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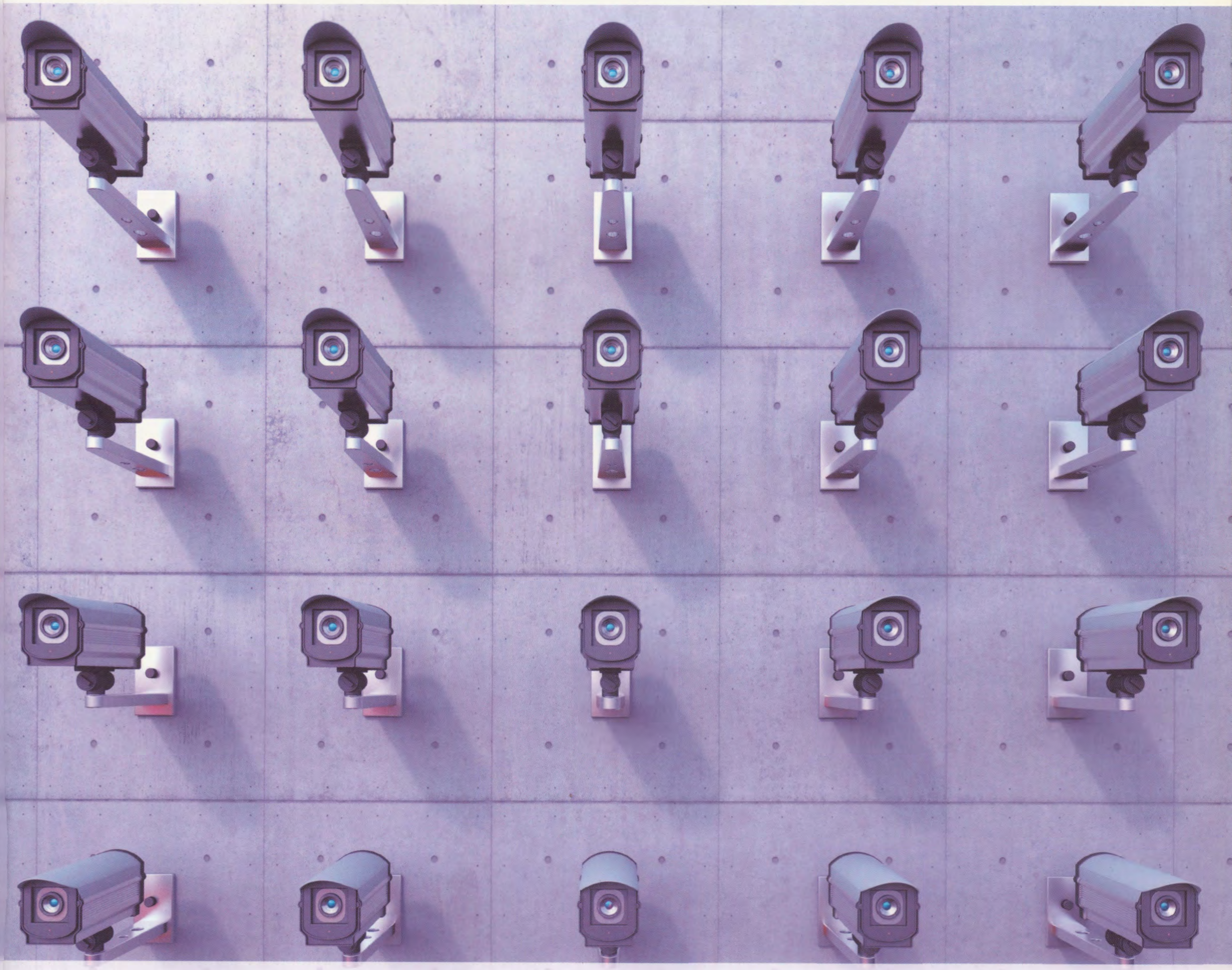
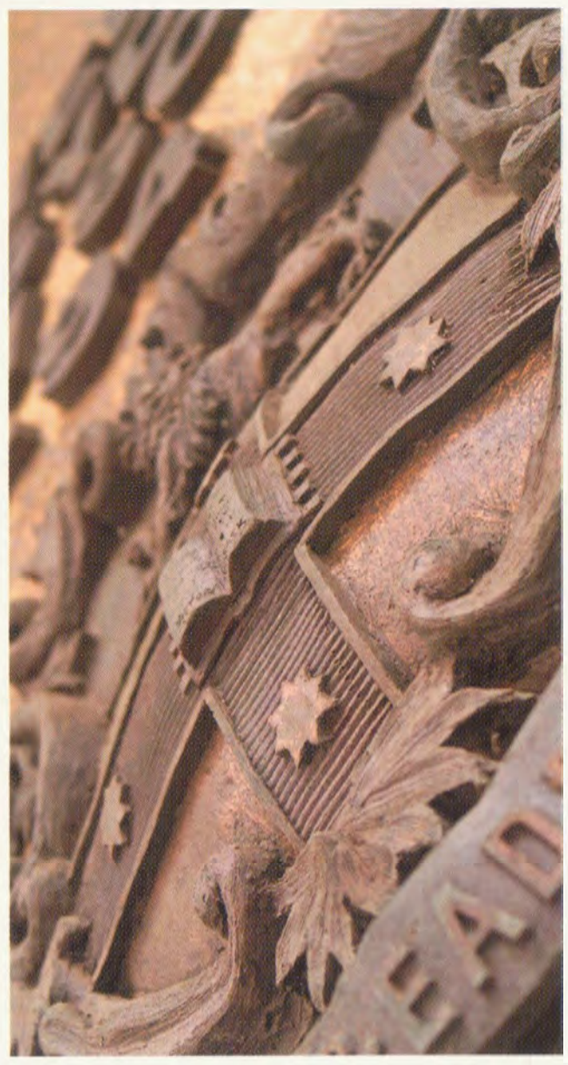
A MAGAZINE OF THE SYDNEY LAW SCHOOL FOR ALUMNI AND THE LEGAL COMMUNITY
WINTER 2014



THE RIGHT TO REMAIN SILENT? PRIVACY, MEDIA AND FREEDOM OF SPEECH

THE UNIVERSITY OF SYDNEY



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WINTER 2014

A Message from the Dean

Professor Joellen Riley

The news of late has been quite depressing for a dean of a law school — even for the dean of an exceptional faculty of gifted students and scholars such as ours. For a while now, commentary in specialist legal news magazines, and in some of the mainstream press, has warned of rising unemployment for law graduates — at least for those graduates aspiring to conventional careers as solicitors in commercial law firms. More recently, reporting about the 'deregulation' of universities has raised the spectre of significant fee increases for students. Young people aspiring to study law must be especially concerned, given that law is now a second degree, studied in combination with or after a degree in another discipline. It concerns me that some intelligent and gifted potential students, especially those without strong family support for their ambitions, may be discouraged from pursuing a law degree in this environment. And that would be a considerable tragedy.

As this issue of *JuristDiction* illustrates, studies in law open up a wide range of potential careers. Alumna, Chloe Flynn, is using her legal education to pursue a career as a television producer. It is pleasing to read how much credit she gives her legal education, not only for her knowledge of useful substantive areas of law (defamation, contempt of court), but also for the valuable skills of competence in distilling knowledge from extensive research, critical problem-solving, and communication.

Other articles in this issue, focusing principally on media and the law, affirm the relevance of a good legal education to many issues of contemporary importance.

The debate about freedom of speech, and whether it is such a vital human right that it ought not to be curtailed, even by anti-discrimination law protections against hateful vilification, is taken up by two alumni, renowned author and journalist David Marr, and Daniel Ward, a recent university medallist and this year's recipient of the Peter Cameron Scholarship.

Professor Barbara McDonald, a much loved member of our teaching staff for many years, writes on her recently completed enquiry into *Serious Invasions of Privacy in the Digital Era* for the Australian Law Reform Commission. Associate Professors Thomas Crofts and Murray Lee explain their recent project on 'sexting' and youth. Young people who invade their own privacy by texting lewd pictures of themselves to familiars may be foolish, but are they also culpable as purveyors of child porn? Associate Professor David Rolph reflects on the way judges perceive the media, and how those perceptions have influenced the development of our laws. Each of these studies illuminates the value of a legal education in understanding and influencing contemporary society.

I hope — most ardently — that an excellent Sydney Law School education will continue to be accessible to the brightest aspirants, notwithstanding the dark prospect of rising university fees. jd

Chloe Flynn

Chris Rodley

'I did actually want to be a lawyer at one point,' says law graduate and television producer Chloe Flynn (BA 2002, LLB 2004), 'though I think my idea of it was more *L.A. Law* than day-to-day reality.'

As she made her way through her degree, however, Chloe came to realise that her interest in law was driven by intellectual curiosity and not a desire for a legal career: 'It became more about the chance to engage with complex issues than the subject matter itself,' she explains.

During her fourth year of study, she scored a part-time job working as an editorial assistant and website editor for a small arts and entertainment publishing company. It fascinated her, and she decided not to apply for a summer clerkship, but to focus her attention on a career in media.

After graduating, she landed a job as a subeditor at *Dolly* magazine, and later became a subeditor at *Marie Claire*. Her big break came in 2007, when a friend told her that the team behind Channel 7's *Sunrise* was preparing to launch a sister program entitled *The Morning Show*. Unusually, they wanted segment producers from outside the television industry in order to bring a fresh perspective.

'I wasn't looking to work in television, but you never say no to an opportunity,' says Chloe. She was summoned to a meeting with the then executive producer of *Sunrise* to discuss plans for the show. 'I ended up staying for an hour and a half, and came away really inspired,' she says.

Taking a leap of faith, she accepted the job offer. The following year, she was promoted to the role of chief of staff at *The Morning Show* and, in 2010, took on her current role as Supervising Producer. In 2013, she helped launch a second news and entertainment program, *The Daily Edition*, where she is Acting Supervising Producer.

The dual role sees her oversee the content of three and a half hours of live television every weekday, including stories, scripts and talent. A typical day might see her wrangling a leather-clad rock-n-roll icon, a lion tamer, and almost anything in between. 'What I love is the blend of the serious news cycle and entertainment,' she says, 'plus the challenge of making people care about stories they may not otherwise have exposure to.'

A typical day might see her wrangling a leather-clad rock-n-roll icon, a lion tamer, and almost anything in between.

She gives the example of a recent episode on stroke awareness, which invited members of the public to receive blood-pressure tests live on air. 'People thought we were nuts for considering that we could possibly keep the audience interested in stroke awareness for two and a half hours of live TV,' she says, 'but, not only was it a massive success for the Stroke Foundation, it also rated well.'

A key skill required in her role is making quick decisions under pressure. For example, during the show's coverage of the visit to Australia by Prince William and the Duchess of Cambridge, news broke of Barry O'Farrell's resignation as New South Wales Premier. Chloe had to make the call to throw out the day's schedule and switch to rolling news. 'With live television, there's no time to weigh up all the pros and cons, we have to react quickly — while still ensuring accuracy.'

Chloe says her law degree has stood her in good stead in such situations as it taught her the skill of processing large amounts of information efficiently. 'Being forced to do those 10,000 word essays, go through reams of material and distil it into a clear argument really made a difference,' she says. 'For anyone who has survived that, putting together a rundown or a script on a complicated issue is easier.'

It also honed her ability to tell compelling stories that matter to audiences. 'At law school, you gain an understanding not only of how the law operates, but also of the ideas underpinning public policy and politics,' she says. 'These are the issues that make headlines, and understanding them helps you see what is newsworthy and how the big stories of the day will impact on people's lives.'

Her studies also gave her a grasp of media law issues, such as defamation and contempt of court, which has been invaluable: 'I know when the alarm bells should go off and when they shouldn't.' Then there's the symbolic value of an LLB, which helped to fast-track her career. 'People trusted that I could do the job,' she says. 'Law is a very respected degree, which demonstrates your intellectual prowess.'

Chloe says that fellow graduates who are looking for a new career direction should keep in mind that their degree holds significant value outside the legal profession. 'Those couple of extra years at uni prove you're a serious candidate, and can mean you don't have to spend double that time proving yourself on the ground,' she says. 'I think people don't always realise how important the skills they've gained are — like problem-solving, communication, and research.' jd

All the World's a Stage

Protecting Privacy in an Open World

Barbara McDonald

If Shakespeare were coining the phrase 'All the world's a stage' these days, he would probably be referring to a world where it's possible to track, record, aggregate and display the fine details of every man and woman's life for all to see.

