

SEMINAR

# The Murphy Legacy in Troubled Times



Saturday, 21 October 2006

The Studio Theatre, National Museum of Australia, Canberra

The ANU College of Law's Centre for International & Public Law and National Institute of Social Sciences & Law welcome you to this seminar. The afternoon draws together four speakers with different perspectives on Lionel Murphy and his approaches to law and judging; providing valuable lessons on the pressing issues of today, 20 years since his death.

## PROGRAM

(presenters will speak for 15-20 minutes, followed by 20-30 minutes for questions & discussion)

12.45-1.45pm

**SESSION 1** Chair: Prof Michael Coper, Dean, ANU College of Law

**A Tale of Two Maverick Judges: The links between Lionel Murphy and William O Douglas**  
**GRAHAM FRICKE QC**, Visiting Fellow, ANU College of Law and former Visiting Professor, Law School, Deakin University

**Lionel Murphy as Law Reformer**

**SUE TONGUE**, Visiting Fellow, ANU College of Law

1.45-2pm

Break

2-3pm

**SESSION 2** Chair: Prof Kim Rubenstein, Director, Centre for International & Public Law, ANU

**Lionel Murphy vs The Chilling Effect: When security denies democracy and human rights**  
**DR JOCELYNNE A SCUTT**, Barrister, Owen Dixon Chambers, Melbourne and Marbury Chambers, Sydney

**Prescience and Conscience in the Late Judgments of Justice Lionel Murphy**

**DR THOMAS FAUNCE**, ANU College of Law & ANU Medical School

3-3.25pm

Afternoon tea in the Main Hall

Downloadable audio of this seminar will be available online shortly after the event, at: <http://www.law.anu.edu.au>

3.30-4.30pm

The 20th Lionel Murphy Memorial Lecture: *Civil Liberties: An Endangered Species*  
by The Hon Neville Wran AC QC  
Visions Theatre, National Museum of Australia

*Places have been reserved in the Visions Theatre for those who have already indicated that they will be attending the lecture by Neville Wran. Places may still be available for those who did not request a reservation.*

# PRESENTERS

## GRAHAM FRICKE

After completing his law degree at Melbourne in 1956, Graham Fricke taught at the same law school before attending the University of Pennsylvania as a Ford Foundation Fellow in 1958–9. For his master's degree, he wrote a thesis on products liability, which was published in two parts in the *Villanova Law Review*, and re-published in Melvin Belli's *Trial and Tort Trends* for 1961. During a short teaching stint at the University of Tasmania, Graham wrote several articles, including one on actions for breach of statutory duty that was published in the *Law Quarterly Review*. Graham then forsook academia and returned to Melbourne, where he practised as a barrister for a couple of decades between 1962 and 1983. In 1978, he was appointed a Queen's Counsel. In 1983 he was elevated to the County Court of Victoria. During his period as a judge he obtained a diploma in criminology at his old university. In 1996 Fricke returned to academia as Visiting Professor at Deakin University. He taught Federal Constitutional Law, Trial Advocacy and Criminal Procedure for the next six years. Graham co-wrote *The Law of Trusts in Victoria* (with Otto K Strauss) in 1964, wrote another textbook on *Compulsory Acquisition of Land in Victoria* for Law Book Company in 1975. A second edition, expanded to cover all Australian jurisdictions, was produced in 1982, with interstate contributors. During his period on the bench, he wrote three lighter works, *Libels, Lampoons and Litigants* (1984) *Judges of the High Court of Australia* (1986) and *Profiles of Power* (1990). His *Tales from the Courts* was published by Lothian in 1999.

## SUE TONGUE

Sue Tongue is a Visiting Fellow at the ANU College of Law and director of Sherton, a consulting company. She specialises in administrative law with a particular focus on migration law. From 1995 to 2000 she was head of the Migration Review Tribunal and its predecessor body. She is co-author of a forthcoming casebook on migration law to be published by Cambridge University Press and a member of the Advisory Board of the DIMA Training College. Sue was an ANU law student with an interest in law reform when Lionel Murphy was Federal Attorney-General. She was an Associate at the High Court when he was a judge of that Court. She worked at the Australian Law Reform Commission soon after it was established by Lionel Murphy and was later its Deputy President. She was ministerial adviser to Attorney-General Gareth Evans. Following Lionel Murphy's example, she has closely considered other legal systems, as a Visiting Fellow at Harvard Law School and as a UN lawyer. She hopes that through her association with Lionel Murphy she learned how to listen.

## THOMAS FAUNCE

Dr Thomas Faunce is senior lecturer in the ANU College of Law and ANU Medical School at The Australian National University. He is Director of the Globalisation and Health Project under an ARC grant to investigate the impact of international trade agreements on Australian medicines policy. His PhD on normative intersections in the doctor-patient relationship was awarded the Crawford Prize in 2001 and has been published by Kluwer. Tom has been contracted by UNESCO to assist with the Australian component of its global bioethics and health law database. He was a judge's associate to Justice Lionel Murphy in 1983.

## JOCELYNNE SCUTT

Dr Jocelynn A Scutt is a barrister, writer, filmmaker and executive producer. From October 1999 to October 2004, she was First Anti-Discrimination Commissioner for Tasmania, operating under and administering the *Anti-Discrimination Act 1998* (Tasmania). Prior to becoming Anti-Discrimination Commissioner in October 1999, Jocelynn was in private practice at the Melbourne Bar, where she specialised in administrative law, anti-discrimination and equal opportunity, tax, corporate law and banking, criminal law, immigration, property and equity, human rights and the rights of Indigenous people. Her previous positions include: Deputy Chairperson and Commissioner, Victorian Law Reform Commission; Director of Research, Victorian Parliamentary Legal and Constitutional Committee, Associate to High Court Judge the Hon Justice LK Murphy; Criminologist with the Australian Institute of Criminology; and Senior Law Reform Officer with the Australian Law Reform Commission. Jocelynn has practiced in Victoria, the Northern Territory, New South Wales, South Australia, Western Australia and Tasmania, and done opinion work in Queensland and the Australian Capital Territory. She is a public speaker, lecturer and trainer, author and editor of some 24 books, has published widely in Australian and overseas law, sociology, political and criminological journals, and has been a supervisor and examiner for a number of Universities in their higher degree programs, including Deakin University, Macquarie University, Ballarat University, and the University of Western Australia. In October 2004, upon completion of her five year contract as Tasmania's First Anti-Discrimination Commissioner, Jocelynn returned to the Practising List at the Victorian Bar.