

The Sydney Law School Reports



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From the Dean's Desk

Photo: Sydney University News



I would not be a new Dean if I didn't feel the need to tamper with things ... so it is with some pleasure that I present to you the new format of the *Sydney Law School Reports*. The intention is to publish the *Reports* several times per year for our graduates and friends, and to make it more engaging and forward-looking.

In particular, I hope that the *Reports* will become an important medium through which the various strands of the Law School community, past and present, can communicate with each other, keep up with career

moves (and honours, awards, promotions, and personalia), arrange social and professional functions, and generally maintain some sense of kinship with Sydney University Law School. If it has not always been obvious in the past, we do genuinely value your continuing involvement in the activities of the Law School, and we have a strong sense of pride in the accomplishments of our graduates.

Sydney University Law School is in the midst of a period of dynamic change and development, aiming to provide an expansive, liberal education. The Law School has always been recognised as providing a good professional education, with particular strengths in such areas as common law and equity, company and commercial law, taxation, property law, international and comparative law, and jurisprudence. Without sacrificing these traditional strengths, we are now also among the recognised leaders in such diverse and exciting areas as environmental law, feminist jurisprudence, dispute resolution, criminology, anti-discrimination law, children and the law, family law, industrial law, law and technology, plain legal language drafting, Asian and Pacific legal systems, law and medicine, and the legal profession.

The assembling of this expertise within the staff, plus the recent review and reform of the curriculum to include more electives, permits students considerable opportunity to customise their study programs to pursue their own interests and enthusiasms. In a changing environment, the best preparation that a law school can give its graduates is one which promotes intellectual breadth, agility and curiosity; strong analytical and communication skills; and a (moral/ethical) sense of the role and purpose of lawyers in society.

The Law School also provides the largest, best and most comprehensive postgraduate and continuing legal education program in Australia — roughly half of all Masters and Doctoral (PhD

and SJD) candidates in Australia are at Sydney. In order to cater better for our students' personal and vocational interests, we now also offer a number of specialised Master's degrees — in Taxation, Criminology, Environmental Law, Jurisprudence, and Labour Law and Relations. A new Masters in Health Law and Policy, to be taught in conjunction with the Faculty of Medicine, is in the final stages of planning.

The most immutable aspect of the Law School seems to be its physical presence. After a period of uncertainty (following the impressive activity, fundraising and optimism of the 1990 Centenary), recent detailed discussions with the Vice Chancellor and the University's senior planning officers have now made it clear that there is no practical possibility of the Law School moving to a purpose-built facility on the main campus for at least the next ten years. Instead, we are planning to engage in a substantial refurbishment of the existing building, as well as establishing for the first time a "presence" on campus in order to support our teaching program and the delivery of services for Combined Law students. Through the Law School Foundation, we will shortly be approaching those who donated generously in aid of the new building and seeking their permission to use those funds for comparable purposes as part of the refurbishment of our Phillip Street building.

* * * * *

In this issue, we include an interview with Associate Professor Peter Butt about his recent "plain English" version of the High Court's historic *Mabo* decision; a snapshot of the concerns of succeeding generations of law students as presented in *Blackacre*; a note on the recent launch of the special edition of the *Sydney Law Review* on freedom of speech; a brief profile on our Allen Allen and Hemsley Visiting Fellow, former Chief Justice of California Rose Bird; and an introduction to two new members of staff.

The section on Faculty Notes is intended to keep you posted on the current state of teaching and research at the Law School, and the new section entitled Class Notes provides the opportunity to catch up with your classmates. In this first effort, we have taken the liberty of featuring a number of our more interesting graduates, but from now on it's up to you — so please consider filling out the back page and returning it to us. In any event, I would welcome your views on the new format of the *Reports*, and any other comments about how we can keep you involved in your Law School.

David Weinrot

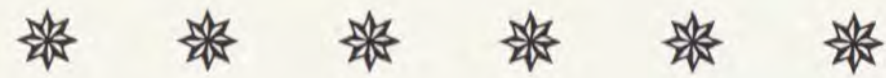
In law as in most disciplines, good and bad books share each other's company on the reading shelf. However, every now and then a publication comes along which hits the objectives squarely on the head. Last year, the Faculty's Associate Professor Peter Butt, then also director of the Law Foundation Centre for Plain Legal Language, co-authored such a book with Robert Eagleson, and published it with Federation Press. And they've never looked back.

A modestly sized paperback which nonetheless thoroughly, clearly and parsimoniously explains the High Court judgments on the controversial *Mabo* case in "lay terms", *Mabo: What the High Court Said* has condensed and simplified material from six weighty judgments, together with background and supplementary material, into one slimline book. An impossible feat, one would think.

Chris Holt, director of Federation Press in Annandale, a modestly sized and labour intensive publisher and the book's distributor, says it has been one of the easiest publications to sell. Within the first four months of publication, 2,500 of the 3,500 printed copies had been sold. The public's favourable response to the book has been enhanced by a foreword by Prime Minister Paul Keating, to be included in the next reprint, highly recommending it.

Mr Holt attributes the healthy sales figures to a number of factors. The book is topical and timely, and it makes a hugely complicated subject accessible and understandable to people who would otherwise be daunted by the subject's complexity. Clearly written and "intellectually unassailable", it should "be used as a model in putting political issues to the public", he says. As for future publications of a similar kind, he believes there is certainly ample scope within the Australian political and social environment for such ventures.