The details lie in various pieces of electronic or digital data created willingly or unwittingly by us all, as we conduct our business and personal lives. Some internet gurus and social commentators may denounce privacy as 'dead', but individual citizens, parliamentarians, regulators, judges and others continue to fight for its survival. Privacy is a precious ingredient of a person's autonomy, freedom and ability to lead a fulfilling life. Governments and commercial entities, the media, even social media platforms, earnestly assure us that they take our privacy seriously. Yet it seems that every week we hear of a new invention — a pair of glasses, a drone, a body scanner — that can, sometimes literally, lay bare and record what we are and what we are doing.

The law on privacy has progressed further and more quickly in other countries than in Australia. While we have had federal data protection or information privacy laws in Australia since 1988, together with similar laws regulating state and territory government agencies, we do not have the level of explicit legal protection against invasions of individual privacy that can be found in the United Kingdom, many Canadian provinces, New Zealand, France, Germany, Singapore and elsewhere. Probably the most commonly used metaphor to describe privacy protection in Australia is that it's a 'patchwork'. What is clear is that it is very difficult for an ordinary person to find exactly where and how they can use the law to protect themselves from what they see as invasive conduct by others. This is not helped by our federal–state divide of legislative responsibility, under the *Australian Constitution.*

Over the last year, I have been fortunate to lead the Australian Law Reform Commission's inquiry into *Serious Invasions of Privacy in the Digital Era*, with terms of reference requiring the Commission to take an innovative approach to how the law might prevent or redress serious invasions of privacy, while appropriately balancing other fundamental values such as freedom of speech. It's been a fascinating but challenging experience. I have been ably assisted by a team including Sydney Law School alumni, Steven Robertson (BSc 2002, BA(Hons) 2005, LLB 2008, PhD Arts 2014) and Brigit Morris (BEcSocSc 2009, LLB 2011), and a succession of volunteer interns including Sydney Law School students Timothy Maybury (JD final year) and Jackson Wherrett (BA(Media&Commun) 2012, final year LLB). Our team has also

benefited greatly from the experience and wide legal knowledge of former Sydney Law School academic Professor Rosalind Croucher (BA 1977, LLB 1980), the President of the Commission, while the Advisory Committee included Associate Professor David Rolph (BA 1997, LLB 1999, PhD (Law) 2005) of Sydney Law School, an expert in media law, and several law alumni with expertise in media, communications or privacy law including Henric Nicholas QC (BA 1961, LLB 1964); Edward Santow (BA 2001, LLB 2003), Director of the Public Interest Advocacy Centre; Professor Graham Greenleaf (LLB 1975, DipEd 1976, BA 1976) of the University of New South Wales and Peter Leonard (BEc 1978, LLB 1980, LLM 1991) of Gilbert & Tobin Lawyers.

Because privacy concerns are raised in so many different contexts, submissions and stakeholder comments have come from a very wide cross-section of the community. They have included media organisations and journalists, banks, government departments, libraries and archives, professional photographers, social media platforms, advertisers, schools, health authorities, retailers, domestic violence and community legal centres, academics, farmers, animals rights activists, civil liberty groups, national security organisations, law enforcement bodies, residential neighbours. All of these groups have opinions on, and sometimes a stake in, the way the law protects the rights of individuals to go about their lives with some privacy, while also balancing the rights of others to conduct their own occupations or businesses or to exercise their own personal freedoms.

The two main types of privacy invasion with which the ALRC has been concerned are: unjustified disclosures of a person's private information; and intrusions into a person's bodily privacy or private space, affairs or activities.

Laws protecting information privacy clearly compete with freedom of speech, a contentious topic in the Australian community recently in the context of racial discrimination laws. Just as it is almost universally recognised that freedom of speech is not an absolute value in a civilised society in that context, so too is it recognised that freedom of speech and privacy must be balanced. The difficulty is how to do it and where the boundaries should be drawn. Boundaries will undoubtedly change with the times and with community expectations. They will depend too on the boundaries that the claimant has manifested to others. It is not possible for Parliament to legislate for every situation, so the balancing act must be left to the courts or whatever other regulatory body — such as a privacy commissioner or the Australian Communications and Media Authority — is given the power to hear disputes, take action or grant remedies.

Intrusion into someone's private sphere is more difficult to adjudicate upon. Everyone's home is his or her castle, and it is straightforward to complain of intrusion when someone has invaded a deliberate barrier such as a gate, an internet password, or a lock on a file or an account. But do people lose all reasonable expectation of privacy of their every activity when they step outside? Is there any limit that should be placed on the recording and filming of other people's personal moments in public or the broadcasting or worldwide communication of those moments on the web?

The key part of the ALRC's final report, to be delivered to the Attorney-General at the end of June 2014, will be the detailed legal design of a cause of action for serious invasion of privacy. The decision as to whether to implement any part of the report will be up to current and future governments. The need for, or desirability of, a new statutory action to protect individuals depend greatly on when and how the common law develops. But the report will also suggest other ways that existing laws could be amended or supplemented to bring Australia closer to the protections found in other countries and to iron out some of the anomalies in the legal patchwork. jd

Professor Barbara McDonald (BA 1973, LLB 1976) is a Commissioner at the Australian Law Reform Commission. She has been a member of the full-time faculty since 1990. She has been a Visiting Professor at the University of Texas at Austin and is currently a Visiting Professor in law at the New College of the Humanities, London. She has published widely in tort, equity, remedies and media law.

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Sexting and Young People

Thomas Crofts and Murray Lee

Imagine you are a teenager. You take a semi-nude photo of yourself with your mobile phone. Perhaps you decide to send it to your boy/girlfriend as a bit of fun or to be flirtatious. What if the boy/girlfriend passes this image on to other friends to brag about what a 'hot' girl/boyfriend he or she has? Would you feel flattered? Confident? Embarrassed? Then you split up and the ex-boy/girlfriend distributes the image to friends or your family in an act of revenge. Would you feel betrayed? Angry? Violated? Wish you hadn't taken the image? Wish your ex hadn't sent the image on? Not care, because it was only a bit of fun and anyway lots of teenagers take and distribute semi-naked images of themselves?

All of these scenarios are possible. But would you also think that you could be liable for a child pornography offence? Do you think it is right that you could face conviction for a child pornography offence and placement on the sex offender register for 'sexting'? These are just some of the issues that we are investigating with Dr Alyce McGovern and Dr Sanja Milivojevic from the University of New South Wales, in a research project funded by an Australian Institute of Criminology Research Grant (CRG) and supported by the NSW Commission for Children & Young People and Sydney Law School.

The project is a mixed-method, interdisciplinary and inter-university study of sexting which set out to:

1. analyse the laws that are applicable and should or should not be applicable to sexting behaviours;
2. evaluate broader community perceptions about young people and sexting by analysing media and policy materials; and
3. understand the perceptions and practices of young people in regard to sexting, through a quantitative online survey and qualitative interviews.

All stages of the project have now been completed, so, briefly, what have we learned?

Perhaps the first thing is that 'sexting' is a term that is generally not used by young people. This was confirmed by focus groups undertaken with young people (aged between 18 and 20) at the University of Sydney, University of Western Sydney, and Sydney TAFE. The term 'sexting' is seen as one used in the media and by out-of-touch adults. When young people talk about this behaviour, they refer to selfies, nudies, etc.

It is unclear what exactly people are referring to when they use the term 'sexting'. At its core, it means the digital recording of images of a naked or semi-naked person and distribution by

Young people have always explored their sexuality and this is a normal part of development. There is also nothing new about adult concerns over young people exploring their sexuality.

mobile phone or social media (for example, Facebook or Snapchat). From there, things are less clear. It may be used to refer to the consensual sharing of images between intimate partners, the non-consensual distribution to third parties of a consensually taken image, but also the non-consensual creation and distribution of images (for example, images taken of an indecent assault). This shows that we need greater clarity over what exactly we mean when we talk about sexting, especially if we are to develop appropriate legal and non-legal responses to this behaviour.

Turning to our online survey, what have we learned about young people's practices and perceptions?

Our survey suggests that sexting is quite a prevalent practice. We discovered that 48.9 per cent of respondents had sent a 'sexual picture of themselves', and that of these 43 per cent had sent an image only to one person in the last 12 months. The most common reasons for sending a sext were 'to be fun and flirty' (27 per cent females, 27 per cent males); and 'as a sexy present' (25 per cent females, 21 per cent males). We also asked the respondents what they thought the reason was for others to send sexts. Here, we see that there is a perception that girls, in particular, were likely to be pressured into sending a sext. This suggests a significant difference between the perceptions of young people in general and the motivations of those who engage in the behaviour.

So what about the social and legal response to sexting?

Our review of the media found that early media reports, particularly between 2008 and 2011, estimated that young people were being prosecuted in their hundreds for child pornography offences in relation to sexting (see, for example, *The Herald Sun*, 11 October 2011). We therefore investigated whether it was possible that young people could be prosecuted and sought to discover whether this really was happening. In recent years, the federal government has taken the lead in strengthening child pornography laws, in line with its international obligations. New technologies are thought to be fuelling the exploitation of children by increasing demand for 'ever greater levels of depravity', but also 'through the repeated distribution of the image, or images, through international networks' (Criminal Justice Division, Attorney-General's Department (Cth), *Proposed Reforms to Commonwealth Child Sex-Related Offences* (2009) 44). Under the *Criminal Code Act 1995* (Cth), child pornography is now defined to include depictions, representations or descriptions of a person who is, or who appears to be, under 18, engaging in, or appearing to engage in, sexual activity or a sexual pose, or being in the presence of a person doing or appearing to do the above. It also extends to depictions, representations or descriptions for a sexual purpose of the sexual organ, anal region or breasts (of a female) of a person who is or who appears to be under 18. In all instances the material must represent, describe or depict the material in a way that the reasonable person would find in all the circumstances to be offensive.

This definition means that it is possible for young people to be prosecuted for child pornography offences for creating, possessing and disseminating child pornography, even where they consensually take and send a naked or semi-naked picture of themselves (provided of course that the reasonable person would find the material offensive). So, given this, are young people being prosecuted in the numbers claimed by newspaper reports?

The answer appears to be 'no'. Even the newspaper that had estimated (in 2011) that hundreds were being prosecuted, reported a year later that in the past four years only two teenage boys had been charged with child pornography offences under the Commonwealth Criminal Code and five others had been given a caution (*The Herald Sun*, 1 October 2012). Neil Paterson, Acting Commander of Victoria Police, also noted in 2013 that there have been no prosecutions under child pornography laws of a young person for sexting alone. This suggests that police are using discretion not to prosecute but to caution in cases where sexting comes to their attention but there are no aggravating factors.

So, what should be done about sexting? In many ways, sexting is not new behaviour and there is little that needs to be done in most cases. Young people have always explored their sexuality and this is a normal part of development. There is also nothing new about adult concerns over young people exploring their sexuality. What *are* new are the technologies that can allow a rapid and uncontrollable dissemination of the images.

In terms of law, there needs to be a rethinking of whether sexting behaviour fits the rationales for child pornography offences. In most cases it does not — and therefore it is appropriate, as the

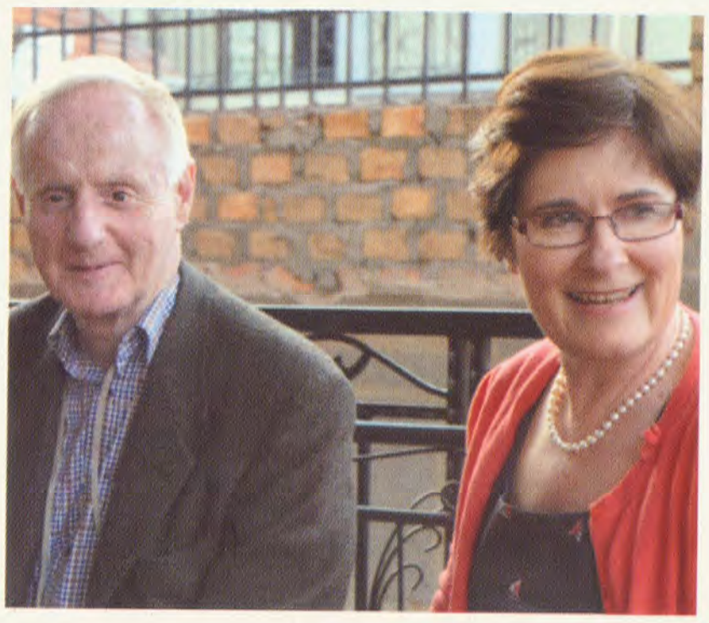
Victorian Law Reform Committee is suggesting, that defences be introduced to child pornography offences for young people (*Inquiry into Sexting*, Parliamentary Paper No 230, May 2013). The Committee is also recommending a new offence for intentionally distributing or threatening to distribute an intimate image of another person without that person's consent. This offence recognises the growing problem of adults also distributing images without consent (for example 'revenge porn'). In recognition of the fact that criminal law is not the only means of regulation, the Committee also recommends reviewing civil laws and consideration of whether a new cause of action for serious invasions of privacy should be developed.

