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Faculty of Law

# Annual Report to Council

2000



THE AUSTRALIAN NATIONAL UNIVERSITY

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## *DEAN'S INTRODUCTION\**

### **Introduction**

When I spoke to you last year, I gave you a fairly graphic description of two different kinds of law school, one adequately funded and the other underfunded. As you may recall, I made the point that the consequences of underfunding extend well beyond the immediate issues about the quality of legal education at ANU and flow through to the quality of the legal profession, the ethical sensitivity of the legal profession, and how well the legal profession serves the needs of Australian society. I do not need to repeat what I said last year, but may I refer you to my remarks which are incorporated into the Dean's Introduction at the front of the 1999 Annual Report. They remain as compelling now as they were then. I want to return to this theme in a moment, but first let me mention some positive developments in the law school.

### **Intellectual Property Centre**

First, I am about to announce the appointment of the first Director of the Australian Centre for Intellectual Property in Agriculture (ACIPA). This is a really exciting development. We have secured very significant external funding for this Centre, mainly from the Grains Research and Development Corporation (GRDC), and the Centre will play a pivotal role, I hope, in informing national policy about the protection of intellectual property, the commercialisation of intellectual property, and generally how Australian interests are best served in this important area. We have worked very closely on this with the Research School of Biological Sciences (RSBS), so there is a nice example here of Faculty/Institute cooperation.

### **Alumni**

Secondly, I want to mention developments with our alumni. One of my top priorities has, as you know, been to build the wider law school community, and particularly to reconnect our alumni with the law school. Last year we launched an appeal for alumni support for a Chair in Administrative Law, one of our traditional strengths. The response has been fantastic. We have a target of \$125,000, which is to be matched by the Endowment for Excellence; with the Faculty's contribution of a level B position, this means we can fund this Chair for 5 years. As of today, the alumni have contributed or pledged over \$100,000, and in recognition of that, the Chair will be named the Alumni Chair in Administrative Law. If this is any indication of how the University might tap into its alumni, we should be optimistic about future developments (although I should add, and I hope the Vice-Chancellor will not mind me saying, that we do need to put more resources into cultivating the alumni – it is not simply expenditure, it is an investment).

### **Staffing**

Thirdly, I just want to touch on our staffing situation in the law school. This year, we have had an unusual number of departures, not because of any discontent with the law school (except, in two cases, where the departures were provoked by the University's unnecessarily harsh attitude to promotion) but because we have such fine people in the law school that they are inherently mobile and often find themselves with irresistible opportunities for personal advancement elsewhere. In any event, we are on the threshold of a major appointment round, and I have to say that the volatility of the University's financial situation, and that of the Faculty, makes planning quite difficult. Some forward estimates, although tentative, see a drop in the Faculty's share of the Faculties Resources Allocation Model (the FRAM) from 2003 on. I have to decide - now, not in 2003 - whether those projections should

make us take a conservative approach to the current appointment round. My inclination is that we should not be overly conservative, for these reasons:

- If departing staff are not replaced, the morale of those who are left to face increased workloads will plummet;
- The estimates are tentative, and I will continue my never-ending struggle to get a better deal for law from the FRAM to ensure that they do not eventuate;
- Even in a worst-case funding scenario, the historical mobility of staff in law is such that it is likely that we could address any problems in 2003 and beyond by taking advantage of that mobility at the time;
- Even if for some reason the traditional mobility were to cease, we can of course, as a last resort, fall back on redundancy.

I believe that, just as it is inadvisable to plan on the basis of wishful thinking and unsupported optimism, so it is inadvisable to plan on the basis of the worst-case scenario. If the worst-case scenario were allowed to happen, the University would have abandoned its commitment to a quality law school. One must plan on the basis of best guesses and realistic risk management. In any event, I raise these matters of general strategy for your information. If you think I have got it wrong please tell me.

### **Funding**

Let me return to, and finish on, law school funding. Law, as a discipline in Australia, has been disadvantaged ever since the flawed studies that underpinned the relative funding model in 1990. Some universities have addressed that by taking a conscious decision that a prestigious law school makes for a prestigious university, and have based their funding for law on what is required to produce skilled and ethical lawyers, not on what it cost historically to mass produce rote learners. This University has to decide whether it wants to ensure that it keeps a quality law school. Unfortunately, the debate about the FRAM has not yet been in those terms.

**Professor Michael Coper**  
**Dean of Law and Professor of Constitutional Law**

\* Edited version of the Dean's oral presentation to Council on 13 October 2000

## Staff

### Academic Staff

ALLEN, Elizabeth Mary, *Lecturer*, BA LLB ANU  
AMIRTHALINGAM, Kumar, *Lecturer*, LLB ANU  
ANKER, Kirsten, *Lecturer*, JD(magna cum laude) NM, BA LLB ANU, Attorney-at-law  
NM, Barrister & Solicitor ACT (fractional)  
ANTON, Donald Kris, *Lecturer*, BSc (CMSU), JD *St. Louis*, Barrister & Solicitor NSW,  
Vic., member Missouri & Idaho Bars, Acting Director, Australian Centre for  
Environmental Law  
BARKER, George R, *Reader* and Director, Centre for Law and Economics, BA, LLB,  
MA, *Auck.*, DPhil (*Oxon* (fractional)  
BAXTER, Elizabeth Ann, *Associate Lecturer*, BA LLB *Melb.*, Barrister & Solicitor Vic.  
(fractional)  
BAYNE, Peter John, *Reader*, LLB *Melb.*, JD *Chic.*, Barrister & Solicitor Vic. & PNG  
BEHRENS, Juliet Myrna, *Senior Lecturer*, BA LLB PhD *Tas.*, Barrister NSW,  
(fractional)  
BLANK, Graeme, *Lecturer*, LLB , GradDipLegPrac ANU, Barrister  
BOTTOMLEY, Stephen Charles, *Professor*, BA LLB *Macq.*, LLM NSW, Director Centre  
for Commercial Law, Academic Director, Graduate Studies  
BRISCOE, Lisa, *Associate Lecturer*, BA UNSW, LLB ANU, LLM UNSW (fractional)  
BRONITT, Simon, *Senior Lecturer*, LLB *Bristol*, LLM *Camb.*  
BRUCE, Alexander DP, *Lecturer*, LLB *QUT*, Solicitor Qld (on leave)  
BURNS, Fiona Ruth, *Lecturer*, BA LLM *Syd.*, LLM *Camb.*, PhD ANU, Solicitor NSW  
CAMPBELL, Tom D., *Professor*, BA *Oxf.*, MA PhD *Glasgow*, FASSA, FRSE  
CASS, Deborah Zipporah, *Senior Lecturer*, LLB *Melb.*, LLM *Harv.*, Barrister & Solicitor  
Vic.  
CHARLESWORTH, Hilary Christiane Mary, *Professor*, BA LLB *Melb.*, SJD *Harv.*,  
Barrister & Solicitor Vic., Director, Centre for International and Public Law,  
Director of Research  
CLARKE, Jennifer A., *Lecturer*, BJur LLB *Monash*, Barrister & Solicitor ACT & NT (on  
leave)  
COPER, Michael D., *Professor and Dean*, BA LLB *Syd.*, PhD NSW, Barrister NSW,  
Barrister & Solicitor ACT  
CREYKE, Robin Mary, *Reader*, LLB *WAust.*, LLM ANU (on leave)  
DAVIS, James Lindsay Reeve, *Robert Garran Professor*, BA LLB NZ, LLM  
DipCompLegStud *Camb.*, Barrister & Solicitor NZ, Vic. & ACT  
DRAHOS, Peter Frank, *Senior Lecturer*, BA LLB *Adel.*, LLM *Syd.*, PhD ANU,  
GradDipLegPrac *SAustIT*, Barrister & Solicitor SAust. (on leave)  
DIETRICH, Joachim, *Senior Lecturer*, LLB *Qld*, PhD ANU, Barrister NSW  
DU MOULIN, Lynette, *Lecturer*, BA ANU, BLegS *Macq.*, GradDipLib *Canberra CAE*,  
Barrister & Solicitor ACT, Solicitor NSW (fractional)  
FITZPATRICK, Daniel Joseph, *Lecturer*, BA LLM *Syd.* (on leave)  
FLYNN, Michael, *Lecturer*, MA LLB *Syd.*, Solicitor NSW & England  
FOLEY, Tony, *Lecturer*, BA LLM *Wollongong*, Dip Ed , Solicitor NSW  
FRIDMAN, Saul D.B., *Senior Lecturer*, LLB *WOnt.*, BCL *Oxf.*, Barrister & Solicitor ACT  
& Ontario, Solicitor England & Wales  
FONTEYNE, Jean-Pierre Laurent, *Senior Lecturer*, CandLitPhil DrJur *Ghent*, LLM *Virg.*  
GANI, Miriam, *Associate Lecturer*, BA LLB ANU, GradDipSecStuds, GradDipEduc  
*CCAE*  
GUNNINGHAM, Neil Anthony, *Professor*, LLB MA *Sheff.*, PhD ANU, Solicitor Eng. &  
Wales, Director, Australian Centre for Environmental Law (on leave)  
HARRISON, Judith, *Lecturer*, BA LLB ANU, Barrister & Solicitor ACT & NT  
(fractional)

HASSALL, Douglas, *Senior Lecturer*, BA LLB *Qld*, PhD *Qld*, Barrister & Solicitor ACT & Vic., Barrister NSW

HOLMES, Vivienne Anne Holmes, BA LLB *Melb.*, Grad Dip Public Sector Administration *NTU*, Barrister and Solicitor Vic. & NT (part-time)

HOLLOWAY, Ian Carl, *Senior Lecturer*, CD, BSc LLB *Dalhousie*, LLM *Calif. Berkeley*, PhD *ANU*, Barrister & Solicitor Nova Scotia

JONES, Judith Sutherland, *Lecturer*, BSc *Syd.*, LLB *NSW*, DipPracLegTraining *UTS*, Solicitor NSW

MANTZIARIS, Christos, *Lecturer*, BA *Syd.*, LLB *NSW*, Solicitor NSW (on leave)

MATHEW, Penelope, *Senior Lecturer*, BA LLB *Melb.*, LLM *Columbia*, Barrister & Solicitor Vic.

