



## in this issue

Justice Mary Gaudron (pg 3) and Professor Ross Parsons (pg 4) receive Honorary Doctorate of Laws



Offshore Sydney LLM Grads make their first appearance on Campus page 7



Recognition SULS-style page 10  
Alumni Milestones page 7

## OBITUARY

Professor David Johnson (pg 10) & Professor Ross Waite Parsons (pg 5)



Julius Stone  
UPDATE  
page 6

## ALUMNI PROFILE

Margaret Brewster  
page 8  
Alumni Update  
page 12

## Graduate Selected as Youth Ambassador to The Philippines

Newly emerged from Sydney University Law School, 23-year-old Catherine Chang has only to complete her time at the College of Law before being eligible for admission. However she has already determined her first position.

As a participant in the Australian Youth Ambassadors for Development Program (AYAD), a Commonwealth



CATHERINE CHANG

Government initiative funded by AusAID, Catherine will soon travel to Quezon City near Manila in the Philippines

to take up a residential role at the Kanglungan Women's Centre.

Catherine will spend four months at the Centre researching the critical areas affecting women, domestic violence and trafficking, and lobbying the government to enact laws that are consistent with international covenants relating to these issues. Engaging in both theoretical research while still in Australia and

continued inside back cover...

# DEAN'S REPORT

1999 was an exciting year in the Faculty. For several years, we have been engaged in a process of reform across every aspect of our program. Those measures are now bearing fruit. This report is to let you know what we have been up to.

## LLB Program

This remains the core of the Law School.

In 1997 we moved to small-group teaching. Now the vast majority of our groups have a limit of about 40. Our introductory units have a cap of 30.

This has permitted a more interactive form of teaching, with greater involvement between students and their lecturers. It has also meant more written work (essays; moot factums) and more skills components (negotiation exercises; moots; mediations).

These measures have had a large impact on our reputation for good teaching.

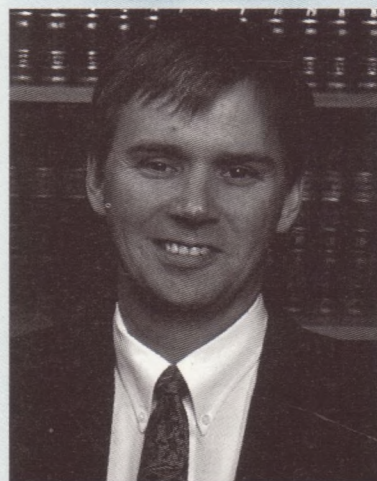
A survey is done each year of graduates on their experience in Law programs. Our scores for good teaching have risen substantially over the last few years. The University is now in the process of creating a Teaching Performance Index. The most recent versions have us placing first or second among all faculties across the University. Our HSC admissions cut-off has risen in each of the last two years and now

stands at 99.05.

Probably the most important index, however, is that we turn out very fine graduates who are in great demand.

Nationally, approximately 83 per cent of Law School graduates go into the legal careers of all descriptions; 72 per cent of our graduates do so. For entry into the private practice

of law, the figures are comparable: the national average for law schools is 55 per cent; our rate is 66 per cent. In addition, eight percent of our students pursue full-time postgraduate study within 2 years of graduation.



## Postgraduate Coursework

Things have also been moving in our extensive postgraduate programs.

These are by far the largest in the country. They are very important to our relationship with the profession. Many practitioners teach in the postgraduate program, and the program serves a crucial

CONTINUED PAGE 2



## Deans Report continued...

role in continuing professional education. Our taxation offerings, for example, have been heavily subscribed as people come to grips with taxation reform.

We have redesigned our programs so that they are as accessible as possible. People can register in a single unit; if that proves manageable they can then add three more units to obtain a Graduate Diploma; they can then add four more in order to obtain a full Masters. We have worked hard to develop links between our continuing legal education and postgraduate programs. Many of our postgraduate units are offered on an intensive basis, so that people don't have to commit to a series of evenings, but can concentrate their studies into a week or two successive weekends.

These changes have enabled us to become more responsive in our offerings. This year we brought Bob Thompson, George Alexander Madill Professor of Law at Washington University, to teach an intensive unit on International Mergers and Acquisitions. Next year we plan to do the same in US Securities Law and E-Commerce. If you have suggestions, please do pass them along.

## Postgraduate Research

Any great faculty has a strong cohort of research students. Ours is no exception.

In recent years, we have taken a number of steps to boost support for research students, creating, for example, a special computer room for them. We have also taken steps to improve supervision.

One of our aims is to build a community of postgraduate research scholars who interact well together. To achieve this, we have sought to build scholarship support so that students can study full-time. This year, these measures allowed us to provide full-time financial support to 12 students, as opposed to four last year. We have also created two new postgraduate teaching fellowships to enable people to complete their PhD and teach at the same time.

Last year we sponsored the first of what will be an annual series of national postgraduate research student conferences, where students are able to present their own work.

## Faculty Research

Faculty research is an exceedingly important dimension of our activities. A great Law faculty should be one of the intellectual driving forces of the law. Our faculty has certainly served that role in the past, and it continues to do so.

Alongside all our developments in teaching, we have continued to maintain a remarkable research record. Although judgments may vary depending on the measure used, there is no doubt that we are one of the top two research law schools in the country.

One manifestation of that work is our very active research centres. We have three of long standing: the Institute of Criminology, the Australian Centre of Environmental Law - Sydney and the Centre for Asian and Pacific Law. Last year we added the Julius Stone Institute of Jurisprudence (see the separate report in this issue). We have emergent centres in taxation, corporate and commercial law (about which the Parsons' initiative is a first step - see separate report) and in health law (where we now have an active series of CLE seminars). We also have incipient research centres in such interdisciplinary areas as international law and policy; and constitutional legal theory.

If you are interested in attending seminars and events in any of these areas, please contact us.

## Dedicated Staff

There has therefore been a great deal happening at the Law Faculty. Moreover we have engaged in this reform at a time of considerable financial pressure.

The University's operating grant has been cut, in absolute terms, by 6% over the last four years. At the same time there have been significant salary increases without additional funding - although academic salaries remain inadequate and indeed are falling further behind their private and public sector equivalents.

At the same time, we have placed an enormous investment in our undergraduate teaching, which has meant a one-third increase in the teaching load for academic staff. Pressures remain to publish and to obtain research grants. Our extensive international engagement (described in the last issue of the Reports) also requires extensive commitments of time.

