

# our Alumni COMMUNITY



## The Sydney Law school reports



Professor Ron McCallum AO

### Report from the Dean

#### Welcome to Professor Gillian Triggs

I wish to take this opportunity to welcome Professor Gillian Triggs who is to be the new Dean of this Faculty. Professor Triggs will commence her deanship of the Law School on 1 October this year. In this issue of the Law School Reports, more detail is given on the appointment of Professor Triggs. As the current Dean, may I write that I am delighted that the next Dean of this Faculty is such a distinguished scholar. I look forward to working with Professor Triggs so that there will be a smooth transition between my Deanship and her Deanship. I am delighted that the administration and running of this Faculty will be in such safe hands.

#### Admissions to the Law School in 2007

Demand for the Combined Bachelor of Laws (LLB) degree and Graduate Bachelor of Laws (LLB) degree remain high in 2007. The UAI cut-off in 2007 for the Combined Law degree was 99.55, the same as it had been in 2006. I have no doubt that the demand for our LLB and postgraduate programs will continue to remain high in the coming years.

#### Our Mooting Successes

May I congratulate our Jessup Moot team which won the final in Washington. Again, more details of this achievement appear later in the Law Reports, but I could not let my Dean's Report go by without giving the entire team my hearty congratulations. It is the second occasion on which this Law School has won this international competition, the first being in 1996. The success of our mooters in a number of competitions bespeaks the high quality of our students who as well as studying very hard have time to participate in these mooting programs.

*Continued over...*

#### LAW SCHOOL EVENTS

##### SYDNEY LAW SCHOOL TEAM 2007 JESSUP MOOT WORLD CHAMPIONS

A TEAM OF STUDENTS FROM SYDNEY LAW SCHOOL WERE NAMED 2007 WORLD CHAMPIONS OF THE PHILIP C JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION ON SATURDAY, 31 MARCH 2007.



L TO R: The winning team – Lucas Bastin, Fiona Roughley, Odette Murray, Natasha Simonsen and Zellie Wood

*Continued page 6*



The University of Sydney

## contents

- 2 New Law School Building Construction Update
- 3 Alumni Notes
- 4 Alumni Reunion
- 4 Law School Events
- 12 Staff Notes
- 13 Law School Opinion
- 14 Law School Visitors
- 15 Merchandise - New Collection
- 16 Postgraduate Law @ Sydney



# REPORT FROM THE DEAN

*Continued from page 1*

## My Last Report as Dean

As my deanship will be concluding on 30 September, this is the last occasion on which I shall be writing a Dean's Message for the Law School Reports. It has been indeed an enormous honour, especially as a disabled person, to have been Dean of this marvellous law school, whose alumni have played such significant roles in the life of our nation. The big event over the last five years has been the planning, and now the construction of our new Law building on the main campus of the University of Sydney. I have no doubt that this move back to the main campus will enhance our teaching and research, and more importantly, will enable our students to be educated in a spacious and modern building with state of the art technology. I am truly honoured that this project has taken shape during my Deanship.

On a more personal note, the establishment of an undergraduate student exchange with Harvard Law School has been a real highlight for me. We are the only Australian law school to have such an exchange scheme, and now it has been augmented by exchange arrangements for doctoral students and staff members of our two law schools. Discussions have taken place between this Faculty and the Department of Law of Oxford University on establishing a doctoral student and staff exchange scheme similar to the one which we now have with Harvard Law School.

The award of the Peter Cameron Sydney Oxford Scholarship went to joint University Medallist for Law, Mr. Oliver Jones. The late Peter Cameron was the inaugural chair of the Sydney Law School Advisory Board which was established during my Deanship. I shall miss Peter greatly, and I am delighted that this wonderful scholarship has been established in his memory. The Peter Cameron Scholarship strengthens our links with the Department of Law of Oxford University.

This law school remains a truly great institution because of the calibre of its academic and administrative staff and students. During my Deanship, I have been truly fortunate in having such a marvellous staff and such hard-working students. I am sure that in the coming years our Law School will continue from strength to strength. I shall look back upon this Deanship as a very special period in my life.

Professor Ron McCallum AO  
Dean of Law



The Dean, Professor Ron McCallum AO with Project Officer, Bob Collins.



The site in context of the main campus, taken from City Road.

## NEW LAW SCHOOL BUILDING CONSTRUCTION UPDATE

Construction is well underway and these photographs taken in April 2007 demonstrate the scale of the project.



Professor McCallum tries out the machinery.



# AlumniNOTES



Composed by:

James Bell, BA 1972, LLB 1976, alumnus from the Graduating Class of 1976, and Master of Ceremonies for the 30 Year Reunion in October 2006.

The Sydney Law School would like to recognise the following achievements of our alumni:

**Paul Latimer** (LLB 1975, LLM 1978), Associate Professor of Business Law at Monash University, was recently honoured by CCH with an award "to celebrate the publication of the 25th annual edition of *Australian Business Law*, the most successful business law text in Australian publishing history."

**Andrew Lee** (LLB 2002) writes:

"Much has happened in the years since I left Sydney University - and I proud and humbled to say that my career has progressed positively. After graduating, I spent some time working at the Hague Academy of International Law, Harvard Law School and a Non-Profit Organization in Geneva. Presently, I have settled in China, where I am teaching at Peking University Law School. I have started a consulting practice in cross-culturing business negotiation and my work has been featured in the local press. I will have two books on Negotiation in China being released early next year. I also act as a consultant to the Chinese Government on rule of law and public interest litigation projects in Beijing.

"After practising around the world and in a variety of legal specialities, I have found that I fallen in love with teaching and public interest work. It is interesting teaching law in China, which has a particularly different legal system to Australia. It is also heart-warming working with students in today's China, which is evolving and developing at a blistering pace - politically, socially, economically and academically. And I find that the Chinese government, perhaps somewhat surprisingly from a western media perspective, is extremely interested in pursuing human rights, community participation and public interest projects - something to which I am firmly committed.

"In addition to teaching at the Law School of Peking University, I work closely with the Business School in developing international exchange programs and study tours of China with students and executives from the United States and Europe. Sydney University has given me the perfect springboard to a most enjoyable and interesting career."



Sean Riley

**Sean Riley** (BEc 1979, LLB 1981) has been named one of 50 Southern California Super Lawyers by *Law & Politics Magazine*, a reputable publication that recognizes the top five percent of all Southern California Lawyers each year. An attorney with Los Angeles-based firm Christensen, Glaser, Fink, Jacobs, Weil & Shapiro, LLP, Mr. Riley is recognized by Super Lawyers and his peers for his professional achievement in business litigation. Christensen Glaser attorneys accounted for 21 of the 50 Super Lawyer recipients this year.

**Angela Cummine** (BA 2006, LLB 2006), who, aside from winning the 2006 Australia-At-Large Scholarship alongside Eric Knight from the Sydney Law School (details later in this issue), currently works in the Counter Terrorism and Law Enforcement section of the National Security Division with the Prime Minister's Department, recently wrote:

## I didn't really want to be a Lawyer

To the Tune of "I Do Like To Be Beside The Seaside".

Oh I didn't really want to be a lawyer  
But I ended up a lawyer just the same  
Oh it's tough to be a lawyer - even tougher as a judge  
Sitting in your office doing drudge, drudge, drudge.  
Oh just let me find a new vocation  
I'd be beside myself with glee.  
It's a sea change I require  
Oh Bugger! I'll retire!  
And see my days out beside the sea.

"In order to complete my degree in Semester 1, 2006, I undertook two courses at ANU as I had moved to Canberra to commence work in the public service. I participated in an overseas unit called **International Organisations**, which took place in Geneva and was one of the more influential courses I undertook in law insofar as it confirmed that I wanted to work in public policy at the domestic level. I had several conversations on this very issue with A/P Crock after reflecting on the UNHCR and its work at the international level.

"I also took **International Trade Law**, a subject which Sydney Law school has not offered on its own but as part of the Advanced Public International Law course. I had long been interested in trade policy and really enjoyed the opportunity to specialise in this subject.

"In exciting news, I topped both subjects and was awarded the Allens Arthur Robinson Prize for International Trade Law (shared) and the Lexis Nexis Prize for International Organisations (Geneva).