Changing the law can, however, only do so much. Schools should adopt into curriculums holistic, integrated programs for internet and communications technologies awareness and safety, and teachers should take part in professional development focusing on cyber safety. Further, media campaigns should focus on the appropriateness of the behaviour of people distributing without consent, rather than person initially creating the image. In particular, our research indicated that an abstinence approach like the one that has been adopted in many campaigns is unlikely to work. The reason for this is quite simple: many young people already engage in the practice relatively safely, and realise the negative scenarios portrayed in such campaigns are rare. It is the risk involved in engaging in such behaviour that also holds its attraction for young people. More fundamentally, sexual ethics, morals, and practices need to catch up with the technological change that living online lives has brought about. jd

Associate Professor Thomas Crofts is Director of the Sydney Institute of Criminology. A graduate of University College London, the Bayerische Julius-Maximilians-University Würzburg, and the European University Viadrina Frankfurt (Oder). He has taught at Murdoch University, the European University Viadrina Frankfurt (Oder) (1995–1999) and the Bayerische Julius-Maximilians-University Würzburg (1993–1995). His research centres on criminalisation and criminal responsibility, exploring how and why behaviours are defined by, and governed through, criminal law.

Associate Professor Murray Lee is the author of *Inventing Fear of Crime: Criminology and the Politics of Anxiety*, co-author of *Policing and Media: Public Relations, Simulations and Communications*, co-editor of *Fear of Crime: Critical Voices in an Age of Anxiety*, and editor of the journal *Current Issues in Criminal Justice*. His research interests involve fear of crime, policing and the media, 'sexting' and young people, crime prevention, confidence in criminal justice systems, and the spatial determinants of crime.

Awards Double for Sydney Law School Couple



They work together and share their lives together. Professors Mary Crock and Ron McCallum even win awards together.

Recently, Emeritus Professor McCallum AO was selected for a prestigious Henry Viscardi Achievement Award and Professor Crock named in the seventh edition of *Best Lawyers in Australia*.

Emeritus Professor McCallum was one of 12 recipients worldwide of a Henry Viscardi Achievement Award. The Awards recognise exemplary leaders in the disability community, particularly those who have had a tangible impact on shaping attitudes, raising awareness and improving the quality of life of people with disabilities.

The awards were developed to honour Dr Henry Viscardi Jr, a leading international advocate for people with disabilities and disability advisor to eight US Presidents.

Professor Crock, meanwhile, was named in the 2014 edition of *The Best Lawyers in Australia* for her work in immigration law.

Willem C Vis International Commercial Arbitration Moot

Professor Chester Brown

Sydney Law School's Vis Moot team achieved excellent results at the finals of this year's Willem C Vis International Commercial Arbitration Moot, held in Vienna, Austria, 11–17 April 2014.

The team, consisting of Matthew Barry, James Argent, Heydon Wardell-Burrus and Dominique Yong, spent months researching and drafting legal memoranda on the procedural and substantive issues arising out of the Vis Moot problem, which concerned an international commercial transaction governed by the UN *Convention on the International Sale of Goods* (although the applicable law can also be one of the issues in dispute, which was the case this year). International commercial arbitration is the method of resolving the dispute, rather than the national courts of either of the states of nationality of the parties in dispute. The team members were expertly guided and prepared by two coaches, Domenico Cucinotta and Reuben Ray (both of whom were in Sydney Law School's Vis Moot team in 2010–11), and many members of the legal profession and past Vis Mooters generously gave their time to sit as arbitrators in practice moots.

The team held a traditional 'demonstration moot' for friends, family, and others at Sydney Law School on 25 March 2014, at which the arbitrators were Professor Vivienne Bath, Professor Malcolm Holmes QC (Eleven Wentworth Chambers, and Adjunct Professor at Sydney Law School), and Jo Delaney (Baker & McKenzie). The team then left for Europe in early April to participate in 'pre-moots' organised by the International Chamber of Commerce in Paris and the Permanent Court of Arbitration in The Hague. The pre-moots provided an ideal opportunity for the team to meet strong competition (from, for example, teams from universities in Brazil, Canada, the United States, Singapore, India and Iceland), and ensure that the team was able to hit the ground running when the finals began. A highlight was the

opportunity to moot in the hearing rooms of the Peace Palace, which also houses the International Court of Justice in The Hague.

As in past years, 300 universities had entered teams in the Vis Moot Finals, making it a tough competition in which to progress beyond the preliminary rounds. The Sydney team had four testing moots in the preliminary rounds against the University of Alexandria (Egypt), Università Commerciale di Luigi Bocconi (Italy), Dar Al Hekma School of Diplomacy and Law (Saudi Arabia), and Penn State (USA). However, we were delighted when it was announced that the Sydney team had eased into the knockout 'Round of 64'.

In that round, Sydney mooted against NALSAR from India. In a moot chaired by Sir Anthony Evans (former Lord Justice of Appeal), the Sydney team was victorious.

Another tough encounter followed the next day in the Round of 32 against Sciences-Po (France), but Sydney again prevailed.

With just enough time for the team to catch its breath, the Round of 16 Moot was against the University of San Diego. Again, Sydney was victorious in a unanimous decision from a panel chaired by Professor Martin Hunter of Essex Court Chambers, London, and one of the leading luminaries from the world of international commercial arbitration.

The Sydney team's journey unfortunately ended in the quarter-finals where the tribunal awarded the Moot in a split decision to our opponents, the University of Heidelberg (Germany). However, the team's achievement in finishing in the top 8 of 300 teams is a testament to all their hard work over the six months leading up to the Vis Moot finals.

At the final awards banquet, the team received an 'honourable mention' for its Memorandum for the Respondent (that is, its memorandum was ranked in the top 20 of 300) and Dominique Yong was awarded an honourable mention as one of the top individual oralists.

The ultimate winner this year was Deakin University (the only other Australian university to progress to the quarter-finals), which defeated the National Law School of India in a very tight final.

We are extremely grateful to those who generously made donations to support the team's participation in this year's Vis Moot — Clifford Chance LLP, the NSW Bar Association, the Chartered Institute of Arbitrators, and Sydney Law School. King & Wood Mallesons and Clayton Utz also provided support to the team, which was much appreciated. Sincere thanks are particularly due to the team's two coaches, Domenico Cucinotta and Reuben Ray, who did a wonderful job preparing the team for the rigours of the Vis Moot. jd

Courting the Fourth Estate

Judicial Perspectives on the Media

David Rolph

The media — old and new — pervade everyday life: radio; television; newspapers, less frequently in hard copy, more commonly now online, on tablets or on phones; proliferating internet platforms, like Twitter and Facebook.

They report on matters of great public interest, as well as that in which the public is merely interested. What occurs in courtrooms is often of great public and human concern. It is unsurprising that court reporting has been and remains a staple of news and current affairs.

Courts have a complex, sometimes difficult, relationship with the media. The principle of open justice is fundamental to the rule of law. In order to give effect to this principle, courts rely on the media to act as 'the eyes and ears of the public'. The media are sometimes characterised as 'the fourth estate', suggesting that they have a quasi-institutional rule in government and public life more generally. When discussing the role of the media, judges often invoke these metaphors. Views expressed about the media by judges, though, are not always so complimentary.

Judges do not have a single view of the role and importance of the media. In judgments and in speeches (because judges often talk about the media, if not to them), they express a range of views. As well as viewing them as 'the fourth estate' and 'the eyes and ears of the public', judges recognise that media outlets can act as educators of the public and as sources of information. On occasion, judges have recognised that the media perform a significant function by being the exposer of public abuses. In *Australian Broadcasting Corporation v O'Neill* (2006) 227 CLR 57, Gleeson CJ and Crennan J observed that, in a liberal democracy, investigating and exposing public abuses is not the exclusive province of the police and the courts; the media play a vital role, too. Without the media performing this function, many important public scandals would have remained hidden. The media can also act as an important conduit between the work of the courts and the general public. These are usually positive characterisations of the media's role.

There are relatively neutral characterisations of the media's role. Judges sometimes perceive the media as gatekeeper, filtering what the public learns about the courts and their functions. In other contexts, the media are treated as a citizen, just like any other person, with no greater rights, privileges or entitlements than natural persons. Thus, courts have not been willing to recognise a special licence for media outlets to go onto a person's property to seek an interview and, at common law, courts have not been willing to recognise that an appeal to freedom of the press justifies providing journalists with a special privilege against disclosure of their confidential sources.

Sometimes, judges can view the media's role in a more negative way. The media can be characterised as a source of negative influence or merely a form of entertainment, committed to maximising profits through the pursuit of what is popular rather than what is in the public interest. They can be a repository of power, trenching upon the rights of ordinary people, and the courts might need to intervene to protect those affected by the media's misuse of their position. The media can also be viewed as setting themselves up as an alternative forum for dispute resolution — 'the court of public opinion' in which 'trial by media' occurs.

All of these various ways of perceiving the media and their roles manifest themselves in judgments and speeches given by judges. I am currently undertaking an Australian Research Council Discovery Project grant to analyse how judges perceive the media and how this informs and sometimes affects judicial reasoning in cases affecting the media. The project is a thematic analysis, exploring these various ways of viewing the media and their functions. Often, media law analyses issues in isolation, according to cause of action or subject area — such as defamation law or privacy law or contempt of court. My project attempts to map these differing views thematically, across areas of law and across causes of action, to see when and how these differing perceptions are relied upon and to see how they conflict with or complement each other or overlap. Often, media law adopts a localised approach, focusing on one jurisdiction, or a limited comparative approach, comparing and contrasting a few jurisdictions. My project attempts to map these views across a number of jurisdictions — Australia; New Zealand; the United Kingdom; Canada; the United States; and the European Union. The themes I have identified are not limited to any one jurisdiction. They all manifest themselves in slightly different ways, with slightly different emphases, across all these jurisdictions. Often judges are dealing with similar legal issues in each of these jurisdictions, so how judicial perceptions of the media and their role inform and affect decision-making in one jurisdiction can provide insights for other jurisdictions.

So, how might judicial perceptions of the media inform and affect decision-making? My argument is that there are some cases in which this will be overt and open, given the nature of the decision to be made. A good example is the High Court of Australia's decision in *Australian Broadcasting Corporation v O'Neill*. In this case, a man imprisoned for life for the murder of a child wanted an injunction to stop the broadcast of a documentary which alleged that he was involved in several other unsolved child murders. He claimed this was defamatory of him. At first instance, in the Supreme Court of Tasmania, the trial judge granted an injunction, in significant part because, in his view, the documentary amounted to not merely 'trial by media'; he suggested

The media can be characterised as a source of negative influence or merely a form of entertainment, committed to maximising profits through the pursuit of what is popular rather than what is in the public interest.

that 'a more appropriate description in this case would be "conviction by media"'. The injunction was granted. On appeal to the High Court, Gleeson CJ and Crennan J took issue with the reliance on 'trial by media' or even 'conviction by media' here. Their Honours accepted that invoking 'trial by media', in certain contexts, can be appropriate but, in the present case, was not particularly useful, as they accepted that it was entirely legitimate in a free society for the media to investigate and to expose actual or alleged criminal conduct. The differing views about the role of the media and the nature of the media's behaviour in this case was highly relevant to the assessment of the balance of convenience — the test that would determine whether or not the injunction was granted — and contributed to different outcomes being reached. This is just one of many examples of how judicial perceptions of the media can contribute to influencing and affecting the outcomes of cases.

Of course, my argument is not that judicial perceptions of the media in each and every case informs or affects each and every decision made in an overt or a mechanical way. It is not that there is a straightforward causal relationship between the way in which judges think about or discuss media conduct and the outcomes of cases. There are cases in which a media outlet has escaped liability, even though the court has taken a dim view of the media outlet's conduct. Judges and the media do not have to like one another. It is important for judges and the media to understand one another. The media play a vital role in keeping public institutions, including the courts, accountable. Courts rely on the media to inform and educate the public about what goes on in their courtrooms, but also, from time to time, have to hold the media accountable for their actions. Courts and the media have a significant and interdependent relationship. The goal of my research project is to contribute new insights that will enhance this relationship. jd

Associate Professor David Rolph (BA 1997, LLB 1999, PhD (Law) 2005) specialises in media law. He is the author of two books and many book chapters and journal articles, on all aspects of media law. He serves on the editorial boards of the *Media and Arts Law Review*, the *Communications Law Bulletin*, *Communications Law* and the *International Journal of the Semiotics of Law*. He is a regular columnist for the *Gazette of Law and Journalism* and a frequent media commentary on a range of media law issues.