McCORQUODALE, Robert G., *Reader*, BEc LLB *Syd.*, LLM *Camb.*

McMILLAN, John Denison, *Reader*, BA LLB *ANU*, Barrister & Solicitor ACT

MUGASHA, Agasha, *Senior Lecturer*, LLB *Makerere*, DipLP *LDC*, LLM DJur *Osgoode*, Advocate Uganda

RIDGE, Pauline Ann, *Lecturer*, BA LLB *ANU*, BCL *Oxon.*, Barrister & Solicitor ACT, Co-Director, Teaching and Learning (fractional)

SEDDON, Nicholas Charles, *Reader*, LLB *Melb.*, BPhil *Oxf.*, PhD *ANU*, Barrister & Solicitor Vic. & ACT (on leave)

SELBY, Hugh, *Senior Lecturer*, BA LLB *Syd.*, MSW *Mich.*, Barrister

SIMPSON, Amelia Mary, *Associate Lecturer*, BA LLB *ANU*, Barrister & Solicitor Vic.

SIMPSON, Gerry J., *Senior Lecturer*, LLB MA DLP *Aberd.*, LLM *BrCol.*, LLM *Mich.*

SINCLAIR Darren, *Research Associate*, BSc *Syd.*, MEnvLaw *ANU*

SPENDER, Peta, *Senior Lecturer*, BA LLB *NSW*, LLM *Syd.*, Barrister & Solicitor ACT, Solicitor NSW

STEWART, Daniel John, *Lecturer*, BEc LLB GradDip in Legal Practice *ANU*, LLM *Virg.*, Barrister & Solicitor ACT

STONE, Adrienne, *Lecturer*, BA LLB *NSW*, LLM *Columbia*

TAMSITT, Gary, RFD, BA LLB *Syd.*, Barrister & Solicitor ACT, Solicitor NSW, Director, Legal Workshop

WEEKS, Phillipa Christine, *Reader*, BA LLB LLM *ANU*, Barrister NSW, Barrister & Solicitor ACT, Associate Dean Resources and Head of School

WHEELER, Fiona Dowling, *Senior Lecturer*, BA LLB PhD *ANU*, Barrister NSW, Associate Dean (Undergraduate Students) and Sub-Dean

WILLIAMS, George John, *Senior Lecturer*, BEc LLB *Macq.*, GradDipLegPractice *College of Law*, LLM *NSW*, PhD *ANU*, Barrister

WILLIAMS, Patrick Bill, *Senior Lecturer*, BA LLB *ANU*, Barrister & Solicitor ACT, Solicitor NSW & Vic.(fractional)

WOLFF, Leon Thomas, *Lecturer*, BA LLB MAJIT *UQ*, LLM *Wash.*, Grad Dip Leg Prac *Col.*, NAATI (L3-JE TRANS, L4-J-E INT), Solicitor NSW (fractional)

### **Adjunct Professors**

BAILEY, Peter, AM OBE, LLM *Melb.*, MA *Oxf.*, Co-Director, Teaching and Learning

BLACKSHIELD, Tony, LLM *Syd*

DAVID, Jennifer, LLB *ANU*, LLM *Syd.*

HAMPEL, The Hon Mr Justice George, LLB *ANU*; Judge, Supreme Court of Victoria

HOOKER, Michael Barry, LLB LLM *Christchurch*, Barrister & Solicitor NZ

REFSHAUGE, Richard, BA LLB *ANU*, Barrister & Solicitor ACT, Vic., Solicitor NSW

SEYMOUR, John Alexander, BA LLB PhD *Auck.*, DipCrim *Camb.*, Barrister & Solicitor NZ & ACT

### **Visiting Fellow (with teaching duties)**

KOBETSKY, Michael, BEc *Syd.*, LLB *ANU*

### **Visiting Fellows**

EASTEAL, Patricia L, BA *SUNY(Binghampton)*, MA PhD *Pitts.*

HAMBLY, Arthur David, *Professor*, LLB *Melb.*, LLM *Harv.*, Barrister & Solicitor Vic. & ACT  
 GREIG, Donald Westlake, LB MA *Camb.*, LLD *ANU*, Barrister Middle Temple & NSW, FASSA  
 O'NEIL, Pamela, BSc *Qld*  
 PEARCE, Dennis, *Emeritus Professor*, LLB *Adel.*, LLM PhD *ANU*, Barrister & Solicitor SAust. & ACT, Solicitor NSW  
 RICHARDSON, Jack E, AO, BA LLB *Melb*, LLM *Melb*, LLM *McGill*, Barrister & Solicitor Vic. & ACT, Barrister, NSW  
 ROWLAND, Charles, BA *Natal*, LLB *Natal*  
 SHERMAN, Tom, LLB *Qld*  
 SMITH, Sir David, KCVO, AO, BA *ANU*  
 WAIGHT, Peter K, LLB *ANU*, LLM *Mich*, Barrister and Solicitor, Vic., ACT, PNG  
 WILLHEIM, Ernst, BA LLB *Syd*, LLM *ANU*

### **Administrative Staff**

BYNG Nigel, BSc *Plymouth Polytechnic UK*, Faculty Services Officer  
 DRURY Phil, Systems Manager  
 EAST Sue, Acting Graduate Student Administrator, Faculty Office  
 ELLIOTT Leslie, Assistant Course Administrator, Legal Workshop  
 FARZAN Patricia, BA *Flinders*, Graduate Student Administrator (on leave)  
 GILL Rosemarie, BA MA, *Calgary*, Faculty Executive Officer  
 HANCOCK Sue, BA *ANU*, Assistant Faculty Executive Officer  
 HARDY, Jayne, Administrator  
 HEUER Karen, BA *ANU*, Executive Assistant to the Dean  
 HUTTON Cathy, BA *Monash*, Dip Ed *Monash*, Centre for International and Public Law  
 LAMB, Robert, Diploma of Management *CIT*, Finance and Special Purpose Funds Officer  
 LENARCIC Sandra, B Info Tech *USQ*, Faculty Resources Officer (on secondment)  
 LEW Alan, Information Technology Support  
 MABILLE, Michellé, B Econ *Stellenbosch*, Dip Advertising *Auckland Inst Tech*, Administrator/Alumni Officer  
 NEWTON, Christopher, BA *ANU*, Administrator, ACIPA  
 O'KEEFFE Tanya, Receptionist  
 RANATUNGA, Mayuri, BSc (Computer Science) *La Trobe*, Information Technology  
 RIDING, Daryl, Administrator, Legal Workshop  
 ROZANSKI Maggie, Administrative Assistant, Legal Workshop  
 SAN MARTIN, Guillerma, Administrator, Legal Workshop  
 SAYCE, Robert Lawson, CSC, JSSC, PSC, Administrator, Legal Workshop  
 THOMPSON Wil, Administrative Assistant, Legal Workshop  
 VAN REYKE, Cinnamon, BA *ANU*, Finance and Human Resources Officer  
 WADDELL Glenda, Publications Officer  
 WILSON Tim, Information Technology, Legal Workshop

### **Appointments**

ANTON, Donald Kris, Lecturer, BSc (CMSU), JD *St. Louis*, Barrister & Solicitor NSW, Vic., member Missouri & Idaho Bars, Acting Director, Australian Centre for Environmental Law  
 BLANK, Graeme, *Lecturer*, LLB, GradDipLegPrac *ANU*, Barrister  
 DIETRICH, Joachim, *Senior Lecturer*, LLB *Qld*, PhD *ANU*, Barrister NSW  
 FOLEY, Tony, *Lecturer*, BA LLM *Wollongong*, Dip Ed, Solicitor NSW  
 GANI, Miriam, *Associate Lecturer*, BA LLB *ANU*, GradDipSecStuds, GradDipEduc *CCAE*  
 HARDY, Jayne, Administrator  
 LAMB, Robert, Diploma of Management *CIT*, Finance and Special Purpose Funds Officer

MABILLE, Michellé, B Econ *Stellenbosch*, Dip Advertising *Auckland Inst Tech*, Administrator/Alumni Officer  
 MATHEW, Penelope, *Senior Lecturer*, BA LLB *Melb.*, LLM *Columbia*, Barrister & Solicitor Vic.  
 RANATUNGA, Mayuri, BSc (Computer Science) *La Trobe*, Information Technology Support  
 RIDING, Daryl, Administrator, Legal Workshop  
 SAN MARTIN, Guillerma, Administrator, Legal Workshop  
 SAYCE, Robert Lawson, CSC, JSSC, PSC, Administrator, Legal Workshop  
 SIMPSON, Amelia Mary, *Associate Lecturer*, BA LLB *ANU*, Barrister & Solicitor Vic  
 VAN REYKE, Cinnamon, BA *ANU*, Finance and Human Resources Officer  
 WILSON Tim, Information Technology, Legal Workshop

### Resignations

BAXTER, Elizabeth Ann, *Associate Lecturer*, BA LLB *Melb.*, Barrister & Solicitor Vic. (fractional)  
 BURNS, Fiona Ruth, *Lecturer*, BA LLM *Syd.*, LLM *Camb.*, PhD *ANU*, Solicitor NSW  
 CASS, Deborah Zipporah, *Senior Lecturer*, LLB *Melb.*, LLM *Harv.* Barrister & Solicitor Vic.  
 FRIDMAN, Saul D.B., *Senior Lecturer*, LLB *WOnt.*, BCL *Oxf.*, Barrister & Solicitor ACT & Ontario, Solicitor England & Wales  
 HOLLOWAY, Ian Carl, *Senior Lecturer*, CD, BSc LLB *Dalhousie*, LLM *Calif/Berkeley*, PhD *ANU*, Barrister & Solicitor Nova Scotia  
 McCORQUODALE, Robert G., *Reader*, BEc LLB *Syd.*, LLM *Camb.*  
 MUGASHA, Agasha, *Senior Lecturer*, LLB *Makerere*, DipLP *LDC*, LLM DJur *Osgoode*, Advocate Uganda  
 O'KEEFFE Tanya, Receptionist  
 SEDDON, Nicholas Charles, *Reader*, LLB *Melb.*, BPhil *Oxf.*, PhD *ANU*, Barrister & Solicitor Vic. & ACT  
 SIMPSON, Gerry J., *Senior Lecturer*, LLB MA DLP *Aberd.*, LLM *BrCol.*, LLM *Mich.*  
 WILLIAMS, George John, *Senior Lecturer*, BEc LLB *Macq.*, GradDipLegPractice *College of Law*, LLM *NSW*, PhD *ANU*, Barrister  
 WOLFF, Leon Thomas, *Lecturer*, BA LLB MAJIT *UQ*, LLM *Wash.*, Grad Dip Leg Prac *Col.*, NAATI (L3-JE TRANS, L4-J-E INT), Solicitor NSW (fractional)

### Outside Studies Program

BOTTOMLEY, Stephen Charles, *Professor*, Faculty of Law - ANU, researching corporate governance , January—June.  
 CREYKE, Robin Mary, *Reader*, was a Visiting Fellow, Law Faculty, University of Western Australia, July—September. Collegial discussions on topics of mutual interest, including details of the foundation text, *Laying Down the Law* (5th ed), on the income support system, on the proposed Administrative Review Tribunal; gave a joint seminar on the Tribunal with Mr P Johnston, Research Fellow, and with Mr A Gardner, exchanged course outlines for the Australian Public Law course; undertook Barrister's Admission course, Queensland University of Technology, January—February; admitted as Barrister of Queensland Supreme Court, March; reciprocal admission as Barrister and Solicitor of ACT Supreme Court, April.  
 DAVIS, James Lindsay Reeve, *Robert Garran Professor*, Charles University, Prague, Jagellonian University, Krakow, Warsaw University, Warsaw, Humbolt University, Berlin, St Petersburg University, researching development of principles of commercial law in a capitalist society, after the overthrow of communist governments, April—May.  
 GUNNINGHAM, Neil Anthony, *Professor*, University of California, Berkeley and OECD, Paris, researching best practice environmental regulation, environmental management systems and environmental partnerships, July 2000-June 2001.

