

October 2005

newsletter

our
Alumni
COMMUNITY



The Sydney Law school

reports



Professor Ron McCallum

Report from the Dean

I am delighted to report to our Law School alumni on a number of activities in the Law School over the last few months. Second semester is well under way, and our undergraduate and postgraduate students are hard at work.

In relation to the staff, Associate Professor Helen Irving takes up the Professorship in Australian Studies at Harvard University where she will be teaching constitutional law and related subjects at the Harvard Law School. This 12-month visiting professorship, which commences each year, was established by the Australian government to enhance Australian studies at Harvard University and we are truly delighted at the Law School that one of our own will be teaching at Harvard over the next 12 months.

Professor Reg Graycar is again teaching for a semester in the Faculty of Law of Cornell University which is one of our United States exchange partners. Professor Graycar is further cementing our warm relationship with this famous American law school.

Visit of Dean of the Faculty of Law at Tsinghua University

Every year, this Faculty receives many distinguished academic visitors from all around the world. I wish to draw the alumni's attention to the August visit of Professor Wang Chenguang who is the Dean of the Faculty of Law of Tsinghua University in Beijing. As well as delivering a seminar on Chinese law and its legal system here at the University of Sydney, Professor Wang addressed a conference of the Supreme Court judges of New South Wales. Tsinghua University is a truly outstanding academic institution and it is delightful to be able to cement our relationships with it. May I take this opportunity of thanking Ms Vivienne Bath, who lectures in Chinese law in the Faculty, for assisting with Professor Wang's visit.

Continued over...

FACULTY EVENTS

THE THREAT TO AUSTRALIA'S LABOUR LAWS "JUSTICE AT WORK: INDUSTRIAL CITIZENSHIP AND THE CORPORATISATION OF AUSTRALIAN LABOUR LAW"

In July 2005 when the Howard government gained control of both Houses of the Australian Parliament, it gained the power to make alterations to Australia's labour laws.

This could have dramatic consequences, according to Professor Ron McCallum, one of Australia's most prominent industrial relations lawyers.

In this year's Kingsley Laffer lecture held on Monday April 11, Professor McCallum examined the way in which the government may seek to create one national labour law system by utilising the corporations power.

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The University of Sydney

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The Death of Justice Graham Hill

It is with deep sadness that I mark the death of Justice Graham Hill who passed away on 24 August. There is a more detailed account of the work of the late Justice Hill in these pages, but as Dean may I write that his passing is a great loss to our Law School and of course to the legal community. He taught in our postgraduate taxation programme for more than thirty years, and he has been a dear friend and mentor to our tax teachers. Several years ago, the University of Sydney honoured Justice Graham Hill with a Doctor of Laws degree as a recognition of his service to law, to our University and to the community.

Celebrating the King of Tonga's birthday

Last July, together with my wife Associate Professor Mary Crock who also teaches in the Faculty, I took a group of our alumni to Tonga to celebrate the 87th birthday of the King. His Majesty graduated with a Bachelor of Arts and Bachelor of Laws degree from the University of Sydney in 1943. A group of his classmates under the initiative of retired Justice Jack Lee and Mr William Waterhouse, Honorary Consul of Tonga, decided to hold their reunion in Tonga and to celebrate the King's birthday. There is a more detailed account of this trip later in the Law School Reports, suffice to write here that it was magnificent getting to know our senior alumni and their wives on this trip. Most of the boys had fought in World War 2 and had many stories to tell.

On Tuesday 5 July, we held an Old Boys and Girls Alumni Dinner at the Australian High Commission at which the King and

REPORT FROM THE DEAN

Queen and various members of the Royal Family were in attendance. The King just loved having a photograph taken with himself and his classmates and all in all we had a marvellous time. I must thank His Excellency Mr Colin Hill, Australian High Commissioner for Tonga, for his hospitality and for the care which he and his staff took of our party.

Passing of Justice Bryan Beaumont

It is with sadness that I note the passing of Justice Bryan Beaumont of the Federal Court of Australia. An obituary appears later in these pages, however, may I write that his loss was a particularly sad one. Shortly before his death, the University of Sydney awarded Justice Beaumont a Doctor of Laws (honoris causa) in recognition of his work as a judge and also of his pioneering work in the Pacific. Justice Beaumont assisted a number of Pacific island nations with their legal systems and processes, and he was a wonderful judicial ambassador for Australia.

Class Reunions

Each year, a number of class reunions occur. On Friday 12 August, my wife and I were honoured to attend the reunion of the Class of 1970. This was the class which qualified for their LLB degrees in 1969 but graduated in 1970. We had a marvellous dinner at the Union Club and Geoffrey Robertson QC travelled all the way from London to be with his classmates. He gave a wonderful dinner address explaining his absence from reunions over the last 35 years and recounted his time as a barrister and a human rights worker in the United Kingdom and around the world. It was a truly memorable evening and I wish to thank the organisers for their hospitality.

Sesquicentenary Dinner

Our Sesquicentenary Dinner will be held at the Wentworth Hotel on Saturday evening 5 November. This is a black tie event to celebrate the fact that 150 years ago the Governor of New South Wales signed the relevant by-laws for the teaching of law at the University of Sydney. True it is that teaching was intermittent until about 1890, but nevertheless it's a good reason to gather together and to

celebrate the age of our venerable Law School. I do hope you will all come and join me and have a great time. One of our most distinguished alumni, Chief Justice James Spigelman, has agreed to give the after dinner speech at this gathering and I am grateful to His Honour for joining us and for speaking on this special occasion.

The New Law School building

Mr Robert Collins, the Faculty of Law's Project Officer has given an update on the new Law building in this issue of the Law School Reports. May I write that I am excited that at last work has begun on the Law School site which as you know is just by the Fisher Stack between Barff Road and Victoria Park. In early August, a 100 year old fig tree on the site was moved out of harm's way to Victoria Park and after the students finish their examinations in November demolition of the Edgeworth David Building and the Stephen Roberts Lecture Theatre will begin. The building is very well and truly a reality and we all look forward to commencing our first classes in it in semester one of 2008.

The Kingsley Laffer Lecture

Finally, I should mention that on 11 April, I delivered the Kingsley Laffer Lecture for the Faculty of Economics and Business of this University. The Late Kingsley Laffer taught industrial relations at the University of Sydney for many years, and was a true pioneer of this discipline. In my Laffer lecture titled "Justice at Work, Industrial Citizenship and the Corporatisation of Australian Labour Law", I examined the current reach and scope of our federal labour laws. I suggested that the government should adopt a careful and cautious approach to changing our laws in this area which governs the working lives of most Australian women and men.

Professor Ron McCallum
Dean of Law



NEW LAW SCHOOL
BUILDING
Project
update

DETAILED DESIGN WORK HAS CONTINUED THROUGHOUT THE DESIGN DEVELOPMENT PHASE OF THE PROJECT CULMINATING IN THE COMMENCEMENT OF CONTRACT DOCUMENTATION IN JUNE IN PREPARATION FOR THE BUILDING WORKS TENDER EARLY NEXT YEAR.

Further specific design work has been undertaken in respect to the layout of the Law Library, including book stack requirements, hallmarked by a distinctive axial layout around the light tower, and the detailed mix of group study rooms, computer laboratory, research and post graduate facilities.

The teaching spaces have also received detailed consideration particularly audio visual requirements within the teaching spaces, cinematic capacity within the 300 seat theatre, and infrastructure requirements to support a modern electronic teaching environment.