"I never quite managed to win a prize at Sydney Law School and I think this is partly because I took a while to mature as a law student and was performing at my best in my final year at Sydney. My performance at ANU is not only indicative of this later academic development and application to law, but also of the quality of student that Sydney produces, demonstrated by strong performance of our students in other academic environments. I greatly appreciated the flexibility and opportunity of Sydney Law School in allowing me to complete my degree at ANU and to pursue a subject specialisation currently not available at Sydney. It was very nice to go out on such a high and I'm very grateful to Sydney law school for helping to make that happen."



## 1962 Law School Reunion



Professor Ron McCallum AO

The Reunion was held on Wednesday, 9 May, 2007 and commenced with drinks in the Sydney Chambers of Chief Justice Murray Gleeson AC and Justice Michael Kirby AC of the High Court of Australia, who are alumni of the year. The group then undertook a heritage walk passing the site of the old Law School and remembering significant locations of the day, many of which have now been replaced by later developments. The heritage walk concluded at the Australian Club where the 35 participants dined in the Donaldson Room.

The Dean, Professor Ron McCallum AO, who was congratulated on having earlier that day been invested as an Officer in the Order of Australia by the Governor, spoke of the Law School of 1962 and plans for the new Law School. He referred to the international and Australian success of the Law School moot teams and the recent affiliation arrangements agreed with the Harvard Law School. The Dean welcomed the significantly increased number of women undertaking legal studies and spoke of the contribution that they and other groups which had been underrepresented will make in the further development of the law. In his address, the Dean noted that law is the “glue” which binds together the various elements of our society and he generously acknowledged the achievements of the year of 1962, both in terms of their contribution to the law and to the wider community.

The Dean advised that the new building on the University Campus is planned to accommodate facilities for electronic case presentation and an electronic courtroom for moots. The existing Law School building will be retained for doctoral studies and for activities which maintain the association between the Law School and the profession.

The introduction of Chief Justice Murray Gleeson noted that any graduation year would be proud to have a Chief Justice as one of its number. The 1962 year was doubly blessed by having Murray Gleeson as Chief Justice of NSW and now Chief Justice of Australia. In his address, the Chief Justice commended the Dean on his inspiring address, but noted that from his experience of graduates who worked as associates at the High Court, current graduates are both brighter and better educated than graduates of the past. The Chief Justice noted that one of the great attractions of the law is that every day one learns something new and sometimes it is exciting to learn something old.

The introduction of Justice Michael Kirby noted that not only had he made a notable contribution to judicial office in Australia, but he had also made a significant contribution to the wider community in many areas. In his address, Justice Kirby referred to the contributions made by the Dean and staff of the day and each of the individual lecturers who had participated in the formation of the graduation class of 1962. He made particular reference to several of the lecturers who made major contributions to the development of the law in their individual fields of expertise. Others present contributed a number of individual reflections on the contributions made by the various lecturers.

Of the 89 graduates of 1962, 34 were present at the dinner, 30 recorded their apologies and 13 were unable to be contacted. Sadly, 12 of the graduates had died and during the evening there was a brief recounting of the history of each of those graduates.

There was general support for the proposal that in 2012 there should be a further reunion to mark the 50th anniversary of the graduation of the class of 1962.



L to R: Chief Justice Murray Gleeson, AC  
Justice Michael Kirby, AC and Mr. David  
Ross, one of the organisers of the reunion.

## New Dean For Sydney Law School



Professor Gillian Triggs

**PROFESSOR GILLIAN TRIGGS, AN EXPERT IN INTERNATIONAL LAW AND A BARRISTER IN THE VICTORIAN SUPREME COURT, HAS BEEN APPOINTED THE NEW DEAN OF LAW.**

Currently the Director of the British Institute of International and Comparative Law, Professor Triggs is an international lawyer with publications on the World Trade Organisation, dispute resolution, energy and resources law, law of the sea, territorial sovereignty, jurisdiction and immunity, international criminal law, international environmental law and human rights. She takes over in October this year from Professor Ron McCallum, who is standing down after over four and a half years as Dean.

Professor Triggs has previously held academic positions in Melbourne, where she graduated in law in 1968 and gained a PhD in 1982. Until 2005, she was the director of the Institute for Comparative and International Law at the University of Melbourne, where she also held a Professorial Chair in Law.

Professor Triggs has maintained an international commercial practice as a consultant in international law to Mallesons Stephen Jaques and has advised governments in the Asia Pacific region on questions relating to sovereignty and jurisdiction. She has also directed several projects for the Asian Development Bank on legal capacity building in Vietnam, Mongolia and Indonesia and has been the Australian Representative on the Council of Jurists for the Asia Pacific Forum for National Human Rights Institutions, and is currently the joint general editor of the *International and Comparative Law Quarterly* and a member of the editorial boards of the *Melbourne Journal of International Law* and the *International Journal of Energy & Natural Resources Law*. Her most recent publication is a general text, *International Law: Contemporary Principles and Practices*, published in 2006.



## ► Sydney Law School Students Make History By Winning Three Rhodes Scholarships In The One Year



Angela Cummine



Eric Knight

Students of the Sydney Law School won three Rhodes Scholarships for 2007 – two Australia-At-Large Scholarships and one NSW Rhodes Scholarship.

Sydney Law School graduate Angela Cummine (BA 2005, LLB 2006) and student Eric Knight (BA 2006) both won a 2007 Australia-At-Large Rhodes Scholarship.

“On behalf of the Sydney Law School, we are truly delighted by this success and we wish Angela and Eric every happiness for the future,” said the Dean, Professor Ron McCallum.

Angela Cummine will study an MPhil in International Relations at Oxford, with a view to developing a doctoral thesis with a particular focus on state management and population policy.

Angela received First Class Honours in her Arts degree in 2005 and graduated in 2006 with First Class Honours in Law.

Educated at Wahroonga Primary and Pymble Ladies College before entering the University of Sydney, she has been a volunteer at the Aboriginal Women’s Legal Centre in Marrickville and the Central Queensland Native Title Body in Mackay.

Angela said this experience highlighted the obstacles facing local level organisations, which despite their enormous energy and desire to improve community situations, are constrained by the system in which they operate.

Angela is an accomplished public speaker and was a quarter finalist in the 2006 World Debating Championships, which were held in Ireland. As a NSW Netball State League Representative player and a member of the University of Sydney Netball Team, she is also a keen sportswoman.

Eric Knight is currently studying for a Bachelor of Arts and Law degree at the University of Sydney and is a former student of Trinity Grammar and Sydney Grammar Schools.

Eric was the recipient of the University of Sydney Scholarship for Outstanding Achievement with a UAI of 100. An exceptional musician, Eric is a member of the Old Sydneians Chamber Orchestra as a violin and harpsichord soloist, and conductor of the Sydney University Choir.

Eric has a strong history of community involvement as a member of Youth Challenge Australia, based in Costa Rica, and as a Paralegal at Redfern Legal Centre. More recently Eric acted as an advisor on environmental and management issues as a legal intern at the Central Land Council, Alice Springs.

During his time at Oxford University, Eric intends to study for an MSc in Environmental Change and Management, with a view to pursuing practical solutions to environmental policy, particularly in the areas of global climate change.

The achievements of Angela and Eric follows that by fellow Sydney Law School student, Kate Brennan (BA 2004) who won the 2007 New South Wales Rhodes Scholarship in October 2006.

The complete list of Sydney Law School Rhodes Scholarship winners is as follows:

### Rhodes Scholars 1904 - 2007

- 1927 Vincent John Flynn, LLB
- 1962 David Hargraves Hodgson, BA LLB
- 1970 Geoffrey Ronald Robertson, BA LLB
- 1978 Malcolm Bligh Turnbull, BA LLB
- 1981 Anthony John Abbott, BEc LLB
- 1987 Gordon Edward Christopher Fell BSc LLB
- 1988 Jenifer Gae Klugman, BEc LLB
- 1990 Andrew Scott Bell, BA LLB
- 1991\* Angus James Taylor, BEc LLB
- 1992 Scott Michael Nixon, BA LLB
- 1995\* Peter Raymond Barnett, BA LLB
- 1996 Evan Denis Fountain, BEc LLB
- 2000\* Michael Anthony Izzo, BA LLB
- 2002 Gregory O'Mahoney, BA LLB
- 2004\* Alexander Cameron, BA LLB
- 2005 Jonathan Bonnitcha, BEc LLB
- 2007 Kate Brennan, BA LLB
- 2007\* Angela Cummine, BA LLB
- 2007\* Eric Knight, BA LLB

**Note:** Scholars with an asterisk (\*) were elected as Rhodes Scholars for Australia at Large (There is one Scholarship for each state and three for Australia at Large).