A University career therefore requires real dedication. I know that when I joined the McGill University Faculty of Law 14 years ago, I was amazed to find that I and virtually all of my

colleagues put in more effort than I had been expected to do in the high-powered litigation firm in which I had worked. The same is true at Sydney.

We do have staff who show that dedication, as many of you will know. Our accomplishments are a huge tribute to their contributions. This is a remarkable Faculty.

Nor are the contributions limited to academic staff. The changes in University financing and in the demands of marketing and student service have meant that administrative staff too have had to develop new skills and undergo substantial change. Our staff have generally done so with alacrity and talent.

## Partnerships

We would have been unable to achieve what we have without the strong support of partners.

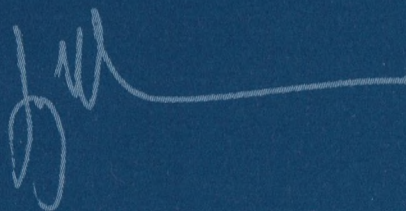
We have prominent Chairs sponsored by Abbott Tout, Blake Dawson Waldron, and Dunhill Madden Butler (now PricewaterhouseCoopers Legal). These give substantial profile for the firms but also provide extremely valuable resources to the Faculty.

Minter Ellison sponsored the renovation of our most important reception/seminar room. The list of donors to the Julius Stone campaign appears later in this issue.

We now have alumni-initiated campaigns in memory of Sir Maurice Byers and Emeritus Professor Ross Parsons. Each year, a number of firms step forward to sponsor our teams in international competitions. Their names can be found later in this issue.

This is, in short, a great law school with a rich history of contribution and insight. Today's faculty continue that tradition.

We would not be able to do so without the assistance of our supporters. We thank you for your commitment to high-quality legal education and legal scholarship.



PROFESSOR JEREMY WEBBER  
DEAN OF THE FACULTY OF LAW



# HONOURABLE JUSTICE MARY GAUDRON RECEIVES HONORARY DOCTORATE OF LAWS

Another worthy recipient of the University's honorary Doctorate of Laws has been recognised at a recent ceremony in Sydney. The Honourable Justice Mary Gaudron has been a judge of the High Court of Australia since 1987. Aged only 43 at the time, she was the first woman to be appointed to this supreme judicial office and is still the only woman in Australia to have held such a position.

**T**hroughout her career Justice Gaudron's obvious drive and determination have been reinforced by her intellect and razor-sharp wit and her unwavering commitment to address issues of fairness and equality within the framework of the law.

Since her 1966 graduation with first class honours and the University Medal in law Justice Gaudron has been making her presence keenly felt among her colleagues. Even at university she challenged the mores of the day by attending one of her examinations while pregnant - a move so radical that it apparently caused one of her fellow students so much stress that he was awarded a supplementary examination, despite her assurance that her condition was not contagious!

The subject being examined at that time was Succession. She not only topped her year in that subject but later lectured in the Law of Succession at the University of Sydney while serving at the Bar during the 1970s. Other academic service included a position as Visiting Fellow at the University of New South Wales. She reportedly described her experience in law teaching as "the hardest job" she had ever had.

This may be surprising given that her career has presented an impressive array of challenges for this spirited woman. Her Honour was admitted to the NSW Bar in 1968. She commenced her practice sharing chambers with Janet Coombs, the first woman to practise at the NSW Bar. Justice Gaudron's extensive practice reflected a special interest in defamation and industrial law with some work in civil rights cases. One of her most notable successes occurred with her pivotal role appearing for the Commonwealth in the Second Equal Pay Case (1972).

Justice Gaudron held the position of Deputy President of the Commonwealth Conciliation and Arbitration Commission from 1974 until 1980 and was appointed Solicitor-General of New South Wales

in February 1981. In this role she appeared frequently for NSW in many cases in the High Court of Australia. She joined that court in 1987. One highlight was her judgement, with Sir William Deane, in the momentous Mabo case in 1992.

Throughout her career, Justice Gaudron has remained faithful to her high ideals, using and expanding the law to attack injustice and inequality. Upon receiving her honorary doctorate she reflected on the many changes that have taken place within Australian law and society since she first graduated from the University.

Her Honour emphasised the need for equality of access to legal aid and highlighted the importance of education in recognising that equality is not synonymous with sameness. She remarked on her changing views of education. "There are some who would treat equality of opportunity in education as a basic ... human right. Forty years ago that was a view I shared. Now, I would afford it a much higher status. In an ever-changing and ever-competitive globalised

economic environment, I see it as nothing less than a matter of national security."

She pointed to progress made in the law's treatment of women and Aboriginal Australians saying, "In the face of laws which mandated inequality, it was easy to pose the question "why should it be?" And when no satisfactory answer was forthcoming, it was easy to assert that, consistent with the great Australian tradition of "the fair go", no one should be subject to legal disability or restraint on the grounds of race or sex. And so, in relatively recent times, Australia laid the foundations for what, hopefully, will one day become and remain a nation of true equals."

The work of Justice Mary Gaudron has been instrumental in this progress. She is a remarkable recipient of an honorary Doctorate of Laws. Few would accept Justice Gaudron's protestation that she was merely doing her job.



JUSTICE MARY GAUDRON WITH JUSTICE MARGARET BEAZLEY AND MS KARIN LEMERCIER



# HONORARY DOCTORATE BESTOWED ON PROFESSOR ROSS PARSONS

The University recently conferred an honorary Doctorate of Laws upon Professor Ross Parsons, one of Australia's most respected authorities on taxation law. After an illustrious career in legal academia spanning almost half a century, Professor Parsons responded with his characteristic humility by saying simply, "I hope I deserve it."

**T**here is no doubt that he does, according to The Honourable Murray Gleeson, Chief Justice of the High Court of Australia and one of Professor Parson's former students. "Many people, including myself, owe an enormous debt to Professor Parsons and the fact that the University has paid this formal tribute to him is a source of great joy to us all," he said.

Sadly Professor Parsons died one month after the conferral ceremony, at the age of 78. However the enormous contribution he made both to the University of Sydney and to the critical study of taxation throughout Australia is to be commemorated through the endowment of the Ross Parsons Lecture in Taxation and Commercial Law.

The lecture will highlight Professor Parson's role as progenitor of taxation as an academic discipline in Australia. Chief Justice Gleeson who, at the ceremony, shared some memories of studying under Professor Parsons' care, has consented to be patron of the program.

"I was an undergraduate of Ross Parsons and his Commercial Law course included two lectures on the law of income tax," said Justice Gleeson. "One lecture was on the meaning of income and I've never forgotten the distinction between the fruit and the tree."

