

# JuristDiction

Sydney Law School Faculty and Alumni Journal Issue 2 2008

## CLIMATE VISIONARIES

Forging legal solutions  
to climate change

SHARIA LAW  
IN INDONESIA

THE CLIMATE WARRIOR

A HAND ACROSS  
THE OCEAN



The University of Sydney  
Alumni



Sydney  
Law School





## JuristDiction

A faculty publication of the Sydney Law School for alumni and the legal community.

Published twice a year, JuristDiction is Sydney Law School's magazine for alumni and friends. In addition to reporting the academic successes of staff and students, and exploring their contributions to professional and community life, it also relates the aspirations and achievements of you, our many graduates living in Sydney and around the globe. We welcome your feedback and ideas.

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# DEAN'S MESSAGE

PROFESSOR GILLIAN TRIGGS

I have recently returned from China where the University of Sydney conducted several graduation ceremonies and hosted reunions for our alumni. It was a special pleasure to meet graduates of the Sydney Law School and to learn of their experiences working in the dynamic markets of Shanghai, Beijing and Hong Kong. These alumni stressed the value of their legal education in Australia, especially the emphasis on analytical thinking and problem solving and the transnational and global approaches to law. I am encouraged to know that the international strategy of the Law School is so strongly confirmed by our graduates and that they have the flexibility to succeed in, and contribute to, different legal cultures.

We hope in the future to expand our four week Winter Programme in Shanghai and to develop research and exchange links with several of the world class law schools that offer legal education in China. Expansion of our activities in China is part of a wider plan to open up opportunities for all our students to spend one semester at a major university in Asia, Europe and North America. It is also hoped that our law students will graduate with at least one language other than English and that they will consider gaining a practicing certificate in more than one jurisdiction. If these goals are achieved, our graduates will be able to employ their legal skills in a truly global environment.

The date of 30 April 2009 has been set for the formal opening of the New Law School Building. We will be having an open day and welcome you to join us in activities and entertainment on the day. Further details are available in this journal.

As we near the end of the year, I would like to take this opportunity to wish you all a joyous festive season and a prosperous New Year.

Best wishes,

Professor Gillian Triggs  
Dean, Faculty of Law

## FAREWELL TO PROFESSOR PETER BUTT

The Sydney Law School held a special morning tea to farewell Professor Peter Butt, who recently announced his retirement.

Peter joined the Law School in 1975 and was a number of new appointments made between 1974 and 1977 following the retirement of Professor Ken Shatwell as Dean in 1974, including the late Professor Alice Tay and Professor Richard Vann.

A well respected authority in land law, native title and legal drafting, Peter is a dedicated proponent of plain language for lawyers, and when interviewed by the Sydney Morning Herald in 2006 in relation to his book *Modern Legal Drafting*, stated:

"Lawyers write in a very wordy and pompous style. There is no justification for that nowadays. Lawyers should consider that the way they write is important for their clients. They can write in simple, modern English if they tried.

"Further, Lawyers use humungous sentences. I have seen one of 1299 words. I've seen judges use sentences of well over 100 words in their judgements.

"Even if the content is fairly straightforward, the sheer length of the sentence makes it impenetrable.

"Historically, lawyers were paid by length which is why they use four words where one will do. It says no more but justifies a larger fee, perhaps.

"Also, the role models that students follow are judges and judges, with all due respect, don't write very well. The other role models are academics and they're not good writers either."

The Dean, Professor Gillian Triggs, in announcing his retirement stated, "Peter is a graduate of the Sydney Law School and a fine scholar who has been with us for many years, making a significant contribution to the Law School and legal education.

"We wish him the very best and hope he enjoys his well-earned retirement."





# NEW STAFF

## Associate Professor Steven Lee

An expert in international trade law and business law, Professor Lee is the author of internationally recognized books, including *Reclaiming Development In The World Trading System* (Cambridge University Press, 2006) and *Safeguard Measures In World Trade: The Legal Analysis* (Kluwer Law International, 1st ed. 2003, 2d ed. 2005). He is also an associate editor of the *Journal of World Trade*, a premier academic journal in the field of international trade law and policy.

Professor Lee is a graduate of the University of California at Berkeley (economics, A.B.) and studied law at the University of Cambridge (U.K.), from which he earned both an undergraduate law degree and a doctorate.

He will be joining the Law School in early 2009 to teach International Economic Law.



## Associate Professor Cameron Stewart

Cameron is a Solicitor and Barrister of the High Court of Australia and a Legal Practitioner of the Supreme Court of New South Wales. He has practised commercial law at Phillips Fox Lawyers. He is also a Board Member of the Australian Institute of Health Law and Ethics.

Professor Stewart is a graduate of Macquarie University where he obtained a Bachelor of Economics and a Bachelor of Laws with First Class Honours. He also has a Graduate Diploma in Jurisprudence and a doctorate from the University of Sydney.

He will be joining the Law School in early 2009 to teach Health Law.



## Associate Professor Chester Brown

Dr Chester Brown was the former Assistant Legal Adviser at the Foreign and Commonwealth Office in London. He has experience of acting in and advising on commercial and investment treaty claims governed by the UNCITRAL, ICSID, ICC, LCIA, and AAA/ICDR Arbitration Rules.



Dr Brown completed his undergraduate studies at the University of Melbourne (BA (Hons), LLB (Hons)), and has also worked as a Solicitor at Mallesons Stephen Jaques, Melbourne. He also holds a BCL (Distinction) from the University of Oxford and a PhD from the University of Cambridge. He is the author of *A Common Law of International Adjudication*, which was published by Oxford University Press in 2007, and a number of articles on international law and international dispute settlement.

He will be joining the Law School in early 2009 to teach International Law.

## Ms Patricia Lane

Ms Lane is a senior lecturer and her area of expertise is in Property, Equity and Commercial Law. She has worked in a variety of legal and administrative roles, including as a practitioner at the NSW Bar, and as a former Registrar and Member of the National Native Title Tribunal. She has also participated in various peace negotiations concerning the Sudan as a resource person to mediators and parties in respect of land, environment, and natural resources.

She joined the Law School in July 2008.



## Dr Salim Farrar

He first graduated in Law from King's College London in 1991 and was called to the English Bar in 1992. Following a two-year stint in Malaysia from 1994-1996, he returned to England to pursue a doctorate in comparative criminal justice at the University of Warwick and as a British Academy Scholar. Upon completion of his doctorate, he went on to teach at the Universities of Coventry, Warwick and Manchester before his most recent appointment as an Associate Professor at the International Islamic University Malaysia in 2004. His principal research and teaching interests are in Islamic Law, Criminal Justice and 'Human Rights', with a particular focus on Southeast Asia and the Middle East. He speaks English, Arabic, Bahasa Malaysia and French, and has just written a book on the reforms of the Malaysian criminal process.

He will be joining the law school in early 2009 to teach Islamic Law.



## Ms Susan Shearing

Ms Shearing was admitted to legal practice in 1986, where she worked for six years with Allen Allen and Hemsley (now known as Allens Arthur Robinson) advising principally in relation to banking and finance, general commercial law and resource management issues. From 1993-1995 Susan was a senior policy advisor with the Legislation and Policy Unit of the New South Wales Attorney General's Department, advising with respect to corporate law matters. Susan also practiced for three years as an in-house legal counsel with a large I.T. company before undertaking an academic career upon completion of her postgraduate studies in law. She has taught widely in both undergraduate and postgraduate law programs and combines extensive experience in commercial legal practice with a keen research interest in corporate/commercial and environmental law areas.

She will join the Law School in early 2009 to teach Environmental Law.



## Professor Joellen Riley


Joellen Riley was a finance journalist before studying law at the University of Sydney in the 90s. She spent some time working with a national law firm, and undertook postgraduate studies in law at Oxford University, before returning to the Law Faculty at the University of Sydney to teach in 1998. She teaches across a range of commercial subjects – contracts, commercial law, corporate law, equity, labour law – however her research interests lie primarily in law at the workplace.

She has followed closely the Howard government's workplace relations reforms since 1996, as principal author of *Workplace Relations: A Guide to the 1996 Changes* (LBC Information Services, Sydney, 1997) and as a regular contributor to the *Journal of Industrial Relations'* annual report on Industrial Legislation. She has published articles in a number of scholarly and professional journals, and is regularly invited to speak in public forums on workplace law issues.

She will join the Law School in early 2009 and will be teaching Labour Law.







IN MAY 2008 THE SYDNEY LAW SCHOOL HELD ITS ANNUAL PRIZE GIVING CEREMONY TO CELEBRATE THE ACHIEVEMENTS OF OUTSTANDING STUDENTS.

# 2008 PRIZEGIVING CEREMONY

2008 marked the first Sydney Law School Prize Giving Ceremony for the Dean, Professor Gillian Triggs, who acknowledged the efforts of the students and the significant role played by the previous Dean, Professor Ron McCallum AO, in their achievements.

The support of the community and the profession for the Sydney Law School is invaluable and the prizes awarded to our students wouldn't be possible without it. We therefore warmly thank all donors for their continuing support.

The University Medallist, Fiona Roughley gave the student address at the Ceremony.

The Sydney Law School would like to warmly congratulate all of the prize winners.