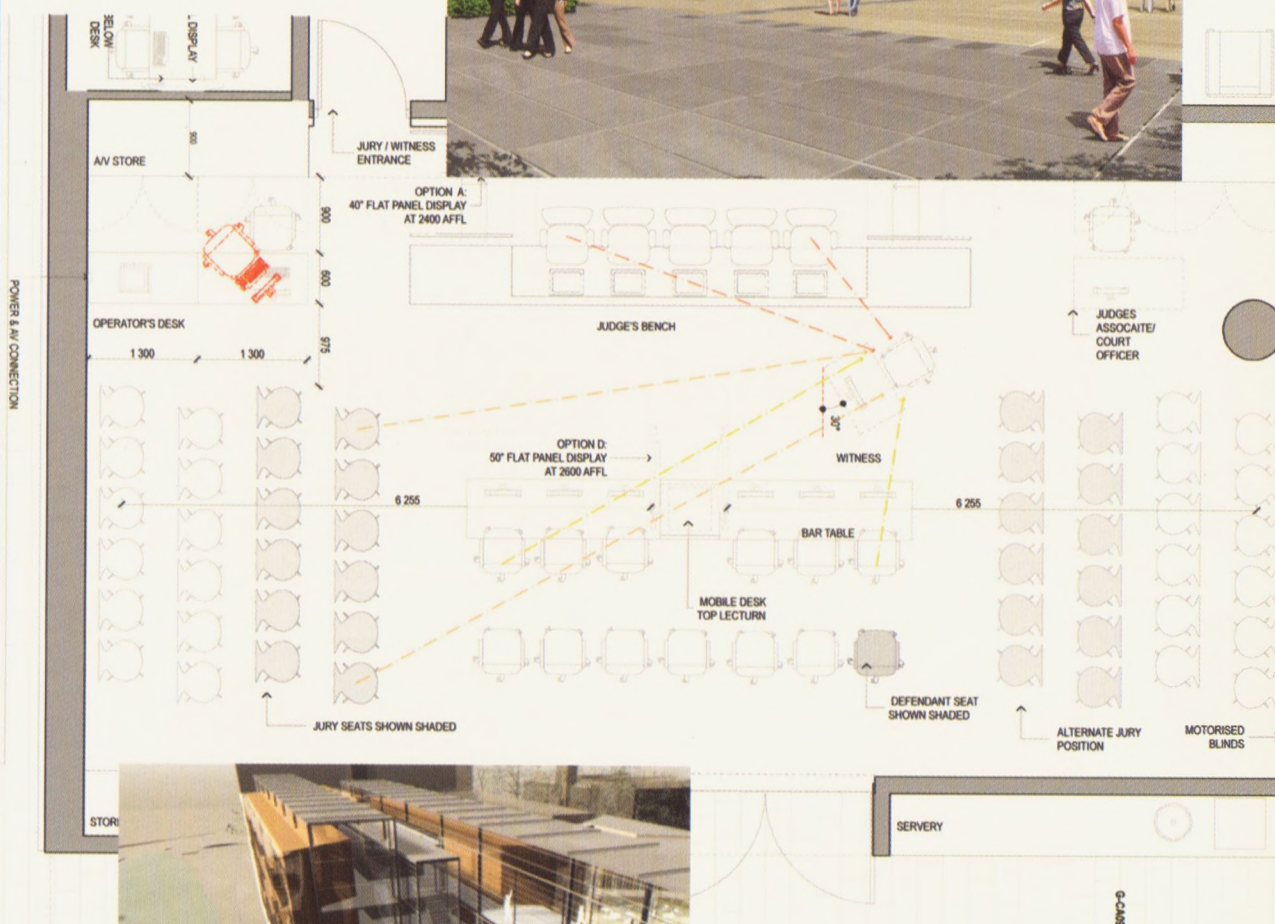
The Moot Court has undergone intense scrutiny to ensure that the facility reflects contemporary and future requirements, for the teaching of advocacy and mediation. In particular significant work has been undertaken to incorporate an electronic and audio visual infrastructure which will support technology augmented proceedings such as those recently utilised in the Waterfall Train Accident Inquiry, HIH and Building and Construction Industry Royal Commissions, allowing students to be fully conversant with the court environment of the 21st century.

Right: Elevated view of the new law school building with the Anderson Stuart and Quadrangle in background



Right: The New Law and Teaching Buildings as viewed across the forecourt from Eastern Avenue and the Quadrangle

Below: Developed design of the electronic Moot Court



Left: Elevated view of the glazed walkways between the two building elements

Consistent with the Faculty's long standing and close relationship with the profession it is anticipated that the facility will also have the capacity to be used for continuing legal education in electronic litigation management solutions to the legal profession including law firms, barristers, judicial officers, and corporate in-house counsel.

Tangible evidence of the construction programme has been evidenced by the commencement of site preparation works including the relocation of established tree species from the site. Demolition works are programmed to commence in December 2005, with excavation for the new building to begin in January 2006.

150 *years*

Sesquicentenary Anniversary Sydney Law School

1855



The Sydney Law School was inaugurated in 1855.

There were only two other faculties in the University at the time, Arts and Medicine. The Law School commenced its work in 1859, but this work in the main was examining rather than teaching for about 30 years.

In 1880 John Henry Challis, a merchant and landowner of Potts Point, NSW, died. Five years after the death of his wife in 1884, the substantial bequest of his real and personal estate began to pass to the University, 'to be applied for the benefit of that institution in such manner as the governing body thereof directs'. As a result of this bequest eight university chairs, including those of Law, International Law and Jurisprudence, were founded, together with a number of specific lectureships, several of them in the Faculty.



Mock Trial - Professor Charteris 'under arrest' 1920

Early lectures were held in the Supreme Court which also housed, as evidenced in this 1873 view of the Elizabeth St. facade, various government offices



Sir John Peden in 1947



Law School, corner of King and Phillip Sts

The Law Library in University
Chambers 1938



A short history

In 1890 Pitt Cobbett was appointed to the first Chair of Law and became the first Dean of the Faculty. This marked the commencement of the Sydney Law School as we know it today. After Pitt Cobbett's resignation in 1910, Mr. J B Peden (later Sir John Peden) was appointed to the Chair of Law and became Dean of the Faculty. A second chair was created after World War I, and AH Charteris, of the University of Glasgow, was appointed Challis Professor of International Law and Jurisprudence.

The earliest lectures in the Law School, before Pitt Cobbett's arrival from England, were given on the second or the top floor of an old building called Wentworth Court, which ran from Phillip to Elizabeth Streets on the site of the former Government Insurance Office. Soon after Professor Pitt Cobbett's arrival in 1890, the Law School, with its 14 students and teaching staff of five, four of whom were part-time lecturers, moved a few doors along Phillip Street to the premises that Sir John Peden, writing in 1940, described as 'attractive quarters' in what used to be the Australian Pioneers' Club at No.173.