Throughout the ceremony it was clear that Professor Parsons had greatly influenced the entire profession during his career. At the micro level he impacted the lives and careers of the students he taught and the academics with whom we worked, and at the macro level he made valuable contributions in the areas of taxation policy, education and international scholarship.

"He really was the one who made taxation an academic discipline in law schools, and his innovations were responsible for making the University's postgraduate school the largest in the country," said Dean of the Faculty of Law, Professor Jeremy Webber.

Professor Parsons was often in the right place at the right time, joining the University of Sydney



PROFESSOR ROSS PARSONS RECEIVING THE HONORARY DOCTORATE FROM THE CHANCELLOR, DAME LEONIE KRAMER AND THE DEAN OF THE SYDNEY UNIVERSITY LAW SCHOOL, PROFESSOR JEREMY WEBBER

as an Associate Professor of Commercial Law in 1957, just as the legal profession was becoming involved in Taxation.

In the early 70s he played a central role in the Commonwealth Government's Asprey Taxation Review Committee, which first proposed a value-added tax and set the future direction of Australia's taxation agenda.

Professor Parsons' successor as co-ordinator of the Law Schools Tax Program, Professor Richard Vann commented, "It is appropriate that the honorary doctorate be conferred on Professor Parsons in the year of the fulfillment of his goal of thorough reform of Australia's tax system.

"In that sense this is an era in which Ross Parsons' work has come to fruition. This University is lucky to have had people like Ross Parsons who... have had significant influence on the country and public debate."



BACK ROW (L-R) ROBERT ALLERDICE, RON BOWRA, BRIAN NORICE, RICHARD VANN, TONY SLATER, JIM MOSSEN, FRONT ROW (L-R) KEVIN BURGESS, PROFESSOR PARSONS AND TOM MAGNEY IN FRONT OF THE PAINTING OF THE HONOURABLE SIR ANTHONY MASON WHICH HANGS IN THE MINTER ELLISON ROOMS



# EMERITUS PROFESSOR ROSS WAITE PARSONS (1921-1999)

Professor of Commercial Law 1957 to 1986. Honorary Doctor of Laws, University of Sydney, 1999. Died 20 November 1999 in Sydney. He is survived by his wife Marion and daughters Janet, Susan and Roslyn.

**E**meritus Professor Ross Parsons is a significant name in the legal and taxation sphere, fostering many an illustrious career leading to the highest offices in the land. He was an inspiring man of humble character who will be greatly missed by the many scholars and practitioners around Australia who developed under his capable tutelage.

Professor Parsons received many honours and awards throughout his time of service, including an Honorary Doctor of Laws conferred by the University of Sydney in October 1999, just one month before his death which followed a short illness.

The award was presented by Parsons' former student, the Honourable Murray Gleeson, Chief Justice of the High Court of Australia, who remarked fondly upon his mentor's central role in the development of taxation as an academic subject. The University is endowing an annual lecture in Professor Parsons' honour for which Chief Justice Gleeson will be patron.

The Professor's legacy reflects the importance of ongoing legal education in this country, a cause greatly encouraged by two initiatives during his tenure with the Law School. He founded the Committee for Postgraduate Studies (the beginning of continuing legal education in Australia) and established the Master of Laws by coursework which became the model of postgraduate legal education.

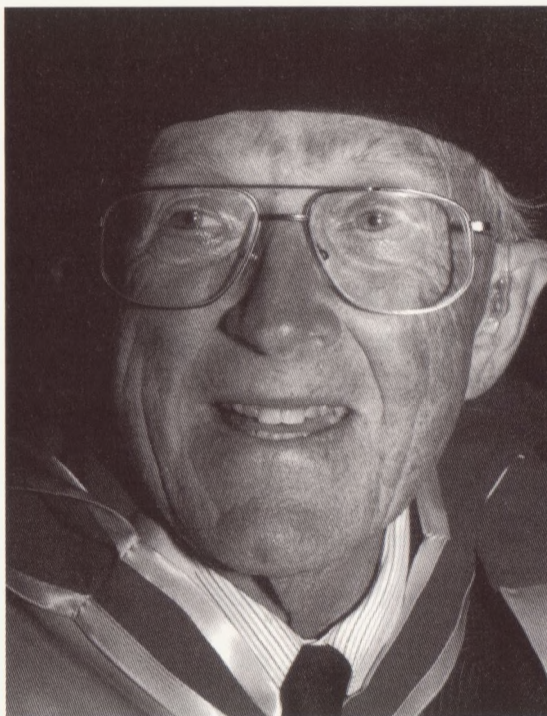
Educated at Wollongong High School and the University of Sydney, Professor Parsons graduated in Arts (1941, philosophy major) and Law (1944), with first class honours and the University Medal, before undertaking a brief period of articles and military service which included a stint as magistrate in Borneo.

His academic career commenced soon after with the radical decision to become one of the few full-time teachers attached to law schools at that time. Beginning at the

University of Tasmania, he then joined the University of Western Australia where he rose to the rank of Reader for his work in torts and legal philosophy.

In 1957 Professor Parsons returned to the University of Sydney as Associate Professor of Commercial Law, reinforcing an association that was to last for almost 30 years. He rose to full Professor in 1961.

In switching to commercial law, Professor Parsons combined his interest in the philosophy of the law with technical content. As a result he transformed the subject,



PROFESSOR ROSS PARSONS 1921-1999

particularly taxation, into a major scholarly endeavour ably addressing fundamental issues of social and legal policy. His influence was felt in academic, commercial and public spheres.

Professor Parsons' membership of the Commonwealth Government's Taxation Review Committee in 1972-75 represented a major contribution to Australian taxation policy. The Committee's Report contained recommendations which have set the tax agenda in Australia until the present day, including the introduction of a value-added tax, now known as the GST. His important work on the Committee was recognised with

the Silver Jubilee Medal in 1977.

Other significant achievements include the 1985 publication of his magnum opus on income tax, *Income Taxation in Australia: Principles of Income, Deductibility and Tax Accounting*. This 900-page epic is regularly quoted in major tax judgements and earned Professor Parsons the Sir Hermann Black Memorial Medal from the Australian Tax Research Foundation.

He retired from academia in 1986 after almost 40 years and then entered practice at Allen Allen & Hemsley until 1993.

Internationally, Professor Parsons made his mark through a series of tax conferences throughout the world, developed in conjunction with his close associates Professor Stanley Surrey (Harvard Law School) and Professor Ash Wheatcroft (University of London). Each of these men is regarded the progenitor of modern legal scholarship in taxation in their respective countries with good reason.