Honorary Degrees

In May, the Sydney Law School conferred two Doctor of Laws (Honoris Causa) degrees.

Michael Hwang SC

Born in Sydney, Michael Hwang lived here as a child until his family moved back to Singapore. He won entry by scholarship examination to Oxford University, and undertook undergraduate and post graduate studies there, earning the title of College Scholar. After graduating, he was appointed by the University of Sydney. He began a close association with International House, where he was one of the first cohort of residents in 1967.

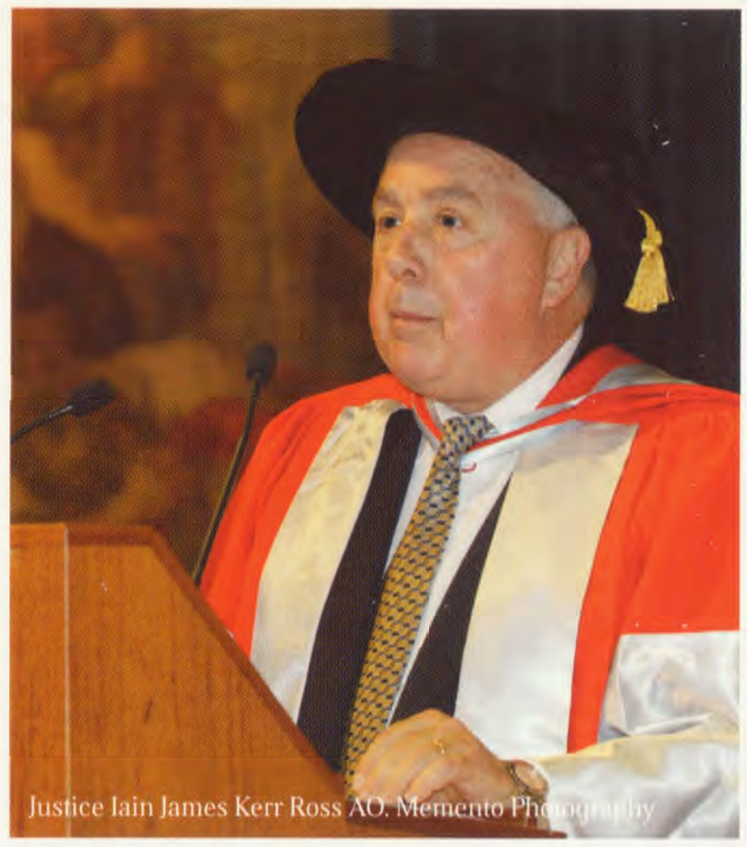
In Singapore, Dr Hwang had joined what is now Singapore's largest legal firm. In 1991 he was appointed a judicial commissioner of the Supreme Court of Singapore. He was later appointed one of the first 12 Senior Counsel of Singapore.

After retiring from his firm in 2002, Dr Hwang began to mark out a new life in the burgeoning new field of international commercial and investment treaty arbitration. Successively he has been appointed a Commissioner of the United Nations Compensation Commission in Geneva; a member of the Permanent Court of Arbitration at The Hague; a member and Vice-Chairman of the International Court of Arbitration in Paris; a Court Member of the London Court of International Arbitration and a Council Member of the International Council for Arbitration in Sports at Lausanne. He also played a significant role in the development of the highly successful and influential Singapore International Arbitration Centre. He has assisted similar bodies in Hong Kong and Dubai. He has spoken and written extensively on arbitration, culminating in the publication of a book, *Selected Essays on International Arbitration,* late last year.

Since 2010, Dr Hwang has been designated Chief Justice of the Dubai International Financial Centre Courts.

Michael Hwang is an outstanding example of the fresh opportunities that are opening up to our law graduates today. He has embraced a new field, but never forgotten the lawyerly skills that he taught at Sydney Law School 45 years ago.

Michael Hwang SC. Memento Photography



Justice Iain James Kerr Ross AO. Memento Photography

Justice Iain James Kerr Ross AO

Justice Ross (BEc 1981, LLB 1983, LLM 1987, PhD 2001) was admitted to legal practice in 1983 and was appointed a Vice President of the Australian Industrial Relations Commission in 1994, a position he held for almost 12 years. Between 2006 and 2008, he was a partner with Corrs, Chambers and Westgarth.

In November 2007, Justice Ross was appointed as a Judge of the County Court of Victoria and as a Vice President of the Victorian Civil and Administrative Tribunal. Two years later, he was appointed Judge of the Supreme Court of Victoria and from 1 April 2010 to 23 February 2012 he was the President of the Victorian Civil and Administrative Tribunal.

On 1 March 2012, Justice Ross was appointed a Judge of the Federal Court of Australia and President of Fair Work Australia, now known as the Fair Work Commission.

He was awarded a Centenary Medal on 1 January 2000 for service as Vice President of the Australian Industrial Relations Commission and was made an Officer of the Order of Australia on 13 June 2005.

Justice Ross was a part-time Commissioner of the NSW Law Reform Commission between 4 March 1998 and 31 December 2001. He was also a member of the Tribunal's Working Group to the Australian Law Reform Commission's Review of the Federal Civil Justice System and previously acted as a consultant to the ALRC's Collective Investments reference.

Justice Ross was a part-time Commissioner of the Victorian Law Reform Commission from August 2003 to May 2010. In October 2006 he was appointed Acting Chairperson for an interim period, pending the appointment of a full-time chair in June 2007.

At The University of Sydney, Justice Ross was instrumental in the establishment of an industrial advocacy training course run by the then Australian Centre for Industrial Relations Research and Training (ACIRRT), and since 1997, he has been a part-time lecturer at Sydney Law School. In 2004, he was appointed an Adjunct Associate Professor in Law.

Justice Ross was the inaugural Chair of the Mediator Standards board and was the Chair of the Council of Australasian Tribunals from June 2010 to February this year.

In his work with the Council of Australasian Tribunals and as President of both the Victorian Civil and Administrative Tribunal and the Fair Work Commission, Justice Ross has been an active proponent of tribunal excellence. jd

COVER STORY

Freedom's Whisperers: Lawyers and Liberty

Daniel Ward

Daniel Ward gave this speech at the 2013 Prize Giving Ceremony. At the ceremony, he accepted awards including the University Medal. This year, Daniel was the recipient of the Peter Cameron Scholarship.

There's an old story that at the triumph of a victorious Roman general, a slave would accompany the general on his chariot. The slave would whisper, 'Remember, you're only a man.' Here in the New Law Building, where the odd light fitting has been known to plummet unexpectedly from the ceiling, we don't need any further reminders of our own mortality. (Although those of us starting careers at large commercial law firms maybe need a man whispering, 'Remember, you're only a slave.')

I have to admit: sometimes at law school I've felt like I needed a whispering slave — not to remind me I'm human (because if the flying light fittings didn't do that then the Real Property exam certainly did!), but rather to remind me what I'm doing here. Why do we put ourselves through law school? Why do we voluntarily submit to an experience that, as my premature grey hairs attest, can be a harrowing ordeal?

There's perhaps no better person to ask than Professor Peter Gerangelos, whose constitutional law lectures were some of the most thought-provoking of my time here. I remember one class in which Professor Gerangelos waxed lyrical about Chief Justice John Marshall of the United States. 'You see, ladies and gentlemen,' he said, 'everybody remembers the Mozarts and the Michelangelos, but the great jurists like Marshall are the unsung heroes — they build the legal basis for societies where the Mozarts and Michelangelos can flourish.'

Is that why we come to law school? Is that why we struggle to master topics with exotic names like 'profits à prendre' and 'High Trees estoppel'?

If lawyers are around to build societies in which great art can flourish, then their record is patchy. Much of the finest creativity of the last century, for example, came about in spite of, or perhaps because of, the perversion of law. That's certainly true of the great Russian composer, Dmitri Shostakovich. He lived in fear of the midnight knock on the door and the show trial presided over by Soviet lawyers (or pseudo-lawyers). But it's fair to say that Shostakovich's agony spawned some pretty stunning music.

Meanwhile, Chief Justice Marshall's opinions laid the legal foundation for a society that gave us Paris Hilton and Kim Kardashian.

So much for 'high art'.

But here's where I think Professor Gerangelos had it dead right: lawyers *should* be at the forefront of the enduring effort to preserve the freedoms and the rights that allow us *all* to flourish as human beings. And for me, that is a pretty good reason to persevere through law school.

I wonder how we, as Australian lawyers, will handle this immense responsibility.

Last year I was lucky enough to go on exchange to NYU Law School. Another student there at the time was Chen Guangcheng, a blind, self-taught lawyer and political dissident from China. You may recall how his stint in the US Embassy in Beijing caused a major diplomatic incident last year.

NYU law professor Jerome Cohen helped broker a deal that allowed Chen to travel to the United States. Cohen interviewed Chen before a packed hall of NYU students, and encouraged us to ask questions. There was one particular

moment that I'll not soon forget. Against the backdrop of a row of star-spangled banners, Professor Cohen leaned forward and said, '*Everybody* should feel free to speak up. I include our other Chinese friends studying at NYU. You're free to speak.' And at this point, the righteous indignation in Cohen's voice became palpable. 'It's one thing,' he said, 'for the Chinese authorities to stifle expression in their own country. But what is truly objectionable is when they try to extend that to this country, when they try to prevent people enjoying the freedoms of America. That's where the line really has to be drawn.'

To my mind, this was the American legal profession at its best: jealously guarding the liberties bequeathed by the Founding Fathers and the English common law.

I wonder how we will measure up when it comes to defending our liberties.

Those of us who've been through the clerkship application pantomime know how, at law firm cocktail evenings, you begin desperately groping for ways to start conversations. To paraphrase the title of one first-hand account of the Osama Bin Laden killing, these are no easy evenings. You have to sound eager but not sycophantic. Likeable but not banal. Interesting but not, shall I say, *too* interesting.

In my Woody Allen-like social panic at these events, I'd sometimes ask the highflyers what it was like for a lawyer schooled in common law liberalism to do business in the People's Republic of China. The response was usually a blank look. This was dismaying on two scores. First, of course, that was yet another lame attempt at conversation that had crashed and burned. But second, there often seemed to be not the slightest inkling of why I would ask the (admittedly maladroit) question. One lawyer told me that, as long as people wanted to make money, they were fine to do business with.

Ignored in these exchanges were the many aspects of the Chinese system that should make a common lawyer uneasy, to say the least. Let me give an example. I'm one of those lunatics who actually enjoyed studying Administrative Law. A key aspect of Admin is the common law right to 'procedural fairness'. It tells us something very significant — I would say almost 'moving' — about our legal system. When government wields its power in ways that touch us personally, we, as individuals, have a common law right to be heard, to put our case. The state can't ride roughshod over the individual, whether that individual be a corporate mover-and-shaker or a helpless asylum seeker: Alan Bond, or Plaintiff M61.

Now contrast this with the reported treatment of 1.5 million people forced out of their homes to make way for the grand vision of the Beijing Olympics in 2008. It appears that when some of these people tried to put their case, which the common law would give them a right to do, they were thrown into labour camps to be 're-educated'.

Maybe I'm paranoid. But I sometimes worry about Australian lawyers' vigilance when it comes to protecting our liberties.

Dmitri Shostakovich

Lawyers should be at the forefront of the enduring effort to preserve the freedoms and the rights that allow us all *to flourish as human beings.*

In particular, I worry about the impacts of our expanded dealings with the Middle Kingdom, a state without even a semblance of what the great British jurist Albert Venn Dicey labelled 'the rule of law'. My concern is that we, as lawyers — a group of people peculiarly entrusted with the safeguard of our liberal traditions — will be blinded. Blinded by the dazzling array of commercial opportunities that a growing China presents. 'As long as they want to make money, they're fine to do business with.'

For what it's worth, I think the danger is that we'll get comfortable with authoritarianism. There's a risk that we'll subconsciously make a thousand tiny concessions to illiberalism, and allow it to insinuate itself into our psyche. We might come to tolerate affronts to the rule of law. In short, commercial opportunity threatens to hypnotise us, turning us into well-meaning Manchurian Candidates.

My grandfather had been the last person in my family to begin a law degree. He didn't finish it, and not because William Gummow failed him in Equity. It's because as a student in Czechoslovakia, he'd been a vocal participant in anti-communist protests. When the communists took over in 1948, the writing was on the wall. He didn't wait to be lined up against that wall. He quit law school — then he quit the country.

I wonder how we would react if the writing were on the wall like that here. Would we quit? Or would we perhaps accommodate ourselves to the new ways? If there's one thing we're good at, it's mental gymnastics.

But maybe there are reasons to be optimistic. There is, after all, a lot of fervent talk at law school about human rights. Many students and academics are acutely aware of threats to these rights, whether in this country or elsewhere.