The complete list of prizewinners is below:

## Noni Austin

- Minter Ellison Prize for Intellectual Property

## Thomas Beamish

- Chartered Institute of Arbitrators Prize

## Sophie Bentwood

- LexisNexis Book Prize No 1 for most proficient in Combined Law I

## Anish Bhasin

- Nancy Gordon Smith Memorial Prize for honours at graduation
- Peter Cameron Sydney Oxford Scholarship

## Dora Chan

- ED Roper Memorial Prize for second for Equity and Corporate Law

## Karen Cheng

- John Warwick McCluskey Memorial Prize for highest aggregate mark for Federal Constitutional Law and Family Law

## Andrew Cork

- George and Matilda Harris Scholarship No 2A for proficiency in 2nd year of graduate law

## Naomi Cook

- Victoria Gollan Memorial Scholarship

## Monique Cowden

- JH McClemens Memorial Prize for Criminology
- Tuh Fuh and Ruby Lee Memorial Prize for Criminology

## Pietro Di Ciaccio

- Sir Peter Heydon Prize for best undergraduate contribution to the Sydney Law Review in Federal Constitutional Law, Administrative Law or International Law

## Astron Douglas

- John Geddes Prize for Equity

## Lauren Flood

- C A Hardwick Prize for Federal Constitutional Law;
- Pitt Cobbet Prize for Federal Constitutional Law

## Kay Freedman

- Judge Samuel Redshaw Prize

## Maggie Fung

- Christopher C Hodgekiss Prize for Competition Law;
- Allens Arthur Robinson Prize for Competition Law

## Anna Garsia

- Margaret Ethel Peden Prize for Real Property;
- Edward John Culey Prize for proficiency in Real Property and Equity

## Robert Ghanem

- Alan Ayling Prize in Environmental Law

## Joel Gilbourn

- Pitt Cobbett Prize for International Law;
- Edward and Emily McWhinney Prize for International Law

## Skye Glenday

- Playfair Prize for Migration Law

## Fiona Graney

- Zoe Hall Scholarship

## Michael Granziera

- Julius and Reka Stone Award in International Law and Jurisprudence for creative achievement displayed in essays in International Law and Jurisprudence

## Kim Hamilton

- Law Press Asia Prize for Chinese Legal Studies for Chinese Laws and Chinese Legal Systems

## Jia Jie John Hao

- The Tomonari Akaha Memorial Prize for Equity (international student from the Asia Pacific region)

## Gwenda Happ

- GW Hyman Memorial Prize in Labour Law

## Fletcher Heinemann

- Carolyn Mall Memorial Prize in Indirect Taxes

## Sally Johnston

- Pitt Cobbett Prize for International Law;
- Edward and Emily McWhinney Prize for International Law;
- Sir John Peden Memorial Prize for proficiency in Foundations of Law, Federal Constitutional Law, International Law and Real Property

## Laura Johnston

- Pitt Cobbett Prize for Administrative Law;
- New South Wales Justices' Association Prize for Administrative Law;
- John Geddes Prize for Equity



**Nikki Joson**

- Walter Ernest Savage Prize for Foundations of Law

**Antoine Kazzi**

- NSW Women Justices' Association Prize for Family Law – highest mark for an essay

**Thomas Kearney**

- Gustav & Emma Bondy PG Prize in Jurisprudence

**Dominic Kennelly**

- Thomas P Flattery Prize for Roman Law

**Kwok Lee**

- Bruce Panton McFarlan Prize for Advanced Corporate Law

**Meagan Lee**

- Law Press Asia Prize for Chinese Legal Studies for Chinese Laws and Chinese Legal Systems

**David Lewis**

- Caroline Munro Gibbs Prize for Torts

**Michael Long**

- Bruce Panton McFarlan Prize for Advanced Corporate Law

**Kristen Lopes**

- Advanced Employment Law Prize

**Andrew McLeod**

- Minter Ellison Scholarship

**Norm Maamary**

- Peter Paterson Prize for best contribution in the Sydney Law Review

**Joanna Mascarenhas**

- Sir Alexander Beattie Prize for Employment and Industrial Law;
- Harmer's Workplace Lawyers Prize for Employment and Industrial Law

**Alexandra Meagher**

- Pitt Cobbett Prize for International Law;
- Edward and Emily McWhinney Prize for International Law

**Melissa Miller**

- Mr Justice Stanley Vere Toose Memorial Prize for Family Law

**Paul Neumann**

- Margaret Ethel Peden Prize for Real Property

**David Nguyen**

- Harmer's Workplace Lawyers Prize for Anti-Discrimination Law

**Ines Nurboja**

- Mr Justice Stanley Vere Toose Memorial Prize for Family Law

**Rita Wai Tak Pang**

- Minter Ellison Prize for Intellectual Property

**Amanda Porter**

- Zoe Hall Scholarship

**Thomas Prince**

- Allens Arthur Robinson Prize for Advanced Contracts;
- Sybil Morrison Prize for Jurisprudence Part 2; Blake Dawson Prize 1A for Personal Taxation;

- John George Dalley Prize for proficiency in final year by a candidate proceeding from combined law;

- Joye Prize in Law for student(s) gaining University Medal;

- Dudley Williams Prize for second at graduation;

- Nancy Gordon Smith Memorial Prize for honours at graduation

**Fiona Roughley**

- RG Henderson Memorial Prize for student gaining University Medal;

- Joye Prize in Law for student(s) gaining University Medal;

- Ian Joye Prize in Law for proficiency in Law II and III;

- Nancy Gordon Smith Memorial Prize for honours at graduation;

- Rose Scott Prize for proficiency at graduation by a woman candidate

**Naomi Sadle**

- Pitt Cobbett Prize for Administrative Law;
- New South Wales Justices' Association Prize for Administrative Law;
- Monahan Prize for Litigation

**Nicole Sammel**

- Nancy Gordon Smith Memorial Prize

**Dino Sawaya**

- John George Dalley Prize 1B for proficiency in final year by a candidate proceeding from graduate law

**Srihari Sharma**

- Australian Securities and Investments Commission Prize for Corporate Law;
- ED Roper Memorial Prize for first in Equity and Corporate Law

**Felicity Shaw**

- AMPLA Prize in Energy Law

**Meredith Simons**

- LexisNexis Book Prize No 2 for most proficient in Combined Law II;
- EM Mitchell Prize for Contracts; Freehills Prize for Contracts

**Dominic Skeritt**

- Law Press Asia Prize for Chinese Legal Studies

**Amy Spira**

- ED Roper Memorial Prize for first for Equity and Corporate Law

**Lucinda Stitt**

- Caroline Munro Gibbs Prize for Torts;
- Wigram Allen Scholarship No 1A for proficiency in first year of Graduate Law;
- LexisNexis Book Prize No 4 for most proficient in Graduate Law I

**Joanna Sutton**

- Nancy Gordon Smith Memorial Prize for honours at graduation

**Symmie Swil**

- Blake Dawson Prize for Business Taxation

**Daniel Thompson**

- Julius and Rea Stone Award in International Law and Jurisprudence for creative achievement displayed in essays in International Law and Jurisprudence

**Emma Truswell**

- Margaret Dalrymple Hay Prize for Law, Lawyers and Justice;
- Law Society of NSW Prize for Law, Lawyers and Justice;
- Andrew M Clayton Memorial Prize – Clayton Utz for proficiency in Federal Constitutional Law and Law, Lawyers and Justice;
- George and Matilda Harris Scholarship No 2B for proficiency in 3rd year of Combined Law;
- LexisNexis Book Prize No 3 for most proficient in Combined Law III

**Gabrielle Wanner**

- JH McClemens Memorial Prize in Criminology 2

**Shelley Wheeler**

- Blake Dawson Prize for Business Taxation

**Evan Williams**

- Blake Dawson Prize for Environmental Law

**Reina Wit**

- Julius Stone Prize for Sociological Jurisprudence

**Ka Sen Wong**

- University of Sydney Foundation Prize

**Zelie Wood**

- Joye Prize in Law for student(s) gaining University Medal;
- Dudley Williams Prize for second at graduation;
- Nancy Gordon Smith Memorial Prize for honours at graduation

**Vanessa Workman**

- Bill Wallace Memorial Prize for Stamp Duties

**Alice Yan**

- Zoe Hall Scholarship

**Ciara Yeo**

- Law Press Asia Prize for Chinese Legal Studies for Chinese Laws and Chinese Legal Systems

**Daniel Zeman**

- Maddocks' Prize in Labour Law

**Lily Zhang**

- Aaron Levine Prize for Criminal Law

**Tina Zhuo**

- Pitt Cobbett Prize for International Law;
- Edward and Emily McWhinney Prize for International Law;
- Monahan Prize for Litigation;
- George and Matilda Harris Scholarship No 1 for proficiency in Law II;
- LexisNexis Book Prize No 5 for most proficient in Law 2 (Graduate Law II and Combined Law IV)



# LAW SCHOOL VISITORS



From left to right: The Dean, Professor Gillian Triggs, Professor Coffee and Professor Jennifer Hill

## **Professor John C. Coffee of Columbia Law School delivers 2008 Ross Parsons Address in Corporate Law** *Greg Sherington*

Professor John C. Coffee delivered the 2008 Ross Parsons Address in Corporate Law on 20 August 2008. Professor Coffee is one of the leading international experts in corporations law, securities regulation and finance.

He is the Adolf A Berle Professor of Law at Columbia University Law School, a Fellow at the American Academy of Arts and Sciences, and is consistently listed by the National Law Journal as one of the 100 most influential lawyers in the United States. He has recently given testimony on several occasions before the US Senate Banking Committee in relation to the subprime mortgage crisis.

Professor Coffee's Address was titled Financial Crises 101: What Can We Learn From Scandals and Meltdowns – From Enron to Subprime. The Address was given as the keynote lecture of the Third Annual Supreme Court and Law Society of New South Wales Conference on Corporate Law 2008 on The Credit Crunch and the Law.

The Hon. Justice JJ Spiegelman AC, Chief Justice of NSW, chaired the Conference, in addition to The Hon. Justice R P Austin,

Supreme Court of NSW and Alan Cameron AM, Blake Dawson. Other speakers included John O'Sullivan (Credit Suisse (Australia) Ltd); Scott Farrell (Mallesons Stephen Jaques); Ewen Crouch (Allens Arthur Robinson); Kathleen Farrell (Freehills); John Sheahan SC (Wentworth Chambers).

