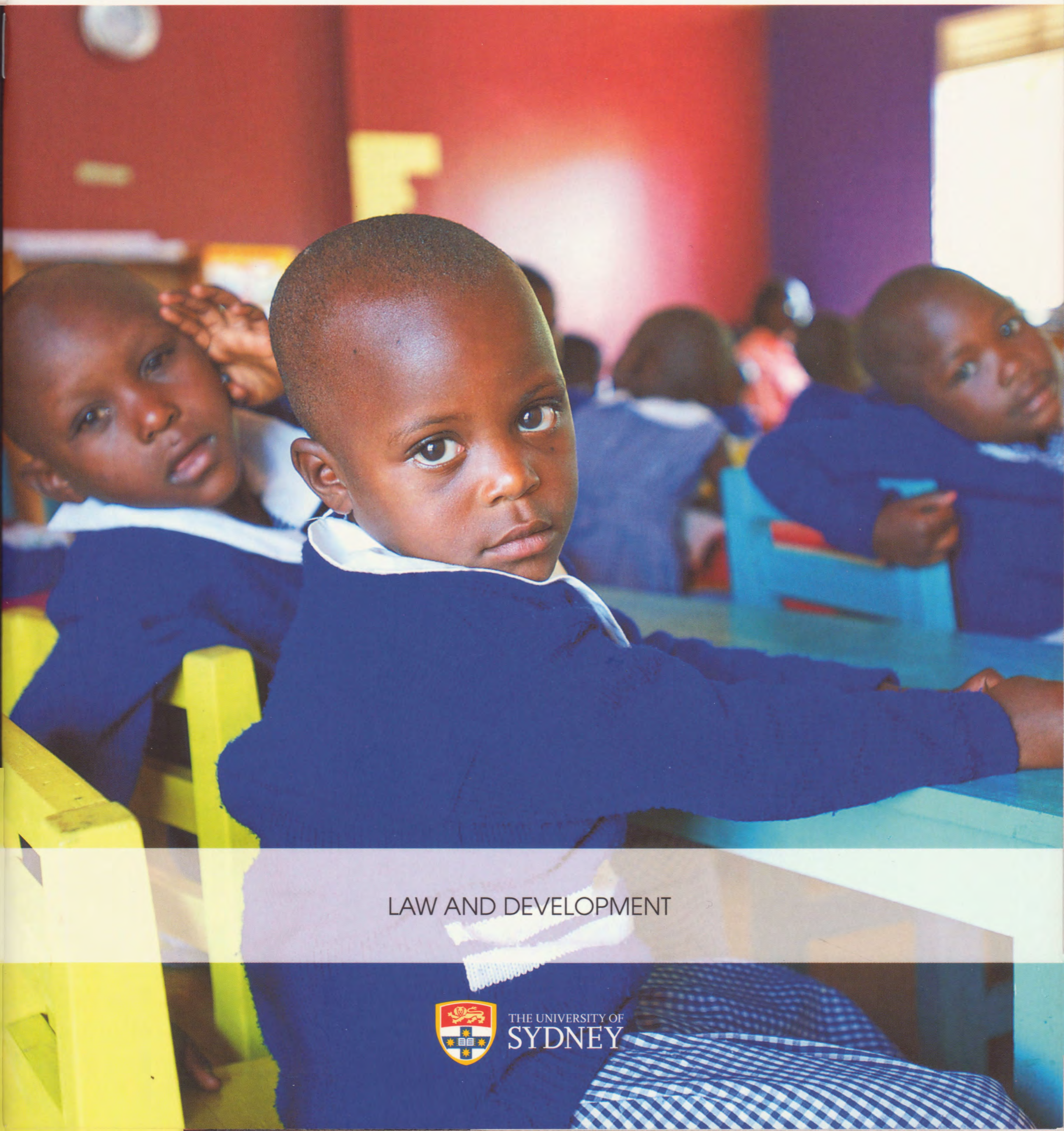


jurist · diction

A MAGAZINE OF THE SYDNEY LAW SCHOOL FOR ALUMNI AND THE LEGAL COMMUNITY
WINTER 2011



LAW AND DEVELOPMENT



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

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Design

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Publishing and Production

Semi-annually by 10 group
for University of Sydney,
Faculty of Law.
10 group Level 1,
30 Wilson Street
PO Box 767
Newtown NSW 2042
www.10group.com.au

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REGULARS

- 02
MESSAGE FROM THE DEAN
Professor Gillian Triggs
- 03
FACULTY NEWS
- 05
UPCOMING EVENTS
- 24
STUDENT NEWS
- 26
ALUMNI NEWS
- 28
SULS NEWS
By Geoffrey Winters
- 29
RECENT PUBLICATIONS



Contents

WINTER 2011

COVER STORY

- 14
A FOUNDATION
FOR THE FUTURE
By Jami
Schivelbein

FEATURES

- 06
A COMMITMENT TO COMMUNITY SERVICE
JuristDiction speaks with Christine Bishop
- 07
LAW AND DEVELOPMENT IN OUR TIMES
By Daniel Rowland
- 10
THE LAW SCHOOL IN THE SKY:
HIMALAYAN FIELD SCHOOL ON
DEVELOPMENT AND HUMAN RIGHTS
By Associate Professor Ben Saul and Irene Baghoomians
- 17
BUILDING CAPACITY WITH AUSAID
By Professor Lee Burns
- 18
JUDICIAL TRAINING IN THE DRAGON KINGDOM OF BHUTAN
By Associate Professor Ben Saul
- 19
THE REAL WEALTH OF NATIONS
- 20
INTERSECTIONS OF JUSTICE REFORM





A message from the Dean

Professor Gillian Triggs

I am often asked what my priorities are as Dean of one of Australia's leading law schools. This issue of *JuristDiction* is devoted to a priority of growing importance – law and development.

For many years the Sydney Law School has been involved in research and teaching related to law and development but it is only recently, with our Law and Development Advisor Daniel Rowland joining the Faculty, that it has become evident just how vital this work has become in using law to help the poor and marginalised, aiding countries in meeting the Millennium Development Goals and achieving economic and social stability. This issue of *JuristDiction* describes some of our projects including the Himalayan Field School program based on an agreement with the Kathmandu School of Law. It is so important for students to be exposed to the reality of working in law and development, and the sometimes idealistic investigations that take place in lecture theatres. As alumnus, Nick Menzies, so frankly expressed in the article about his work with the World Bank's Justice for the Poor program, building the rule of law in developing nations involves complex processes and no one really knows how to do it.

One person, alumna Annabelle Chauncy, is taking a very practical approach to capacity building by delivering educational and vocational infrastructure and programs in Uganda. The beautiful photograph on the front cover of this issue comes courtesy of Annabelle's

United Future Foundation and the first intake of students at the Katuuso Primary and Vocational School. I think you will agree that it is inspiring to see the human face of capacity building. I am particularly pleased that, as we go to print, we are about to welcome ten legislative drafters from Uganda and Rwanda to participate in an AusAID funded program that aims to build the capacity of drafters in East Africa. The program is being delivered by Emeritus Professor Peter Butt and I can think of no finer scholar to provide this training.

We are also welcoming four people from Indonesia to take part in another AusAID funded program: Balancing climate change laws and policies with the needs of forest communities in Indonesia. The Fellows will attend our Human Rights Advocacy Course run by Irene Baghoomians, spend time as interns at the Environmental Defenders' Office and at the Land and Environment Court, and undertake further research skills training in the Law School.

This issue of *JuristDiction* touches on the many efforts we are making in law and development. The contribution we as a university can make is to collect sound empirical evidence and to provide impartial analysis of that evidence to guide the work of policy makers. Here at the Law School, we can participate in development by providing training and building capacity for those who can achieve change in their own countries. *jd*

GILBERT + TOBIN CHAIR OF INDIGENOUS LAW

We are pleased to announce the establishment of the first Chair of Indigenous Law, made possible by a generous gift from law firm, Gilbert + Tobin.

The Gilbert + Tobin Chair of Indigenous Law will lead the establishment of a rigorous indigenous law program, developing generalist undergraduate and postgraduate courses in indigenous law while enhancing the capacity of the Sydney Law School to service specialist postgraduate research.

"The generosity of Gilbert + Tobin in supporting the inaugural Chair of Indigenous Law will underpin the success of indigenous law at Sydney Law School and allow us to generate significant momentum in this area," said the Dean, Professor Gillian Triggs.

"Philanthropic support is vital for the Law School and I am delighted that Gilbert + Tobin share our belief in the importance of this initiative."



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Faculty News

SENIOR AUSTRALIAN OF THE YEAR 2011



Professor Ron McCallum AO, Senior Australian of the Year 2011. *Photo courtesy of the National Australia Day Council*

This Australia Day was an exciting occasion for the Sydney Law School as our very own Emeritus Professor Ron McCallum AO was honoured with the award of Senior Australian of the Year 2011. Professor McCallum was recognised at a ceremony in Canberra for his fervent pursuit of equal rights for people with disabilities.

Professor McCallum was the foundation Blake Dawson Waldron Chair in Industrial Law at the Sydney Law School and served five years as Dean of Law from 2002. He is Chair of the United Nations Monitoring Committee established under the International Convention on the Rights of Persons with Disabilities; Chair of Radio for the Print Handicapped of New South Wales; and Deputy Chair of the board of Vision Australia.

Professor McCallum has dedicated his life and career to fighting for social justice and the rights of those unable to fight for themselves. The National Australia Day Council lauded him as a "leading light in the community for people with a disability, working for equality among all Australians."

This is a wonderful recognition of the outstanding contributions Professor McCallum has made. Sydney Law School is very proud of his achievements and we extend our warmest congratulations.

AUSTRALIA DAY HONOURS

The accolades continued with seven notable Sydney Law School alumni honoured for service in their fields.

Mr Thomas Geoffrey Cleary OAM
(DipCrim 1972)

*For service to the law in New South Wales,
and to the community.*

Mr Bruce Corlett AM (LLB 1968)

*For service to the community through
business advisory contributions to a range
of charitable, medical research and
educational organisations.*

Mr David Joseph Crossin AM (LLB 1950)

*For service to the law through executive
roles with legal professional associations,
and to the community, particularly aged
care support services.*

Mrs Lucy Turnbull AO (LLB 1982)

*For distinguished service to the
community, particularly through
philanthropic contributions to, and
fundraising support for, a range of
medical, social welfare, educational,
youth and cultural organisations, to local
government, and to business.*



Mrs Lucy Turnbull AO (LLB 1982).

Faculty News

Dr Andrew Robert Korda AM
(MHIthLaw 2000)

*For service to medicine in the fields of
obstetrics and gynaecology through
clinical, teaching and administrative
roles, and to a range of professional
organisations.*

Mr Aziz Gregory Melick AO (LLB 1974)

*For distinguished service as Commander
8th Brigade, Head of Reserve and
Employer Support Division, and as Head
of Cadet, Reserve and Employer Support
Division, Australian Defence Force.*

Mr James Andrew Murphy PSM (LLB 1976)

*For outstanding public service in
developing public policy which
delivered world's best practice standards
of corporate governance and financial
system regulation, and in advising the
Australian Government on its response to
the global financial crisis.*

Congratulations also to Margaret Piper who was appointed Member of the Order of Australia (AM) for service to the community through leadership and advocacy roles assisting refugees and asylum seekers. Margaret is senior researcher on the ARC funded Project, *Small Mercies, Big Futures: A Study of Refugee Children and Youth in Australia* with Sydney Law School's Professor Mary Crock.

DISTINGUISHED SPEAKERS PROGRAM 2011

The highly successful Sydney Law School Distinguished Speakers Program is underway, with this year's focus on eminent alumni and friends of the Law School. The program thus far has included:

The Hon Malcolm Turnbull MP -
*Reflections on Wikileaks, Spycatcher and
freedom of the press*

Geoffrey Robertson QC -
*Humanitarian intervention and
international law*

The Hon Sir Anthony Mason -
*The Rule of Law in the shadow of the giant:
the Hong Kong experience*

Still to come in the program:

4 August

Dr David Bennett AC QC,
Wentworth Chambers
Life at the bar

1 September

Dr Robert Austin,
Senior Legal Consultant, Minter Ellison
*What should we expect our company
directors to do?*

3 November

Professor Bernhard Schlink, Humboldt
University, and author of *The Reader*

8 November

Noel Pearson, Director,
Cape York Institute for
Policy and Leadership

Further lectures are likely to be added to
the program in the coming months.