We recently interviewed Associate Professor Peter Butt to delve more deeply into the book's objectives and background.



What was the impact of this book on the "person in the street"?

PB: There is a movement afoot to encourage lawyers to write and draft documents in much plainer language than they used to do. It's part of the consumer movement — people have a right to understand what obligations they are getting themselves in for when they sign documents. This is beginning to filter through to the legal profession, and there are a number of big law offices now turning to plain language drafting. We teach the principles of plain language drafting in the law school in my drafting course. But the need for plain language hasn't filtered through to most of the judges yet. When a decision such as the *Mabo* case comes down, one which affects the whole country and creates a great deal of public interest, it's a pity that the judgments are in a form that is so hard to understand.

"The purpose of this book was to make *Mabo* accessible and to show that even highly complicated documents such as judgments could be put into plain language."

My co-author, Robert Eagleson, is a linguist, who has worked in the plain legal language area for a long time — in fact he teaches with me in the course here. We both thought this would be a wonderful opportunity to try and put what is a very complicated judgment into plain language, so that the average person in the street who wants to know what the case is about can read it for themselves.

Why have judges been slow to pick up the trend?

PB: I think it's part of the ethos that pervades the legal system. Law students are taught to write in a stuffy, pompous style because it's expected of them. Their role models are judges who have always written in that same style, so the law students of today become the judges of tomorrow and the writing style just continues. Lawyers haven't stopped to ask "why do we have to write like this? Isn't there a better way". I think there is. It basically never occurs to many lawyers — including judges — that they should make an attempt to make their writing or judgments understandable by the person in the street.

Look at the way young lawyers or law students write today. Most write in the same legalistic "gobbledygook" style because they assume that's how lawyers write. Unfortunately we confirm that style

of writing in law schools; students learn to write "like lawyers" and, on graduating, continue using the same writing style.

Not all judges are tarred with this brush, of course. There are some judges who try and make their judgments clear and readable — Justice Michael Kirby, President of the Court of Appeal, is one who attempts to set every thing out logically, clearly and directly in his judgments. Unfortunately, many others don't. For example, in the *Mabo* case you have about 85,000 words, a lot of repetition, overlap between the various judgments, and a great deal of technical writing which makes it impossible for the average person to understand. Yet there is not a great deal in the subject matter which demands that kind of technical writing — they could express themselves much more clearly and directly if they wanted to.

This is what we've tried to do. We've gone through every sentence in the entire case, and "translated" it into a simpler format. Then we cut out the overlap and repetition, and then we reorganised the material into chapters dealing with what each judge said about that particular matter. There are chapters on what is native title, how it's extinguished, the Murray Islands themselves, and so on — all (we hope) made understandable for the person in the street.

A number of people have asked us whether we're setting out to criticise the judges. We didn't set out to criticise the judges, but simply to make the judgments more accessible. If there's a hidden message, it is that judges themselves could make their judgments much more accessible, if only they were minded to do so.

What has the response been from the public?

PB: So far we have had a lot of response from non-lawyers saying what a marvellous idea this is, and positive responses from law students and students of Aboriginal Legal Studies. We've also had very good feedback from the legal profession — but

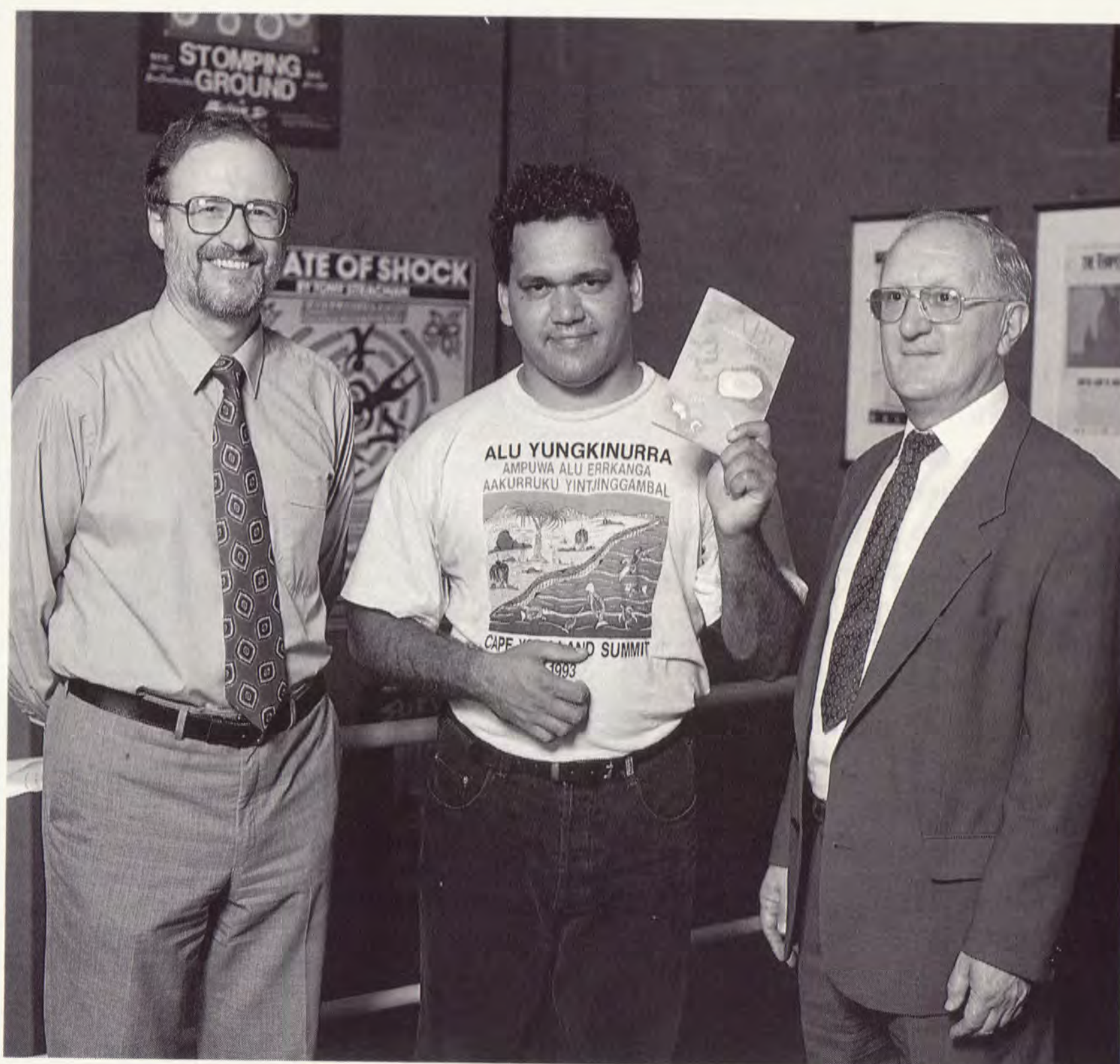
no response yet from the judges!