This was Professor Coffee's fourth visit to Sydney Law School. He first visited in 1985. In 2001, he taught a very popular postgraduate course in US Securities Regulation and in 2007, he gave a seminar addressing issues in his recent book, Gatekeepers: The Professions and Corporate Governance.

For the latest information on academic and expert visitors to the Sydney Law School, visit <http://www.law.usyd.edu.au/news/visitors.shtml>

## NEW 2009 POSTGRADUATE GUIDE AVAILABLE

Sydney Law School has launched its 2009 Postgraduate Program, with a new comprehensive Postgraduate Guide alongside enhanced online presentation of its subjects.

Sydney Law School is set to offer Australia's largest postgraduate program in law for 2009, with 161 units of study scheduled to be taught.

70% of these units of study will be delivered in the popular intensive format, where units can be completed in four to five days, either in a block or consecutive format.

In addition, Sydney Law School will offer 31 new units of study, a 25% increase over 2008.

Some of the new units include WTO Dispute Resolution, International Import/Export Laws, Law and Investment in Asia, Energy and Climate Law, Comparative Law of Evidence and Transnational Commercial Litigation.

While the majority of units of study will be taught at the New Law Building, many units of study of specific relevance to the

profession and corporate sector will be delivered at a Sydney CBD location.

Sydney Law School will also deliver two new offshore units in Japan - Japanese Law and Japanese Law & the Economy- taught in Kyoto and Tokyo respectively.

These units are offered in addition to the Sydney Law School in Europe program and the Law School's two offshore units in China - Chinese Laws & Chinese Legal Systems and Sustainable Development Law in China.

The guide also contains information on The Sydney LLM - Master of Laws program, the newly introduced Doctor of Juridical Studies (SJD), and some new scholarships.



Order your copy of the guide online at <http://www.law.usyd.edu.au/about/contact.shtml#form>

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# LAUNCH OF THE JUSTICE PETER HELY MEMORIAL SCHOLARSHIP

by Greg Sherington

Over 70 eminent judges, barristers, family and distinguished guests from the legal community joined the Dean of the Sydney Law School, Professor Gillian Triggs, to launch the Justice Peter Hely Memorial Scholarship on Tuesday 27 May 2008.



Professor Gillian Triggs, Mrs Sally Heerey and Justice Peter Heerey.



Mr Tony Heley and Lucas Bastin.



Mr Peter Butler and Justice Dyson Heydon.



Justice Peter Jacobson and The Hon Roderick Meagher.

Generous contributions from the family, friends and colleagues of the late Justice Hely established the scholarship to promote postgraduate study in the fields of commercial law and equity and ensured a permanent memorial to one of the finest graduates of the University of Sydney Law School.

The scholarship is open to final year law students, Law graduates and graduates of the University of Sydney, to enable them to undertake a postgraduate degree in the fields of commercial law and equity, either by research or coursework, at the University of Sydney or any other appropriate university.

Special guest speaker at the reception, The Hon Mr Roderick P Meagher AO, QC delighted guests with his warm reminiscences of Justice Hely.

Justice Dyson Heydon reiterated Mr Meagher's call for generosity in supporting the Scholarship in memory of Justice Hely. As one of the panel that included Justice Peter Jacobson and Professor Triggs, Justice Heydon

then awarded the first Hely scholar, Lucas Bastin.

Justice Heydon spoke of Lucas's significant success as a mooter in the international competition, the Jessup Law Moot where he represented the Sydney Law School and was declared "Best Oralist" in the world final round. He also spoke of Lucas's numerous sporting interests, achievements and community activities.

Justice Heydon declared the selection panel's pleasure with the quality of applicants for the scholarship and with the selection of Lucas Bastin as the first holder of the Hely Scholarship.

Lucas Bastin warmly thanked those who made the inaugural award of this scholarship possible. "Anonymous and several as you may be, please know that my gratitude extends to all of you individually and sincerely".

The University of Sydney and the Law School wish to thank all donors for their generous support.

## WANTED: CULTURE AND BEAUTY FOR THE NEW LAW SCHOOL

With construction of the new Law School building on main campus entering the fit-out phase, thoughts are turning to the visual and aesthetic qualities that the exciting array of rooms and spaces will feature.

Architects Francis-Jones Morehen Thorp's design is already receiving rave reviews from alumni for the way in which its bold, modern vision for the building blends with the historic sandstone surrounds. The extensive use of glass and the opening up of the campus perimeter alongside Victoria Park will provide a wonderful opportunity for the academic and legal communities to portray how much they appreciate and value the cultural and aesthetic realm.

One suggestion – which has received in principle support both from the Faculty and from University Museums, which manages the University Art Collection – is that an Indigenous work of art depicting customary law be purchased and displayed in the new building.

Imulun, painted by Bill Yidumduma Harney, is a pictorial representation of the law of the Wardaman people whose country lies between the Victoria and Daly Rivers south west of Katherine in the Northern Territory. The astronomical knowledge of the Wardaman people has particular significance for their law and customs.

Other major works of Bill Yidumduma Harney, who regularly paints and exhibits at the ArtMob Gallery in Hobart and in Sydney and Melbourne, grace the walls of Parliament House in Darwin and the Court House in Katherine.

It will cost around \$50,000 to purchase this important and relevant work.

Please contact Philanthropy and Development Officer Guy Houghton on (02) 9351 0391 or email [g.houghton@vcc.usyd.edu.au](mailto:g.houghton@vcc.usyd.edu.au)



Researchers from across the Law School are coming together to tackle climate change through the new Climate Law and Policy Group.

Climate change is considered by many to be the most urgent problem facing our world in the 21st century, with implications for humanity, the environment and the global economy.

Yet climate change is also a very complex issue that touches on a wide range of different disciplines, including diverse areas of the law. In response to such an interdisciplinary problem, Sydney Law School has established a new collaborative research group that is dedicated to forging interdisciplinary solutions to climate change.

Launched in March 2008, the Climate Law and Policy Group is led by Associate Professor Rosemary Lyster at the Australian Centre for Climate and Environmental Law (ACCEL).

"I bring the perspective of an environmental lawyer to the group," she explains. "But if you think about it, climate change really does involve virtually every discipline of law. That was the idea behind getting this group together."

For example, she says, corporate lawyers are involved in the group because it is corporations that will be affected by an emissions trading scheme. Criminal lawyers are involved because environmental law is usually enforced by criminal penalties. Similarly, experts in contract law, tax law, administrative law, international law, WTO law and human rights law will all play a role in the collaboration. Even scholars in public health law will have an input to make because climate change is expected to have serious health implications, like increasing incidences of water-borne diseases and malaria and dengue fever.

"I'm not aware of another Law School anywhere in the world that is approaching climate change from such a broad interdisciplinary angle," says Rosemary, herself a pioneer in climate law who has been working to establish it as a field of study since 1998.

The research group's first milestone was its inaugural conference held in Sydney on 7-8 August which featured Professor Armin Rosencranz, a renowned climate policy specialist from Stanford University, as keynote speaker. ACCEL is probably the first environmental law centre in the world to host a conference at which so many members of a single Faculty presented on the intersections between climate change and the law.

"A key issue was the need for regulation of greenhouse gas emissions both at home and internationally," Rosemary says. "But speakers also raised the issue of regulatory chill. WTO laws and other legal frameworks promote free trade, but they may have an impact on how you can regulate emissions: if your regulations are not consistent with WTO law, there will be consequences." The need for effective dispute resolution mechanisms at the international and domestic levels were also discussed.

As well as inspiring dialogue on these issues, the Climate Law and Policy Group is providing the platform for major new research collaborations in climate law. The first such initiative is a project led by Rosemary Lyster that aims to reduce emissions from deforestation in Indonesia and other developing countries.

"Indonesia is the third largest emitter of greenhouse gases in the world, not as a result of its industrial processes but as a result of deforestation," she says. "Now a lot of policy work has been done on how to stop deforestation, but there has been very little legal work done on how such policies would function in a specific country."

Rosemary is approaching this project using the lens of environmental law: "I have been looking at what's being proposed at the international level and then making suggestions for the legal frameworks that should be in place at the domestic level," she says.

Meanwhile, contract lawyer Professor Elizabeth Peden will be examining the issue of contracts between government and local landholders, international lawyer Dr Tim Stephens will explore the integration of international and domestic law, and Indonesia expert Dr Simon Butt will check that the legal frameworks proposed by the team are consistent with Indonesia's domestic law, especially land rights.

Earlier this year, the four collaborators submitted an ARC Discovery Grant application to fund their research effort and they will hear if they are successful in December. They have already entered into fruitful discussions with officials of the Indonesian government, who are enthusiastic about the project.

"This is a wonderful example of how working together across legal disciplines can help create effective legal responses to climate change," concludes Rosemary.

# Climate Visionaries

Forging 'legal solutions to Climate Change

by Chris Rodley

S. O. S.



# LAW, ETHICS AND A "GOOD DEATH"

Euthanasia and physician-assisted dying are hotly contested topics in medical law and bioethics. No state or territory in Australia currently permits doctors to intentionally hasten the deaths of their patients. In March 1995, 7 Melbourne doctors went public on the front page of *The Age*, admitting to euthanasia and calling for legal change. Among them was Dr Rodney Syme, a Melbourne urologist who claims to have quietly assisted the deaths of some of his patients, for over thirty years.

On 18 September 2008, Dr Syme delivered the 2008 Oration of the Centre for Health Governance, Law & Ethics to a capacity audience in the Law School's Assembly Hall. Entitled "A good death – a challenge of law and medical ethics", Dr Syme argues that when faced with a patient with intolerable suffering, the law leaves doctors at the edge of a "black hole – a moral, ethical and legal abyss, but without any safety ropes". Dr Syme expands on these views in his recently published book: *A Good Death: an argument for voluntary euthanasia* (Melbourne University Publishing, 2008).