SELBY, Hugh, *Senior Lecturer*, Professional Development, Advocacy Training,  
Denver, Colorado, USA, August.

**Secondments and other Leave**

BRUCE, Alexander DP, *Lecturer*, LLB *QUT*, Solicitor Qld

DRAHOS, Peter Frank, *Senior Lecturer*, BA LLB *Adel.*, LLM *Syd.*, PhD *ANU*,  
GradDipLegPrac *SAustIT*, Barrister & Solicitor SAust.

FITZPATRICK, Daniel Joseph, *Lecturer*, BA LLM *Syd.*

MANTZIARIS, Christos, *Lecturer*, BA *Syd.*, LLB *NSW*, Solicitor NSW

SEDDON, Nicholas Charles, *Reader*, LLB *Melb.*, BPhil *Oxf.*, PhD *ANU*, Barrister &  
Solicitor Vic. & ACT

**Faculty Academic Staff Gender Profile**

As at December, 2000. Some are fractional appointments

	MALE	FEMALE	TOTAL
Professors	5	1	6
Readers	3	2	5
Senior Lecturers	7	4	11
Lecturers	7	7	14
Associate Lecturer		2	2
Total	22	16	38

## Visiting Research Fellows

<b>Visitor</b>	<b>Length of stay</b>	<b>Research title</b>
Ms Catriona Cook: King's College, University of London	April	Legal process
Professor Lindsay Curtis	January-March	Judicial Administration and Tribunals
Miss Emilia Della Torre: Queensland University of Technology	January-February	Human Rights in the New Millennium
Dr Patricia Eastal	January-December	Women and Violence
Ms Anne Gallagher: Office of the High Commissioner for Human Rights, United Nations	February-November	International Legal Responses to People Trafficking and Migrant Smuggling
Dr Andrea Loux: University College, London	August-September	Third-party Intervention
Ms Pamela O'Neil	January-December	ACT Administrative Appeals Tribunal
Mr Graeme Orr: Griffith University	February-March	Electoral Law
Mr Stephen Palethorpe: University of Oxford	August-October	International Protection of Expressions of Folklore under Intellectual Property Law
Professor Julia Sloth-Nielsen: University of the Western Cape, South Africa	April-June	Juvenile Justice in Australia
Sir David Smith	January-December	Constitutional History
Associate Professor Colin Thomson	January-June	Legal Aspects of Medicine
Dr Maaike Wienk: Tilburg University, Netherlands	January-December	European Social Security Law
Mr Ernst Willheim	January-December	Judicial Accountability

## CENTRES OF THE FACULTY

### **Australian Centre for Environmental Law**

In 2000, the Australian Centre for Environmental Law at The Australian National University (ACEL-ANU) continued to work towards three principal objectives: (i) to provide an internationally recognised repository of teaching expertise and best practice; (ii) to produce a level and quality of publications that distinguish ACEL as a "Centre of Excellence" within the university, and the broader academic and public policy community; and (iii) outreach by contributing through conferences, seminars, submissions, consultancies and other activities.

The ACEL-ANU Graduate Program continued to offer a Graduate Certificate, Graduate Diploma and Masters Degree specialising in Environmental Law, or Environmental Law, Management and Business. The ACEL-ANU Graduate Program is designed for both lawyers and people with no previous legal background and is relevant to public and private sector managers, consultants, local authorities, legal practitioners, NGOs, researchers and others.

The second half of 2000 has been one of transition for ACEL-ANU. We saw Neil Gunningham depart as ACEL-ANU Director for a well deserved two year leave of absence in Berkeley, California and Paris, France. We also welcomed Don Anton as the new ACEL-ANU Director during Neil's absence. Don brings with him a wealth of experience in environmental law and policy. His academic background includes periods of teaching and research at the University of Melbourne and Columbia University School of Law in New York. He has regularly served as a Course Instructor for UNEP and has taught in the LLM programs at the Universities of Sydney and Adelaide. Don also serves as an International Affairs analyst for the Environmental Law Institute in Washington DC.

Over the course of 2000 ACEL-ANU recorded the following achievements.

#### *Research and projects*

Darren Sinclair (together with Professor Peter Kanowski, ANU and Blair Freeman, URS Forestry) completed the paper Establishing Comparability and Equivalence amongst Forest Management Certification Schemes: "Critical elements" for the assessment of schemes for Agriculture, Fisheries and Forestry – Australia. This paper explores key elements of initiatives directed at establishing comparability and equivalence (including mutual recognition initiatives) amongst schemes for certification of sustainable forest management, and proposes criteria for comparability and equivalence.

Work continues on the Forest and Wood Products Research Development Corporation's funded project, *Sustainability Certification: Practice and Potential in Australian Farm Forestry*. In April, for example, Darren Sinclair completed fieldwork with farm foresters in the South Coast region of Western Australia, and in September, began fieldwork with the Geelong Regional Plantation Committee in Victoria. This project is due to be completed in March of 2001.

A number of small business case studies have been, or are currently being, completed by Darren Sinclair under the ARC SPIRT Project *Evaluating Environmental Regulation: An empirical analysis of reform in Australia*. This is a joint research project with the Victorian EPA and the Western Australian Department of Environmental Protection. Small business case studies are: the phase out of ozone gases by the air conditioning and refrigeration sector of Western Australia; environmental improvement in the

Victorian body shop repair industry; environmental management systems in the vegetable growers of Victoria; and cleaner production in Victorian wine industry. Subsequent case studies will focus on large business sectors.

In September 2000, Don Anton, ACEL-ANU's new Director, made a short submission to the Joint Standing Committee on Treaties in its *Inquiry into the Nature and Scope of Australia's relationship with the World Trade Organisation*. The submission addresses the Inquiry's term of reference relating to the relationship between trade rules and the environment. In particular, the submission recommends several means for reducing tensions and resolving potential conflicts between multilateral environmental agreements and trade disciplines.

ACEL-ANU was also involved in providing regular advice to partners of the Environmental Law Alliance Worldwide (E-LAW). E-LAW is a network of public interest environmental lawyers and scientists from over 50 countries.

Neil Gunningham and Rachel Walmsley are currently working on the Farm Machinery Safety Regulatory Review Project as part of the National Farm Machinery Safety Program (RIRDC). The review focuses on the existing Commonwealth, State and Territory occupational health and safety regulations that apply to farm machinery in order to assess their efficacy, to identify their main limitations, their current application, and to develop reform strategies to achieve best practice regulation.

During 2000 ACEL-ANU hosted a number of leading environmental lawyers, academics and officials from around the world.

During the June meeting on International Law held at the ANU, jointly sponsored by the Australian and New Zealand Society of International Law and the American Society of International Law, a number of distinguished international environmental lawyers visited with members of ACEL, including Professors Edith Brown Weiss of Georgetown University, Gunter Handl of Tulane University, Dan Tarlock of Chicago-Kent University, Christopher Joyner of Georgetown University, Jon Charney of Vanderbilt University, and Linda Malone of William & Mary. Our thanks to the ANU Centre for International and Public Law for organising the event.

A delegation of seven representative of the Legislative Affairs Office of the State Council for The People's Republic of China received a briefing from ACEL on 13 October regarding issues related to the marine environment. The delegates included: Mr Cao Kangtai, Vice Minister, Legislative Affairs Office; Mr Lu Xiwei, Deputy Director-General, Department of General Affairs; Mr Gao Fengtao, Deputy Director-General, Department of Agriculture, Natural Resources and Environmental Protection; Mr Gao Cunshan, Deputy Director-General, Department of Legislative Affairs; Ms Lu Caixia, Director, Department of Sea Area Management, State Oceanic Administration; Mr Zhao Xucai, Director, Foreign Affairs Office of the National Marine Data and Information Service; and Mr Liu Shishan, Director, Department of Agriculture, Natural Resources and Environmental Protection.

Professor Robert Blomquist, of Valparaiso University, Indiana visited ACEL-ANU during February and March. While in Australia, Bob conducted research into Australian biodiversity law. He returned to Indiana to continue his research and position as environmental advisor to George W. Bush.

Professor William L. Andreen, Clarkson Professor of Law at the University of Alabama School of Law, visited ACEL from 7-15 August 2000. He gave a staff seminar entitled: "Environmental Law and International Assistance: The Dubious Process of Exporting Environmental law to the Developing World" (which was

recently published in 25 *Columbia Journal of Environmental Law* 17 (2000)). Bill initiated the staff and student exchange with the University of Alabama for undergraduate law students.

### **Centre for Commercial Law**

The Centre for Commercial Law at The Australian National University is an integral part of the Faculty of Law. It draws on the extensive teaching and research infrastructure of the Law School and also enjoys a unique proximity and academic links to other agencies at the forefront of commercial law in national and international spheres. The Centre for Commercial Law's central mission of advancing the body of knowledge of commercial law in Australia is achieved through a number of objectives:

- To be a national leader in private and government commercial law research and teaching.
- To be a Centre of excellence in private and government commercial law reform advice and policy evaluation.
- To be a national forum for academics, practitioners and regulators working in private and government commercial law.

The Centre's functions include: commercial law research and teaching in the Law Faculty as well as in other programs in the University, conducting seminars, conferences, consultancies and short courses for legal practitioners, government and business on commercial law issues, particularly as they affect government commercial practice.