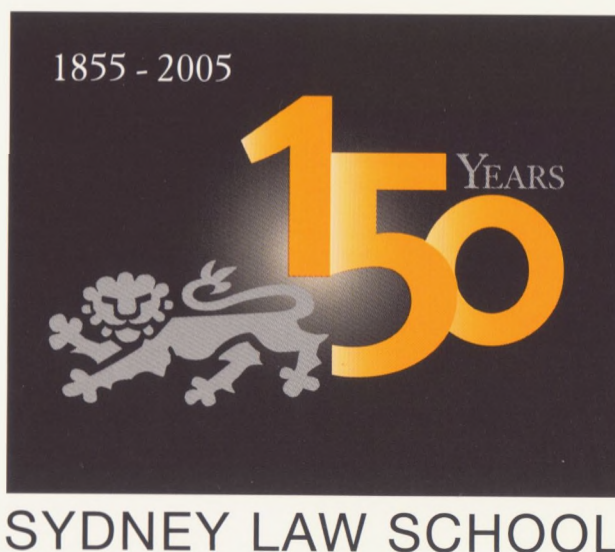
In 1896 the Law School moved across Phillip Street to No 174 Selbourne Chambers, a three-storeyed building on the site of the present Selbourne Chambers. It remained there until 1913, when it moved for a year to a 'cramped and noisy' upper floor in Martin Place, while Wigram Chambers (No 167 Phillip Street) and Barristers' Court (to the rear, facing Elizabeth Street), both of which the University had recently purchased, were being converted into University Chambers for the Law School and tenants. Some time later, Barristers Court was resumed and demolished for the widening of Elizabeth Street, and in 1936 the university purchased all that remained of the original site. On this block, a 13-storey building was erected and opened in 1938. It was joined to the old Phillip Street Building, although the floors were at different levels, and it contained a well-appointed law library occupying three floors. The rest of the space was let. In 1939 there were 288 students and a teaching staff of 17 - two professors and full-time tutor (F C Hutley, later Mr. Justice Hutley of the Supreme Court of NSW), and 14 part-time lecturers.

In the years immediately following World War II, there were some 1100 students in the Law School; the number fell to 650 by 1953. During the 1950s, three further chairs of law were created and another was added in 1969. In that year the Sydney Law School moved again, this time into a building of some 16 storeys bounded by Phillip, King and Elizabeth Streets, which it still occupies. This is now known as the 'St James Campus'. The building contains 9 lecture rooms, which have been placed on two of the floors below street level as this

2005

gives better air-conditioning control and reduces noise problems. Student amenities include a cafeteria, common rooms, games rooms and two squash courts. The library, which occupies four floors of the building, can accommodate 450 readers, half of them in individual carrels.

The Law School now has approximately 1700 undergraduate students, 1500 postgraduate coursework students and 150 postgraduate research students. There are now 17 chairs, including the Challis Chairs of Law, Jurisprudence and International Law.



ALUMNI NOTES

Ganesh Sahathevan (LLM 2002) writes "I was one of only two Australians invited to participate in the Madrid Summit on Democracy, Terrorism and Security organised by the Club of Madrid and the Spanish Government, held in March 2005 to commemorate the first anniversary of the Madrid bombing of March 11 2004.

I was a member of the terrorist finance working group that formulated recommendations for the control of terrorist financing.

Byron Koster (BA 1989, LLB 1990 MA 1994) became a partner in the Sydney office of Blake Dawson Waldron in 2001. He was appointed to the Takeovers Panel in 2004.

John McIntyre (LLB 1973) is the 2005 President of the Law Society of NSW.

Peter McClellan (LLB 1974) has been appointed as Chief Judge at Common Law of the Supreme Court of New South Wales, when James Wood (LLB 1964) stepped down in September. Justice McClellan had been the head of the Land and Environment Court.

Paul Douglas Peters (BEC 1983, LLB 1985) After graduating from Sydney University, Paul joined the taxation division of Arthur Andersen in Sydney for 3 1/2 years and then moved to Hong Kong where he was raised. Paul's passion for Asia led him to work in the investment banking arena, specializing in tax advantaged leveraged leasing utilizing the tax jurisdictions of Japan, Hong Kong, Australia, Sweden and the US. While in HK for 6 years, Paul was involved in the financing of some of the newest breed of aircraft for Cathay Pacific, Malaysia Airlines, Air China, Australian Airlines, China Eastern, Air China and a HK lease financing for AsiaSat 1. During that time, Paul took a few months off to receive his FAA pilots license in Dallas, Texas where he also married his wife from New York, Debra. During this he was also transferred to Tokyo and New York.

Paul left HK in 1994 to set up the Kuala Lumpur offices of a boutique investment bank specializing in tax motivated and corporate finance. During the 4 year assignment, he was involved in pioneering Islamic structured finance product and tax oriented securitization and related structures.

Paul moved to New York in 1998 to head up the investment banking division of a Fortune 400 private US company and is currently living in New Jersey with his wife and 3 daughters (2 born in Hong Kong and one in the NJ). Paul's sporting passion is polo and he rides for Tinicum Park Polo Club as a USPA member.

Queen's Birthday Honours List 2005

1947

(LLB) Mr Keith W Draper, OAM, for service to the community through Rotary International and the NSW Branch of the Royal Life Saving Society of Australia.

1957

(LLB) The Hon Justice John E Ellis, AM, for service to the administration of justice, to the development of family law in Australia, and to judicial education.

1962

(LLB, LLD) The Hon Justice Jane H Matthews, AO, for service to the judiciary, legal profession, to the University of NSW, and to music.

1962

(LLB) Mr Nelson J Meers, AO, for service to preservation of Australian cultural life and to the community through donations to a broad range of arts organisations.

1964

(BA, LLM, LLD) Dr John M Bennett, AM, for service to the law, recording Australian legal history and biographer of eminent members of the legal profession.

1964

(BA, LLB) Mr Kevin McCann, AM, for service to law in the areas of mining, corporate and commercial law, and to business and the community.

1973

(LLB) Mr Daniel T Gilbert, AM, for service to the law and to the community, particularly indigenous Australians, in relation to social justice and welfare issues.

1974

(BA, LLB) Mr Allan E Moss, AO, for service to investment and banking industry.

1978

(Dip.Crim.) The Hon Rodney N J Purvis, AM, QC, for service to the law and to the judiciary, particularly through the promotion of international law, and to the community.

1987

(BEC, LLM, PhD) Dr Iain J K Ross, AO, for service to industrial relations including contributions to superannuation and as a teacher and researcher in the field.

1989

(LLM) Mr Christopher D Jordan, AO, for service to government in relation to Australia's taxation system.

Tribute to Justice Graham Hill

Some years ago, a student asked Graham Hill if he had wanted to be a judge when he was in law school. "I thought the question was rather amusing, probably because at the time I was a student the possibility would have seemed unattainable," Justice Hill recalled. "But I am proud that this is where I have ended up. I have always enjoyed my life in the law."

Donald Graham Hill, who died on Wednesday 24 August 2005 aged 66, was the leading tax judge in Australia for more than a decade. His family was not rich, his parents died when he was young, and he attended the University of Sydney law school on a scholarship, graduating in the same year as High Court judges Murray Gleeson and Michael Kirby. But it was Justice Hill who friends said was a private person, reticent about himself, who won the university medal.

Justice Hill then studied at Harvard and London University on scholarships and, in a speech to a University of Sydney graduating class in May 2002 when he was awarded an honorary Doctor of Laws, recalled meeting Russian students as a postgraduate student. "They refused to believe that a student from Australia whose parents had not been rich and who had died long before I had graduated could have gone to university...I am really grateful that for the many opportunities I have had."

Admitted as a solicitor in 1962, he made partner at then Dawson Waldron in 1970, was admitted to the bar in 1976 and appointed a QC in 1984. As a barrister, he and Murray Gleeson worked on drafting the now famous general anti-avoidance provision in the tax law, introduced to parliament by then treasurer John Howard 24 years ago. Appointed to the Federal Court in 1989, he wrote many of the leading tax judgments including just this year alone as a member of the Full Federal Court, the appeals in McDermott Industries on the operation of Australia's tax treaties and the HP Mercantile case in July, the first major analysis of the structural principles of the goods and services tax.