Yet for all the human rights talk, there's a lot less discussion of more pedestrian matters, like our rights here in this very institution.

In 2010, the University of Sydney

Above: Chief Justice John Marshall, 1862

Vice-Chancellor approved a document called 'Harassment and Discrimination Prevention Policy and Resolution Procedure'. It purports to ban, across all areas of University life, something called 'Unlawful Harassment'. The policy defines that term as behaviour that offends, insults, humiliates or intimidates a person, and could reasonably have been expected to do so. It goes on to identify the grounds on which it is forbidden to 'target' someone for this kind of behaviour. These grounds include things like 'race, sex, … [and] disability'.

Astonishingly, though, they also include the following: 'political belief, lack of a political belief, lack of a particular political belief (including trade union activity or lack of it, and student association activity or lack of it), religious belief, lack of a religious belief, and/or lack of a particular religious belief'.

It's nothing if not comprehensive.

If University has become a place where we can't offend people on the grounds of their political or religious beliefs, then God help us all (and of course I say that without wishing to offend the atheists in the room). What has this University come to, if a jackbooted socialist can't go up to a Young Liberal and hurl all the abuse his limited imagination can muster? What has it come to, if we have to think twice before aping a former Labor Prime Minister and labelling our opponents 'desiccated coconuts' or 'mangy maggots'? Surely this is the *last* place in the country where we should see a policy like this. Because it's precisely the place where debate should be at its most vigorous and, yes, at times, offensive, insulting and even humiliating.

I'm reminded of something Justice Kirby wrote in *Coleman v Power*. He said:

> *One might wish for more rationality, less superficiality, diminished invective and increased logic and persuasion in political discourse. But those of that view must find another homeland. From its earliest history, Australian politics has regularly included insult and emotion, calumny and invective, in its armoury of persuasion. They are part and parcel of the struggle of ideas.*
> ((2004) 220 CLR 1, 90)

To my mind, the University's policy on so-called 'Unlawful Harassment' jeopardises free political discourse, and it is exactly the kind of thing that should set off alarm bells for law students (and indeed for legal academics). Not least because there may be a question whether the policy is even legal, given that the University Senate only has as much power as the NSW Parliament can constitutionally bestow conformably with our implied constitutional freedom of political communication.

This kind of policy didn't withstand the scrutiny of the wider public when Nicola Roxon tried it with the Human Rights and Anti-Discrimination Bill of 2012. So how does the University Senate get away with it? If we, as lawyers or budding lawyers, are happy with our own university administrators tampering with something as fundamental as our freedom to speak, then how vigilant are we going to be in society more broadly?

As former Chief Justice Spigelman made clear at admissions ceremonies, we are the inheritors of a great legal tradition. In the absence of the Roman general's slave, we need to whisper to ourselves once in a while that this tradition, like the men and women who forged it, will not live forever unless we're careful to protect it. jd

Daniel Ward is the winner of the 2014 Peter Cameron Sydney Oxford Scholarship.

An outstanding student, Daniel graduated with first-class honours and the University Medal in Law in 2013, and received the Convocation Medal for the same year. As well as excelling in his studies, Daniel was a member of the 2011 Jessup Moot Team, volunteered at the Redfern Legal Centre and found time to act as President of the Sydney University Symphony Orchestra.

The selection committee, chaired by the Dean, Professor Joellen Riley, was impressed by Daniel's strong academic background (noting that he also won a University Medal for his Arts degree), his achievements in the Bachelor of Laws, and his community experience.

The Scholarship will support Daniel during his studies in the Bachelor of Civil Law (BCL) at Oxford. As part of the Scholarship, he has also been offered a place in Exeter College and will receive generous assistance with airfares from Herbert Smith Freehills.

The Peter Cameron Sydney Oxford Scholarship was established in 2007 by Sydney Law School and the Cameron family, through contributions from friends and colleagues of the late Peter Cameron. It aims to promote further study in law at the completion of a law degree and serves as an enduring memorial to Peter, who served as inaugural chairman of the Sydney Law School Advisory Board. Past Scholarship recipients are Stephen Lloyd (BA 2008, LLB 2011) and Andrew McLeod (BSc (Adv)(Hons) 2008, LLB 2010).

To support the Peter Cameron Sydney-Oxford Scholarship, contact the Development and Alumni Associate on 02 9351 0467.

What's this Freedom all about?

David Marr

Freedom is a big word — big, beautiful and contested. We now have a Freedom Commissioner sitting on the Australian Law Reform Commission and an Attorney-General dedicated, he says, to finding and fixing every Commonwealth law that tramples on 'traditional' freedoms.

But what Attorney-General Senator Brandis means by 'freedom' is still rather opaque. He did not champion the right of the ABC to report claims by refugees that they had had their hands burnt by military personnel as their boat was being towed back to Indonesia.

Nor did free speech triumph when the Sydney Biennale, under pressure from artists, declined funding from Transfield Holdings because it was earned, in part, by running immigration detention centres out in the Pacific. Brandis has directed the Australia Council to punish, with funding cuts, any arts organisation that caves in to such pressure in the future.

When the Attorney-General talks 'freedom', he talks about the need to roll back anti-discrimination laws. He believes that in the contest between freedom and anti-discrimination law — and the contest is real — too much has been won by too few at the expense of too many.

'For far too long the Human Rights Commission has in my view taken a narrow and selective view of human rights,' Brandis told Sky News in February this year. 'In effect it hasn't been operating as a human rights commission, it's been operating as an anti-discrimination commission. Now there is a role, in my view, for an anti-discrimination body of anti-discrimination law in Australia and there should be a Commonwealth agency to superintend it. But if we're to have a Human Rights Commission it's got to respect all human rights.'

This is where the rallying cry of freedom is being raised by the Coalition: on the contested ground between traditional assumptions of liberty and the protection offered in today's world to women, blacks, gays, the disabled etc. Always good at identifying the villain of the piece, *The Australian* blames the 'rights-seeking political Left, which chooses the freedoms it likes and the boutique groups it believes should be protected' (19 December 2013).

Religion and race are at the heart of a conservative campaign to wind back individual protection in the name of freedom. It's a particular freedom: the freedom to express as you could in the old days — publicly and without sanction — distaste, dislike and even hatred of familiar targets of abuse, particularly gays and blacks.

Militant Christians are disturbed by the drift of the law which in April saw the Victorian Court of Appeal side with homosexual and lesbian kids against the churches in *Christian Youth Camps Ltd v Cobaw Community Health Services Ltd* [2014] VSCA 75, a case that has been fought hard for seven years, drew in the International Commission of Jurists, provoked encyclopaedic judgments, and is now heading to the High Court.

A youth suicide prevention group tried, in 2007, to hire a camping ground on Phillip Island to conduct a homophobia awareness workshop for same-sex attracted adolescents. Although the owner of the camp, the Christian Brethren Trust, was happy to host school groups, businesses and end-of-season revelry for the Collingwood Football Club, it refused to take these gay kids because the Brethren holds that homosexuality is contrary to God's teaching.

At stake were exemptions offered by many states to religious bodies allowing them to discriminate against lesbians, homosexuals, remarried divorcees, adulterers etc, in employment and the provision of services where such discrimination is 'necessary to avoid injury to the religious sensitivities of people of the religion'.

Such provisions have offered little effective protection in the past, but here, a majority led by the Court's President, Chris Maxwell, drew a distinction between the beliefs of the Brethren and their right to impose them on others. The judges asked: was it 'necessary' in the terms of Victoria's *Equal Opportunity Act 1995* for the manager, Mark Rowe, to knock back the booking?

Maxwell P recognised the Brethren's ban on all sex outside marriage was 'a rule of private morality, adherence to which is no doubt of great importance to Mr Rowe and to members of the Christian Brethren. But it carried with it no obligation to try to convince others to adopt the same rule, less still to prevent other people expressing to each other the view that — contrary to Mr Rowe's belief — sexual activity between same sex attracted persons was not immoral but was part of the normal range of human sexualities'(at [330]).

The Australian Christian Lobby has condemned the decision and a fine of $5,000 as an erosion of Christian liberty. Salt Shakers (a Christian ethics action

Andrew Bolt speaking to media. *The Age*, 28/09/2011. Picture Justin McManus.

group) called the decision 'yet another example of the removal of free speech and freedom of action in our society … Biblical Christianity was again left out in the cold!' The NSW Council of Churches endorsed Pastor Peter Stevens of FamilyVoice, declaring: 'We have now reached a stage where a judge is deciding what Christians should believe — and Christians have lost the freedom to uphold and promote biblical sexuality for the common good.'

How this challenge to Christian homophobes will play out in conservative politics is not yet clear. The High Court is due to hear the Brethren's application for special leave in August. Meanwhile, the decision of the Court of Appeal will no doubt redouble lobbying efforts by Christian conservative groups against the Victorian Charter of Human Rights, which underpinned the result in *Christian Youth Camps*. The most effective opponents of the freedoms offered by bills and charters of rights in this country have always been the churches.

For the moment, all attention is focused on the parallel campaign led by Senator Brandis to restore the free speech of another conservative constituency: Australians troubled by race. Brandis told Parliament in March this year: 'It is certainly the intention of the government to remove from the *Racial Discrimination Act* those provisions that enabled the columnist Andrew Bolt to be taken to the Federal Court merely because he expressed an opinion about a social or political matter.'

For an Attorney-General to so misrepresent a decision of the Federal Court is deeply disquieting. Bolt's problem wasn't freedom, but shoddy journalism. He mercilessly attacked 18 fair-skinned Australians for advancing their politics and/or careers by identifying as Aboriginal. He did little research. He didn't put the accusation to them. He was spectacularly wrong about at least nine of them.

The admitted facts are the gateway to Justice Mordecai Bromberg's judgment: 'By their pleadings both Mr Bolt and [the Herald and Weekly Times] have admitted that each of Ms Heiss, Ms Cole, Mr Clark, Dr Wayne Atkinson, Mr Graham Atkinson, Professor Behrendt, Ms Enoch, Mr McMillan and Ms Eatock are of Aboriginal descent; that since each was a child, at the times of publication of each of the Articles, and at present, each person did and does genuinely self-identify as an Aboriginal person and did and does have communal recognition as an Aboriginal person.'

Aboriginality is a fraught issue, not least for Aborigines. The good faith provisions of s 18D of the *Racial Discrimination Act* allow for the robust expression of opinions about the issue. That Bromberg thought Bolt's writings likely to offend, insult, humiliate and intimidate Aborigines was not the problem. Bolt came a cropper because he failed the good faith test.

Brandis the lawyer knows that. He can read Bromberg's careful decision, which was not appealed by Bolt or his newspaper. But Brandis the politician has another message to deliver: he will let racists rage in the name of freedom.

Let me be clear. I believe offence and insult ought to be removed from s 18C. The law should never engage at such a low, subjective level whatever the good faith provisions of the legislation. The freedom to offend and insult are crucial in a free society. But gutting both ss 18C *and* D to allow racists open slather in public discourse — the right to humiliate, intimidate and worse on the basis of race — is not many Australians' idea of freedom.

A sudden conversion to classical liberalism doesn't explain the new politics of freedom. What's on foot in Prime Minister Abbott's Canberra is an appeal to the most conservative constituency in the country, to voters irritated by rights extended to people and causes they have long despised. The government is recruiting. Voters are being told the clock can be turned back. The usual, time-honoured questions help to identify what's happening here: Who benefits? Who suffers?

It's early days. Faced with opposition from every corner of Australia, the government seems set to beat a retreat on ss 18C and D. We have yet to see how Brandis addresses the impediments to liberty he identifies in Commonwealth legislation. But if Coalition ministers believe passionately in free speech, surely they should begin by campaigning to embed the right in the *Constitution*? But there is no sign of that happening.

We are a free country but our politicians are notoriously unwilling to give us the machinery to enforce our freedoms in the courts. Whatever party is in power in Canberra, Labor or the Coalition, Australia seems fated to remain the only democracy on earth without a national charter or bill of rights. Freedom means something different here. Something a little less. It's in the language. jd

David Marr (BA 1968, LLB 1971, DLitt (Honoris Causa) 2013) is a Walkley Award- winning journalist, currently working for *Guardian Australia*. He has written for *The Bulletin* and *The Sydney Morning Herald*, been editor the *National Times*, a reporter for *Four Corners* and presenter of ABC Television's *Media Watch*. His many books include *Barwick* (1980) and *Patrick White: A Life* (1991).