Like many advocates of physician-assisted dying, Dr Syme believes that compassionate end-of-life medical care may involve administering lethal quantities of drugs at a patient's request, where conventional palliative therapies have failed to provide relief from intolerable suffering. However, Dr Syme emphasises that he does not see physician-assisted dying as an alternative to palliative care. Rather, he sees it as the missing piece in the spectrum of palliative care. Physician assisted dying ought to be practiced within the specialty of palliative medicine, Dr Syme believes, so that those who request it will not be doing so because they have been denied what state-of-the-art palliative medicine has to offer.

An important theme Dr Syme addressed in his oration was the legal status of deep, continuous sedation, when provided to patients to ease their distress at the end of life. According to Dr Syme, palliative sedation – without the administration of intravenous hydration – has increasingly been recognized as an appropriate form of palliative care, even though it unquestionably hastens the time of dying. In Dr Syme's view, palliative sedation does this by "first eliminating consciousness and ultimately life. In this sense it is no different from physician assisted dying, except for the dimension of time".

Although Dr Syme supports deep sedation, he is critical of the way that the slow death of the patient creates a "convenient mirage over the event". In his view, the inevitability of the patient's death means that it would be more honest for doctors – and for the law – to acknowledge that the doctor's intention when providing palliative sedation is actually to provide relief from suffering by ending life.

Three speakers gave short rejoinders to Dr Syme's presentation. Associate Professor Roger Magnusson from Sydney Law School argued that one way of understanding the decision that doctors face when sedating suffering patients deeply at the end of life is in terms of a choice between two perverse alternatives. A doctor may sedate a patient in a way that makes them unconscious, intentionally keeping them that way until death intervenes, aware of the role that sedation plays in that process. On

the other hand, if the only other option is to give inadequate analgesia, doctors need to be legally protected. The most honest analysis may not be to manipulate the legal concepts of causation or intention, but to recognize a defence of "necessity" for doctors who hasten death by means of palliative sedation.

Associate Professor Bernadette Tobin, Director of the Plunkett Centre for Ethics at St Vincent's University, and a Reader in Philosophy at the Australian Catholic University, countered Dr Syme's argument by pointing out that in many areas of life, we commonly recognize that the consequences of our actions and interventions, despite being likely, foreseeable or even inevitable, are not thereby regarded as being intended. Professor Tobin also pointed to the risk of unintended consequences if society were to legalise intentional killing: "from the voluntary to the non-voluntary, from the terminally ill to the physically sick, from the physically sick to the depressed, to the lonely and the fearful".

Ms Miriam Cosic, the literary editor of the Australian newspaper, and author of *The Right to Die? An Examination of the Euthanasia Debate*, drew attention to the radically different culture in which physician-assisted dying occurs in Dutch society. In the Netherlands, the tradition of home visits by local physicians continues, and there is less corporatization of medical practice. According to Ms Cosic, the debate in the Netherlands also differs from debate in Australia because of the high level of goodwill that opponents have for each other, regardless of their moral views.

Dr Kristin Savell, who teaches a unit called "Death Law" in the Master of Health Law at Sydney Law School, chaired the oration, and presided over a lively discussion. Dr Savell pointed to the role of the Centre for Health Governance, Law & Ethics as a focal point for research and teaching on health law and public health law within the Faculty. Sydney Law School is a leader in health law and public health law, offering a wide range of units of study for credit towards the Master of Health Law and Graduate Diploma programs. These programs are open to practising lawyers, medical practitioners, nurses, other allied health professionals, health executives and administrators, and other approved applicants. Among the elective units on offer in 2009 are units entitled: "Global Health Law", "Genetics & the Law", "Class Actions & Complex Litigation", and "Expert Evidence".

For more information about the Master of Health Law program, visit: <http://www.law.usyd.edu.au/fstudent/coursework/healthlaw.shtml>. For information about the Centre for Health Governance, visit: <http://www.law.usyd.edu.au/health/>



# SHARIA LAW IN INDONESIA

Understanding the world's largest Muslim nation

by Chris Rodley

FEATURE STORY

**Ever since the 2002 Bali bombings in which 88 Australians perished, media reports about Indonesia have focused on the nation's ties with Islamic extremists. But according to Indonesian law scholar Dr Simon Butt, who joined the Faculty of Law in April this year, this focus obscures the "real" Indonesia.**

It is time for Australians to gain a deeper understanding of their most powerful regional neighbour, according to Sydney Law School's expert in Indonesian law.

"There is a huge gap between the perception and the reality," says the researcher, who teaches Law School's postgraduate course on Indonesian law. "If I was to name one key feature of Indonesia, it would be tolerance. The extremists are a very small minority, but because of the things they choose to do, they come across as being far more representative than they really are."

According to Simon, the tension between the minority of Islamic fundamentalists and the majority of moderate Muslims dates right back to 1945, when Indonesia gained its independence from the Dutch. "From the very first days, there have been vocal Islamic groups pushing for a state in which all Muslims are required to follow Islamic law," he says. "But these calls have consistently been voted down in parliament."

However, in recent years, some elements of Islamic law have been introduced at a local level across Indonesia. The most prominent example is the limited form of Sharia law that now exists in Aceh, introduced using lawmaking powers granted to the province as part of its special autonomous status. "You can have public caning ceremonies for some breaches of Islamic law, such as failing to wear the correct clothing or observe five prayers a day," Simon explains.

But he stresses that the Aceh reforms are only aspects of Sharia law rather than Sharia law in its entirety. The caning ceremonies, for example, are carried out with a flimsy cane and are intended as a shaming exercise rather than a physical punishment. No-one is punished by stoning and severing of limbs, as is practised under strict Islamic law.

Aside from Aceh, Simon says a number of other Indonesian provinces have passed local laws with "Islamic overtones" under the mantle of laws to establish public order. Occasionally, these laws can affect non-Muslims: he cites a recent case in Sumatra where a local law requiring Muslim school students to wear Islamic attire resulted in Christian children being targeted by police for not being properly dressed. "It is a pretty extreme and rare example, but it is still not very promising," he says.

Despite examples like this, the lecturer says it is "very, very unlikely" that full Sharia law would be declared in Indonesia. Such a move would be anathema to the majority of Indonesians who are moderate Muslims and desire some separation of religion and state.

Moreover, the vast majority of Indonesian politicians are also moderate and generally embrace Indonesia's diversity. "They understand that imposing an Islamic state would be a great source of friction both for both non-Muslims and moderate Muslims," he says.

This diversity, Simon adds, is a continuing source of strength for Indonesia, which may have become a number of different countries had it not been for the Dutch colonialists. "While you do see tensions between different regions and religions in Indonesia, for the most part it works out reasonably well and people tend to welcome different perspectives and ways of life," he says.

A more pressing issue for Indonesia than religious intolerance is the "growing pains" that continue to affect its government institutions following the fall of Suharto in 1998.

One key problem Simon's research has focused on is corruption, which he says is an ongoing concern across the country.

However, he points out that a number of major reforms are working to curb corruption in Indonesia. The Anti-Corruption Commission, which was established five years ago, is now vigorously prosecuting corrupt officials. Over 80 cases have been tried in a specialist anti-corruption court, including some involving high-ranking government figures: for example, the former Governor of Aceh, Abdullah Puteh, was convicted for marking up the sale of a helicopter and pocketing the excess.

Meanwhile, Indonesian courts are now administered by the Supreme Court rather than the government, which has made the judiciary more independent. "Great progress has been made in Indonesia, but reforms need to continue in order to remove the lingering corruption and competence issues in the Indonesian legal system," says Simon.

Sydney Law School is increasing its engagement in the areas of Asian law and Islamic law. From 2009, Dr Simon Butt will teach in two new postgraduate courses – Dispute Resolution in Asia and Law and Investment in Asia – as well as continuing to lecture in Indonesian law. Next year, the Faculty will also welcome Dr Salim Farrar from Malaysia's International Islamic University as a senior lecturer in Islamic law.



# Blazing a trail in **CRIMINOLOGY**

by Kristin Moore

Recent years have seen an upsurge of interest worldwide in all things 'criminal' – with fictional and 'true crime' books, television and film fuelling an increase in enrolment in criminology and the forensic sciences. Perhaps the most common question posed to a student of criminology is 'are you learning to be a CSI investigator?', and while the easy answer to that question is 'no', it is nonetheless true that criminology is perhaps one of the broadest disciplines in academia – drawing from and informing the fields of law, sociology, anthropology, psychology and psychiatry, policing and social work amongst others.

**T**he Institute of Criminology, formally recognised by the University of Sydney Senate in 1966 as a body within the Faculty of Law, is unique in Australia for pioneering a multidisciplinary, critical approach to criminology and is at the forefront of Australian criminological research, teaching and publishing. The Institute addresses broad community needs in providing information and informing policy and practice and also facilitates dialogue and debate within and between the international practical and critical criminology community. In 2009, the first scholarship in Australia designated specifically for study in criminal law and criminology – the John O'Brien Memorial Scholarships – will be offered in coursework and research. Applicants will be assessed on merit and financial need. Applications are now open.

The Institute of Criminology currently operates from a cluttered room on level 11 and is staffed by three part time administrators who are all looking forward to a room with a view in the new law school building on the main campus. The Institute supports and is supported by the academic staff, who offer an impressive and comprehensive range of expertise in all areas of criminological research and teaching, from legal analysis to critical theory. Opportunities to study at undergraduate and postgraduate level with leaders in their field abound at the Institute and the work of just a few of our staff is outlined below:

Institute Director Dr Murray Lee takes an intensely critical approach in his ongoing work

on fear of crime and the social and political forces at work in the areas of crime and criminality. His 2007 book *Inventing Fear of Crime: Criminology and the Politics of Anxiety* (Willan Publishing) received excellent reviews and sparked debate in many quarters. He has just published a second book with Dr Stephen Farrall (Sheffield University), *Fear of Crime: Critical Voices in an Age of Anxiety* (Routledge/Glasshouse). Institute Director, Associate Professor Gail Mason, is known internationally for her work on hate crime and gender issues and has recently been awarded the Australian and New Zealand Society of Criminology (ANZSOC) Bartholomew prize for her paper on the chilling Snowtown massacre and its underlying aspects of homophobia and hate.