But it was the speech he gave when receiving his honorary doctorate about justice, the rule of law and asylum seekers that made the front-page of the newspapers. "Someone once said that the price of liberty is eternal vigilance. That has never been truer in Australia than right now." He said the increasing trend for lawmakers to immunise administrative decisions from judicial scrutiny was



L to R: Robert Upfold (Macquarie Bank), Paul O'Donnell (Ernst & Young), The Hon. Justice Graham Hill in 2002 taken of Law School Dinner to celebrate Graham Hill's Honorary Doctorate

"...disturbing. As a judge I think there is nothing more significant in what I do than to stand between the government and the citizen to ensure that the law has been obeyed."

He was Sydney Law School's longest serving teacher, lecturing every term for the past 40 years, and had a research and publication record of which a fulltime academic could be proud. Just before he died he gave his usual Tuesday evening stamp duties lecture. Over the years he taught Stamp Duties, Death Duties, Sales Tax and more recently GST Principles. Every semester he continued a tradition of organising a dinner for his students, despite his very busy schedule.

He was heavily involved in professional associations, and a mentor to many academics and young professionals according to Richard Vann, Challis Professor of Law at the University of Sydney.

"Graham was a tax titan – leading judge, author, teacher, mentor and representative of the tax profession who could always find time for whatever was asked of him. His schedule was extremely demanding but he was always friendly and obliging. On the day he received his LLD from the university, he caught a plane to Perth and gave a paper at a conference in the afternoon."

"I knew Graham first as an LLM student where we shared a deep admiration for the late Ross Parsons, and more recently as a judicial colleague whose judicial contribution especially, but not only in the field of taxation, was of the highest order. We shared a strong desire to contribute to Sydney University and, in Graham's case, particularly its Law School in the areas that he had made his own."

Kim Santow, Chancellor of The University of Sydney and a Justice of the Court of Appeal Division of the Supreme Court of New South Wales.

Chief Justice Black of the Federal Court of Australia said Justice Hill was "dedicated, widely respected and regarded with great affection by colleagues. Justice Hill was an exceptionally fine judge who served the community with dedication and great distinction. In addition to his judicial work, he was a leader in the fields of judicial education here and overseas, and a leader in the field of information technology for courts."

Associate Professor Cynthia Coleman who invited him to be patron of the Australasian Tax Teachers Association said he was a dedicated scholar. "He always was absolutely fantastic, he came to every conference, he always gave a fabulous technical talk, he always said 'put me up in the cheapest accommodation so I can meet the most people' he made himself available to everybody."

Senior Tax Counsel of the Taxation Institute of Australia, Michael Dirkis said: "This is just a huge loss, a void that probably can't be filled. Not only was he an outstanding jurist but he made a huge contribution to tax education." Justice Hill was a past president of the Institute and was made a life member for his contribution over many years.

The Attorney-General Philip Ruddock in a Press Release, "extended his deepest sympathy on behalf of the Australian Government to the family, friends and colleagues of Justice Graham Hill of the Federal Court of Australia in Sydney. I was deeply saddened by the news of his passing. He will be greatly missed by his colleagues and the wider legal community. Justice Hill made a very fine contribution to the Federal Court and the development of the law in Australia. His death is a great loss."

A number of memorial events were held for Justice Hill. A special edition of Australian Tax Forum analysing his contribution to the law, especially tax law, will be released in early 2006.

Expanded from an Obituary by Fiona Buffini appearing in the Australian Financial Review, 26 August 2005

Tribute to Justice Bryan Beaumont

Bryan Beaumont AO, LL.B (Hons), LLD honoris
causa (Sydney), Judge, Federal Court of Australia
Born Brisbane, 29 December 1938;
Died Sydney 12 June 2005

This is a tribute to Justice Bryan Beaumont, model servant of the Australian public, and among many other things a most distinguished alumnus of the University of Sydney, from some of the graduates and teaching staff of Sydney Law School who were fortunate to have worked under him at the Federal Court of Australia.

Bryan Beaumont was the ideal judicial officer. And no recent graduate could have asked for a more capable, responsive, attentive, fair and sharing supervisor. To work under 'The Baron' was to be inspired and humbled, challenged and mentored: his sense of duty and capacity for work, his deep dedication to the Court and to its judges and staff, his vast experience in and knowledge of the law and the profession, and his exemplary, unassuming judicial style towards all who might appear before him in court.

His was an extraordinary life of service to the Australian community and to the Australian and Asia-Pacific legal profession. In a July 20 obituary in *The Australian*, his friend Professor Leslie Zines has outlined Bryan Beaumont's many achievements, from the time he dutifully accepted office in the relatively new Court at the young age of 44, to his retirement in February 2005 as the Court's longest-serving judge. He graduated from the University of Sydney in 1961 (Bachelor of Laws with Honours). In April this year the University conferred upon him an honorary doctorate. To work with the Judge was to get a daily practical sense of the significance of a dedicated, efficient and independent judiciary to a stable, just and open society. His commitment to judging, to judges themselves, and to legal and judicial education in Australia and beyond (including his work in relation to China, Fiji, Indonesia, Norfolk Island, the Philippines, Tonga, Vanuatu and the South Pacific generally) saw him honoured in 2005 as an Officer of the Order of Australia [AO].

Our memory of Bryan Beaumont the Judge is bound up with our respect and affection for him as a most gentle and genuine, humorous, supportive and loyal person. He was a loved husband, father and grandfather, and friend of many. He was a well-travelled man and deeply interested in people and their experiences. He would remember the small things about us, his staff, things that mattered to us in our own lives. Often, with warmth and glee, he would introduce us to others with some suitably exaggerated tale of our achievements or interests. He treated everyone as a champion in their own right, equally and with respect. We learned so much from him about many things. We will greatly miss you, Bryan Beaumont, Australian gentleman.

*Cissie Abraham, Jolyon Ford, Yvette Holt, Patrick Knowles,
Emma Maple-Brown (McWilliam); and Philippa Moore.*

The image of over-zealous plaintiff lawyers imposing a crippling burden on medical indemnity insurance markets is a common perception among parts of the medical profession. However, the reality is more complex, according to David Studdert, an Associate Professor in Law and Public Health at the Harvard School of Public Health.

Professor Studdert, an Australian, was the keynote speaker at a seminar entitled: "Medical errors and medical negligence litigation: the United States experience and implications for Australia", hosted by the Faculty's Postgraduate Health Law Programme, on 20 April.

Professor Studdert drew comparisons between Australia and the United States, pointing out that a majority of the U.S. states are in crisis, judging by rising medical indemnity insurance premiums. In the United States – as here – rising insurance costs have prompted a political response. During the recent election campaign, President Bush declared "We are in a medical liability crisis because excessive and abusive litigation is driving up costs, decreasing access to quality care, threatening patient safety and leading to a badly broken system".

In his address, Professor Studdert assessed the performance of the American tort law compensation system against its stated objectives of compensation, deterrence and corrective justice. Empirical studies in New York, Utah, and Colorado show that negligently-caused medical injuries constitute a vast pool of unlitigated claims. In fact, four to seven times as many patients are injured through negligence as eventually filed claims. On the other hand, of those who do sue, only one in six have suffered an injury actually caused by negligence.

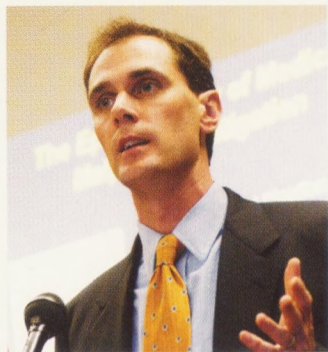
According to Professor Studdert, the problem of "poor fit" between negligently-caused injuries, and compensation payouts, demonstrates that in so far as the tort law system is designed to compensate and to deter negligent conduct, it has a poor performance record. Furthermore, with overheads and legal fees eating up 60% of each dollar of insurance premium, Professor Studdert does not believe that patients are well served by the tort system.