The purpose of this book was to make *Mabo* accessible and to show that even highly complicated judgments could be put into plain language. We think there's a responsibility on judges to make their judgments more accessible than they are, though judges rarely see it as part of their function.

So you really have to educate the judges?

PB: That's one of the problems of the plain language movement. It can't work unless judges see the benefits in it as well. So that when people draft documents in plain language, judges don't find some obscure reason for striking them down. You have to go with the spirit of the documents and interpret them accordingly.

This is the first time this kind of project has ever been done — on this scale at any rate. We're pleased to say that the book has had international impact in English speaking countries; for example, it has been sold in Canada, where native title issues are involved as well. We have had very positive responses from England and the United States too. I think Australia is leading the world in the plain



Professors Peter Butt (left) and Robert Eagleson (right), with Director of the Cape York Land Council Noel Pearson (a graduate of this Law School) at the launch of the book. Photo by Patrick Byrne, published in *Law Society Journal* (March 1994), reproduced with permission from the Law Society of New South Wales.

language movement, at least in English, and this book is part of that trend.

There has been a great deal of hysteria about "how Mabo will affect my backyard". How does the book dispel such myths?

PB: One reason for the public hysteria and misinformation about the *Mabo* case — and other court decisions also — is because ordinary, intelligent Australians simply cannot get at the judgments themselves to make up their own mind — only lawyers really can understand it. So where does the average person go to get information about this case? They go to politicians, who probably harbour a biased view depending on their political party, and who almost certainly haven't read the case because it's beyond them as well. Or they turn to

journalists, who are also unlikely to have read it and therefore going to get the story about the case second-hand. So when stories get round like "your backyard is at risk", it's partly the fault of the judges for writing the way they do and making their judgments inaccessible. All professions have their jargon, the law amongst them. Sometimes jargon is useful — when used amongst colleagues in the know it's an efficient way of communicating. But the problem in a case like *Mabo* is that the jargon affects the whole country, yet nobody except hardened lawyers understands what it means.

PROFILE: PROFESSOR ROSE BIRD

A former Chief Justice of California for ten years, Professor Rose Elizabeth Bird, was appointed the Allen Allen and Hemsley Visiting Fellow in the Department of Law for 1994. In 1977, she made legal history when she became the first woman to be sworn in as Chief Justice of California. As Chief Justice, she served as Chairperson of the 21-member Judicial Council, which enacts rules of court and sets policy for the State's judicial system. In addition, she chaired the Commission on Judicial Appointments, the constitutional body empowered to confirm Appellate Court appointees.

Professor Bird teaches Constitutional Law at Golden Gate University School of Law in San Francisco, California. In Sydney she taught Comparative Product Liability and Comparative Constitutional Law. Her career includes a long list of "firsts", such as being the first woman to teach at Stanford Law School, where she developed clinical courses in criminal and consumer law. She was also the first woman in Californian history to serve as Cabinet Secretary.

Professor Bird has served as a legal commentator on the American Broadcasting System's San Francisco and Los Angeles TV channels. She has written articles on subjects as varied as the lack of equality between men and women in the legal profession and the difficulties of dealing with a diagnosis of cancer.



Professor Rose Bird, Allen Allen and Hemsley Visiting Fellow in the Department of Law for 1994; with (from left) Mr Ian Tonkin of Allen Allen and Hemsley; the Dean of the Faculty of Law, Professor David Weisbrot; and the Head of the Department of Law, Professor Terry Carney. Story and photo courtesy of Sydney University News, 26/4/94.

THE BLACKACRE YEARS

How has the focus of the Law School's students changed over the decades? What concerns predominated in the earlier part of this century as distinct from today? What better way to approach this question than to leaf through past issues of the SULS publication *Blackacre*, published sporadically throughout the years.