## ► Sydney Law School Students Win World Debating Championships



Julia Bowes and Anna Garsia in Vancouver (photo: Jeff Vinnick)

Two Sydney Law School students, Julia Bowes (Arts/Law) and Anna Garsia (Graduate Law), recently won the World Intervarsity Debating Championships held in Vancouver, Canada.

This is only the second time in the 27-year history of the competition that a team of two women has won.

The debate topic, “That this house believes that economic growth is the solution to climate change,” saw Sydney pitted against arch rivals Oxford and also Cambridge and Queensland University.\*

Over 1200 debaters from more than 30 countries were represented at the annual competition. The University of Sydney ranked top of the table with five of their eight representative teams breaking through to the finals rounds. Four teams ranked in the top eight and two teams placed in the semi finals.

Alistair Cowie, the University of Sydney Union staff member responsible for debating, said: “It was a pretty intense couple of hours as we waited for the judges final decision. Oxford, with all their flair and history and tradition, are always the team to watch. We knew it would be a close call between them and us. I’m thrilled that all the hard work of the entire delegation has paid off. This is an outstanding result for Sydney.”

\*The debates are in the British Parliamentary style with two teams per side, arguing for or against the motion.





## ► Sydney Law School Team 2007 Jessup Moot World Champions

*Continued from page 1*

The team of Lucas Bastin (Arts/Law), Odette Murray (Arts/Law), Fiona Roughley (Arts/Law), Natasha Simonsen (Economics & Social Sciences/Law) and Zellie Wood (Arts/Law) defeated opponents from King's College London in the final in Washington D.C. after winning the semi-final against the University of Queensland.

On the bench was His Excellency Mr Justice Hisashi Owada of the International Court of Justice and other distinguished international law experts.

The University of Sydney previously won the Jessup Moot in 1996. They join an elite club of only two Australian universities to win more than once.

Widely recognised as the most prestigious international moot competition in the world, the Jessup Moot gives competitors the opportunity to argue a case before the International Court of Justice. Working as a team, they represent fictional States in a hypothetical but topical case of international law.

As well as the group taking out the Grand Final moot, team member Lucas Bastin was selected from eight speakers in the semi-final to win a scholarship to undertake a course in American Law at the University of Pennsylvania, with fellow student Odette Murray named as runner-up.

## ► A Nation Built On Words: The Constitution and Cultural Identity in the United States and Australia



Associate Prof. Helen Irving

The Law School's Associate Professor Helen Irving delivered the inaugural lecture for the returning holder of the Harvard Chair of Australian Studies at the University of Sydney, on Thursday 8 March 2007.

Entitled *A Nation Built on Words: The Constitution and Cultural Identity in the United States and Australia*, the lecture reflected upon national culture, the power of words, and the different paths taken by similar constitutions.

Exploring how, as the United States grew, belief in the authority of words and inventiveness with language became embedded in its culture, Professor Irving also focussed on how the Constitution attained an almost sacred character in the American mind.

In her lecture Professor Irving said: "The Constitution of the United States of America, written at the end of the eighteenth century, was a breathtaking experiment in the power of the written word."

She went on to argue that "The Constitution of the Commonwealth of Australia so closely resembles the Constitution of the United States of America that it may not be improperly

called an adaptation, and the authors of the American prototype may be fitly regarded as being the primary authors of the Constitution of Australia.

"These days we have forgotten how much we owe to the framers of the United States Constitution. We have forgotten how significant the American idea of constitutionalism was to our own framers," she said.

The Harvard Chair was established in 1976 by a grant from the Australian government in recognition of the American Bicentenary and to further American understanding of Australia.

Many distinguished Australians from a wide variety of disciplines have held the Chair including distinguished historians Manning Clark and Geoffrey Blainey, former Prime Minister Gough Whitlam and former Chancellor of Sydney University, Dame Leonie Kramer. Associate Professor Irving is the first to hold the Chair at Harvard Law School.

Professor Irving holds four degrees, including a PhD in history and a law degree, both from the University of Sydney. She is Pro-Dean (Staff) and Director of the Julius Stone Institute for Jurisprudence, in the Faculty of Law at the University of Sydney.

Teaching Australian and Comparative Constitutional Law and Theory, Professor Irving has published widely on constitutional history, citizenship, and constitutional jurisprudence. Her next book, *Gender and the Constitution* will be published in the United States in late 2007.

## ► Sydney Law School Announces Exchange Link With Harvard Law School

In an Australian first, Sydney Law School recently announced its new exchange link with Harvard Law School.

The student exchange program, which begins in July 2007, will allow students to spend a semester at Harvard Law School, with an equal number of selected Harvard students coming to Sydney.

A key aim of the exchange program is to provide students with the opportunity to

gain an invaluable insight into a different legal system.

As the program develops, it is also expected that the collaboration will extend to Sydney academics, who will be able to pursue joint research and teaching projects at Harvard.

Welcoming the collaboration, Professor Ron McCallum, Dean of Sydney Law School, said:

"In this globalised world, student exchanges of this nature provide invaluable opportunities. They lead to broader understanding of the law, foster international friendships, and build transnational networks of students and scholars."



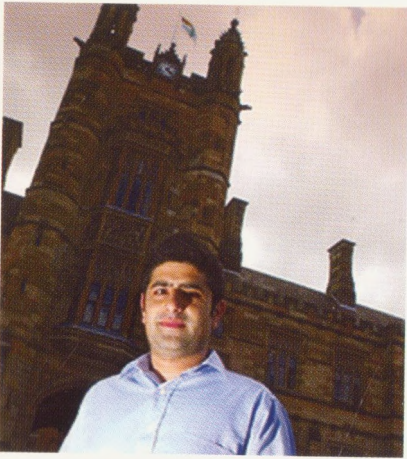
Harvard Law School

"We're delighted to conclude this agreement with the University of Sydney," said Vice-Dean of the Graduate Program and International Legal Studies at Harvard Law School, Bill Alford.

"As we've seen from the visits here of Dean Ronald McCallum and professors Helen Irving, Mary Crock and Richard Vann, Sydney is blessed with superb teachers."



## ▶ Paying A Visit To Death Row



Law student, Anish Bhasin, plans to study at the University of Texas's Capital Punishment Center.

A Sydney Law School student has won an exchange scholarship to study the workings of the death penalty in Texas, the execution capital of America.

Anish Bhasin - an opponent of the death penalty - will travel to the University of Texas at Austin to study how the system works at first hand.

With the help of a Chancellor's Committee Exchange Scholarship worth \$3,000 he plans to study at the university's Capital Punishment Center, working with attorneys handling death penalty cases. They will be visiting clients in local jails, interviewing witnesses and helping prepare for trials.

"I've been involved in the NSW Council for Civil Liberties recently and I am

personally opposed to the death penalty. With nine Australians overseas facing the death penalty, and six of those in Indonesia, capital punishment is topical in our region," he said.

At 26, and with an undergraduate degree in electrical engineering, a masters in international studies, and halfway through a graduate law degree, Anish hopes that his time in the USA will broaden his academic exposure.

"Many current legal topics such as terrorism are global issues. I want to study how other governments with different jurisdictions engage with these issues," he said.

## ▶ Sydney Law School Defends WTO Moot World Title

The Sydney University WTO Moot team competed in the international finals of the ELSA moot court competition on WTO law between 1-5 May to defend the world champion title won by Sydney University last year. The team made the semi finals after ranking 3rd out of 18 teams in the preliminary round.

The team comprised of Luisa Mockler (just completed 5th year Law/Arts), Robynne Croft (3rd year grad law), Irina Kolodnizer (3rd year Law/Economics (Social Sciences) and Susan Cirillo (2nd year grad law) competed on a problem which considered two main points: whether parties to a bilateral free trade agreement can agree to oust the jurisdiction of the WTO dispute settlement system and whether WTO members are permitted to grant compulsory licences relating to manufacture of patented pharmaceuticals in order to deal with health emergencies in other countries (just like the one actually granted by Brazil during the week of the moot finals).