In Australia, as in the United States, tort law reform has focused on limiting access to the system, modifying the liability rules, and capping damages. In doing so, it shows little understanding of the empirical reality of medical injuries and their relationship with medical negligence claims. There has been little reform aimed at encouraging alternative dispute resolution mechanisms, including no fault compensation systems that respond to the needs of all patients injured through adverse events, regardless of the fault of their health provider.



Front row L to R: A/Professor Belinda Bennett (Sydney Health Law Programme), Professor Marcia Neave AO (Chair, Victorian Law Reform Commission)

Back row L to R: A/Professor Roger Magnusson (Sydney Health Law Programme; seminar convenor); Professor John Dwyer AO (Clinical Dean and Chair of the Division of Medicine, Prince of Wales Hospital); Professor Ron McCallum (Dean, Faculty of Law); A/Professor David Studdert (Harvard School of Public Health)



Associate Professor David Studdert addresses the seminar

Two commentators provided a thoughtful response to Professor Studdert's paper. Professor Marcia Neave AO, the Chairperson of the Victorian Law Reform Commission, pointed out that a compensation system for the most catastrophically injured, and the pooling of risk categories, were important ways of smoothing out payouts and reducing premiums. Professor Neave recently chaired the Australian Health Ministers' Advisory Council (AHMAC) Legal Process Reform Group which produced a detailed reform package on patient safety, quality improvement and law reform.

Professor Clifford Hughes AO, recently appointed CEO of the Clinical Excellence Commission, spoke of the need for systemic responses to adverse events, since medical errors are less frequently a function of individual error as lapses in processes and systems.

The seminar was chaired by Professor John Dwyer AO, Clinical Dean and Chairman of the Division of Medicine at Prince of Wales Hospital, and a well-known commentator on areas including HIV/AIDS, clinical governance, and structural reform of the health care system.

For further details about the Faculty's postgraduate programmes in health law and public health law, please contact Associate Professors Isabel Karpin (9351 0250), Belinda Bennett (9351 0213), or Roger Magnusson (9351 0211).

THE JULIUS STONE INSTITUTE OF JURISPRUDENCE

August has been a busy month for the Julius Stone Institute of Jurisprudence, with the annual Julius Stone Address, an interdisciplinary conference on 'Sex, Gender & Rights', and the launch of an exciting new prize in legal theory.

The **2005 Julius Stone Address** was delivered by Professor Ratna Kapur, Director of the Centre for Feminist Legal Research, New Delhi, who spoke about 'The Dark Side of Human Rights'. In her address, Professor Kapur examined some of the assumptions which underlie the international human rights project and offered tentative suggestions about how it might be pursued once its dark side has been exposed.

The address was delivered in the Banco Court of the Supreme Court of New South Wales and was attended by a large audience drawn from the academy, the judiciary, the legal profession and the general community. A dinner held after the address was attended by the Chancellor, Pro-Vice-Chancellor and Dean, as well as by judges of federal and state courts and members of the faculty.

The next day, the Institute hosted a conference on the theme '**Sex, Gender & Rights**'. The conference, which commemorated the twentieth anniversary of the death of Professor Julius Stone, was held in the Minter Ellison Conference Room in the Faculty. As part of a very full programme, Professor Kapur answered questions about her address and other speakers included Professors Hilary Charlesworth (ANU), Margaret Davies (Flinders) and Reg Graycar (Sydney) and Dr Adrienne Stone (ANU) as well as several members of the Faculty and postgraduate students.

The **Dennis Leslie Mahoney Prize** in Legal Theory was also launched this month, with publicity in national and international media. The prize, which includes a cash prize of AU\$50,000, is intended to advance sociological jurisprudence as pioneered by Julius Stone. It has been made possible by a very generous donation from the Hon. Dennis Mahoney QC AO, former President of the New South Wales Court of Appeal. Further information about the prize, including the nomination process, is available via the Institute's website: www.law.usyd.edu.au/~jurisprudence. Applications close on 1 January 2006 and the Institute will announce the winner in May 2006.

ANJeL



Dr. Luke Nottage

The Australian Network for Japanese Law (ANJeL, www.law.usyd.edu.au/anjel) is gearing up for the Australia-Japan Year of Exchange in 2006. Its research-oriented conference in Sydney on 28 February, "War of the Worlds in Japanese Law?" will bring together participants from Japan, Hong Kong, Germany and Australia, including the Chief Justice of New South Wales and ANJeL Judge-in-Residence Kayoko Ishida. It will also celebrate the 10th Anniversary of the *Journal of Japanese Law*, which ANJeL now helps in editing.

A course "Japanese Law in the Global Era", will be co-taught by ANJeL co-directors and local professors at Ritsumeikan University in Kyoto over 10-16 September, including field trips and a conference on "Japanese Law and International Trade" co-hosted by ANJeL. A recent Sydney law graduate now studying at Kyoto University, Melanie Trezise, will join an ANU/ANJeL team participating in the Intercollegiate Negotiation Competition at Sophia University in Tokyo in December. ANJeL plans to contribute to both events again in 2006.

As part of its broader outreach, ANJeL has just unveiled www.jlawonline.info, introducing online resources in English on Japanese law (particularly translations of Japanese legislation). The website was established in collaboration especially with Australian lawyers at one of Japan's leading law firms, Nagashima Ohno and Tsunematsu. ANJeL welcomes feedback on any of these initiatives, or other ways it can develop its activities especially during the Year of Exchange.

THE ROSS PARSONS CENTRE: INTERNATIONAL ACTIVITIES AND DEVELOPMENTS



L to R: Professor Jennifer Hill, Professor Patricia Apps, Associate Professor Barbara McDonald, Dr. Joellen Riley, Mr. Andrew Tuch

Since its launch in September 2004, the Ross Parsons Centre of Commercial, Corporate and Taxation Law has been actively involved in a range of international activities.

A number of eminent scholars have visited the Ross Parsons Centre to teach postgraduate courses in the International Visiting Faculty Programme and present seminars. In the commercial/corporate area, these include **Professor James Cox**, the Brainerd Currie Professor of Corporate Law at Duke University and **Professor Eric Orts**, Guardsmark Professor, Wharton School of the University of Pennsylvania, who recently taught courses in "Enforcement of US Securities Laws" and "Comparative Corporate Governance" respectively. Professor Orts also presented a seminar, "A Social Theory of the Business Enterprise", relating to the topical issue of Corporate Social Responsibility. **Professor Michael Furmston** from Bristol University, UK, who is Sydney Law School's 2005 McWilliam Visiting Professor in Commercial Law, will teach two courses in "Recent Developments in Contract Remedies" and "Construction Law" in September 2005.

In the tax area, visiting academics include **Professor Kees van Raad**, Professor of International Tax Law, University of Leiden, the Netherlands, who taught a course in "Netherlands International Tax", **Dr Peter Harris**, Cambridge University, UK, who taught "Comparative Corporate Tax" and **Professor David Rosenbloom**, Director, International Tax Programme, Law School, New York University who recently taught a course in "US International Tax".

Several members in the Ross Parsons Centre have presented conference papers or taught internationally in 2005. In the commercial/corporate area, **Emma Armson** has been conducting research on takeover dispute resolution and the operation of Australia's Takeovers Panel. She presented two conference papers in January at an International Takeovers Regulators' Conference in Johannesburg, South Africa, and will be a visitor at the Centre for Commercial Studies at Queen Mary, University of London later in the year.