Take for example the contents page of the 1968 issue (incidentally published a year before the "new" Law School was built in Phillip Street). There are features such as "Human Rights in South Africa", "The New Guinea Wages Decision", and — a little closer to home — "War on Poverty" in New South Wales. Superficially, at any rate, it seemed that this was a time in which world events were high in the consciousness of law students.

In 1972, the focus still appeared to be on a mixture of what was happening outside the Law School and what occurred within it. This issue featured articles on the need for change within the Law School, on child bashing and on violence and civil disobedience. In the 1984 issue, on the other hand, *Blackacre's* editorial had taken on a more introspective turn, with immediate concerns more on assessment and employment prospects for graduates.

This is even more pronounced in the 1987 issue, in which a preoccupation with the Law School, its lack of aesthetics, its distance from main campus and its assessment methods appears to predominate in *Blackacre's* pages over, say, such concerns as poverty, welfare and international affairs in general. Relocating the Law School Building becomes something of a priority. So, in the 1987 issue it is stated that "one of the most important decisions taken by the Faculty recently was to move the Law School back to campus" (p75), a move which we now know will not occur for at least

another decade, given the University's recent decision to refurbish rather than relocate in the immediate future.

Another concern which becomes apparent in the same issue of *Blackacre* is a more explicit self-consciousness of the Law School as needing to shake off the shackles of conservatism. Thus, we are warned that "the Law School must be prepared to innovate and experiment if it is to maintain its impressive reputation. It must destroy any notion of it being ... 'Australia's Most Conservative Law School'." (p7)

Have our students of the '80s and '90s irretrievably lost their "age of innocence" in trying to meet the demands of an increasingly bleak economic environment? This is obviously widely open to debate. Whatever the case, it's hard to argue against the fact that there are increasing economic pressures on students who must pay for courses and tuition materials and who can no longer afford to rely on scholarships or family to support their years of studying law. The President's Report in the 1987 issue echoes these concerns:

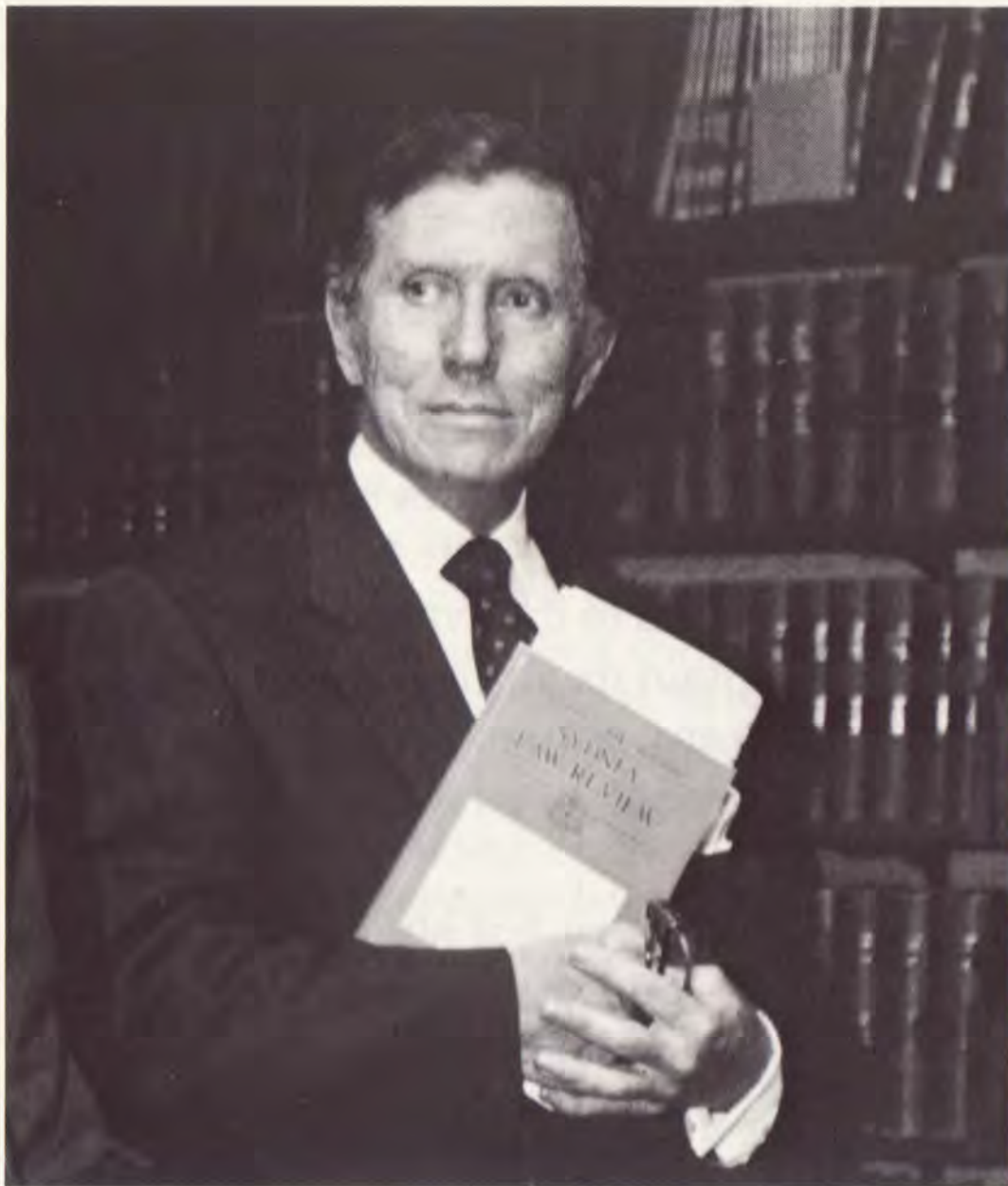
"We face an economic environment that compels us to take 'relevant' courses and subjects to achieve good marks and to obtain contacts

