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Welcome to UOW Law E-News

Welcome to the first release of UOW Law E-News, our new method of keeping you informed about what is happening at the UOW Faculty of Law. As we approach the 20th anniversary of the establishment of the Faculty of Law (yes - only two years away!) we've realised that the size of the group of people with whom we want to stay in touch has grown so big that it makes sense to make use of the technology with which we are all now so familiar.

Currently our E-News recipients list consists of full-time and sessional staff, current undergraduate and postgraduate students, alumni, members of our Faculty Advisory Committee, representatives of law firms and other organisations that provide sponsorship, and other supporters of the UOW Faculty of Law. We hope you will find it a valuable and convenient way to stay informed and in touch.

Of course, if you would prefer not to receive this e-newsletter, just let us know by following the instructions at the end of the E-News.

Luke McNamara
Dean
May 2008

New Equity Scholarship

At the end of 2007 the UOW Faculty of Law received an extremely generous gift to support the establishment of the Faculty's first memorial scholarship.

The **Tom Maguire Memorial Scholarship for Law** is donated by the children and grandchildren of the late Tom Maguire. The Scholarship has been established with a \$50,000 gift from the family.

Mr Maguire was a well known local legal practitioner and a founding partner in the Wollongong-based firm Maguire and McInerney. He contributed significantly to the legal profession in the Illawarra. Mr Maguire was committed to the community and to sharing his skills and knowledge with fellow practitioners.

The Tom Maguire Memorial Scholarship for Law will help UOW Law students experiencing financial need. The family's desire to support students in need follows the experience of Mr Maguire who himself faced significant barriers in his legal studies but went on to become a highly regarded legal professional.

The University of Wollongong and the Faculty of Law are grateful for the support of the Maguire family. This generous gift will help generations of Law students at UOW excel in their studies and realise their full potential.

The 2008 recipient of the Tom Maguire Memorial Scholarship for Law will be announced in the next edition of UOW Faculty of Law E-News.

New Work Integrated Learning Scholarship

We are pleased to announce the creation of a new Work Integrated Learning (WIL) Scholarship in 2008, with the generous support of **Access Business Lawyers**. This scholarship, available to a first year LLB student, complements the existing **Warren McKeon Dickson WIL Scholarship**, which is open to LLB students entering their final year.

The support of Warren McKeon Dickson www.wmdl.com.au and Access Business Lawyers www.accesslawyers.com.au is gratefully acknowledged.

The 2008 recipient of the **Access Business Lawyers WIL Scholarship** for Law will be announced in the next edition of the UOW Faculty of Law E-News.

The recipient of the Warren McKeon Dickson WIL Scholarship in 2007 was **Anika Fleet**.

A third law firm-sponsored WIL Scholarship will be announced later this year.

Law firms interested in sponsoring a WIL Scholarship are invited to contact the Dean, Professor Luke McNamara. Ph: (02) 42213382 Email: lukem@uow.edu.au

For further details about existing UOW scholarships, go to:
<http://www.uow.edu.au/about/scholarships/index.html>

2008 Staff Appointments

Following a highly successful recruitment process, four new academic staff members will join the Faculty of Law over the course of 2008.

Dr Donna Spears joined us as a Lecturer in January 2008. Donna's background includes a period as Research Director at the NSW Judicial Commission, almost 10 years at the bar, and several years as a part-time academic at UNSW and USyd. Her primary field of research is sentencing, and in 2008 she is teaching Criminal Law and Process A & B.

Dr Marett Leiboff joins us next month as a Senior Lecturer. Marett comes to us from QUT with significant teaching experience and an active research program in law and creative practices, and legal theory. She will be involved in teaching a range of subjects including Legal Theory & Intellectual Property Law, and will be an important member of the Legal Intersections Research Centre.

Dr Clive Harfield will be joining us as an Associate Professor in July 2008. Clive is currently a Reader at the John Grieve Centre for Policing and Community Safety, at London Metropolitan University. He has a background in policing, and comes to us with significant expertise in transnational law enforcement and mutual legal assistance. He will be involved in teaching criminal law in the LLB program, and will also participate in the postgraduate and research activities of the Faculty of Law's Centre for Transnational Crime Prevention (CTCP).