Sydney Law School's *Wingara Mura – Bunga Barrabugu* Strategy

Louise Boon-Kuo, Louisa Di Bartolomeo, Tanya Mitchell, Irene Baghoomians and Greg Tolhurst

Sydney Law School is building a community that respects and empowers Aboriginal and Torres Strait Islander cultures and perspectives, and supports Indigenous students. The Faculty has been working with students and staff to implement *Wingara Mura – Bunga Barrabugu*, the University of Sydney Aboriginal and Torres Strait Islander Integrated Strategy.

Wingara Mura – Bunga Barrabugu consists of 86 initiatives that promote Indigenous participation, engagement, education and research as a core objective of the University. It impacts on everything we do here.

The strategy frames an approach that will see change in the fabric and substance of individual and institutional relationships, reflection, effort and organisation at Sydney. The strategy will influence governance and standards, teaching and learning, community and stakeholder engagement, research, and the cultural and built environment of the University community.

The strategy is framed around a commitment to rights, opportunity and capability, and not a discourse of disadvantage. These three principles form the foundation of Sydney Law School's implementation plan.

Rights

The discourse of rights must, and does, adopt a bottom-up approach to decision-making, recognising the values of Aboriginal and Torres Strait Islander people and avoiding imposing alien values and choices. Aboriginal and Torres Strait Islander peoples and culture are unique, and Indigenous people have the right and freedom to be treated as equal and to be different, and to be respected as such. The strategy is therefore concerned with equal access to opportunities and capability to enjoy. We wish to promote the richness of social and cultural diversity.

We have forged a strong collaboration with a small but dedicated group of Indigenous and non-Indigenous students, and will be working with them on aspects of the strategy as we proceed. In a similar vein, our curriculum development seeks to embed aspects of cultural competence into the curriculum, in consultation with members of the Indigenous community.

Cultural Competence

Developing the 'cultural competence' of every academic, professional staff member and student in the faculty is a key concept of the strategy. It encompasses older notions of cultural awareness and cultural safety, but is a broader idea designed to incorporate consciousness of culture and respect for cultural difference.[1] One of the central purposes is to foster reconciliation.

It is our responsibility to help staff and students learn about aspects of Indigenous culture and history, and to engender awareness that one's own perspective is culturally constructed. We aim to create a culturally safe space where Indigenous students feel able to draw on their unique cultures and experiences to make a valuable and valued contribution to Law School life.

Guiding principles for cultural competence

- Indigenous people should be actively involved in university governance and management.
- All graduates of Australian universities should be culturally competent.
- University research should be conducted in a culturally competent way that empowers Indigenous participants and encourages collaborations with Indigenous communities.
- Indigenous staffing will be increased at all appointment levels and, for academic staff, across a wider variety of academic fields.
- Universities will operate in partnership with their Indigenous communities and will help disseminate culturally competent practices to the wider community.[2]

Sydney Law School has implemented a range of initiatives to promote cultural competence among students and staff, including hosting presentations by Lynette Riley, a Wiradjuri/Gamilaroi person who is a Senior Lecturer and Academic Leader from the Office of the Deputy Vice-Chancellor (Indigenous Strategy and Services). Participants in

her workshops experience an Indigenous Kinship system and gain understanding of the impact of colonial history on Indigenous communities.

We are also preparing for the university-wide *Wingara Mura Cultural Competence Curriculum Review.* An expert will advise us on how we might embed cultural competence throughout our core, elective and postgraduate programs. Professional staff engaging with Indigenous students will receive additional training. In semester two, Sydney Law School will run the *Wingara Mura Public Lecture Series,* designed around the broad theme of cultural competence.

Opportunity

'Opportunity' is about fostering talent, commitment, passion and vision. The University has an important role in providing such opportunity to students; however, it recognises that Aboriginal and Torres Strait Islander students face unique hurdles. Pathways to university and into law must be reassessed to ensure there are no unfair barriers to entry.[3] Sydney Law School is working with the Division of Humanities and Social Sciences to develop internal pathways into Law and to develop external entry pathways and scholarship opportunities additional to those existing under the Cadigal Alternative Entry Program and the Breadwinners Program.

Sydney Law School is also involved in the University's on-campus experience for Indigenous high school students. *The Wingara Mura – Bunga Barrabugu Summer Program* is designed to give Indigenous children a taste of university life.

One of the most pressing issues identified by our student body and concerned staff is the need to support our Indigenous students through their law studies. Numerous staff members have volunteered to tutor or mentor Indigenous students. We are currently seeking Indigenous members of the legal profession to act as mentors for students. We are also developing a dedicated section of the website, and are supporting students to create an Indigenous law students association, an initiative of one of our Indigenous students.

Capability

The strategy is concerned to maximise students' capability while maintaining their individuality. Students must be able to have a life where being Aboriginal or Torres Strait Islander is not the cause of upset, fear, shame or discrimination. Indigenous people must be free to define and do those things of value in their lives and in their communities.

The strategy envisions building a community, both within and beyond the University, where Aboriginal and Torres Strait Islander students and staff are able to:

- Enjoy Indigenous identity freely, safely, confidently, with pride, comfortable in a University community that is respectful of diversity and the freedom of others;
- Pursue academic interests, careers and contributions that are of intrinsic personal and academic pride, craft and purpose, free of limitations created by inequity, stereotyping and ignorance;
- Form, sustain and enjoy longstanding networks across diverse cultures and peoples that are of intrinsic and instrumental value;
- Confidently engage in and contribute to the life, commerce and the identity of Indigenous communities and broader society;

where all students and staff are able to:

- Engage effectively, respectfully and productively in critical thinking and self-reflection about Aboriginal and Torres Strait Islander issues specifically, and diversity more broadly; and
- Research and use knowledge from Aboriginal and Torres Strait Islander sources and settings, ethically and effectively.

Sydney Law School will continue to work with, and learn from, Indigenous and non-Indigenous students and staff, and members of the broader community, to make that vision a reality.

If you are interested in being involved in the implementation of Wingara Mura – Bunga Barrabugu at Sydney Law School please contact our Associate Dean (Indigenous), Professor Greg Tolhurst at greg.tolhurst@sydney.edu.au, or Postgraduate Wingara Mura Fellow, Louisa Di Bartolomeo at louisa.dibartolomeo@sydney.edu.au. jd

[1] Universities Australia, 'National Best Practice Framework for Indigenous Cultural Competency in Australian Universities' (2011), 6. Available online at https://www.universitiesaustralia.edu.au/uni-participation-quality

[2] Ibid 8.

[3] Approximately 5 per cent of Indigenous adults having attained a Bachelor degree or higher compared to 24 per cent of non-Indigenous adults: ibid 10-11.

The 2014 Aboriginal and Torres Strait Islander Summer Program

In January, the campus was abuzz as 209 Aboriginal and Torres Strait Islander high school students from as far afield as Darwin and Thursday Island spent a week in Sydney for the University of Sydney's inaugural Wingara Mura ('a thinking path') – Bunga Barrabugu ('to make tomorrow') Summer Program. The Program brought the students to the University to learn more about disciplines such as health, humanities and social science, law, architecture and the creative arts, music, natural science, and business.

Sydney Law School's Irene Baghoomians, Louise Boon-Kuo, Louisa DiBartolomeo and Tanya Mitchell worked with the Sydney University Law Society (SULS) to facilitate the law element of the Program, which was divided into two streams: years 9 and 10, and years 11 and 12.

There were many legally-oriented activities, including observation at the Local Court. Back at the New Law Building, students were able to participate actively through a criminal law moot. SULS volunteers prepared and mentored the students, providing an opportunity to act as defence lawyers, prosecutors and judges. While the participants thoroughly enjoyed the experience, they were also empowered through their vision of themselves as active agents within legal settings.

After one session, three bright-eyed students bounded up, wanting to know how they could become detectives, or forensic psychologists or lawyers (yes, in that order! — the *CSI* franchise is to blame).

Many young Indigenous people in Australia grow up without any contact with university graduates or access to mentoring that supports academic preparedness. Indeed, during a recent visit to some low socioeconomic status schools in Western New South Wales, SULS discovered that some high school teachers actively discourage Indigenous students from aiming for university, to 'protect students from potential disappointment'. It is, then, particularly important that the summer camps instil and reiterate the 'Yes I can!' message among participants, and encourage students' planning of high school studies in preparation for university from as early as year 9.

The years 11 and 12 participants also enjoyed their observation of two Local Court sessions, and heard stories from leaders in the field.

Building on our experience, it is intended that next year's Wingara Mura – Bunga Barrabugu Program will be even more fabulous!

If you are interested in participating, even in a small way, please contact Tanya Mitchell at tanya.mitchell@sydney.edu.au. jd

Alumni and Student News

Sydney Law School congratulates its alumni recognised in this year's Honours lists.

QUEEN'S BIRTHDAY HONOURS

The Hon Thomas Bathurst AC (BA 1969, LLB 1972):
for eminent service to the judiciary and to the law, to the development of the legal profession, particularly through the implementation of uniform national rules of conduct, and to the community of New South Wales.

Mr David Cummins OAM (LLB 1972):
for service to the community of the Wingecarribee Shire, particularly through aged welfare.

Ms Virginia Walker OAM (DipCrim 1985):
for service to the community through human rights organisations.

The Hon Peter Rose AM (LLB 1966):
for significant service to the legal profession, particularly in the field of family law.

AUSTRALIA DAY HONOURS

Emeritus Professor Anthony Blackshield AO (LLB 1960, LLM 1969):
for distinguished service to the law as an academic, to legal education and scholarship, as a contributor to leading professional publications, and as an author and commentator.

Mr Christopher Crawford PSM (LLM 1992):
for outstanding public service within the public health system, particularly for the North Coast and Northern Rivers communities of New South Wales.

Mr Trevor Danos AM (BEc 1981, LLB 1981, GradDipSc 2012):
for significant service to the community through contributions to a range of scientific, education, government, legal and charitable associations.

Mr Robert W Kelly AM (LLB 1972):
for significant service to the performing and visual arts in Queensland through a range of roles, and to the law.

AWARDS AND APPOINTMENTS

The Hon Justice Jacqueline Gleeson SC (BA 1987, LLB 1989, LLM 2005) was appointed as Judge to the Federal Court of Australia.

Sarah Ramwell (BA 2005, LLB 2007) was awarded the 2014 Qantas Australian Woman of the Year in the UK award.

Above: May Samali; Chelsea Tabart

May Samali (BEc&SocSci 2009, LLB 2011) received the General Sir John Monash Scholarship for New South Wales and the Gleitsman Leadership Fellowship from the Center for Public Leadership at the Harvard Kennedy School. She will complete a Master of Public Policy at Harvard University (US).

Chelsea Tabart (LLB 2012) received the 2014 Zelman Cowen John Monash Scholarship and will complete a Masters in Public Policy and BCL at Oxford University (UK).

VALE

Barry O'Keefe

Esteemed Sydney Law School alumnus, Barry O'Keefe (LLB 1956), died in April at the age of 80. He was admitted to the Bar in 1958, and appointed as a QC in 1974. A former Mosman Councillor, he served three terms as Mayor. Elevated to the Supreme Court in 1993, he later served as Commissioner of the Independent Commission Against Corruption. He was appointed as Adjunct Professor at Sydney Law School in 2006. Three of his five children, Philip (BA 1986, LLB 1988), Roger (BA 1992, LLB 1995) and Andrew (BA 1994, LLB 1998) are also alumni of Sydney Law School. Sydney Law School extends its sympathy to all the O'Keefe family.

Fiona Gardiner-Hill

Staff and students were saddened to hear of the untimely death, in February, of Fiona Gardiner-Hill (BA 1984, LLB 1986, LLM 1995), who had lectured on corporate and securities regulation at Sydney Law School and was a Sydney Law School Foundation board member. A member of the M&A team at Herbert Smith Freehills, she had been a partner at the firm since 1996. In 2013, she was appointed to the Takeovers Panel. Known for her brilliant and lateral thinking, she was admired and loved by her peers for her gentle and generous nature. Sydney Law School offers its most sincere condolences to her husband Richard Caldwell, and daughters Zara and Catie.

Sydney Law School has established the *Fiona Gardiner-Hill Student Support Fund* to honour Fiona's contribution to the faculty and the legal community. The fund will provide vital assistance to students studying corporate law. To give in memory of Fiona, please contact Jessica Sullivan on 02 9351 0467 or law.alumni@sydney.edu.au

REUNIONS

Class of 1964 50-Year Reunion

It's 50 years since the 'Class of 1964' graduated. Mr Kevin McCann AM and Dr David Bennett AC QC invite graduates from their year to celebrate, reminisce and reflect at a dinner in November 2014 at Allens Linklaters, Sydney. The cost of $120 includes pre-dinner drinks, a three-course meal, and all wine from and generous selection. The venue boasts spectacular city and Harbour views. Full details will be sent to all graduates via email and post. Ensure you stay informed — update your contact details by calling Jess Sullivan on 02 9351 0467 or emailing law.alumni@sydney.edu.au.