Professor Mark Findlay can often be heard lending a voice of reason and authority to media commentary on crime, justice and policing issues and is sought after internationally as an expert on policing, globalised crime and governance. His most recent publication is *Governing Through Globalised Crime* (Willan Publishing, 2008).

Professor Julie Stubbs commands international respect as an authority on violence against women and gender race and class issues in criminology. She has authored several books and countless papers and contributes to numerous national and International enquiries, advisory boards and committees.

Senior Lecturer Graeme Coss is currently engaged in a rigorous dissection and discussion of the defence of provocation.

This builds on his previous work on male violence and homicide which has brought him international recognition.

Two 'early career' academics who bring impressive credentials and exciting research and teaching opportunities in aspects of criminal law are Dr Thalia Anthony, who is rapidly carving a reputation with her rigorous work on indigenous people and the law, and Dr Arlie Loughnan whose research relates to the often controversial and challenging subjects of mental incapacity defences and infanticide.

The Institute is privileged to have Professor Pat O'Malley on staff at present in a non-teaching research capacity. Professor O'Malley is a leading international criminologist whose challenging theory and research on the governance of social and legal problems has garnered him accolades such as the American Society of Criminology's Sheldon and Eleanor Glueck Award for contributions to international criminology (2000), and the Canada Research Chair in Criminology and Criminal Justice (2002). In 2009 the Institute will host the first International Comparative Criminal Justice Network Fellowship.

The Institute of Criminology also runs a program of seminars and public lectures which are always informative, often controversial and very wide ranging in their subject matter. The forthcoming Institute seminar in November covers the topic of Masculinities and Crime. Many also offer Continuing Legal Education credit and there



are plans afoot to greatly expand this area of operations over the next few years to further cement the Institute's reputation as being at the 'cutting edge' of debate. The current 'Beyond Punishment' series is presented with the NSW Department of Corrective Services and upcoming seminars on Prison Design and Philosophies of Punishment are sure to attract interest and spark debate.

On the publishing front, the Institute of Criminology Press continues to produce absorbing reading matter. The Institute Press publishes the prestigious peer-reviewed journal *Current Issues in Criminal Justice*, and a series of books by established and new researchers and thinkers. The Journal has been the forum for many a heated academic debate and the current volume, which is a special issue on the criminalisation and punishment of children and young people, guest-edited by Professor Phil Scruton of Queen's University Belfast, is an excellent example of the breadth and incisiveness of the journal.

The Institute series of books has now reached 27 in number, with a second edition planned of Scott Poynting's well-received and much discussed 'Bin Laden in the Suburbs, Criminalising the Arab Other'. Other recent publications have included a searing examination of the events in the notorious Jika Jika High Security prison in the eighties – 'Imprisoning Resistance, Life and Death in an Australian Supermax' is an impressive debut by an exciting young Melbourne academic Bree Carlton. Cosmas Moisisdis offers an incisive analysis of the essence of the criminal

pre-trial process in 'Criminal Discovery: From Truth to Proof and Back Again'; and Dr Cindy Davids from the Centre for Policing, Intelligence and Counter Terrorism comprehensively examines aspects of police accountability in 'Conflict of Interest in Policing: Problems, Practices, and Principles'.

Finally, the Institute of Criminology acts as a hub for postgraduate research in criminology at the University of Sydney, and hosts and moderates crimnet (<http://mailman.ucc.usyd.edu.au/mailman/listinfo/law-crimnet>) – a mailing list and news service which is used by individuals, institutions and professionals internationally to share information, advertise positions and inform of upcoming conferences and other opportunities. A browse through the Institute of Criminology website (<http://www.criminology.law.usyd.edu.au/index.html>) will prove informative to anyone interested in criminology, criminal law and current goings on in the criminal justice arena. Those interested in pursuing postgraduate courses, attending seminars, discussing publishing or simply seeking information should feel free to phone +61 2 9351 0239, email ([law.criminology@usyd.edu.au](mailto:law.criminology@usyd.edu.au)) or just drop in to the office.



## A SCIENTIST'S PASSION FOR LAW

Law student and science graduate Andrew McLeod (BSc (Adv) (Hons) '08) has been recognised with this year's Convocation Medal, an award which honours graduates who have both an outstanding academic record and have made an exceptional contribution to the life of Sydney University.

Andrew has had a passion for the law since he was just 10 years old, when he made the decision to become an intellectual property lawyer. "I'm not even sure I understood what intellectual property was," he laughs.

After finishing high school, he enrolled in a combined Bachelor of Science and Bachelor of Law degree at the University of Sydney. He quickly shone in the field of chemistry, winning the University Medal in the discipline and going on to complete his honours year specialising in bio-inorganic chemistry.

"The research I worked on focused on the treatment of diabetes using different forms of the metal vanadium," explains Andrew, whose honours research resulted in a prestigious academic publication. "I'm still involved in this work and travelled to Japan earlier this year with other researchers from the School of Chemistry to undertake experiments at a facility near Osaka."

In parallel with his love of science, Andrew has retained his childhood enthusiasm for the law, although he is no longer so determined to specialise in intellectual property: "I am particularly keen on constitutional law and public international law."

Next year, he will be undertaking a semester as an exchange student at Cornell Law School where he is hoping to gain a US perspective on both constitutional and public international law. He is also keen to

Andrew McLeod receiving the university Convocation Medal from Vice-Chancellor Dr Michael Spence.



become involved in the wide range of pro bono programs available at Cornell, many of which are run by students themselves.

Giving back to the community is another long-time passion for Andrew, who was awarded the Convocation Medal partly in honour of his contribution to organisations across the campus and in the wider community. "I have been fortunate to work as a volunteer paralegal at Marrickville Legal Centre and see a very human side to the law," he says.

## CURRENT NEWS AND HAPPENINGS OF SYDNEY UNIVERSITY LAW STUDENTS



Harvard Diplomacy Award recipients (L-R): Manuel Ventura (Australian Head Delegate), Anshu De Silva Wijeyeratne, Angela Ha and Christine Ernst.



Judges and conference staff of Harvard WorldMUN's ICJ.

*WorldMUN, the Sydney Law School delegation was compelled to grapple with a rich spectrum of pressing global issues. The hard work paid dividends, with three delegates – Anshu De Silva Wijeyeratne, Christine Ernst and Angela Ha – picking up prestigious Harvard Diplomacy Awards.*

Harvard WorldMUN is the world's premier Model United Nations conference, combining 1500 high calibre delegates from over 60 countries. Hosted in a different international location each March, it allows university students to participate in seventeen simulated committees of the United Nations, deliberating on contemporary issues in international law.

Each Sydney Law School delegate assumed the role of a diplomat, NGO lobbyist or ICJ judge. Over five sleepless days, they debated issues from judicial review of the Security Council to the international regulation of carbon emissions.

Intense committee sessions were punctuated by equally engaging social events. Among the evening engagements was a Mexican Night, where an untameable mechanical bull gave even the most tenacious of delegates a run for their money.

One of the defining qualities of Harvard WorldMUN is the multiplicity of skills upon which delegates must draw. Students are required to display not only a keen awareness of global affairs, but also many of the skills required of legal practitioners, including advocacy, problem-solving, drafting and negotiation.

The unprecedented success of the team would not have been possible without the generous support of the Sydney Law School. The team hopes to build upon this year's successes at Harvard WorldMUN 2009. With next year's conference to be held at the Hague, one could imagine few locations as fitting as the home of international law.

The Sydney Law School delegation consisted of Lisa Cantlon, Christine Ernst, Anshu De Silva Wijeyeratne, Angela Ha, Misa Han and Alice Richardson.

### Diplomatic manoeuvring pays off

*Mexico is famous for its siestas, but there was little rest for the six Sydney Law School delegates to the Harvard World Model United Nations (WorldMUN) conference in Puebla this year. At their first appearance at Harvard*

### Sydney Law School student wins prestigious screenwriting competition

*William Howarth, a fourth year Arts/Law student, recently won the final of the John Jameson Productions Screenplay Competition,*



*which entitles the three winning recipients to a \$20,000 budget each to produce their script by team of professionals.*

William's script represented one of eight finalists, with another student colleague in the running, Tom McKeith, who is also a fourth year Arts/Law student at Sydney Law School.

The pair completed first year Arts/Law at the Australian National University (ANU) before successfully acquiring a transfer place at Sydney in 2006.

In a recent article published in the Wentworth Courier before the final, William stated, "I certainly wouldn't see us as rivals.

"It's the first time we have entered separately into a competition like this, and it was nice that we both made the final.

"We're both studying law but film is definitely where the passion is. Law is a good way of training your mind to think analytically – but our future lies in the film industry."

The competition required entrants to submit a good idea with an unexpected ending in less than 200 words.

There are two rounds of judging, with all the initial 200 word entries read by a group of professional script-readers, writers, directors or

producers, finally reduced to a list of eight finalists.

The final eight screenplays were judged by a panel of well-known industry professionals, including Academy Award Winning Cinematographer, Russell Boyd, at a special ceremony.



The victorious Sydney Law School Team – from left to right: Emma Truswell, Nik Kirby, Suzannah Morris (coach), Emma Dunlop and Astron Douglas.

### **Sydney Law School team wins the Sir Harry Gibbs National Moot Competition**

*For the second year in a row, a team from Sydney Law School has won the Sir Harry Gibbs National Moot Competition.*

One of the most prestigious mooted competitions in Australia, the Sir Harry Gibbs National Moot is second only to the national Jessup rounds.

The Sydney team defeated the team from UNSW in the grand final, held at the Federal Court in Melbourne on the afternoon of Thursday, 2nd October 2008.