Saul Fridman recently taught a course on "Comparative Contract Law" in Berlin as part of the Law School's expanding "LLM in Europe" Programme and gave a seminar on "Corporate Governance and Not-for Profit Associations" to an industry forum at Baker & McKenzie in Toronto, Canada. **Professor Jennifer Hill** presented a paper on international post-Enron reforms at a *Symposium on*

Economic Globalization and Corporate Governance at University of Wisconsin, and gave a workshop paper at Duke University. She participated in invited workshops on corporate governance at UCLA and Vanderbilt Law School. She also participated in a seminar hosted by the Asian Institute of International Finance Law at Hong Kong University (HKU), where she and Professor Mark Ramseyer from Harvard Law School presented papers on the theme, *Financial Structure and Corporate Governance: Comparative Approaches*, in celebration of the 35th Anniversary of HKU's Faculty of Law.

Associate Professor Barbara McDonald recently presented a paper entitled "Princesses, Paparazzi and Privacy" at a *Defamation and Privacy Discussion Forum* at New York Law School, and a paper concerning duties of confidence and care of medical practices at the Greek/Australian International Legal and Medical Conference in Athens. **Dr Luke Nottage** has recently given papers at conferences in Wellington, NZ (international sales) and the University of California at Berkeley (product liability). He will present conference papers later in the year in Toronto and Seattle (corporate governance), Kyoto (international trade law) and Hong Kong (product safety regulation) and has been appointed to the Advisory Board of Osgoode Hall's Centre for Comparative Research in Law and Political Economy. He is co-teaching a course in "Japanese Law in the Global Economy" in Kyoto and, in September, will teach a course in "International Commercial Contracts" in Auckland. **Dr Joellen Riley**, whose PhD in the area of "Workplace Contracts" is soon to be published in book form by Federation Press, will be a Visiting Scholar at University College, London later this year. **Andrew Tuch** presented a paper on "Effectiveness of Chinese Walls in Australia and England" at the ALTA Conference held at the University of Waikato, New Zealand in July.

The tax lawyers have been equally busy in the international arena this year. **Professor Patricia Apps** was one of two specialist lecturers invited to teach at the IZA European Labor Economics Summer School, held in Bavaria, Germany in April. She was also Programme Chair for the 19th Annual Conference of the European Society of Population Economics (ESPE) in June held at the Cité Universitaire in Paris. She has been elected President of the ESPE for 2006 and will present the Presidential Address at the 20th Annual Conference to be held in Verona. **Associate Professor Lee Burns** presented a paper on "Legal Issues in the Implementation of Self-

Assessment" at the second annual meeting of Pacific Islands Tax Administrators Association ("PITAA") in Samoa, which he attended as an IMF observer. The heads of the tax administrations of 14 Pacific Islands countries and territories attended the meeting. Lee, who has already been closely involved in the redesign of Tonga's tax system, will soon travel to Kiribati to continue this programme of tax reform.

Professor Graeme Cooper taught a course on "Taxation and Economic Development" at University of Virginia Law School and will teach at Tilburg University, The Netherlands later in the year. He was also recently involved in devising a programme for the Centre for Tax Policy and Administration at the OECD on issues relating to taxation of non-residents. **Rebecca Millar**, continuing the Tax Faculty's close association with public international organisations, is currently working with the Legal Department of the IMF in Washington DC, providing technical assistance in the design and drafting of VAT laws in developing countries. **Professor Richard Vann** will spend 2006 as Visiting Professor at Harvard Law School, where he will teach courses in "Tax Treaties" and "US Tax".

The Master of International Tax Programme continues to attract students from around the globe. The 2005 Programme includes students from Botswana, China, Germany, Indonesia, Japan, Korea, Pakistan, PNG, Singapore, Swaziland, Taiwan, Thailand, Vanuatu, Vietnam, and USA. There are also five students from the Rwandan Revenue Authority currently studying in the programme, indicating the programme's important role in building tax expertise in developing countries. The Parsons Centre has also established an annual seminar on "Current Issues in International Tax". Speakers at the 2005 Seminar in June were **Professor Richard Vann**, **Associate Professor Lee Burns** and **Ms Celeste Black** from the Parsons Centre and **Michael Dirkis**, Senior Tax Counsel, Taxation Institute of Australia.



Professor Kees Van Raad

1970 Class Reunion



Mr. Geoffrey Robertson Q.C., Prof. Ron McCallum, Assoc. Prof. Mary Crock (Law School) and Professor Michael Coper

The Dean and wife attended the reunion of the class of 1970 held on the 12th of August at the Union Club. The organising committee included Paul Freed, Peter Simpson and Tony Simpson.

Geoffrey Robertson, QC attended and gave an explanation of his absence for the last 35 years. Other attendees included Justice Keith Mason, Justice George Palmer, Justice Peter Hall and Justice Terry Sheahan, and Professor Michael Coper from the ACT. Between 70 and 80 people attended.

Faculty Events

Continued from page 1

"If the current federal Government believes that through utilising the mantra of the corporations power it is able to enact a set of national labour laws and ride roughshod over the States, it may end up learning a few unpalatable lessons. Not only may such laws be seen as inappropriate by Australia's industrial citizens, but in order to ensure a balance in our federal compact the High Court may be obliged to draw a line in the sand and limit the relentless advance of the corporations power," Professor McCallum says.

The annual Laffer lecture commemorates Kingsley Laffer, a pioneer of Australian industrial relations teaching and scholarship, who joined the University of Sydney in 1944 and for the next three decades championed the discipline of Australian industrial relations. He was founding editor of the *Journal of Industrial Relations*, Australia's premier industrial relations review that is read throughout the world.



Law alumni, including the King of Tonga (seated centre) and Professor McCallum (standing centre), at a reunion function held at the home of the Australian High Commissioner in Tonga, His Excellency Colin Hill

Alumni Reunions

- Royal Invitation to the Pacific

Thirteen law school alumni have attended a birthday reunion organised by one of their fellow students – His Majesty King Taufa’ahau Tupou IV of Tonga.

The king – known in his student days as George – studied for his Bachelor of Arts and LLB degrees in the late 1930s and early 1940s alongside several retired supreme court judges and prominent lawyers such as Jack Lee, Lloyd Sommerland, Robert Minter and Chester Porter, as well as Tonga’s Honorary Consul in Australia, Bill Waterhouse. The group was invited to Tonga at the suggestion of HRH Crown Prince Tupouto’a in celebration of the King’s 87th birthday on 4 July.

“His Majesty King Taufa’ahau Tupou IV was the first Tongan king to receive a

university education,” explained Professor Ron McCallum, Dean of Law, who attended the feasts and celebrations with his wife, Associate Professor Mary Crock.

The Sydney University alumni, along with their partners, visited a selective high school, attended a parade, lunched at the palace, dined at the Australian High Commission, and visited the island of Vava’u before returning to Australia.

The reunion was an occasion to exchange gifts. The King offered large, colourful shields to guests, to which his former student colleagues reciprocated. “We gave His Majesty mementos from his time at Sydney,” said Professor McCallum. “He was part of the Sydney law debating team, and we presented him

with a photograph of himself from the law school magazine, *Blackacre*.”

Professor McCallum, who is profoundly blind, took the opportunity to visit a residence for the blind and handicapped. “Tonga is a poor country and it is less advanced in the way it treats people with disabilities,” he said. “The King did not believe that I could not see. It was important for me to show him that people with disabilities are still functional.”

Reproduced courtesy of Unineews



His Majesty greeting Mrs Nancy Lee with Justice Jack Lee AO behind



The Hon. Justice Elizabeth Evatt (AC, AO) who graduated with the University medal in Law in 1955. She was the first Chief Judge of the Family Court of Australia

Twenty of the fifty who graduated in Law on Thursday, 28th April, 1955, on Thursday 28th April, 2005 celebrated their fiftieth anniversary at lunch at the Australian Club.