Time: 5.30pm for 6-7pm lecture,
followed by a cocktail reception until 8pm
(unless otherwise advertised)

Venue: New Law Building, Eastern Avenue,
The University of Sydney

Registration: Pre-registration is required, and
tickets are \$25, with special price of \$20
for Sydney Law School alumni and \$10 for
University of Sydney students.

For more information, podcasts and the
most up to date lecture program, go to:
<http://sydney.edu.au/law/dsp>
E: law.events@sydney.edu.au

MATT LAFFAN MEMORIAL ADDRESS IN SOCIAL JUSTICE

Each year Sydney Law School holds a distinguished lecture in memory of alumnus Matt Laffan, who passed away in 2009 after fighting the biggest battle of his colourful and active life. This year's address will be delivered by Nicholas Cowdery QC, former NSW Director of Public Prosecutions and Adjunct Professor at Sydney Law School, on the topic *Forgotten victims: criminal justice remembers*.

Date: 18 July

Time: 5.30pm for 6-7.30pm lecture

Venue: New Law Building, Eastern Avenue, The
University of Sydney

Registration: Entry is free, however registration
is required.

<http://sydney.edu.au/law/events>

ROSS PARSONS ADDRESS

The annual Ross Parsons Address for 2011 will be delivered by Professor Wolfgang Schön of the Max Planck Institute, Munich. The topic will be of particular interest to corporate and tax lawyers and will cross over between corporate and tax law.

Date: 27 October

Time: 5.30pm for 6-7.30pm lecture

Venue: New Law Building, Eastern Avenue,
The University of Sydney

Registration: Entry is free, however registration
is required.

<http://sydney.edu.au/law/events>

HUMAN RIGHTS: OLD DICHOTOMIES REVISITED

The Julius Stone Institute of Jurisprudence and the Sydney Centre for International Law, along with the Centre for Applied Philosophy and Public Ethics, will present this major conference in November 2011.

The conference will bring together the leading international and Australian scholars in jurisprudence and in international human rights law to reflect upon the traditional, 'classical' dilemmas and taxonomies in the philosophy of human rights in the light of recent developments in theories of rights and in the international law of human rights.

Date: 25-26 November

Venue: New Law Building, Eastern Avenue, The
University of Sydney

Registration: Please refer to the website for costs
and registration information.

<http://sydney.edu.au/law/events>

Upcoming Events

A commitment to community service

The Alan Bishop Scholarship was awarded for the first time in May 2011. *JuristDiction* speaks with Christine Bishop about her late husband's legacy.

With a value of \$6000 per year, the Alan Bishop Scholarship is awarded to a student in the final year of a Bachelor of Laws degree who demonstrates academic excellence, broad personal interests, community engagement, and has long term goals to make a positive contribution to society through the Law. Christine Bishop decided to endow a scholarship in memory of her late husband, The Hon Alan Bishop, as a way of supporting young lawyers who showed some of the qualities he exemplified in life.

Throughout Alan's professional career, he was committed to community involvement. During his life he achieved many goals, first as a partner at Hunt & Hunt where he specialised in insurance law. Additionally, he held directorships in private and public companies, was an alderman on Sydney City Council, the inaugural chairman of the WorkCover Authority, and a judge, first of the Workers' Compensation Court and subsequently, the District Court of NSW.

The inaugural recipient, Robert Knight, has high academic marks and has shown dedication to community service through his work with the Peace Corps on a micro-economic project in Costa Rica, and by volunteering at the Mathew Talbot Hostel (a homeless shelter) and at Edward Eagar Lodge as part of Allens Arthur Robinson's Homeless Persons' Legal Service.

Inspired by these experiences, Robert is motivated to pursue pro bono work throughout his career. "Proper and informed access to justice is what transforms an otherwise intangible legal 'right' into something meaningful. At the same time, it is clear not everyone can afford the same levels of access to civil law services. The potential to make a real and significant difference in this sense is what motivates me to pursue a future in this field," Robert said.

"I think one of Alan's most outstanding qualities



Mrs Christine Bishop with scholarship winner, Robert Knight.



The Hon Alan D Bishop (BA 1960, LLB 1964) 1940-2010

A memorial donation honours a special person, while helping the University of Sydney develop teaching and research, assisting students in reaching their full potential.

To discuss a memorial gift, please contact Demelza Birtchnell, Development Officer, on 02 9351 0467 or demelza.birtchnell@sydney.edu.au.

was the way he mentored young lawyers", Christine said. "He gained real pleasure from encouraging young solicitors to develop their skills in the legal profession and experienced genuine pride in their achievements. He was unfailingly helpful, courteous and pleasant, not given to tantrums when young solicitors made mistakes (but he did insist they learn from them!)." Practising in litigation from the beginning of his career meant briefing counsel to appear in court. He regularly acknowledged several members of the bar who, in the early days of his career, had encouraged him considerably in building and broadening his own expertise.

Alan was particularly close to his father, Eldred, who also has a scholarship established in his name at the University of Technology, Sydney, commemorating his achievements in engineering. "There is a real joy for us as a family in being able to do the same thing for a young lawyer", Christine said. "I know Alan would have been 110% behind the idea. He would have been amazed by the calibre of the applicants for his scholarship this year and delighted to have met Robert."

Alan was passionate about music and supported the Sydney Symphony and the Australian Youth Orchestra. In a pleasing note of synchronicity, Robert is a skilled musician and has reached the highest level of professional musical qualification in piano and violin. He has toured internationally with Australia's leading youth orchestra.

Aside from this scholarship at the Law School, Alan and Christine set up a research fund within the University of Sydney's Medical Faculty to investigate the causes and treatment of the rare stomach cancer from which Alan suffered.

Christine and Alan are both alumni of Sydney Law School. The scholarship, Christine said, is designed to give a final year law student like Robert "a little extra help in achieving their dreams." **jd**



Law and development in our times

The focus of this issue of *JuristDiction* is law and development and Daniel Rowland, Sydney Law School's Law and Development Advisor, seeks to provide a local context overleaf ►



Law and development is concerned with how law in its various facets can be used to improve the governance of a developing country, be it in the area of economic development, legal and judicial reform, human rights, security, or other associated areas. “Helping developing countries build their law and justice systems with a view to improved law, justice, and governance outcomes” might be one somewhat simple way of describing law and development work. The international development community generally links such improvements in a developing country’s governance with the broader objective of reducing poverty and the achievement of sustainable development in that country.

At the practical level, this world of law and development requires practitioners who can provide technical advice in areas such as criminal justice (from policing, legal services, courts, and corrections), legal and judicial institutional and capacity development, legislative development, legal education, security issues in fragile states, legal empowerment issues such as access to justice, legal literacy, and human rights protection, and issues of legal pluralism where more than one system of law applies.

Along with the practitioners, this work has also attracted a growing area of academic and research interest, given the unusual nature of the emerging law and development discipline and the interdisciplinary interplay between law, economic development, and social development.

By way of general background, the development process involves countries in the OECD’s Development Assistance

Committee (OECD/DAC) providing official development assistance (ODA) to developing countries for development programs or projects, generally implemented through bilateral donors such as AusAID, Australia’s Agency for International Development. In 2010, total ODA from OECD/DAC countries amounted to a record US\$130bn.

Multilateral institutions like the World Bank, or United Nations family members such as the United Nations Development Programme (UNDP), or regional institutions like the Asian Development Bank are also involved in this process. National and international non-government organisations (NGOs), and increasingly, private philanthropic organisations such as the Gates Foundation, also play a role in providing unofficial assistance in developing countries.

This is the world I was working in from 2000 as AusAID’s Senior Law and Justice Advisor, prior to my recently joining Sydney Law School as the Law and Development Advisor. Australia’s own total ODA grew during this ten year period, and by 2010 it was around \$4bn, representing over 0.35 percent of GDP, which puts Australia in 10th place of all OECD/DAC donors. The Federal Government has pledged to increase ODA to around 0.5 percent of GDP by 2015. This represents a significant scaling up of ODA, though it will still fall short of the UN’s target of 0.7 percent of GDP, something only Norway, Sweden and the Netherlands have actually achieved.

When one drills down into the law and justice sector of Australia’s official aid program, the ODA figures are not

insignificant. In 2008-09, for example, almost \$300m was allocated to the sector, much of it to 12 country and regional programs with strategic objectives directly related to law and justice, including Papua New Guinea, the Solomon Islands, Vanuatu, Timor-Leste, Indonesia and Cambodia. In future years, one might expect expansion of Australia’s ODA in the law and justice sector into Western Asia, including Afghanistan, and into Africa.

By the world standard, this is a significant contribution. Indeed, the International Development Law Organisation (IDLO) has calculated that for the period 2006-08, Australia was the second largest bilateral donor (in dollar terms) in law and justice development assistance after the United States of America.

Typically, activities funded through law and justice assistance programs in fragile developing countries, whether by Australia or by other donors, include institutional strengthening and capacity building, technical assistance and budgetary support mostly for top-down strengthening of state justice institutions, agencies, and stakeholders.

Increasingly, donors like AusAID are also considering bottom-up initiatives around notions of legal empowerment, including support for informal justice systems and other local and alternative dispute resolution mechanisms, and support for other access to justice services such as the provision of legal and paralegal services to disadvantaged groups.

In the particular context of a conflict or early post-conflict environment, such as Timor-Leste after 1999, or Afghanistan since 2001, or the Solomon Islands after 2003, the highest and

most urgent priority might well be law and order, and the needs behind the restoration of the rule of law. This then brings into play issues of security and law and justice, which then suggests a particular set of priorities and skills for such situations.

What this all indicates is not only the enormous amount of development work going on in law and justice around the Asia Pacific region and beyond, but also a consequent need for appropriate research and applied research which informs policy and practice as well as academe itself. And this exponential growth of interest and involvement by the international community in law and justice work over the past ten years or so also indicates the need for appropriately trained practitioners within both developed and developing countries.

Sydney Law School academics and its centres and institutes have already been contributing to the development of ideas and skills relevant to the world of law and development, be it through research and applied research, teaching and training, and consultancy and technical assistance in diverse areas such as comparative law, human rights law, international humanitarian law, global health law, tax law, disability law, international trade law, Islamic law, environmental law and others. Looking ahead, law and development is an area in which the Law School has decided to focus and increase its involvement; hence my appointment.

In this issue of *JuristDiction*, you will read about various outputs and achievements in law and development by the Law School. These are exciting times! *jd*

The law school in the sky: Himalayan Field School on Development and Human Rights

By Associate Professor Ben Saul and Irene Baghoomians

Few law students have the opportunity to learn about law by talking to indigenous fisher-folk in a Nepalese river valley, interviewing residents of a Kathmandu slum, speaking with Tibetans in a refugee camp, or trekking for hours to visit a remote school on a Himalayan mountainside.



For the first time in February 2011, 30 Sydney law students left behind the lecture theatres of Sydney Law School and embarked on a unique legal expedition to Nepal. The Himalayan Field School on Development and Human Rights was pioneered by the Sydney Centre for International Law as an innovative new course for degree credit, open to undergraduates and postgraduates of Sydney Law School and other universities.

The course was delivered in partnership with the Kathmandu School of Law (KSL) following on earlier collaboration on an AusAID funded project to strengthen human rights in the criminal justice system in Nepal. KSL brought local expertise to the design and delivery of the course and enabled 15 Nepalese law students to participate.

The aim of the program, now offered every year, is for students to learn about international law in its practical context – how it applies to real problems of human development in a developing country. Land-locked Nepal was chosen as an ideal case study: it is one of the poorest countries in the world and it recently emerged from a protracted and bloody civil war.

Through the Field School, students were exposed to the role and limits of law in addressing acute problems of human development. The interdisciplinary approach drew on international and Nepalese law, as well as on disciplines such as human geography, environmental and urban studies, economics, peace and conflict studies, religion, history and politics. Postgraduate student Alice Palmer reflected on the interdisciplinary approach of the course: “It has long been clear to me that approaches to development cannot simply be economic but are very much linked to the fulfillment of the full range of socio-economic, civil and political rights. The course honed my understanding of how a legal framework within a country interplays with social tensions and economic issues to

I was particularly inspired by the high level of activism, particularly by women within the community we visited, in providing support for health, education and the livelihood for members of the community.

Alice Palmer, student

affect a country’s stability.” Development is not as narrow as economic growth but, seeing it through Nobel prize winning welfare economist Amartya Sen’s view of development, it is the expansion of human freedom.