Dr Sarah Sorial will join us as a Lecturer in October 2008. Sarah has qualifications in law and philosophy, and is the recipient of a 2008-2011 Australian Research Council Post-doctoral Fellowship working on a project dealing with sedition laws, free speech and speech act theory.

Associate Professor Dan Howard SC has taken up a 12 month appointment as the Director of the National Prosecutions Program, which is conducted by CTCP. Associate Professor Howard joins us after a long and successful career at the NSW bar, most recently as a Deputy Senior Crown Prosecutor.

Professor Duncan Chappell has joined the academic staff of CTCP and the Faculty of Law on a 12 month contract in 2008. Professor Chappell is an experienced and highly regarded academic lawyer and criminologist who has held numerous distinguished positions, most recently as Professor & Director of the Institute of Criminology, Faculty of Law, University of Sydney. In addition to contributing to the research and HDR supervision activity of the Faculty of Law and CTCP, Professor Chappell will be involved in CTCP postgraduate teaching, and will bring his expertise in mental health law to the LLB program.

Faculty of Law Advisory Committee

The Vice Chancellor has recently extended invitations to a number of distinguished lawyers (including a number of UOW Faculty of Law alumni) to join the Faculty of Law Advisory Committee. The Advisory Committee is designed to be an important link between the Faculty of Law, the legal profession and the broader community, by providing expert advice on existing programs and proposed new developments.

The Current members of the Advisory Committee are:

The Honourable Justice Virginia Bell, Supreme Court of NSW (Chair)

His Honour Judge Jack Goldring, District Court of NSW
 His Honour Judge Joe Phelan
 Mr Graeme Henson, Chief Magistrate of NSW
 Mr Bruce Collins QC, Barrister
 Mr Andrew Haesler SC, Deputy Senior Public Defender, NSW
 Mr Stuart Hill, Barrister, President, Wollongong Regional Bar Association
 Ms Silke Koernicke, Senior Associate, Tress Cox Lawyers
 Ms Anne Mowbray, Partner, Verekers
 Ms Rachael Cooper, Executive Officer, Fiji Task Force, Commonwealth Department of Foreign Affairs and Trade
 Mr Jonathan Dobinson, Legal Officer, Australian Law Reform Commission
 Mr Michael Mantei, Partner, Kells
 Mr Ashley Tsacalos, Partner, Deacons
 Mr Levi Garry, President, University of Wollongong Law Students' Society

We greatly appreciate the willingness of each of these Advisory Committee members to find time in their busy schedules to provide advice and guidance in support of the UOW Faculty of Law's endeavours.

Alumni News

During the month of May, more than 50 graduates of the LLB program at the UOW Faculty of Law responded to a questionnaire distributed by the Dean, Professor Luke McNamara. The responses will provide the basis for a website and brochure – 'Where a UOW Law Degree Can Take You' – that will highlight for existing and potential law students the many and diverse career paths that are available to graduates of our LLB program. A 'Where Are They Now?' feature will be a regular inclusion in future editions of UOW Law E-News, but for now – a few recent noteworthy achievements:

- Three UOW graduates have recently been made partners at Sydney firms: **Tim Castle** (BA/LLB 1995), Gilbert + Tobin; **Ray Giblett** (BSc/LLB 1995), Gadens; **Ashley Tsacalos** (BCom/LLB 1999), Deacons;
- In 2007 three UOW graduates were made partners at Wollongong law firms: **Michael Hatfield** (BCom/LLB 2000), Kells; **Michael Mantei** (LLB 2001), Kells; and **Anna Masi** (BA/LLB 2000), Hansons. They join **Chris Sheppard** (BCom/LLB 1999) who has been a Partner at Russell McLelland Brown since 2005.
- **Hajir Naghdy** (BMaths/LLB 1997) is currently the Executive Director, Macquarie Capital, Middle East, Macquarie Group Ltd, based in the UAE;
- **Zoe Nielsen** (LLB 1995) is the Deputy Director of the Human Security Report Project, School for International Relations, Simon Fraser University, Vancouver, Canada;
- **Julie Galligan** (BCom/LLB 1999) is the National Recruitment Manager for Minter Ellison;
- **Liz Crawford** (BCA/LLB 1999) is the Principal Solicitor for Wesley Legal Services, Wesley Mission;
- In July 2008 **Sarah Williams** (BCom/LLB 1997) will take up the position of Dorset Fellow in Public International Law at the British Institute for International and Comparative Law in London;
- In July 2008 **Marcel Gordon** (BCompSci/LLB 2006) will take up a position with Google in Zurich after completing a LLM at the University of Cambridge.

2008 Prize Night

The Faculty's Annual Prize Night was held on Thursday 1 May at the City Beach Function Centre in Wollongong. Prize-winning students were recognised for their achievements in the presence of their peers, families and friends, lecturers and other UOW Faculty of Law staff.

A full list of prize recipients will be available soon at www.uow.edu.au/law

The Faculty of Law would like to acknowledge the generous support of the many law firms and other organisations that have provided sponsorship for academic prizes and awards:

- Access Business Lawyers
- Association of Taxation and Management Accountants (ATMA)
- Australian Crime Commission
- Australian Securities and Investments Commission (ASIC)
- Campus Chapter, Alumni Network
- CCH Australia
- Deacons Lawyers
- Faculty Advisory Committee
- Hansons Lawyers
- Harmers Workplace Lawyers
- Hennikers Solicitors
- Holding Redlich Lawyers
- Kells the Lawyers
- Law Society of NSW
- LexisNexis
- Lopich Lawyers
- Maguire & McInerney Lawyers
- Morton & Harris Lawyers
- New South Wales Bar Association
- Office of the Director of Public Prosecutions (ODPP)
- Russell McLelland Brown Lawyers
- Thomson Lawbook
- Warren McKeon Dickson Lawyers

CLE – Collaborative Law

The Legal Practice Unit is preparing for the introduction of the *Professional Development Series*: a program of continuing legal education that it will manage on behalf of the Faculty of Law. Planning is underway for a series of seminars in July and August on Collaborative Law Practice, an area in which the legal profession is displaying increasing interest. The series will be presented by **Lorraine Lopich**, a collaborative lawyer and trainer with national and international qualifications in this area of practice, in which the legal profession is displaying increasing interest. Expressions of interest in attending the series are being sought from the profession locally and further afield.

The Centre for Transnational Crime Prevention's Postgraduate Prosecutions Program

In addition to its unique graduate program in transnational crime prevention, the Faculty of Law's Centre for Transnational Crime Prevention is home to Australia's only specialist program of postgraduate study for professional prosecutors. Led by National Prosecutions Program Director, **Associate Professor Dan Howard SC**, the Centre has run two very successful intensive modules so far in 2008.

In March, postgraduate students enrolled in the prosecutions program gathered in Wollongong for presentations from senior prosecutors and lawyers including NSW Senior Crown Prosecutor **Mark Tedeschi QC**, a Professorial Fellow at the Centre, who spoke on *"The 10 Most Important Attributes of a Prosecutor"*. Students also heard lectures from NSW Director of Public Prosecutions **Nicholas Cowdery AM QC**, former DPP of the Northern Territory **Rex Wild QC**, barrister **Stephen Keim SC** (the Queensland barrister who represented Dr Mohamed Haneef and who was nominated by the *The Australian* newspaper as Australian of the Year), **Chris Maxwell QC** (NSW Deputy Senior Crown Prosecutor and a former UN Prosecutor in Kosovo), and Crown Prosecutor **Priscilla Adey** (an expert in sexual assault trials).