In the South Asia - Pacific Round of the competition in March, the team competed against teams from UNSW, Melbourne, UTS, Flinders, Victoria (Wellington), and Waikato. After preliminary round moots against UNSW and Flinders, the team defeated a strong team from University of Technology Sydney in the semi final. Robynne and Irina ranked as 4th and 5th best speakers in the preliminary rounds. In the final against Melbourne, the team faced aggressive

questioning from an extremely interventionist bench and fought back wonderfully to try to retain control of proceedings. After a very close moot, the judges deliberated for after two and a half hours before awarding the moot to Melbourne. Nevertheless, the University of Sydney team had earned the right to compete in the grand finals of the competition in Geneva in the first week of May.

In Geneva, on 2-3 May, we competed in the preliminary rounds against Duke University and against the University of Edinburgh and ranked 3rd out of 18 gaining a spot in the semi finals against our rival from the regional round, the University of Melbourne. The team coach, Dr. Brett Williams, who lectures in WTO at the Sydney Law School, said of the semi-final: "Our team demonstrated their superb command of the legal and policy issues and their exceptional ability to answer the freely flowing questions from the bench. However, the opposition was good and when the judges retired, we knew it would be close. They kept us waiting for an hour and twenty minutes before returning to announce that in a very close decision, it would be Melbourne that went on to the grand final." In the other semi-final, the University of Hong Kong defeated Georgetown University.

We are pleased to offer our congratulations to the team from University of Melbourne which gave a splendid performance in

going on to win the grand final - making it two years in a row for Australian teams.

The team and the coach would like to recognize the support from the Vice Chancellor, Deputy Vice Chancellor (International) and the Dean of the Faculty of Law and to express their gratitude to those that provided the financial assistance that enabled them to make the trip to Geneva: the University, the Faculty, the Sydney University Law Students Society (\$3,000), The Chartered Institute of Arbitrators (Australia) Limited (\$1,500), Malleons Stephen Jaques (\$1,000) and The College of Law (\$1,000). The team and their coach would also like to thank a number of dedicated people who assisted the team by hearing their practice sessions, in particular, Andrew Percival (of Corrs Chambers Westgarth), Martyn Taylor (of Malleons Stephen Jaques), last year's team members Odette Murray and Lucas Bastin, and Dale Bampton, Kate Smyth, Zellie Wood and last but not least members of the Faculty of Law, Vivienne Bath, Kate Miles, Tim Stephens, Irene Baghoomians and Ben Saul.

Dr Williams summed up, "I congratulate the team on their fantastic performance throughout the summer right up to the semi-final in Geneva. Although we didn't quite make it back-to-back wins, the team can be very proud of their performance. They earned the respect of everyone at the event and have enhanced the reputation of our University."



## ► Australian Centre for Environmental Law (ACEL)



Australian Centre for Environmental Law Sydney

### ENVIRONMENTAL LAW CONFERENCE: INTERSECTIONS BETWEEN LEGAL DISCIPLINES AND THE ENVIRONMENT

The Australian Centre for Environmental Law (ACEL Sydney) and the NSW Environmental Defender's Office (EDO) co-hosted an innovative conference on 16-17 February 2007. Entitled *Beyond Environmental Law: Intersections between legal disciplines and the environment*, the Conference brought together experts across a broad range of legal disciplines to reflect on the shifting dynamics between environmental issues and the law. The presenters, most of whom were not primarily environmental lawyers, explored diverse ways in which their areas of expertise are interrelated with, and affect, environmental law and policy.

The conference was attended by over 140 academics, legal practitioners, NGOs and government agencies.

The conference was opened by the Honourable Brian Preston, Chief Judge of the Land and Environment Court and part-time lecturer in the Faculty's Master of Environmental Law program. The keynote speaker was the eminent Professor Kevin Gray, Trinity College, University of Cambridge, who considered the question "Can environmental regulation amount to a taking of common law property rights?" The Faculty was well-represented among the speakers. Associate Professor Elisabeth Peden (Pro-Dean of the Faculty for Teaching) examined conservation agreements provided for in environmental legislation, testing them against conventional contract law criteria. Professor Margaret Allars considered the reasons for regulatory failure under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) with respect to the import of Asian elephants from Thailand.

Other speakers included Emeritus Professor Tony Blackshield (UNSW) (constitutional law); Ms Karen Hussey (ANU) (social-equity in contemporary water policy); Magistrate David Heilpern (criminal law); barrister Tony McAvoyn (indigenous law); Associate Professor

Hope Ashiabor (Macquarie University) (taxation law); Karen Bubna-Litic (UTS) (corporate law); Dr Peter Cashman (Victorian Law Reform Commission) (tort law); Gordon Renouf (Australian Consumers' Association) (consumer law); Jessie Connell (University of Sydney) (transnational environmental disputes); Professor Jan McDonald (Griffith University) (international trade law).

The Conference received seed funding from the Law School and sponsorship from the Australian Department of Environment and Water Resources, the NSW Department of Environment and Conversation, Mallesons Stephen Jaques, and the City of Sydney.

ACEL Sydney will be holding another conference on 14 June 2007, in conjunction with the Ross Parsons Centre for Commercial, Corporate and Taxation Law, to address *Carbon Trading and the Derivatives Market*.

### Recent Environmental Law book publication

In other news, Associate Professor Rosemary Lyster and Ms Nicola Franklin are to be congratulated on the recent publication of their new book: *Environmental and Planning Law in New South Wales* by Rosemary Lyster, Zada Lipman, Nicola Franklin, Graeme Wiffen and Linda Pearson (Federation Press, 2007).

## ► The Ross Parsons Centre – Focus on Europe



Prof. Ross Parsons

In recent times, there has been a strong focus on Europe in the work of members of the Ross Parsons Centre of Commercial, Corporate and Taxation Law.

Professor Jennifer Hill has been elected as a Research Associate of the prestigious European Corporate Governance Institute (ECGI). She also recently acted as a consultant to the New York law firm, *Wachtell, Lipton, Rosen & Katz*, in relation to litigation involving a US\$47 billion hostile takeover in Madrid, providing a declaration in the case, *E.On AG v Acciona, S.A.* 2007 WL

316874 (S.D.N.Y). Professor Hill has been appointed a Visiting Fellow at the European University Institute (EUI) in Florence during May 2007.

Professor Richard Vann was the author of one of the articles commissioned for the 50th Anniversary Edition of the *British Tax Review*. His article, *Tax Treaties: The Secret Agent's Secrets*, discusses a number of apparent paradoxes and problems concerning tax treaties. Professor Vann, who argues that these current problems are due to inconsistent views on how value is generated within a firm, proposes a range of specific solutions in the article. The full text of this article can be found at [papers.ssrn.com/sol3/papers.cfm?abstract\\_id=919440](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=919440) or on the Sydney Law School Social Science Research Network (SSRN) website at [www.ssrn.com/link/Sydney-LEG.html](http://www.ssrn.com/link/Sydney-LEG.html).

Professor Patricia Apps is continuing her research for The European Society for Population Economics, one of the largest and most internationally influential associations in economics, with its *Journal of Population Economics*, a leading academic journal. The focus of the Society is on the analysis of problems

of economic policy arising from declining fertility and population ageing, changing labour market conditions and rising inequality. Professor Apps was the elected President of the Society for Population Economics (ESPE) in 2006 and 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'*.

Dr. Luke Nottage recently contributed to the Report on Australia for the European Commission's major Comparative Study on alternative means of consumer redress other than redress through judicial proceedings. The study covers court-annexed and private Alternative Dispute Resolution, as well as collective redress through injunctions and aggregation of damages claims via class actions.

Professor John Carter, Associate Professors Barbara McDonald and Elisabeth Peden, and Rebecca Millar are teaching in the Faculty's LLM in Europe program, which this year is running courses at both Robinson College Cambridge and the Australian Centre Europe in Berlin.



## ► 2007 Parsons Lecture by Professor John Tiley



Professor John Tiley

John Tiley who is Professor of the Law of Taxation, University of Cambridge, a Fellow of Queens College and Director of the Centre for Tax Law at Cambridge presented the Parsons lecture on 29 March 2007 on the topic "Death, Taxes and Policy: Recent UK Experience." Although estate duties were abolished in Australia many years ago, they continue to be important in the UK and many other countries and Professor Tiley brought the audience up to speed on development of the tax in the UK. As Professor Tiley reminded us, Ross Parsons was a supporter of both the GST and estate duties and saw the regressive effects of the GST as offset by the progressive

effects of estate duties. In Australia the use of especially discretionary trusts in the income tax system continues to be a source of taxpayer ingenuity and government reaction. In the UK estate duty the discretionary trust plays a similar role. In 2006 the UK government introduced a periodic tax charge on property held in discretionary trusts as a means of dealing with the issue, an action that has been described as the greatest attack on trusts since the Statute of Uses.