Organising a Reunion

Are you thinking of organising a reunion for your Sydney Law School class? Reunions are a great opportunity to get together, reminisce, exchange news and reconnect with the Law School.

Should you wish to hold your reunion in the stunning New Law Building (Camperdown), we will waive the venue hire fee. Our Alumni Relations Officer can take your group on a tour of the building. Contact Jess Sullivan on 029351 0467 or law.alumni@sydney.edu.au.

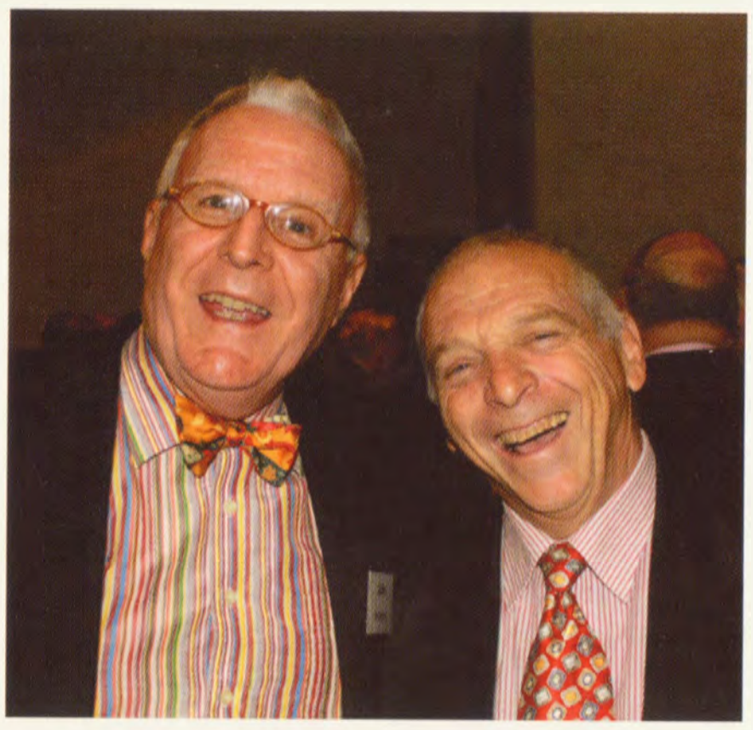
Reunion: Class of '69

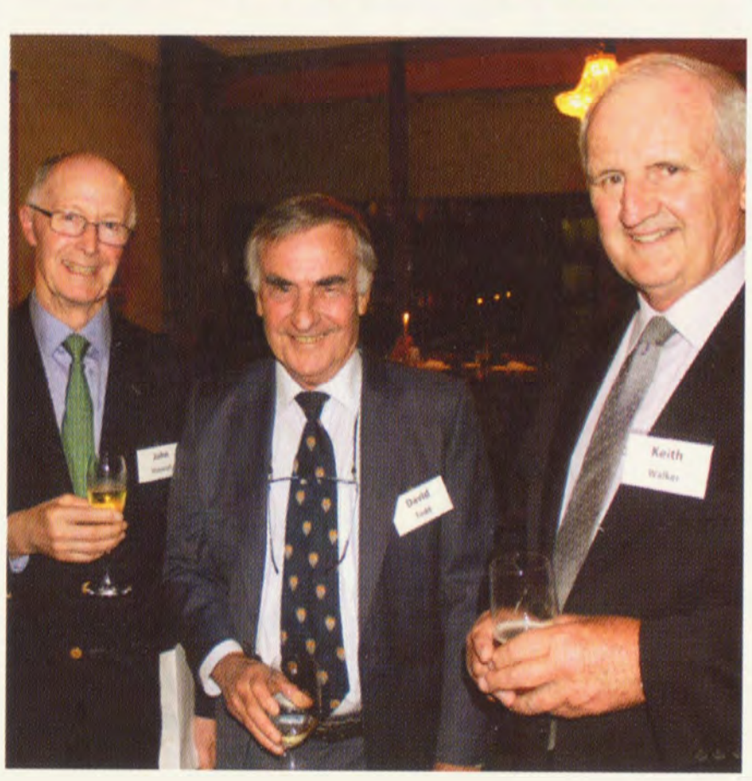
Bob Austin

38 members of the 'Class of '69' assembled for dinner in May, to celebrate the 45th anniversary of their graduation.

Each diner told the group a few brief highlights of their recent years. Favourite topics were, in descending order: grandchildren; children; spouses (especially, in some cases, the number); careers; and, in one case, the visit of a duck to the speaker's office, supported by photographic evidence! The nature of the legal advice received by the duck was never specified. Strong emotions were supplemented by levity and the occasional beverage.

In the words of Oliver Wendell Holmes: 'Sweet is the scene where genial friendship plays the pleasing game of interchanging praise.' jd





Forthcoming Events

VC'S MORNING TEA

Thursday 21 August 2014, 10.30am
Great Hall, Quadrangle, University of Sydney

A special event for alumni who graduated prior to 1965, and their guests. A generous morning tea, entertainment and an address by the Vice-Chancellor and Principal, Dr Michael Spence. Cost of $25 per person for alumni; $30 for non-alumni. RSVP is essential: 02 9036 9278, alumni.rsvp@sydney.edu.au to register and for further details.

SHANGHAI ALUMNI RECEPTION

Saturday 11 October 2014, 7.00pm
Kerry Hotel, Shanghai

There is no fee for this event but registration is essential: +61 2 9036 9278, alumni.rsvp@sydney.edu.au to register.

CHALLIS BEQUEST SOCIETY ANNUAL LUNCH

Friday 17 October 2014, 12.00pm
Great Hall, Quadrangle, University of Sydney

We warmly invite members of the Challis Bequest Society to the 10th Annual Lunch, hosted by the Vice-Chancellor. Members are asked to contact Angela Topping to secure a seat for the event: 02 8627 8824, angela.topping@sydney.edu.au.

ALUMNI AWARDS PRESENTATION

Friday 17 October 2014, 6.00pm
Great Hall, Quadrangle, University of Sydney

The annual Alumni Awards recognise the outstanding achievements of our alumni. The awards are divided into two categories: alumni achievement awards for graduates already established in their careers; and graduate medals, recognising younger achievers who graduated or completed their degree requirements in the previous year. RSVPs are essential: 02 9036 9278 or alumni.rsvp@sydney.edu.au to register and for further details.

JULIUS STONE INSTITUTE SEMINAR SERIES

The Julius Stone Institute Seminar Series continues throughout 2014, with seminars taking place at Sydney Law School in semester two. Registration is fee but RSVPs are essential: contact the Professional Learning and Community Engagement team on 02 9351 0429, law.events@sydney.edu.au.

Thursday 31 July 2014, 6.00pm
Dr Arie Rosen is a lecturer in legal philosophy at the University of Auckland Faculty of Law. His research interests include jurisprudence, political philosophy and hermeneutics.

Thursday 14 August 2014, 6.00pm
Associate Professor Massimo Renzois a lecturer in the Department of Philosophy at the University of Warwick. He works primarily in legal and political philosophy and his main research interests are in the problems of authority, political obligation, international justice and the philosophical foundations of the criminal law.

Thursday 16 October 2014, 6.00pm
Professor Helen Irving (PhD 1987, LLB 2001) teaches Australian, comparative, and United States constitutional law at the Sydney Law School. She has researched and written on the making of the Australian Constitution; comparative constitutional design and gender; the use of history in constitutional interpretation; and the 'dialogue' model of judicial review. Her current major research, supported by a four-year ARC Discovery Grant, is on the history of constitutional citizenship and gender.

SYDNEY LAW SCHOOL'S DISTINGUISHED SPEAKER PROGRAM

Each talk will be held at the New Law Building, University of Sydney, and followed by a cocktail reception. Registration is essential, full fee $15, Sydney Law School alumni $10. To register, contact the Professional Learning and Community Engagement team on 02 9351 0429, law.events@sydney.edu.au.

Wednesday 24 September 2014, 6.00pm
Free Trade Agreements and Consumer Protection, presented by Luke Nottage, Professor of Comparative and Transnational Business Law, Sydney Law School.

Wednesday 23 October 2014, 6.00pm
Justice at the End of the World: What Rebels and Terrorists Think of Law, presented by Ben Saul (BA 1999, LLB 2001), Professor of International Law, Research Fellow, Sydney Law School.

Thursday 20 November 2014, 6.00pm
Criminal Responsibility, presented by Associate Professor Arlie Loughnan (BA 1998, LLB 2000), Research Fellow, Sydney Law School.

22ND ANNUAL LABOUR LAW CONFERENCE 2014 — LABOUR LAW IN PRACTICE 2014: THE BIG ISSUES

Monday 25 August 2014, 9.00am–5.00pm
Sofitel Wentworth Sydney

Presenters will discuss the top cases and major issues facing labour law in 2014.

Registration is essential, contact Stacey Young, 02 9351 0026, stacey.young@sydney.edu.au to register and for further details.

27TH AUSTRALIA AND NEW ZEALAND SOCIETY OF CRIMINOLOGY (ANZSOC) CONFERENCE 2014

Wednesday 1 – Friday 3 October 2014
Sydney Law School, New Law Building

The theme is 'Testing the Edges; Challenging Criminology'. The program will include a wide range of plenary sessions, interactive workshops, presentations and seminars, shaped to enhance and inform around this theme. Registration is essential. Contact the conference coordinator: 02 9351 0249, law.events@sydney.edu.au.

AUSTRALIAN LABOUR LAW ASSOCIATION (ALLA), 7TH BIENNIAL CONFERENCE

Friday 14 November and Saturday 15 November 2014
Manly, Sydney

The theme is 'Under the Microscope: The Next Phase of Australian Labour Law?'

Registration is essential with early bird rates available before 26 September 2014. To register, contact the Professional Learning and Community Engagement team on 02 9351 0429, law.events@sydney.edu.au.

2014 Sydney Law School Prize Giving Ceremony

In May, Sydney Law School celebrated academic and scholarly excellence at the annual Prize Giving Ceremony.

Family, friends, fellow classmates, staff and donors joined recipients to celebrate their achievements and to hear University Medallist, Kathleen Heath (BEcSocSc 2011, LLB 2014) deliver her speech. Prizes are possible through generous gifts from donors. Sydney Law School thanks them and is always appreciative of their support. jd

Sydney Law School congratulates all prize winners:

Fariba Aghili
Keith Steele Memorial Prize

Amanda Alford
The Judge Perdiau Prize No 1

David Birch
The Justice Peter Hely Scholarship

Katherine Elsa Wallis Bones
Academic Merit Prize
Playfair Prize in Migration Law
Harmers Workplace Lawyers Prize for Labour Law
Nancy Gordon Smith Prize for Honours at Graduation
Sir Alexander Beattie Prize in Industrial Law

Lucinda Maria Gabrielle Bradshaw
Academic Merit Prize
E D Roper Memorial Prize No 1 for Equity and Corporations Law
The Australian Securities and Investments Commission Prize in Corporations Law

Elizabeth Kane Cameron
Law Society of New South Wales for Law, Lawyers and Justice
Margaret Dalrymple Hay Prize for Law, Lawyers and Justice

Soorim Cha
Sydney Law Foundation International Scholarship — JD

Elodie Jane Cheesman
John Warwick McCluskey Memorial Prize
Mr Justice StanleyVere Toose Memorial Prize for Family Law

Melissa Ann Chen
Academic Merit Prize
Edward John Culey Prize for Proficiency in Real Property and Equity
Margaret Ethel Peden Prize in Real Property

Haytham Chernov
Roy Frederick Turner AM Scholarship

Bradley Scott Clark
The Judge Perdiau Prize No 2
GW Hyman Memorial Prize in Labour Law

Louise Anne Coleman
Academic Merit Prize
Nancy Gordon Smith Prize for Honours at Graduation
Sir Dudley Williams Prize

Nicholas James Condylis
The CA Hardwick Prize in Constitutional Law
Pitt Cobbett Prize for Constitutional Law
Andrew M Clayton Memorial Prize - Clayton Utz

Naomi Susan Cooper
Academic Merit Prize
E D Roper Memorial Prize No 2 for Equity and Corporations Law
The Australian Securities and Investments Commission Prize in Corporations Law

Natalie Anne Czapski
Aaron Levine Prize From Criminal Law
George and Matilda Harris Scholarship No IIB for Third Year of Combined Law
LexisNexis Book Prize No 3 for Most Proficient in Combined Law III

Michael Patrick Donnolley
NSW Women Justices' Association Prize

Lauren Suzanne Drake
George and Matilda Harris Scholarship No IIA for Second Year of Juris Doctor
LexisNexis Book Prize No 6 for Most Proficient in Juris Doctor Year II

