

our Alumni COMMUNITY



The Sydney Law school reports



Professor Ron McCallum

Report from the Dean

As 2006 draws to a close, I am pleased to write that our Law School has had another very successful year. Our students have performed splendidly, and although they are mentioned in other stories, may I please congratulate the following students.

First and foremost, may I congratulate Arts/Law student Ms Kate Brennan on being awarded the 2007 NSW Rhodes Scholarship. May I also congratulate our WTO Mooting team and their coach Dr Brett Williams, which earlier this won the grand-final of the European Law Students Association Moot Court competition on the law of the World Trade Organisation.

New Law Building

I am delighted to announce that on 13 October the tender for the construction component of the new Law building was released to a number of companies, with the tender closing on 30 November 2006. Construction of the building will take place early next year and I look forward to us being in our new building towards the close of 2008.

The Peter Cameron Sydney Oxford Scholarship

In honour of the late Peter Cameron, who was the inaugural Chair of the Sydney Law School Advisory Board, a scholarship has been established which is known as the Peter Cameron Sydney Oxford Scholarship. The purpose of this scholarship is to enable a recent University of Sydney law graduate to study for a Bachelor of Civil Law (BCL) degree at Oxford University. The scholarship will be advertised in November, and the first scholarship winner will be announced in early 2007. It will then be possible for the first scholarship winner to commence reading for the BCL degree at Oxford University in October 2007.

Continued over...

LAW SCHOOL EVENTS

OBESITY: SHOULD THERE BE A LAW AGAINST IT?

SYDNEY LAW SCHOOL HOSTS
INTERNATIONAL PUBLIC HEALTH LAW
CONFERENCE ON LAW AND OBESITY.

On 28 September 2006 the Law School's Centre for Health Governance, Law & Ethics, in conjunction with the Australian & New Zealand Institute of Health Law & Ethics, hosted an international conference entitled, *Obesity – should there be a law against it?*



A/Professor James Hodge from Johns Hopkins University speaks at the Conference

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The University of Sydney

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REPORT FROM THE DEAN

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The Peter Cameron Sydney Oxford Scholarship (cont.)

Already, \$464,000 of gifts and pledges have been made to the scholarship fund. I am truly grateful to Mr Diccon Loxton and members of the Cameron family for their assistance with the scholarship.

Exeter College of Oxford University has agreed to accommodate on an annual basis the winner of the Peter Cameron Sydney Oxford Scholarship, if she or he wishes to attend Exeter College. I wish to express my gratitude to Justice Murray Tobias of the Supreme Court of New South Wales for assisting me in discussions with Exeter College.

The Peter Hely Memorial Appeal

Upon the death of the late Justice Peter Hely, a group of his friends got together to establish the Peter Hely Memorial Appeal. To date, \$335,000 have been collected for this appeal. I wish to especially thank Justice Dyson Heydon for his assistance with this appeal fund. The funds will be used to assist our students undertaking postgraduate study in the areas of equity and commercial law; to assist with the bringing out of visiting academics in these fields; and also to help students who are financially in need.

Discussion with the Harvard Law School

Over the last couple of months, I have been in discussion with Professor William Alford, Vice-Dean of the Harvard Law School, on establishing closer relations between our two law schools. We are examining possible exchanges of undergraduate students, of doctoral students and of staff members to further research and collaboration between us. When these negotiations have been concluded, I look forward to giving the alumni a full report in the next issue of this magazine.

A New Dean for the Sydney Law School

My five-year term as Dean of this Law School concludes on 30 June 2007. I informed the Vice-Chancellor that it has been a great honour, especially as a disabled person, to be Dean of our illustrious Law School. However, I did not wish to serve as second five-year term in this position. Accordingly, in November the position of Dean of Law at the University of Sydney will be advertised and a selection committee will be established by the Senate of the University of Sydney. In the remainder of my Deanship, I shall continue with all the projects on my desk and will report on them in later issues of the Sydney Law School Reports.

Professor Ron McCallum AO
Dean of Law

NSW CHIEF JUSTICE ENDORSES LAW SCHOOL MOVE



The Dean Professor Ron McCallum pictured with Chief Justice Spigelman at the Plaque Ceremony

AT THE MOMENT IT IS LITTLE MORE THAN A "PRETTY IMPRESSIVE HOLE", TO USE THE VICE-CHANCELLOR'S DESCRIPTION. BUT THE UNIVERSITY'S NEW LAW SCHOOL, WHICH WILL BRING THE LAWYERS BACK TO THE MAIN CAMPUS FOR THE FIRST TIME IN MORE THAN A CENTURY, WAS CEREMONIALLY ENDORSED BY NSW CHIEF JUSTICE JIM SPIGELMAN IN FRONT OF AN AUDIENCE OF SYDNEY'S GREAT AND GOOD IN JUNE 2006.

Work on the site - bordering the edge of Victoria Park - has been going on since the start of the year, and has seen the demolition of the Stephen Roberts lecture theatre and the Edgeworth David building. Construction work is expected to last until the end of 2007, with the new building scheduled to open in 2008.

Designed by architects *Francis-Jones Morehen Thorp*, the seven-storey building will open up a new gateway to the University. It will provide more than 18,000 square metres of floor space, with provision for open spaces and underground parking.

Unveiling a plaque to mark the occasion, Justice Spigelman said he had always been an advocate of moving the Law School to the main campus. As the interaction between law and other disciplines had deepened, both sides stood to benefit from a closer union.

The Vice-Chancellor, Professor Gavin Brown, added: "If the University wants to be seen as internationally significant, it is essential to have the law school at its intellectual centre."

Guests at the plaque unveiling ceremony included former Prime Minister Gough Whitlam, a graduate of the Law School, and his wife Margaret; the University Chancellor, Justice Kim Santow; the Dean of Law, Professor Ron McCallum; and a number of prominent judges, magistrates, alumni and benefactors.

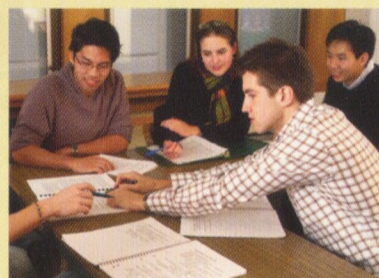
Richard North

Article lifted from University News with kind permission

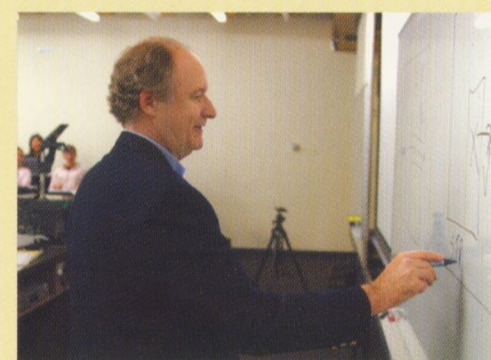
NEW LAW SCHOOL BUILDING

PROJECT & FUNDRAISING CAMPAIGN UPDATE

Right:
Associate Professor Helen Irving
Bottom left:
Sydney LLB students prepare for class
Bottom right:
Sydney LLB students in class



Fundraising Campaign Confirms Sydney Law School's World Standing



Professor Peter Butt teaching Real Property

It has been announced that the *Sydney Campaign for Law*, which seeks to raise A\$7 million towards the new Law School building and other important projects, will conclude in June 2007. To date, over A\$4 million has been received in gifts and pledges from alumni, friends, staff and the legal and business communities.

The ambitious campaign places Sydney into the company of other illustrious law schools around the world.

In celebration of its 300th anniversary in 2007, The University of Edinburgh Law School is currently seeking to raise £4.1 million (A\$10.1 million) to fund a chair in medical jurisprudence and other key priorities. On the other side of the Atlantic, UC Davis School of Law – part of the University of California system – announced in August of this year that it had received US\$2 million in leadership gifts towards a campaign target of US\$8 million (A\$10.5 million).

In combination with university and state funding, these donations will help fund the renovation and expansion of UC Davis' existing law facility. Reflecting institutional values of accessibility and engagement, increased openness and light are key design principles of the project – goals which strike a chord with the state-of-the-art plans for Sydney's own new Law School building.

Meanwhile, in 2003, Harvard Law School launched *Setting The Standard*, claimed to be the most ambitious fundraising campaign ever in support of legal education. The formal announcement was made with US\$170 million already received in commitments towards a stunning goal of US\$400 million (A\$525 million).

