

April 2005

newsletter

our
Alumni
COMMUNITY



The Sydney Law school reports



Professor Ron McCallum

Report from the Dean

In 1855, the Senate of the University of Sydney passed and the Governor of New South Wales signed the necessary resolution for the teaching of law at this University. Formal law classes did not commence immediately, and it is fair to write that it was not until 1890 that the Law School found a permanent home in the legal precinct of Sydney. Yet, this anniversary does mean that we have reached our 150th birthday which makes us one of the oldest law schools in Australia. On 14 October this year, we will be holding a dinner at the Wentworth Hotel to celebrate our birthday in the context of our fundraising campaign. Further details of this dinner are found later in these Law Reports.

Admissions 2005

Although demand for University places lessened in 2005 throughout the nation, demand for our Combined Law HECS places remained very strong. As was the case in 2003 and 2004, the UAI requirement for admission to a HECS place was 99.6. This is a very high threshold but it is driven by the market demand for places in our Law School. Interestingly, there was increased demand this year for places in our Graduate Law program. This is a program which is open to students who already hold a tertiary degree and they undertake their Bachelor of Laws studies over three years in our Phillip Street building. It does appear that many students are now coming to Law after qualifying for a general tertiary degree in Arts, Economics, Commerce and Science.

The Passing of Professor Emeritus David Harland

As Dean of this Faculty, I write with sadness about the passing of our friend and colleague Professor Emeritus David Harland in November 2004. Further details of David's life and scholarship are to be found later in this edition of the Law Reports. Suffice to write here that the entire staff has been saddened by his untimely death and we send our sympathies to his widow Barbara and to his family.

Continued over...

FACULTY EVENTS

SYDNEY LAW SCHOOL HOSTS NATIONAL LABOUR LAW CONFERENCE

The second national biennial conference of the Australian Labour Law Association was held at the Law School on Friday 24th and Saturday 25th September. Over 150 delegates from around Australia and the world attended the conference, entitled "Employment Regulation for the Changing Workplace".

The conference heard over 30 papers from speakers as far afield as the United States, South Africa and New Zealand, as well as a wide range of papers from Australian speakers.

Presentations were given by academics, Trade Union delegates, judges and legal practitioners.

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The University of Sydney

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REPORT *from* the Dean

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Fundraising in 2005

Our fundraising campaign for the new Law building which has begun slowly will pick up speed in the next few months. We are asking the legal profession to partner us in the building of our new Law School on campus. As Dean, I will be writing to all the alumni giving them further details on the campaign. In our view, this new purpose-built Law School will enable us to better educate the lawyers of the 21st century.

Professor Ron McCallum
Dean

Faculty events

Continued from page 1

The keynote address was presented by UCLA professor **Katherine van Wezel Stone** an internationally recognized authority in the fields of labour law, labour history, and employment policy.

Her presentation, based on her recently released book *From Widgets to Digits: Employment Regulation for the Changing Workplace* (Cambridge University Press, 2004) provided a perspective of an integrated framework with which to understand and address problems generated by the changing nature of the workplace.

Professor Ron McCallum, Dean of the Law School, is Australian President of the Australian Labour Law Association, which is a member of the International Society for Labour Law and Social Security (ISLLSS).

The University of Sydney will host the international conference of the ISLLSS in 2009.

ALUMNI SESQUICENTENARY DINNER

The Law School is pleased to announce that after the success of our 2003 alumni dinner we will again be hosting a dinner for our alumni in October 2005. The venue and date is as follows:

**Friday 14 October, 2005,
The Grand Ballroom,
The Sofitel Wentworth
Hotel, Sydney
Dress: Lounge Suit**

Make sure you mark this date in your diary!

This dinner will celebrate the sesquicentenary of the Law School as well as provide an opportunity for you to catch up with past students and to find out what is happening at your Law School. A special guest speaker(s) will appear. The details of the dinner will be fully revealed on the invitation, which will be mailed to you directly. Please ensure we have your correct contact details to ensure you receive your invitation. Dinner Enquiries: (02) 9351 0327




Australia's
First

SYDNEY LAW SCHOOL
Alumni

SESQUICENTENARY DINNER

OCTOBER 14, WENTWORTH HOTEL, SYDNEY

ENQUIRIES: 9351 0327

Alumni Reunions

THE CLASS OF 1969 HELD A REUNION TO CELEBRATE ITS 35TH YEAR SINCE GRADUATION ON FRIDAY 22ND OCTOBER, 2004 AT THE UNION CLUB IN SYDNEY. THE REUNION WAS ORGANISED BY A COMMITTEE OF FELLOW GRADUATES: BOB AUSTIN, DAVID BARNETT, JOHN EADES, JOHN GARNSEY, JOHN MAXWELL AND RON OSBORNE.

The reunions have occurred every five years since graduation and the format for recent events has involved each of the guests giving a two-minute profile on their lives. For those with good memories the previous life histories never seem to coincide with the most recent.

One classmate had been married for thirty years but not to the same woman.

Thirty five years ago the gender balance was vastly different from today and the half dozen women in the graduating class were well represented at the evening with Wisty Halloran, Patsy Kennedy, Patricia Mortlock and Mary-Lynne Taylor being present out of a total of some 37 at the function.

Sadly the death of Justice John Leane meant that the medalist for the year was not there.

As usual the evening consisted of old acquaintances being renewed and numerous war stories being told. As always Justice David Levine's speech was a high point although details of what he actually said have been washed from the memories by the amount of wine that was consumed.

No doubt another gathering will be organised in five years with ever more stories about retirement and grandchildren looming on the horizon.

NEW LAW SCHOOL BUILDING: PROJECT UPDATE

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

Bottom L: The current Law School building in 173-175 Phillip Street, Sydney

Bottom R: The western elevation of the New Law Faculty building from Victoria Park



Since completion of the schematic design phase, and noting Sydney City Council's approval for Stage 1 of Campus 2010 on 20 December, 2004, significant work has been undertaken in refining and developing the design leading up to lodgement of the development application specific to the Law School component of the project.

The design of the teaching spaces has witnessed significant development with improved pedestrian circulation patterns through and between theatres and seminar rooms, and the introduction of light wells and voids to greatly improve light penetration within the space. Reconfiguration and functional analysis of the teaching spaces has enhanced both the utility of the internal spaces and also allowed the introduction of a multi purpose function space adjacent to the Moot Court with views over Victoria Park.

Further design development of the Law Library has seen the introduction of a mezzanine level with a connecting stair incorporated around the Library Light Tower. Detailed brief analysis has seen the introduction of group study rooms to the northern edge of the library in conjunction with computer laboratory/teaching spaces.

Significant work has also been undertaken with the Faculty to resolve the internal stacking and layout requirements for the Faculty Building which incorporates a wide range of academic and administrative office accommodation, research and post graduate facilities.

Development of the forecourt design and public domain elements of the project is continuing with considerable consideration given to ensure that seamless integration is achieved with the existing connections to the site, including the major "ramblas" of Eastern Avenue, and the surrounding buildings such as Carslaw and the eastern Avenue Auditorium.

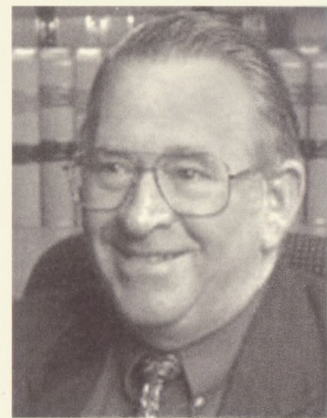
Project governance continues to be undertaken by both Project Working and Project User Groups and overall review by the Design Review Panel chaired by Professor Chris Johnson, NSW Government Architect.

It is anticipated that finalisation of the design development milestone will be achieved by early March, 2005, and that the DA will be lodged at that time. Occupation of the building and associated spaces remains programmed for January, 2008.