The curriculum explored a range of interconnected themes, starting with the transition from conflict to peace after a Maoist insurgency and the end of the monarchy, and efforts to draft a new constitution and build a new political and legal system. The course also investigated efforts to bring to justice the perpetrators of human rights abuses, while maintaining a fragile peace. For Alice, a particularly confronting aspect of the course was talking to locals, including the KSL students, about their experiences during the conflict. “To have within recent living memory experiences such as the ones people shared with us, and to be able to show such strength and drive to get on with their lives was really inspiring and amazing.”

In exploring the practice of development in Nepal, students considered the protection of socio-economic rights (including food, water, housing and livelihoods), and the impact of development projects on natural resources, human livelihoods, and environmental protection. Particular attention was paid to the experiences of minority groups (such as indigenous peoples, ‘tribals’, and dalits – untouchables in the caste system), women and children in the context of traditional social norms, and vulnerable outsiders such as Tibetan and Bhutanese refugees.

To bring these issues alive and to stimulate creative thinking about the linkages between law, development and human rights, the program included site visits and field trips.

Students visited the offices of numerous United Nations agencies (in the fields of development, human rights, refugees, and children), the International Committee of the Red Cross, the National Human Rights Commission of Nepal, and the Constituent ►



Above, below and opposite page: students engage with locals in the rural Melamchi district of Nepal

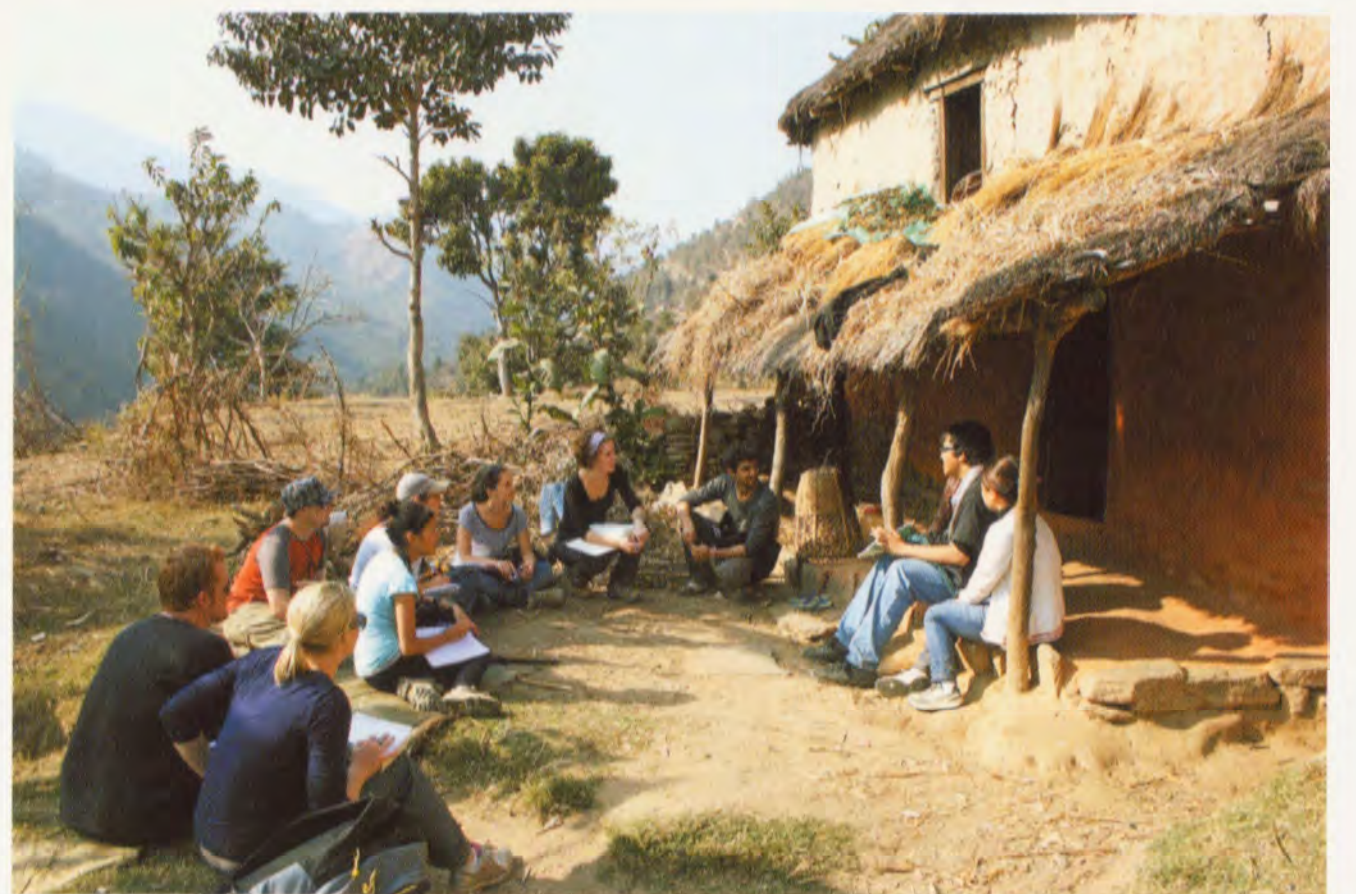
Assembly of Nepal (which is both the parliament and constitution-drafting body). The visits proved to be enthusiastic, spirited and critical interactions between students and experts, and students felt privileged to gain such unprecedented access to key institutions.

The field visits gave students another perspective on development – that of those who adversely experience law and development processes. To explore how formal laws and institutions play out in practice, students directly engaged with slum residents at risk of forced eviction in Kathmandu, Tibetan refugees who fled from Chinese persecution, and villagers adversely affected by development projects.

During a four-day field trip to the rural Melamchi district, students witnessed and heard about the hardships faced by indigenous Nepalese whose communities and livelihoods are adversely affected by the construction of a water supply project. “Not only did this give us the chance to compare the political rhetoric surrounding the project to the reality for people directly affected,” said Alice, “but it also taught us a lot about the lives of people living in poverty, their political choices and their community involvement.”

Villagers spoke of how they were not meaningfully consulted about the project, how the process was not transparent, and expressed real concerns about the impact of the project on their meagre subsistence livelihoods. For both the Australian and Nepalese students, this abject reality was confronting. So, too, was a visit to a nearby remote school, after a long mountain trek, which graphically illustrated the challenges of securing basic rights to food, education, healthcare and sanitation for rural children.

The course was intellectually and physically demanding. Students evaluated the Field School highly, believing that it



helped them to learn effectively and increased their confidence as legal thinkers. Part of this success is undoubtedly due to the Nepalese law students who were, in the words of student Tobias Freeman, “warm, generous with their knowledge and experiences, and invaluable companions on our field trips to Pokhara and Melamchi. The friendships we formed were something special and unexpected for all of us.”

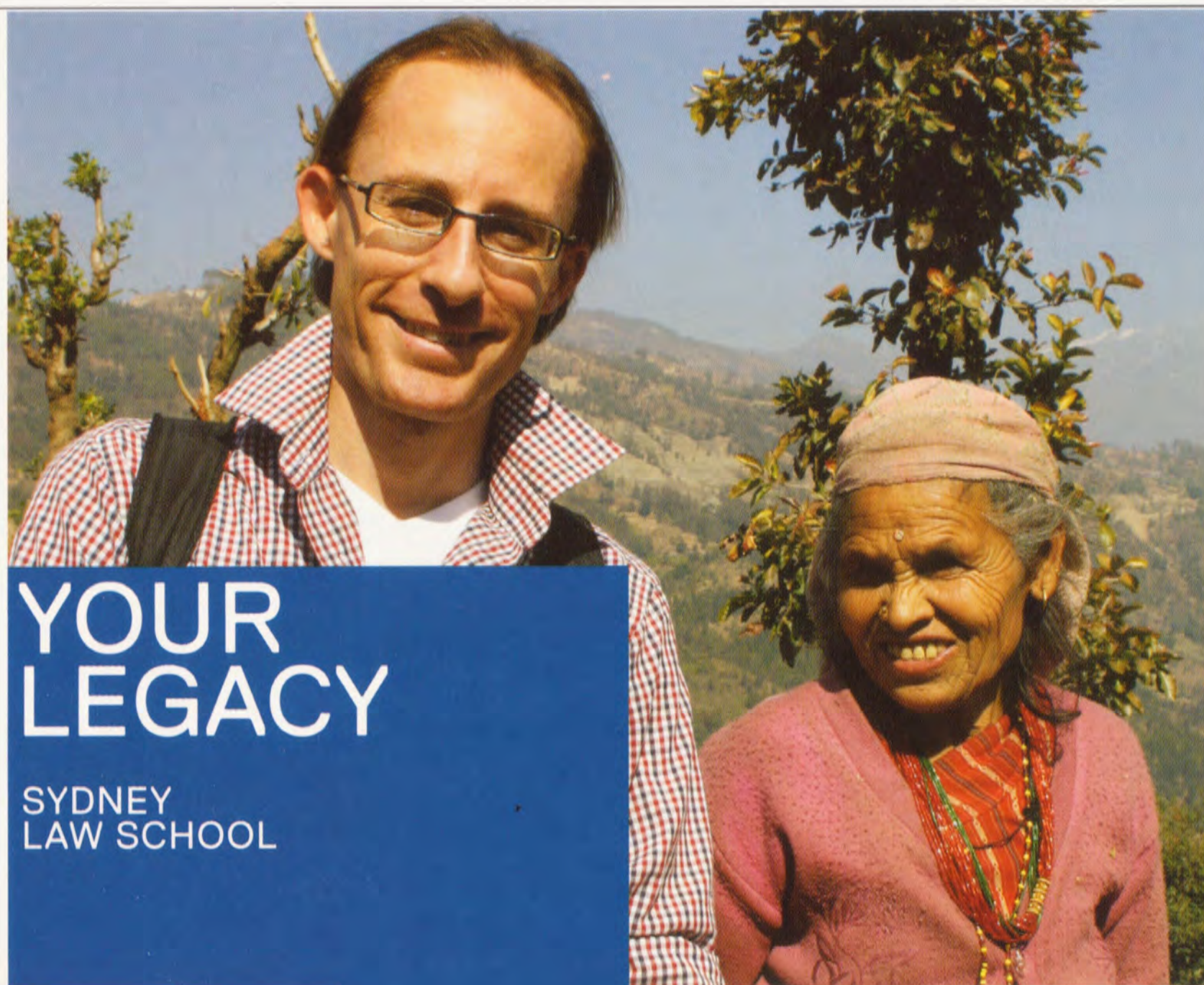
An obvious bonus of the Field School was the opportunity to explore Nepal’s rich culture and history through visits to major temples, palaces, and World Heritage cities; trekking; learning the Nepali language; and even trying hard (with mixed success) at competitive, outdoor Nepalese disco dancing.

The Law School and the students intend to maintain links to Nepal. While in Nepal, the Director of Kathmandu School of Law, Dr Yubaraj Sangroula, was appointed Attorney-General of Nepal, and we are planning a new development project to support legal training in the Attorney-General’s Office. Students remain in touch through a dedicated Facebook page and are exploring ways to contribute to development activities in Nepal in the future.

The Himalayan Field School opened up new professional and personal horizons for Australian and Nepalese law students – and perhaps inspired even a few to pursue future careers in development, international law, or human rights. *jd*

Associate Professor Ben Saul devised the Himalayan Field School, and coordinated it in Nepal with colleague Irene Baghoomians.

For more information about the Himalayan Field School please email law.nepal@sydney.edu.au or visit www.sydney.edu.au/law/scil/fieldschool



YOUR LEGACY

SYDNEY
LAW SCHOOL



THE UNIVERSITY OF
SYDNEY

Associate Professor Ben Saul leads Sydney law students at the Himalayan Field School to explore the fascinating and difficult problems of Development and Human Rights confronting developing countries. Help the Sydney Law School create a better future for us all.

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A foundation for the future

By Jami Schivelbein

Brenda Numulegge, a young student in Uganda, wants to be a teacher when she grows up. "I love my teacher because she is so smart and helps me read, write and count." While gaining an education and becoming a professional might be out of reach for many in her poverty-stricken country, Brenda's dream is entirely possible. That is because she goes to the Katuuso Primary and Vocational School

Katuuso Primary and Vocational School, in the Mpigi region of Uganda an hour west of Kampala, opened on 31 January this year. It is the brain-child of Sydney Law School alumna, Annabelle Chauncy (LLB 2010).