As detailed on page two, Chief Justice of the Supreme Court of NSW, the Hon. Justice James Spigelman, AC (BA '67, LLB '71, LLD '04), in the presence of distinguished alumni and guests including the Hon. Gough Whitlam, AC, QC (BA '38, LLB '46, DLitt '81), unveiled a plaque commemorating the start of construction of Sydney's new building. Justice Spigelman has said of the project that "the decision to move the Law School will enrich the lives of future law students, as it will enrich the intellectual life of the University as a whole."

You can find out more information about the new Law School, take a virtual tour of the building, or look at the construction site via web cam at http://www.law.usyd.edu.au/about/new_building.shtml

For further information, please contact Mr. Guy Houghton, Development Officer, by telephone on 02 9351 0391 or 0401 694 957, and email at g.houghton@vcc.usyd.edu.au



ALUMNI NOTES

The Sydney Law School would like to congratulate the following alumni who were recently appointed to Senior Counsel (SC), in no particular order:

Dr. Andrew Bell SC (BA 1988, LLB 1990)

Dr. Mark Leeming SC (BA 1991, LLB 1993)

Mr. Adrian Galasso SC (LLB 1987)

Mr. David Dalton SC (LLB 1986)

Mr. Gregory Nell SC (LLB 1983, LLM 2000)

Mr. Ian Neil SC (BA 1982, LLB 1985)

Mr. Michael King SC (BA 1972, LLB 1976)

Mr. Nye Perram SC (BA 1990, LLB 1992)

Mr. Richard McHugh SC (BA 1991, LLB 1993)

Mr. Roger Hamilton SC (MTax 1994)

Ms. Leonie Flannery SC (BA 1983, LLB 1985)

Kathryn Simon (BA '03, LLB '05) was awarded the Frank Knox Scholarship to study at Harvard University. Associate Professor Julie Stubbs, Pro-Dean (Staff Development) of the Law School wrote, "Kathryn is a recent graduate with a very fine academic record in Law and Ancient History. She has been an exchange student at Cornell where she specialised in International Human Rights and International Humanitarian Law. She also worked for Judge Sang-Hyun Song of the International Criminal Court in the Hague."

Sydney Law School Student Wins 2007 Rhodes Scholarship



Kate Brennan, aged 23, aims to use her Rhodes Scholarship to Oxford to undertake an MPhil in Development Studies with particular interest in post-conflict development in Cambodia and Bangladesh.

For the second year in a row, a Sydney Law School student has won the New South Wales Rhodes Scholarships.

Kate Brennan, a University of Sydney Arts/Law student, secured the 2007 NSW Rhodes Scholarship in October 2006 recently.

The announcement was made on Friday, 19 October 2006 at Government House by the Governor, Her Excellency, Professor Marie Bashir, AC.

Kate was educated at TARA, North Parramatta, Baulkham Hills Primary, Fort Street High School, Petersham and MLC School, Burwood before entering the University of Sydney where she completed a BA with First Class Honours in 2004. Since then she has been completing her LLB which she will finish later this year.

Kate is a sporting all-rounder having rowed for the University of Sydney in sculls and in a women's eight. She is also a competitive swimmer and accredited swimming coach and has competed in a half marathon. She is fluent in German and also speaks French and Mandarin.

In 2004 Kate also gained experience assisting solicitors working with Indigenous people in Arnhem Land and Redfern. Following from this experience she established a community swimming and public health education program and with sponsorship from Macquarie Bank Sports and Speedo trained Indigenous women as swimming coaches as part of a program to re-engage teenagers from the Ngukurr community in Arnhem Land.

Kate is also Young Australian of the Year for NSW 2006 and was flag bearer for the opening ceremony of the Commonwealth Games. Since February 2006, Kate has also worked as a full-time volunteer and the Assistant Director of the Oaktree Foundation, Australia's first entirely youth run aid and development organisation.

"I wish to study for an MPhil in Development Studies at Oxford as I seek to investigate the opportunities for investment in young people as human capital," Kate said.

"Ultimately, I believe that those who are deprived of freedom through poverty deserve supportive partnerships to enable them to use their own creativity and innovative solutions to be able to live in greater freedom."

From the selection of this year's NSW Rhodes Scholarship finalists, two other Sydney Law School students will now go into the selection for the Australia at Large Rhodes Scholarship, announced in Canberra later this year: Angela Cummine and Eric Knight, both of whom are Arts/Law students.

Last year's NSW Rhodes Scholarship winner, Jonathan Bonnitcha, a Commerce/Law graduate whom you may have read about in the last issue of the Law Reports, is currently undertaking postgraduate study in law at Oxford.



L to R: John McCarthy QC, Paul McGirr, Professor Ron McCallum AO, Associate Professor Mary Crock, Chief Justice James Spigelman AC

Sixty five of those who completed their Bachelor of Laws (LLB) at the University of Sydney in 1970 gathered at the Holme Sutherland Room on the University Main Campus on Saturday, 26 August 2006.

It was 35 years since graduation, and it was the first time that there had been such a gathering since the Silver Jubilee Reunion that was held at the Royal Motor Club.

This Reunion was conceived after a number of our colleagues attended the Sydney Law School Sesquicentenary Dinner last year. John McCarthy QC, volunteered to chair a steering committee which comprised of Alan Cameron, Senator the Honorable Helen Coonan, Richard Farago, Paul Gregory, Paul McGirr, Derek Molloy and Bill Washington.

The tentative date for the function was set and confirmed on receipt of an acceptance from His Honour the Chief Justice of New South Wales, The Hon. Justice James Spigelman AC. The Dean of the Law School, Professor Ron McCallum AO and his wife Associate



L to R: Paul McGirr, Nick Harrison, Judge Greg James and Peter Gain

Professor Mary Crock also honoured us with their presence.

Country practices were well represented by many including Peter Gain (Wagga Wagga), Nick Harrison (Lismore), Paul Akon (Dubbo), Patrick McHugh (Kincumber) and nova castrians Jaye Barker (nee Davies), Robert Caddies and Family Court Judge Graham Mullane, while Professor Robin Woellner flew down from James Cook University, Townsville, and John Brown did the same from Norfolk Island.

It was originally proposed that the Dinner would be held in the Refectory, the scene of the first Law Dinner that many of us attended way back in 1967. On reflection "the grapevine" was not as successful as had been anticipated and a number of our colleagues did not in fact receive formal invitations nor notice by word of mouth. To those colleagues, our sincere apologies - steps are already being taken to ensure that all concerned are given early and proper notice of our 40 year reunion.

Apologies were received from a number of expatriate Alumni including Martin Kinsky from Dubai (Financial Services Authority) and David Partlett, the Dean of the Emory University School of Law, Georgia, USA. Others unable to attend were David Armati (overseas) and David Rohr (Perth WA). Unfortunately John Lakos, a very popular member of our year, was unable to attend but he assures his fellow graduates that he is fit and well and looking forward to attending the next function.

Our former SULS President Paul McGirr was our Master of Ceremonies and was in fine fettle when roasting several members of our fraternity in the nicest way possible.

Others to toast and respond were Jim Spigelman, Ron McCallum, District

James Bell played an, as always, entertaining role as Master of Ceremonies, with a medico alumnus, Dr. Bill Brooks, at the piano. Justice Dyson Heydon, who taught many in the year and whose wife Pamela attended as one of the graduating year, was Guest Speaker.

Associate Professor Barbara McDonald of the Law School brought everyone up to date with what is happening at today's Sydney Law School and congratulated the Graduating Class of '76 on its generous donations to the new law building campaign, both as individuals and by contributing to a specific "Class of 76 gift," yet to be chosen.

If you have enquiries about future Reunions or if you would like to assist

1971 Reunion



A selection of the group outside the Law School before making the trip to Campus for the Dinner

Court Judge Greg James, John McCarthy and Alan Cameron, the latter two being members of the Senate of the Sydney University.

The fact that Helen Coonan, Jaye Barker and Libby Cohen were the only female graduates in attendance was unfortunate, but it certainly demonstrates the change in the demography of the legal profession that has taken place over the last 35 years.

