sydney Law School Reports*:

"Virginia Bell enthralled the legal fraternity - and more particularly the empathetic legal sorority - with her speech on 'the depredations of women at the bar'. Although women comprise only 10% of barristers in New South Wales, Ms Bell

revels in the power of the minority to effect meaningful change. 'Small in number we may be, but we've been like Visigoths,' she proclaimed humourously. 'Over a period of 15 years, women barristers have totally undermined all the institutions of the Bar.'

A staunch supporter of her women colleagues, nonetheless she mourned the passing of certain arcane traditions such as the Bar Council's female-inspired substitution of the term 'tutor' for 'pupil master'. 'The language of bondage and discipline is a bridge between an essentially staid profession and those interested in queer politics and body piercing,' she said jocularly. Ms Bell also chronicled somewhat wistfully the passing of the Bar Council's 'lift rule', part of the very fabric of the Bar, a rule that tactfully reinforced distinctions. 'I refer to the rule that required barristers to exit lifts in order of seniority,' she said. 'What could be more eloquent of the essential noblesse oblige of the Bar than senior counsel standing back to let a lady out of the lift?'

'My only regret is to see young male barristers taking advantage of the things we fought for, behaving like complete anarchists in the lifts of the Supreme Court,' she said. 'I always try to elbow them to the back - far from being strident or aggressive, I'm just seeking in my own individual way to restore the courtly traditions of the Bar.' Some male members of the judiciary felt the need 'consciously or otherwise' to humiliate women advocates. Recalling the heyday of blatant paternalism, Ms Bell vividly described her own courtroom traumas, especially an occasion involving a former judge who enthusiastically revealed an encyclopaedic knowledge of female sexuality. 'Where else but at the Bench or Bar could you give almost uncontrolled power to a man with a problem and for that man to compel a forty-something woman to stand rooted to the spot as he lectures her on female masturbation?' she asked.

The good-humoured barbs came thick and fast. She bemoaned the fact that the High Court had sought the views of the Catholic Bishops' Conference in the abortion case, describing the delegates to the Conference as 'superstitious, celibate men, whose cosmology was last changed in the fourth century about a topic of such contemporary relevance as abortion'.

She cautioned those who mutter darkly about positive discrimination and judicial appointments for women. 'Listen fellows, you've brought it all down on yourselves,' she said. 'Just wait until we start cutting a swathe through the High Court.'

*R*esearch Highlights in the Faculty



Many research highlights are noted elsewhere in the *Reports* in Staff Notes (see page 30) and the reports from Centres (see page 57). Sydney Law School continues an outstanding record of scholarship. Here are some further glimpses of a little bit of that activity.

New Books and Reports

Associate Professor Peter Butt still dominates the field of land law. He published three books: a new edition of *Land Law*, a second edition of his exposition of Mabo and a new co-authored text on the Torrens system. In criminal law, Associate Professor Mark Findlay co-authored a casebook on criminal law in Hong Kong and a monograph on criminal laws of the South Pacific, and Professor David Weisbrot co-authored a new edition of a text on criminal law.

In tax, Professor Richard Vann published a book on tax treaties and the linkages between OECD member countries and dynamic non-member economies. Mr Lee Burns co-authored a book on the Australian Taxation system and Dr Peter Harris, who joined the staff in September, published a major work on corporate/shareholder income taxation and allocating taxing rights between countries.

Associate Professor Patrick Parkinson published an edited collection of essays on the principles of equity and a report for the Office of Women's Policy in the Northern Territory on children, domestic violence and child protection. Associate Professor Stubbs also published a report on domestic violence and cultural diversity for the office of Women's Policy in the Northern Territory.

In environmental law Professor Ben Boer authored a monograph on environmental law in the South Pacific and co-authored a collection of essays on environmental law and policy. Associate Professor Don Rothwell published with Cambridge University Press a book on the polar regions and international law.

Scholarship in the field of legal theory was advanced by Associate Professor Alex Ziegert with a new book on theory design for the assessment of legal change in particular in the cultural differentiation of post-communist societies and their law. Mr David Fraser was co-editor of the collection of critical essays entitled *Thinking Through the Body of the Law*.