For more information on the building project visit <http://www.law.usyd.edu.au/NewLawBuilding>



PROFESSOR *Emeritus* DAVID HARLAND



David John Harland was a fixture at the Sydney Law School for over 35 years. He died suddenly on 30 November 2004 aged 64. After graduating with a Bachelor of Arts degree from the University of Sydney in 1960, followed by a Bachelor of Laws with First Class Honours and the University Medal in 1963 David was admitted as a solicitor in the Supreme Court of NSW and won a Shell Post-Graduate Scholarship that enabled him to study at Magdalen College, Oxford. He graduated from Oxford in 1965 with a Bachelor of Civil Law.

After spending a short time as an instructor in the School of Law at the University of Pennsylvania, where incidentally David met his future wife Barbara, he returned to Australia in 1966 to take up a lectureship in law at the University of Sydney where he remained for the rest of his working life, becoming a Senior Lecturer in 1968, an Associate Professor in 1974 and Professor in 1981.

As Challis Professor of Law from 1991 to 2001 David had special interest in Consumer Protection (including Comparative and International Dimensions), Comparative Product Liability and Contracts. He maintained these interests after becoming Professor Emeritus by continuing to serve on the editorial advisory boards of the *Journal of Consumer Policy*, the *Journal of Contract Law*, the *Consumer*

Law Journal, the *Australian Product Liability Reporter* and the *Competition and Consumer Law Journal*. David also continued with his post-graduate teaching and research, consulted at Clayton Utz one day a week and was a trustee of the Travel Compensation Fund. He was also a part-time member of the Consumer Trade and Tenancy Tribunal.

David Harland's love of teaching and research gained him an international reputation and this was evidenced by the frequency with which he was asked to speak at international conferences on consumer law. He often delivered lectures/seminars at universities and other institutions overseas and held visiting appointments teaching aspects of comparative and international dimensions of consumer law at universities in Belgium, Japan and Malaysia. The President of the International Association of Consumer Law wrote of him, "David was a stalwart in the development of consumer law nationally and internationally and we shall miss him."

David also published widely. In 1974 he published "The Law of Minors in Relation to Contracts and Property"; in 1974 with G Q Taperell and R B Vermeesch he published "Trade Practices and Consumer Protection" (now in its 3rd edition); in 1986 he was a co-author of "Contract Law in Australia" (now in its 4th edition) and in 1987 he was a co-author of "Cases and Materials on Contract Law in Australia" (now in its 4th edition). These last two books are complementary and give a comprehensive account of the law of contracts in Australia and are widely used as reference books for teaching resources.

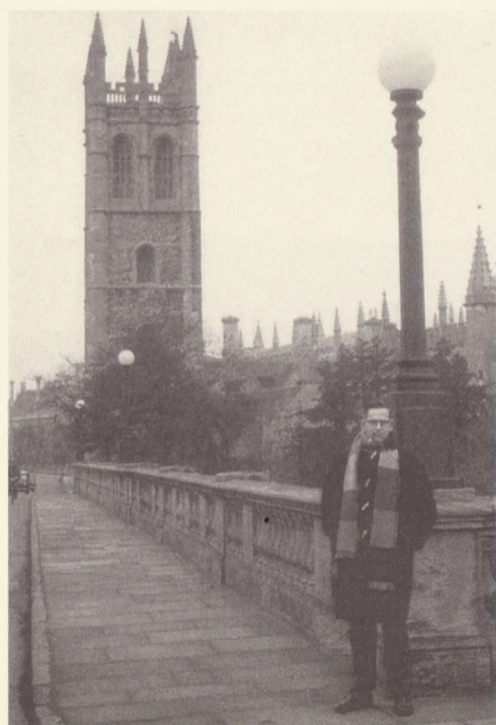
Additionally, David contributed twenty chapters in books and conference papers and published about thirty articles, both in Australia and overseas, on various aspects of consumer law and policy (including the regulation of advertising and marketing practices, product liability and product safety). He was, in fact, working on an article about globalization and e-commerce at the time of his death.

This prodigious output did not cause David to neglect his duty to the University of Sydney. He shared fully in the administrative

duties of the Faculty of Law, being a sub-dean from 1970-1972 and Head of the Department of Law from 1982-1986 and again for a year in 1990. In the wider University sphere he was a member of the University's Research Committee (1982-1990), the Appointments Board (1988-1991) and the Sydney University Press (1984-1988). At the Law School he was responsible for the administration of research funds available to the Department of Law between 1976 and 1979 and the convener of numerous Faculty Committees. For varying periods he was the Academic Staff Adviser to the Faculty, a role that he performed with distinction. His was a voice of reason and principle, never of expediency and self-interest. Professor Richard Vann, in a chapter entitled "Coping With Change" in *A Century Down Town** referred to David's appointment as Staff Adviser as follows: "In just a decade he went from being the junior professor in the Department of Law to the senior, and is looked to as a repository of Faculty experience and wisdom."

David was the inaugural chairman of the Australian National Consumer Affairs Advisory Council. He served as an Associate Commissioner of the Trade Practices Commission, as a Council member of the Australian Consumers' Association, as a consultant to the Australian Law Reform Commission, as a part-time member of the Consumer, Trader and Tenancy Tribunal, and as Chairperson of the Australasian Law Teachers Association.

He was a great mentor and was supportive of female academics breaking into a male dominated area. This aspect of his personality can best be summed up by quoting from a letter written by Jane Swanton, the first woman graduate of the Law School to be appointed to the lecturing staff and a former colleague of David's who wrote to the family on his passing. "Most memorable too was his kindness. He really enjoyed and excelled in the role of mentor to younger staff and was not only respected but sincerely liked at all levels at the Law School. His friendliness to all and sundry was genuine and he lacked the arrogance and self-importance of some high achievers."



David at Magdalen College



From L: Alexandra, Anna Maria, Barbara, David and Nick Harland at a level 13 Law School function

Sydney Law School hosted a memorial gathering on Thursday February 17 in the Assembly Hall to honour the distinguished career of Professor Harland and to reflect on the substantial contribution he made to The University. Speakers included: His Honour Judge Phegan; Mr. John Mackinolty; Mr. Craig Pudig; The Hon. Justice Kevin Lindgren and the current Dean, Professor Ron McCallum. Former colleagues, friends and family attended this gathering including The Chancellor, Justices Dyson, Gummow and Kirby from the High Court, Sir Anthony Mason, retired High Court judge and many, many others.

John Mackinolty spoke of his time as Dean from 1980 to 1985 when Professor Harland was Head of the Department of Law from 1982 to 1986. Professor Colin Phegan was Dean from 1986 to 1989 and Craig Pudig, Partner in Charge of Sydney for Clayton Utz spoke of his experience working with David who was a consultant to Clayton Utz. His eldest daughter Alexandra Harland, a practicing lawyer and graduate of this law school also spoke. (See the Law School website at www.law.usyd.edu.au for a transcript of the speeches.)

Olive Wood (LLB 1964, BA Dip Ed), appointed the first Pro Dean of the Law School and a former colleague of David's, wrote the following obituary.

David John Harland, who was a Challis Professor of Law at the University of Sydney from 1991 to 2001, died suddenly on 30th November 2004, aged 64. Born in Newcastle, his secondary schooling was obtained at Newcastle Boys High School, and in later life he was always appreciative of the quality of the education he received there. He graduated with a Bachelor of Arts degree from the University of Sydney in 1960, followed by a Bachelor of Laws with First Class Honours and the University Medal in 1963. In this year he was admitted as a solicitor in the Supreme Court of NSW, and won a Shell Post-Graduate Scholarship which enabled him to study at Magdalen College, Oxford, from whence he graduated, in 1965, a Bachelor of Civil Law with Second Class Honours. For a short time after this he was an instructor at the School of Law, University of Pennsylvania. He returned home in 1966 to take up a lectureship in Law at the University of Sydney where he remained for the rest of his life, becoming a Senior Lecturer (1968), an Associate Professor (1974) and a Professor (1981).