According to Associate Professor Howard:

"It is important that our students learn, from those actually at the coalface, how the prosecution process works in the real world - this is an important way to bring the theory of prosecuting to life. This is the only post graduate program of its kind in Australia, and our approach of engaging students with presentations from senior practitioners offers a rare opportunity for our students, who include prosecutors from Australia and overseas, to enhance their skills by acquiring a deeper understanding of the prosecution process, the rules of evidence, the use of expert forensic evidence, and many other essential tools of the modern prosecutor. We examine the organic nature of, and the policy tensions behind, the prosecution process and its place in the criminal justice system. We also examine many international aspects of prosecuting – essential now, given the global scope of criminal activity in the modern world."

The program has recently expanded with the addition of fourteen South Australian students, all solicitors employed with the South Australian DPP who have been sponsored by the South Australian Attorney General's Department. The team of practitioners who travelled to Adelaide to deliver intensive lectures from 22nd - 30th April included leading Human Rights lawyer **Julian Burnside QC** (fresh from the 2020 Summit) who delivered an important lecture that analysed a number of famous historic miscarriages of justice. Lectures were also given by NSW Deputy DPP **David Frearson SC**, **Chris Maxwell QC**, **David Arnott SC** and **Priscilla Adey**. As part of the program the students were all required to choose and research a case of miscarriage of justice caused by prosecutorial error, and these were presented to a panel including Julian Burnside and David Frearson. Associate Professor Howard, notes that "a process like this provides a rare opportunity for the students to learn, by studying in detail historic and modern miscarriages of justice, how to avoid repeating them."

The Faculty of Law is extremely grateful to the members of the profession who give so generously of their time to make these intensive programs such a unique learning experience.

For further information on the Centre for Transnational Crime Prevention, go to:
<http://ctcp.uow.edu.au/>

CLDSAP Workshop on Intellectual Property Enforcement in the Asia Pacific Region

In December 2007 the Faculty of Law's Centre for Comparative Law and Development Studies in Asia and the Pacific (CLDSAP), with support from the Max Planck Institute for Intellectual Property, Competition and Tax Law and the Australian Research Council Centre of Excellence for Creative Industries and Innovation, hosted a workshop on 'Intellectual Property Enforcement in Asia and the Pacific'.

The workshop was convened by Professor Christoph Antons (Director of CLDSAP) and Thailand's Minister of Commercial Affairs, Mr Weerawit Weeraworawit, a Visiting Professorial Fellow with CLDSAP.

For further information on the workshop and the Centre for Comparative Law and Development Studies in Asia and the Pacific, go to: www.uow.edu.au/law/cldsap/index.html

LIRC Workshop on Law and Religion

The Legal Intersections Research Centre (LIRC) is a research group based in the UOW Faculty of Law. LIRC promotes and undertakes research that explores various dimensions of the theme of 'legal intersectionality'. Researchers associated with LIRC are committed to law-related research and scholarship that explores and crosses the boundaries between: law and other disciplines; state and national jurisdictions; adversarial and negotiated modes of dispute resolution; and law 'on the books' and law 'in operation'.

Following the success of its 2007 Seminar Series on Law and Religion, LIRC will host a one day expert workshop in Wollongong on Law and Religion on 4 June 2008. Convened by **Dr Nadirsyah Hosen**, with the assistance of a reference group including **Dr Rick Mohr**, **Associate Professor Greg Rose**, **Dr Cassandra Sharp** & **Professor Luke McNamara**, the workshop will address the religious dimensions of law, the legal dimensions of religion, and the interaction between secular law and religion. Particular attention will be given to the implications for Australian law and society, religious tolerance and freedom. The workshop will not only create important reference works in the field, but will also provide excellent opportunities to work with respected scholars and religious leaders.

Invited Speakers are:

Dr Darryn Jansen, TC. Beirne School of Law, University of Queensland

Professor Margaret Davies, School of Law, Flinders University:

Professor Frank Brennan SJ AO, Australian Catholic University:

Rabbi Jeremy Lawrence, Senior Rabbi and Chief Minister, Great Synagogue, Sydney; and Registrar, Sydney Beth Din

Dr Mohamad Abdalla, Griffith Islamic Research Unit, Griffith University:

Dr Paul Babie, Law School, University of Adelaide

Dr Kath Gelber, School of Social Sciences and International Studies, University of New South Wales

Dr Daniel Stepniak, Faculty of Law, University of Western Australia

Drs Hosen, Mohr & Sharp from the UOW Faculty of Law and LIRC will also present papers.