It is opportune to sincerely thank Louise Pierce and Christine Jones from the Law School Alumni office and Tracey Beck and her staff at the University of Sydney Alumni office for all their assistance. Thanks also to the Venue Collection for a wonderful four course dinner and fine wine.

Please forward your contact details in anticipation of 2011 (or sooner depending on popular demand) to:

Bob Kirby

Interim Secretary to the Alumni Reunion Organising Committee
PO Box 221
ROZELLE NSW 2039

1976 Reunion

On 28 October 2006, the Graduating Class of 1976 celebrated the thirtieth anniversary of its graduation year with a Reunion Dinner. Over 90 alumni attended an enjoyable and relaxed evening of catching up, stories and even song. A committee comprising Helen Kennett, Penelope Jaffray, Mary Still, Jeffrey Hilton SC, Stephen Robb QC, Paul Bryne SC, Barbara McDonald, James Bell and Peter Ridout organised the evening and assisted tracking down many alumni from the year with whom we had lost touch.



The Class of 1976

in organising one for your year, please contact our Alumni & Events Co-ordinator on 02 9351 0327 or alumni@law.usyd.edu.au



Obesity:

Should there be a law against it?

Sydney Law School hosts international public health law conference on law and obesity

Continued from page 1



Dr. Chris Reynolds

According to Associate Professor Roger Magnusson of the Law School, who convened the conference, "Overweight and obesity are major risk factors for many of the diseases that Australians overwhelmingly get sick and eventually die from."

"Obesity is a risk factor for hypertension, raised cholesterol levels, a range of cancers (including colon and breast cancer), type two diabetes, coronary heart disease, stroke and osteoarthritis".

Data from 1999-2000 suggest that 67% of men and 55% of women are either overweight or obese, while a recent survey of school-age children shows that rates of overweight and obesity have climbed from 11% in 1985 to 25% in 2004.

Obesity is therefore a serious public health concern and the role that law might play in obesity prevention is a legitimate question for health lawyers to consider. At the same time, law and obesity is also an area where rhetoric runs wild, partly because the link between obesity and the over-consumption of high-fat and high-sugar foods (and beverages) has transformed the public health response to obesity into a serious economic issue for the food industry.

International keynote speakers at the conference were Associate Professor James Hodge from the Bloomberg School of Public Health, Johns Hopkins University, and Professor Robyn Martin from the University of Hertfordshire, both leading experts in public health law. Professor Boyd Swinburn of Deakin University, a leading expert in obesity prevention, opened the conference.

Also presenting were Associate Professor Magnusson, Dr. Chris Reynolds and Associate Professor Elizabeth Handsley, both from Flinders Law School. Professor Richard Ingleby from Deakin University and Ian Caterson, Boden Professor of Human Nutrition at the University of Sydney, chaired sessions.

Many stakeholders and agencies active in obesity and health policy were represented at the conference, which forms part of the program of events under Associate Professor Magnusson's ARC Discovery Grant on: "Lifestyle Wars: Law's Role in Responding to the Challenge of Non-Communicable Diseases."

Not everyone who heard about the conference appreciated its title. "I fielded a number of e-mails taking me to task about that," said Associate Professor Magnusson, "both from Australia and beyond."



Speakers L to R: A/Professor James Hodge (Bloomberg School of Public Health, Johns Hopkins University); Professor Robyn Martin (Centre for Research in Primary and Community Care, University of Hertfordshire & Visiting Professor, Chinese University of Hong Kong); Professor Boyd Swinburn (School of Exercise & Nutrition Sciences, Deakin University); Dr. Chris Reynolds (School of Law, Flinders University); A/Professor Roger Magnusson (Sydney Law School) and A/Professor Elizabeth Handsley (School of Law, Flinders University)

"The problem in this area is that people think that law is necessarily about coercion: a militaristic, jackboot-style legal response that tramples on economic freedoms, is anti-libertarian, and ignores personal responsibility."

"While obesity is a real public health problem, we wanted to begin to explore what law might do to influence the social and environmental causes of weight gain: no one thinks that law should be used to discriminate or victimise people."

"The 'conceit' of public health law is that health challenges within populations can be framed as legal challenges and that law – acting as an instrument of public health policy – can play a constructive role."



TOP: Professor Robyn Martin
LEFT: A/Professor Roger Magnusson

NSW Law Reform Commission Report 109: Expert Witnesses - The Future



Keynote Speaker: Professor Richard Chisholm

A MOST SUCCESSFUL SYMPOSIUM WAS HELD ON MONDAY 26 JUNE 2006 ON THE TOPIC "NSW LAW REFORM COMMISSION REPORT 109 - EXPERT WITNESSES: THE FUTURE".

The symposium examined recent changes and current reform proposals following upon the NSW Law Reform Commission's investigation into the operation and effectiveness of the rules and procedures governing expert witnesses in New South Wales.

An audience of 165 persons attended this Symposium held in the Parliamentary Theatre and jointly conducted by Sydney Law School and the Expert Witness Institute of Australia.

The keynote speaker was Professor Richard Chisholm, Part-Time Law Reform Commissioner and Head of Division of the NSW Law Reform Commission for the purpose of conducting the reference from the Attorney-General to inquire into and report on the operation of the rules and procedures governing expert witnesses in New South Wales.

Panel members were:

- Associate Professor Peter Cashman, Sydney Law School
- Mr. Chris Hodgekiss SC, Barrister at the NSW Bar
- Mr. Wayne Lonergan, Managing Director, Lonergan Edwards & Associates
- Associate Professor Roy Beran, Consultant Neurologist, Faculty of Medicine UNSW.

Panel Chair was His Honour Judge Anthony Garling, District Court of NSW.



The 2006 Julius Stone Address

The 2006 Julius Stone Address, "Conquest & Circumstances: Can changing conditions legitimise the imposition of colonial authority?" was delivered by Professor Jeremy Waldron, New York University on 3 August 2006 in the Banco Court, Supreme Court of New South Wales.

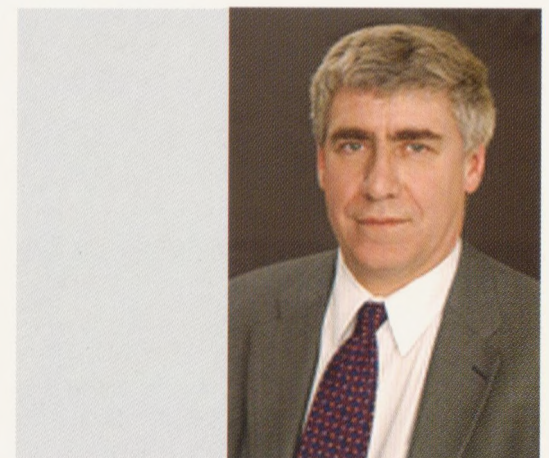
Professor Waldron presented the following summary prior the Address:

Injustices done to indigenous peoples in Australia, New Zealand, and the Americas continue to be a focus of political and scholarly concern. In a number of papers, Jeremy Waldron has defended the proposition that historic injustice may be overtaken by circumstances, and that social conditions may change to render just what was previously unjust. He calls this controversial thesis the supersession of historic injustice. Claims for reparations and demands that the effects of historic injustice should be reversed need to be evaluated in light of this possibility. In the past, Professor Waldron has applied the supersession thesis primarily to claims about property rights, especially land rights.

This lecture considered the supersession of historic injustice as it applies to issues about sovereignty and the circumstances in which political authority is seized, abrogated, established, and sustained. In many places in the world - including Australia - European settlers arrived in territories that were already

populated and they abrogated and suppressed long-standing political structures set up among the indigenous inhabitants, replacing them with their own colonial institutions. Assuming that this was done wrongfully, and assuming that the new structures lacked legitimacy when they were established, does it follow that there should now be some sort of transformation of the imposed regime to reflect the injustice of its initial establishment?

In some cases the answer is obviously yes - this is the answer given by the decolonisation movement. In other cases, the situation is much more complicated. The legitimacy of political structures is not wholly a matter of the way they were established. It is partly a matter of their relation to current conditions. Conditions now (e.g. size of population, nature of governmental responsibility) are radically different from those that obtained at the time the settler regimes were (unjustly) set up. What was previously an unjust regime may now be just in light of the new circumstances, and structural changes that might have been appropriate if the regime had remained illegitimate - even quite modest structural changes (like limited devolution) - may turn out to be quite inappropriate. Good-hearted responsiveness to historic injustice is not enough; we must pay attention to the relation between the circumstances that framed the historic injustice and the circumstances we are dealing with today.