Associate Professor Rosalind Atherton's *Australian Succession Law Commentaries* and Materials (with P Vines) was published last year and her expert report for the Victorian Attorney-General's Law Reform Advisory Council, on Family Provision, was launched by the Attorney in July. Dr John Ball published two books on Indonesian law, one being a casebook and the other a bibliography of material on Indonesian law in the English language. The importance of implementation of clinical teaching method in the law school was the focus of a guide co-authored by Mr Graeme Coss for the Centre for Legal Education.



Associate Professor Peter Butt



Associate Professor Alex Ziegert



Dr John Ball



Graeme Coss



Research Highlights

Research Grants

Members of staff were successful in obtaining four major external competitive grants in the 1996 rounds. The success of the tax team is told elsewhere in the Reports (pp 42-43).

Associate Professor
Margaret Allars



Associate Professor Margaret Allars secured two ARC large grants for three years. The project entitled "The concept of citizenship for women within theory of participatory democracy and its implications for constitutional and administrative law reform" aims to develop a concept of citizenship with particular reference to the role of women in political and public life. The law and practice relating the citizenship of women in constitutional and administrative law, and public administration will be examined, and theories of participatory democracy analysed as possible foundations for principles of constitutional and administrative law. The project has a focus upon the contribution which feminist theory may make and the relevance of the concept of citizenship to areas of community debate regarding law reform, such as republicanism. Her other project is a joint one with two other chief investigators (Professor Charles Sampford and Associate Professor Spencer Zifcak). The project, entitled "Constitutional Values, Administrative Law and Institutional Ethics: Linking Constitutional Theory with Public Sector Ethics", seeks to identify the values underlying the Commonwealth Constitution, administrative law and public sector ethics. Through a series of workshops commencing in 1998 and involving academics and professionals drawn from the fields of law and public sector management, those values will be debated in the light of feminist values, indigenous values and human rights. The objective is to develop mechanisms for supporting values through formal regulation, management reform, ethical standard setting, and the institutionalisation of ethics in public sector institutions.

Associate Professor
Patrick Parkinson



Associate Professor Patrick Parkinson is part of a research team based at the New Children's Hospital at Westmead led by Professor Kim Oates, the Professor of Paediatrics and Child Health. This team obtained a major grant from the National Health and Medical Research Council. The project involves following up a group of 100 sexually abused children nine years after they were first seen at the Children's Hospital. Base line data was collected at the time. When completed, this will be the longest follow-up study of child victims of sexual abuse ever conducted. The team is interviewing the young people and, where appropriate, their parents, to examine the effects the abuse has had on them over the years. Comparisons will be made with a control group. The researchers will be examining psychological functioning, health, and other matters relating to the potential effects of the abuse. There are a number of legal aspects to the research including the way in which the original cases were handled by the police and the criminal justice system, the work of the Victims' Compensation Tribunal including the correlation between the level of awards and the severity of outcome, the incidence of subsequent criminal offending behaviour among the abused group and the control group, and the impact, if any of contact arrangements on the children's recovery from the abuse. The research project will last two to three years.

Small research grants were made to 14 members of staff under the Law Foundation Legal Scholarship Support Scheme, for projects with a diverse subject matter, ranging from Aboriginal police relations, socio-legal studies, anti-discrimination law, familial ideology, freedom of speech, processes of communication in courts, legal research skills, domestic violence, the federal judicial system, Mabo, fathers' rights and family law reform, and child abuse.



Institute of Criminology Bulletin

Four new titles in the Institute of Criminology's successful monograph series are about to be launched. The monograph series together with the journal *Current Issues in Criminal Justice* has established the Institute as a major source of quality publications in Australian criminology.

Fault in Homicide, by Stanley Yeo, examines the laws of England, Australia and India pertaining to the fault elements required for the crimes of murder and manslaughter. Professor Yeo, formerly a member of the Law Faculty at the University of Sydney, contends that the Indian laws are superior, and suggests a set of draft provisions which could comprise a viable model for reform of the English and Australian laws. This is an important contribution to current debates the law of homicide.