Throughout his remarkable life Professor Parsons was known for his dedication, wisdom and tireless efforts as he strove to establish an education infrastructure that would best prepare Australia's legal, business, government and social policy leaders for the critical times ahead.

Richard Vann

## PARSONS LECTURE IN TAXATION AND COMMERCIAL LAW

If you would like to contribute to the founding of the Ross Parsons Lecture in Taxation and Commercial Law, please make your cheque out to "University of Sydney" and send to Professor Jeremy Webber, Dean, Faculty of Law, University of Sydney, 173-175 Phillip Street, Sydney NSW 2000. All donations are tax deductible.



# JULIUS STONE UPDATE

Donations and Pledges to the Julius Stone

Institute of Jurisprudence



## PRINCIPAL SPONSORS (\$200,000 AND UPWARDS)

The Education Heritage Foundation Limited  
The Hon Dennis Mahoney, AO QC

## FOUNDATION SPONSORS (\$100,000 TO \$199,999)

University of Sydney USA Foundation, grant made possible through a gift from the Wolfensohn Foundation.

## SPONSORS (\$50,000 TO \$99,999)

Mr Zeke Solomon

## FOUNDATION BENEFACTORS (\$10,000 TO \$49,999)

Mr David Baffsky  
Professor Jonathan and Mrs Margaret Stone  
Mrs Reca Stone

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| The Hon Justice DG Hill       | Mr David Yates                 |
| The Hon Justice David Hodgson | Professor(Em)Edward McWhinney, |
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## DONORS (TO \$999)

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| Judge Colin Davidson, OAM      | Mr RC McLuckie                   |
| Mr Lindsay Ellison             | Professor (Em) Ross Parsons      |
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| The Hon Justice Michael Foster | The Hon Justice Ronald Sackville |
| Mr Frank Gallagher             | The Hon Justice Theo             |
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| Mr TEF Hughes, AO QC           | Mr Gerald Wronker                |
| Dr Edward &                    | Three anonymous donations        |
| Mrs Cynthia Jackson            |                                  |

## The Julius Stone Waltz

tune: Tom Lehrer, "The Wiener Schnitzel Waltz"

Jurisprudence explores  
Dimensions of laws  
That are more than just logic alone:  
Through categories of illusory reference  
Judges have leeways for personal preference -  
That's how the common law's grown!  
And we know that it's true,  
'Cos we learnt it from Ju-  
lius Stone!  
Jurisprudence has three different aims,  
With distinct intellectual claims:  
There's logic, and justice, and social control,  
And you must have all three to envisage the whole -  
For the justice we try to pursue

Is a social phenomenon too;  
It's adjustment of interests that drives legal change,  
But you still need a broad intellectual range -  
Generations have passed,  
And we're not the last;  
We must reap where our forebears have sown.  
You'll never compile a definitive list from it,  
Nor can you ever be free to desist from it -  
Always there's more to be known!  
But you'll follow it through  
If you're faithful to Ju-  
lius Stone.

Tony Blackshield

## Julius Stone Institute in Operation

Regular readers of the Reports will know that last year we launched the new Julius Stone Institute of Jurisprudence.

Its launch was held in conjunction with its first event: a very successful international conference on the theme, 'Philosophical Foundations of Constitutional Reform,' held in August of last year. Speakers at the conference included Philip Pettit of ANU, Robert Post of Berkeley, Margaret Davies of Flinders, and Avishai Margalit of the Hebrew University of Jerusalem. The papers explored, among other things, republican notions of liberty, constitutionalism and cultural difference, and the spirit in which constitutional reform should be undertaken. They will be published later this year as a special issue of the Australian Journal of Legal Philosophy. The Education Heritage Foundation Ltd and the Law Foundation of NSW were sponsors of the conference.

The launch itself occurred at a dinner held in connection with the conference. Three of Stone's students spoke - Justice Michael Kirby, Professor Margaret Thornton, and Professor Tony Blackshield - or rather Tony sang one of his famous ballads, the words of which you will find annexed.

Justice Kirby emphasised the enormous impact that Stone had on Australian legal culture, noting that four of the current justices of the High Court are Stone's pupils. He remembered Stone's great kindnesses, although he also acknowledged that Stone's good nature was sometimes underpinned by a sharp tongue and stern demeanour, particularly when urging his students to intellectual rigour.

Professor Thornton commented: "Julius' lessons, from both law and life, have assisted in giving me the courage to embrace the life of the mind and to seek justice through law, despite the everyday reality of opposition, philistinism and prejudice."

Justice Kirby added, "I can think of no other law teacher in Australia who has had a more profound and enduring impact on legal ideas. This Institute is a way of maintaining his legacy. Ideas are the truly important things, together with memories of love, that human beings leave behind."

The Institute is now up and running. Dr Desmond Manderson is its first director. He also edits the journal Law/Text/Culture. The Institute has an active reading group and is organising a seminar on the work of Emmanuel Lévinas for April. The first Julius Stone Lecture in Jurisprudence will be held later this year.

Support for postgraduate studies is a major purpose of the Institute. The first postgraduate research scholarship, for which funds were raised in the campaign, will be announced in May.

The fundraising campaign has been very successful, securing approximately \$700,000 in commitments. We are absolutely delighted with the response and thank all who contributed. A list of donors is annexed.

The campaign is continuing. The postgraduate scholarships, in particular, are not yet fully funded. If you would like to contribute, or if you wish to make a supplementary donation, please make your cheque out to "University of Sydney" and send to Professor Jeremy Webber, Dean, Faculty of Law, University of Sydney, 173-175 Phillip Street, Sydney NSW 2000. If you wish to have further information, please contact the Dean at 9351-0260. All donations are tax deductible.

We especially wish to thank our vigorous fund-raising committee: Zeke Solomon of Allen Allen and Hemsley; Michael Dunkel of Denes Ebner; David Baffsky of Accor Asia Pacific; and Adrienne Stone of the ANU. The committee was ably supported by Ms Shona Smith.



# OFFSHORE SYDNEY LLM GRADUATES MAKE THEIR FIRST APPEARANCE ON CAMPUS

**P**roving that the globalisation of education is a reality, three of Sydney's first students to complete their LLM degrees entirely off shore made their first trip to the University of Sydney to have their degrees conferred at the graduation ceremony held on 29 October 1999.