In 2000 the Centre for Commercial Law consolidated its role within the Law Faculty and the wider community of commercial lawyers.

Once again, the Centre ran the highly successful annual series of evening seminars for local practitioners, under the banner "Legal Edge 2000". The purpose of these seminars is to provide information on current issues in a variety of legal areas. In 2000, topics included the employee entitlements amendments to the Corporations Law, innovations in intellectual property, contributory fault in commercial relationships, and dealings with the Australian Competition and Consumer Commission (ACCC).

As foreshadowed in the 1999 Review, the Centre has an arrangement with the Centre for Banking and Finance Law at Monash University to share the running of an annual conference on commercial law. In October 2000 our colleagues at Monash hosted a conference on Financial Regulation and the Payments System. In September 2001 the Centre for Commercial Law will take its turn to host the conference, on the theme "Challenges to Commercial Law".

### **Centre for International and Public Law**

The Centre for International and Public Law (CIPL), established in 1990, is part of the Law Faculty of the Australian National University in Canberra. The primary focus of its activities is the relationship between governments, and between governments and their citizens, from both a domestic and an international perspective. Its members are the Law Faculty staff, Visiting Fellows, Visiting Scholars and postgraduate students, who have an interest in administrative, constitutional and international law.

In recent years, the Centre has been involved in a range of projects in areas of law and policy including international law, human rights law, and administrative and constitutional law. The Centre's Advisory Board comprising members of the

judiciary, senior government officials and members of the University provides direction and guidance for Centre activities. The current Director is Professor Hilary Charlesworth.

The Centre organises two major conferences each year—the Australian and New Zealand Society of International Law (ANZSIL) Annual Conference held mid-year, and the Public Law Weekend dealing in alternate years with administrative or constitutional law, held in November. In 2000, the ANZSIL conference was held jointly with the American Society of International Law in Sydney (26 June) and Canberra (28-29 June).

The Centre also organises other specialised conferences and workshops. In 2000 these included a research workshop on Writing about Law (14-15 February) and a seminar on East Timor in Transition (19 May). Regular international law and public law discussion group meetings and seminars take place during the year.

The Centre convenes two annual lectures. The first, established in 1998, honours Professor Geoffrey Sawer who was the first full-time Professor of Law at the Australian National University and whose academic interests spanned the work of the Centre. In 2000 the Sawer lecture was given by Professor Kathleen Sullivan, Dean of Stanford Law School on *Group Identity and American Constitutionalism*.

The second annual lecture, established in 2000, is a Report from the United Nations given by Australia's current Ambassador to the United Nations. The inaugural lecture was given by Ambassador Penny Wensley on 2 March.

Occasional lectures are also convened. In 2000 these included lectures by Erika Feller, Director of the Department of International Protection Office of the United Nations High Commissioner for Refugees on *Refugee Protection: An Unwelcome Responsibility? Emerging Issues in Australia and Globally*, Denis Halliday, former head of the UN Oil-for-food programme in Iraq on *Iraqi sanctions, human rights and international law* and Jean-Christian Cady, Assistant Secretary-General of the United Nations and Deputy Transitional Administrator of East Timor on *Building the New State of East Timor*.

The Centre has two major publications. The *Australian Year Book of International Law*, of which Volume 20 was published in December 2000, is the leading Australian journal on international law. The *Law and Policy Papers* series, established in 1994, is now co-published with the Federation Press. Three papers are published in this series every year. The Centre also produces a quarterly newsletter.

The Centre organises intensive training programs for both government and non-government organisations in human rights law and other areas of international and public law.

### **Centre for Law and Economics**

The Centre has been established to become a trans-Tasman centre of excellence in the application of economic analysis to law in Australia and New Zealand. All government policy, whether taxation expenditure or pure property rights regulation, involves at its root laws enacted by parliament or courts. Given its dual base in Canberra and Wellington, the Centre's primary focus is upon public law in three areas:

- Social Policy including Welfare, Superannuation, Health Education, Employment and Family Policy
- Public Sector Finance, Law and Management

- Competition Law and Regulation

Dr George Barker is Director of the Centre for Law and Economics. The Centre has direct relationships with the ANU Research School of Social Sciences (RSSS), the ANU Asia Pacific School of Economics and Management (APSEM) and the (ANU) Faculty of Law for conducting joint research and teaching programme.

### **The Australian Centre for Intellectual Property in Agriculture**

The Australian Centre for Intellectual Property in Agriculture (ACIPA) commenced operations in September 2000. The Centre is funded by the Grains Research & Development Corporation, the Commonwealth Government, and the ANU Endowment for Excellence. It is based at the Faculty of Law at the ANU.

ACIPA will act as a focal point for training, education, research and policy support in intellectual property. It will enhance the ability of Australian industry and research partners to protect and commercialise the products of innovation and research, and inspire a wider awareness and debate of intellectual property issues. ACIPA will endeavour to increase Australia's international competitiveness through the linkage of trade and intellectual property.

The Centre will also develop expertise in the strategic use and management of intellectual property that will:

- enhance the tools necessary for industry and research partners to evaluate the effect of IP on research and commercialisation
- assist in merging intellectual asset management and business strategy
- provide education, training and policy development of IP, assets and associated strategies.

The Centre's programs will develop intellectual property expertise by a comprehensive program of:

- training of scientists, researchers, industry managers, lawyers, academics, venture capitalists, government officials
- postgraduate education
- research into national and international developments in intellectual property and how issues affect the wider community
- community participation through regular seminars, conferences and other events
- policy support to government, industry and scientific communities

September to December 2000 the Centre delivered the following presentations and seminars:

*Commercialising Research*

BioIndustries Task Force, Brisbane, 19 October 2000

*Fundamentals of Intellectual Property, and Management and Commercialisation of Intellectual Property*

Meat & Livestock Australia, 20 - 23 October 2000.

*The new Digital Agenda Act*

J. Toohey and P. Lunn (Dept Communications, IT and the Arts), Brisbane, 30 November 2000

*The Copyright Amendment (Digital Agenda) Act 2000*

Kylie Brown (Intellectual Property Branch, Dept Communications, IT and the Arts) and Carolyn Hough, (Intellectual Property Branch, Attorney General's Department) (Canberra), 7 December

*Moral Rights: the New Law?*

M. Grant Thompson (Deacons Lawyers), Brisbane, 13 December 2000

### **Legal Workshop**

The Legal Workshop's Graduate Diploma in Legal Practice (GDLP) aims to ensure well-informed and well-trained graduates—eligible for immediate admission to practice. Some of the features include: direct admission to practice in the ACT and NSW, with reciprocal admission in other Australian jurisdictions; part-time or flexible option of up to three years; an excellent graduate employment record—an average of 90% of graduates are employed within three months of completing the course; a streamlined 22-week format, comprising eighteen teaching weeks and four weeks of placement in a legal office. It is the only Australian legal practice course with a government practice unit and an elective covering issues involved in working for/with governments (this is particularly relevant as government legal services are exposed to the market).

The Committee of Management of the Legal Workshop is an advisory body, responsible to the Council of the ANU through the Faculty of Law and the Board of the Faculties, and is chaired by a Justice of the Supreme Court of the Australian Capital Territory. Representatives of the Faculty of Law, the University, the teaching staff, local private and public legal sectors and students, as well as the Director of the Legal Workshop, are members of the Committee.

The Director of the Legal Workshop is Mr Gary Tamsitt.

## Undergraduate Courses

### Enrolments

Course	Full-Time			Part-Time			All Attendances		
	M	F	Sub-Total	M	F	Sub-Total	M	F	Total
Actuarial Studies/ LLB	5	5	10				5	5	10
BA/LLB	149	336	485	22	35	57	171	371	542
BA(Asian Studies) /LLB	1	5	6	1		1	2	5	7
BAsian Studies /LLB	5	29	34	1	2	3	6	31	37
BAsian Studies (SP)/ LLB	14	40	54	2	5	7	16	45	61
BComm/ LLB	84	58	142	6	7	13	90	65	155
BEc/LLB	49	33	82	15	5	20	64	38	102
BSc/LLB	44	73	117	9	5	14	53	78	131
BPsych/LLB	2	10	12				2	10	12
LLB	13	19	32	5	13	18	18	32	50
LLB (Graduate)	42	43	85	33	33	66	75	76	151
TOTAL	408	651	1059	94	105	199	502	756	1258

Undergraduate Enrolment as at 31 March 2000 (includes Full Fee Paying Overseas Students)

### Graduations

In 2000, 45 students completed their studies in semester 1 and 170 completed in semester 2.

### Bachelor of Laws with Honours

In 2000 80 students were awarded the degree with honours.

SEMESTER	HONOURS		
	H1	H2A	H2B
Semester 1	6	6	4
Semester 2	25	26	13
TOTAL	31	32	17

## University Medals

Geraldine Chin, Gregor Jackson and Anthea Roberts were awarded University Medals on completion of the Bachelor of Laws degree in 2000.

## Tillyard Prize

Geraldine Chin was awarded the Tillyard Prize.