The team consisted of the following students:

Astron Douglas, Emma Dunlop, Emma Truswell, Nik Kirby and Suzannah Morris (Coach).

Emma Dunlop and Astron Douglas represented Sydney Law School in the grand final.

Emma Dunlop received the award for Best Oralist overall in both the competition and in the grand final.

Further, the team also received the judgement of best written submissions, meaning the Sydney Team won all prizes on offer.

The judging panel consisted of the The Hon. Justice Gray and The Hon. Justice Tracey of the Federal Court of Australia and Associate Professor Simon Evans of Melbourne Law School.

Special thanks to Andrew McCleod for assisting the team and keeping the Sydney Law School informed of its achievements.



**The University of Sydney  
Law School**

*"Sir William Deane BA '51, LLB '54, LLD '90 believes all Australians should enjoy our Nation's wonderful natural resources. Sydney Law School is taking a leadership role in caring for the environment"*

Sydney Law School hosts the Australian Centre for Climate and Environmental Law (ACCEL). Research and scholarship have a critical role to play in guiding environmental law and policy, for the benefit of the whole community. From human rights to genetic engineering, the internet to global climate change... researchers at Sydney Law School are constantly developing new ways to understand and improve our changing world. Please contact us to find out how you can support these and other important projects.

**(What legacy will you leave?)**

**Philanthropy & Development Officer:** Guy Houghton T: + 61 2 9351 0391 F: + 61 2 9351 0200 E: [g.houghton@vcc.usyd.edu.au](mailto:g.houghton@vcc.usyd.edu.au)



# THE CLIMATE WARRIOR

by Chris Rodley



Environmental activist Anna Rose (BA '06 LLB '08) is building a nationwide movement of young people to solve what she calls the single most pressing issue of her generation: climate change.

I was in childhood that Anna Rose first witnessed the devastating impact climate change could have on society. "Growing up, my extended family were farmers in north-western New South Wales," says the Law School alumnus, who graduated earlier this year. "Climate change has hit Australian farmers hard, including my grandparents, who had to sell their farm near Gunnedah because of the drought."

Her first-hand experience of climate change led Anna to become involved in environmental causes from an early age. At 14, she helped to organise a successful community campaign to prevent the sand mining of Stockton Bight, an area of sand dunes near Newcastle.

Later, as a student at the University of Sydney, she worked energetically to promote green initiatives on campus as SRC Campus Environment Officer. Two years later, she was elected as National Environment Officer of the National Union of Students.

But it was in 2005 that Anna saw how she could tackle climate change in a more far-reaching way. The inspiration, she says, came from a dream she had one night while attending the UN climate negotiations in Montreal as Australia's youth representative: "It was this really intense dream of working to solve climate change with young people from many different youth organisations and diverse backgrounds."

The dream gave Anna the idea of bringing together a coalition of youth movements to agitate for reform on climate change: "There was a strong campus-based environment movement in Australia but it wasn't linked to the broader youth movement," says the 25-year-old.

So when she returned home, Anna set about establishing what became the Australian Youth Climate Coalition: an alliance of 25 youth organisations ranging from the United Nations Youth Association to the National

Indigenous Youth Movement of Australia. Its stated aim is to build a generation-wide youth movement to solve climate change.

"Youth people are massively passionate about this issue," says Anna, who was a delegate to the 2020 Summit in Canberra. "However, they don't want to just change a light bulb. They want to be part of a large solution commensurate with the scale of the problem." That is where the Coalition comes in, she explains: "It provides young people with the tools and organisational structure to forge effective solutions to climate change."

Since its founding summit, called 'Power Shift', in November 2006, the Coalition has put pressure on politicians and business leaders to tackle climate change through a number of initiatives. It has distributed a youth declaration on climate change, run a cinema advertisement in marginal seats and an Adopt A Politician campaign at the last federal election.





The inspiration came from a dream Anna had one night while attending the UN climate negotiations in Montreal as Australia's youth representative.

As well as campaigning for government and business to take action, the group also seeks to inspire young people to work for change. It organises climate conferences for school students, runs a peer learning program and helps students set up climate change groups in their own schools. At the moment, Anna is organising a national youth climate summit that is set to attract 4,000 young people to Canberra next year.

Anna says the Coalition is now looking to expand its platform of activities with the help of its financial supporters, which include charitable foundations, private individuals and corporate donors ("We are always looking for more support so we can extend what we do," she says). For example, it is working to build an international youth climate network of like-minded coalitions from around the world.

However, Anna underlines that Australia's first priority must be to implement climate

solutions in its own backyard. "With our per capita greenhouse footprint being the biggest in the world, it's up to us to lead the way," she says. "We have huge opportunities for solar thermal, solar PV, wind, geothermal and tidal energy technologies, so if we can't make deep carbon reduction cuts in Australia, we have no right to tell other countries we're waiting on them to go first."

While the consequences of inaction on climate change are dire, Anna remains optimistic about our ability to overcome the problem. "It's actually not hard to solve climate change, from a technical viewpoint," she says. "All the solutions needed to get greenhouse gas emissions down have already been put in place somewhere in the world. Our challenge is just to bring them together here and now, and overcome the political vested interests."

So is Anna's law degree helping her in her battle against climate change? She says it is,

although for the moment she has chosen to focus on her activism rather than her legal career: she turned down a graduate position at Baker & McKenzie after completing a summer clerkship in 2006-07. "I feel I will come back to it at a different time in my life," she says.

Her experience at Sydney Law School, she says, was inspiring because it showed her how the law can be used to change the world for the better: "The lecturers and other students in my class were so interested in how we can use the law as a tool for social change, and that gave me a lot of hope for the legal profession."

For more information visit [www.aycc.org.au](http://www.aycc.org.au).



## Sydney Law School Events



The University of Sydney



Sydney Law School

Sydney Law School offers an extensive program of seminars and conferences for lawyers, barristers and anyone with an interest in the diverse field of law.

To celebrate the Law School's move to main campus in 2009, a program of internationally renowned guest speakers will be presented, showcasing new venues with state of the art facilities.

MCLE/CPD eligible

For more information contact:  
tel (02) 9351 0259 email [law.events@usyd.edu.au](mailto:law.events@usyd.edu.au)

For a current program of events, visit Sydney Law School's online events calendar: [www.law.usyd.edu.au/events](http://www.law.usyd.edu.au/events)



## QUEEN'S BIRTHDAY HONOURS

CONGRATULATIONS TO THE FOLLOWING ALUMNI WHO WERE RECOGNISED IN THIS YEAR'S QUEEN'S BIRTHDAY HONOURS.

Dr David Bennett QC  
(BA '61, LLB '64)

AC for service to the law, particularly as Commonwealth Solicitor-General, through the provision of advice on matters of national interest, and the international promotion of Australian legal services and education.

The Hon John W Howard  
(LLB '61)

AC for distinguished service to the Parliament of Australia, particularly as prime minister and through contributions to economic and social policy reform, fostering and promoting Australia's interests internationally, and the development of significant philanthropic links between the business sector, arts and charitable organisations.

His Hon Thomas I Pauling QC  
(LLB '70)

AO for service to the Northern Territory through significant contributions to the law, particularly relating to constitutional matters, to the development of legal organisations and the promotion of professional standards and to the community.

Mr David M Freeman  
(LLM '86)

AM for service to the Jewish community, particularly through the development of hospital and aged care facilities in Sydney.

Professor Patrick J O'Keefe  
(PhDLaw '85)

AM for service to the protection and repatriation of cultural property and heritage, to the law as a lecturer and author, and to legal education.

Ms Nancy J Milne  
(LLB '74)

OAM for service to the legal sector, particularly as an insurance lawyer, and to the community.

Mr. John Boersig

Sydney Law School would like to extend its congratulations to one of its doctoral students, Mr. John Boersig, who was awarded an Australian Public Service Medal in the 2008 Queens Birthday honours list.

The award was in recognition of "... outstanding public service in the delivery of law and justice services to Indigenous Australians."

John is the Assistant Secretary, Indigenous Law and Justice Branch, in the Federal Attorney-General's Department.

John's Doctor of Philosophy (PhD) thesis is entitled, Towards a New Framework for Sentencing: Blending Indigenous and Non-Indigenous Notions of Justice.

## SENIOR COUNCIL APPOINTMENTS

THE SYDNEY LAW SCHOOL WOULD LIKE TO CONGRATULATE THE FOLLOWING ALUMNI ON THEIR APPOINTMENT TO SENIOR COUNSEL (SC).

Mr Gregory A SIRTES  
(BEc '87, LLB '89)

12th Floor Selbourne/Wentworth Chambers

Mr John A HALLEY  
(BA '83, LLB '85)

Sixth Floor Selbourne/Wentworth Chambers

Ms Julia R BAIRD  
(BA '81, LLB '83)

12th Floor Selbourne/Wentworth Chambers

Mr Anthony J PAYNE  
(BEc '84, LLB '86, LLM '91)

Sixth Floor Selbourne/Wentworth Chambers

Mr Jeremy STOLJAR  
(BA '86, LLB '89)

8th Floor Selbourne/Wentworth Chambers

Ms Donna M WOODBURN  
(BA '84, LLB '87)

Crown Prosecutors Chambers

## A GIFT FOR KNOWLEDGE



To date, nearly \$9,000 has been raised to provide the Faculty with additional resources to help boost research within critical and emerging areas of legal scholarship.

Research enriches teaching programs and ensures that Sydney is recognised as a world-class centre for innovative and relevant enquiry, thereby helping it to attract the most talented students and academic staff.

In a letter to Dr Brett Williams accompanying his gift, Paul Martin BA '95, LLB '97 explained how much he had enjoyed taking a course on International Trade Regulations last year, commenting "It is important that scholars such as you be supported in your research into global trade regulation, given

its significance for international economic welfare and development."