David did not choose to lecture in the Law of Contracts, but having had it assigned to him when he arrived at Sydney University, he quickly became an expert in the field. He published "The Law of Minors in Relation to Contracts and Property" in 1974; was a co-author of "Contract Law in Australia" (3rd ed. 1996); and of "Cases and Materials on Contract Law in Australia" (3rd ed. 1998). These last two books are complementary and give a comprehensive account of the law of contracts in Australia. They are widely used as reference books and teaching resources.

Early in his career, David developed an interest in Consumer Protection and Product Liability and in time this became his true passion and, even more than his expertise in Contract, earned him his international reputation. With GQ Taperell and RB Vermeesch he published "Trade Practices and Consumer Protection", 3rd ed. in 1983. In addition he contributed twenty chapters in books and conference papers on various aspects of the subject, and published about thirty articles in journals around the world. His international reputation in the field is

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demonstrated by the invitations he received to run courses and give lectures at universities in such diverse parts of the world as Great Britain, Scandinavia, Switzerland, Germany, The Netherlands, India, Malaysia, Japan, Canada, USA and New Zealand. The President of the International Association of Consumer Law writes, "David was a stalwart in the development of consumer law nationally and internationally and we shall all miss him."

He retired in 2001, (he was made an Emeritus Professor in May, 2001), but as the Dean of the Faculty, Jeremy Webber, said at David's farewell, "We are very pleased that David's retirement means, for the Faculty, a change in the nature but not the fact of his contribution. Over the next few years we will do our very best to make his retirement as fictional as possible." This, the Faculty did. He continued with his post-graduate teaching and research. He was working on an article about globalisation and e-commerce regulation at the time of his death.

Though it might be thought that the volume of his research and writing, and his overseas commitments would be more than enough to occupy his time, David never neglected his duty to the University of Sydney. His meticulously prepared lectures were both informative and stimulating, and he is most fondly remembered by his post-graduate students and also by the undergraduates he has taught over the years, including especially those from his earliest years of teaching when he was a resident of St John's College and a tutor to the law students there. He shared fully in the administrative duties so necessary to the running of a University Faculty, being a sub-dean from 1970-72 and Head of Department of Law from 1982-6 and again for a year in 1990. In the wider University sphere he was a member of the University's Research Committee (1982-90); the Appointments Board (1988-91) and the Sydney University Press (1984-88).

At the Law School he was a member of the Organising Committee for the XIIth Congress of the International Academy of Comparative Law, held in Sydney and Melbourne in August 1986. He was responsible for the administration of research funds available to the Department of Law between 1976 and 1979; and convenor of numerous Faculty Committees. For varying periods he was the Academic Staff Adviser to the Faculty, a role that he performed with distinction. He was never too busy to listen to and advise any staff member who had problems. He was particularly appreciated by younger and less experienced staff members to whom he showed great kindness and unstinting encouragement in his gentle and helpful way. He was no timeserver, however. In his quietly determined way he took a thoughtful and even-handed approach to all academic matters. His was the voice of reason and principle, never of expediency and self-interest.

David was also a family man. He met his wife, Barbara, when he was at the University of Pennsylvania in 1965, and when he returned to Australia, he courted her by mail for the next two years. They married on the 16th August 1969 and were as happy together when David died as they were on that day. They had three children, Alexandra, Nicholas, and Anna Maria to whom David was a proud and loving father, a steady influence in their lives and someone to whom they could and did turn willingly for advice, support and encouragement. His was a happy and harmonious household, as those who have enjoyed his generous hospitality over the years will acknowledge.

David Harland was a devout Christian, who in life practised the values of his faith, and he was liked and respected by everyone he met. The graduates and staff of the Sydney University Law School, academic lawyers in Australia and overseas, as well as the wider legal community have been much saddened by the sudden and untimely death of this kindly, gentle man.

* Mackinolty, John and Judy, *A Century Downtown: Sydney University Law School's First Hundred Years* (Sydney Law School Publication 1991) [page 201] – available on request.

Monique Woo (B.Ec 1995, LLB 1996) is working in the Hong Kong office of an international law firm specialising in intellectual property laws.

David Thomas (BA 2000, LLB 2002) a joint medal winner in History and in Law, who has been awarded a Menzies Scholarship to study at Oxford.

Rhonda-Jo Pearlman (BSc (Hons) 2001, LLB (Hons) 2004)

Writes "I completed my final semester at Cornell University. In July 2004 I sat the New York bar exam. I found out that I passed in November 2004, and was relieved to say the very least. In August 2004 I began working at Schulte Roth & Zabel LLP in New York City ("Schulte"). Schulte is a medium sized firm, for New York standards with approximately 380 lawyers. I started with approximately 30 other first year associates.

I am working in the Corporate Group specifically Business Transactions. Our group does mergers, acquisitions and securities filings (capital markets).

Life at a firm in New York is great. It is true that the hours can sometimes be long and gruelling but, the work is rewarding and challenging.

The professors at Sydney Law School specifically; Patricia Loughlin, Bernard Dunne, Greg Tolhurst, Mark Findlay and Peter Butt are exceptional and continue to play an influential role in my legal career."

Jim Hanna (BA/LLB 1995). Since graduation Jim has worked for the Department of Foreign Affairs and Trade. He completed the following postings with DFAT after having undergone Arabic Language training in Cairo in 1997-98; Saudi Arabia (Third Secretary) 1999-2000; Lebanon (Second Secretary) 2000-2003; Iraq (First Secretary) 2003-2004. Jim is now working with Kane Developments in Sydney.

Dr. James D. Wolfensohn AO KBE (LLB '57, DScEcon '97) president of the World Bank for the past decade, has confirmed he will retire from his post later this year. He told the ABC television network in the US that the time had come for him to pass on the baton after 10 years at the helm of the global institution. "I had 10 years and I think that's probably enough," the 71-

year-old Mr Wolfensohn said. He is due to wrap up his second five-year term as the Washington-headquartered bank's president in June. He said he would consider staying on if required.

"If the need is there, I'll do whatever the shareholders want," he said. "My understanding and my belief is that probably during the course of this year, I'll give it over to someone else."

Justice Bryan Beaumont of the Federal Court has been made an Officer of the Order of Australia [AO] in this year's honours list for his judicial work in Australia and the Pacific.

In 1982 Justice Beaumont was a member of a Law Council delegation that visited China. China was in need of impartial legal advice on its importing activities. This initiative led to regular judicial education trips for China to Australia and the success of these then sparked a similar plan for the Pacific region.

In 1993 Justice Beaumont responded to the Federal Court's request for volunteers for Vanuatu and during his annual leave spent time there improving legal education facilities and judicial infrastructure.

Whilst Acting Chief Justice of Vanuatu, Justice Beaumont and his wife, Jeanette, spent some time on Vanuatu.

Justice Beaumont retired from the Federal Court in February 2005, unfortunately because of ill health. He has also stepped down from being Chief Justice of Norfolk Island, a position he has held since 1993, the Supreme Court of Fiji and the Tongan Court of Appeal.

Russell Trood graduated Bachelor of Laws (Sydney) in 1972. Following a short period in legal practice in Sydney in 1978 he undertook a Masters of Science (Economics) majoring in Strategic Studies at the University of Wales, Aberystwyth. He then undertook further graduate studies in International Relations at Dalhousie University, completing a PhD in 1989. Since then Dr Trood has held teaching positions at the Australian National University and Griffith University specialising in Australian foreign policy and Asia Pacific security. Prior to his election to the Senate he was Associate Professor of International Relations in the Department of International Business and Asian Studies at Griffith University.