Professor Jeremy Waldron delivered the 2006 Julius Stone Address

You can download the 2006 Julius Stone Address by visiting the Institute website - www.law.usyd.edu.au/jurisprudence

The Julius Stone Address, inaugurated in 2000, is an annual lecture given by a leading international scholar of jurisprudence. The Address is delivered in the Banco Court of the Supreme Court of New South Wales and is attended by judges, scholars, leading members of the legal profession and the broader community.

The annual address is published in the Sydney Law Review and is kindly sponsored by the Education Heritage Foundation.

Investment Banking Discussion Forum



The panel from the forum

On 1 August 2006 the Parsons Centre of Commercial, Corporate and Taxation Law hosted a discussion forum, "Investment Banking in Australia: Immediate Challenges and Future Directions".

Convened by Sydney Law School lecturer Andrew Tuch, the forum involved a panel of senior industry figures, advisers and scholars, reflecting diverse expertise and perspectives, and was held against the backdrop of high profile litigation recently brought by the Australian Securities &

Investments Commission (ASIC) against a major investment bank.

The panel comprised Peter Hunt, the Executive Chairman of corporate advisory firm Caliburn Partnership; Mark Grolman, Asia Pacific General Counsel of the Deutsche Bank Group; Chris Madden, General Counsel of Investment Bank UBS Australia; Kate Mills, a partner in the Dispute Resolution Group of Mallesons Stephen Jaques; and Andrew Tuch. Professor Jennifer Hill of the Law School chaired the forum.

The two-hour discussion traversed many, wide-ranging issues, including regulatory uncertainty in the industry, client perceptions of the incidence of conflicts of interest, and the growing market presence of independent advisory firms.

The sensitive question of whether the relationship between an investment bank and its corporate advisory client is fiduciary in character attracted considerable comment,

and views diverged widely on this and other questions.

The forum provided an opportunity for issues of relevance to the industry to be freely and openly discussed, and the Chatham House Rule was applied to the event in order to facilitate this.

It attracted over 140 registrants, including financial regulators, members of investment banks and law firms, and industry representative bodies.



The Chair, Professor Jennifer Hill of the Law School addresses the forum

ANJeL and the Australia-Japan Year of Exchange



Front: students representing the Law School in the Negotiation Competition in Tokyo during December 2006: Wan Sang Lung, Adrian Bright, Chris Grey, and Shohei Matsui (absent, Joel Rheuben)

Back: ANJeL principal sponsor and Partner at Blake Dawson Waldron, Michael Ryland, Dr. Luke Nottage of the Law School and JCCI Sydney Chairman, Tachi Yasukawa

This has been a busy year for the Australian Network of Japanese Law (ANJeL) - www.law.usyd.edu.au/anjel - a unique collaboration joining now around 270 academics and practitioners throughout Australia, Japan and the rest of the world, founded in 2002 by the Law Deans at the University of Sydney, University of New South Wales and the Australian National University.

As part of its broader outreach and the Australia-Japan Year of Exchange, ANJeL assisted the Chief Justice of New South Wales, The Hon. Justice J.J. Spigelman AC, prior to leading a large delegation of Australian judges for seminars with counterparts in Japan.

ANJeL also coordinated lectures delivered by the Chief Justice at Sophia University

(with The Hon. Justice Bergin), and at Chuo University (in memory of ANJeL's Founding Advisor, Professor Malcolm Smith, an invaluable mentor who passed away unexpectedly just prior to the event).

In July 2006, ANJeL welcomed Judge Takashi Masuo for a year at the Law School, and as its third ANJeL Judge-in-Residence. ANJeL will also co-ordinate the stay of another Japanese Judge in Melbourne, and a third will be based in Canberra from 2007. Further, ANJeL welcomed a Prosecutor and a National Policy Agency officer from Japan, and hopes are high of further long-term visitors interested in comparing the Australian legal system.

Judge Kayoka Ishida left the Law School with a perceptive article comparing evidence law in both countries, which is published in the current issue of the *Journal of Japanese Law* (now supported by ANJeL). The issue also carries an article by Chief Justice Spigelman derived from his speech at ANJeL's February conference in Sydney.

Other future research-related activities include assisting the University of Western Sydney in their co-hosting with Meiji University of two conferences in Sydney - a seminar on comparative judicial style planned for Kyoto in January 2007 by two former ANJeL Research Visitors, and preparations for ANJeL's next international conference in Canberra in July 2007. A major theme for the latter involves comparing

Japan's new *saiban-in* (quasi-jury) procedure for serious criminal cases, with input from senior academics and practitioners from both Australia and Japan.

In relation to teaching and learning, ANJeL has confirmed two teams to compete in the Intercollegiate Negotiation (and Arbitration) Competition in Tokyo between 2 and 3 December 2006. A Canberra-based team (including a Sydney Law School student) will compete in the Japanese division and a Sydney-based team (including another Law School student completing an LLM in Kyoto) will compete in the English division.

In 2006, ANJeL appreciated sponsorship from: Blake Dawson Waldron, the Japan Chamber of Commerce and Industry (Sydney), Nagashima Ohno & Tsunematsu, Matsuo Kosugi (two law firms in Tokyo), and the University of Sydney.

Lastly, ANJeL will again collaborate in the Kyoto Seminar in Japanese Law, taught intensively in English to both Japanese and international students at Ritsumeikan Law School between 5 and 9 February 2007. ANJeL's founding Law Schools have all now accredited this course as equivalent to one postgraduate coursework law unit.

As with other events and organisations associated with the Year of Exchange, ANJeL has taken its activities to new levels, and looks forward - with support of the Law School and its alumni - to maintaining this momentum.

2006 Clayton Utz/University of Sydney Lecture in International Commercial Arbitration

The 2006 Clayton Utz Lecture in International Commercial Arbitration, "Enterprise Versus State: The New David & Goliath," was delivered by Emeritus Professor Dr. Karl-Heinz Boeckstiegel of the University of Cologne on Wednesday, 27 September 2006.

The Lecture addressed the legal and commercial implications of bilateral and multilateral investment treaties. These treaties generally afford private companies some recourse against States.

Professor Boeckstiegel looked at what protection is available, how reliable it is, and how the risks involved can be minimised.

He argued that with the muscle traditionally favouring the State, is the Enterprise now in a position to fight back?

Professor Boeckstiegel is the President of the German Institution of Arbitration. He was formerly president of the London Court of International Arbitration, and of the Iran-US Claims Tribunal.

In this latter role, he initiated efficient case management techniques which eventually carried over into regular commercial arbitrations in the ICC and beyond.

A complete transcript and audio of the Lecture is available to download at www.ialecture.com/2006

The 2007 Lecture is set to be delivered by Professor Dr. Gabrielle Kaufmann-Kohler. Based at Geneva University and the law firm Schellenberg Wittmer, Professor Kaufmann-Kohler has handled over 100 international commercial arbitrations and chairs the Swiss Arbitration Association,

and is on the Board of the Swiss International Law Society.

Professor Kaufmann-Kohler is also a leading author and practitioner in sports arbitrations. She chaired the arbitral tribunal at the Olympic Games from its creation in 1996 (Atlanta) until 2000 (Sydney), and is currently a member of the panel for the XXXII America's Cup.

Details on the 2007 lecture will become available at www.ialecture.com



Institute of Criminology Report

Recent Seminars

On 5 September 2006 the Institute of Criminology held a seminar on "The legal system's response to sexual assault – Do specialist courts offer the best way forward?" This event was particularly timely given the New South Wales Government's recent announcement that it will introduce new laws such as limiting the number of times a victim can be cross-examined, as part of reforms dealing with sexual assault.

Speakers at this seminar considered the sustained criticisms of the legal system's response to sexual assault. The speakers evaluated the current system and considered reform proposals such as specialised courts.

Speakers at the seminar were Dr. Annie Cossins from the Faculty of Law, University of New South Wales, Laura Wells, Director of the Criminal Law Review Division, at the Attorney General's Department of NSW and Karen Willis, who is the Manager, NSW Rape Crisis Centre. Both Dr. Annie Cossins and Karen Willis were members of the NSW Criminal Justice Sexual Offences Task Force, established by the Attorney General in 2004.