Annabelle, now 25, was still a law student when she travelled to Uganda and volunteered in orphanages, worked on school construction projects and taught in local schools. The experience affected her deeply and drove her to co-found with partner David Everett a not-for-profit organisation dedicated to providing access to education, the United Future Foundation (UFF).

"I don't think I ever thought that founding a non-profit organisation and building a school in Uganda would be easy, however I've certainly had to overcome some obstacles and make decisions that I never thought I would deal with in my lifetime. Running a non-profit organisation is the same as running a business and essentially requires the same professionalism, dedication and passion. I can safely say I have learnt more in three years of running UFF than I did in the first 22 years of my life!"

Thanks to Annabelle's vision, students at Katuuso Primary and Vocational School will stand in good stead. Only half of all children in Uganda make it to grade five, and the adult population has an illiteracy rate of 25 percent. The average household income for a Ugandan family is about \$460 US dollars a year. While the Ugandan government has recently declared education to be free, the cost of uniforms, pencils, paper, and other materials still present a financial barrier preventing children from attending school.

"My law degree gave me a firm foundation on which to establish and successfully manage UFF. Not only did I learn about the operation of different areas of law nationally and internationally, I was also able to focus on corporate law ►

Photos courtesy of Joe Corrigan

enabling me to understand how to found a public company and the responsibilities of becoming a director.”

Schools in Uganda are typically mud hut structures, with little ventilation or light, and supplies are often limited to a blackboard and worn furnishings. Children frequently do not have access to clean drinking water or food, and may have to walk long distances to and from school each day. In contrast, Katuuso Primary boasts brightly painted murals on its walls and is stocked with equipment and toys.

“Seeing the first 77 children in their beautiful clean uniforms with access to modern and effective learning resources, food and clean drinking water made every effort that we have put into UFF worthwhile. It really changed the way I viewed UFF; it was no longer a dream but a reality, most importantly, a responsibility. We are now responsible for upholding the education of these 77 children and more as we continue to grow. I have never felt so proud and energised!”

The children at the school are chosen from some of the poorest families in the community and may have otherwise not had the opportunity to go to school. Mothers from the community cook three meals a day for the students, ensuring that hunger does not distract them from their learning. UFF provides basic health checks and services such as deworming and oral hygiene. A UFF volunteer assists the four teachers and provides training and support in curriculum development. The school’s borehole, which members of the community also use, gives the children access to clean drinking water and the school has a toilet block of ten pit latrines.

UFF aims to grow, accepting another intake of approximately 40 students a year until it

*I have learnt
lots of new
things – how to
hold a pencil,
write my name,
sound out
letters and use
some English*

Asumana Mugobe,
primary



For more information about
United Future Foundation
or the Katuuso Primary and
Vocational School:
annabelle@uff.org.au
www.uff.org.au
T 0423 002 535

reaches full capacity of 320 students from pre-Primary to Primary 7. Plans include developing the school, with two more stages of building to come.

UFF is not just concerned with education for the young. Adults in the Mpigi region will soon be mobilised through the vocational arm of the school, which will teach valuable employment skills.

Traditionally, families in the region raise sheep, goats, and cattle to earn an income, or farm crops such as tomatoes, onions, cabbages, and maize. While many families own fertile patches of land, they often lack the knowledge and technical skills to turn a profit, subsistence farming only for their family’s needs. The vocational training will teach farmers how to achieve higher yields and will assist with packaging and distribution. The training will also include tailoring courses for women and will expand to include English classes, masonry and carpentry classes, and microfinance schemes.

“Ultimately our school is a model which we aim to replicate in different areas of Uganda and Africa,” Annabelle said. “We have found that the Ugandans have a strong sense of ownership of the school and are highly supportive of the project. To date we have employed over 30 Ugandans as builders, engineers, cooks, cleaners, maintenance staff, security and teachers. Our employment base will continue to increase as we expand.”

To realise these goals, UFF is reliant on sponsorship, which is an ongoing challenge among the competition of many other non-profit organisations operating in Australia and internationally. “While we operate on a relatively low budget, we are strongly reliant on our donors to keep the school running.” **ja**





Building capacity with AusAID

Sydney Law School taxation law specialist, Professor Lee Burns, has played a pivotal role in reforming tax systems in the developing world. Professor Burns gives *JuristDiction* a round-up of Sydney Law School's AusAID supported projects

One of the many ways that we can make a significant contribution to law and development is through AusAID-funded research and capacity building projects, particularly under the Australian Leadership Award Fellowships (ALAF). ALAFs provide grant funding to Australian institutions to bring in senior government and NGO officials in developing countries for short-term in-Australia training, research and professional development. The aim is to develop leadership, address regional development issues and build linkages between Australian institutions and partner organisations in developing countries.

The Fellowships provide an excellent opportunity for us to design capacity building initiatives around the research and teaching profiles of our Faculty members. Many subjects in our extensive postgraduate program have a strong law and development focus that can form the foundation of capacity building projects. With close links with other faculties in the University, we can develop capacity building projects that have an interdisciplinary focus. Also, with close links to external agencies, we can develop projects that include an important practical component through professional attachment.

We were particularly successful in getting funding for three of our projects under the latest ALAF grant round announced in April 2011. The project *Legislative Drafting Capacity Building in East Africa* will bring to Australia eight Fellows from Rwanda and two Fellows from Uganda to undertake a short course on modern drafting practices co-ordinated by Emeritus Professor Peter Butt. The program includes a professional attachment with a State or Federal Government drafting office. The Fellowship is particularly important for Rwanda, which has recently joined the

Commonwealth and is moving to a common law based legal system.

The project *Balancing Climate Change Laws and Policies with the Needs of Forest Communities in Indonesia* brings to Australia four Fellows from Indonesia working on Reducing Emissions from Deforestation and Degradation (REDD+) established under the Bali Action Plan in 2007 for specialist training on international human rights advocacy, and public interest and class actions, and to develop research skills relating to REDD+. The program includes professional attachments with the Environmental Defender's Office and the Land and Environment Court.

In addition, our partnering with the Graduate School of Government (GSG) was successful in another three ALAF applications on *Regulation and Management of Extractive Industries*. Under these Fellowships, 25 Fellows from Mali, Uganda, Cambodia and Timor-Leste will undertake training on policy development and implementation, leadership, infrastructure development, fiscal systems for extractive industries, mining contracts, managing mining wealth, and mining in disputed territories. The program includes site visits and meetings with key industry practitioners in Western Australia.

Our recent success builds on earlier ALAF projects including *Tax Administration in the Pacific* (partnered with the Australian Taxation Office); *A Multidisciplinary Approach to Reducing Child Sexual Abuse in Sri Lanka* (partnered with the Faculty of Health Science) and previous iterations of *Governance and Management of Extractive Industries* (partnered with GSG).

Through these projects we are developing important linkages with key officials and agencies in developing countries and playing a vital role in law and development. *jd*



Above: Professor Lee Burns

Top: Dr Piyanjoli de Zoysa, University of Colombo, Sri Lanka addressed the faculty during the ALAF program: *A Multidisciplinary Approach to Reducing Child Sex Abuse in Sri Lanka*.

Judicial training in the dragon kingdom of Bhutan

Former judge of the High Court of Australia, The Hon Michael Kirby AC CMG, and Associate Professor Ben Saul of the Sydney Law School visited Bhutan in December 2010 at the invitation of the Chief Justice of Bhutan, Lyonpo Sonam Tobgye. Associate Professor Saul reports for *JuristDiction*.



Associate Professor Ben Saul, Sydney Law School; Nima Tshering, Secretary of the National Assembly Secretariat; and The Hon Michael Kirby AC CMG, former judge of the High Court of Australia

In December last year I visited the Kingdom of Bhutan with Michael Kirby to provide deliver seminars which explored Bhutan's new Constitution from a comparative perspective. The seminars were attended by a large number of Bhutanese judges from the newly restructured Supreme Court, High Court and Dzongkhag (District) Courts of Bhutan. Mr Kirby's opening lecture was also attended by cabinet ministers of the Government of Bhutan. The seminars covered a wide range of topics, including the separation of powers, judicial review, human rights, and constitutional interpretation.

Our visit was arranged by the Faculty of Law at the Queensland University of Technology, at the instigation of Dean Professor Michael Lavarch, and was part of efforts by QUT to strengthen the judiciary as a key institution of emerging democratic governance in Bhutan, following the first election in 2008.

Bhutan adopted a new Constitution in July 2008, after the Fourth Dragon King (the Druk Gyalpo), Jigme Singye Wangchuck, initiated a national consultation on its drafting in September 2001. More than 100 foreign constitutions were reviewed and 20 selected as particularly relevant. Attention was also given to incorporating Bhutan's international law obligations, particularly under human rights treaties, as well as Buddhist philosophies.

The Constitution gives Bhutanese citizens a right of action to enforce constitutionally entrenched civil and political rights. Following the Indian approach, socio-economic rights are also included as directive principles of state policy. The Constitution

further refers to duties to respect the environment, culture, heritage and diversity, and mentions Bhutan's famous policy of pursuing 'Gross National Happiness'. Unlike in Australia, the Supreme Court can also issue advisory opinions where there is no active dispute between parties.

Any trip to Bhutan is a wonderful experience and we were fortunate to have time to enjoy the exceptional beauty, culture and hospitality of Bhutan. We dined with the Prime Minister, senior ministers, the Chief Justice and senior judges at Raven House, and enjoyed tea with a Bhutanese Princess (a young lawyer who was educated at Harvard and Stanford).

We visited the National Assembly, government secretariat (housed in a traditional Dzong fortress), and monasteries and temples, and were treated to some extraordinary traditional masked dancing, music and singing, including (we thought) successful efforts by us at participation!

The visit was also an opportunity renew old acquaintances. The Chief Justice fondly remembered attending a lecture by a young Mr Kirby at the Australian National University in the early 1980s and one of my own former Master of International Law students at Sydney Law School, a Bhutanese police officer, attended the seminars. I was also happy to remember my time at Oxford with the then Crown Prince, Jigme Khesar Namgyel Wangchuck, who was crowned the Fifth King of Bhutan in 2008.

Mr Kirby and I both hope to continue our association with the legal system of Bhutan, including through plans by Bhutan to establish its first law school, and ongoing efforts to enhance the capacity of the judiciary. *jd*

The real wealth of nations

Most developing countries have made dramatic progress in health, education, and basic living standards in recent decades, with many of the poorest countries posting the greatest gains. Sydney Law School alumna, Dr Jeni Klugman (LLB 1988), recently joined an expert panel at Sydney Law School to discuss.

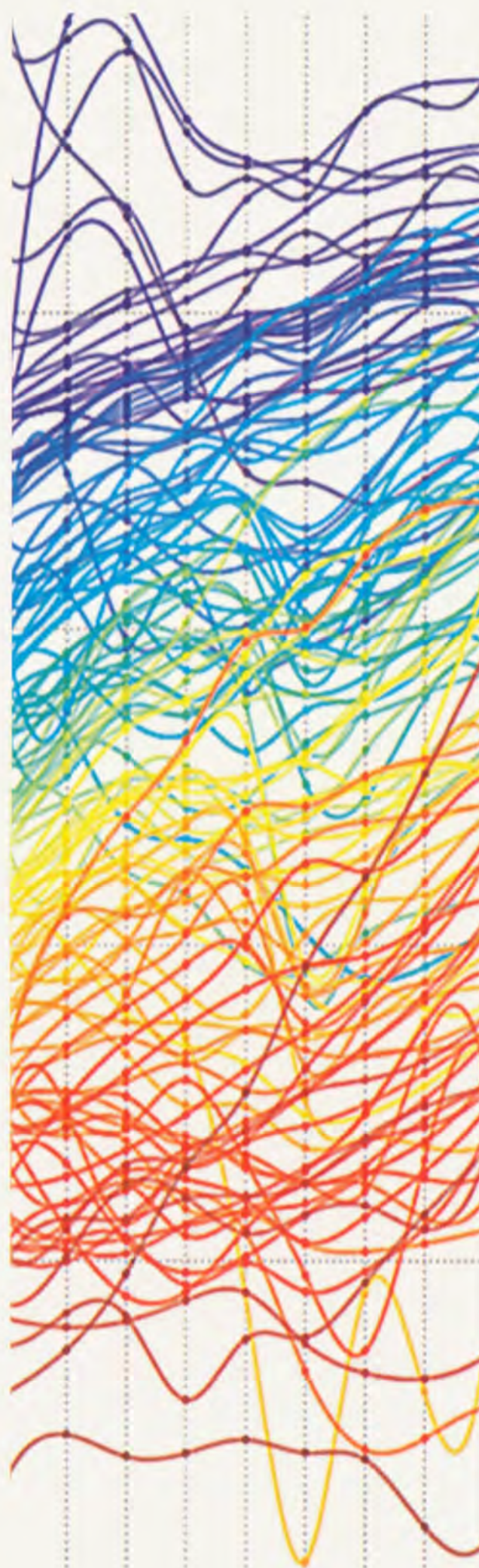
Dr Jeni Klugman has an important job: she is Director of the Human Development Report Office, which produces the report that ranks the world's countries. The report is gold standard when it comes to measuring household income, health and education around the world.