The Hon Elizabeth Evatt AO and Jean Austin (a former Commonwealth Crown Solicitor) were there. Judith King (Barrell) the only other woman graduating those fifty years ago was unfortunately unable to attend owing to a prior engagement.

50th Anniversary Class 1955

Derek Cassidy QC, who had recently completed fifty years at the Bar joined the company. (It is not quite known how Derek was admitted to the Bar before graduation!) David Rofe QC could not attend as he was overseas.

The Hon. Robert Hunter and the Hon. Peter McInerney (both retired from the Supreme Court, but as is well known both very active in the law) came.

Also retired judges of the District Court, Peter Dent QC, Paul Flannery QC, Brian Herron QC and John O’Reilly QC (Some of these are still sitting from time to time) and a retired member of the Magisterial Bench John Goldrick joined the party.

Harry Coombs, Alistair Hazard, Denis Solari, George Weaver, retired solicitors (but all four very fit) and solicitors still very much in practice, Ian Barnett, Adrian Cotter, Ted Davis, Ian (Jock)

Harper and Hamilton Harvey Sutton attended. Some of the latter had to leave early to return to the office!

Dr. Albert Lacey, who incidentally shared the University medal with Elizabeth Evatt, was most unhappy that he could not be with us owing to the fact that he was cruising in the Mediterranean!

On a more serious note Leslie Caplan who practised as a solicitor for many years and is well known to us all could not come owing to ill health and likewise Keith Winsor was unable to join us owing to the ill health of a member of his family and he very much regretted being unable to come.

We should like to record our thanks to the Australian Club and especially to its membership co-ordinator, Miss Elizabeth Macdonald and the Executive Chef, Mr. David Knott, for enabling us to lunch so well and in such elegant surroundings.

STAFF NOTES



Professor Terry Carney

David Kinley: A secular theologian

Human rights demonstrations rely on banner-waving and barricade protests, but they are not for David Kinley, the recently appointed Chair in Human Rights Law in Sydney University's Faculty of Law. "Explicit activism is critical for public awareness of human rights issues, but it's not me," he says.

Rather than take to the streets, Professor Kinley works to draw giant economic, political and corporate "engines" into debates about their potential responsibility in alleviating poverty and injustice.

"The challenge is to bring this to the attention of the powerful organs of globalisation. Often they do not see it as their role to address these issues," he says. "As a researcher, I must appreciate the complexities. This is the scholar's job. We can't necessarily expect organisations to become philanthropic bodies. To have any hope of instituting change, you need activism and deep, engaged research."

The Human Rights Law Chair at the University is the first of its kind in Australia. That the University has created such a position is significant, says Professor Kinley. "Firstly, it indicates that Sydney University has put a good deal of store in the fact that human rights is an important issue. Secondly, it shows how human rights has become more conspicuous as a subject matter; it's like a secular theology."

Professor Kinley's Irish upbringing and his teenage years in the 1980s kindled an



Professor Patricia Apps

interest in civil liberties. "I was raised in Belfast and attended university during the Thatcher years. Social justice issues were at the forefront of people's consciousness," he says.

For the past five years, Professor Kinley has been working as founding director of the Castan Centre for Human Rights Law at Monash University in Melbourne. His areas of expertise encompass human rights within international and domestic contexts, within global economic entities such as the World Bank and transnational corporations, and in relation to economic, social and cultural rights.

The initial months of the appointment will involve information-gathering and listening, says Professor Kinley. "Beyond the usual teaching commitments, I will talk with as many people in the Faculty as possible about the role of human rights issues in teaching and research. I'm also interested in building relationships with people outside the faculty."

Professor Kinley has already collaborated on a project with scholars from political science, and he has an interest in the University's MBA programme because of his research into multi-international corporations.

He first became interested in human rights while studying for his Masters in Socio-Legal Studies, at Sheffield University. He went on to do his PhD at Cambridge on human rights and constitutional law in the UK and Europe.

Professor Terry Carney has been appointed President of the International Academy of Law and Mental Health. Prof. Carney took office at the 29th Congress of the Academy, held at the Rene Descartes University Paris IV, between 2-8 July. The Congress attracted over 1,200 delegates and some 900 scientific papers were presented in 11 parallel sessions over the 5 days of the main congress and the 2 day pre-conference (this year's pre-conference was on the 'science of addictions').

The IALMH was founded nearly 4 decades ago, as an interdisciplinary body of lawyers, psychiatrists, philosophers/ ethicists, historians, and many other disciplines and practitioners focusing on research and scholarship in law and mental health. The Academy hosts the prestigious International Journal of Law and Psychiatry (Elsevier) and the monograph series Ethics, Law and the New Medicine (Kluwer/Springer).

The President of the Academy holds office until the next Congress of the Academy, to be held in two years time in Padua, Italy, in July 2007.

Professor Patricia Apps has been appointed Programme Chair, ESPE 2005, Paris, and President (Elect) 2006. She was Programme Chair for the Nineteenth Annual Conference of the European Society of Population Economics (ESPE) held June 16-18 at the Cité Universitaire in Paris. Prof. Apps will be presenting the Presidential Address at the Twentieth Annual Conference to be held in Verona.

Dr Judy Cashmore and one of our students Ms Thao Nguyen were part of the delegation which presented the Shadow Report on Australia's compliance in implementing the Convention Rights of the Child to the UN Committee on the Rights of the Child in Geneva in June at the pre-sessional working meeting.

PUBLICATIONS

- ✱ **Adrian J. Bradbrook, Rosemary Lyster, Richard L. Ottinger & Wang Xi (eds), *The Law of Energy for Sustainable Development*, CUP: New York (2005).**

In November 2003, the Commission on Environmental Law (CEL) of IUCN (International Union for the Conservation of Nature and Natural Resources) launched a new scholarly network of environmental law faculties and professors: the IUCN Academy of Environmental Law. The IUCN Academy, a consortium of specialized research centers in university law faculties worldwide, constitutes a learned society examining how law advances a just society that values and conserves nature. As part of the Academy's mandate, a significant topic of interregional research will be identified each year and the results presented at an annual meeting and published for wide dissemination. The timely and challenging research focus for 2003 was "The Law of Energy for Sustainable Development." This volume comprises the contributions of the 2003 conference in Shanghai, China.

- ✱ **Graeme Cooper, Rick Krever & Richard Vann, *Income Taxation: Commentary and Materials*, Lawbook Co: Sydney (5th ed, 2005).**

Since first publishing in 1989, *Income Taxation: Commentary and Materials* has established a reputation for original and incisive taxation analysis in an accessible form. Professors Cooper, Krever and Vann clearly articulate the intricacies of tax, by focusing on the perennial and ubiquitous taxation reforms, while maintaining firm connection with core principles. The Fifth Edition presents full coverage of the Australian taxation landscape, including new chapters covering:

- Consolidations and taxation of corporate groups.
- Issues in international taxation, such as taxation of non-residents and taxation of foreign income.

Academics and students alike will benefit from the combination of critical analysis, expert commentary and clarity of expression which characterise this established Australian work.

- ✱ **Mark Findlay & Ralph Henham, *Transforming International Criminal Justice: Retributive and restorative justice in the trial process*, Willan Publishing: UK (2005).**

This book sets out an agenda to transform international criminal trials and the delivery of international criminal justice to victim communities through collaboration of currently competing paradigms. It reflects a transformation of thinking about the comparative analysis of the trial process, and seeks to advance the boundaries of international criminal justice through wider access and inclusivity in an environment of rights protection. Collaborative justice is advanced as providing the future context of international criminal trials. The book's radical dimension is its argument for the harmonisation of restorative and retributive justice within the international criminal trial.