Bron McKillop's work *Anatomy of a French Murder Case*, provides a first hand account of the processing of a murder case through the French criminal justice system, providing an effective comparison between adversarial and inquisitorial processes.

Gender, Race & International Relations: Violence Against Filipino Women in Australia, by Chris Cunneen and Julie Stubbs, examines the over-representation of Filipino women as victims of homicide in Australia. They argue that the vulnerability of Filipino women in Australia to violence can only be understood through the intersection of representations of gender and race within the context of international relations.

Jill Bolen has provided an important analysis of attempts to reform policing grounded in the experience of the Whitrod era in Queensland in her monograph: *Reform in Policing: Lessons from the Whitrod Era*. Each of these titles is now available from the Institute of Criminology at the Faculty of Law, and Federation Press.

Current Issues in Criminal Justice (Vol 9 No 2), due for publication in November, will contain analyses of money, guns and politics in Papua New Guinea (Dinnen), the Hong Kong criminal justice system after the return to Chinese sovereignty (Dobinson), the criminalization of Female Genital Mutilation in Canada (Buhagiar), on commercial confidentiality and the public interest (Freiberg), and the recent ALRC report on juvenile justice in Australia (Cronin).

Recent issues of the journal have addressed important contemporary issues such as Aboriginal incarceration and deaths in custody (McDonald & Cunneen), problem oriented and community policing (Brown & Sutton; MacIntyre & Prenzler), criminal justice response to gay killings (Tomsen & George) and trust and a regulatory strategy (Cherney) police reform in Queensland (Brereton and Ede), privacy and access to the healthcare and counselling records of sexual assault victims (Bronitt), inmate mothers and their children (O'Connor) and law and order campaigns in NSW politics (Lee).

The Institute of Criminology has also continued its focus on public education through the provision of public seminars.

The most recent public seminar, "Dietrich in a Climate of Shrinking Legal Aid Resources", addressed the implications of the Dietrich judgment and the challenges surrounding legal aid today. Speakers included Mr Nick Cowdery QC, NSW Director of Public Prosecutions; the Reverend Harry Herbert, Uniting Church Board for Social Responsibility and Part-time Legal Aid



Bron McKillop



Chris Cunneen



Associate Professor Julie Stubbs



Centres

Commissioner; Dr Greg Woods QC, Barrister; and Mr Mark Richardson, Chief Executive Officer of the NSW Law Society and Director of the Legal Aid Commission from 1988 to 1992. The seminar was chaired by Chief Justice of NSW, A M Gleeson.

"Crime Prevention: The Good, The Bad and The Vulnerable" was the subject of the most recent in-house seminar presented by the Distinguished Visiting Scholar, Professor Elizabeth Stanko. Professor Stanko from the Faculty of Law at Brunel University is a recipient of the 1996 August Vollmer award of the American Society of Criminology and is Research Director of the Economic and Social Research Council violence programme. She spoke on the ideological strength of 'the victim' as a cultural icon for modern vulnerability, and the impact of the rhetoric of "the victim", in particular the notion of a "good" and a "bad" victim, on attitudes to crime prevention and the managing of resources in the criminal justice system.

In April this year the Institute convened a public seminar concerning "Children and the law: What about justice?". Speakers were Mr Roger West, Commissioner, Community Services Commission, Ms Margo Maneschi Office of the NSW Ombudsman, Dr Kathryn Cronin, Commissioner, Australian Law Reform Commission and Ms Teresa O'Sullivan, Co-ordinator Youth Justice Coalition. In March the Institute hosted an in-house seminar, "Intelligence Led Policing", presented by Professor Roger Evans of John Moore's University Liverpool.

Two further public seminars are planned for 1997. The first deals with the significant though neglected topic "Education in Prison: Politics or Progress?". The seminar, organised in conjunction with the Corrective Services Teachers Federation and the NSW Teachers Federation was held on 17 September. Speakers included Tim Anderson, of Justice Action and the NSW Council for Civil Liberties; Bob Debus, NSW Minister for Corrective Services; and Peter de Graaff, President of the Corrective Services Teachers Federation. The final public seminar for 1997, on the topic of "Police Corruption and Reform", will be timed to coincide with the NSW Police Service's response to the recommendations of the Wood Royal Commission.