After the graduation the three, all of whom studied in Jena, Germany, were guests at a special reception in the Nicholson Museum which celebrated both their achievements and the conferral of an honorary doctorate on Justice Mary Gaudron.

One of the group, Peter Eckl, stayed for almost a week. As well as touring the sights of the Olympic City Peter visited his erstwhile lecturers and had the opportunity finally to see the Law School.

Peter is a partner in the firm von Schroeter, Hannemann & Eckl in Karlsruhe, Germany. In his practice of international law he focuses on mergers and acquisitions, which increasingly cross international boundaries, and contracts, which similarly straddle jurisdictions and legal systems.

He says he has become very conscious of the fact that "globalisation is not just a word ... it happens". This realisation, combined with his day-to-day experience, resulted in his decision to enrol in the Sydney LLM offered at the Freidrich Schiller University at Jena.

This option was not taken lightly. In order to attend lectures he had to travel six hours by train to Jena more than a dozen times in the course of his 18-month degree.

## International expertise

Peter had good reasons for investing his time in further study. He felt he needed another qualification and wanted international expertise because he was dealing with international clients. The addition of the LLM to his qualifications also signifies to those clients that he has a good working knowledge of English, and of both civil and common law systems.

An example of the value of this qualification was a 1997 matter, referred to Peter by an

international law firm in which the practitioners spoke only English, in which a Malaysian company acquired all shares in a German GMBH (equivalent to a private, limited liability company). They had prepared a contract drafted in the common law style, based on common law concepts. As common law contracts differ greatly from those drafted under civil law those working across both systems are increasingly in need of expertise in both.

Peter came to the LLM via the stringent German undergraduate legal training in which students undertake 6 years of study followed by ten 5-hour exams in 4 subjects. All exams are held at the end of the degree, and students who fail all or part of the course are permanently excluded after only two attempts. An LLM, or similar, degree is available, in Germany, only to foreign students.

The Sydney degree at Jena offered Peter the opportunity to study common law with an international comparative focus, gaining an LLM and something of an edge on his peers and colleagues. It also allowed him to complete the degree without leaving Germany and his job. He undertook courses in Asian Law, Arbitration Rules in Asia, International Trade and a comparative study of anti-dumping laws.

## European climate

Asked what impact the European Union (EU) was having on the practice of Law within its boundaries, Peter said that the impact was minimal. "The EU encloses all civil law systems, with the exception of the UK, and all laws drafted in Brussels have a civil law flavour," he said. "In any case, I am really looking towards working with European clients with relationships in the US and Asia and vice versa."

Peter has decided to undertake doctoral studies on his return to Germany. He is interested in the area of private exchange/trade of shares, which is now entirely globalised, with small PLCs offering shares privately to off-shore investors. Peter wants to investigate which rules will apply to such transactions in Germany.

## Alumni Milestones 1999/2000

### Sydney Alumni Appointed Senior Counsel in 1999/2000

Dr Chris Birch, SC  
Ms Caroline Needham, SC  
Mr Brian Preston, SC  
Mr Julian Sexton, SC  
Mr Timothy Hale, SC  
Mr John Whittle, SC  
Mr William Kearns, SC  
Mr Antony Martin, SC  
Mr Murray Aldridge, SC  
Mr Anthony Hewitt, SC  
Mr Desmond Kennedy, SC  
Mr Selwyn Gibb, SC  
Mr Paul Blacket, SC  
Mr Ross Letherbarrow, SC  
Mr James McIntyre, SC  
Mr Nigel Rein, SC

### 50 Years at the Bar

Mr Frank McAlary, QC  
Mr Chester Porter, QC  
The Hon TEF Hughes, AO, QC

### Appointments to the Bench

Justice Roger Gyles, to the Federal Court  
Justice Dyson Heydon, to the Court of Appeal  
Justice Kevin Coorey, to the District Court  
Justice Dennis Cowdroy, OAM, to the Land and Environment Court

### Elected President of the Bar Association

Ms Ruth McColl, SC

### Australia Day Honours 2000

Mr Nicholas Papallo, OAM  
Mr Graham Crouch, OAM  
Mr Michael Maher, OAM  
Mr Garry Barnsley, OAM  
Mr Norman Lyall, AM

### Australia Day Honours 1999

Professor (Em) Harold Whitmore, AM  
Mr John Millett, OAM  
Mr Terence Murphy, PSM

### Queen's Birthday Honours 1999

Mr David Harper, OAM  
Mr Raymond Stack, OAM  
Mr Malcolm Broun, QC, OAM  
Mr Chris Roper, AM

### Elected President of the Institut de Droit International

Professor (Em) Edward McWhinney, QC, MP

### Part-time partnership

Diane Skapinker has joined Minter Ellison as a part-time partner allowing her to continue in her role as lecturer at the Law School.

We congratulate you all on your achievements and wish you every success.



# ALUMNI PROFILE - MARGARET BREWSTER

This Alumni Profile features the active career of Margaret Brewster who graduated from Sydney University in 1957 and embarked on a path that is notable for its diversity. Margaret's unique achievements have underlined her life-long commitment to justice, to make fair what is unfair.

In many ways Margaret has been a trailblazer, seeing opportunities that others may have overlooked and often being the first woman to make progress in those areas. Raised by her grandmother, a staunch supporter of gender equality, Margaret expected equal access to education as her right and attended a school for girls where she saw women in positions of authority as a matter of course.

A Commonwealth scholarship allowed Margaret to pursue an education in law, adding to her interests in history and theology. She flourished under the rigorous tutelage of her Master Solicitor, Bruce Brierley, and the practitioner lecturers at The Law School. At university she saw that expectations differed greatly regarding the achievements of women and men and set out to challenge that norm. Professor Julius Stone developed in Margaret an interest in international law building on attitudes she had held for many years.

## The Name on the Letterhead

The Sydney of the 1950s was a very different place for a young female lawyer but Margaret already had a committed sense of gender equality. Admitted as an Attorney, Solicitor and Proctor of the Supreme Court in 1958, Margaret was only 27 years of age when she was offered two partnerships including the position with William Lander Cleary & Co. where she gained extensive experience in the demanding field of commercial practice.

Margaret spoke of those early days, "I fully appreciated what an honour it was to have my name on the letterhead at such an age. Certainly being made a partner so early gave me great confidence in handling authority which I think has stood me in good stead. As one who has always favoured "black words on white paper" I have never tolerated being bullied."

That self-confidence has led Margaret into a variety of notable positions, including executive offices with the NSW Women Lawyers' Association which she joined in the late 1960s. She became President and held that office during the critical debates of the 1970s.