Harish Ekambareshwar
Sir Maurice Byers Prize for Proficiency in Constitutional Law

Thomas Farmakis
Pitt Cobbett Prize for International Law
Edward and Emily McWhinney Prize in International Law

Daniel Graham Fletcher
Sir Peter Heydon Prize for Best Undergraduate Contribution in Constitutional, Administrative or International Law
Nancy Gordon Smith Prize for Honours at Graduation

David Chee Hou Foong
Thomas P Flattery Prize for Roman Law

Raymond Fowke
AMPLA Prize in Energy and Climate Law

Alice Gardoll
Sir John Peden Memorial Prize for Proficiency in Foundations of Law, Federal Constitutional Law, International Law and Real Property

Lachlan Campbell Gell
J H McClemens Memorial Prize No 1 in Criminology
Tuh Fuh and Ruby Lee Memorial Prize in Criminology

Padraic Xavier Gidney
Walter Ernest Savage Prize for Foundations of Law

Siak Yong Goh
The Tomonari Akaha Memorial Prize

Grace Esjymontt Gooley
Wigram Allen Scholarship for JD — Access

Kathleen Ellen Heath
Academic Merit Prize
John George Dalley Prize No 1A
R G Henderson Memorial Prize (NSW Bar Association)
Sybil Morrison Prize for Jurisprudence Part 2
Rose Scott Prize for Proficiency at Graduation by a Woman Candidate
Nancy Gordon Smith Prize for Honours at Graduation
Ian Joye Prize in Law
Joye Prize in Law

Carole Hemingway
Gustav and Emma Bondy Postgraduate Prize

David Marcus Hertzberg
Academic Merit Prize

Hannah Hesse
University of Sydney Foundation Prize for Australian International Taxation

Christian Huston
Roy Frederick Turner AM Scholarship

Michael Vaughan Jeffreys
Nancy Gordon Smith Postgraduate Prize for LLM by Coursework

Eleanor Jones
Peter Paterson Prize

Crista Jing Li Khong
Academic Merit Prize
LexisNexis Book Prize No 4 for Most Proficient in Combined Law IV
George and Matilda Harris Scholarship No 1 for Second Year

David Kim
E M Mitchell Prize for Contracts
Herbert Smith Freehills Prize in Contracts

Daniel Peter Knowles
Harmers Workplace Lawyers Prize for Anti-Discrimination Law

Heydon Letcher
Academic Merit Prize

Olivia Lewis
The Christopher C Hodgekiss Prize in Competition Law
Allens Linklaters Prize in Competition Law

Ying Hao Li
Ashurst Prize in Australian Income Tax
Australian Taxation Office Prize in Taxation Law

Evelyn Hui Gnor Lim
University of Sydney Foundation Prize for Australian International Taxation

Grant Peter Mackinlay
Deloitte Indirect Tax Prize

Roselle Mailvaganam
Judge Samuel Redshaw Prize for Administrative Law

Graeme Michael McIntyre
Academic Merit Prize

Anastasia Mihailidis
John Geddes Prize for Equity

Harley Milano
Walter Ernest Savage Prize for Foundations of Law

James Monaghan
LexisNexis Book Prize No 2 for Most Proficient in combined Law II

Kirsten Tara Morrin
The Alan Ayling Prize in Environmental Law

Isaac Richard Morrison
Monahan Prize for Evidence

Joseph Renwick Payten
Julius Stone Prize in Sociological Jurisprudence

Robert James Pietriche
Pitt Cobbett Prize for Administrative Law
New South Wales Justices' Association Prize in Administrative Law

Emily Louise Rich
Minter Ellison Prize for Intellectual Property

Maxwell Andrew Rigby
Caroline Munro Gibbs Prize for Torts

Raymond Roca
ANJeL Akira Kawamura Prize in Japanese Law

Joshua Santilli
Minter Ellison Prize for Intellectual Property

Josephine Seto
Alan Bishop Scholarship

Patrick Bernard Shepherdson
J H McClemens Memorial Prize No 2 in Criminology

Martin Slattery
Gustav and Emma Bondy Postgraduate Prize

Timothy Smartt
Wigram Allen Scholarship for JD — Merit

Adam Bruce Stanton
LexisNexis Book Prize No 5 for Most Proficient in Juris Doctor in Year I
Zoe Hall Scholarship

Jesre Cara Stenson
Wigram Allen Scholarship for JD — Entry

Richard Anthony Swain
King & Wood Mallesons Prize in Banking and Financial Instruments
Kevin Dufty Memorial Prize for Real Property and Conveyancing

Daniel Taborsky
Jeff Sharp Prize in Tax Research

Anthony Paul Josef Van Der Planken
Law Press Asia Prize for Chinese Legal Studies No 2

Chantelle Vigar
Victoria Gollan Memorial Fund Scholarship

Kerri-Anne Wane
The Marjorie O'Brien Prize

Daniel Ward
Peter Cameron Sydney-Oxford Scholarship

Isabelle Claire Whitehead
Ashurst Prize in Environmental Law

Wai Yin Jason Wong
Academic Merit Prize
Nancy Gordon Smith Prize for Honours at Graduation
Ashurst Prize in Advanced Taxation Law

Jialu Xu
LexisNexis Book Prize No 1 for Most Proficient in Combined Law I

Lucy Yin
Pitt Cobbett Prize for International Law
Edward and Emily McWhinney Prize in International Law

The Importance of Student Support

James Higgins

The Sydney University Law Society has a long and well-documented history of servicing the social needs of students at Sydney Law School. While this is important in forging the long-lasting connections that are the key to thriving both at university and in the profession, the reality is that SULS offers a great deal more.

In the face of alarming statistics about the disproportionately high rates of mental health issues among law students, student support across a broad range of issues has become the primary focus of the society. That a great number of students feel an, at times, overwhelming degree of pressure is as apparent as it is concerning. I firmly believe that this is at least partially the result of a very narrow idea of 'success' that exists among students at Sydney Law School. It is also something SULS and the Faculty, among others, are working to address.

Perhaps ironically, the sheer volume of programs and events that SULS provides in an effort to inform students or enrich their university experience can become somewhat overwhelming. In an environment that emphasises excellence, and with a cohort predisposed to competitiveness, the potentially destructive effects are self-evident. But these programs, along with SULS' engagement with the Faculty on a range of issues, are all aimed at diversifying the culture at Sydney Law School and the aspirations of its students.

In the face of alarming statistics about the disproportionately high rates of mental health issues among law students, student support across a broad range of issues has become the primary focus of the society.

It is not always apparent whether the pressure students experience is external or self-inflicted. Regardless, it is certainly systemic — and not just at Sydney, but in all law schools. Narrowly focusing on academic performance in order to land a position in a top-tier law firm is not only unrealistic, but also misguided in the current legal market. There exists a host of different ends to which students can utilise their law degree. SULS' role is to make these options real for students.

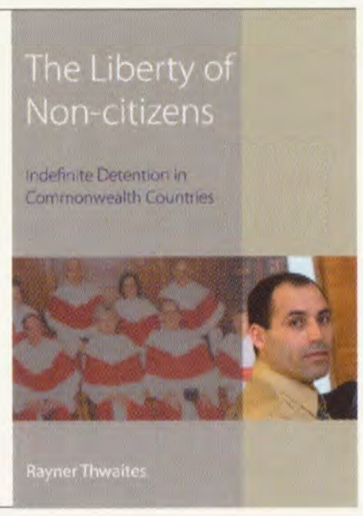
We do this through hosting a near-countless number of presentations throughout the year, covering careers in the public, corporate and non-profit sectors. Indeed, SULS is the only organisation on campus that provides careers-related information to law students in any structured way. Similarly, we seek to build students' legal and advocacy skills through our competitions and volunteering programs. As well as getting them out of the library, initiatives such as the SULS Juvenile Justice Mentoring Scheme are important in exposing students to different perspectives and life experiences.

My hope for Sydney Law School is that both students and staff feel a strong sense of community here. Despite the noise about the changing legal market and huge structural challenges in the university sector, the members of our community should not feel isolated or disempowered. There is a great deal to be achieved by working together, so that students' time here is happy, productive and rewarding. jd

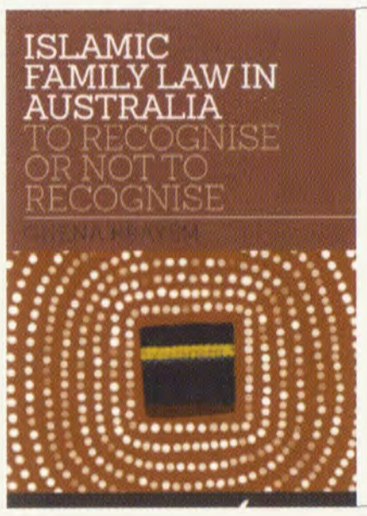
Recent Publications

THE LIBERTY OF NON-CITIZENS: INDEFINITE DETENTION IN COMMONWEALTH COUNTRIES

Rayner Thwaites
Hart Publishing
Hardback
352 pages
9781849464314
AU RRP $98.00



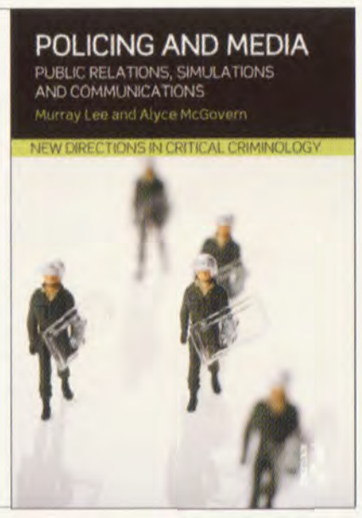
ISLAMIC FAMILY LAW IN AUSTRALIA: TO RECOGNISE OR NOT TO RECOGNISE



Ghena Krayem
Melbourne University Publishing
Paperback
308 pages
9780522864526
AU RRP $59.99

POLICING AND MEDIA: PUBLIC RELATIONS, SIMULATIONS AND COMMUNICATIONS

Murray Lee and Alyce McGovern
Routledge
Paperback (also available in hardback)
252 pages
9780415632133
AU RRP $42.95



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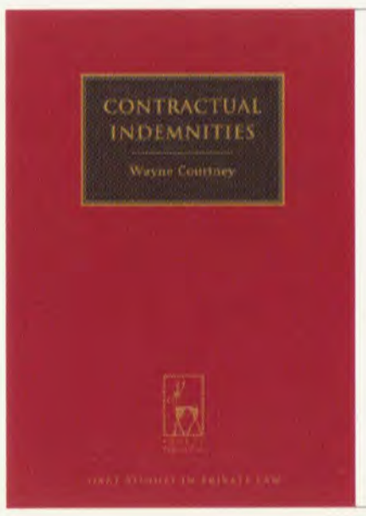

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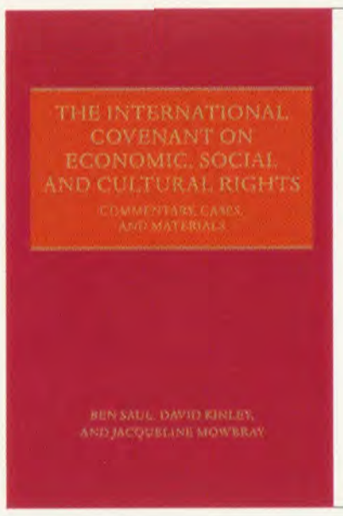

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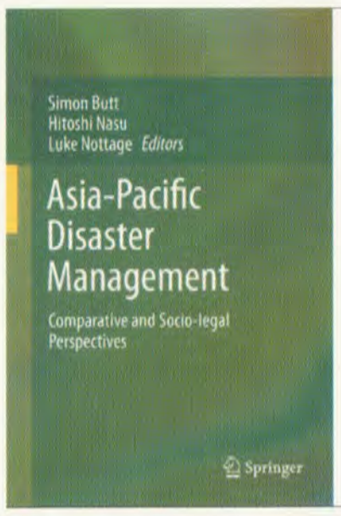

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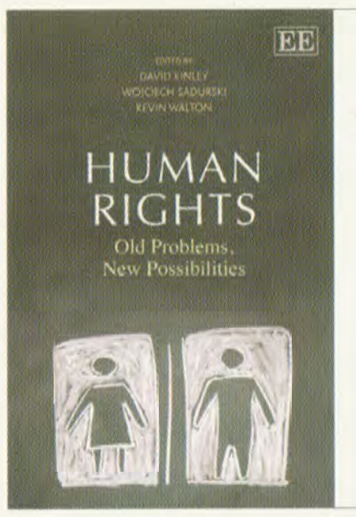

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