Although it is unlikely that wealth taxes like estate duties will reappear in Australia, Professor Tiley was able to use the topic to raise general questions about the fairness of distribution of wealth in society, given the growing disparities of recent years, and also the right and wrong ways for government to go about dealing with the issues. He was particularly critical of the process in the UK in 2006 which was seen as underhand and ill-conceived by many observers. The Parsons lecture is organised by the Parsons Centre for Commercial, Corporate and Taxation Law.

## ► Sydney University's Successful Bid for US Studies Centre

IN LATE 2006, IT WAS ANNOUNCED THAT THE UNIVERSITY OF SYDNEY HAD WON THE RIGHT TO HOST AUSTRALIA'S NEW \$50 MILLION UNITED STATES STUDIES CENTRE.

Sydney Law School played a significant role in the successful bid, with Sydney University's bid document highlighting the Law School's strong international focus. Two members of the Law School faculty, Professor Jennifer Hill and Associate Professor Helen Irving were among the eight "Key Academics" profiled in the bid.

Professor Hill researches in the areas of Australian and US corporate law, and comparative corporate governance. She has taught at a number of the leading

US Law Schools including Cornell, University of Virginia, University of Texas at Austin and Vanderbilt University, where she has been Visiting Professor during 2007.

Professor Irving was the first legal academic to be awarded the visiting Chair of Australian Studies at Harvard Law School during 2005-2006. Her work at the Harvard Law School concentrated on comparative Australian and American constitutional law and history with a research focus into American culture, politics and constitutional law.

Full information about the US Studies Centre can be found at <http://sydney.edu.au/us-studies/index.shtml>

## ► Ross Parsons Centre Seminar on Gatekeepers and Book Launch

ON 16 MARCH 2007, THE ROSS PARSONS CENTRE OF COMMERCIAL, CORPORATE AND TAXATION LAW HOSTED A SEMINAR ENTITLED *GATEKEEPERS: THE PROFESSIONS AND CORPORATE GOVERNANCE*, PRESENTED BY ONE OF THE WORLD'S LEADING CORPORATE LAW SCHOLARS, PROFESSOR JOHN C. COFFEE, WHO IS THE ADOLF A. BERLE PROFESSOR OF LAW COLUMBIA LAW SCHOOL.

According to Professor Coffee "...all boards of directors are prisoners of their gatekeepers," yet corporate law has given inadequate attention to these gatekeepers—such as auditors, lawyers, securities analysts and investment bankers.

In his seminar, Professor Coffee examined a wide range of issues relating to these professional intermediaries, such as why they are important in capital markets; why they sometimes fail; and how they can be reformed to function as an effective regulatory mechanism. Professor Jennifer Hill convened and chaired this seminar at Sydney Law School, which attracted over 100 registrants.

The seminar was followed by the launch of the latest book in the Parsons Centre's Monograph series: *Company Directors and Corporate Social Responsibility: UK and Australian Perspectives*, edited by The Hon. Justice R. P. Austin of the Supreme Court of NSW. The book comprises papers by Lady Justice M H Arden of the Court of Appeal of England and Wales and Justice Austin on the implications of the reform of the UK Companies Act introducing changes to the UK law on directors' duties, and also the edited transcript of a lively and thought provoking Hypothetical conducted at a joint conference of the Supreme Court of New South Wales and the Law Society of New South Wales in August 2006.

The Hypothetical was chaired by Mr. Alan Cameron and participants included Dr. Bill Beerworth, the Hon. Chris Pearce, Mr. John Green, Mr. Tim Bednall, Mr. Tom Bathurst, Mr. John O'Sullivan and The Hon. Justice R.I. Barrett. The book is now for sale through the Parsons Centre: [www.parsons.law.usyd.edu.au/AboutContent/Order%20Form.pdf](http://www.parsons.law.usyd.edu.au/AboutContent/Order%20Form.pdf)



## Expert Evidence Symposium

On 16 April 2007 the Sydney Law School held its second symposium on expert evidence. The night was opened by the Dean and The Hon. Alan Abadee AM RFD QC. The Hon. Justice McClellan, Chief Judge at Common Law of the Supreme Court of NSW gave the keynote address. His Honour explained the new uniform expert evidence rules and referred to the law reform initiatives which gave rise to the rules. The event was chaired by The Hon. James Wood AO QC. The panel members were Dr. Peter Cashman (Commissioner of the Victorian Law Reform Commission), Dr. Robert Lynham (obstetrician and gynaecologist), Michael Williams SC and Bill Madden.

Each person on the panel gave a short presentation on how the new rules impact on their practice. This gave a detailed understanding of the practical operation of the rules. Dr. Cashman gave a law reform commissioner's perspective and discussed material from his current inquiry on civil justice in Victoria.

Dr. Lynham gave the expert's perspective. He spoke of the benefits of experts' joint

conferencing and taking of concurrent evidence. Michael Williams SC gave the barrister's perspective and had appeared for plaintiffs in a large medical negligence case (*HALVERSON & ORS v DOBLER HALVERSON* by his tutor v *DOBLER* [2006] NSWSC 1307) that was heard by McClellan J.

That particular case used both concurrent evidence and joint expert reports. Both modes of adducing evidence enabled substantial reductions in trial time, (for example, three professors gave concurrent evidence in one day rather than numerous days using the traditional method of examination and cross examination). Bill Madden then gave the solicitor's perspective.

The panel discussion was expertly handled by The Hon. Justice James Wood AO QC. There was great interest from the audience, which was comprised of doctors, engineers, forensic document analysts, lawyers and other experts. The discussion was lively, entertaining and informative. Closing remarks were made by The Hon. Justice Glen Williams AO.

## Red Cross International Humanitarian Law Moot

In mid-March 2007, Odette Murray and Lucas Bastin, two Sydney University law students, travelled to Hong Kong to compete in the international finals of the Red Cross Moot Court Competition in international humanitarian law.

Having booked a place in the international finals by beating the University of Queensland in the Australian national final in August 2006, the international round represented the culmination of a dozen national rounds across the Asia-Pacific.

In the preliminary rounds, Odette and Lucas were drawn against Hong Kong University - a university of formidable reputation in this particular competition - and Kyoto University.

Although both moots were very close, Odette and Lucas won both and advanced to the semi-finals as the top ranked team.

In a structure unique to this competition, six teams mooted in the semi-finals. Only the top team from each side ("Prosecution" and "Defence") would advance to the grand final.

Drawn against the team from Dhaka University, Bangladesh, Odette and Lucas as Prosecution edged out the other Prosecution teams, the University of Auckland, New Zealand, and the International Islamic University, Malaysia.

The grand final was against Hong Kong University. In a close moot, Odette and Lucas defeated Hong Kong University and were awarded the championship. In addition, Odette and Lucas won the prize for best written memorial, Odette the prize for best speaker, and Lucas the prize for runner-up best speaker.

This clean sweep of the competition's prizes had never occurred before in the history of the competition.

This victory for Odette and Lucas is their third World Championship. It adds to their victory in Geneva in April 2006 in the ELSA Moot Court Competition on WTO law (with Rebecca Mann and David Coleman) and to their more recent victory in Washington in late March 2007 in the Jessup Moot Court Competition on public international law (with Fiona Roughley, Natasha Simonsen and Zelig Wood).

## 2007 Julius Stone Centenary Conference



The Julius Stone Institute of Jurisprudence at the Sydney Law School is pleased to announce an international conference to mark the centenary of the birth of Julius Stone.

Julius Stone (1907-1985) was Challis Professor of Jurisprudence and International Law at the University of Sydney from 1942 to 1972 and is recognised internationally as one of the leading legal theorists of the twentieth century. He is the author of numerous works, including *The Province and Function of Law* (1947) and *Legal Controls of International Conflict* (1954).

The conference will close on 7 July - Julius Stone's birthday - with an opportunity for reflection on his life and legacy.