Under her influence, and that of invaluable women such as Daphne Kok, Kaye Loder and (now



MARGARET BREWSTER

Justice) Mary Gaudron and many others, the Association worked hard for the right of women to practise law successfully alongside their male colleagues. They also tackled family reform issues and championed the rights of women and children to live without fear of domestic violence. Whenever gender bias was evident action was taken.

The Association contributed significantly to the implementation of anti-discrimination legislation in NSW and also to the development of the federal Family Law Act. Margaret's efforts were recognised with an International Women's Year Grant.

## Legal Aid and Family Law

In 1973, Margaret was appointed Deputy Legal Aid Manager of the Law Society of NSW. Mother to a toddler and a young baby at the time, Margaret was the Society's first woman in a policy-making role, supported by President, Alan Loxton and the Legal Aid Manager, Kenneth Kershaw. During her four-year involvement she worked to assess the need for legal aid in NSW and helped establish processes and facilities which, in the opinion of some, have never been bettered.

Some important initiatives included the setting up of Law Society Legal Referral Centres both in the city and in the Sydney suburb of Mount Druitt. Under Margaret's leadership, committees were established to liaise with social workers and to introduce school students to issues of law and also instituted the first College of Law Continuing Legal Education courses for practitioners.

Having researched Legal Aid systems in England and Scotland, supported by the Law Society, Margaret worked to introduce a system in NSW under which Duty Solicitors were assigned to Courts of Petty Sessions and Children's Courts. Upon leaving the Law Society, Margaret was honoured with a valedictory dinner in 1976. Speaking at the dinner Michael Gill, a future Law Society President, remarked, "Margaret's competence combined with her determination make her formidable indeed."

Margaret's keen interest in family law reform saw her being invited on to the bench of the Family Court of Australia when it was established, one of two solicitors approached. While appreciating the honour of such an opportunity, Margaret chose to decline.

CONTINUED NEXT COLUMN



## Spreading her Wings

Relocating to Canberra for family reasons, Margaret took up the cause of self-government for the A.C.T and pursued her interest in policy-making with an active role in the development of the Northern Territory University. The only legal professional formally involved in its development, Margaret committed many years to the project which saw her regularly commuting to the Northern Territory. She held the positions of Deputy and Acting Chairman of the Advisory Committee.

Margaret was also a key contributor to the Menzies School of Health Research in Darwin, a successful initiative supported by The University of Sydney, and a foundation member of the Governing Board. Closely involved in the School's establishment, she was one of the few awarded its Menzies Medal.

In 1990 Margaret's career followed another path when she was invited on to the committee of The Australian Branch of the International Law Association. Margaret became Vice President and then President and utilised her experience as a solicitor, advocate and policy-maker in facing the challenges of such an Association.

Margaret believes all legal practitioners should be trained both in domestic and international law to adequately advise their clients. "The global village is here to stay and The Association has a role in increasing our awareness to enable us to function within this new paradigm," she said. "The role of key academics, such as Professor Ivan Shearer, also cannot be underestimated."

Margaret is also a trustee for the lobby group, Australians for an Ecologically Sustainable Population, and a Fellow of the Australian Institute of Company Directors.

Margaret has endeavoured to act on the advice of her lawyer-father, that a practitioner must go beyond simply knowing what the law is. Instead one must be able to assist one's clients by delivering and interpreting the law in a way that they can understand and act upon it in the context of their own situation.

When asked what qualities she thought a lawyer should possess Margaret nominated courage, competence, courtesy and unfailing honesty.

## JESSUP WIN

*It is becoming a habit!*

*In February, the University of Sydney team won the 2000 Australian Round of the Philip C. Jessup International Law Moot Competition, competing against 12 other law schools. One member of the team, Jade Harkness, was named Best Oralist. The team is now off to Washington to compete in the International Round.*

*The Jessup is a very prestigious competition, with approximately 300 teams from 50 countries participating. Our team represented Australia in Washington on five occasions in the 1990s. It won the International Round in 1996.*

*Great congratulations to our team, which consists of Jesse Clarke, Jade Harkness, Craig Reucassel, David Sulan, and Justine Twomey. The team is coached by Professor Ivan Shearer.*

*Also, our very great thanks to the team's sponsors, which at the time of writing were: Malleons Stephen Jaques; NSW Bar Association; Law Society of NSW; Allen Allen and Hemsley; and the Australia NZ Society for International Law.*

## Rhodes Scholar

Sydney law student Michael Izzo, one of last year's successful mooters, has been chosen Rhodes Scholar for Australia at large. We hope to feature a story on Michael in a future issue of the Reports. Meanwhile we wish him every success in his endeavours.

## Sir Maurice Byers QC Postgraduate Scholarship in Constitutional Law

*In the last issue of the Law School Reports, we announced an initiative to establish a postgraduate scholarship in honour of Sir Maurice Byers QC. Donations are very welcome. Please make your cheque out to "University of Sydney" and send to Professor Jeremy Webber, Dean, Faculty of Law, University of Sydney, 173-175 Phillip Street, Sydney NSW 2000. All donations are tax deductible.*

## Client Interviewing Champions

The University of Sydney team has won the Australian Client Interviewing Competition, held in Sydney in February. Teams from thirteen law schools competed. Our team consisted of Sarah Kavanagh and Shannon Richards, with committed coaching by Les McCrimmon of this Faculty.

It is a wonderful result, and builds upon Sarah and Shannon's success in our intramural competitions. They are now off to Belfast to compete in the international competition, with sponsorship (at the time of writing) from Saint Andrew's College.

Client interviewing is one example of a number of skills which are increasingly part of the Law curriculum, often as a way of developing, simultaneously, expertise in substantive law. It emphasises the importance of sound client relations to good practice. At Sydney, growth in clinical and skills programs was a major priority of David Weisbrot, when he was dean, one which we maintain.

We wish Sarah and Shannon all the best in Belfast!



The SULS Dinner in October 1999 was another evening of high fashion, merriment and good company as final year students celebrated their success at making it through the rigours of a Sydney University law degree.

In recognition of the enormous role their lecturers play in helping them get to this important moment, the students again presented a series of awards to three worthy recipients. While every staff member is appreciated for their dedication and encouragement, Ross Anderson, Diane Skapinker and Barbara McDonald were singled out for special attention.

According to Senior Lecturer Barbara McDonald, who was awarded the Bronze award, "I see the 'Logies' as a vote of thanks to the lecturers. It was a delight to receive this award and an honour to be considered in the same company as Ross Anderson and Diane Skapinker who are both deservedly very popular with students. In some ways I think recognition from students is the most valuable form of assessment. For me that's what makes it all worthwhile."