"Its goal is to push the frontiers about how we think about human development. It's often been controversial; it's almost been shut down a couple of times," said Dr Klugman. While the report is commissioned by the United Nations Development Programme (UNDP), it is editorially independent.

"The report aims to be ahead of the curve; to propose innovations; to offer new findings, new ways of measuring, new ways of thinking about development and thereby encourage debate; as well as, hopefully, to influence policy reform."

According the *Human Development Report 2010: Pathways to Development*, the world has seen remarkable improvement in household incomes, health and education in the past 40 years, yet roughly a third of the global population still lives in poverty. This year's report reviewed four decades of Human Development Index (HDI) data (which measures economic income, health, and education) and found that since 1970 the average increase in HDI of the 135 countries analysed has been 41 percent. These 135 countries represent 92 percent of the world's population.

Dr Klugman, who has edited reports in previous years, said the 2010 report looked at new ways to measure poverty, beyond dollar-a-day income. It takes into account multi-dimensional measurements such as whether



a household has a school-aged child out of school, a child who has died, a dirt floor, running water, and other indicators focused on general well-being. Using these measurements, Dr Klugman said, "we estimate that around the world some 1.75 billion people are living in multi-dimensional poverty with very serious deprivations. That compares to the current dollar-a-day estimate which is about 1.4 billion people."

The report finds that increased household income does not necessarily coincide with improvements in health and education. In China, for example, household incomes have risen 2,000 percent since 1970, but it still ranks 67th in terms of health and education.

Improvements in human development are hard to predict, and many countries that started off with similar HDIs have now gone in very different directions. Zimbabwe started out with a HDI rate similar to Nepal. While Nepal is among the top ten countries with the highest movement in HDI, Zimbabwe is one of only three countries whose HDI rate is lower than it was 40 years ago (alongside Zambia and the Democratic Republic of Congo).

The report, Dr Klugman said, does not give a cookie-cutter recipe for human development; however there are key policy principles that can be taken into account. "These include, for example, equity and poverty reduction at the forefront of poverty design; having institutions that are inclusive and able to resolve conflicts; the importance of domestic investment; active engagement in global opportunities; and (...) broader reforms on the global governance side." **jd**

Intersections of justice reform

From the dust and sleepy heat of the Kimberley to the glass and steel of Washington DC via Sydney, Cambodia and Papua New Guinea, Nick Menzies (LLB 1998) has spent more than a decade working at the intersection of state and customary legal systems. *JuristDiction* investigates.

The World Bank headquarters in Washington DC are seemingly a long way from the Kimberley Land Council in Kununurra, but not when you're a Justice Reform Specialist for the World Bank's Justice for the Poor (J4P) program. J4P is a research and development program that takes 'pro-poor' approaches to justice reform, seeing justice from the perspective of the poor and marginalised. It is grounded in social and cultural contexts, recognises the importance of demand in building equitable justice systems, and understands justice as a cross-sectoral issue.

Nick explains: "In working with developing countries all over the world we think not just about the state justice systems but about all the different types of rules and laws that govern people's lives. That can be customary law, it can be religious law, it can be international norms – things like human rights and rules that govern the way international corporations operate."

"What is interesting about the J4P program is that it is particularly alive to the issue of multiple rule systems. Justice institutions are crucial for good governance and sustainable development, however a lot of justice reform development work focuses primarily on the institutions of the state. It's important that we think more broadly in developing countries where those institutions may be very far removed from people, may be very expensive or may be not seen to be very legitimate."

When building the rule of law there are long term and incredibly complex processes to tackle and no one seems to really know how to do it which, for Nick, makes it the intriguing thing to look at. "I have a real intellectual interest in the approach that is being taken", says Nick, "and it reflects my experience working with the Indigenous people of Australia, with ethnic minorities in Cambodia and working in very ethno-linguistically fractured Papua New Guinea. The approach of the program rings true to me."

By its very nature the interdisciplinary context can be challenging. Nick has recently been running a research effort in Papua New Guinea to understand local grievances. He brought together an anthropologist and a research economist to add to his expertise as a lawyer in designing, implementing and analysing the research. Nick reflects on the ideological hurdles they faced: "It came down to some really deep issues about how we saw the world. We each came from quite divergent professional backgrounds with strong ideas about how one might get to the truth, what might count for the compelling evidence and what might be causation. It was, and often is, difficult to engage with other ways of thinking, but also enriching."

"The World Bank is a well-known and hopefully reasonably influential player in the development sphere so there's that sense in working here that you are with people at the top of their game. I get to work with some great people and we get a whole range of interesting personalities coming through the door – from Hillary Clinton to high flying development economists."

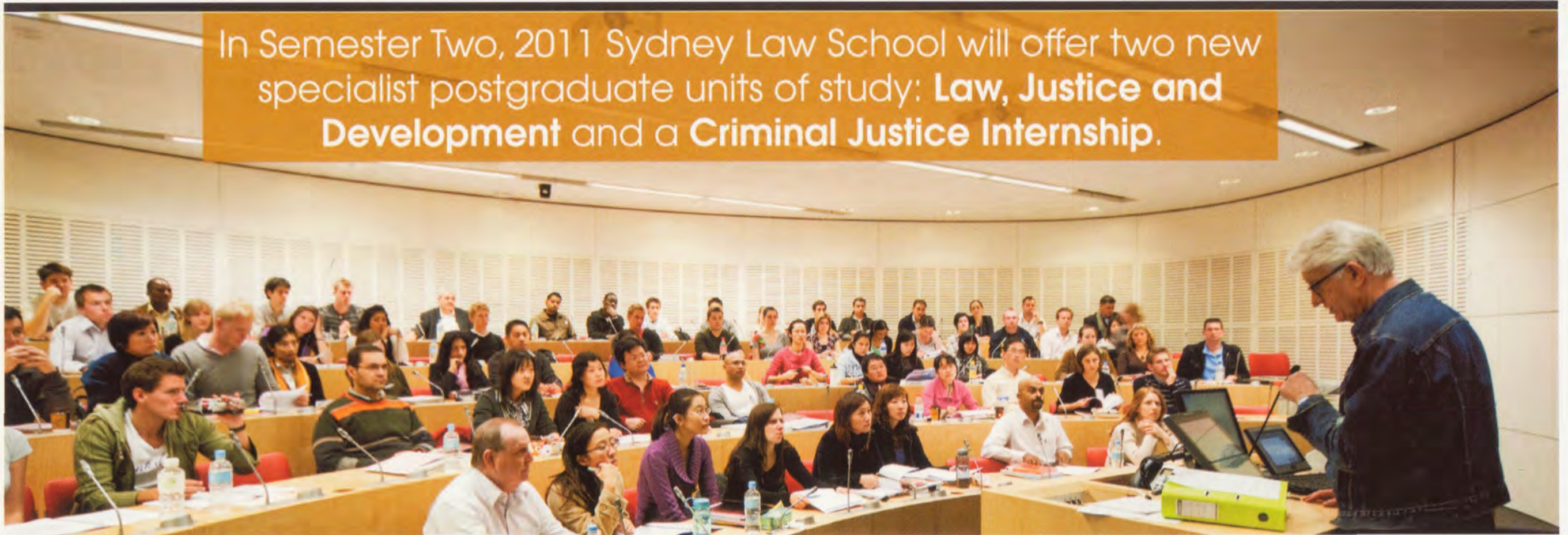
JuristDiction asked Nick where the future of law and development lies. "There's a whole sphere to explore in training a strong group of local researchers. Whether it's Indigenous Australia or in Timor, Papua New Guinea or the Solomons, the key will be having a well-trained coterie of people who can understand their own justice issues and advocate on behalf of them. That will be what drives change most effectively." *jd*



(L) Nick on assignment in Sierra Leone with colleagues Abigail Moy and Lyttleton Braima. Timap for Justice is a pioneering effort to provide basic justice services in Sierra Leone.

Postgraduate program engages with development and criminal justice

In Semester Two, 2011 Sydney Law School will offer two new specialist postgraduate units of study: **Law, Justice and Development** and a **Criminal Justice Internship**.



LAW, JUSTICE AND DEVELOPMENT

Law, Justice and Development is an intensive unit of study held over four days in early October. Taught by Dr Livingston Armytage, Director of the Centre for Judicial Studies, students will engage in a critical overview of law and justice reform in international development and the global reform experience over the past half-century.

Topics will include:

- the nature and justifications of 'reform theory'
- the empirical evidence of various approaches
- the conceptual and practical challenges of evaluating development endeavour, using case studies from the Asia/Pacific region
- an evidence-based understanding of the use of law and justice reform in broader development strategies.

Sydney Law School is thrilled to be welcoming Dr Armytage to our academic cohort. With more than 35 years experience in consulting and directing programs of judicial education and legal training, and in particular with his recent work in directing national reform programs for multilateral development agencies, Dr Armytage will bring to bear invaluable practical perspectives to this course.

CRIMINAL JUSTICE INTERNSHIP

The new Criminal Justice Internship is a four day intensive starting on 30 July 2011. It will provide students with the opportunity to experience the working environment of criminal justice agencies.

Students will engage in practical field work at a variety of criminal justice organisations for one day a week for the semester. Four intensive seminars provide opportunities to reflect on the role of the host agency and the specific skills and knowledge gained through the Internship.

"The Internship Program will be of interest to those students

seeking to gain experience in an organisation devoted to research and public policy in the area of criminal justice," said Convenor Garner Clancey.

THE SYDNEY LLM AND 2011 POSTGRADUATE COURSEWORK PROGRAM

Sydney Law School continues to deliver one of Australia's largest postgraduate coursework programs in law, with up to 160 units of study scheduled for 2011.

We offer the Sydney LLM - Master of Laws (LLM) - alongside specialist postgraduate coursework programs, with a number of diverse qualifications open to non-lawyers, including the Master of Global Law (MGlobL).

We also have Australia's largest number of postgraduate research students in law and were the first Australian law school to introduce a Doctor of Juridical Studies (SJD), a unique qualification that permits the completion of a 75,000 word thesis alongside units in coursework.

Highlights for Semester Two, 2011 include:

- renowned legal academic and author, Professor Bernhard Schlink delivering a unit on Law and Literature with Professor Reg Graycar in late October and early November
- Professor Patrick Parkinson AM teaching a specialist Family Law unit on financial issues associated with relationship breakdown from early September
- Adjunct Professor Brent Fisse and Dr Brett Williams presenting a new subject on Competition Law: Exceptions and Defences during August.

If you would like to apply for the Sydney LLM or a specialist master's degree or graduate diploma, or if you would simply like to sample a unit or complete one for legal professional development purposes, please contact the Law School directly:

T +61 2 9351 0351

E law.info@sydney.edu.au

2011 Prize Giving Ceremony

On 26 May 2011, the Sydney Law School held its annual Prize Giving Ceremony to celebrate the achievements of outstanding students.



Almost 250 family and friends gathered in the Auditorium of the New Law Building to witness the awarding of the prizes. The Dean, Professor Gillian Triggs, acknowledged the efforts of the students and spoke of exciting times ahead for the study of law at the Sydney Law School.

She also gratefully acknowledged the invaluable support of the community and the profession for the Sydney Law School, and warmly thanked all prize and scholarship donors for their continuing support.

University Medallist, Alicia Lyons, gave a student address at the ceremony, a recording of

which can be found on the Law School website.