Associate Professor Julie Stubbs from the Institute of Criminology was the chair of the seminar and Robyn Holder, ACT

Victims of Crime Co-ordinator participated as a commentator.

The seminar was well attended and the speakers looked at many of the complex and difficult issues related to prosecutions for sexual assault. Please contact the Institute if you are interested in obtaining the papers from this seminar.

The Institute also held a seminar titled "Masters of Fact and Law? A Place for Juries in Sentencing" on 4 October 2006. This seminar was co-sponsored by the NSW Law Reform Commission and looked at whether juries should have influence beyond the verdict.

At this seminar the Institute and the Law Reform Commission invited discussion about a possible role for juries in sentencing. The Law Reform Commission has recently released a discussion paper on the issue (Issues Paper 27 (2006) - Sentencing and Juries).

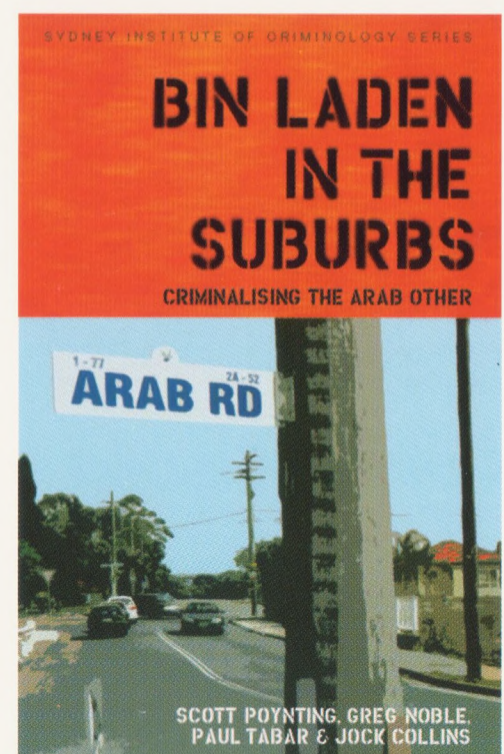
Professor Mark Findlay from the Institute of Criminology chaired the seminar.

The seminar speakers were: The Hon. Justice James Wood, Commissioner-in-Charge, Inquiry into "Sentencing and Juries," NSW Law Reform Commission; Associate Professor Jane Goodman-Delahunty, School of Psychology, University of New South Wales; Dr. David Tait, School of

Law, University of Canberra; and John Stratton SC, Barrister and Deputy Senior Public Defender. Attendees found this seminar thought provoking and engaged with the topic and the speakers during question time.

If you would like to be included on the mailing list for future seminars please contact the Institute.

Continued page 16



One of the Institute's recent publications

Activities in the Ross Parsons Centre for Commercial, Corporate and Taxation Law in 2006



Prof. Ross Parsons

2006 has been an important year for the Ross Parsons Centre thus far. Firstly, **Professor Patricia Apps** was elected President of the European Society for Population Economics (ESPE). In that capacity she gave the Presidential Address at the XX Annual Conference of ESPE held in the imposing Gran Guardia Palace in the centre of Verona, June 22-24, 2006, entitled "Female labour supply, taxation and the 'new discrimination'". The previous year, she was Chair of the Program Committee for the XIX Annual Conference of the European Society for Population Economics (ESPE), held at the Cité Universitaire, Paris, June 16-18, 2005.

The European Society for Population Economics is one of the largest and most internationally influential associations in economics, and the journal of the association, the *Journal of Population Economics*, is a leading academic journal worldwide. The focus of ESPE is on the analysis of problems of economic policy arising from declining fertility and population ageing, changing labour market conditions and rising inequality.

These concerns have been at the centre of Professor Apps' research for over a decade. Her presidential address presented an analysis of family labour supply decisions and taxation for four countries: the US, UK, Australia and Sweden. The results showed that recent reforms in the US, UK and Australia have introduced very high tax rates on the income of the second earner in the family. Examples included the expansion of the earned income tax credit (EITC) program in the US, the child tax credit (CTC) and working tax credit (WTC) in the UK, and the Family Tax Benefit (FTB) system in Australia. Because the second earner is typically the female partner, the reforms have had the effect of increasing the net-of-tax gender wage gap. In her address, Professor Apps labelled this phenomenon as the "new discrimination" and warned that it would undermine productivity and lead to greater inequality.

Professor Peter Butt has been drafting a land law for an economic zone in Dubai, which will introduce the concepts of the Torrens system of land registration into that area of the middle east, along with a

form of strata title. It is thought that this is the first time that Torrens-style legislation has been introduced into that part of the world. The law will be in force before the end of 2006. Earlier in the year, Peter was in Hong Kong at the invitation of the Faculty of Law, City University, to review the teaching of conveyancing law and legal writing in the post-graduate practical training course conducted by that law school.

Professor John Carter published *Carter's Guide to Australian Contract Law*. He also convened and spoke at the 2006 *Journal of Contract Law* Conference at the Singapore Management University on *Contract and the Commercialisation of Intellectual Property Law*, at which Professor Howard Hunter (President of SMU), Professor Michael Furmston and Associate Professor Elisabeth Peden of the Law School also spoke. Professors Hunter and Furmston have both been McWilliam Visiting Professors in Commercial Law at Sydney Law School.

Professor Jennifer Hill has been appointed as one of the legal scholars in a European Corporate Governance Institute (ECGI) consortium, which was recently awarded a major contract by the European Union to study ownership and control in EU listed companies. Details of the "One Share One Vote" project can be found at www.ecgi.org/osov/index.php

Professor Hill is set to be a Visiting Professor at Vanderbilt Law School during 2006-2007 (spring semesters), where she will teach US Corporate Law and conduct comparative research on US and Australian executive remuneration contracts with Professor Randall S. Thomas from Vanderbilt Law School and Professor Ronald W. Masulis from the Owen Business School. She is scheduled to give workshop presentations at UCLA and Emory University while she is in the US.

Challis Professor of Law, Richard Vann is currently William K Jacobs Jr Visiting Professor of Law at Harvard Law School, where he is teaching Tax Treaties and the (US) Taxation course. He is also giving seminars at Yale and Toronto Law Schools while in North America and during November was the Norman A. Sugarman Tax Scholar-in-Residence at the Case School of Law in Cleveland. He published the mysteriously titled "Tax Treaties: The Secret Agent's Secrets" in the 50th Anniversary edition of the *British Tax Review* in June 2006.

As reported in this issue of the Law Reports, **Andrew Tuch** convened a most successful

and well attended Discussion Forum on the topical issue of *Investment Banking in Australia: Immediate Challenges and Future Directions*. **Dr. Gregory Tolhurst** published, *The Assignment of Contractual Rights*, with Hart Publishing.

Associate Professor Barbara McDonald gave a paper to the Supreme Court of New South Wales Annual Conference on the impact of tort reform legislation on the common law principles and policies.

Associate Professor Lee Aitken was a key note speaker at the Australian Banking Law Association Annual Conference in August 2006, speaking on conflicts of interest in the banking and commercial transactions.

Professors Graeme Cooper and Richard Vann and **Senior Lecturer Rebecca Millar** spoke at a Seminar on "Indirect tax aspects of cross-border services" at the 2006 International Fiscal Association Congress in Amsterdam. This follows Rebecca Millar's six months appointment as Consulting Counsel in Taxation to the international Monetary Fund in Washington in 2005, where she was involved in drafting indirect tax laws and regulations for developing countries.

Associate Professor Elisabeth Peden gave a paper with Professor John Carter on "A good faith perspective of liquidated damages" at the Obligations Conference held at the Obligations III Conference at the TC Beirne School of Law, UQ in July 2006.

The Ross Parsons Centre and the Social Science Research Network - The Ross Parsons Centre recently joined the Social Science Research Network (SSRN) on behalf of Sydney Law School. SSRN is a US-based collaborative research network in the social sciences, which through its various journals, reaches over 80,000 people in 70 different countries

As part of this initiative, the Centre has established a Sydney Law School Legal Studies Research Paper Series. Published articles and working papers by Faculty members can now be accessed from Sydney Law School's Research Paper Series homepage - available at www.ssrn.com/link/Sydney-LEG.html

SSRN also electronically distributes the new Sydney Law School Research Paper journal to subscribers. If you are not already on the mailing list for this electronic journal but would like to receive it, please contact Janice Mountford - janicem@law.usyd.edu.au

Sydney Law School wins grand final of European Law Students Association Moot Court Competition in WTO Law



The winning team pictured with their coach, Dr. Brett Williams, in the centre

As reported briefly in the last edition of the Law Reports, the Sydney Law School team consisting of Odette Murray, Rebecca Mann, Lucas Bastin and David Coleman has won the Grand Final of the **ELSA (European Law Students Association)** moot court competition on the law of the World Trade Organisation.