1961

(LLB) The Hon. Justice Bryan Alan Beaumont AC

For service to the judiciary, to the administration of the court, to improving legal education facilities and judicial infrastructure in the Pacific region, and to the community.

1957

(LLB) Mr. Leo G. Christie OAM

For services to the community through providing advice on governance and fundraising matters to a range of cultural, health, welfare and church organisations.

1961

(LLB, BA 1956) The Hon. Mr. Justice Terence R. Cole, RFD QC AO

For service to the judiciary, particularly judicial administration, to reform of the building and construction industry, and to the community through the Australian Naval Reserve and conservation and arts organisations.

1954

(LLB) His Hon. Judge Harvey L. Cooper AM

For services to the judiciary and to judicial education, and to the community through offender rehabilitation programs.

1966

(LLB) Mr. Stuart G. Fowler AM

For services to the law in Australia and internationally, in particular through the establishment of the World Congress on Family Law and the Rights of Children and Youth.

1952

(LLB) Mr. William R. McComas AM

For service to business and commerce in the field of competition and corporate law through the Trade Practices Commission.

1958

(LLB, BA 1954) The Hon. Roderick P. Meagher QC AO

For service to the judiciary, to legal scholarship and professional development, and to the arts.

1968

(LLB) Mr. Graham P. Segal OAM

For service to the community, particularly as a proponent for the recognition of different cultural and religious practices within the Australian legal system.

1967

(LLB) Mr. Max C. Solling OAM

For service to the community, particularly through researching, recording and publishing the history of Glebe.

Contemporary challenges for International Human Rights Law

- A unique collaborative student conference on human rights



SYDNEY LAW SCHOOL
RECENTLY PLAYED HOST TO
A HIGHLY PARTICIPATORY
STUDENT CONFERENCE
ENTITLED "CONTEMPORARY
CHALLENGES FOR
INTERNATIONAL HUMAN
RIGHTS LAW".

The event brought together approximately 90 law students, half comprising international criminal law students at the University of Western Sydney and half representing international human rights law students at the Sydney Law School.

The conference program consisted of four short papers delivered by two students from each institution. As conference co-organiser and lecturer of international human rights law at the Law School, Dr. Fleur Johns commented, "These papers were of a remarkably high standard".

Following these student presentations, eight separate negotiations took place, during which student teams were briefed to work towards a preliminary agreement on issues of contemporary legal and political significance to which international human rights law pertains. These negotiations were conducted in groups of between 9-12 students, with the guidance of eight volunteer facilitators drawn from the

academy and the profession. Groups addressed such matters as the ongoing violence in north-western Sudan and the parameters under which pharmaceutical companies should be allowed to test experimental drugs in the Third World. UWS and University of Sydney students worked alongside each other on either side of these negotiations.

Dr. Johns reported: "The feedback we received was overwhelmingly positive; students apparently welcomed the opportunity to come together with students from other universities, to work on their negotiation skills and to gain a sense of the quandaries and possibilities of human rights law 'in action'. We hope to be able to turn this into an annual event, with improvements suggested by this year's participants." Dr. Fleur Johns organised the event in partnership with Steven Freeland at the University of Western Sydney.

ANJeL Conference

THE AUSTRALIAN NETWORK FOR JAPANESE LAW (WWW.LAW.USYD.EDU.AU/ANJEL) WAS ESTABLISHED AT THE UNIVERSITY OF SYDNEY LAW SCHOOL, UNSW AND ANU IN 2002, AND NOW HAS OVER 200 MEMBERS SPREAD OVER AUSTRALASIA, JAPAN AND THE REST OF THE WORLD.

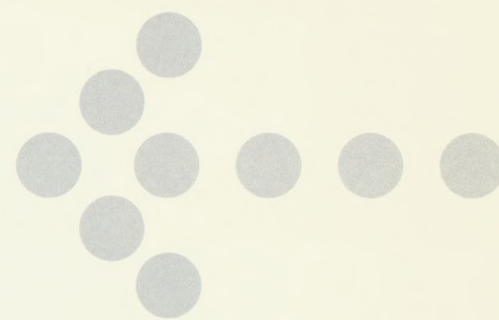
The theme of its international conference this year, held at Sydney Law School on 23 February 2005, was "Japanese Law on Trial". The main focus was on criminal justice reform, especially Japan's planned reintroduction of a jury or lay assessor scheme, and the conference ended with mock deliberations and judgments. Over 30 delegates attended, with half coordinating deliberations or giving short presentations. Many came from Japan or further afield, including two professors from Tokyo and Oxford who stayed on as ANJeL Research Visitors. The conference also benefited from presentations by ANJeL's two Judges-in-Residence, now seconded each year by the Supreme Court of Japan: Judges Masaki Takasugi (based in Sydney) and Judge Daijiro Yasuda (Melbourne). The Japan Foundation's Sydney office sponsored the conference, mainly to allow stopovers in Sydney from delegates to a conference on Japan's new postgraduate "law schools" held on 21 February at the University of Melbourne's Asian Law Centre, which became ANJeL's inaugural Affiliate in 2004. ANJeL's second Affiliate is the German-Japan Association of Jurists, with which it will collaborate in editing and promoting the bilingual Journal of Japanese Law. ANJeL looks forward to further expanding its network of individuals and organisations interested in comparing Japan's rapidly changing legal system.

The John Lehane Memorial Lecture

230 people attended the 2nd John Lehane Memorial Lecture in the Banco Court on 18 August 2004. The Rt. Hon The Lord Walker of Gestingthorpe spoke on 'Dishonesty and unconscionable conduct in commercial life - some reflections on accessory liability and knowing receipt'. (a copy of the speech is available at www.law.usyd.edu.au in the 'news and events' section).

The John Lehane Memorial Lecture organised by Allens Arthur Robinson and the University of Sydney, Faculty of Law is in memory of John Lehane who passed away in 2001 after making a significant contribution to the study and practice of law in Australia. He commenced his legal career at Allen Allen & Hemsley in 1966, where he was a well-liked and respected partner from 1971 to 1995. In 1995 he was appointed to the Federal Court of Australia and he served the community with distinction in that role until 2001. John Lehane was highly regarded for his contribution to legal education and debate. He lectured at the University of Sydney for many years, published numerous papers and co-authored Australia's leading equity text.

SYDNEY LAW SCHOOL HOSTS THE CORPORATE LAW TEACHERS ASSOCIATION 2005 CONFERENCE.



L: Tony D'Aloisio, MD and
CEO, ASX

R: Prof. Jennifer Hill (r) and
Helen Conway, Co. Secretary
and General Counsel, Caltex
Australia Ltd

The Ross Parsons Centre of Commercial, Corporate and Taxation Law at Sydney Law School played host to corporate law scholars and practitioners from around the globe in February. The conference theme, "Regulation of Conflicts of Interest in Contemporary Corporate Law", attracted a great deal of interest from senior members of the legal profession as well as academics. The theatre in NSW Parliament House was packed to hear the first morning's keynote speakers:

- Professor Jill Fisch, Aplin J Cameron Professor of Law from Fordham University, New York, spoke on conflicts of interests and stockbrokers and research analysts. Mr Tony D'Aloisio, Managing Director and CEO of the Australian Stock Exchange offered an Australian perspective on Professor Fisch's presentation.
- Professor Charles Yablon, from the Cardozo School of Law, Yeshiva University, New York, spoke on Executive Remuneration and the Market for CEOs.
- Helen Conway, Company Secretary and General Counsel of Caltex Australia Ltd shared an illuminating perspective on corporate board conflicts from her many years of experience on boards, including the NRMA Board.

In response, Justice Robert P Austin of the Supreme Court of New South Wales, and a former Dean of the Law Faculty, spoke on Directors' rights.