- ✱ **Mark Findlay, Stephen Odgers & Stanley Yeo, *Australian Criminal Justice*, OUP: Melbourne (3rd ed, 2005).**

Australian Criminal Justice (3rd ed) provides a clear overview and critical examination of the Australian criminal justice process and the criminal law system. Fully updated and revised, this text analyses the influences that mould criminal justice and examines the institutional and administrative features of its operation in Australian jurisdictions. Topics include: the substantive criminal law, trial procedures, the exercise of discretion, and the power bases that underlie them. The book contains detailed discussion of both procedural justice, in the form of written rules and universally recognised rights and protections, and substantive justice, in which common-sense notions of fairness and equity are dominant.

- ✱ **Carmel McDonald, Les McCrimmon, Anne Wallace & Michael Weir, *Real Property Law in Queensland*, Lawbook Co: Sydney (2nd ed, 2005).**

Real Property Law in Queensland gives a clear and concise account of the fundamental principles of real property law as applied in Queensland today. This Second Edition is updated according to new legislation introduced since the First Edition and expands the chapter on the Torrens System to include chapters on its operation, the concept of indefeasibility, unregistered interests, priorities and remedies. This book is ideal for students and practitioners seeking an up-to-date statement of the general principles of real property law.

- ✱ **Patrick Parkinson, *Tradition and Change in Australian Laws*, LBC Information Services: Sydney (3rd ed, 2005).**

The Third Edition of *Tradition and Change in Australian Law* is about the dialogue between past and present, and the tension between adherence to tradition on the one hand and the demands for change and renewal for the Australian legal system on the other.

This new edition of *Tradition and Change in Australian Law* also includes a study guide to assist students to engage in deep learning about Australia's legal tradition as they study *Tradition and Change*. The study guide contains different levels of questions which will assist readers in considering some of the broader issues and implications which arise from the material. These questions often link up to recurring themes in the book.

Faculty Visitors



Miranda Stewart, a senior lecturer in the Faculty of Law, University of Melbourne is with Sydney for Semester 2, 2005. She teaches Comparative Income Taxation, Taxation of Partnerships and Trusts, Tax incentives for Industry & Investment and Taxation of Business and Investment Income. She also has interests in Comparative Law, Feminist Legal Theory, Queer and Post-modern Legal Theory.

Professor Lance Liebman visited the Faculty in March to give a seminar entitled *"Worldwide Law Reform"*.

Professor Liebman is the William S. Beinecke Professor of Law at Columbia Law School and former Dean. His research and teaching interests are in employment law, telecommunications law, comparative U.S. - Japanese social welfare law, and property law.

Professor Carol Liebman visited the Faculty in March to give a seminar entitled *"Mediation in the Hospital Setting"*.

Professor Liebman is a Clinical Professor of Law at Columbia Law School in New York. She has taught negotiation and mediation, in the US, Vietnam, Brazil, Israel and China and designed and presented mediation training for a variety of groups in medical, educational and legal fields. Carol is currently the principal investigator of the Demonstration Mediation and ADR Project, a part of the Project on Medical Liability in Pennsylvania and is co-author of *Mediating Bioethics Disputes: A guide to Shaping Shared Solutions*.

Professor Melvin Urofsky visited the Faculty in April to give a seminar. Professor Urofsky is a Professor of Public Policy and Law at Virginia Commonwealth University in Richmond, Virginia. He has written on a staggeringly broad range of subjects, including bioethics and the US Supreme Court.

Dr Tony Buti visited the Faculty in April to give two seminars entitled *"Reparations and the 'Stolen Generations': The Difficult Issues"* and *"Sir Ronald Wilson: A Biography"*.

Tony Buti is Senior Lecturer in Law at Murdoch University. His main teaching areas are Equity and Trusts and Aboriginal Legal issues. His major research interests are in the field of Aboriginal childhood separations, reparations and sports law. Dr Buti has published in all these areas and his most recent publication, based on his DPhil thesis from Oxford University, is *"Separated: Aboriginal Childhood Separations and Guardianship Law"* (Sydney Institute of Criminology Series No 20, 2004).

Professor Robert Flannigan visited the Faculty in May to give a seminar entitled *"The Boundaries of Fiduciary Accountability"*.

Professor Flannigan graduated from the University of Alberta with a BSc and an LLB and then from the University of Toronto with an LLM and an SJD. He joined the College of Law at the University of Saskatchewan in 1985 as an assistant professor and was promoted to full professor in 1990. During his sabbatical Professor Flannigan has recently practiced law with McCarthy Tétrault in Calgary.

Clare Connelly visited the Faculty in May to give a seminar entitled *"Civil Protection Orders and Domestic Violence"*.


Clare Connelly is a Senior Lecturer in Law at University of Glasgow, Scotland. She has researched in the area of domestic violence for 10 years and has undertaken empirical studies on women who kill violent men, civil protection orders, mentally disordered offenders and drug use and offending.

In her paper, Clare Connelly examined the findings from an evaluation of civil protection orders in Scotland to consider the role and value of these orders in protecting women from domestic violence. Issues discussed included access to justice, the role of police and prosecutors in enforcing orders and whether recourse to legal remedy is of value to women who experience domestic violence.


Professor Julian Dierkes, a Canadian specialist in comparative law and sociology, visited the Faculty in May to give a seminar entitled *"Integrating Alternative Dispute Resolution into Japanese Legal Education"*.

Dr Dierkes is Assistant Professor, Keidanren Chair, Faculty of Graduate Studies, University of British Columbia. He is interested in comparative political sociology and the sociology of education (especially Japanese and German history education and Japanese 'cram' schools). His research interests also include the organisational structure of large US and East Asian Corporations.

Professor Keith Ewing who is Professor of Labour law and Constitutional Law, King's College University of London visited the Faculty in April to teach a postgraduate labour law subject, and to review the Master of Administrative Law and Policy degree programme.



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stay in touch

This is a newsletter for you. To stay in touch and be a part of the community of Sydney Law School please provide us with input. Your feedback is valuable and all contributions are welcome whether an update on yourself, photos from your Law School days, opinions, reunions or a request to get in touch with a former student. Contact:

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To ensure we have your most recent contact details, you can register or update your details at our Registration page on our website at <http://www.law.usyd.edu.au/alumni/index.htm>

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Faculty of Law



The University of Sydney



Sydney Law School cricket team from early years

Archival Material and Past Blackacres

We are currently updating our Law School archives and are seeking any relevant, historic material, whether pictorial or written. We are particularly keen to replenish our Blackacres collection. If you have a Blackacre from your year that you would be kind enough to donate to our collection this will be put to good use in our central reference library for all graduates.

MERCHANDISE

We have a range of merchandise on offer including polo shirts, rugby shirts, ties, scarves and more for purchase. Look on our website for more information and to order, or buy in person from level 12 of the Law School.

The Faculty Annual *Prizegiving*

On the 19th of May 2005 Sydney Law School recognised the excellence of its students at its annual prize giving ceremony. The ceremony saw 200 guests comprised of prize donors, prizewinners and their guests and family attend. Law has the largest number of prizes of any faculty and this wonderful support reflects the close link that the Faculty has with both the community and profession. Caroline Spruce, winner of the University medal, gave the student address at the ceremony.

See Current News and Events at www.law.usyd.edu.au for Caroline's speech and a full list of prizewinners.



Caroline Spruce delivers the medallist's speech at the Faculty prizegiving

Faculty website address: <http://www.law.usyd.edu.au>