The Institute of Criminology has continued to attract a significant number of international visitors. During 1997 visitors have included Professor Elizabeth Stanko, funded by the University's Distinguished Visiting Scholar program, and Professor Roger Evans, Head of the Department of Law, Social Work and Social Policy, John Moore's University, Liverpool. In 1996 international visitors to the Institute included Ms Bea Campbell, social critic, journalist,

columnist for the *Guardian* and Visiting Fellow in Women's Studies at the University of Newcastle-upon-Tyne; Professors Rebecca Dobash and Russell Dobash form the Violence Research Centre at the University of Manchester (see page 62) and Professor Jane Ussel from the Department of Sociology, University of Manitoba.

To find out more about the Institute of Criminology, its staff and activities, visit the Institute's HomePage at <http://www.law.usyd.edu.au/~criminology/> for up to date information on seminars and publications. The site also contains details of staff research and a comprehensive index of Current Issues in Criminal Justice.



Katie Rivers

L-R; Commissioner Roger West, Community Services Commission, Margo Maneschi, NSW Ombudsman's Office, Dr Kathryn Cronin, ALRC Commissioner, Terese O'Sullivan, Youth Justice Coalition.



The Centre for Asian and Pacific Law at the University of Sydney

The Centre for Asian and Pacific Law (CAPLUS) reports that the year 1997 has been an extremely busy and successful year. The first major event of the year was the third Winter School to Shanghai. The Winter School was held in January at the East China University of Politics and Law and gave thirty nine students the opportunity to learn about Chinese laws and the Chinese legal system whilst experiencing life in a foreign country. The course lasted for one month and included a three day trip to Hangzhou. About thirty of the students who completed the course were students from the Faculty of Law at the University of Sydney who had the course credited to their degrees.

In May of this year CAPLUS organised a two week course on human rights in Hanoi, Vietnam. The course was part of an AusAID project that CAPLUS is currently undertaking on improving the awareness of human rights in Vietnam. The course was held at the Ho Chi Minh National Academy of Political Sciences and was attended by over sixty participants from the Research Centre for Human Rights, the Academy and other public officials from ministries, departments and universities. Lectures were given on Global Human Rights (Mr Chris Sidoti, Human Rights Commissioner), Regional Human Rights (Prof Guenther Doeker-Mach, Visiting Professor in the Department of Jurisprudence), Australia and Human Rights (Mr Kieren Fitzpatrick, Senior Adviser to Mr Sidoti) and the role of Courts and Human Rights (Dr David Kinley, Legal Specialist, Australian Law Reform Commission).

The second stage of this project was completed in June. It brought eleven Vietnamese jurists to Australia for two weeks of more intensive examination of human rights and visits to institutions dealing with human rights related issues. The group was made up of six Deans from Law Faculties within the Academy and five more junior members of the Research Centre for Human Rights. The visit included a three day trip to Canberra where the delegates were able to hold discussions with members of the Human Rights branches of the Department of Foreign Affairs and Trade and the Attorney General's Department. The visit also gave the delegation an opportunity to meet, amongst others, the Honourable Mr Alexander Downer, Australia's Foreign Minister and the Honourable Mr Justice Michael Kirby of the High Court of Australia.



Visiting delegates on AUSAID Human Rights Course, with the Hon Justice Michael Kirby and Professor Alice Tay. The group was lead by Professor Dr Hoang Van Hao, Director of the Research Centre for Human Rights, Ho Chi Minn National Academy (seated, centre), and Mr Peter Leahy (AUSAID) front row, right.



Centres

The third stage is currently in progress. This stage involves CAPLUS collating and acquiring a library of some four hundred texts on international law, the philosophy of human rights and human rights practices at the global, regional and domestic level. Once CAPLUS has acquired all these texts they will be sent to Hanoi where they will become the backbone of a human rights library in the Academy.