A highlight of the second day of the conference was a Panel dissection of the James Hardie debacle. Commentators on the Panel included:

- John Sheahan SC, who played a role in the James Hardie investigation as Counsel Assisting the Special Commission of Inquiry into the Medical Research and Compensation Foundation.
- John Gordon, formerly of Slater and Gordon, the well-known plaintiff law firm, and now at the Victorian Bar, who spoke on behalf of the Australian Lawyers Alliance.
- Lynn Ralph, Managing Director of Cameron Ralph Pty Ltd, and an experienced advisor to corporate boards, gave a boardroom insider's perspective on the problems boards face in managing these kinds of problems.

Finally, two academic commentators offered perspectives: Professor Paul Redmond from the University of New South Wales and Professor Ian Ramsay, for the Centre for Corporate Law and Securities Regulation at Melbourne University. Our own Professor of

Corporate Law, Jennifer Hill, and Associate Professor Peta Spender from the ANU, co-chaired the session.

Sydney Law School's corporate law teachers – Andrew Tuch and Emma Armson – presented papers based on their current research interests. Andrew's paper on "Investment Banks and Advisory Services: Responding to Conflicts of Interest", shared the conference Best Paper Prize, sponsored by the Chartered Secretaries of Australia.

The conference was not all work, however. Our visitors to Sydney were treated to a characteristically "Sydney" experience for the conference dinner on the Monday evening. As the sun set over the Royal Botanic Gardens on a balmy Sydney evening, we strolled among the fruit bats to the Gardens restaurant, to dine on the balcony overlooking a tropical jungle, and listen to a brilliant young jazz quartet, led by singer Alana Stone.

Sir Anthony Mason Lecture in *Constitutional* Law

Professor George Winterton, Professor of Constitutional Law together with Dr. Peter Gerangelos of Sydney Law School have established an occasional lecture in Constitutional Law, to reflect the Law School's strength and interest in Constitutional Law and to honour former Chief Justice Sir Anthony Mason, one of Australia's greatest judges and a distinguished Law School alumnus. The Inaugural lecture was delivered by the Hon. Justice Michael McHugh AC, a Justice of the High Court, to a very well attended Banco Court on 26 November. In his stimulating and challenging lecture,

entitled *The Constitutional Jurisprudence of the High Court 1989-2004*, Justice McHugh argued that there are greater continuities in the constitutional jurisprudence of the Mason, Brennan and Gleeson Courts than is sometimes supposed. The Mason Court's supposed "radicalism" in constitutional issues, his Honour argued, was reflected more in the Court's rhetoric than in its actual decisions. Justice McHugh's speech is available at <http://www.law.usyd.edu.au/NewsEvents/2004/MasonLecture2004.pdf> or on the High Court's website.

Constitutional Law Conference

Hosted by Sydney Law School and
The Australian Association of Constitutional Law

The following day, the Law School hosted the 2004 AACL Annual Conference at the State Library. The widely praised conference on the theme *Constitutional Fundamentals and Judicial Power* addressed the following subjects:

- The Constitution – *The Ultimate Foundation of Australian Law* (Speaker: The Hon. Justice WMC Gummow AC of the High Court; Comment by Pamela Tate SC, Solicitor-General of Victoria);
- *Legislative Intervention in Pending Cases* (Speaker: Dr Peter Gerangelos of the University of Sydney Law School; Comment by Sir Anthony Mason);
- *Constitutional Issues Regarding Same-Sex Marriage* (Speaker: Professor Geoffrey Lindell of the University of Adelaide Law School);

- *The Status of the Kable Decision in Today's Jurisprudence* (Speaker: Associate Professor Patrick Keyzer of UTS Law School; Comments by Associate Professor Elizabeth Handsley of Flinders University Law School, and Dan Meagher of Deakin University Law School);
- *Forum on Judicial Appointment* (Speakers: The Hon. Justice Ruth McColl AO of the NSW Court of Appeal, Stephen Gageler SC of the Sydney Bar, and Professor George Williams of UNSW Law School).

The Conference papers and comments will be published, together with Justice McHugh's Sir Anthony Mason Lecture, either in a book or in the Sydney Law Review in 2006.

2004 SULS FINAL YEAR DINNER



The Dean, Professor Ron McCallum pictured with staff, students and guests of the Law School at the 2004 SULS final year dinner

Saturday, 16th October 2004 marked the date of the Sydney University Law Society (SULS) final year dinner, which took place in the MacLaurin Hall of the University of Sydney's Main Quadrangle.

As part of proceedings, SULS presented the 2004 Excellence in Teaching Awards, in recognition of the students' appreciation of the teaching of the Law School's academic staff in its undergraduate program.

The recipients in 2004 were: Mr. Ross Anderson, Professor Peter Butt and Dr. Peter Gerangelos.

Student Receives Governor-General's Prize

Monique McHardy, Sydney Law School student in the 4th year of her BA LLB, has been awarded the Joint Silver Medal in the inaugural year of the Governor-General's Prize - Undergraduate Programme Awards by the Constitution Education Fund of Australia. Monique received this prize for an essay in which she provides a thoughtful analysis of the similarities and the differences between Canadian and Australian federalism.



Sydney Centre FOR INTERNATIONAL AND GLOBAL LAW



DOWNER SAYS INTERNATIONAL LAW MUST KEEP PACE WITH POLITICS

International law has not developed quickly enough to deal with trans-national terrorism, which has become the biggest threat to global peace and stability, Foreign Minister Alexander Downer told a Sydney Law School Forum.

In the first of a series of public forums examining the interplay between Australian foreign policy and international law, organized by the Sydney Centre for International and Global Law, Mr Downer said the international legal system needed to be dynamic to deal effectively with 21st century political and geo-strategic realities.

Faced by menacing threats to world peace, Mr Downer said the concept of the sanctity of state sovereignty was "not monolithic or immutable".

"The notion that actions and events within a state's borders remain absolutely shielded from outside interference is in today's world problematic, and in fact I think in reality is unsustainable," Mr Downer said.

Citing Australia's interventions in Bougainville and East Timor as a testament to successful action to ensure regional security and prosperity, Mr Downer said positive results could be achieved if states were prepared to adhere to the international system.

International relations based on a strong rules-based system of law, yet flexible enough to respect national sovereignty, formed the cornerstone of Australia's foreign policy, he said.

On the eve of his trip to North Korea for diplomatic talks, Mr Downer said it was vital that Australia's foreign policy was flexible enough to deal with the threat of potential humanitarian and security threats amongst its closest regional neighbours when bodies like the United Nations were powerless to act.

He cited Australia's recent interventions in Papua New Guinea and the Solomon Islands, where the threat of civil unrest and economic failure had significant regional implications.

Other subjects covered in Mr Downer's speech included the role of the International Court of Justice, Australia's intervention in Iraq and the negotiation of maritime boundaries with East Timor.

Professor Don Rothwell, director of the Sydney Centre for International and Global Law established in 2003, said the public forums provided opportunities for representatives from the major political parties to articulate their vision of the relevance of international law and institutions on Australian foreign policy.

He said this was particularly relevant with a federal election imminent.

'Republished courtesy of Uni News'

Above: Foreign Minister Alexander Downer addresses the first international law forum at the Law School. With him are the Dean, Professor Ron McCallum, and forum organiser Tim Stephens



Sydney LLM in *Europe*: a unique offshore initiative

Since 1998, the Law School has offered a Master of Laws (LLM) in Germany for German lawyers. From 2005, the program will be conducted at the new Australian Centre Europe in Berlin and the Law School is now offering Australian postgraduate students the opportunity to complete some of their subjects in this program. The Centre is an initiative of the Australian Group of Eight (GO8) Universities, which includes the University of Sydney. The Centre's goal is to foster international alliances in education and research. It is housed in part of the Australian Embassy in an historic and picturesque part of Berlin, overlooking the River Spree and close to the vibrant area of Mitte.