A number of additional gifts were also received, designated for The Law School Building Fund and for The Dean's Priorities. News on how these gifts make a real difference can be found on the Support Sydney Law School page of our website.

To find out more about opportunities to invest in your Law School please contact Philanthropy and Development Officer Guy Houghton on (02) 9351 0391 or at [g.houghton@vcc.usyd.edu.au](mailto:g.houghton@vcc.usyd.edu.au)



# ALUMNI ACHIEVERS

CONGRATULATIONS TO ALL  
OUR ALUMNI ACHIEVERS

## Mr Oliver Jones (BA 2005, LLB 2007)

Oliver Jones, has won a Lord Mansfield Scholarship – a prestigious Bar Vocational Course (BVC) Scholarship at the Inns of Court School of Law in London.

The scholarship will assist Oliver towards completing the professional requirements to become a Barrister in the United Kingdom.

This achievement follows on from his award as the Inaugural Winner of the Peter Cameron Sydney Oxford Scholarship.

## Ms Julie Ward (BA 1980, LLB 1982)

Julie Ward is the first woman in New South Wales to be appointed directly from the profession to the Supreme Court of New South Wales.

Born in Newcastle, Ms Ward studied arts/law at the University of Sydney where she won the university medal. She was admitted as a solicitor in 1982. One of her first roles was as an associate to the then chief judge of the Federal Court, the late Sir Nigel

Bowen. Ms Ward joined Mallesons Stephen Jaques (then Stephen Jaques Stone James) in 1983, before achieving first-class honours at the University of Oxford in 1986. Two years later Ms Ward was made the youngest ever partner of Mallesons.

Sydney Law School alumni have been amongst the first appointments to the Supreme Court of NSW direct from the profession, including the Former Chancellor of the University of Sydney, the late The Hon. Justice Kim Santow AO (BA 1961, LLB 1964) and current Adjunct Professor and Challis Lecturer in Corporate Law at Sydney Law School, the Hon. Justice Robert Austin (BA 1966, LLB 1969).

## Mr Robert Macfarlan, QC (BA 1971, LLB 1974)

Robert Macfarlan has been appointed to the New South Wales Court of Appeal in the Supreme Court of New South Wales.

The Attorney-General, The Hon. John Hatzistergos MLC (BEc 1982, LLB 1983)

in appointing Mr Macfarlan stated, "Mr Macfarlan has practised across all jurisdictions in NSW during his 31 years at the Bar and has a wealth of experience in commercial fields.

"He has appeared in many significant and complex cases and recently represented the Australian Securities and Investments Commission in proceedings against directors of the failed company, One.Tel."

Mr Macfarlan served on the Council of the NSW Bar Association and in 1986, at the age of 36, became one of the youngest barristers to be appointed Queen's Counsel.

His appointment took effect on 8th September 2008 and he joins another alumnus, The Hon. Justice James Allsop, appointed as President of the Court of Appeal earlier in the year.



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The University of Sydney  
Alumni



# A HAND ACROSS THE OCEAN

by Chris Rodley

It is in Hong Kong that corporate lawyer Larry Kwok (BEc '79, LLB '81, LLM '86) has built his reputation, but he retains a deep affection for the country he left over 20 years ago.





One of the most respected names in the Hong Kong legal profession, Larry is known for handling complex deals and initial public offerings and has been a trailblazer in helping private companies from Mainland China list on the Hong Kong Stock Exchange.

He rose to prominence at the head of his own practice, Kwok & Yih, which merged with the Australian firm Mallesons Stephen Jaques in 2004. Larry is now Managing Partner at Mallesons with responsibility for Hong Kong and Mainland China operations.

But this titan on Asia's legal landscape still maintains strong links with Australia, where he completed high school and graduated with three degrees from the University of Sydney. In honour of that connection, he has created two new scholarships at the University: the Larry Kwok Australia-China Scholarship and the Gough Whitlam Australia-China Scholarship.

Commencing in 2009, both programs will assist a law or economics student from the University of Sydney to study for a semester at the Peking University under an existing exchange scheme.

"This is something I've been thinking about for a long time," Larry explains. "I have always had a soft spot for the country where I lived for 12 years as an Australian citizen and where my family has very close ties dating back to my grandfather's days." He still has many relatives living up and down Australia's east coast, he adds, and often returns down under to visit them.

As well as wanting to pay tribute to Australia, Larry says he is keen to make a contribution to his alma mater: "I think it is a small gesture of recognising what I benefited from my education there." A highlight of his studies was Professor Ross Parsons' classes in tax law: "He really inspired me to think and analyse like a lawyer, and that had a very lasting impact on me."

Larry explains that he uses his gift to the University to further a goal he is extremely passionate about: bringing Australia and China closer together. "The economic and political ties between Australia and China are growing every day," he says. "It is very important for Australian citizens to have a good understanding of the culture, economy and the politics of China so that we are able to build on that foundation and enrich the relationship."

The new scholarships will help achieve this by enabling students to attend the prestigious Peking University while also getting to know China in a less formal way: "Studying is important, but so is the experience of living there for a few months and interacting with Chinese people."

Because the goal of the scheme is to bolster links between Australia and China, it made sense for Larry to name one of the scholarships after former Prime Minister and Law School graduate Gough Whitlam. "He was the first Prime Minister of Australia to establish ties with Mainland China," he says. "Hopefully it will send some inspiration to

young Australians to build the relationship with China further."

Giving back has long been a passion for Larry, who is well known in Hong Kong for shouldering diverse responsibilities with community organisations including hospitals, a traffic accident victims body, industry groups in the finance, insurance and telecommunications sectors, and disciplinary and appeal tribunals. One of the most high profile offices he has held was Vice-Chairman of the Consumer Council of Hong Kong. He is also closely involved in the affairs of Mainland China and was appointed by the Government of the People's Republic of China as a member of the Political Consultative Committee of Guangxi. In recognition of his community achievements, Larry was awarded the distinguished Bronze Bauhinia Star by the Hong Kong Government this year.

For new Law School graduates of the University seeking to emulate his successes, Larry has some words of advice. Today's young lawyers, he says, need to enrich their careers by spending time working outside Australia in international cities such as New York, London or Hong Kong.

"If they get that opportunity – as I was given some 20 years ago to return to work in Hong Kong – they should seize it," he says. "It will give them wider exposure not only to the law but also to different cultures. Lawyers need to become more global citizens."



One of the two new scholarships created by Larry Kwok has been named after the former Prime Minister and illustrious Sydney Law School alumnus Gough Whitlam (BA '38 LLB '46 DLitt '81) in honour of his achievements in building bridges between Australia and China.

As early as 1954, Mr Whitlam argued in Federal Parliament that the People's Republic of China should be admitted into the United Nations. As Opposition Leader in 1971 he became the first Western leader to visit China. Immediately after his

election as Prime Minister in 1972, he established formal diplomatic relations with China.

Mr Whitlam told JuristDiction he is delighted that the Gough Whitlam Australia China Scholarship has been established at his alma mater. "I have long been dedicated to strengthening this country's economic and cultural ties with China," he said. "This new scholarship will contribute to that goal by giving University of Sydney students the opportunity to study in Beijing for a semester. I am honoured to have it bear my name."



# ALUMNI ABOARD

## Letter from Fiji

Dear Professor Burns,

Since returning to work in January 2008, I have been given the responsibility of acting as National Manager Legal Services here at the Fiji Islands Revenue and Customs Authority. This new position has required me to be a chief adviser on all legal matters to the Chief Executive Officer. My job requires me to also manage the Legal Division and provide guidance on taxation or other legal issues to our Legal Officers and to those in the Inland Revenue and Customs Departments of FIRCA.

Aside from the administrative aspects of my job I have been involved in the preparation of opinions relating to complex matters of taxation and customs laws. I have helped our Debt Management Unit to consider reviewing or incorporating guidelines relating to the recovery of taxes. I have also contributed towards the PAYE as a final tax issue. I am disseminating information and knowledge that I have obtained from my studies to my fellow legal officers. This in my view has allowed the legal officers to produce a higher quality of work.

Tax Litigation remains a priority area for me, despite my elevation to a Managerial role. This morning I completed a Supreme Court (our highest court) appeal. The case involved a question of whether value added tax should be imposed on the proceeds of an insurance indemnity payout. I await the judgment in due course."

Bhupendra Solanki (MTax 2008)  
The Fiji Islands Revenue and Customs Authority





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## RECENT ALUMNI EVENTS

The Sydney Law School maintains a proud and distinguished relationship with its alumni and recognises the importance of its alumni in maintaining its culture of excellence.

The Faculty of Law will continue to provide alumni and friends a program of enjoyable alumni events to help you reconnect with the law school and meet fellow graduates.

Here is a snapshot of some of the events that have occurred and a preview of what we have planned ahead. We look forward to seeing you at our next event.



### Alumni Cocktail Function The Senate Bar, GPO Sydney

The Faculty of Law held its second Alumni Cocktail Function on 21 May at The Senate Bar, GPO Sydney. A small alumni crowd braved the cold weather conditions to hear our guest speaker, Dr Andrew Bell, SC (BA '88, LLB '90) entertained alumni with an interesting speech on 'International Legal Practice in the 21st Century: What Tyranny of Distance?'



### Alumni Cocktail Function Justice & Police Museum

Our final alumni cocktail event for the year held at the Justice & Police Museum on 24 September gave alumni access to the current exhibition – Sydney's pubs: liquor, larrikins & the law. The exhibition takes visitors on a rich journey through Sydney's pubs past and present which included historic photography, pub paraphernalia, historic films and an interactive map of the city and its pubs in 1910 and today.

Entry to the event was through Phillip Street, which was the official Charge Room of the police station.

Guest speaker Kerry Chikarovski (BEC '77, LLB '79) gave a passionate and personable speech on 'Politics: The Trials & Tribulations', which delighted a crowd of approximately 70 attendees.