## Prizes

<b>Prize</b>	<b>Student</b>
<b>ACT Baha'i Community Prize in International Law</b>	Nicola Willcocks
<b>Allen, Allen and Hemsley International Trade Law Prize</b>	Gregor Scott Jackson Faye Vin Liu
<b>Ann Downer Memorial Prize in Law</b>	Dorothy Maria Pawlukowski Andrew Casper Gibb
<b>Australian Capital Territory Bar Association Prize for Evidence</b>	Clare Elizabeth Besemeres Robyn Jennifer Briese
<b>Baker and McKenzie Prize in Intellectual Property</b>	Jerome Koh
<b>B C Meagher Prize for Commonwealth Constitutional Law</b>	Anna Claire Oldmeadow
<b>Blackburn Medal for Research in Law</b>	Anthea Elizabeth Roberts
<b>Blake Dawson Waldron Prize</b>	Rohan Michael Higgins
<b>Bryans Prize in Family Law</b>	Lisa Michelle Braid Mary Veronica O'Connor
<b>Butterworths Prizes in Law</b>	
<b>Foundations of Australian Law</b>	Leah Meredith Wagg Sandra Helen Henderson-Kelly
<b>Criminal Law and Procedure</b>	Christopher Joel Pitson
<b>Equity and Trusts</b>	Gretel Catherine Burmester Sophie Rigby
<b>Lawyers Justice and Ethics</b>	Felicity Jane Abbott Charles Alexander Beasley
<b>Restrictive Trade Practices</b>	Joanna Margaret Houghton Sophie Rigby Renee Teresa Schilg
<b>Succession</b>	Joanna Margaret Houghton
<b>Property</b>	Rohan Michael Higgins
<b>Clayton Utz Prize in Torts</b>	Justin James Bassi
<b>Clayton Utz Prize in Administrative Law</b>	David James Quinn
<b>Commonwealth Attorney-General's Prize</b>	Anthea Elizabeth Roberts
<b>Daphne Olive Memorial Prize in Legal Theory</b>	Christopher Joel Pitson
<b>George Knowles Memorial Prize</b>	Anthea Elizabeth Roberts
<b>Law Society of the Australian Capital Territory Prize for Contracts</b>	Leah Meredith Wagg Catherine Ann Lyndon
<b>Mallesons Stephen Jaques Prize for Law Studies</b>	Rohan Michael Higgins
<b>Minter Ellison Prize</b>	Anthea Elizabeth Roberts
<b>SoftLaw Prize in Information Technology Law</b>	Andrew John Battison
<b>Supreme Court Judges' Prize</b>	Anthea Elizabeth Roberts
<b>Sir Victor Windeyer Prize in Legal History</b>	Leisa Kirsty Richardson
<b>UNHCR Prize for International Law of Human Rights</b>	Rebecca Anne Jenkin

Each year, the Faculty hosts a prize-giving ceremony. Students and prize donors are invited to a function, at which the Dean of the Faculty presents students with a certificate. It is an excellent opportunity for the donors to meet students who receive a University prize in a law unit.



## Postgraduate Courses

### Graduate Program in Law

The total number of students enrolled in the Graduate Program in Law (and the Legal Workshop) as at 31 August 2000 was 160.

#### Coursework

Course	General	Commercial	Environmental**	International	Public	Dispute Management	Totals
Graduate Diploma in Law	3	3	2	4	3		15
Graduate Diploma in Legal Studies*	6	8	22	5	6		47
Master of Laws	13	3	9	12	6		43
Master of Legal Studies*	4	1	18	5	6		34
Graduate Certificate			7			1	8
<b>TOTALS</b>	<b>26</b>	<b>15</b>	<b>58</b>	<b>26</b>	<b>21</b>	<b>1</b>	<b>147</b>

\* Including new named degrees

\*\* Including Environmental Law, Management and Business

+ graduate non-degree = 1

+ grad dip law (advocacy) = 1

**Total number of coursework students = 149**

#### Research

Master of Laws	2
PhD	9

**Total number of research students = 11**

All Students					
Gender Breakdown		Fee Structure		Local vs Overseas Students	
Males	69	HECS	12	Local	148
Females	91	GTF	136	Overseas	12
		ISF	12		

## PhD Research Topics during 2000

STUDENT NAME	RESEARCH TOPIC
Ms Judith Bannister	Does the Law Influence our Understanding of History
Mr Greg Carne	Civil Liberties and Freedom of Expression: The National Security Exception—A Comparative Australian, Canadian and United States Analysis
Ms Susan Cochrane	Failure to Disclose Information to Patients
Ms Catherine Dauvergne	Inventing Nations: The Role of Immigration Law in Settler Societies
Ms Annemarie Devereux	Development of Australia's International Human Rights (Legal) Policy 1945-1966
Mr Michael Dirkis	A Comparative Examination of the Basic Building Blocks of Australia's International Tax Regime; Source, and Residency
Mr Thomas Faunce	The Doctor-patient Relationship and the Human Genome Project: A Critical Analysis of the Influence of Scientific Knowledge and its Legal Regulation on Clinical Medical Practice
Ms Bridget Gilmour-Walsh	Feminist Theory, 'Prostitution' and the Law
Ms Karen King	Weeding and Tilling the Sissinghurst Garden: A Consideration of the Assessment and Determination of Contribution in Property Proceedings under the Family Law Act, 1975
Ms Catherine MacKenzie	International Environmental Law and Forest Management
Ms Zoe Pearson	The International Legal System and Globalisation: challenges and possibilities for international institutions for the future
Mr Bruce Topperwien	Deference in Judicial Review of Administrative Action
Mr Christopher Ward	The Influence of Decisions of International Tribunals on the Relationship between Municipal and International Law
Ms Helen Watchirs	Health and Human Rights: Measuring Compliance with Disability Human Rights Norms

## *Graduate Diploma in Legal Practice*

ENROLMENT	COURSE 1	COURSE 2
Full-time students	92	24
Part-time students	4	4
Flexible students	123	148
Graduate course award students	3	7
Total	222	183

COURSE COMPLETIONS	COURSE 1	COURSE 2
Award with distinction	3	0
Award with merit	66	41
Award diploma	56	46
Failed	0	0

ADMISSION	COURSE 1	COURSE 2
Admitted as Legal Practitioners of the Supreme Court of the ACT	90	67 (4 admitted at a later date)

### **Prizes**

	COURSE 1	COURSE 2
ACT Law Society Prize	Nicholas Wiley	Sally Beasley



## Publications

- \* Not an ANU Staff member
- \*\* Student publication
- + authors from (nonIAS) Faculties & Centres

### Books

- Campbell, TD; \*Goldsworthy, J *Judicial Power, Democracy and Legal Positivism* (2000)  
Charlesworth, H; \*Chinkin, C *The Boundaries of International Law* (2000)  
Creyke, R; McMillan, J (eds) *Administrative Justice: The Core and the Fringe* (2000)  
Hassall, DA; Flynn, MS *Federal Magistrates Court Guidebook* (2000)  
McCorquodale, R; \*Dixon, M *Cases and Materials on International Law* (3<sup>rd</sup> ed 2000)  
\*Opeskin, B; Wheeler, F (eds), *The Australian Federal Judicial System* (2000)  
Selby, H *Winning in Court: an Introduction to Advocacy* (2000)  
Seymour, J *Childbirth and the Law* (2000)  
Williams, GJ *A Bill of Rights for Australia* (2000)

### Book Chapters

- Campbell, TD "Democratic Aspects of Legal Positivism" in Campbell, TD;  
Goldsworthy, J (eds), *Judicial Power, Democracy and Legal Positivism* (2000) 3-36  
Creyke, R; McMillan, J "Globalisation and Australian Administrative Law" in Finn, C  
(ed), *Sunrise or Sunset? Administrative Law in the New Millennium* (2000) 341-350  
Creyke, R; McMillan, J (eds) "Administrative Justice: The Concept Emerges" in  
*Administrative Justice: The Core and the Fringe* (2000) 1-8  
Creyke, R; \*Sutherland, P; Ridge, P "The Repatriation Medical Authority: Part XIA" in  
*Veterans' Entitlements Law* (2000) 521-530  
Creyke, R; \*Sutherland, P; Ridge, P "The Specialist Medical Review Council: Part XIB"  
in *Veterans' Entitlements Law* (2000) 531-536  
Easteal, P "Spousal Homicide", (2000) *Gender and Crime*  
Gunningham, N; +Johnstone, R "The Legal Construction of OHS Management  
Systems" in *Systematic Occupational Health and Safety Management* (2000) 125-146  
Mugasha, A "Recent Developments in Loan Syndications and Participations:  
Implications for Developing Countries" in Faundez, J; Footer, ME; Norton, JJ (eds),  
*Governance, Development and Globalization* (2000) 301-311  
Pearce, DC "Ombudsman in Australia" in Gregory, R; Giddings, P (eds), *Righting  
Wrongs The Ombudsman in Six Continents* (2000) 93-106  
Selby, H "Expert Evidence by Surgeons" in Dooley & Ors (eds), *Surgery, Ethics and the  
Law* (2000) 1-12  
Simpson, G "Imagined Consent", in Koskenniemi, M (ed), *The Sources of International  
Law* (2000)  
Spender, P "Scenes from a Wharf: Containing the Morality of Corporate Law" in  
Macmillan, F (ed), *International Corporate Law Annual*, (2000) Volume 1 37-68  
Stone, A "The Freedom of Political Communication Since *Lange*" in Stone, A;  
Williams, J (eds), *The High Court at the Crossroads: Essays in Constitutional Law*  
(2000) 1-17  
Stone, A "The Means and Ends of Constitutional Reticence" in *The Australian Journal of  
Legal Philosophy* (2000) 157-166  
Weeks, PC "Sir William Francis Langer Owen, High Court judge" Vol 15 (2000),  
*Australian Dictionary of Biography* 551-552  
Wheeler, F "Federal Judges as Holders of Non-judicial Office" in Opeskin, B; Wheeler,  
F (eds), *The Australian Federal Judicial System* (2000) 442-474  
Williams, G "Judicial Activism and Judicial Review in the High Court of Australia" in  
Campbell, TD; Goldsworthy, J (eds), *Judicial Power, Democracy and Legal Positivism*  
(2000) 413-430