The program offers a wide range of subjects taught on an intensive basis over four days by specialist academics from Sydney Law School and from our international faculty. German students can combine study in Germany with study in Australia, or complete the entire program in Germany. The courses also attract Australian law graduates working in the United Kingdom who wish to commence or complete postgraduate studies.

The Sydney LLM in Europe offers courses in a wide range of fields, with an emphasis on comparative, commercial and international law, including Common Law Obligations and Remedies, Commercial Law, Corporate, Securities & Finance Law, Environmental Law, International Law, Intellectual Property Law, Jurisprudence, International Taxation, Criminology and Labour Law.

From 2005, the Sydney Law School will offer Australian postgraduate students and lawyers the opportunity to travel to Germany to participate in this unique program, and to combine their study in an intensive course with a visit to one of Europe's most exciting and historic cities. Classes will be capped at 20 students to allow not only interactive discussion and personal tuition but also to maximize the opportunity for students to get to know other students from various legal occupations, regions and countries.

For more information, see our website <http://www.law.usyd.edu.au/LLMinEurope/Introduction.php>

L: German, Swiss and Australian students in Associate Professor Barbara McDonald's Common Law Obligations and Remedies class in Berlin in October 2004

R: The Berliner Dom, the main cathedral in Berlin



Child Support *Review*

PROFESSOR PATRICK PARKINSON APPOINTED TO CHAIR THE TASKFORCE

On 29 July 2004 in response to the House of Representatives Committee on Family and Community Affairs report on the inquiry into child custody arrangements in the event of family separation entitled "Every picture tells a story", the Prime Minister, Mr John Howard, announced proposals to reform the family law system in Australia. One aspect of this was to establish a review of Australia's Child Support Scheme.

The former Minister for Children and Youth Affairs, Mr Larry Anthony, announced on 16 August 2004 the terms of reference and membership of a Ministerial Taskforce and Reference Group to examine the child support scheme.

Professor Patrick Parkinson, the newly appointed Head of School of the Faculty of Law, was invited to chair the Taskforce and Reference Group. The Taskforce consists of researchers with expertise in the costs of children, social policy researchers and representatives of the Department of Family and Community Services. The Reference group supports the Taskforce and is considering broader policy and stakeholder issues such as the

extent to which the scheme is meeting its objectives. It also provides guidance on ideas and policy positions referred to it by the Taskforce.

The objectives of the scheme are to ensure that parents share in the cost of supporting their children, according to their capacity; that adequate support is available for all children not living with both parents; that Commonwealth involvement and expenditure is limited to the minimum necessary to ensure children's needs are met; that incentives for both parents to participate in the work force are not impaired; and that the overall arrangements are simple, flexible and efficient.

The government continues to support these objectives and the current broad balance between private and public contributions to the support of children in separated families.

In its work, the Taskforce with the support of the Reference group is required to have regard to contemporary work, parenting and family structures as well as the income profiles of child support payers and payees, and to pay particular attention to the

Government's intention to support the active involvement of both parents in parenting after separation, where feasible. The main role of the Taskforce is to evaluate existing child support formula percentages and associated exempt and disregarded income levels. It will also evaluate research, debate policy issues and propose practical options for change.

The Taskforce is also asked to explain clearly the outcomes that any proposed changes would deliver, have regard to the primary responsibility of parents for supporting their children, and to consider the costs and benefits to government.

The Taskforce has established a research program which includes projects on: costs of children; international comparison of child support schemes; community attitudes/values on child support; comparative labour market outcomes for child support payers and payees and other parents; post-separation contact patterns and related child support issues; and a review of equivalence scales used in working out the costs of children. The Taskforce reported back to the Government at the end of March 2005.

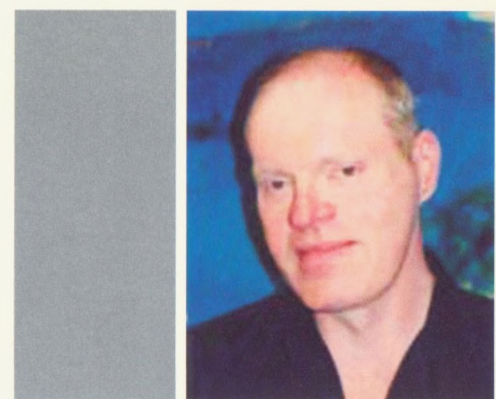
STAFF NOTES



Ms Joellen Riley



Dr. Jane McAdam



Associate Professor Les McCrimmon

Professor Dr Bernd Waas at Hagen University in Germany, has invited **Joellen Riley** to participate as a member of an international advisory panel to a new European Labour Law Network (ELN) which is preparing to write a Restatement of European Employment Contract Law over the next ten years. The ELN will operate out of Hagen and Leiden universities, with participation from labour lawyers from all member states of the EU. The advisory board is to include academics from jurisdictions external to the EU, and there is a particular concern to have some involvement from common law countries.

Dr. Jane McAdam (alumna LLB 2000, BA 1998, DPhil 2005) commenced in February as a lecturer. She has just returned from Oxford University, where she held a law lectureship at Lincoln College and wrote her doctorate on complementary protection in international refugee law. Jane is co-author with Guy S Goodwin-Gill of the forthcoming edition of *The Refugee in International Law* (OUP) and has published in the areas of international human rights law, refugee law and history. While at Oxford, Jane was the General Editor of the Oxford University Commonwealth Law Journal, undertook projects with UNHCR in Geneva, taught at Oxford's International Summer School on Forced Migration, and ran training programmes in the Czech Republic on international and European human rights and refugee law on behalf of the European Union.

Attorney-General Bob Debus has approved **Dr. Judy Cashmore**, an associate professor in the faculty of law at the University of Sydney who has wide expertise in child welfare, as a community representative on the NSW Judicial Commission.

Professor Patrick Parkinson has been appointed Head of School of the Faculty of Law, commencing Monday 4 April 2005 until Saturday 30 June 2007. This position works in conjunction with that of Dean of the Faculty of Law. Patrick Parkinson is a specialist in family law, child protection and the law of equity and trusts.

Associate Professor Les McCrimmon has been appointed by the Governor-General of Australia as a Commissioner of the Australian Law Reform Commission. Les will, in particular, be in charge of the reference to the Australian Law Reform Commission (ALRC) concerning a review of the Commonwealth Evidence Act 1995.

Associate Prof. McCrimmon is an expert on the laws of evidence and procedure, trial practice and real property and is a member of the management committee and faculty of the Australian Advocacy Institute.

Ms Vivienne Bath has recently joined the Law School as Senior Lecturer in Law and Director of the Centre for Asian and Pacific Law at the University of Sydney. Prior to joining the Faculty of Law, Vivienne Bath was a partner of international firm Coudert Brothers,

working in the Hong Kong and Sydney offices, and specialising in commercial law, with a focus on foreign investment and commercial transactions in the People's Republic of China. She previously practised as a commercial lawyer in New York and Sydney, and worked in the Federal Office of Parliamentary Counsel as a parliamentary draftsman.

She has published widely in the area of Chinese law and is a frequent participant in conferences and seminars focusing on developments in the Chinese legal regime.

David Rolph, will continue to teach Torts and Media Law. David, who is about to submit his PhD on the concept of reputation in defamation law, holds first class honours degrees in Arts (Ancient History) and Law from this university. He has taught in this Faculty since 2001.



SYDNEY LAW SCHOOL

Consolidates its Position as **Australia's First** for Undergraduate Law



For the third year running, Sydney Law School remained the preferred Law School for high achievers in New South Wales. The Combined Law program is one of the most sought-after degrees in the country, with the UAI cut-off point at 99.6 for a third consecutive year.

"This is a marvellous achievement and is testament to the reputation this Law School has," said the Dean, Professor Ron McCallum.