To register for the conference, the dinner or both, please visit the Julius Stone Institute Website - [www.law.usyd.edu.au/jurisprudence](http://www.law.usyd.edu.au/jurisprudence) and download the relevant form(s).

Alternatively, please email the Institute directly - [jsi@law.usyd.edu.au](mailto:jsi@law.usyd.edu.au)

### Julius Stone Centenary Conference:

Faculty of Law, University of Sydney  
Thursday 5 July - Saturday 7 July 2007

### A conference dinner will be held at:

The Sofitel Wentworth,  
101-161 Phillip Street, Sydney  
on Saturday 7 July at 7pm.





The President of main sponsor, JCCI, re-presenting the trophy

THE LAST EDITION OF THE SYDNEY LAW SCHOOL REPORTS REVIEWED THE ACTIVITIES OF THE AUSTRALIAN NETWORK FOR JAPANESE LAW (ANJEL, [WWW.LAW.USYD.EDU.AU/ANJEL](http://WWW.LAW.USYD.EDU.AU/ANJEL)) IN THE 2006 AUSTRALIA-JAPAN YEAR OF EXCHANGE.

ANJeL is delighted to report that its "Team Australia," which competed in the INC moot in Tokyo last December, ended up coming first. Half the students were from Sydney Law School. Competing in both English -and Japanese-language rounds, the Team came out ahead of Japanese and international students from 15 other leading law schools. The Jessup Moot in public international law may be the Olympics of the mooting world, while the WTO Moot in Geneva may be the Americas Cup. But the INC in Tokyo is like the Asian Games for international contract law and commercial dispute resolution.

It is a privilege for young Australians to be joining in, demonstrating a truly global outlook and such an impressive range of skills. It is also a tribute to the quality of all students, teachers and other stakeholders at Sydney Law School that we have been able to win all three of these major international competitions over the last year.

ANJeL's main recurrent sponsor, Blake Dawson Waldron, hosted a further celebration back in Sydney to commemorate this extraordinary achievement. The INC trophy was re-presented by the major financial sponsor of the Team, the Japanese Chamber of Commerce and Industry (JCCI). Deputy Vice-Chancellor (International) Professor John Hearn, another supporter, added his congratulations as well as presenting this year's ANJeL BDW Essay Prize in Japanese Law.

The highlight was probably the Team members' summary of the varied benefits

## AnJeL Team wins Intercollegiate Negotiation and Arbitration Competition (INC) in Tokyo



Professor John Hearn presenting the ANJeL BDW Essay Prize certificate

they got out of this opportunity. ANJeL thanks the many supporters of last year's Team, and looks forward to attracting further sponsorship to give more Sydney students such chances in the INC this December and beyond.

In February 2007, ANJeL Co-Directors taught an intensive Japanese law course, the 'Kyoto Seminar,' hosted by Ritsumeikan University. The course was recognised for LLM credit at ANU, UNSW, and Sydney. Attracting ANJeL and Ritsumeikan students, the seminar was also attended by students from eight countries and a variety of institutions. An international conference followed, co-sponsored by ANJeL, on how best to meet challenges from the globalisation of legal education.

As part of its broader outreach, ANJeL expanded its Legal Professionals program. As well as coordinating year-long visits of Japanese judges to Sydney and Melbourne, ANJeL will host in Canberra a judicial officer, a police officer, and several public prosecutors from Japan. As well as interacting with Australian counterparts and university



Victorious Mooters, Adrian Bright and Chris Grey

communities, some of these visitors will participate in ANJeL's major research events for 2007.

Between 5-6 July 2007, with support from the ARC Asia-Pacific Futures Network, ANJeL will host its annual international conference, mainly comparing Japan's new quasi-jury system. This will follow on from two panels coordinated by ANJeL, on refugee law and corporate governance respectively, at the large Japanese Studies Association of Australia conference on 4 July. For registration or further information please see ANJeL's website or contact Dr. Luke Nottage - +61 2 93510210.



## ► Sydney LLM in Europe



Cambridge

The LLM in Europe program continues to develop, with four courses this year in Berlin or Cambridge. The participants tend to be a mix of German and Australian lawyers, working in law firms, banks and corporations. Increasingly, Australian postgraduate students are taking up the opportunity to combine study in an intensive course with travel to one or two of the most beautiful and interesting cultural centres of Europe. In addition, the courses are attracting enrolments from graduates working in the United Kingdom or Europe who wish to finish or start postgraduate study while they are there. German students now make up one of the largest national groups of international postgraduate students at Sydney Law School, with many undertaking an LLM wholly in Sydney.

### Courses in 2007:

Termination of Contracts, to be taught by Professors John Carter, Barbara McDonald and Elisabeth Peden in Cambridge in May.

International Commercial Litigation, to be taught in Berlin in July by Justin Hogan Doran, of the Sydney Bar, who was coach of the winning Jessup International Law Moot team.

Comparative Value Added Tax, to be taught in Berlin in August by Rebecca Millar, who recently returned from secondment to the IMF in Washington.

Executive Employment Contracts to be taught in December in Cambridge, Associate Professor Joellen Riley, of UNSW Law School, author of *The Law of Work*, (Oxford University Press, Melbourne, 2007).

Please direct all enquiries to the Director of the program, Associate Professor Barbara McDonald at [B.McDonald@usyd.edu.au](mailto:B.McDonald@usyd.edu.au) or visit the website: [www.law.usyd.edu.au/LLMinEurope](http://www.law.usyd.edu.au/LLMinEurope)



Berlin

# STAFF NOTES



Prof. Jennifer Hill

**Professor Jennifer Hill**, was recently engaged by the high profile New York law firm, Wachtell, Lipton, Rosen & Katz, to act as a consultant in litigation relating to the US\$47 billion hostile takeover of the Spanish company, Endesa S.A. Professor Hill provided a

Declaration for the purposes of the New York District Court decision in *E.ON AG v Acciona, S.A.* 2007 WL 316874 (S.D.N.Y.), dealing with the Spanish takeover. Professor Hill was also recently elected as a Research Associate at the European Corporate Governance Institute (ECGI) and has been appointed to the Editorial Board of International Corporate Law and Financial Regulation for Cambridge University Press. Professor Hill will be a Visiting Fellow at the European University Institute (EUI) in Florence during May 2007.

- **Emeritus Professor Ivan Shearer** AM RFD, consolidated the Law School's reputation in International Law recently after being chosen as Australia's representative to an international Inquiry on human rights violations in Sri Lanka. The Inquiry will conduct investigations into violations committed by parties on all sides of the conflict since August 2005. "The President of Sri Lanka asked certain countries, including Australia, to nominate members of an International Independent Group of Eminent Persons (IIGEP) to observe the investigations and enquires of the Commission and to ensure they accord with international norms," the Dean of Sydney Law School, Professor Ron McCallum AO stated. "This is absolutely marvellous news and I could not think of a better person to be nominated by Australia than our own Professor Emeritus Ivan Shearer." The other members of the Group are to be nominated by the United Kingdom, Canada, the EU, The Netherlands, Japan and the United States.



Dr. Luke Nottage

- **Dr. Luke Nottage** recently contributed the Report on Australia for the European Commission's major Comparative Study on alternative means of consumer redress other than redress through judicial proceedings. The study covers court-annexed and private Alternative Dispute Resolution, as well as collective redress through injunctions and aggregation of damages claims via class actions. The Commission is embarking on further study into collective redress as well as accelerating its broader consumer law reform program.



## Academics in the community and the profession



Dr. Ben Saul

When I tell people outside universities that I am a legal academic, I am commonly told “So you’re a teacher?”, as if teaching singularly defines the work of an academic. When I say that I teach for eight hours a week, some people disapprovingly wonder what I do with the rest of my time, or are envious that I must have six months of holidays each year outside the teaching semesters. For some, there is even the tiresome suspicion that academics teach because they are not capable of practising. For my hairdresser, mentioning that I am speaking at a conference provokes particular bewilderment, as if it is beyond comprehension that I am paid by taxpayers to talk about the law, as opposed to understandably teaching it or applying it as a solicitor.

Face to face teaching is obviously a vital part of what an academic does, along with the many hours of preparation, marking and meeting with students which classes inevitably entail, along with supervision of research students. Less well understood are the many administrative responsibilities of academics, whether at the Faculty or University level or in research centres, and including the time spent preparing grants for research funding. After all of that, there is occasionally time to devote to research and writing, leading to conference

papers or publications, which, along with teaching, constitute the core function of an academic.