## Journal Articles

- Anton, DK "Truth, Justice and the Australian Way About "Open Standing": Truth About Motorways Pty Ltd v Macquarie Infrastructure Investment Management Ltd", (available in the internet version of the Environmental Law Reporter International News and Analysis published by the Environmental Law Institute, Washington, DC) <[www.eli.org/elinternationalna/articles/australiaanton.htm](http://www.eli.org/elinternationalna/articles/australiaanton.htm)>.
- Anton, DK "Regulating a Brave New Genetically Modified World" (2000) 58 *Impact* 10 (reprinted in the internet version of the Environmental Law Reporter International News and Analysis <<http://www.eli.org/elinternationalna/articles/australiaanton2.htm>>).
- Anton, DK A Model Act for the Comprehensive Regulation of Gene Technology (Environment Defenders Office (Victoria) Ltd, (2000)
- Anton, DK "Reforming the Law of Environmental Standing and Third Party Appeal Rights in Victoria", ACEL-ANU Working Paper Series.
- \*Astbury, J; \*Atkinson, J; \*Duke, J; Eastal, P; \*Kurrle, S; \*Tait, P; \*Turner, J "The Impact of Domestic Violence on Individuals" (2000) 173 *Medical Journal of Australia* 427-431
- Bronitt, S; Roche, D "Between Rhetoric and Reality: Sociolegal and Republican Perspectives on Entrapment" (2000) 4 *International Journal of Evidence and Proof* 77-106
- Bronitt, S; Holloway, I; +Harris, D; +McLaren, J; +Pue, W "Community Without Propinquity - Teaching Legal History Intercontinentally" (2000) 10(1) *Legal Education Review* 1-32
- Campbell, TD "Foreclosures" (2000) 25 *Australian Journal of Legal Philosophy* 339-346
- Cass, D; Burrows, S "Commonwealth Regulation of Campaign Finance - Public Funding, Disclosure and Expenditure Limits" (2000) 22 *Sydney Law Review* 477-526
- Charlesworth, H "Martha Nussbaum's Feminist Internationalism" (2000) 111 *Ethics* 64-78
- Charlesworth, H "The Inadequacy of 'Collective Security' " (2000) IX *Finnish Yearbook of International Law* 39-46
- Charlesworth, H 'Gender and governance in international law' (2000) 51 *Development Bulletin* 10-12
- \*\*Chin, G "The Role of Public Participation in the Genetically Modified Organisms Debate" (2000) 17 *Environmental and Planning Law Journal* 519-535
- Coper, M "The Dismissal Twenty-Five Years On" (2000) 11 *Public Law Review* 251
- Davis, JLR "Liability for careless acts or omissions causing purely economic loss: *Perre v Apand Pty Ltd*" (2000) 8 *Torts Law Journal* 123-132
- Davis, JLR "Is there still scope for forum shopping after *John Pfeiffer v Rogerson?*" (2000) 20 *Australian Bar Review* 107-114
- Della Torre, E "Women's Business: The Development of an Optional Protocol to the United Nations Women's Convention" (2000) 9 *Human Rights Defender* 7-9
- Eastal, P; Behrens, J; \*Young, L "Relocation Decisions in Canberra and Perth: A Blurry Snapshot" (2000) 14 *Australian Journal of Family Law* 234- 258
- Eastal, P "Women, Law and Cultural Contexts: Kaleidoscopes of Reality" (2000) 4(4) *Contemporary Issues in Law* 213-234
- \*\*Free, S "Across the Public/Private Divide: Accountability and Administrative Justice in the Telecommunications Industry" (2000) 21 *AIAL Forum* 1-25
- \*Gardam, J; Charlesworth, H "Protection of Women in Armed Conflict" (2000) 22 *Human Rights Quarterly* 148-166
- Mathew, P "Conformity or Persecution: China's One Child Policy and Refugee Status" (2000) 23(3) *UNSW Law Journal* 103-134
- McMillan, J "Parliament and Administrative Law" (2000) 13 *Research Papers* i-iii and 1-59
- McMillan, J "Commentary: Recent Developments in Refugee Law" (2000) *AIAL Forum* 26-32
- McMillan, J "Administrative Tribunals" (2000) *Reform* 67-73

- McMillan, J "Law and Administration - Conflicting Values" (2000) *Canberra Bulletin of Public Administration* 33-37
- McMillan, J "New Insights into the Whitlam Era" (2000) *Canberra Bulletin of Public Administration* 67-68
- Mugasha, A "Evolving Standards of Conduct (Fiduciary Duty, Good Faith, and Reasonableness) and Commercial Certainty in Multi-lender Contracts" (2000) 45 *Wayne Law Review* 1789-1824
- Olowofoyeku, A "A Century of Doubt: Profit Motive in the UK Income Tax Law" (2000) 6 *New Zealand Journal of Taxation Law and Policy* 40-60
- Olowofoyeku, A "The *Nemo Judex* Rule: The Case Against Automatic Disqualification" (2000) Autumn *Public Law* 456-475
- \*Parker, C; Wolff, L "Sexual Harassment and the Corporation in Australia and Japan: The Potential for Corporate Governance of Human Rights" (2000) 28 *Federal Law Review* 509-548
- Pearce, DC "In the Public Interest" (2000) *Australian Press Council News* 1-2
- Pearce, DC "Australia's Leap to Success" (2000) *Legion* 20-22
- Ridge, PA "Just Feel-good words? Recent Australian Developments towards a Restitutionary Cause of Action for Pre-Judgment Interest" (2000) 28 *Australian Business Law Review* 275-292
- Ridge, PA "High Hopes: the meaning and merits of unconscionability as the rationale for the High Court's decision in *Garcia v National Australia Bank Ltd*" (2000) *National Law Review* Paras 1-51
- Simpson, A; Williams, G "International Law and Constitutional Interpretation" (2000) 11 *Public Law Review* 205-227
- Simpson, A; Williams, G "Corporations law referral - one small step forward" (2000) *Australian Corporate News* 253-256
- Simpson, G "The Situation on the International Legal Theory Front" (2000) 11 *European Journal of International Law* 439-464
- Sinclair, D; Gunningham, N "Promoting Cleaner Production in South East Asia" (2000) 3(5) *Asia Pacific Journal of Environmental Law* 1-32
- Williams, G "The Amicus Curiae and Intervener in the High Court of Australia: A Comparative Analysis" (2000) 28 *Federal Law Review* 365-402
- Williams, G "Legislating for a Bill of Rights" (2000) 25 *Alternative Law Journal* 62-64, 74
- Williams, G; \*\*Chin, G "The Failure of Citizens' Initiated Referenda Proposals in Australia: New Directions for Popular Participation?" (2000) 35 *Australian Journal of Political Science* 27-48
- Williams, G "Why Australia Kept the Queen" 63 *Saskatchewan Law Review* 477-501
- Wolff, L Japanese Law on the Internet: A World Wide Wasteland? (2000) 2 *UTS Law Review* 207-213
- Wood, M; Charlesworth, H; \*Chinkin, C "Women and conflict resolution in international law" (2000) 53 *Development Bulletin* 7-9

### **Conference Proceedings and Extracts**

- Charlesworth, H, "The Project of reconfiguration of International Law" 94th Annual Meeting of the American Society of International Law 74-75
- Easteal, P; Behrens, J; \*Young, L "Relocation Decisions in Canberra and Perth: a Blurry Snapshot" 10th World Conference of the International Society of Family Law
- Mathew, P "Economic, Social and Cultural Rights" Human Rights and the Future of East Timor Dili, East Timor 7-8 August 2000
- Mathew, P "A Clean Slate? Timor Lorosa'e During and After UNTAET's Administration" Joint American Society of International Law, Australian & New Zealand Society of International Law Conference Canberra July 2000
- Stewart, D "Between corporate law and administrative law" Public Law Weekend, Administrative Law Conference 47-58 2000

## Book Reviews, Case Notes

Clarke, JA : casenote: Commonwealth Not Liable: *Cubillo and Gunner v Commonwealth* 5 Indigenous Law Bulletin 11-15

Creyke, R *casenotes/headnotes* Volume 58 *Administrative Law Decisions* (Butterworths) 143-144; 158; 205;235-236;256-257;275;280;303;394-39; 555-557;579-580;675-676;721-722;763-764; Vol 59: 61-62;269-271;297-298;309-313-314;315-316;317-318;319-320;441-442;602-604;612; 690-691

Creyke, R notes *Administrative Law Bulletin* (Butterworths) Vol 17: 114-22; Vol 176 , 19-24; Vol 1, 22-28; Vol 180, 15-16; Vol 182, 13-16

Creyke, R casenotes/headnotes *Administrative Law Reports* (Butterworths) Vol 17 169-70; 131-13;523-52; 169-170; 131-113;523-552;

Wolff, L Osutorari-ni Okeru Nihonhogaku [Australian Approaches to Japanese Law] Hikakuho Newsletter 72000

McMillan, J Book review: "Rethinking Australian Citizenship" (2000) *Lawyers Weekly*

McMillan, J Book review: "The High Court at the Crossroads" (2000) *Ethos*

Mugasha, A Book review: "C Hugo The Law Relating to Documentary Credits from a South African Perspective with Special Reference to the Legal Position of the Issuing and Confirming Banks" (2000) 15 *Banking and Finance Law Review* 557-559

## Conferences and Seminars

Members of the Faculty organised and attended many seminars and conferences.

Papers were presented at the conferences listed below

NAME	DETAILS
<b>Dr J A Behrens</b>	<b>paper presented:</b> <i>Relocation Decisions in Canberra and Perth: A Blurry Snapshot</i> , 10 <sup>th</sup> World Conference of the International Society of Family Law, Brisbane, July.
<b>Professor H C Charlesworth:</b>	<b>organised:</b> joint meeting of The Australian and NZ Society of International Law and the American Society of International Law, Sydney and Canberra, July; <b>co-organised:</b> (with Professor C M Chinkin, London School of Economics), Expert Workshop on Beijing plus five, London, July.
<b>Ms R M Creyke:</b>	<b>paper presented:</b> <i>Tribunals: Divergence, Loss and Recent Jurisprudence</i> , ANU Public Law Weekend, Canberra, November; <b>co-organised:</b> (with Ms J Jones, Mr D Stewart and Mr J McMillan, Faculty of Law), ANU Public Law Weekend; <b>presented session:</b> for CEDAM in workshop on supervising research, including PhD, students, November.
<b>Professor J L R Davis:</b>	<b>papers presented:</b> <i>Forum Shopping after John Pfeiffer v Rogerson</i> , Continuing Legal Education seminar, New South Wales Bar Association, Sydney, July; <i>Proportionate Liability</i> , Annual Legal Convention of the Law Society of South Australia, Law Society of South Australia, Adelaide, July; <i>Recent Developments in Negligence Liability in the High Court</i> , Continuing Legal Education seminar, Law Society of the Australian Capital Territory, Canberra, August.