"In addition, we witnessed a consolidation in the high demand for a transfer place in Combined Law as well as a place in Graduate Law.

For the last five years, we have dedicated a great deal of time and effort into

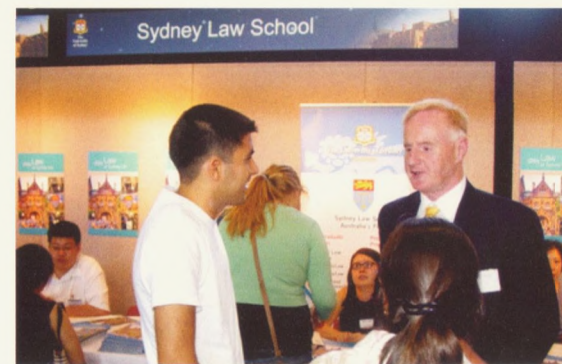


communicating the notion that direct entry from secondary school is not the only way to enrol in law at Sydney.

It is pleasing to see that prospective students and their families are now aware of the alternative pathways to undergraduate law at Sydney."

The Law School underwent a very busy period of enrolment during January and February, enrolling around 350 undergraduate students including those from overseas.

This year Commerce was the most preferred partner degree in Combined Law, marking the second year it has overtaken Arts in the popularity stakes.



"Interestingly we witnessed an increase in preference for Science, underlining that Faculty's outstanding talented student program and well-established Advanced Science curriculum," Professor McCallum said.

"Further, 60% of our newly enrolled Combined Law students and 85% of our Graduate Law students preferred to study law at Sydney Law School because of our reputation.

We are indeed fortunate to carry such a fine standing, particularly in this - our sesquicentenary year."

Above: The Law School was well represented at The University Information Day, January 5, 2005, MacLaurin Hall

RESEARCH GRANTS

ARC Discovery Grant

Patricia Apps, (University of Sydney)
Alison Booth (ANU) & Ray Rees
(University of Munich)

Modelling the labour market and the impact of the tax-benefit system on employment and GDP.

The aim of the project is to develop a general equilibrium model of the labour market that can provide a rigorous and empirically relevant framework for tax-benefit reform analysis. The research will test alternative hypotheses concerning the determinants of changes in female and male employment and wage dispersion. Importantly, the analysis will take account of shifts in labour demand with the substitution of market for domestic work associated with the expansion of female employment, and the crucial implications this has for GDP in an ageing population. The project will provide a more informed basis for formulating policies that can raise living standards while reducing inequality.

ARC Linkage Grant

Terry Carney (University of Sydney),
David Tait (University of Canberra),
Duncan Chappell (NSW Mental Health
Review Tribunal) & Christine Coumarelos
(NSW Law & Justice Foundation)

Mental Health Tribunals: Balancing fairness, freedom, protection and right to treatment?

In determining treatment options for mentally ill people, mental health tribunals must balance the person's right to treatment with rights to safety, justice and freedom from coercion. Much studied overseas, Australia lacks information about the 'fairness' of hearings. Applying popular 'therapeutic jurisprudence' literature, this project studies the impacts of hearings in three diverse Australian jurisdictions (NSW, VIC & ACT). It uses field observations, interviews and file reviews to isolate best practice reforms. Broader than overseas work, it assesses the actual and perceived fairness of hearings, and the therapeutic outcomes for patients. As in Britain, the project will inform legislative reform and tribunal practices.

External Grants Received

Professor Reg Graycar (University of Sydney)

Legal Responses to Systemic Injuries: What can we learn from the Canadian Redress Mechanisms?

Canadian High Commission, 2004/2005
Faculty Research Program

This research is aimed at developing better legal responses to systemic injuries. There are many examples in Australia: perhaps the best known is the taking of children from their Aboriginal families (the "Stolen Generations"). Traditional legal responses have proved very limited, but some innovative redress programs developed in Canada suggest new ways of dealing with these issues. The key aim of this part of the research is to undertake an intensive study of the Grandview Healing Package (Ontario) as well as to review redress mechanisms in Nova Scotia and British Columbia.

PUBLICATIONS

- * **Ben Boer & Ian Hannam**, *Drafting Legislation for Sustainable Soils: A Guide*, **ICUN Environmental Policy and Law Paper No.52**, ICUN (2004)

The World Summit on Sustainable Development recognised the importance of promoting programmes for the environmentally sound, effective and efficient use of soil fertility. This Guide, intended to primarily serve as a resource for States to assist their endeavours to reform legislation and institutions to protect and manage soils, will contribute to that aim.

A sound legal and institutional framework for managing soils is not only critical for food production, but also for biological diversity conservation and poverty alleviation. This Guide addresses all these aspects. One of the most striking features of this publication is that it proposes legal and institutional elements that specifically address the needs of disadvantaged people, particularly women. This is unique, as there are not many examples of legal frameworks relating to natural resource management that specifically seek to accommodate the concerns of the poor.

- * **Chris Cunneen & Julia Grix**, *The Limitations of Litigation in Stolen Generation Cases* (**Research Discussion Paper #15**), **AIATSIS** (2004)

It is estimated that 10 per cent of Indigenous children were removed from their families and communities under state sanctioned policies and removal practices in Australia between 1910 and 1970 (HREOC 1997:18). Today, most Indigenous families continue to be affected in one or more generations by the forcible removal of children during this time (HREOC 1997:37). There has been widespread discussion as to whether litigation initiated by Indigenous people in response to the harmful consequences of these past practices is capable of leading to a satisfactory resolution for claimants. The purpose of this paper is to review the progress of relevant cases brought before the courts in Australia for the purpose of analysing why this litigation has been unsuccessful.

- * **Mark Findlay**, “Prisons as progressive punishment? The state of corrective services”, *The State of the States 2004*, **The Evatt Foundation** (2004)

This report represents the results of the Evatt Foundation’s eleventh annual assessment of the performance of Australia’s states, the often overlooked second tier of government that is responsible for providing the basic services upon which all citizens depend. As a special feature of this edition, the report also presents assessments of the current state of corrective, health, education and child protection services.

- * **Helen Irving**, *Five Things to Know about the Australian Constitution*, **CUP** (2004)

In this new book, Helen Irving delves into the mystery that is the Australian constitution by discussing the major national debates of recent years. Many people want to understand and take part in the debate about constitutional issues but they face a significant hurdle: the constitution is almost unreadable. It does not mean what it says, nor does it say what it means. There are many myths in circulation

about what the constitution says and as many assumptions about what it does. Helen Irving, one of this country’s foremost constitutional experts, puts various constitutional confusions to rest, and invites a general audience into an understanding of the issues that were once reserved for experts.

- * **Anne Twomey**, *The Constitution of New South Wales*, **The Federation Press** (2004)

The Constitution of New South Wales provides for the first time a detailed analysis of all the provisions of the Constitution Act 1902 (NSW), including their legislative history and examples of their use. It covers the constitution, operation and interaction of the State legislature, executive and judiciary, as well as the relationship between the State and the Commonwealth in the federal system.

Most importantly, it deals with all the issues necessary to determine the validity of State laws.

Whilst the book uses the Constitution Act 1902 (NSW) as its focus, it addresses constitutional issues arising in all Australian States, such as parliamentary privilege, electoral law and disputes about the qualification and disqualification of Members of Parliament, money bills and parliamentary procedure. It deals with these issues from a State perspective, raising important distinctions that are not addressed in texts on Commonwealth constitutional law.

The Constitution of New South Wales places the constitutional framework of the State in its historical and political context. Using previously unpublished government material, it provides a fundamental reassessment of the relationship between the States, the Commonwealth and the United Kingdom, and the first detailed analysis of the negotiation and application of the Australia Acts 1986, which now form a significant part of State constitutions. It explains how the Parliament, the Executive Council and the Cabinet operate in practice, rather than theory, and gives practical examples to illustrate the operation of constitutional provisions.