For further details, go to: www.uow.edu.au/law/UOW043906.html

ANCORS Short Courses

The Faculty of Law's Australian National Centre for Ocean Resources and Security (ANCORS) is Australia's only multi-disciplinary university-based centre dedicated to research, debate and education on national and international ocean law, security and cooperation, and natural marine resource management. Between 30 June and 11 July ANCORS will run professional short courses on 'Law of the Sea' and 'Maritime Regulation and Enforcement'.

For further details go to: www.ancors.uow.edu.au/short_course/shortcourse.html

Recent Faculty of Law Seminars

5 March 2008 – **Mr Colin Campbell** (Family Court of Australia), 'Is there a place for spirituality in Family Law?', Faculty of Law/Legal Intersections Research Centre seminar

2 April 2008 – **Dr Adam Dolnik** (CTCP), 'What Do We Know about Why People Become Terrorists?', Faculty of Law/Centre for Transnational Crime Prevention seminar

23 April 2008 – **Professor Luke McNamara**, 'Building the Case for an Australian Bill of Rights: The Value of Comparative Socio-Legal Research', Faculty of Law/Legal Intersections Research Centre seminar

30 April 2008 – **Professor Tony Jackson** (University of Dundee), 'The Role of Industrial Symbiosis in Promoting Bio-fuel Feedstock Uses for UK Food and Fibre Production', Faculty of Law/Institute for Conservation Biology and Law seminar

22 May 2008 – **Mr Yuichiro Nakaya** (Japan Patent Office) 'What are Japanese Patent Examiners Doing? Japan Patent Office's Efforts toward Expedition and Efficient Patent Examination', Faculty of Law/Centre for Comparative Law and Development Studies in Asia and the Pacific seminar

22 May 2008 – **Mr Lionel Fogarty** (author of *Dha'lan Djani Mitti* (Salt Publishing, 2007)), 'Art and Activism: Working for Indigenous Justice', Faculty of Law/Legal Intersections Research Centre seminar

28 May 2008 – **Dr Robin Warner** (ANCORS), 'Developments in High Seas Biodiversity Conservation', Faculty of Law/Australian National Centre for Ocean Resources and Security Seminar

Selected Recent Engagements and Invitations for Faculty of Law Staff

Professor David Farrier presented papers on Pacific Island environmental legislation at a workshop in Fiji in February.

Dr Nadirsyah Hosen was invited to present a paper at a major international symposium on *Emergency Powers in Asia: Exploring the Limits of Legality*, hosted by the Faculty of Law at the National University of Singapore in May. Dr Hosen has also been invited to present a paper on Sharia and Legal Pluralism in Indonesia' at a workshop on 'Studying Islam in Southeast Asia: state of the art and new approaches', organised under the auspices of The Australia-Netherlands Research Collaboration (ANRC), in co-operation with the International Institute for the Study of Islam in the Modern World (ISIM), Leiden University, in July.

Dr Andrew Kelly has been invited to participate in the next meeting of The Local Government Biodiversity Officers Network (LGBON) in Adelaide in June on the topic of biodiversity policies and plans. In collaboration with **Professor David Farrier** and **Mr Gerry Holmes** (Honorary Senior Fellow in the UOW Faculty of Law) Dr Kelly, also led a successful tender to Learning Solutions, the educational branch of the Local Government Association and Shires Association for the preparation of a booklet for councillors on planning law.

Associate Professor Peter Ridgway (CTCP) will be attending the World Justice Project Conference in Vienna in July at the invitation of the American Bar Association. He has also been invited to present a paper in Fiji in June on 'The Role of the Judiciary in Defending the Rule of Law' at a seminar organised by the NGO *No Peace Without Justice* and the Fiji Women's Rights Movement.