After having won the South Asia Pacific regional round in Adelaide in March, the team made the trip to the finals as a result of the generosity of *Moulis Legal, Freehills, Baker & McKenzie, Corrs Chambers Westgarth and Mallesons Stephen Jaques*.

The Law School sent coach and Faculty member, Dr. Brett Williams to accompany the team to Geneva to assist them and the team did everything to justify the confidence placed in them by their sponsors and the Law School.

The Grand Final was contested against the London School of Economics and Political

Science in the General Council Room of the World Trade Organisation secretariat building in Geneva on Saturday 29 April 2006.

A prestigious panel of seven judges including the Deputy Director of the WTO, Mr. Alejandro Jara and the Director of the WTO Appellate Body Secretariat, Mr. Werner Zdouc, heard the case in the Council room, packed with all of the members of the other teams who had come from around the world to compete.

The Chair of the Judging panel, Professor Jacques Bourgeois (*of Akin Gump Strauss Hauer & Feld*) explained the judges decision by saying that both teams were confident and persuasive, sometimes more so than real counsel acting for WTO Members in real WTO disputes but that the University of Sydney team had demonstrated better argumentation and analysis, in particular an ability to think outside the box and a better effort to connect arguments to the object and purpose of the provisions.

The finals of the competition were conducted between 25 and 29 April 2006.

University of Sydney's preliminary rounds were against National Taiwan University in Taipei and Howard University from Washington DC.

After the preliminary rounds, West Bengal National University of Juridical Science led by a significant margin over the second placed Sydney team, while the 3rd and 4th ranked teams were Kings College, London and London School of Economics.

"In the semi final against West Bengal, prepared presentations were swept aside by a torrent of questions from an interventionist bench and our team handled the pressure of questioning better than the other side," said Dr. Williams.

"In the Grand Final, the team argued for the Respondent and the members were a credit to the Sydney Law School and to the University of Sydney.

"The team members departed from prepared submissions to attack LSE's arguments, answered all questions well to demonstrate their superb understanding of the law and used every last second of their allotted time to great effect - even the deliberate pauses."

The members of the team have won tuition scholarships to the summer school in WTO law at the World Trade Institute in Berne.

Team captain Odette Murray summed up the teams jubilation as recorded in the ELSA official press release: "5 months, 40 cases. 45 practice moots. Finally it is over and we are so thrilled to have won."

The Sydney Law School would like to thank again the aforementioned sponsoring law firms, the student organising committee of the European Law Students Association (ELSA), the academic supervisors, the many judges and all of the other teams that participated in the competition.

Third John Lehane Memorial Lecture

THE THIRD JOHN LEHANE MEMORIAL LECTURE, "MEETING THE CHALLENGES OF TERRORISM: THE EXPERIENCE OF ENGLISH AND OTHER COURTS," WAS DELIVERED BY THE RT. HON. LADY JUSTICE ARDEN ON 16 AUGUST 2006 IN THE BANCO COURT, SUPREME COURT OF NEW SOUTH WALES.

John Lehane made a significant contribution to the study and practice of law in Australia. A University of Sydney Medallist, he began his legal career as an articled clerk at Allen Allen & Hemsley in 1966. He rose to be the firm's leading banking law partner, Managing Partner and, ultimately, Chairman.

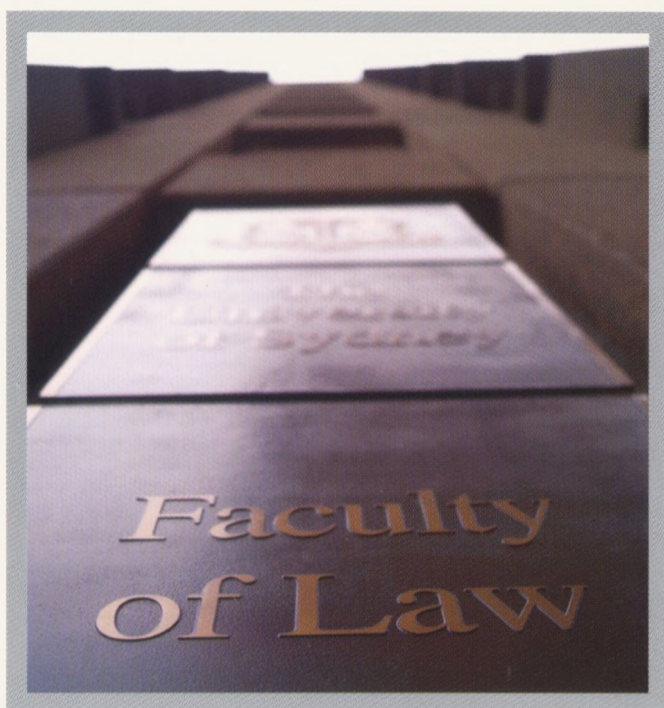
In 1995 he was appointed to the Federal Court of Australia, where he served with distinction until 2001. John Lehane lectured in law at the University of Sydney for many years, published numerous papers and co-authored Australia's leading text on Equity.

One of his eminent contemporaries, Roddy Meagher, said of him: "He was one of the greatest lawyers and one of the nicest men any of us will ever meet".

The John Lehane Memorial Lecture is a joint initiative between Allens Arthur Robinson and Sydney Law School.



2006 Sydney Law School Postgraduate Information Evening



THIS YEAR'S POSTGRADUATE INFORMATION EVENING WAS AN OVERWHELMING SUCCESS WITH APPROXIMATELY 150 PROSPECTIVE STUDENTS ATTENDING, A TWO-FOLD INCREASE OVER LAST YEAR'S EVENT.

Academic representatives from a variety of postgraduate coursework and research programs were in attendance, including those for Criminology, Health Law, International Law, Taxation and the Master of Laws (LLM).

For the first time, the Dean, Professor Ron McCallum, delivered a brief powerpoint presentation on the Law School's program, following which attendees were free to talk to the academic advisers and enjoy the refreshments provided.

"We were thrilled with the attendance and judging by the feedback from our staff, we are likely to receive a strong batch of applications for 2007," Professor McCallum.

The event was part of the University of Sydney's Postgraduate Week, an annual event that showcases each of the Faculty's postgraduate programs.

For more information on postgraduate study at Sydney Law School, please visit www.law.usyd.edu.au/postgrad

POSTGRADUATE LAW @ SYDNEY

Sydney Law School offers Australia's largest postgraduate program in law. Our units of study are taught by our reputable staff as well as prominent experts at a national and international level. Our classes are taught at the Law School's St. James Campus and in locations within the Sydney CBD. You can complete a unit of study on an intensive basis, where you simply attend classes over a period of four to five days. You can choose to enrol in the LLM or other coursework masters or even select a unit on a single unit, non-award or CLE basis. All units are taught between 9am and 5pm unless otherwise indicated. Please check the Sydney Law School website to confirm all details – www.law.usyd.edu.au

The following is a brief selection of postgraduate subjects taught on an intensive basis between January and June 2007:

- | | |
|----------------|---|
| Unit of Study: | Australian Financial Services Regulation |
| Date: | 8-12 January & 15 January (2pm to 6pm) 2007 |
| Lecturer: | Mr. Ashley Black, Mallesons Stephen Jaques |
| Unit of Study: | Practical Legal Effects of the Interaction of Tort & Contract |
| Date: | 31 January, 1-3 February 2007 |
| Lecturer: | Emeritus Professor GHL Fridman QC, University of Western Ontario, Canada
Professor Jim Davis, Australian National University |
| Unit of Study: | Principles of Intellectual Property |
| Date: | 10, 24 & 31 March & 13-14 April 2007 |
| Lecturer: | Associate Professor Patricia Loughlan, Sydney Law School |
| Unit of Study: | International Law in World Politics |
| Date: | 16-17 March & 13-14 & 28 April 2007 |
| Lecturer: | Associate Professor Shirley Scott, UNSW |
| Unit of Study: | Reproduction & the Law |
| Date: | 23-24 March & 30-31 April 2007 |
| Lecturer: | Dr. Isabel Karpin, Sydney Law School |
| Unit of Study: | Environmental Planning Law |
| Date: | 30-31 March & 2-3 April 2007 |
| Lecturer: | Nicola Franklin, Sydney Law School |
| Unit of Study: | International Commercial Arbitration |
| Date: | 13-14 April & 4-5 May 2007 |
| Lecturer: | Dr. Luke Nottage, Sydney Law School |
| Unit of Study: | Terrorism & Counterterrorism Policy & Law |
| Date: | 17-20 April 2007 |
| Lecturer: | Professor Clive Williams, Australian National University |
| Unit of Study: | Legal Regulation of Economic Activity |
| Date: | 20-21 & 27-28 April 2007 |
| Lecturer: | Professor Donald Robertson, Freehills |
| Unit of Study: | Australian International Taxation |
| Date: | 9-11 May & 14-15 May 2007 |
| Lecturer: | Associate Professor Lee Burns, Sydney Law School |
| Unit of Study: | Human Rights & the Global Economy |
| Date: | 11, 18 & 25-26 May 2007 |
| Lecturer: | Professor David Kinley, Sydney Law School |
| Unit of Study: | Restorative Justice: International Developments |
| Date: | 18-19 & 25-26 May 2007 |
| Lecturer: | Dr. Evelyn Zellerer, AlterNation, Vancouver, Canada |

If you would like further information or a copy of the Sydney Law School Postgraduate Guide, please contact the Postgraduate Team:

Phone: +61 2 9351 0351 or +61 2 9351 0361 or +61 2 9351 0347 or +61 2 9351 0267

Email: pg@law.usyd.edu.au or info@law.usyd.edu.au

Website: www.law.usyd.edu.au/postgrad

STAFF NOTES



Associate Professor
Belinda Bennett



Professor Ben Boer



Dr. Tim Stephens



Tribute to Professor Roy Woodman

It is with sadness that we record the passing of **Professor Roy Woodman**, who died in May this year. Professor

Woodman was a senior lecturer, and later Professor, at this Law School. He taught several generations of law students, particularly in the areas of succession and real property.

Roy was the author of a leading student text on succession (*Cases and Materials on Succession*), which he wrote with the late Mr. Justice Hutley. He also published a leading text on administration of deceased estates (*Administration of Assets*).

However, it was in relation to the Torrens system that he made his real mark. In 1974, he published his commentary on the Torrens System in New South Wales, building on an earlier classic text by John Baalman. Roy's co-author was P. J. Grimes, the Examiner of Titles at the Land Titles Office. Roy later published a second edition, this time in loose-leaf form; and for this edition Roy's co-author was Kevin Nettle, the Registrar-General of New South Wales. The loose-leaf edition is now edited by other persons, but it is still known in the legal profession as *Woodman and Nettle*.

Law students who studied in Roy's classes will doubtless remember his unsurpassed knowledge of the law of future interests and the rule against perpetuities. It is no overstatement to say that he was a world leader in this field. Its rigorous logic appealed to his mathematical mind. Some students found the topic intimidating; but to Roy it seemed second nature.

Roy took up law studies after returning from war service in the mid-1940s. He had a distinguished career as an air force navigator during the Second World War, and then took up a position as legal officer at the Public Trust Office. He moved to the University of Sydney after gaining a Master of Laws (LLM) degree (First Class Honours) with a thesis on the administration of estates.

Outside of the law, Roy was heavily involved in Masonic activities, rising to the rank of Grand Master. In this capacity, he also chaired a number of important charitable organisations, and was instrumental in helping establish several homes for the aged.

Roy is survived by his two sons, Stuart and Geoff. To them we extend our sincere sympathy.

Professor Peter Butt, Sydney Law School

Professor Ron McCallum AO, Dean of Sydney Law School, was awarded the title of an Officer of the Order of Australia (AO) in June 2006. Head of School, Professor Patrick Parkinson stated, "Ron's award is recognition not only of his extraordinary achievements, but also of his major contribution to Australian society through his work in industrial relations law, social justice and advocacy for people with disabilities." The Sydney Law

School would also like to extend its congratulations to its former Dean **Professor Emeritus David Weisbrot** who was also made a member of the Order of Australia (AO) in the Queen's Birthday honours list. Emeritus Professor Weisbrot is currently serving his second five year term as the President of the Australian Law Reform Commission.

Associate Professor Belinda Bennett - appointed by the Governor of New South Wales as the legal member of the NSW Medical Board. The Board is a statutory authority established under the Medical Practice Act 1992. It is providing mechanisms designed to ensure medical practitioners are fit to practice by ensuring that only properly trained doctors are registered, and that registered doctors maintain proper standards of conduct and competence.

Professor Ben Boer - nominated as the first International Director of the IUCN-World Conservation Academy of Environmental Law. The Academy's full-time secretariat was established by the Faculty of Law, University of Ottawa in early 2006, sponsored by the Government of Canada. In order to facilitate his work as director, Professor Boer has also been appointed as a Visiting Professor in both the Common and Civil Law sections of the Law Faculty at Ottawa University. The Academy of Environmental Law is part of the World Conservation Union's long-standing Environmental Law Program. It is a global body, focused on promoting high level research and teaching in Environmental Law, especially in developing countries. Professor Boer commenced this position in July 2006 but will retain his Chair in Environmental Law, where he will continue to teach intensives units as part of the Law School's postgraduate coursework program and supervise our research candidates in Environmental Law.

Associate Professor Mary Crock completed a large research project undertaken in conjunction with Harvard University and a group of non-profit organisations in Australia (*PIAC, A Just Australia and Australians Against Racism*). The project has examined the phenomenon of unaccompanied and separated children travelling the world in search of protection of some kind. Three countries were chosen for special study: Australia, the United States of America and the United Kingdom. The Australian and American reports have been published, with two additional reports on the United Kingdom and a comparative report due before the end of the year. The Australian and comparative reports are or will be available for purchase through Federation Press and good bookshops. Otherwise, all can be accessed online at www.humanrights.harvard.edu or www.law.usyd.edu.au/scigl

Dr. Tim Stephens - publication of his PhD dissertation, "International Courts & Environmental Protection," in the Cambridge Studies in International and Comparative law monograph series, edited by Professor James Crawford, a former Dean of the Law School.

The Dean, Professor Ron McCallum AO - elected as the Asian Regional Vice-President of the International Society for Labour & Social Security Law.

Law School Visitors



Sir Peter North QC, former Vice-Chancellor of Oxford University and Law Commissioner for England and Wales, who delivered a presentation to undergraduate students on the choice of law in tort in the United Kingdom.

Dr. John Howe, from the University of Melbourne has been teaching and researching in the field of labour law and government policy since 1995. He holds degrees in law from Monash University, Temple University in the USA, and the University of Melbourne. His PhD thesis, titled "Government Promotion of Job Creation in Australia: Regulatory Objectives, Instruments and Law," is to be published in a Labour Law Monograph series by Federation Press. Dr Howe has published many chapters and articles on labour market regulation. His current research is into innovative regulatory approaches adopted by State governments in the wake of the federal Work Choices legislation. He is investigating 'light-touch' labour regulation by State Governments, for example, the attaching of labour conditions to public procurement contracts, use of financial subsidies to promote decent labour practices, and issuing of 'best practice' guidelines and case studies.

W. Bradley Wendel, from Cornell Law School, Ithaca, New York has a BA in philosophy from Rice University, a JD from Duke Law School, and an LLM and JSD in legal philosophy from Columbia Law School. He has practiced at a large law firm in Seattle, clerked on the U.S. Court of Appeals for the Ninth Circuit, and taught for 5 years at Washington and Lee Law School before joining the Cornell faculty in 2004. He is widely published on issues of legal ethics and teaches a number of courses on legal ethics, including "Philosophical Foundations of Legal Ethics," 'Law Governing Lawyers' and 'Ethical Issues in Civil Litigation'.