This, the first and only comprehensive analysis of the New South Wales Constitution, is an essential addition to all legal, government and university libraries.

- * **George Winterton & HP Lee (eds)**, *Australian Constitutional Landmarks*, **CUP** (2004)

Australian Constitutional Landmarks presents the most significant cases and controversies in the Australian constitutional landscape. Including the Lionel Murphy saga, the Communist Party case, the Dismissal of the Whitlam government, the Free Speech cases, Tasmanian Dams case and a case discussing native title, this book highlights turning points in the shaping of the Australian nation since Federation.

- * **Alex Ziegert & Gunther Doeker-Mach (eds)**, *Law, Legal Culture and Politics in the Twenty First Century*, **Franz Steiner Verlag** (2004)

This is a collection of essays on general and specific topics of comparative private and comparative public law by distinguished legal scholars from every part of the world in honour of the work of Alice Ehr-Soon Tay.

Continued page 16

Faculty Visitors



Don Robertson joined the Law School in February as Visiting Professor until November 2005. Don is well known as one of Australia's leading commercial and competition lawyers. For this year he will be on partial leave from his position as a partner at Freehills in Sydney. Don has recently been a Principal Fellow and Associate Professor at Melbourne Business School at the University of Melbourne. He is a graduate with first class honours from this university in both Economics and Law and is also a graduate of Columbia. He has been a Visiting Scholar to Northwestern University School of Law in Chicago. Don will be teaching Contracts on campus and part of Advanced Contracts in semester 1 and a new postgraduate course Regulatory Theory in Semester 2.

Harriët Schelhaas visited the Faculty in November to give a seminar entitled "*The penalty clause against a background of an emerging European contract law*".

Harriët Schelhaas is a Lecturer in Private Law at the Molengraaf Institute for Private Law, Utrecht University, Netherlands. She has completed a PhD on the Penalty Clause in European Contract Law, which involved a comparison of the law concerning penalty clauses in various jurisdictions including English, Scottish, German, Swiss, French and Dutch Law. This research was completed partly in the Institute of Advanced Legal Studies in London, the Max Planck Institut für Ausländisches und Internationales Privatrecht in Hamburg and the Institut de Droit Comparé in Lausanne. She has published widely in Dutch and English.

Thomas Pogge, Professor of Philosophy, Columbia University, Professorial Research Fellow, Centre for Applied Philosophy and Public Ethics, ANU gave a seminar for the Julius Stone Institute in November 2004 on Moralizing Humanitarian Intervention: Why Jurying Fails and How Law Can Work.

Professor Sally Sheldon from the University of Keele was with the Faculty from mid-October 2004 until January 2005. Prof. Sheldon is in the first year of a 2 year ESRC (UK ARC equivalent) research fellowship, to enable her to work on her co-authored text on *Legal Aspects of Fatherhood* with Professor Richard Collier who visited in March 2004. Sally is widely published on issues of health law and ethics. She has a PhD from the European University Institute in Italy and has also been a Jean Monnet Fellow at the Institute, as well as a visiting fellow at Cornell Law School.

Mr. Nick Wikeley visited in November 2004 as a Parsons Visitor. He is a former Dean at Southampton (which has a top RAE research ranking) and is currently Secretary of the UK equivalent of ALTA.

He is a social security lawyer (now sole author of the acclaimed Wikeley, Ogus and Barendt *The Law of Social Security* (5ed Butterworths 2002) which he worked on during a previous longer stay with us a couple of years back.

Nick is also now one of the social security 'judges' within their appeal system, and he writes on issues like disability, dust diseases and many other things. Currently he has a major long-term grant to undertake a project on Child Support laws and systems.

In October 2004 Gianfranco Poggi, currently Professor of Sociology at the University of Trento (Italy) and who has previously taught at the Universities of Edinburgh and Virginia, and at the European University Institute, visited the faculty. He was Professor of Government and Public Administration at the University of Sydney in 1984, and has held fellowships and visiting appointments at other Australian Universities, as well as in Canada and the US. He has taught and published chiefly in two fields - the history of social thought and the sociology of modern political institutions, and his works are extremely influential in both. His books include *Images of society: Essays on the sociological theories of Tocqueville, Marx and Durkheim* (Stanford U.P.: Stanford, 1972); *Calvinism and the spirit of capitalism: Max Weber's Protestant Ethic* (University of Massachusetts Press: Amherst, 1983); *The state: Its nature, development and prospects* (Polity Press, Cambridge, 1990) [American edition: Stanford Univ. Press: Stanford, 1991]; *Money and the modern mind: Georg Simmel's Philosophy of Money*, University of California Press, 1993.

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>

Editor

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Faculty of Law



The University of Sydney



Continuing Legal Education

The Law School's CLE program offers you two ways to update your knowledge concerning current legal developments in all aspects of law and practice:

- Seminars and Conferences
- Single Postgraduate Unit Enrolment.

Seminars and Conferences are offered in Corporate and Commercial Law, Environmental Law, International Law, Health Law, and Labour Law, as well as one-off seminars in other areas.

Single Postgraduate Unit Study is possible on an "Attendance Only" basis. Courses are available in Corporate and Commercial Law, Criminal Law and Criminology, Environmental Law, Health Law, International Law, Labour Law and Taxation Law.

Units of Study which will be offered over the next few months include: Australian International Trade Regulation, Comparative Income Tax, Environmental Law and Policy, Health Care and Professional Liability, International Law and Australian Institutions, Work Safety (*Intensive Mode*) and Compliance: Theory & Practice in the Financial Services Industry (*13 week course*).

For further information: Please contact Val Carey, Faculty of Law, phone: 9351 0238, email: valc@law.usyd.edu.au OR check our website: <http://www.law.usyd.edu.au/cle>

JULY 6, 1887.

UNIVERSITY OF SYDNEY. FACULTY OF LAW.

The following courses of Lectures, in addition to those already notified, will be delivered in the Supreme Court during Trinity Term:—

1. A second course on Personal Property and Contracts on WEDNESDAY EVENINGS, at 8 o'clock, commencing on Wednesday, the 20th of July. Lecturer, Mr. W. H. Coffey, B.A., LL.B.
2. A course of lectures upon the Law of Evidence on FRIDAY EVENINGS, at 8 o'clock, commencing on Friday, the 22nd of July. Lecturer, Mr. Walter Edmunds, M.A., LL.B.

The fee for attendance upon each course is one guinea. Cards of admission may be obtained from Messrs. Turner and Henderson, Hunter-street, or from Mr. C. F. Maxwell, Wentworth-court.

H. E. BARFF, Registrar.

Advertisement of Lectures 1887

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.

Publications continued from page 14

The essays demonstrate the changing approach to common law in legal culture and present a body of texts on comparative law problems arching from Asia to Europe to Australia. The volume furthermore indicates that there is no area where comparative law has proved more dominant and useful than in regard to human rights and comparative constitutional analysis. Finally, this book is an outstanding cross-cultural contribution to comparative private law and comparative constitutional law in terms of understanding legal culture and law. It will be invaluable to all those who practise, teach or judge law.

* Alex Ziegert & Gunther Doeker-Mach (eds), *Law and Legal Culture in Comparative Perspective*, Franz Steiner Verlag (2004)

"Comparative legal studies are at last commanding the thoughts of contemporary jurists" Alice ES Tay. Drawing on an impressive ancestry in comparative law, the 22 contributions in this volume by authors from Asia, Australia and Europe go further in their complex conception of law and culture. They look at the new principles and concepts of a transnational, global law in new, multiple contexts and in diverse juxtapositions with new institutions and authorities. In an unplanned but cohesive pattern the individual contributions together open a fresh vision of the use and value of comparative legal studies for the assessment of the function and limitations of the law of a global society.

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