Dr Andrew Frazer has been invited to be a panel discussant at the Australian Labour Law Teachers' Workshop in Melbourne in November.

Selected Recent Publications by Faculty Staff

Charles Chew, 'Rethinking the special equity rule for wives: post Garcia, Quo Vadis, where to from here?' (2007) 19 (1) *Bond Law Review* 61-81

Ruth Davis, 'Enforcing Australian law in Antarctica: the HSI litigation' (2007) 8 (1) *Melbourne Journal of International Law* 142-158

David Farrier, 'The limits of judicial review: Anvil Hill in the Land and Environment Court' in T. Bonyhady & P. Christoff (eds), *Climate Law in Australia* (Federation Press, 2007)

J. Gray, B. Edgeworth, N. Foster & **Scott Grattan**, *Property Law in New South Wales* (LexisNexis Butterworths, 2nd ed, 2007)

Warwick Gullett, *Fisheries Law in Australia* (LexisNexis Butterworths, 2008)

Nadirsyah Hosen, *Shari'a and Constitutional Reform in Indonesia* (Institute of Southeast Asian Studies, 2007)

Andrew Kelly & C Smith, 'The Capriciousness of Australian Planning Law: Zoning Objectives in NSW as a Case Study' (2008) 26(1) *Urban Policy and Research* 83-100

Jakkrit Kuanpoth, 'Intellectual property rights and pharmaceuticals: A Thai perspective on prices and technological capability' (2007) (2) *Intellectual Property Quarterly* 185-215

Ainslie Lamb & John Littrich, *Lawyers in Australia* (Federation Press, 2007)

Kay Maxwell, 'Wills and Estates' in G. I. Monahan & L. Young (eds), *Children and the Law in Australia* (Lexis Nexis, 2008)

Luke McNamara, *Human Rights Controversies: The Impact of Legal Form* (Routledge-Cavendish, 2007)

Rick Mohr, 'Local court reforms and 'global' law' (2007) 3 (1) *Utrecht Law Review* 41-59

Greg Rose, 'Australia's regional treaty activity in the Asia-Pacific: a sub-regional trends analysis' (2008) 8(1) *International Relations of the Asia-Pacific* 103-124

S M Solaiman, 'Disclosure philosophy for investor protection in securities markets: does one size fit all?' (2007) 28 (5) *The Company Lawyer* 135-143

Selected Recent Publications by Faculty of Law Staff in Specialist Centres

Christoph Antons [Centre for Comparative Law and Developments Studies in Asia and the Pacific] 'The recognition and protection of well-known trade marks in Indonesia' (2008) 3(3) *Journal of Intellectual Property Law & Practice* 185-193

Adam Dolnik [Centre for Transnational Crime Prevention] & K. M. Fitzgerald, *Negotiating Hostage Crises with the New Terrorists* Westport (Praeger Security International 2008).

Chris Rahman [Australian National Centre for Ocean Resources and Security], 'The international politics of combating piracy in Southeast Asia' in P. Lehr (ed), *Violence at Sea: Piracy in the Age of Global Terrorism* (Routledge, 2007)

Martin Tsamenyi and Mary Ann Palma [Australian National Centre for Ocean Resources and Security], 'Legal Considerations in the Implementation of Long-Range Identification and Tracking of Vessels' (2007) 13 (1) *Journal of International Maritime Law* 42-55.

Clive Schofield [Australian National Centre for Ocean Resources and Security], 'Minding the gap: the Australia-East Timor treaty on certain maritime arrangements in the Timor Sea (CMATS)' (2007) 22 (2) *The International Journal of Marine and Coastal Law* 189-234.

Robin Warner [Australian National Centre for Ocean Resources and Security], 'Protecting the Diversity of the Depths: Environmental Regulation of Bioprospecting and Marine Scientific Research Beyond National Jurisdiction' (2008) 22 *Ocean Yearbook*

For a full list of recent publications go to the Faculty Law home page – www.uow.edu.au/law

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