NAME	DETAILS
<b>Professor N A Gunningham:</b>	<p><b>papers presented:</b> (with Ms D Thornton and Professor R Kagan) <i>In Search of Environmental Leadership: Law, Community, Market and Management in the Pulp and Paper Industry</i>, United States Law and Society Association, annual conference, Miami, May;</p> <p><i>Biodiversity, Regulation and the Role of Incentives: Where Next?</i>, LawAsia annual conference, Darwin, May;</p> <p><i>The role of penalties in effective OHS regulation</i>, Trades Hall/ACTU conference, Melbourne, June;</p> <p><i>Biodiversity Law and Policy</i>, Productivity Commission, Melbourne, June;</p> <p><i>Regulatory Flexibility through Alternative Compliance Mechanisms</i>, Office of Regulation Reform, Queensland, June.</p>
<b>Mr J D McMillan:</b>	<p><b>papers presented:</b> <i>Writing Reasons for Decision</i>, Refugee Review Tribunal Annual Members Conference, Refugee Review Tribunal, Sydney, October;</p> <p><i>Public Sector Tort Liability and the Intersection with Administrative Law</i>, ANU Public Law Weekend ANU Law Faculty, Canberra, November</p>
<b>Mr H Selby:</b>	<p><b>speaker at:</b> Ethics Seminar, Royal Australian College of Physicians, Adelaide, May.</p>
<b>Ms A M Simpson:</b>	<p><b>paper presented:</b> <i>The validity of Commonwealth-State cooperative schemes</i>, ANU Law School Alumni Weekend, ANU, October.</p>
<b>Mr G Simpson:</b>	<p><b>papers presented:</b> <i>Endings</i>, Legal Writing Workshop, Centre for International and Public Law, ANU, February;</p> <p><i>International Law and the Great Powers</i>, Seminar Series, University of Melbourne, March;</p> <p><i>Sovereign Immunity and Sovereign Equality</i>, Research School Seminar Series, ANU, May;</p> <p><i>Did International Lawyers 'cause' the Second World War?' and some other Questions</i>, Staff Seminar Series, Law School, ANU, May;</p> <p><i>Liberal Anti-Pluralism</i>, Liberalism Symposium, Centre for International and Public Law, ANU, June;</p> <p><i>Out of Law</i>, American Society of International Law/Australia New Zealand Society of International Law Conference, Canberra, June</p>
<b>Mr D J Stewart:</b>	<p><b>papers presented:</b> <i>Update on Intellectual Property</i>, Legal Edge 2000, Centre for Commercial Law, Faculty of Law, ANU, Canberra, May;</p> <p><i>Innovations in Intellectual Property</i>, ANU Law School Alumni Weekend, ANU, October.</p>

NAME	DETAILS
<b>Ms A Stone:</b>	<b>paper presented:</b> <i>The Australian Free Speech Experiment and Scepticism about the UK Human Rights Act Scepticism and the UK Human Rights Act</i> Professor Keith Ewing, Kings College London, Professor Tom Campbell, ANU, Adam Tomkins, Kings College London, United Kingdom, September.
<b>Ms P C Weeks:</b>	<b>papers presented:</b> <i>Employee Entitlements and Changes to the Corporations Law</i> , Legal Edge 2000 Seminar Series, Centre for Commercial Law, Faculty of Law, ANU, Canberra, May;  <i>The Public Service Act 1999</i> , Update Seminar—Workplace and Human Relations—HR Essentials Australian Corporate Lawyers Association and Mallesons Stephen Jaques, Canberra, November.
<b>Dr F D Wheeler:</b>	<b>papers presented:</b> <i>Juggling Teaching and Writing</i> , Writing About Law: A Research Workshop, co-organised Professor H Charlesworth (CIPL, ANU) and Professor P Cane (Law Program, RSSL, ANU), Faculty of Law, ANU, February;  <i>The Rise and Rise of Judicial Power under Chapter III of the Constitution: A Commentary</i> , <i>The Australian Constitution: Old Questions, New Answers</i> , Australian Association of Constitutional Law, University of Technology, Sydney, March.

#### *Book launch*

The Faculty of Law held a book launch on 14 November to celebrate research achievements of Faculty members. Senator Natasha Stott Despoja launched the following books:

- Behrens, J (with S Parker and Parkinson) *Australian Family Law: Commentary and Materials* (2nd ed.)  
 Campbell, T *Justice* (2nd ed.) and Campbell, T (with Goldsworthy, J eds) *Judicial Power, Democracy and Legal Positivism*  
 Charlesworth, H (with Chinkin, C) *The Boundaries of International Law*  
 Flynn, Ml & Hassall, D *Federal Magistrates Court Guidebook (The Law and Practice of the Federal Magistrates Court)*  
 Kobetsky, M (with Dirkis, M) *Income Tax* (2nd ed.)  
 Selby, Hugh *Winning in Court*  
 Seymour, John *Childbirth and the Law*  
 Stone, A & Williams, G (eds.) *The High Court at the Crossroads: Essays in Constitutional Law*  
 Williams, George *A Bill of Rights for Australia* and Williams, G *Human Rights under the Australian Constitution*.

#### *Australian Year Book of International Law*

Volume 20 of the *Australian Year Book of International Law* was published in December 2000. For most of its life, the *Year Book* has been edited by Professor Don Greig. To mark his contribution to international law Volumes 20 and 21 will be devoted to a *festschrift* to him.

## *Collaboration and Outreach*

### **The Faculties and the Institute**

Mr D K Anton: member, RegNet (Regulatory Institutions Network).

Adjunct Professor P Bailey: Chairperson, ANU Harassment and Discrimination Census Committee.

Professor S C Bottomley: convenor, Graduate Program in Law.

Mr S Bronitt: member, RegNet (Regulatory Institutions Network).

Professor T D Campbell: member, Social and Political Theory Group.

Professor H C Charlesworth: member, RegNet (Regulatory Institutions Network) Board, Research School of Social Sciences (RSSH).

Professor M D Coper: collaboration with Research School of Biological Sciences (RSBS) in the establishment of The Australian Centre for Intellectual Property in Agriculture (ACIPA) situated in the Faculty of Law and funded by the Grains Research and Development Board (GRDC).

Ms P A Ridge: presentation seminar on Australian Judicial System to Study Tour for Members and Officials of the National Assembly of Vietnam, Centre for Democratic Institutions, Research School of Social Sciences (RSSH).

Mr G Simpson: co-organised, with Research School of Pacific and Asian Studies (RSPAS) seminar on "Liberalism in International Studies" to be published as symposium in *European Journal of International Law*; joint project with C Reus-Smit and P Keal, Research School of Pacific and Asian Studies (RSPAS), on International Politics and Law.

Ms A Stone: member, RegNet (Regulatory Institutions Network).

### **Collaboration with Australian and Overseas universities or bodies**

Mr D K Anton: president, Environmental Law Alliance Worldwide; international analyst, Environmental Law Institute, Washington, D.C.

Adjunct Professor P Bailey: conducted inquiry and presented a report with recommendations in relation to allegations of sexual harassment, Australian Defence Force Academy; external examiner and guest lecturer, University of Hong Kong; presented an intensive course with Professor M Singh, "National Protection of Human Rights", New Delhi University; president, Canberra Branch International Commission of Jurists.

Mr S Bronitt: associate, Australian Institute of Criminology; chairperson, Domestic Violence Prevention Council.

Professor T D Campbell: president, chairperson executive committee, co-organiser annual conference and editor of the society's journal, Australian Society of Legal Philosophy; visiting Professor, King's College, London.

Professor H C Charlesworth: Professor, Global Law Program, New York University, School of Law; Counsellor, American Society of International Law; president, Australian and New Zealand Society of International Law; member, advisory board, *Melbourne Journal of International Law* and *Leiden Journal of International Law*; member, board of editors, *American Journal of International Law*; co-editor, *Australian Year Book of International Law*; referee, Australian Research Council.

Professor J L R Davis: presented courses on "Advanced Contract Law" and "The Trade Practices Act and Allied Legislation" for Professional Certificate in Arbitration and Mediation conducted by Professional and Continuing Education Department, University of Adelaide; one-day course on "Law of Contract", Continuing Legal Education Program, Law Faculty, University of New South Wales.

Professor N A Gunningham: collaborator and co-investigator, research project on EMS, Center for Law and Society, University of California, Berkeley USA; referee, Australian Research Council.

Mr J D McMillan: examiner of PhD thesis, University of Sydney; president, national executive (from Sept 2000), Australian Institute of Administrative Law; external referee, *Melbourne University Law Review* and *University New South Wales Law Journal*; member, editorial board, *Federal Law Review*; AIAL Forum; referee, Australian Research Council.

Emeritus Professor D Pearce: co-editor, AIAL Forum, Australian Institute of Administrative Law.

Mr D J Stewart: presented one-day course, introduction to intellectual property, for Australian Tertiary Education Managers; 2-day course on Commercialisation of Intellectual Property, for Macquarie Graduate School of Management; seminars and workshops instructor, Law for Practicing Managers Course, Australian Graduate School of Management.

Ms A Stone: member, executive committee, Australian Society of Legal Philosophy; member, management committee and employment subcommittee, Women's Legal Center, ACT; editor, *Federal Law Review*.

Ms P C Weeks: chairperson, misconduct investigation committee, Australian Defence Force Academy, University New South Wales; editorial committee, *Australian Journal of Labour Law*; assessor, Australian Research Council.

Dr F D Wheeler: associate, Centre for Comparative Constitutional Studies, University of Melbourne; comments editor, *Public Law Review*.

### **Joint Research Projects Undertaken with other Institutions**

Dr J A Behrens: a project on relocation decision-making with Dr P Eastal Law Faculty, ANU and Ms L Young, Murdoch University.

Professor S C Bottomley: project on the impact of norm form on legal negotiation with Professors S Parker, Monash University, J Dewar, Griffith University and the Justice Research Centre.

Mr S Bronitt: co-authored a text book, *Principles of Criminal Law*, with Ms B McSherry, Monash University.

Professor T D Campbell: project on judicial activism and the rule of law in Australia with Professor J Goldsworthy, Monash University.

Professor H C Charlesworth: projects on women and international dispute resolution, with Professor C M Chinkin, London School of Economics; and extra-territoriality in Australian law with Mr R McCorquodale, Law Faculty.

Ms J A Clarke: project on indigenous corporations, with Mr C Mantziaris, Research School Social Sciences (RSSS).

Professor N A Gunningham: project on leaders and laggards, with Professor R Kagan, Law and Political Science, University of California, Berkeley.

Mr H Selby: project on national survey of lawyers' work implications, with Dr P Reddy, PLT.

Dr F D Wheeler: joint editor, *The Australian Federal Judicial System* with Dr B Opeskin, Faculty of Law, University of Sydney.

### **Cooperation/involvement with Government, Industry and Commerce**

Mr D K Anton: member, IUCN Commission on Environmental Law, provided detailed analysis of the Australian Gene Technology Bill 2000; co-editor, *Asia Pacific Journal of Environmental Law*; Director, Australian Centre of Environmental Law (ACEL), provided expert advice to Australian and International peak bodies on various issues in environmental law.

Adjunct Professor P Bailey: consultant, Australian Defence Force Academy, University of New South Wales.