in the business world at an early stage. Gone are the 1960s when any university graduate could choose their career whilst enjoying a less pressured university lifestyle. The traditional images of the university providing an intellectual atmosphere of smoke-filled rooms and small-group debate on philosophical and political issues have been replaced by students eagerly studying for their careers and partaking in part-time work for a law firm or merchant bank." (p6)



The "new" Law School building, à la 1969. Photo by Raymond de Berquelle.





Justice Michael Kirby, AC CMG, Court of Appeal President, NSW Supreme Court, launching this year's special issue of the *Sydney Law Review*.
Photo courtesy of Sydney University News.

How far should Australia go in protecting the individual's right to freedom of speech — should we take our lead from the United Kingdom or the United States? Do Australians realise the degree to which recent High Court decisions have impinged on the power of the Federal Government? What constitutional change might Australians welcome?

Such key aspects of the Australian constitutional debate are addressed in the latest issue of the *Sydney Law Review*. The 1994 special *Review* — recently launched by Court of Appeal president of the NSW Supreme Court, Mr Justice Michael Kirby — focuses on the High Court's increasing role in supporting an implied Bill of Rights within the Australian Constitution.

Editor of the *Review* and Professor of Legal Philosophy, Wojciech Sadurski, said that the collection of articles sought to answer the fundamental question of whether Australia needs the right to freedom of speech more clearly enshrined within its constitution. Professor Sadurski said that the choice Australia faces is between generally opposite models for the protection of human rights. "On the one hand,

there is the United States, which has a Bill of Rights in which the First Amendment explicitly proclaims freedom of speech and the press. On the other hand, the United Kingdom has no written constitution and no official catalogue of fundamental rights. Its legislature and judiciary safeguard individual rights, without recourse to a constitution. It is said that Australia's Constitution implies protection of freedom of speech through its provision of a democratic and representative system of government. However, this is only an implication, and a controversial one at that."

Professor Sadurski said that two important examples of the changing role of the High Court were its reversal of a Federal Government decision on political advertising during election campaigns, and a ruling on the extent to which contempt of court guidelines can be applied in the Industrial Relations Commission. "Both these High Court decisions have struck at the heart of the freedom of speech issues", he said.

[extract from an article by Roslyn Nougher, *Sydney University News*, 20 July 1994, p5.]

Are you . . .

- interested in criminology and criminal justice issues?
- keen to keep up with seminars and training courses in criminal justice?
- practising in the criminal justice area?

Then why not join the growing membership of the Institute of Criminology at Sydney University? Membership includes a subscription to "Current Issues in Criminal Justice", seminar attendance at Institute seminars at no cost or discounted entry, a subscription to CrimNet, and more! To find out more about joining the Institute's growing membership list, contact the Secretary of the Institute on tel (02) 225 9239, fax (02) 221 5635.

Class Notes

What are our alumni doing today? Here is a sample of past students who have gone on to bigger and brighter things ...

1944

Robert Hope, formerly Justice of the Court of Appeal and Chairman of the NSW Law Reform Commission, is the Chancellor of the University of Wollongong.

William Morison and **Ross Parsons** are Emeritus Professors of the University of Sydney Law School.

1954

William Deane is a Justice of the High Court of Australia.

Brian McMahon is Deputy President of the Administrative Appeals Tribunal (AAT).

Garth Nettheim is Professor of Law at the University of New South Wales and Chair of the Aboriginal Law Centre.

David Shillington is a Judge of the District Court.

1956

Cecily Backhouse was recently appointed a Judge of the District Court.

1960

Mahla Pearlman is Chief Judge of the Land and Environment Court.

1962

Jane Mathews has recently been appointed Justice of the Federal Court and President of the Administrative Appeals Tribunal.

John Nelson is immediate past President of the Law Society of NSW. He is on the Board of Directors of the Centre for Legal Education.

Kim Santow is a Judge of the Supreme Court.

Jim Woods is a Judge of the Supreme Court and has recently been appointed head of the Royal Commission of Inquiry into the NSW Police Service.

1966

Fred Hilmer is Professor and Head of the Australian Graduate School of Management and principal author of the recent report on National Competition Policy.

Mary Gaudron is a Justice of the High Court of Australia.

Daphne Kok is a Local Court Magistrate and Deputy Chancellor of the University of Sydney.

John Marsden is a recent past President of the Law Society of NSW, a member of the Police Board and President of the NSW Council of Civil Liberties.

Frank Walker QC, MP is Commonwealth Minister for Administrative Services.

1974

John Atanaskovic is a principal in the new firm of Atanaskovic and Hartnell.

Margaret Beasley is a Justice of the Federal Court of Australia.

Leroy Certoma is President of the Refugee Review Tribunal.

Rod Howie QC is NSW Crown Advocate, and Acting Director of Public Prosecutions.