Following the ceremony, prize winners and graduating students were joined by their guests and members of the Faculty at an alumni graduation party. The 300 guests were welcomed by the Dean, who introduced Professor Barbara McDonald to speak on the opportunities for engagement as alumni of the Law School. The special guest speaker for the evening was honours graduate (LLB 2008) Hugh Atkin, winner of the 2011 Justice Peter Hely Scholarship to read for the BCL at Oxford in 2011-2012.

The Sydney Law School would like to warmly congratulate all prize winners:

Sadhana Abayasekara

- The David Burnett Memorial Scholarship in Social Justice
- University of Sydney Academic Merit Prize

Amir Hadi Aghdaei

- Jeff Sharp Prize in Tax Research

Hugh Murray Atkin

- The Justice Peter Hely Scholarship

Thomas Bagley

- Pitt Cobbett Prize for Constitutional Law

Ajay Murali Balachandran

- EM Mitchell Prize in Contracts
- Freehills Prize in Contracts
- University of Sydney Academic Merit Prize

Matthew Paul Barry

- LexisNexis Book Prize No 2: Combined Law Year 2
- University of Sydney Academic Merit Prize

Rachel Joy Bartholomeusz

- Mr Justice Stanley Vere Toose Memorial Prize for Family Law

Patrick Bateman

- Zoe Hall Scholarship

Christopher James Beshara

- Pitt Cobbett Prize for Administrative Law
- New South Wales Justices Association Prize

David Birch

- Nancy Gordon Smith Memorial Prize
- University of Sydney Academic Merit Prize

Cameron Ferguson Blackwood

- Carolyn Mall Memorial Prize in Indirect Taxes (Ernst & Young)

William Jake Blundell

- JH McClemens Memorial Prize No 1 in Criminology
- Tuh Fuh & Ruby Lee Memorial Prize in Criminology

Philip Adam Boncardo

- Sir Alexander Beattie Prize in Industrial Law
- Harmers Workplace Lawyers Prize for Labour Law

Megan Caristo

- Nancy Gordon Smith Memorial Prize
- University of Sydney Academic Merit Prize

Michael Cosgrove

- Gustav & Emma Bondy Postgraduate Prize in Jurisprudence

Jessica Louise Cowell

- Harmers Workplace Lawyers Prize for Anti-Discrimination Law

Domenico Gian-Marco Cucinotta

- Freehills Prize in Torts & Contracts

Scott Bradley Cummins

- Allens Arthur Robinson Prize in Advanced Contracts

Fiona Stephanie Cunningham

- University of Sydney Academic Merit Prize

Frank Danielli

- ED Roper Memorial Prize No 1 for Equity & Corporations Law
- University of Sydney Academic Merit Prize

Pearl Marie Garrad Davidson

- Caroline Munro Gibbs Prize for Torts
- LexisNexis Book Prize No 1: Combined Law Year I

Janine Yan Ding

- Blake Dawson Prize in Australian Income Tax

Timothy Aaron Dinjar

- NSW Women Justices' Association Prize

Victoria Eastwood

- Wigram Allen Scholarship for the Juris Doctor- Merit Award

Catherine Rose Ellis

- Thomas P Flattery Prize for Roman Law

Jerome Entwisle

- The Australian Securities & Investments Commission Prize in Corporations Law
- University of Sydney Academic Merit Prize

Amy Caroline Fox

- ED Roper Memorial Prize No 2 for Equity & Corporations Law

Benjamin James Friis-O'Toole

- Blake Dawson Prize in Environmental Law

Michael John Gabriel

- Walter Ernest Savage Prize in Foundations of Law

Malcolm Eric Gordon

- University of Sydney Foundation Prize

Wendy Louise Green

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

Jason Gregory Hainsworth

- JH McClemens Memorial Prize in Criminology No 2

Mia Harrison-Kelf

- Walter Ernest Savage Prize in Foundations of Law
- University of Sydney Academic Merit Prize

Naomi Ruth Hart

- Nancy Gordon Smith Memorial Prize
- Sir Dudley Williams Prize: Second at Graduation
- University of Sydney Academic Merit Prize

Henry F Hawthorne

- Julius Stone Prize in Sociological Jurisprudence

Lyndall Jayne Henry

- Maddocks' Prize in Labour Law

Elise Shuk Yee Ho

- Edward John Culey Prize in Real Property and Equity
- John Geddes Prize in Equity

Flora Fung Wa Ho

- The Mallesons Stephen Jacques Prize in Banking and Financial Instruments
- University of Sydney Academic Merit Prize

Natasha Elena Hooper

- Bruce Panton MacFarlan Prize in Advanced Corporate Law

Diana Jing Yi Hu

- Pitt Cobbett Prize in International Law
- Edward and Emily McWhinney Prize in International Law

Jenny Jin Huang

- Blake Dawson Prize in Australian Income Tax

Wen Wei Huang

- Wigram Allen Scholarship for the Juris Doctor - International

Pascal Hubli

- ACICA Keith Steele Memorial Prize for International Commercial Arbitration

Heather Yung Huddleston

- University of Sydney Academic Merit Prize

Sashika Dinusha Jayewardene

- London Court of International Arbitration Prize

Sally Johnston

- Peter Cameron Sydney Oxford Scholarship

Nikki Andre Syquiao Joson

- Andrew M Clayton Memorial - Clayton Utz Prize
- CA Hardwick Prize in Constitutional Law
- LexisNexis Book Prize No 5 (Graduate Law II and Combined Law IV)
- Sir John Peden Memorial Prize for Proficiency in Foundations of Law, Federal Constitutional Law, International Law, and Real Property
- George and Matilda Harris Scholarship No 1 (Graduate Law II or Combined Law IV)
- University of Sydney Academic Merit Prize

Crista Jing Li Khong

- Caroline Munro Gibbs Prize for Torts
- University of Sydney Academic Merit Prize

Robert William Wing-Hei Knight

- The Alan Bishop Scholarship

Deborah Kutcher

- Nancy Gordon Smith Memorial Prize

William Lam

- Law Press Asia Prize for Chinese Legal Studies No2

Daniel Cheng Yong Lim

- Minter Ellison Prize for Intellectual Property

Ann-Ju Liu

- Wigram Allen Scholarship for the Juris Doctor - ACCESS

Stephen Lloyd

- Sir Peter Heydon Prize for the Best Undergraduate Sydney Law Review Contribution in Constitutional, Administrative, or International Law

Nicholas Lowe

- Monahan Prize for Evidence

Alicia Lyons

- Ian Joye Prize in Law: Proficiency in Year II and III
- Joye Prize in Law
- Nancy Gordon Smith Memorial Prize
- Peter Paterson Prize for Best Contribution to the Sydney Law Review
- RG Henderson Memorial Prize for University Medal in Law
- Rose Scott Prize: Proficiency at Graduation by a Woman Candidate
- University of Sydney Academic Merit Prize
- University Medal

Philippa Frances Macaskill

- John George Dalley Prize No 1B: Proficiency in Final Year of Graduate Law
- John Warwick McCluskey Memorial Prize for Federal Constitutional Law and Family Law
- University of Sydney Academic Merit Prize

Daniel Strathallan Macpherson

- LexisNexis Book Prize No 3: Combined Law Year III
- George and Matilda Harris Scholarship No 2B for Third Year of Combined Law
- University of Sydney Academic Merit Prize

Hannah Martin

- The Minter Ellison Scholarship

Claire Therese Mather

- George and Matilda Harris Scholarship No 2A for Second Year of Graduate Law

Claire Malvina Mcevilly

- Law Press Asia Prize for Chinese Legal Studies No 1

Simon Richard Meehan

- Sir Maurice Byers Prize for Constitutional Law

Sheila-Marie Monaghan

- Victoria Gollan Memorial Scholarship

Kirsten Moyle

- The Bruce Miles Foundation Prize

Emily Lottie Joanna Pfizner

- GW Hyman Memorial Prize in Labour Law

Robert James Pietriche

- Aaron Levine Prize for Criminal Law

Hannah Kate Quadrio

- The David Burnett Memorial Scholarship in Social Justice

Quintin Alexander Rares

- ANJeL Akira Kawamura Prize in Japanese Law

May Samali

- The David Burnett Memorial Scholarship
- University of Sydney Academic Merit Prize

Elke Scevak

- Carolyn Mall Memorial Prize in Indirect Taxes (Ernst & Young)

Chong Shao

- Andrew M Clayton Memorial - Clayton Utz Prize
- Law Society of New South Wales Prize for Law, Lawyers and Justice
- Margaret Dalrymple Hay Prize for Law, Lawyers and Justice

Anna Julia Shelton-Agar

- Minter Ellison Prize for Intellectual Property

Meredith Simons

- The Christopher C Hodgekiss Prize in Competition Law
- Allens Arthur Robinson Prize in Competition Law
- Nancy Gordon Smith Memorial Prize

Scott Aaron Smith

- Deloitte Indirect Tax Prize

Hannah Stewart-Weeks

- Margaret Ethel Peden Prize in Real Property
- University of Sydney Academic Merit Prize

Chelsea Georgia Tabart

- Margaret Ethel Peden Prize in Real Property
- University of Sydney Academic Merit Prize
- Zoe Hall Scholarship

Vincent Tan

- The Tomonari Akaha Memorial Prize in Equity

Evan Jun Kiat Teo

- Wigram Allen Scholarship for the Juris Doctor - Entry Award

Philip Tian

- Blake Dawson Prize in Advanced Taxation Law

Christina Joy Valentine

- Alan Ayling Prize in Environmental Law

Daniel Alexander Ward

- Aaron Levine Prize in Criminal Law
- EM Mitchell Prize in Contracts
- Freehills Prize in Contracts
- LexisNexis Book Prize No 4 (Graduate Law Year I)
- University of Sydney Academic Merit Prize

Henry Charles Winter

- London Court of International Arbitration Prize

Daniel Wodak

- Julius and Reka Stone Award in International Law and Jurisprudence
- John George Dalley Prize 1A: Proficiency in Final Year of Combined Law
- Sybil Morrison Prize in Jurisprudence (Part 2)
- University of Sydney Academic Merit Prize

Tuo Wu

- Blake Dawson Prize in Advanced Taxation Law
- The Australian Taxation Office Prize in Taxation Law

Jennifer Wyborn

- Judge Samuel Redshaw Prize for Administrative Law

Niklaus Jakob Zaugg

- Chartered Institute of Arbitrators Prize

Lily Qian Zhang

- Blake Dawson Prize in Australian Income Tax

Wei Grace Zhou

- The Roy Frederick Turner AM Scholarship

2011 JESSUP WORLD CHAMPIONS

In March 2011 Sydney Law School students proved once again that they are a force of intellect and reason when our team was named 2011 World Champions of the Philip C Jessup International Law Moot Court Competition. The Jessup Moot is widely recognised as the most prestigious international mooting competition.

After a gruelling schedule of preliminary rounds competing against 130 law schools in Washington DC, the team – coached by Natalie Zerial (LLB 2007) from the Commonwealth Attorney-General's Department – took the title, defeating Columbia Law School in the final.

The 2011 team – Patrick Bateman, Chris Beshara, Glenn Kembrey, Chelsea Tabart and Patrick Wall – represented fictional states in a hypothetical case before the International Court of Justice. The case was one of the most challenging in the history of Jessup, raising a host of contemporary international legal issues including the lawfulness of using force by unmanned predator drones against a terrorist group, the banning of a religious head covering and whether this infringed the rights of women to manifest their religious beliefs freely, and the operation of OECD anti-bribery rules and whether they could be avoided on grounds of national security.

The Law School relies heavily on the support of staff and adjuncts for the success of the entire mooting program.

We are grateful to the coach, Natalie Zerial; Faculty Advisor, Dr Tim Stephens; and moot judges from the legal profession and the faculty who have given many hours to the practice moots and to mastering the complex law and facts raised by the problem.

We are also grateful for the support of Allens Arthur Robinson, along with Jessup International Law Moot Inc (Australia), the International Law Association, and the Australian and New Zealand Society of International Law.

Sydney first won in 1996 when Professor Don Rothwell was coach, and again in 2007 with Justin Hogan-Doran as coach.