Diane Skapinker, who balances her academic work with a demanding role as partner at Minter Ellisons, was especially touched to receive the silver 'Logie'.

She commented, "Receiving the award meant a lot to me that night as I had just taken up a partnership at Minter Ellison after leaving a firm with which I had been involved for two years. Part of my reason for making the change was that my previous firm was actively encouraging me to go full-time. I realised how important my academic position was to me. Minters is very keen that I continue my teaching and was prepared to offer me a part-time partnership."

Doubtless all the award recipients, and academic staff in general, share Diane's opinion that it is a "great privilege to work with Sydney University law students at a very special time of their lives".

# PROFESSOR DAVID JOHNSON (1920-1999)

Challis Professor of International Law from 1976 to 1985.

Died 12 September 1999 at Shoal Bay.

He is survived by his wife Joan.

**T**he late Professor D.P. O'Connell of Oxford once remarked that "David Johnson has more international law in his head than anyone I know".

*Born in England, Professor D H N (David) Johnson was educated at Winchester and at Trinity College Cambridge. He served in the Royal Corps of Signals during World War II, and was called to the Bar at Lincoln's Inn in 1950.*

*At Cambridge (MA, LLB) he studied under Professor Lauterpacht (later Judge of the International Court of Justice Sir Hersch Lauterpacht). He developed an enduring interest in public international law which he practised as an assistant legal adviser in the Foreign Office from 1950 to 1953. He was a member of the UK team in three important cases before the International Court of Justice (ICJ) during that time: the Anglo-Norwegian Fisheries Case, the Anglo-Iranian Case, and the Ambatielos Case.*

*In 1953 David Johnson accepted a Readership at the University of London and was appointed Professor, 1959-1975. He served as Dean of the Faculty of Laws from 1968 to 1972. In addition Professor Johnson represented the UK in two other ICJ cases – the Northern Cameroons Case and the Icelandic Fisheries Case. He served as Registrar of the Court of Arbitration in the Argentine-Chile Frontier Case.*

*Upon Professor Julius Stone's retirement from the Challis Chair of International Law and Jurisprudence in 1972, that Chair was divided to form the Challis Chairs in Jurisprudence and International Law. Professor Alice Tay was appointed to the former and, in January 1976, Professor Johnson assumed his appointment to the Chair of International Law.*

*In order to emphasise the practical professional relevance of the subject Professor Johnson expressed a desire to become a member*

*of the Department of Law rather than of Jurisprudence. When the offices of Head and Dean of the Department were separated in 1980 he went on to assume the Headship from 1980 to 1982.*

*Professor Johnson's special interest in air law is shown by his initial appointment to the University of London in Air and Space Law and his book Rights in Air Space (1965). Yet he was above all a generalist in the ever-widening field of international law.*

*International law is a lot about knowing where the bodies are buried. With a long academic and diplomatic career, Professor Johnson was a ready source of reference on almost any topic of international law. His students greatly profited from his insider's knowledge of events and personalities and they enjoyed his gentle humour.*

*Professor Johnson's impact was felt both within the University and beyond it. He displayed great professionalism at a challenging time in the Law School's history. His contribution to community appreciation of International Law through lectures and newspaper articles and his work in the Australian Branch of the International Law Association were significant.*

*Professor Johnson was greatly pleased when his successor in the Challis Chair of International Law, James Crawford, was elected in 1992 to the Whewell Chair of International Law at Cambridge, the chair once occupied by David Johnson's mentor Sir Hersch Lauterpacht.*

Ivan Shearer



## Graduate Selected as Youth Ambassador to The Philippines

(continued from front cover)

*fieldwork in The Philippines, Catherine's efforts will augment those of the women's rights groups currently addressing the need to break the cycle of entrenched violence and trafficking.*

*Faced with this overwhelming issue, what difference does she hope to make in four months? "It is a huge task and not one that's going to be solved in four months or even four years," said Catherine Chang.*

*"My purpose is not to attempt to fix all the problems myself but to get an accurate picture of the situation there and to educate and empower local women and communities to develop leadership skills and seek self-determination. It will be a huge learning experience for me and that is very exciting."*

*Catherine's partner in this venture is the University itself, keen to encourage her in international and human rights law, an area in which she has demonstrated a clear interest. Associate Professor Christopher Cunneen, at the Law School, helped Catherine to identify potential projects for submission to AYAD.*

*"Studying Criminology Catherine became interested in the issue of the exploitation of Filipino women and children by Western men and the possibilities of legal regulation. She was keen to become more deeply involved and is able to contribute directly to the work of Filipino NGOs through the AYAD program. The Law Faculty will continue to provide support for Catherine through assisting the work she is doing in the Philippines," said Associate Professor Cunneen.*

*According to Catherine, "A qualification in law is really valuable in this setting. With this and my earlier community-based experience in welfare and social law, I hope that I will be of good use to the women I meet."*

*Catherine's commitment extends beyond these four months overseas. Prior to her selection as an Australian Youth Ambassador for Development she underwent a rigorous multi-stage process to ensure she has the right skills, character and where-with-all to survive in a developing country with a foreign culture. She is yet to complete Filipino language classes, giving her a headstart in the language which, she hopes, will assist her in gaining the trust of women with whom she will work and gather data.*

*"I'm also hoping that my Asian looks will help me to fit in a little as well," Catherine commented. "Apart from professional expertise, the important thing is to be sensitive, to win the confidence of people. The Kanglungan centre offered me the chance to live off-site in my own apartment but I felt it was important to be fully committed to the project so I have elected to live-in at the Centre. My family thinks this will make it really difficult but I'm sure I'll survive!"*

*Catherine's responsibility also includes finding innovative ways to communicate the information she gains from this experience, promoting not only the right of women and children to live without the fear of trafficking, but also the benefits of the AYAD program to other young Australians. One outlet for that information will be an article for the University's Criminology Papers.*

## Alumni Dinner

**The first Sydney University Law School Alumni Milestones Dinner is to be held on Thursday 2 November 2000. The dinner for all alumni will recognise the considerable achievements of Sydney graduates during the year. It is hoped that the event will become an annual fixture.**

**Further information will be published in a later edition of the Reports. Enquiries: telephone 02 9351 0202 or email: [alumni@law.usyd.edu.au](mailto:alumni@law.usyd.edu.au).**