Alan Marsh is a Lecturer with the University of the South Pacific's Pacific Law Unit in Vanuatu.

Deirdre O'Connor was recently appointed President of the new Australian Industrial Relations Commission.

Robert Tickner is Commonwealth Minister for Aboriginal Affairs.

1979

Kerry Anne Chikarovski is NSW Minister for Industrial Relations and Minister for the Status of Women.

1986

Nick Farr-Jones, solicitor and broadcaster, was Captain of Australia's World Cup Champion Rugby Union team.



In Memoriam

Leycester Meares AC CMG QC, LLB 1932, died on 5 August 1994, aged 85. During a most distinguished career, Justice Meares served as President of the NSW and Australian Bar Associations, Chairman of the NSW Law Reform Commission, Chairman of the Disability Advisory Council of Australia and the Australian Vietnam War Veterans' Trust, President of the Courts-Martial Appeals Tribunal, and President of the NSW Medico-Legal Society.

Faculty Notes

Here's what's been happening in your Faculty this year:

Ross Anderson received his award for excellence in teaching at the Graduation Ceremony on 30th April 1994. The spirit of the occasion and the students' admiration for Mr Anderson, senior lecturer in law within the Faculty, was evident in their spontaneous standing ovation when his award was presented. In his introductory speech, Associate Professor John Mack, Chair of the Academic Board, praised the quality of Ross' teaching and his contribution to Faculty and students:

"Mr Anderson teaches over a wide variety of areas of law. He prepares meticulously, keeps up with developments in the law and legal literature, has produced extensive teaching materials and is working on a large joint project with his colleague Mr Opekin to produce Cases and Materials for the subject Conflict of Laws and which will enable him to use the "case method" approach in conducting this course. In all his teaching, Mr Anderson ensures that interaction and effective feedback link him and his students together so that problems are readily identified. It is not surprising, therefore, that he has a record of involvement with innovative and experimental teaching practice arising from continual reflection upon the impacts of current and new ideas, approaches and materials on teaching and how these may profit-

ably influence the learning outcomes of his students."

Shelley Wright has recently been appointed as the Ariel F Sallows Visiting Professor of Human Rights at the University of Saskatchewan during calendar 1995.

Don Rothwell, together with Hilary Charlesworth and Rob Fowler of the University of Adelaide, have received a substantial grant from the Australian Antarctic Foundation to develop a postgraduate course on Protection of the Antarctic Environment.

Eilis S Magner received her SJD from the University of Toronto in absentia at a ceremony on 7 June. The title of her thesis was "Replay or Remembrance: Dealing with the Malleability of Witness Memory", based on an interdisciplinary approach involving law, psychology and philosophy.

Rosalind Atherton also completed her PhD this year, within the University of NSW's Faculty of Law. Her thesis was entitled " 'Family' and 'Property': A History of Testamentary Freedom in NSW with particular reference to widows and children". Ros graduated on 20 May. The third doctorate this year was gained by **Kathryn McMahon**, on the topic of "Misuse of Market Power: the identification of predatory conduct under s46 of the Trade Practices Act 1974", from Sydney University. Kathryn will graduate in October this year. Congratulations to Kathryn, Eilis and Ros!

Gail Evans was admitted to the Bar on 30 June 1994, and was among the last barristers to be admitted under the "old" scheme.

Isabel Karpin took up a tenurable lectureship at the Law School in 1994. She

SNEAK PREVIEW: ALLEN ALLEN & HEMSLEY FELLOW 1995

The Law School's Allen Allen & Hemsley Visitation Fellow for 1995 will be Ian Dennis, Professor of English Law at University College, London. Professor Dennis, who will be at the Law School in Second Semester 1995, has been at UCL since 1973. His teaching and research interests are mainly in the criminal law, criminal procedure and evidence areas. He has also taught contracts, torts, public law, and civil liberties from time to time, has been involved in University and SOPTOL administration, and has served on the UCL Ethical Committee on Experiments on Human Subjects. His publications include Odgers' Principles of Pleading and Procedure (21st and 22nd editions, 1975 and 1981), Modern Developments in the Law of Civil Procedure (1982), and Statutes on Evidence (1990), as well as a number of chapters, journal articles and conference proceedings. He is currently at work on a new textbook on the law of evidence. At the Law School he will be teaching Criminal Law and a seminar course on aspects of evidence.

taught in Constitutional Law in Semester 1 and will be teaching Law and Gender in Semester 2, and also has research interests in reproductive technology.

Rosalind Haskew took up a fractional fixed-term lectureship on 4 January 1994. Rosalind supervises, and undertakes some teaching in, the postgraduate course Corporate Finance, teaches the undergraduate course Securities Market Law (with Don Harding) and takes some classes in Company Law.

CJD REPORT

In May 1993 Associate Professor **Margaret Allars** was appointed by the former Minister for Health, Senator Graham Richardson, to head the Inquiry into the Use of Pituitary Derived Hormones and Creutzfeldt-Jakob Disease (CJD), established following the deaths from CJD of four Australian women who were treated for infertility under the Australian Human Pituitary Hormone Program. CJD, a "slow virus", is a fatal neurological disease.

The Inquiry's investigations involved examination of files of the Department of Health and Commonwealth Serum Laboratories (CSL), analysis of the scientific and medical literature and interviews with hormone recipients, medical practitioners, pathologists, mortuary attendants and with Departmental and CSL officers around Australia.