Student News



The 2011 Jessup Moot team L to R: Glenn Kembrey, Chelsea Tabart, Chris Beshara, Patrick Bateman, Patrick Wall

THE ANNUAL WILLEM C. VIS INTERNATIONAL COMMERCIAL ARBITRATION MOOT

The Sydney Law School Vis Moot team performed extremely well at the finals of the Willem C Vis International Commercial Arbitration Moot in Vienna in April, making it to the quarter-finals, where it was finally defeated by St John's University, New York. In only our third year competing in the Vis Moot (in which 265 universities were represented this year), the Sydney team's style and substance was excellent, and we are grateful to the team's coaches – Nick Rudd (of Clayton Utz) and Stephanie Vatala (judge's associate to Justice Stone of the Federal Court) – who were tireless in their efforts to prepare the team. Nick Rudd accompanied the team to Vienna, as did Associate Professor Chester Brown. Congratulations to each of the team members – Pat Caldwell, Domenico Cucinotta, Nadia Yetton-Lim and Reuben Ray – who put in superb performances each time, earning high praise from the arbitrators. It was particularly pleasing that Nadia Yetton-Lim was awarded an "Honorary Mention" as one of the best oralists at the Vis Moot. We are also grateful to those who provided financial and other support for the team, including Baker & McKenzie, Clayton Utz, and the NSW Bar Association.

KNOWLEDGE, REASON AND COMPASSION

*The [Fulbright]
Program aims to
bring a little more
knowledge, a little
more reason, and a
little more compassion
into world affairs and
thereby to increase the
chance that nations
will learn at last to
live in peace and
friendship.*

J. William Fulbright

Sydney Law School Dean, Professor Gillian Triggs, attended the Fulbright Presentation Dinner in March at the Adelaide Festival Centre to congratulate three of our graduates who are among 26 talented young Australians to win prestigious Fulbright Scholarships in 2011.

Fergus Hanson, a Master of International Law graduate, won a Fulbright Professional Scholarship to examine the broad range of innovations the US State Department has been adopting in the area of 21st century statecraft.

Daniel Wodak, an honours graduate in Arts/Law, won a Fulbright Postgraduate Scholarship to undertake a PhD in philosophy in the US, specialising in moral philosophy. Daniel is interested in how the philosophy of language (semantics) can be applied to meta ethical debates and the implications this has for morality and law.

Tarah Barzanji, an honours graduate in Law, won a Fulbright Postgraduate Scholarship to undertake a Master of Public Administration. Tarah will focus on non-profit management and social policy implementation. Her particular areas of interest are children's and women's welfare.

The Fulbright program is the largest educational scholarship of its kind, created by US Senator J William Fulbright and the US Government in 1946. Aimed at promoting mutual understanding through educational exchange, it operates between the US and 155 countries.



2011 Fulbright Scholars L to R, Daniel Wodak, Sydney Law School's Dr Arlie Loughnan, Tarah Barzanji, Professor Gillian Triggs, Fergus Hanson.
Photo courtesy of Ashton Claridge

PETER CAMERON SYDNEY OXFORD SCHOLARSHIP WINNER ANNOUNCED

Congratulations to Sally Johnston who has been awarded the 2011 Peter Cameron Sydney Oxford Scholarship.

Sally graduated with a first class honours degree in Law in 2009 and has been working as the Research Director to the Honorable James Spigelman, AC, Chief Justice of the Supreme Court of New South Wales for the past 2 years.

The selection committee chaired by the Dean, Professor Gillian Triggs, was impressed with Sally's community involvement including service with the United Nations Youth Association (NSW) and the NSW Young Lawyers Association Assembly.

Sally's career ambition is to work as an advocate in the fields of private and public international law.

The Scholarship was established by the Law School and the Cameron family through contributions from the friends and colleagues of the late Peter Cameron to promote further study in law at the completion of a Bachelor of Laws (LLB).

Alumni News

RECENT JUDICIAL AND SENIOR COUNSEL APPOINTMENTS

Sydney Law School would like to congratulate Thomas Bathurst QC (BA 1969, LLB 1972) on his appointment as the next Chief Justice of New South Wales. Mr Bathurst will succeed The Hon. Justice James Spigelman AC QC (BA 1967, LLB 1971, LLD 2004).

We would also like to congratulate the following alumni on their recent appointments.

The Hon Justice Margaret Cleary (LLB 1981) – appointed Judge of the Family Court

The Hon Justice Malcolm Craig (LLB 1967) – appointed Judge of the Land & Environment Court

Magistrate David Day (LLB 1984) – appointed Judge of the Local Court of NSW

Federal Magistrate Garry Foster (LLB 1974) – appointed Judge of the Federal Magistrates Court

Magistrate Caleb Franklin (LLB 1999) – appointed Judge of the Local Court of NSW

The Hon Justice Peter Garling (LLB 1977) – appointed Judge of the Supreme Court of NSW

The Hon Associate Justice Philip Hallen (LLB 1976) – appointed Judge of the Supreme Court of NSW

His Honour Judge Ross Letherbarrow SC (LLB 1978) – appointed Judge of the District Court of NSW

Her Honour Judge Elizabeth Olsson SC (LLB 1984, LLM 1988) – appointed Judge of the District Court of NSW

The Hon Justice Michael Pembroke (LLB 1978) – appointed Judge of the Supreme Court of NSW

Her Honour Judge Laura Wells SC (LLM 2002) – appointed Judge of the District Court of NSW

Her Honour Judge Donna Woodburn SC (LLB 1987) – appointed Judge of the District Court of NSW

The Hon Justice David Yates (LLB 1977) – appointed Judge of the Federal Court

Six alumni were appointed Senior Counsel by the NSW Bar Association in 2010.

Hament Dhanji (LLB 1989)
Stephen Hanley (LLB 1977, LLM 2004)
Adam Hatcher (LLB 1987)
Patricia McDonald (LLB 1985)
Peter Morris (LLB 1975)
Eric Wilson (LLB 1977)

QUEENS BIRTHDAY HONOURS

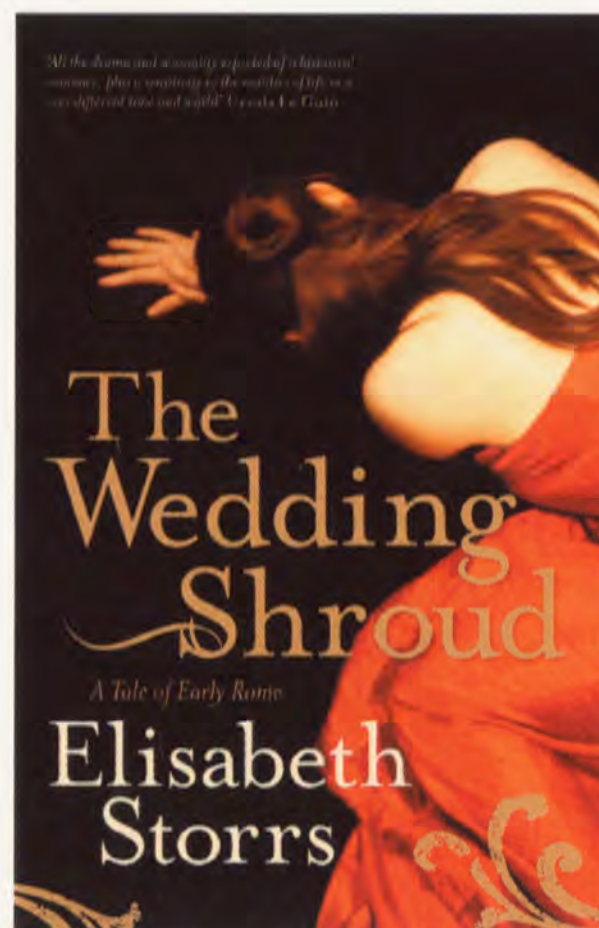
We congratulate the following Sydney Law School alumni who were recognised in the 2011 Queen's Birthday Honours on Monday 13 June.

The Hon Robert Debus, AM
The Hon Justice Peter David McClellan, AM
Mr Robert Leslie Seidler, AM
Mr Douglas Dean Lee Spencer, OAM
Mr Joseph William Waugh, PSM
Dr Howard Charles Bell, OAM
Mr Alan John Cameron, AO

ALUMNI BEYOND LAW

Elisabeth Storrs (who is better known to the legal community as Lisa Storrs) recently published her first novel, *The Wedding Shroud*, which was written and researched over a period of ten years. *The Wedding Shroud* is set in early Rome and Etruria. It was released in September by Pier 9/Murdoch Books in Australia and New Zealand. The sequel will be released in 2012.

Lisa graduated from the University of Sydney in Arts/Law in 1983, majoring in English and having studied Classics. After graduating, Lisa worked as a senior associate in the litigation section of Abbott Tout Solicitors, moving to the corporate secretariat of the NRMA Group in 1990s.





Simon Fitzpatrick (LLB 2000)

Earlier this year University Medallist Simon Fitzpatrick shared with students some insights into practising law in the US at a special Law School presentation. Simon discusses with *JuristDiction* his transition from New York to the Sydney Bar.

After almost a decade in the United States, alumnus Simon Fitzpatrick returned to Sydney last September, and is now a barrister reading with Seven Wentworth Chambers.

Simon earned his LLM at Harvard and spent eight years working in New York, most recently at Ropes & Gray where he focused on patent and trade secret litigation for medical device companies.

Though he maintains an interest in intellectual property work, Simon has embraced the diversity of cases he has seen as a barrister. "In my first six months at the bar I have worked on more cases than I did in my whole time in America. Expanding my practice beyond IP litigation was something that I thought was important in coming to the bar and it has also been very interesting to work in different areas of law."

Simon enjoys the amount of time he spends in court as a barrister, compared to the American litigation system which relies heavily on written submissions. "In the US, appearing in front of a judge or magistrate is a rare thing. Now, with directions hearings and small mentions, there are many more opportunities to practise oral advocacy." Simon said he has more control over his life and work as a barrister, and sees the direct benefit of his efforts in building his own practice.

"It has been good to get back in touch with old friends, and meet new colleagues through the Bar Practice Course and chambers. Starting out as a barrister is a big transition from working in America but it has been great joining a profession that has been so welcoming." *jd*



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STUDENTS**

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No previous mentoring experience is needed, simply a desire to help a student.

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Sydney Law School students are currently seeking alumni mentors, so please register now.

REGISTER TODAY AT
sydney.edu.au/alumni/mentor



On the road with SULS

SULS President, Geoffrey Winters, reports.

The so-called ‘developed world’ is understandably obsessed with the concept of development. The effects of *under-development* or poverty inspire a truly human response from the most cynical of individuals because it begs a question of every person privileged enough to live in an OECD nation: *why was I born in the first world and not the third?*

That question has become increasingly confronting and real in the age of foreign correspondence, television and online news. However, while our exposure to extreme poverty has increased, so too has the gap between the world’s wealthiest and poorest nations, yet our leaders at home (of either political flavour) fail to meet the UN’s set target of 0.7 percent of gross national income towards foreign aid. Popular support for higher rates of foreign aid is relatively strong but not overwhelming. Perhaps this is because Australia remains one of the most generous nations in terms of individual giving or perhaps it is because we would prefer to put that money into education, health and infrastructure at home before we send it abroad.

Development continues to be a goal of seemingly insurmountable proportions. That is not to say we do not want to help, we do but perhaps we do not know where to start. While SULS continues to encourage its members to pursue international internship and voluntary programs to assist in aid and development, over the past two years our focus has shifted to the domestic sphere. In 2010 we launched the *Social Inclusion Road Trip* and here is why.

The relevant Commonwealth department publishes that Indigenous children under five years of age died at three-times the rate of non-Indigenous in the period of 2002-2006. Participation for Indigenous children in some sort of preschool activity is extremely low, and in 2006 the Year 12 completion rate was 45.3 percent of Indigenous Australians compared to 86.3 percent among non-Indigenous Australians. In the 2006 census 48 percent of workforce aged Indigenous Australians were in employment, compared to 72 percent among non-Indigenous Australians. Four years after the controversial Northern Territory intervention commenced, Lindsay Murdoch for the *Sydney Morning Herald* (‘Disputed Territory’: 21 May, 2011) surveyed the 73 communities subject to the suspension of the *Racial Discrimination Act* and described them as similar to African ghettos.


In 2008, 65 percent of our undergraduate student population at Sydney University came from affluent families of the eastern and northern suburbs of Sydney, while 7 percent were drawn from rural areas (as opposed to 24.7 percent of the

NSW population) and 1.05 percent of students recognized as Indigenous (as opposed to 2.1 percent of the NSW population). Yet the University has one of the most generous scholarship and bursary programs (over \$30 million a year) targeted at rural and remote students, especially those from Indigenous backgrounds.