The Law School's alumni engagement program will continue to grow as we make our move to main campus next year, with a series of alumni events to be staged on main campus as well as in the CBD.

## HAVE YOU BEEN THINKING ABOUT PLANNING A REUNION?

Reunions are a wonderful opportunity for alumni to get together, reminisce about shared experiences, update each other on personal and professional lives, find lost friends and reconnect with the university.

It is also an important social and networking occasion where you can find out about exciting developments and new projects that are taking place in your faculty.

The Faculty of Law understands the enormity in the task of organising a reunion and is here to help you.

We can:

- Provide a contact list of alumni from your graduating year/s
- Assist in the design and mail out of invitations
- Promote your reunion before and after the event in our Faculty and Alumni Newsletter – JuristDiction and on the alumni website.
- Offer free venue hire if the reunion is held in the new Law School Building or Alumni Centre\* (subject to availability)
- Provide access to catering at discounted rates
- Assist with alumni gifts and brochures

For further information about how we can help you to make your reunion gathering a great success, please contact:

Yvonne Cheong, Alumni Officer,  
Sydney Law School

Telephone: +61 2 9351 0327

Email: [y.cheong@usyd.edu.au](mailto:y.cheong@usyd.edu.au)

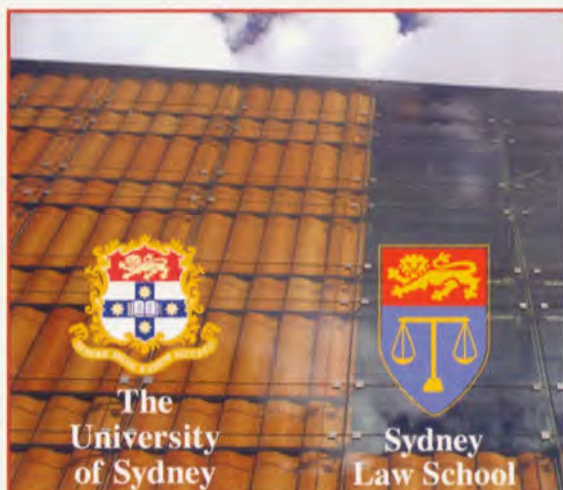
## Sydney Law School Open Day

Join us to celebrate the opening of Sydney Law School's state of the art new building on main campus

**Thursday 30 April 2009** live entertainment  
**10am-3pm** building tours  
exhibitions & displays  
film screenings

For more information: email [law.events@usyd.edu.au](mailto:law.events@usyd.edu.au)

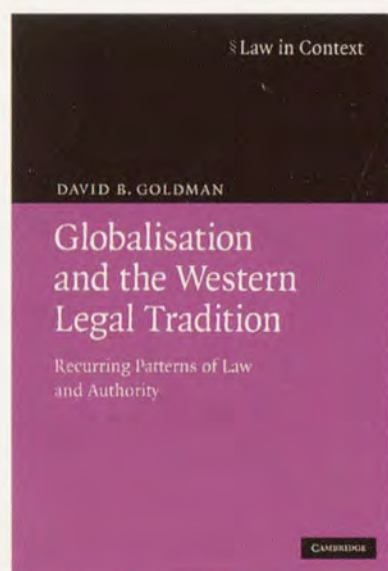
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# RECENT PUBLICATIONS

## FACULTY STAFF AND ALUMNI



### Globalisation and the Western Legal Tradition – Recurring Patterns of Law and Authority

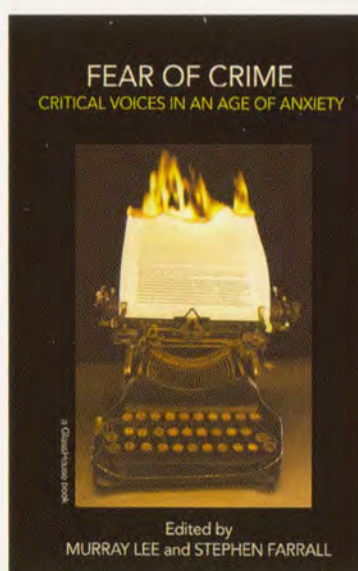
David B. Goldman

Publisher: BIICL

Paperback/362pp

ISBN: 9781905221097

English RRP £65.00



### Fear of Crime – Critical Voices in an Age of Anxiety

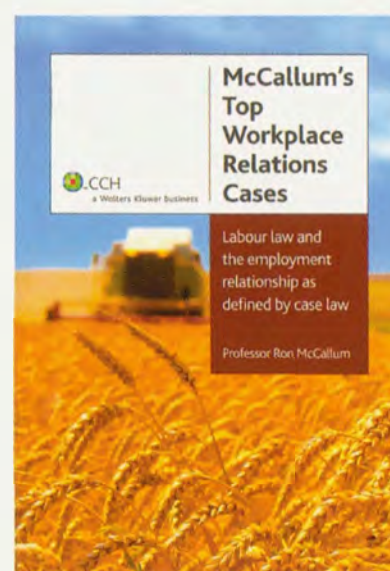
Edited by Murray Lee, Stephen Farrall

Publisher: Routledge-Cavendish

Paperback/232pp

ISBN: 9780415436922

Australian RRP \$55.95



### McCallum's Top Workplace Relations Cases Labour law and the employment relationship as defined by case law

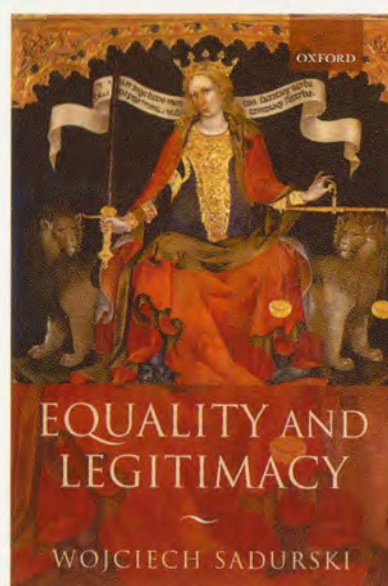
Professor Ron McCallum

Publisher: CCH

Paperback/148pp

ISBN: 9781921322426

Australian RRP \$75.00



### Equality and Legitimacy

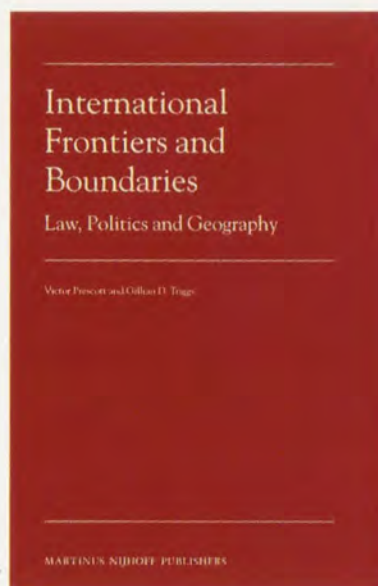
Wojciech Sadurski

Publisher: Oxford University Press

Hardback/250pp

ISBN: 9780199545179

English RRP £40.00



### International Frontiers and Boundaries – Law, Politics and Geography

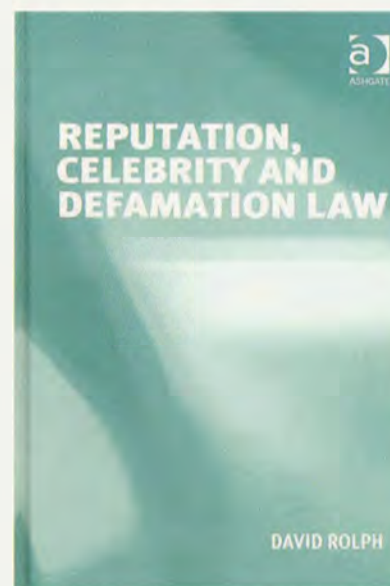
Victor Prescott and Gillian D. Triggs

Publisher: Martinus Nijhoff

Hardback/504pp

ISBN: 9789004167858

English RRP £160.00 / USA RRP \$238.00



### Reputation, Celebrity and Defamation Law

David Rolph

Publisher: Ashgate

Hardback/244pp

ISBN: 9780754671244

English RRP £55.00





# Sydney Law School in Europe 2009



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## 2009 Program:

### COMPARATIVE CORPORATE GOVERNANCE

Lecturers: Professor Jennifer Hill, Sydney Law School & Professor Niamh Moloney, University of Nottingham

Location: Robinson College, University of Cambridge

Dates: 11-12 & 14-15 May 2009

### COMPARATIVE CLIMATE LAW

Lecturers: Associate Professor Rosemary Lyster, Sydney Law School & Professor Kurt Deketelaere, Leuven University

Location: Robinson College, University of Cambridge

Dates: 6-9 July 2009

### INTERNATIONAL SPORTS ARBITRATION

Lecturer: Malcolm Holmes QC, Wentworth Chambers, Sydney

Location: Gonville & Caius College, University of Cambridge

Dates: 11-14 July 2009

### INTERNATIONAL COMMERCIAL LITIGATION

Lecturer: Justin Hogan-Doran, Wentworth Chambers, Sydney

Location: Humboldt University, Berlin

Dates: September 2009 (Dates TBC)

[www.law.usyd.edu.au/LLMinEurope](http://www.law.usyd.edu.au/LLMinEurope)

## Enquiries:

Postgraduate Team Leader - Sue Ng - Ph: +61 2 9351 0265; Email: [S.Ng@usyd.edu.au](mailto:S.Ng@usyd.edu.au)  
Legal Professional Development (LPD) - Chris Pile - Ph: +61 2 9351 0271; Email: [C.Pile@usyd.edu.au](mailto:C.Pile@usyd.edu.au)

## Academic advice:

Associate Professor Barbara McDonald - Ph: +61 2 9351 0307; Email: [B.McDonald@usyd.edu.au](mailto:B.McDonald@usyd.edu.au)



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