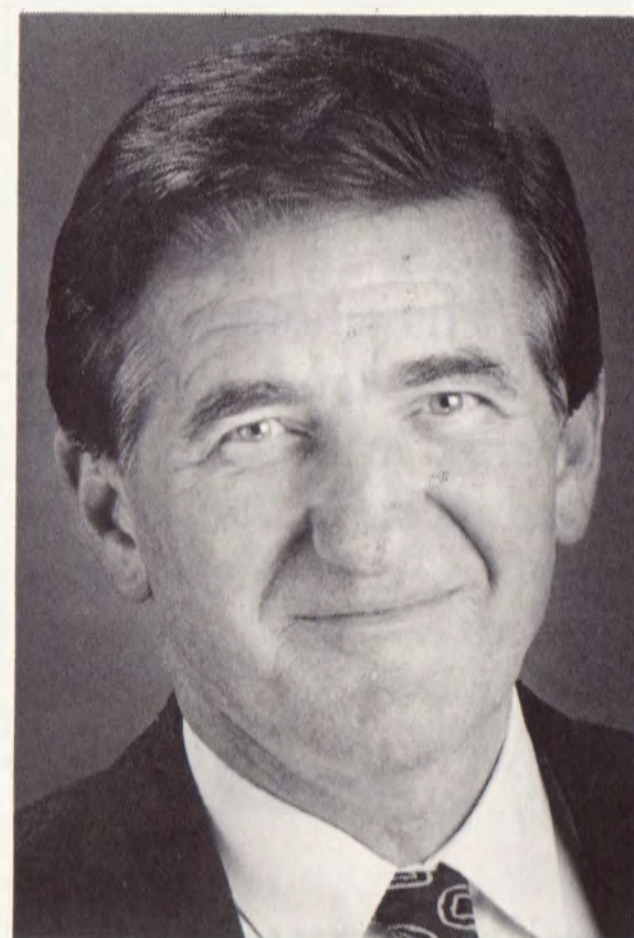
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NEW FACES

Profile 1: IVAN SHEARER

Ivan Shearer joined the Faculty in January 1993 as Challis Professor of International Law in succession to James Crawford.

After he obtained his LLB and LLM at the University of Adelaide, a Ford Foundation Fellowship took him to Northwestern University Law School to complete a Doctor of Juridical Science and a thesis, later published as a book, "Extradition in International Law". He then returned to Adelaide to teach, including two



years as Dean of the Faculty, and also spent a year between 1971 and 1972 with the United Nations Development Programme in Lesotho advising on treaty succession and implementation.

In 1975, he was appointed to a chair of law at the University of New South Wales, and held the joint offices of Dean of the Faculty and Head of School from 1984 to 1987, and Dean alone from 1988-1990. At UNSW, Ivan taught International Law, Legal System-Torts, Law, Lawyers and Society, and International Humanitarian Law.

In 1991, on special leave of absence, Ivan served for a year in the Department of Foreign Affairs and Trade, Canberra, as Special Adviser in International Law.

He is a Captain in the Royal Australian Navy Reserve and runs courses in the law of the sea, the international law of armed conflict, and international humanitarian law, for all three branches of the armed forces. As a member of the Council of the International Institute of Humanitarian Law, San Remo, he is involved in a 5 year program to revise the law of armed conflict at sea.

Ivan is currently completing an 11th edition of Starke's Introduction to International Law for Butterworths in London, and is also writing a report for the International Law Association on the ascertainment by national courts of rules of international law for application in domestic law. This year he is teaching International Law and Advanced International Law and the Use of Armed Force (postgraduate).

Profile 2: Okezie Chukwumerije

(from previous page)

Okezie teaches International Trade and Commercial Law at the Law School and has been with us since 1993. The only law lecturer in New South Wales from Nigeria (we suspect!), Okezie obtained his LLB at the University of Benin. He then passed his bar exams with flying colours at the Nigerian Law School in 1988, obtaining the Dr Taslim Elias prize for the best overall performance at the bar examination, and went on to complete an LLM at the University of British Columbia (1989) and Doctor of Jurisprudence at Osgoode Hall Law School (1992). His scholastic years at law and at the bar are studded with prizes and scholarships, and his latest book — to be published in August 1994 by Quorum Books, Connecticut — is *Choice of Law in International Commercial Arbitration*.



ADMIN PEOPLE

JENNIFER LITTMAN

Jenny Littman came to work for Sydney University at the "old" Law School, then at 164 Phillip Street, at the end of the 1960s, coming from a background in engineering, production control, personnel and stockbroking in Australia and overseas. Initially working in the Jurisprudence and International Law Department headed by Professor Julius Stone, upon the passing of that joint function department Jenny then worked in the Commercial Law and Tax departments of the Law School, administering the fledgling Masters of Laws programs and the regular undergraduate syllabus. During this time she also completed a Diploma in Criminology at the Law School and took up external studies towards an Arts degree from UNE Armidale.

As is still the case, the bulk of the postgraduate courses at the Law School were then taught at night. Most were taught by prominent full-time practitioners from large Sydney Firms and the Bar. At the same time, several regular non-degree courses were initiated by Professor Ross Parsons and conducted by the Committee for Postgraduate Studies in the Department of Law as "Thursday Night Lecture Programs". With Professor Parsons' retirement in 1985, the courses continued along these lines and evolved into the Continuing Legal Education program, under the direction of the prevailing Head of Department, and with Jenny as co-ordinator of the program from its inception. These courses attract many of the Law School's graduates, as well as legal practitioners, barristers and allied professionals. If you would like to know more about the Continuing Legal Education program, you can contact Jenny on tel: (02) 225 9238 or fax: (02) 221 5635.