At the end of June CAPLUS organised a visit by seven members of the Ministry of Justice to Australia for seven days. The programme was sponsored by the Swedish International Development Agency (SIDA) and aimed at showing the participants how the Australian Legal Aid delivery system worked. It was a follow-up study of a week long seminar, also sponsored by SIDA, held in Hanoi in April 1996 when members of the Attorney-General's Department, the Director of the South Australian Legal Services Commission and Professor Guenther Doeker-Mach gave talks on European and Australian legal aid services. The delegates spent four days in Adelaide with the South Australian Legal Services Commission and two days in Sydney with the New South Wales Legal Aid Commission and the Redfern Legal Centre. The participants were particularly interested at seeing how our system provides access to legal aid for those living in remote areas or for minority groups.

From the beginning of August until the middle of October seven members of the Ministry of Justice in Vietnam came to Australia as part of a CAPLUS organised UNDP project aimed at strengthening the commercial legal framework in Vietnam. The participants spent four weeks with the Centre for English Teaching and then seven weeks attending seminars on commercial law and international law and visiting institutions that deal with commercial law matters.

Over the last year CAPLUS has also been busy playing host to a number of visiting scholars and has published a ten page newsletter (the sixth CAPLUS newsletter) outlining some of the activities it has been involved in. Finally that time of the year has come again where the Winter School is being organised and from early indications it appears that the limit of eighty students will be filled and the course will be the biggest yet.



Students at Winter School Shanghai, January 1997.



ACEL

The Australian Centre for Environmental Law (ACEL) has now been operating for six years. It has branches in the Law Schools at the University of Sydney, the Australian National University and the University of Adelaide. ACEL was established by a Letter of Agreement between the Vice-Chancellors of each University. It aims to promote teaching and research in Environmental Law, as well as law reform at Federal and State/Territory level. ACEL has had a particularly busy year. The Director of the Centre, Professor Ben Boer has provided the *Reports* with some of the highlights.

ACEL and CAPLUS secured a major AusAID Institutional Linkages Grant for an Institutional Linkages project from AusAID, for a project involving the Environmental Law Research Centre at Wuhan University and the Environment Protection Centre of the East China University of Politics and Law. This will involve visits by academics and students from these two Universities to the University of Sydney over several months, as well as the conduct of courses for Australian and Chinese students in Wuhan and Shanghai. There will be an opportunity for students from other Universities, and in particular, those from Adelaide and the Australian National University, to participate in the courses in China, with the possibility of credits being obtained towards their degrees.

In 1997 the University of Sydney also received an ARC Institutional Small Grant of \$10,000 for a project proposed by Associate Professor Donald Rothwell, Professors Ben Boer and Ivan Shearer entitled 'Protection of Australia's Marine Environment post-UNCED and the 1982 United Nations Convention on the Law of the Sea'.

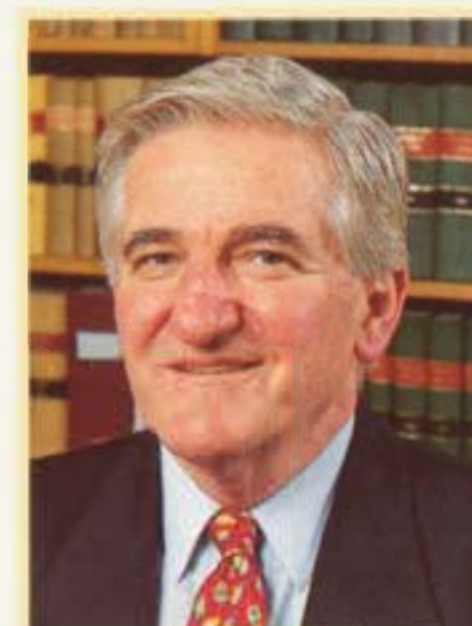
The Asian-Pacific Centre for Environmental Law (APCEL) at the National University of Singapore, with which ACEL (Sydney) is closely connected, began its Environmental Law at University Level 'Training the Trainers' program for Environmental Law teachers in the Asian-Pacific region in 9 June 1997.