Many academics are also heavily involved in service to the wider profession or the community, and these activities are often not well known. To give some examples from my own experience, since joining Sydney Law School in 2007 I have enjoyed being involved in a range of matters. At the start of the year, I spent a couple of months teaching humanitarian law pro bono at the Royal University of Law and Economics in Cambodia, also researching the proposed trials of Khmer Rouge leaders (who killed most Cambodian law professors in the 1970s) and the 1993 Cambodian constitution. I was also able to visit the national law school in Laos and United Nations officials in Myanmar (Burma).

Back in Sydney, as a practising academic barrister, I prepared a legal opinion (assisted by some of my students) for the NSW coronial inquest into the deaths of five journalists at Balibo, during the Indonesian invasion of East Timor in 1975, focusing on the legal protection of journalists and possible war crimes prosecutions. In another case, I drafted an expert opinion for the International Criminal Tribunal for the Former Yugoslavia in The Hague, on whether an armed conflict existed under humanitarian law in Macedonia in 2001. I also continued to advise protesters charged under federal security laws for trespassing at Pine Gap in a valiant attempt to stop the Iraq war.

At the policy level, as an Associate of the Sydney Centre for International and Global Law, I made submissions to federal parliamentary committee inquiries into the regulation of cluster munitions, and into a controversial new security treaty between Australia and Indonesia, also giving oral evidence at the latter inquiry. I continue to be involved in a consortium to train the Victorian public service in its obligations under Victoria’s new Charter of Human Rights and Responsibilities.

I am also fortunate to be involved in a range of organisations, including the management committees of the International Law Association (Australian Branch) and the Refugee Advice and Casework Service, the national committee of Australian Lawyers for Human Rights, as a member of the International Law Association’s International Committee on the Compensation of Victims of War and the NSW Legal Aid Commission’s Human Rights Committee, and, soon, on the executive committee of Sydney PEN (the writers’ organisation). I am occasionally involved with other groups, such as the NSW Council for Civil Liberties, NSW

Young Lawyers, the International Commission of Jurists, the Australian Red Cross, the Service for the Treatment and Rehabilitation of Torture and Trauma Survivors, Amnesty International, and the Media Entertainment and Arts Alliance.

Far from detracting from my core functions as an academic, service to the profession or the community can beneficially inform and strengthen teaching and research. Casework enables me to apply academic knowledge of the law to situations where the law is unclear or underdeveloped (as opposed to in more routine cases). My involvement in cases is sometimes triggered by my research, as in the Yugoslav Tribunal where counsel had read my research book, *Defining Terrorism in International Law* (Oxford University Press, 2006).

Conversely, casework can lead to research publications, as in that case and the Balibo case; while it also enhances my teaching by bringing practical examples of novel legal issues into the classroom. Participation in professional and community organisations can help to widen public understanding of the law, or progressively develop the law through policy processes, as in previous years where I have been involved in public debates about sedition, terrorism, refugees, torture, and the AWB scandal in Iraq.

In short, I can confidently say that I work for more than eight hours a week, and I have fewer than six months of holidays a year. I teach and research because I want to, not because I am not capable of practising. As an international and human rights lawyer, there is little scope to practise full time at the bar, and I have little interest in working on matters which do not interest me. I speak at conferences not to waste taxpayers money, but because it is part of a wider process by which defects in the law are identified and prospects for its improvement proposed.

Academia provides the freedom to teach and research what I enjoy, and to participate in a diversity of socially important organisations – at the price of perhaps too much administration, and no doubt too little money compared with the commercial bar. Ultimately, academia offers the extraordinary privilege (and responsibility) of being able to speak publicly on issues (within our expertise) which matter – to the rule of law, and to its society – including those members of it who could never afford to be represented by a commercial barrister.

*Dr. Ben Saul is a Senior Lecturer in the Faculty of Law, Co-ordinator of the Master of International Law Program, and Director (from July 2007) of the Sydney Centre for International and Public Law.*

“Academia provides the freedom to teach and research what I enjoy, and to participate in a diversity of socially important organisations.”



# LAW SCHOOL VISITORS

- **Professor Dr. Thomas Moellers** is the Director of the Institute for European Legal Systems at the University of Augsburg, Germany. He has written widely on European law, and his published work includes books or articles on consumer protection, competition law, company law, takeovers and environmental law.

- **Professor Les Moran** is from the School of Law, Birkbeck College. Professor Moran is a Visiting Fellow under the Short Term Visiting Fellowship Scheme. He is conducting multi-jurisdictional research on judicial diversity, with a particular focus on sexual diversity. Professor Moran is the author of many publications, including *Sexuality, Identity and Law* (Ashgate 2006). He has held Visiting Fellowships and has given addresses at universities in many different countries, including previously in Australia.

## Ross Parsons Visitors

- **Ms. Jacqueline Mowbray**, University of Cambridge, United Kingdom

Jacqueline Mowbray 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 (B.A./LL.B., Hons - first class), the University of Melbourne (LL.M.) and the University of Cambridge (LL.M., 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.

- **Professor James Hathaway**, The University of Michigan Law School

Professor Hathaway is one of the world's pre-eminent experts on international refugee law. He is the founding director of the University of Michigan's Program in Refugee and Asylum Law, Senior Visiting Research Associate at Oxford University's Refugee Studies Programme, and President of the Cuenca Colloquium on International Refugee Law. Professor Hathaway's publications include more than sixty journal articles, a leading treatise on the refugee definition (*The Law of Refugee Status*, 1991), an interdisciplinary study of models for refugee law reform

(*Reconceiving International Refugee Law*, 1997) and, most recently, *The Rights of Refugees under International Law* (2005) - an analysis of the human rights of refugees set by the UN Refugee Convention.

- **Professor Teo Keang Sood**, Faculty of Law, National University of Singapore, Singapore

Teo Keang Sood was the Deputy Director of the Graduate Division and Vice-Dean for Research and Graduate Studies at the Faculty of Law, NUS for the past 5 years. Educated at the University of Malaya and Harvard Law School, several of his works on land law and strata title have been cited with approval by the courts in Singapore and Malaysia. He is currently the Editor of the Singapore Academy of Law *Annual Review of Singapore Cases 2000-2006* and a panel member of the Strata Titles Board.

- **Associate Professor Shelly A.M. Gavigan**, Osgoode Hall Law School, York University, Toronto, Canada

Shelley A.M. Gavigan, B.A. LL.B. M.A. LL.M., of the bars of Saskatchewan and Ontario, is a member of the faculty at Osgoode Hall Law School where she teaches Criminal Law, Family Law, Poverty Law, and Children and the Law and is cross appointed to the Graduate Programs in Sociology and Women's Studies at York University. At Osgoode, she has held appointments as Academic Director of Parkdale Community Legal Services, Director of Clinical Education and Associate Dean. Her research is situated primarily within feminist socio-legal theory and history, with her primary interest in areas which illustrate the gendered and relational nature of criminal law, poverty law and family law. Her early scholarship focussed on the historical development and implications of the criminal prohibition of abortion, criminalisation of women, and abortion law reform. She is co-author of *The Politics of Abortion* (with Janine Brodie and Jane Jensen). Her more recent scholarship analyses socio-legal forms and regulation of spouses, lesbian parenting, and welfare fraud. She is also pursuing doctoral studies in Canadian Legal History. Her doctoral research is focussed upon the relationship between Aboriginal peoples and Canadian criminal law in the nineteenth-century criminal court records of Justice Hugh Richardson in Western Canada.

- **Dr. Stewart Motha**, Law, University of Kent, Canterbury, UK

Stewart Motha has previously taught law at Lancaster University and the University of Adelaide, Australia, and worked as a legal officer and case

manager with the Aboriginal Legal Rights Movement in South Australia. He has co-edited Special Issues of *The Journal of Law and Society* and *Law and Critique* and has published in leading British and Australian journals, in a range of edited collections, and had his work translated into Spanish. He was coordinator of the U.K.'s Critical Legal Conference in 2005 and co-organiser of the same event in India in 2006.