Professor Allars' Report was tabled in federal Parliament on 28 June 1994 by the Hon Dr Carmen Lawrence, Minister for Human Services and Health. The Report found that the normal procedures for testing of the hormones, which were supplied as pharmaceutical benefits, were not followed. The expert committee of medical practitioners which monitored the Program failed to ensure that the criteria excluding the collection of pituitary glands from cadavers affected by disease were communicated effectively to pathologists and mortuary attendants. In 1980 the expert committee failed to respond appropriately to knowledge that the CJD infective agent in pituitaries might not be eliminated in the process of manufacturing the hormones at CSL.

The Report also found that recipients had a fundamental right to know that they were at risk of CJD in 1985 when the Program ceased and that the Department ought therefore to have commenced the process of tracing and counselling earlier than November 1990. The Report makes recommendations regarding the funding of research into CJD and its transmission; tracing, counselling and support groups for hormone recipients; and revision of guidelines of the National Health and Medical Council on patient consent, human experimentation and human tissue donation.



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STOP PRESS...

SYDNEY TEAMS WIN MOOT COMPETITIONS

Butterworths Intervarsity Moot 1994:

A team of students from the University of Sydney Law School won the 1994 Butterworths Intervarsity Moot Court Competition in a close finish from the University of New South Wales. Other participating law schools included Macquarie University, the University of Wollongong, the University of Technology, Sydney and the University of New England.

The Sydney team was comprised of Elizabeth Avery, Rebecca Irwin, Justin Hewitt, Justin Hogan Doran and Michael Williams. Ms Irwin also was named the best individual mooter. The final was held on Friday 26 August 1994, in the Banco Court of the NSW Supreme Court, with the "court" comprising Justice Michael Kirby (presiding), Justice Margaret Beazley and Professor Tony Blackshield. The problem, which involved complex issues of Australian constitutional law (in the area of the application of international conventions and recommendations to domestic industrial law), was devised by Professor Blackshield.

Apart from their exceptional performances in the competition, the members of the

Sydney team also merit congratulations for their work in organising the internal moot-ing program at the Law School, which relies on the energy of scores of volunteers from the Law School, the profession and the judiciary.

Family Law Moot Competition:

Earlier in August, Sydney Law School's Family Law moot team won the 1994 State competition, defeating the University of Wollongong in the final (after an earlier victory over UTS). The Sydney team of Mandy Potten, Vanessa Leong and Alexandra Harland was supervised by Patrick Parkinson of the Faculty.

The State final was judged by Justice J E Ellis of the Family Court of Australia, and is part of a national competition organised by the Family Law section of the Law Council of Australia. The Sydney team's win is especially commendable as it was the first experience with moot-ing for all of the members.



JUSTICE SCALIA VISITS THE LAW SCHOOL

Justice Antonin Scalia of the United States Supreme Court spent the morning of Monday 29 August 1994 with the Law School. (He is making a private visit to Australia at the invitation of NSW Chief Justice Murray Gleeson, principally to serve as guest speaker at a fundraising dinner in aid of the Matthew Talbot Hostel.) Justice Scalia was appointed to the US Supreme Court in 1986, after a period on the DC Circuit of the US Court of Appeals. He also has served as an Assistant US Attorney General, and as a General Counsel of the Office of Telecommunications Policy. Justice Scalia also has had a substantial career in academia, with periods as a Professor of Law at Virginia, Georgetown, Chicago and Stanford Universities between 1967 and 1982. He is a graduate of Georgetown, Fribourg and Harvard Law School. Justice Scalia chose not to give a formal address, but engaged in a fascinating, candid and wide-ranging discussion with Faculty on matters including: methods of appointing judges; the virtues of having former academics on the appellate Bench; theories of constitutional interpretation; the role of courts in a democratic society; the difference between writing journal articles and judicial opinions; the pros and cons of Bills of Rights and citizen-initiated referendums; the separation of powers, and collegial relations among the members of the US Supreme Court.

Front Cover: The Old Law School, Phillip Street

The Law School had various homes in Phillip Street and Martin Place before 1914. Early in that year it occupied a building (pictured on cover — photograph by Greg McCarry) which the University had purchased in Phillip Street. The premises already had associations with the law, notably in having housed the offices of the firm in which the eminent solicitor Sir George Wigram Allen practised.

Formerly called Wigram Chambers, it was renamed University Chambers and shared the title with a building behind it, facing Elizabeth Street, known before its acquisition by the University as Barristers Court.

In 1938 new offices of thirteen storeys were constructed by the University where Barristers Court and some adjacent premises had been. The new structure and the old Phillip Street building were linked and were appropriated partly for the purposes of the Law School and partly for the accommodation of members of the legal profession and other tenants. Eventually, rapid expansion of the School compelled the whole of the Phillip Street building to be given over to its requirements.

Vacated in 1969, on the occupancy of the Law School's new quarters, University Chambers were demolished and the site was redeveloped. But a reminder of the elaborate sandstone facade in Phillip Street is to be found in the carved heads, taken from the second storey, recessed into the external eastern wall on the ground floor of the present Law School.