Dr. James Joshua Edelman, from the Faculty of Law, University of Oxford is a Fellow at Keble College and lecturer in the Faculty of Law. His teaching interests are in the areas of restitution, trusts, tort and Roman law. Prior to coming to Oxford he practised as a barrister, in Western Australia where he also taught (and remains an Adjunct Professor of Law) and was a Reader in law at King's College London. He is currently completing a book entitled 'Unjust enrichment in Australia.'

Professor Nathan M. Crystal, from University of South Carolina, School of Law is the Class of 1969 Professor of Professional Responsibility and Contract Law at the University of South Carolina School of Law, where he has taught for 27 years. He holds degrees from the University of Pennsylvania (Wharton School), Emory Law School (where he was editor-in-chief of the law review), and Harvard Law School. Professor Crystal concentrates in the areas of professional responsibility and contract law. He is the author or co-author of four books, three on legal ethics and one on contract law.

Dr. Jens M Scherpe, from Trinity College, Cambridge studied law in Berlin, Hamburg, Copenhagen and Oxford and has worked for the European Commission in Brussels and the German Foreign Service in Singapore. He has taught in Germany and in England, has been a Visiting Fellow at the University of Leuven (Belgium), until 2005 was a Senior Research Fellow at the Max Planck Institute for Foreign Private and Private International Law, and currently is a lecturer in law at the University of Cambridge. In 2005 he became a member of the Legal Advisory Group of the English Law Commission's Cohabitation Project and also is a member of the German Academic Society for Family Law.

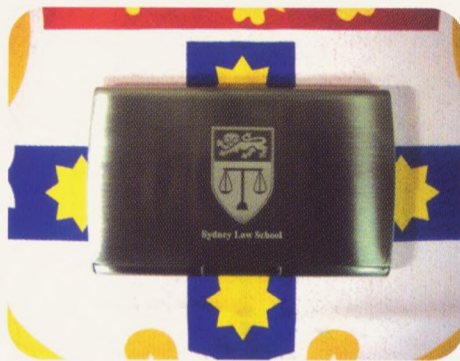
Professor David John Feldman, from the Faculty of Law, The University of Cambridge studied at Exeter College, Oxford 1972-76. Lecturer in Law 1976-89, Reader in Law 1989-92, University of Bristol; Visiting Fellow, Faculty of Law, Australian National University 1989; Barber Professor of Jurisprudence, The University of Birmingham 1992-2000 (Dean of Law 1997-2000); Legal Adviser to Parliamentary Joint Select Committee on Human Rights, Houses of Parliament, and Professor of Law, The University of Birmingham 2000-04; Judge of the Constitutional Court of Bosnia and Herzegovina since 2002; Rouse Ball Professor of English Law since 2004 and Fellow of Downing College since 2003. Chairman of the Faculty Board of Law. Acting Director of the Centre for Public Law 2004-05. Honorary Bencher of Lincoln's Inn. Academic Associate of Chambers, 39 Essex Street, London. Interests : Public law, especially from a comparative perspective; civil liberties and human rights; criminal procedure.

Mr. Suresh Nanwani, is the Associate Secretary of the Compliance Review Panel at the Asian Development Bank (ADB). A graduate of the University of London (LLM) and University of Singapore (LLB (Hons)), Mr. Nanwani practised law in the private sector in Singapore and worked in the Office of the General Counsel at the ADB for 15 years before assuming his current position. Within the ADB, Mr. Nanwani has been critically involved in the development of law and policy reform projects. He has also worked on institutional and administrative matters in the legal department of the European Bank for Reconstruction and Development. As such, he is an expert in the law and practice of international financial institutions, particularly with respect to development issues. Over the past 5 years, Mr. Nanwani has been working on accountability issues including the recently-established ADB Accountability Mechanism. He has, with Eisuke Suzuki, co-authored the article 'Accountability of International Organisations: The Development of Law and Practice in Multilateral Development Banks' in *Michigan Journal of International Law* (Fall 2005 issue), Volume 27, No. 1.

Ms. Jacqueline Mowbray, University of Cambridge, United Kingdom, is a PhD candidate at the University of Cambridge, about to complete her doctorate in the Faculty of Law. Her research considers the role of international law in relation to language policy, drawing on the methodology of sociologist Pierre Bourdieu. Jacqui is a graduate of the University of QLD (BA/LLB Hons. - First class), the University of Melbourne (LLM) and the University of Cambridge (LLM, Hons - first class). She has practised law with Freehills in Melbourne and Barlow Lyde & Gilbert in London and taught at the University of Sarajevo, Bosnia-Herzegovina. Her peer-reviewed publications include writings on ethnic minorities' language rights, property laws in China and Indonesia, international tax treaties, and laws applicable to e-commerce. At Cambridge, she was awarded the 2004 General Sir John Monash Award and the 2002-2003 Britain-Australia Bicentennial Scholarship.

Mr. Edward L. Flippen, Partner, McGuire Woods LLP, Virginia has been practicing and teaching law for 30+ years. He is currently a partner in the Energy and Utilities Practice Group at McGuireWoods LLP; a lecturer in regulation and deregulation of U.S. industries at Duke University and the University of Virginia Schools of Law; and an Honorary Senior Research Fellow at University College London.

Merchandise: New Collection



The Sydney Law School now has a new collection of merchandise. We hope these items will not only be a suitable memento of your time at Sydney but serve a variety of other purposes as well, such as gifts for family and friends.

The new collection includes business card holders, memo holders and key rings. Each of these items comes in an individual gift box.

We also have new ties, mugs and for the first time separate men's and women's polo shirts.

In addition, existing stock of Law School Caps and Rugby Jerseys are now available at a discounted price.

Merchandise can be purchased in person at the Information Desk at the Sydney Law School or via email or by post. Postage costs are extra.

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Polo T-shirt - Navy Blue or White (Mens: Sizes in M, L, XL, XXL) (Womens: Sizes in 8, 10, 12, 14, 16)	\$40.00
Canvas Baseball Cap	\$6.75
Mugs	\$16.00
A Century DownTown - History of the Sydney Law School	\$11.00
Lapel Pin	\$4.00

*Delivery costs may incur an extra charge.



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:

Alumni and Events Coordinator
Sydney Law School
The University of Sydney
173-175 Phillip Street
Sydney NSW 2000

Phone: (61 +2) 9351 0327 or
Fax: (61 +2) 9351 0200
Email: alumni@law.usyd.edu.au

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>



Sydney Law School



The University of Sydney

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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 commercial and corporate law, environmental law, health law, international law, taxation law, and labour law, as well as one-off seminars in other areas from time to time.

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 Financial Services Regulation; Practical Legal Effects of the Interaction of Tort and Contract; Environmental Planning Law; Government Regulation, Health Policy and Ethics; Advanced International Trade Regulation; Labour Law (Intensive Mode) Corporate Taxation; Takeovers and Reconstructions (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/>



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International Commercial Arbitration	Sustainable Development Law
International Dispute Resolution	Terrorism & Counterterrorism
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Institute of Criminology Report

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Forthcoming Publications

In other Institute news there are several publications forthcoming in the Institute Series:

- *Interrogating Images: Audio-Visually Recorded Police Interrogation in NSW* by **Professor David Dixon (with Gail Travis)** is due to be published in late 2006. This book looks at how police and others in the system (judges & lawyers) evaluate interrogation in the era of audio-visual recording; and also at how police are now trained to interrogate.
- An updated version of *Bin Laden in the Suburbs: Criminalising the Arab Other* by **Scott Poynting et al** is due in early 2007. This important book has sold out and the authors are currently revising the book for publication.

The second, revised edition will include new material on: the London bombings in July 2005 and the reaction to this about 'home-grown terrorists'; new anti-terror laws/measures; the 'anti-terror' raids in July 2005 and since, and subsequent trials and media coverage; further 'ethnic gang rape' trials and coverage; and the Cronulla riots of December 2005 and the subsequent 'ethnic crime' moral panic.

- The Institute also expects further publications in 2007 to include a book on *Jika Jika High-Security Unit* by **Bree Carlton**.

Current Issues in Criminal Justice

- The Institute continues to publish its journal *Current Issues in Criminal Justice*. Recently published issues have included articles on topics such as the riots in Macquarie Fields and Redfern, DNA, Indigenous people in the criminal justice system and the financing of terrorism.

If you would like further information about the Institute and its activities please visit our website, or contact us directly.

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