- **Dr. Grant Lamond**, Balliol college, Oxford University, UK

Grant Lamond is Fellow in Law at Balliol College, University of Oxford. He was educated at Sydney University and Oxford and has taught at the Universities of Sydney, Melbourne, London and Oxford. His research interests lie in the philosophy of law, particularly legal reasoning, and in the philosophy of criminal law. He has published papers in Legal Theory, Oxford Journal of Legal Studies and the Stanford Encyclopedia of Philosophy.

- **Associate Professor Rosemarie Garland Thomson**, Emory University, USA

Rosemarie Garland Thomson is a leading disability studies theorist who works with a feminist theoretical framework. Her current work in progress is *Cure or Kill: The Cultural Logic of Euthanasia* and has a particular crossover law and legal theory. She has a book in press called *Staring: How we Look* and her previous book *Extraordinary Bodies: Figuring Physical Disability in American Culture and Literature* was highly acclaimed and widely reviewed.

- **Professor Abby Lippman**, McGill University, Canada

Professor Lippman is a leading international researcher on gender issues in health research. She will be attending a workshop on gender in health research that is being held in May 2007 as part of the ARC research project by the Law School's Associate Professor Belinda Bennett and Dr. Isabel Karpin.

- **Dr. Nicholas Aroney**, Law, University of Queensland

Nicholas Aroney is a Senior Lecturer in the School of Law at the University of Queensland. He teaches and has published widely in Australian constitutional law, comparative constitutional law and legal theory. His first book *Freedom of Speech in the Constitution* (1998) was widely reviewed and cited, and his second book is shortly to be published under the title, *The Constitution of a Federal Commonwealth: The Making and Meaning of the Australian Constitution*. He is also working on a further book on



comparative federalism entitled *Federal Constitutionalism: Theory and Practice*.

- **Professor Allan Hutchinson**, Osgoode Hall Law School, Toronto

Allan C. Hutchinson is Distinguished Research Professor and Associate Dean, Osgoode Hall Law School, York University, Toronto. He writes and teaches in jurisprudence, constitutional law, civil litigation and legal ethics, among others. His most recent publications include: *If Plato Had Played Football* (2006); *The Companies We Keep: Corporate Governance and Democracy* (2005), and *Evolution and the Common Law* (2005).

- **Kristen Rundle**, University of Toronto, Canada

Kristen Rundle BA, LLB (Hons I)(Syd), LLM (Hons)(McGill) has taught at the Universities of Sydney, Macquarie and Toronto, in the areas of Holocaust jurisprudence, Administrative Law, Equity, Legal Ethics, and Foundations of Law. She was the recipient of the 2001 Lionel Murphy (Postgraduate) Overseas Scholarship for her LLM at McGill, and is currently the holder of a Connaught Scholarship for her doctoral studies at the University of Toronto. Kristen's current doctoral research explores how legal theory comprehends the idea of institutional health, drawing upon the lesser-known writings of Lon Fuller.

- **Professor Jim Flanagan**, University of South Carolina, USA

Professor Flanagan teaches Federal Practice, Federal Discovery, Federal and State Procedure, Federal and State Evidence, Remedies, and other trial-related courses. He is the author of *South Carolina Civil Procedure* (2nd ed., 1996), and its predecessor *South Carolina Civil Procedure* (1985, with Dean Harry M. Lightsey), as well as articles on procedure, evidence, and administrative law, and is a frequent speaker to state and national organizations on these topics. He is a member of the United States District Court Rules Advisory Committee in South Carolina. He served as reporter to the South Carolina Supreme Court Rules Advisory Committee, which drafted the civil rules of procedure for circuit courts adopted in 1985, and as reporter to the committee that drafted the Rules of Procedure for the South Carolina Administrative Law Court. He has been a consultant on procedural issues to the courts and to the South Carolina Judicial Council, and is currently chair of the Magistrates Advisory Council.

# New Collection

The 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.

## In Person

Information Desk  
Level 12, Sydney Law School

9am to 6pm  
Monday to Thursday

9am to 5pm  
Friday and during non-teaching periods

## Via Email\*

Send your request for an order to:  
Law.Alumni@usyd.edu.au

We will then contact you to organise payment and delivery\*.

## By Post\*

Send your request for an order to:

Alumni and Events Co-ordinator  
Sydney Law School,  
University of Sydney  
173-175 Phillip St  
Sydney NSW 2000 Australia

We will then contact you to organise payment and delivery\*.

## For further information

Please call: +61 2 9351 0327 or  
email: Law.Alumni@usyd.edu.au

\*Delivery costs may incur an extra charge.



# Merchandise



Item	Price (GST incl.)
Memo Holder	\$32.00
Business Card Holder	\$28.00
Key Ring	\$10.00
Silk Tie	\$55.00
Polo T-shirt	\$40.00
- Navy Blue or White	
(Mens: Sizes in M, L, XL, XXL)	
(Womens: Sizes in 8, 10, 12, 14, 16)	
Mugs	\$16.00
Canvas Baseball Cap**	\$6.75
Rugby Top (Size: Small, Medium, Large, XL)**	\$39.50
A Century DownTown	
- History of the Sydney Law School**	\$11.00
Lapel Pin**	\$4.00

\*\* Items not shown



## 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: Law.Alumni@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>



**Sydney Law School**



**The University of Sydney**

### Legal Professional Development

The Law School's Legal Professional Development 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 & 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:** US International Taxation, Discrimination in the Workplace, Environmental Law and Policy, Critical Issues in Public Health Law, Expert Evidence, Pollution Law, Contractual Damages, (Intensive Mode) Controlling Liability by Contract, and Corporate Fundraising (13 week courses)

**For further information:**

Please contact Val Carey, Faculty of Law,  
Phone: 9351 0238, Email: [v.carey@usyd.edu.au](mailto:v.carey@usyd.edu.au)  
or check our website: <http://www.law.usyd.edu.au/CLE/>



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

## 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 at least four to five days. You can choose to enrol in the LLM or another coursework master's 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](http://www.law.usyd.edu.au)

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

- Unit of Study:** **Jurisprudence of Tax**  
**Date:** 16-20 July 2007  
**Lecturer:** Professor John Prebble, Victoria University of Wellington, New Zealand
- Unit of Study:** **US Corporate Law**  
**Date:** 20-21 & 27-28 July 2007  
**Lecturer:** Professor Jennifer Hill, Sydney Law School
- Unit of Study:** **Information Rights in Health Care**  
**Date:** 23 July and 10-11 August and 5-6 September 2007  
**Lecturer:** Associate Professor Cameron Stewart, Division of Law, Macquarie University
- Unit of Study:** **Advanced Employment Law**  
**Date:** 27-28 July 2007 and 10-11 August 2007  
**Lecturer:** Adjunct Associate Professor Iain Ross AO, Corrs Chambers Westgarth
- Unit of Study:** **Expert Evidence**  
**Date:** 3-4 & 6-7 August 2007  
**Lecturer:** Professor Ian Freckleton, Sydney Law School
- Unit of Study:** **Law Reform: Processes, Practices and Problems**  
**Date:** 10-11 & 24-25 August 2007 (Friday, 10am to 6pm and Saturday, 9:30am to 4:30pm)  
**Lecturer:** Professor Reg Graycar, Sydney Law School
- Unit of Study:** **Joint & Proportionate Liability**  
**Date:** 17-18 & 24-25 August 2007  
**Lecturer:** Associate Professor Barbara McDonald, Sydney Law School
- Unit of Study:** **International Dispute Resolution: Practice & Procedure**  
**Date:** 28 August and 28-29 September and 19-20 October 2007  
**Lecturer:** Dr. Tim Stephens and Dr. Luke Nottage, Sydney Law School
- Unit of Study:** **Biodiversity Law**  
**Date:** 6-8 (in-class) & 10-14 (field trip) September 2007  
**Lecturer:** Chief Justice Brian Preston, Land & Environment Court
- Unit of Study:** **Forensic Psychiatry**  
**Date:** 14-15 & 28-29 September 2007  
**Lecturer:** Dr. Jeremy O'Dea, Faculty of Medicine, UNSW
- Unit of Study:** **European Labour Law in Context**  
**Date:** 19-20 & 26-27 October 2007  
**Lecturer:** Dr. Axel Linneweber, Linneweber Rechtsanwälte

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:** [info.law@usyd.edu.au](mailto:info.law@usyd.edu.au)  
**Website:** [www.law.usyd.edu.au/postgrad](http://www.law.usyd.edu.au/postgrad)