Financed by the Asian Development Bank, the program aimed to promote the teaching of Environmental Law in tertiary institutions in the Asian-Pacific region. The program ran for four weeks, and included intensive sessions on a wide range of environmental law topics. Several field trips were included, as well as discussions with relevant departments of the Singaporean government. The program was directed by Professor Koh Kheng Lian, the Director of APCEL, and Professor Nicholas Robinson, the Director of the Center for Environmental Legal Studies at Pace University, New York. Professor Ben Boer, Director of ACEL-Sydney was involved in coordinating the first half of the program, and Ms Donna Craig, the Co-Director of the Macquarie University Environmental Law Centre, was involved in coordinating the second half of the program. A number of speakers from the Asian Development Bank, the United Nations Environment Programme and the World Bank Group were involved in specialist sessions.

ACEL and the Faculty have acted as hosts to many outstanding scholars during the year, including Professor Susan Smith (University of Sydney Distinguished Visiting Scholars Award), Mr Tim McBride of the Faculty of Law, University of Auckland and Professor David VanderZwaag from Dalhousie University as well as a group of 22 students from the International Relations Committee of the Faculty of Law, National University of Singapore. ACEL also ran its third "Environmental Outlook Conference" in early October. The *Reports* looks forward to including a bulletin in the next issue of another outstanding event.



Professor Ben Boer



Professor Ivan Shearer



Faculty Visitors

Some glimpses of our many outstanding Faculty Visitors in 1996

Professor Dennis Nolan

During the 1996 second semester, Professor Dennis Nolan, who is the Webster Professor of Labour Law at the University of South Carolina was a visiting teacher at the Law School. Professor Nolan both practises and has written a text on labour arbitration in the United States and is a member of the National Academy of Labour Arbitrators.

Whilst at Sydney, Professor Nolan taught a postgraduate course on Comparative Industrial Law for both the Master of Laws and Master of Labour Law and Relations students. Professor Nolan is, undoubtedly, the foremost US expert on the labour laws of both Australia and New Zealand and has published extensively on the laws of these two countries.

Professor Nolan has been editing a book of readings on the federal, state and New Zealand changes to labour law regulations over the past decade. This volume will be published by the Federation Press by the close of the year and it will furnish valuable information on the legal manoeuvrings which led to labour deregulation in the South Pacific.

In both teaching a postgraduate course and in editing a comparative labour law volume, Professor Nolan made an invaluable contribution to the life of the Law School.

John Waugh

John spent second semester 1996 as a research visitor in the Department of Law, during his sabbatical leave from Melbourne Law School. During his time in the Faculty John conducted research into constitutional and administrative law. John was very welcome during his stay and made a particularly memorable impression as an excellent tenor in the Faculty's Christmas Choir!

Professor Ruthann Robson

An interesting visitor to the Faculty was Professor Ruthann Robson from the City University of New York. Professor Robson is known internationally for her work on law and lesbians. In addition to a very successful paper at the ALTA Conference she also presented a paper on "The Codification of Lesbian Relationships: Examples from Law and Literature" to a seminar organised jointly by the Faculty of Law and the Australasian Centre for Lesbian and Gay Studies at the University of Sydney. Professor Robson is remarkable not only as a legal scholar but also as the author of acclaimed works of fiction.

Professors Rebecca Dobash and Russell Dobash

Internationally renowned scholars Professors Rebecca Dobash and Russell Dobash from the School of Social Work, University of Manchester, UK visited the Faculty during August 1996. Together with Professor Jane Ursel from the University of Manitoba, they presented papers at a seminar organised by the Faculty's Institute of Criminology, "International Perspectives on Domestic Violence: Evaluating New Initiatives".

Rebecca and Russell Dobash have undertaken a significant body of research concerning violence against women and are acknowledged experts in the field. They are joint recipients of numerous international awards for their work (including the Distinguished Book Award of the Division of International Criminology of the American Society of Criminology; awards from the Harry Guggenheim Foundation, the Rockefeller Foundation and a Fulbright Award).



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Polo t-shirt (md, lg, xl, xxl)	\$22.00	\$25.00
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