Merit should always guide admissions but we decided at SULS that there were grassroots things we could do as a student body to get into rural schools, to talk to Indigenous students about the options they have and at the same time expose ourselves to communities within our country whose expectations in terms of education are far below our own because they have been left behind. We did not expect to generate a tide of applications that would change the composition of Sydney Law School’s admissions but rather start a conversation with students who formerly were left out of the higher education dialogue. If we were able to encourage one student to get on a train, come to an open day, talk to a lecturer and apply to The University of Sydney we would be thrilled. The program is also about taking students from more privileged backgrounds and exposing us to those communities where our time and money should be directed as a nation.

The *Social Inclusion Road Trip* 2010 involved just fewer than 40 students from Sydney Law School travelling to Griffith and Dubbo in NSW to speak to approximately 1000 students aged 15-17. The conversation aimed to break down the community perception in those areas that university was not for people from their background. It aimed to provide the participating students with information on how they could access the financial support that universities offer, and to talk about our experiences as students in transitioning into university life and the challenges we face no matter where we come from in this country if we choose to pursue higher education.

This was a pilot program in 2010 made possible by the generous financial and administrative support of the Sydney Law School, the University of Sydney Union and the Department of the Vice-Chancellor. It was a wonderful success by all accounts and planning for the *Social Inclusion Road Trip* 2011 is well advanced under the leadership of this year’s Vice President (Social Justice) Alexandra Chappell. Following the success of last year we are excited to see the *Australian Law Students Association* eager to build this into a national program under the leadership of The University of Sydney that sees students throughout the country brought into the higher education conversation.

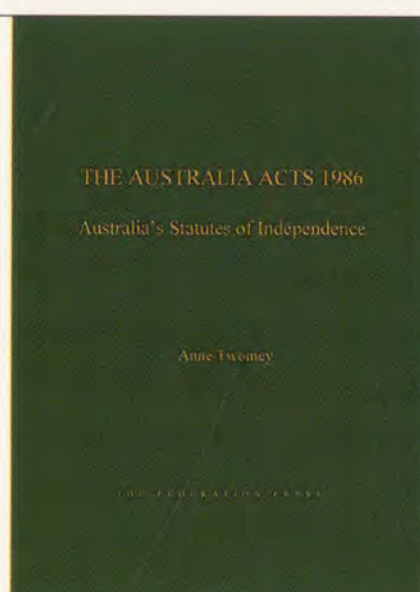
Geoffrey Winters is the elected President of SULS. He can be contacted via email, president@suls.org.au 



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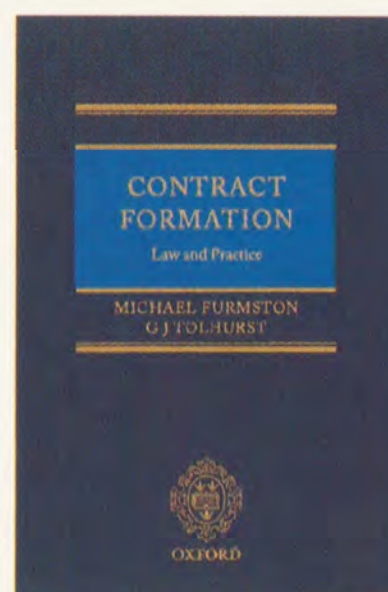
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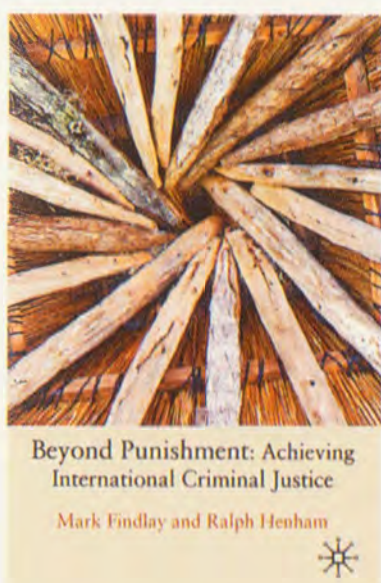
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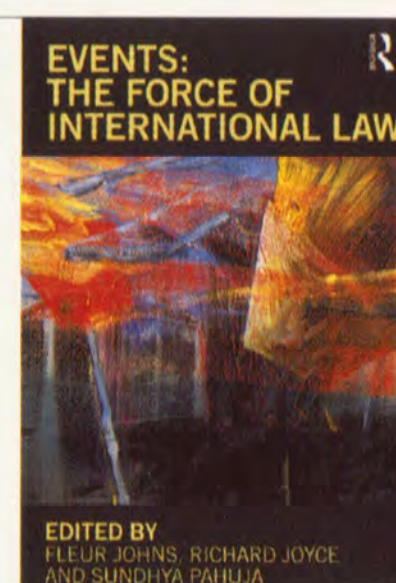
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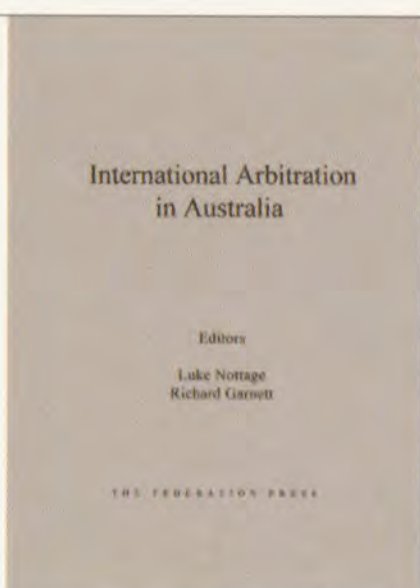
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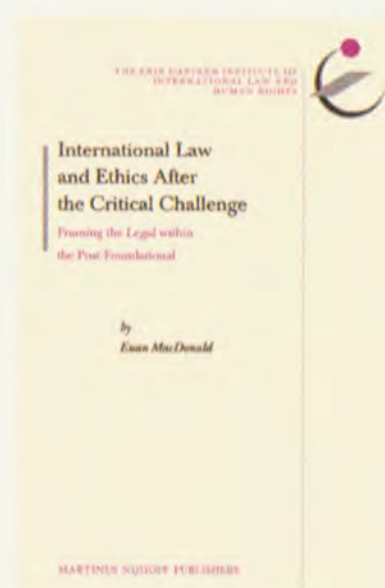
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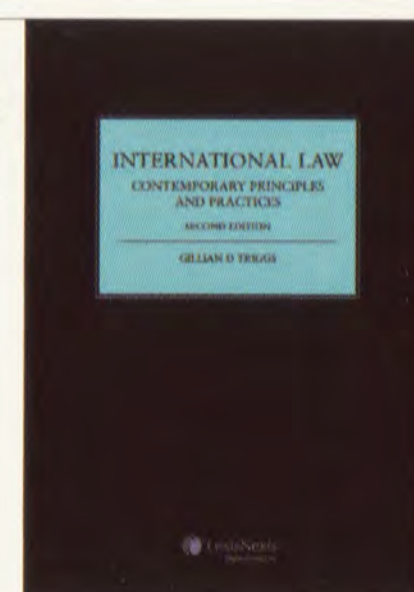
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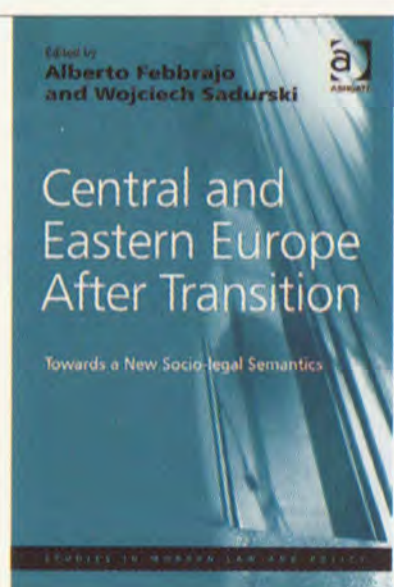
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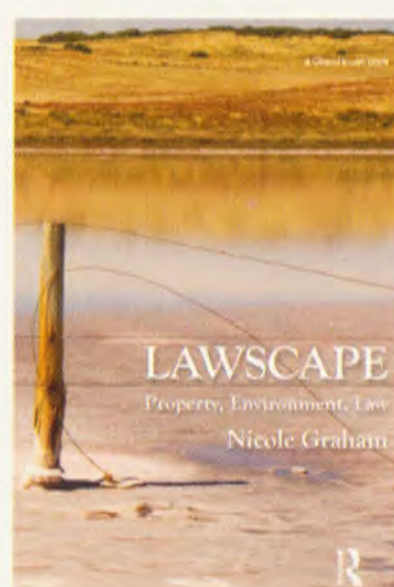
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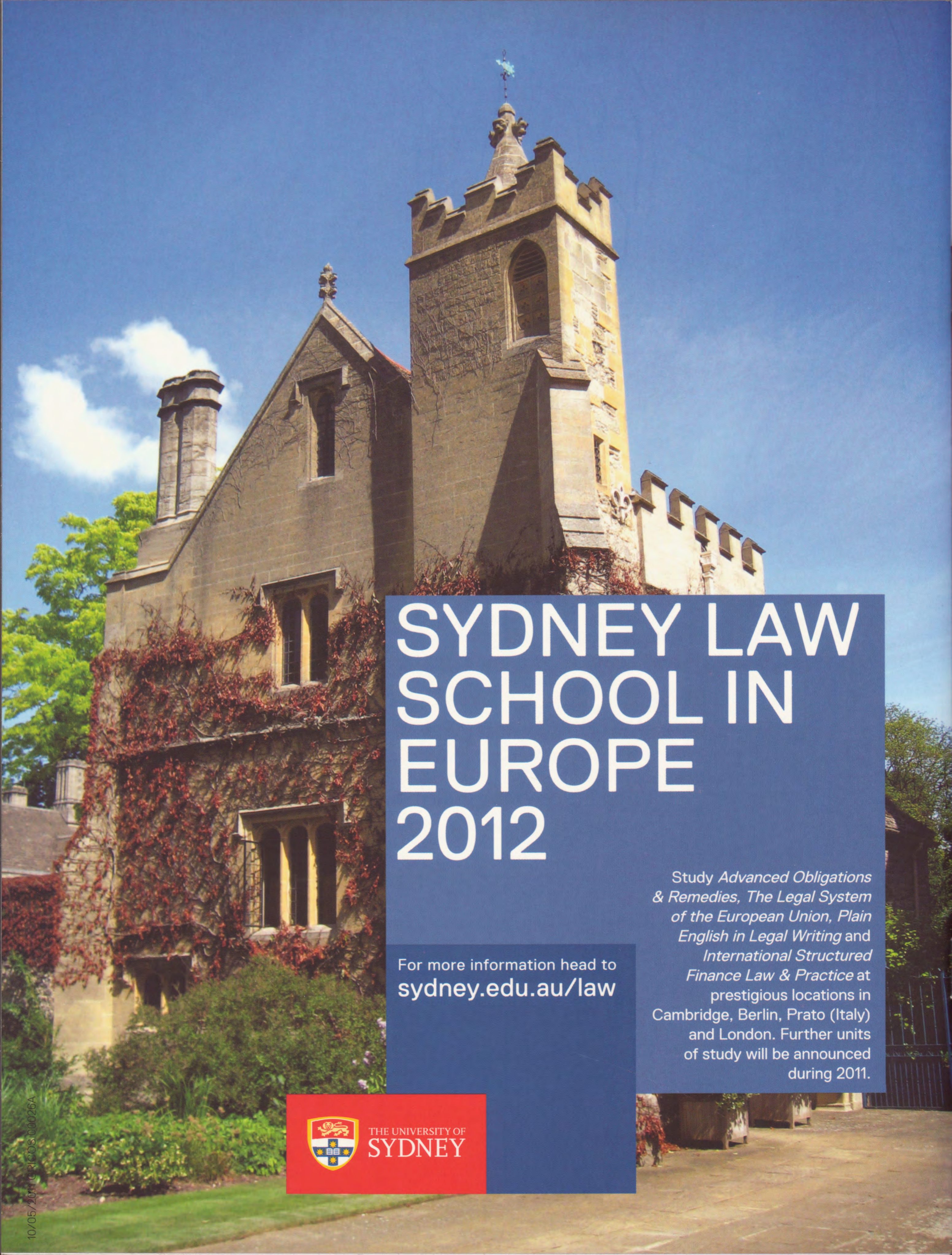
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