## Grants Update

**We can now confirm the successful recipients of ARC Institutional Grants and URG Grants.**

**Professors Reg Graycar, David Harland and Jenni Millbank obtained a major SPIRT grant for work on third-party guarantees. Professor Wojciech Sadurski, together with UNSW's Martin Krygier and Macquarie's Adam Czarnota, received an ARC large grant on Transitional Justice and Institutional Design.**

**ARCs have also been awarded to Saul Fridman, Jennifer Hill, Pat Loughlan and Don Rothwell. URCs have gone to Catherine Dauvergne and Petra Schmidt.**

**Our congratulations go to the successful applicants along with our hearty thanks to all those who underwent the rigorous and time consuming application process.**

## In Print

**Two new titles which may be of interest:**

- 1. Ron McCallum's "Employer Controls over Private Life", published by UNSW Press in their Frontlines series.**
- 2. "Courting Death: The Law of Mortality", edited by Desmond Manderson and published as part of the Law and Social Theory series by Pluto Press**



# THE ALUMNI UPDATE – NEWS OF ALUMNI

Thanks to all those who have supplied information for inclusion in the Sydney Law School Reports. Following are a number of small profiles on some of our distinguished alumni.

## **1947 (LLB) Keith W Draper**

Keith retired from practice in 1978 and was District Governor of Rotary from 1993-1994.

## **1953 (LLB) 1969 (LLM Hons II)**

### **John Parnell**

From 1943-1988 John worked with various departments within the NSW Public Sector including 18 years as Local Court Magistrate, 1970 – 1988. He has since worked as a barrister. Aside from career interests in criminal law, migration and alternative dispute resolution John, who has seven children, is a keen sportsman and an active grandfather enjoying recreation such as surfing, kayaking and backpacking.

## **1967 (LLB) 1979 Brian H K Donovan QC**

Queens Counsel in Private Practice.

## **1979 (LLB Hons) John F Boulton AM**

An Associate to Sir Edward McTiernan on the High Court in 1974-75, John went on to practice as a solicitor (1976-78) and barrister at the Sydney Bar (1978-1989). He then took up the position of Executive Director of the International Rowing Federation (FISA) in Switzerland from 1989 – 1995. Since 1995 he has been Director of the Australian Institute of Sport in Canberra and was awarded an A.M. in 1990 for services to rowing. He is also a judge of the International Court of Arbitration for Sport, based in Lausanne.

## **1971 (LLB) 1977 (LLM)**

### **Frederick C Bidwell**

Frederick was admitted to the bar in 1970. After five years in private practice he acted for 12 years as Australian Legal Counsel for UK Mining and then US Oil & Gas companies. For the last 12 years he has been General Counsel for the Transfield Group and is currently Commercial/Legal Manager with Transfield Investments.

## **1971 (LLB) Nicoll Mason-Jones**

Nicoll practiced as a solicitor in city and suburban firms before establishing his own practice at Lindfield in 1972. He established a home practice when his four children grew up, inspired by reading "The Office is Dead."

## **1975 (LLB) Paul Crane**

Paul has established his own practice in Coffs Harbour specialising in Property, Estate and Local Government.

## **1976 (LLB) Anthony Scarcella**

Anthony is an accredited specialist in personal injury law and a District Court arbitrator. He now practices as part of a strong personal injury team at Heazlewoods. Non-law related interests include his family and soccer playing and coaching.

## **1979 (LLB) Ian W Besomo**

In the age-old tradition of lawyers turned writers Ian has released his first novel, "Marbles." A comic contemporary novel, it features the outrageous Dr. Aurora Bickerstaff QC LLD and several hilariously evocative courtroom scenes.

## **1981 (LLB) Keith A Bryant**

Keith completed a B.Ec in 1978 at Sydney University prior to his law degree. As an investment banker he then went on to complete an MBA at Macquarie University in 1999.

## **1984 (LLB) Richard J Murray**

Since the end of 1985 Richard has been an in-house counsel for Westpac Banking Corporation where he focuses on consumer credit, banking and finance law. He is married with a 3 year-old daughter.

## **1988 (LLB) Belinda G Cassidy**

Appointed partner at Windeyer Dibbs in 1996, Belinda resigned in October 1999 to take up a position as Assistant General Manager and Principal Claims Assessor with the Motor Accidents Authority, heading up the new Claims Assessment Resolution service.

## **1992 (LLB) Anthony P Kinnear**

Anthony undertook his law degree after graduating with a B.A Hons II, Division I, in 1988. He is now resident in Singapore where he is the Regional Director, Asia for the publishing house, Reed Elsevier Legal Division.

## **1992 (LLM Hons II) Gary P Campbell**

In 1989 Gary was the Postgraduate Representative of the Sydney University Law Society. In that year he was also Vice-Principal of Sancta Sophia College. He is currently partner with Sinclair Roche & Temperley in London. His interests are project finance, energy and utilities practice.

## **1992 (LLM) Pamela Gray**

Pamela has practiced law in Victoria, the Northern Territory and England. She is currently a law lecturer in the Commerce Faculty at Charles Sturt University in Bathurst. As an author she has published a number of significant works including "Artificial Legal Intelligence", 1997, which was reviewed in the Harvard Journal of Law and Technology (Fall 1998).

## **1994 (LLB Hons) Cathleen S Sherry**

Cathleen is a lecturer in law at the University of NSW, teaching Property and Equity. She is also a regular columnist for The Age on Women's Issues. Cathleen has two daughters and is currently expecting her third child.

## **1997 (LLB) Ping Li**

After graduation Ping worked for Blake Dawson Waldron's Sydney office as a Chinese legal consultant and assisted with the opening of their office in Shanghai, China. In July 1998 she has relocated to Shanghai to work there as a Senior Consultant for BDW. Ping's areas of interest are infrastructure, foreign investment and trade.

## **1998 (LLB) Kundan Misra**

Kundan is now studying pure maths honours for his BSc at University of Sydney. He will finish the degree in June 2000.

## **1998 (LLM) Ashok Kumar**

Supplementing his Dip. Law 1997 and LLM (Syd 1998), Ashok undertook a Graduate Certificate in Dispute Resolution at UTS in 1998. His interests are taxation, property law and alternative dispute resolution.

## **The Co-ordinator, Alumni Relations**

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## **THIS IS YOUR PUBLICATION**

The Sydney University Law Reports is your newsletter. We value input from graduates and staff, indeed, we depend on it! The Editors intend to include direct feedback in future issues so put pen to paper or fingers to the keyboard and get in touch.



The University of Sydney