Dr J A Behrens: member, violence sub-committee, discussions and drafting of written material for recommendations to the Commonwealth Attorney-General on family law reform, Family Law Council of Australia; part-time legal member, Social Security Appeals Tribunal; member, editorial board, *Australian Journal of Family Law*; member, national editorial advisory board, *Women Against Violence: An Australian Feminist Journal*; contributions to, editorial policy on "family violence",

- loose-leaf service Australian Family Law and Practice, CCH Australia Ltd; secretary, parents' committee, Cook Pre-School; member, Parents' and Friends' Association, Northside Infants School (Canberra Grammar).
- Professor S C Bottomley: director, and member of audit committee, Credit Union of Canberra; legal adviser, Senate Committee on Regulations and Ordinances; member, Canberra regional committee, business law section, Law Council of Australia; instructor, Australian Institute of Company Directors; member, editorial committee, *Australian Journal of Corporate Law*; referee, Australian Research Grants; presented session on directors' duties to annual board meeting, Australian Medical Association Ltd; public lecture, Vital Issues Seminar Program, Department of Parliamentary Library.
- Mr S Bronitt: member, criminal law committee of the ACT Law Society; state editor, *Criminal Law Journal*.
- Professor T D Campbell: associate editor, refereeing submitted articles, *The Journal of Political Philosophy*; member, advisory boards, *The Edinburgh University Law Review*, *The Griffith Law Review*, *Res Publica*, *Federal Law Review*.
- Professor H C Charlesworth: member, Council of the Australia-Asia Institute, Foreign Affairs Council.
- Ms J A Clarke: referees' reports on manuscripts, *Melbourne University Law Review*, *Indigenous Law Bulletin*.
- Professor M D Coper: trustee, The Lionel Murphy Scholarship Foundation; chair, Transport Industry Accreditation Council; adviser to organisers, Dismissal Exhibition at Old Parliament House, marking the 25<sup>th</sup> anniversary of the sacking of Gough Whitlam.
- Ms R M Creyke: member, Administrative Review Council; appointments committee, Economics Department, Australian Defence Force Academy; with Mr J McMillan undertook a one-day legal awareness workshop, Association for Tertiary Education Managers, Canberra Branch; attended biennial meeting, Administrative Law Teachers of Australia, Adelaide; vice-president (from Sept 2000), Australian Institute of Administrative Law; member, Australian Institute of Health Law & Ethics, Women's Lawyers Association of ACT; member board, Softlaw Community Projects Pty Ltd; veterans' affairs editor, Butterworths *Administrative Law Service*, Butterworths *Bulletin Service*, Butterworths *Australian Law Reports*; editorial board, *National Law Review*; consultant, Phillips Fox Solicitors; presentation to members of COMNET (Commonwealth Corporate Heads of Agencies), with Emeritus Prof D Pearce and Mr J McMillan, on findings of phase III ARC-funded external review project; presented session on Australian administrative law, Chinese Ministry of Justice, legal needs associated with China's Accession to the WTO; gave evidence (as part of the Administrative Review Council team) to public hearings by Senate Legal and Constitutional Legislation Committee, in the Inquiry on the Provisions of the Administrative Review Tribunal Bill 2000 and the Administrative Review Tribunal (Transitional and Consequential Provisions) Bill 2000, Parliament House, Canberra; presented paper as panellist, "Administrative Law in Transition—The Proposed Administrative Review Tribunal", a one-day seminar in Parliament House, jointly sponsored by the Senate Legal and Constitutional Legislation Committee and the Australian Institute of Administrative Law (proceedings published in *Hansard*).
- Professor J L R Davis: provided expert advice, Joint Standing Committee [of the Commonwealth Parliament] on electoral matters, on aspects of the sub judice convention and Parliamentary privilege; presented two-day course on "Principles of Contract Law", on behalf of the National Centre for Development Studies, to employees of South Australian Water Corporation.
- Mr M Flynn: councillor, member of committee, Law Society of the ACT, alternative dispute resolution committee, initiating a members' mediators list and a mediation competition in ACT secondary schools in the national Schools Conflict

- Resolution and Mediation (SCRAM) competition; vice-president, Canberra Branch, Australian section, International Commission of Jurists.
- Ms M Gani: member, the Autism Spectrum Disorder Advisory and Consultative Committee.
- Professor N A Gunningham: consultancy reports and specialist academic advice, National Occupational Health and Safety Commission, Rural Industry Research and Development Corporation/Forest and Wood Products Research and Development Corporation, OECD on issues of occupational health and safety/ environmental regulation and policy.
- Ms J S Jones: member, Genetic Manipulation Advisory Committee, Department Health and Aged Care; committee member and executive, Environmental Defenders' Office.
- Ms P Mathew: treasurer, Council of Australian and New Zealand Society of International Law; editorial board, *Australian Year Book of International Law*; participant in roundtable, Department of Foreign Affairs and Trade and Attorney-General's Department; discussion and contribution of ideas concerning the high level diplomatic initiative on treaty body reform; researcher, Jesuit Refugee Service; paper presented to the regional meeting of the United Nations High Commissioner for Refugees regarding Australia's adoption of the "safe third country" principle.
- Mr J D McMillan: member, Federal Offenders Review Panel, commenting on draft decisions regarding release of federal offenders; consultant, provide advice on government law issues, Government Services Group, Clayton Utz; prepared constitutional law opinion, Commonwealth Parliament Joint Standing Committee on Migration; prepared High Court's submissions for Department of Immigration and Multicultural Affairs; prepared submission to Commonwealth Parliament Joint Standing Committee on Migration; presentation to, with Professor D Pearce and Ms R Creyke, COMNET (Commonwealth Corporate Heads of Agencies), on findings of phase III ARC-funded external review project; conducted roundtable discussion (with Emeritus Prof. D Pearce) with members of a Victorian Parliament committee examining subordinate legislation; research director for conference, conducted jointly by Australian Institute of Administrative Law and Senate Legal and Constitutional References Committee – "Administrative Law in Transition—the Proposed Administrative Review Tribunal"; authored paper, project being conducted by Commonwealth Parliamentary Library on "The Vision in Hindsight" (major publication to celebrate centenary of Parliament); member of group authoring a chapter for a book to be published by the Public Service Merit Protection Commission, to celebrate the centenary of the Public Service.
- Emeritus Professor D Pearce: legal advice on interpretation of legislation, Senate Rural and Regional Affairs and Transport Committee on development of Brisbane airport master plan; consultant, Therapeutic Goods Administration, inquiry and report relating to the advertising of certain therapeutic goods.
- Ms A M Simpson: volunteer solicitor, Welfare Rights Legal Centre; volunteer tutor, Barnados Foundation.
- Mr D J Stewart: director, ACT Welfare Rights and Legal Centre; instructor, two-day workshop on management and commercialisation of intellectual property, Meat and Livestock Authority.
- Ms A Stone: member, organising committee, ACT Schools Constitutional Convention; panellist, parliamentary education office forum, on Separation of Powers to Year 11 and 12 Students; participant in panel discussion, on "Our Place in the World in 2020: What do we want to be known for?".
- Ms P C Weeks: part-time legal member, Social Security Appeals Tribunal; chairperson, ACT Government Sex Industry Consultative Group; director, The Credit Union of Canberra; issues paper on "Non-Receipt of Notices" for the Social Security Appeals Tribunal (also digested in *Social Security Appeals Tribunal Bulletin*, Issue No 115, July 2000).

Dr F D Wheeler: treasurer, Australian Association of Constitutional Law; comments editor, *Public Law Review*; referee, *Sydney Law Review*; member, advisory committee on judiciary act reference, Australian Law Reform Commission.

Dr G J Williams: consultant, Asia Pacific Forum of National Human Rights Institutions on *Abrogation or Amendment of the Fiji Constitution*; consultant, Aboriginal & Torres Strait Islander Commission (ATSIC), with Dr L Behrendt, Research School of Social Sciences, (RSSH), on *The Advancement of Indigenous Rights in Australia: A Preliminary Discussion Paper*; consultant, EDUCO Australia Pty Ltd on Constitution, courts and executive, Mozambique government officials; media commentator on public law issues and the High Court; columnist, *The Australian* on the Centenary of Federation.



## RESEARCH

- Adjunct Professor P Bailey: discrimination law: a survey of all court decisions on appeals from the specialist tribunals since the system began in 1977 to examine the nature of the relationship between the agency and associated tribunal and the courts, with Ms R Callinan, Faculty of Law grant as part of emolument arrangements: \$1000 approx.
- Dr J A Behrens: The High Court and Family Law, an entry for the Encyclopedia of the High Court (to be published in 2001); a project on relocation decision-making with Dr P Easteal, Faculty of Law and Ms L Young, Murdoch University: FRF Grant (ANU) and special grant from Murdoch University: \$10,000 total.
- Professor S C Bottomley: Government Business Enterprises and Public Accountability through Parliament Shareholders' Meetings: Australian Research Council Grant \$107,000 end 2001; project on the impact of norm form on legal negotiation with Professors S Parker, Monash University, J Dewar, Griffith University and the Justice Research Centre, Australian Research (SPIRT) Grant: \$237,000.
- Mr S Bronitt: research for textbook, *Principles of Criminal Law* with B McSherry Monash University.
- Professor T D Campbell: Judicial Activism and the Rule of Law in Australia equally with Prof J Goldsworthy, Monash University, Australian Research Council Grant: \$35,000.
- Professor H C Charlesworth: projects on women and international dispute resolution, with Professor C Chinkin (London School of Economics): \$84,000 and extra-territoriality in Australian Law with Mr R McCorquodale, Faculty of Law, Australian Research Council: \$80,000.
- Ms J A Clarke: project on indigenous corporations, with C Mantziaris, Research School Social Sciences (RSSH), Australian Research Council: \$16,000; Aboriginal 'protection' laws, FRGS, AIATSIS: \$5000.
- Professor M D Coper: project on The Oxford Companion to the High Court of Australia, with Professor T Blackshield and Dr G Williams, Faculty of Law, Australian Research Council: \$125,000 and Centenary of Federation Grant: \$150,000.
- Ms R M Creyke: publication in 2000 first Australian book on veterans' entitlements law; completed foundation law text (*Laying Down the Law* (5th ed), published 2001; co-ordinator 5th edition for major update of work with authors in London, UK, London, Ontario, and Armidale, NSW; external review projects with Emeritus Prof Pearce and Mr J McMillan, Faculty of Law, Australian Research Council: \$145,000.
- Professor J L R Davis: second edition of Greig and Davis, *Law of Contract* June 2000; third edition of Balkin and Davis, *Law of Torts* December 2000.
- Ms M Gani: preliminary research on stalking and cyberstalking for new starter's grant application.
- Professor N A Gunningham: Evaluating Environmental Regulation: An Empirical Analysis, with Mr D Sinclair, Research Associate, Australian Centre for Environmental Law, Australian Research Grant (SPIRT): \$58K per year for 3 years.
- Mr J D McMillan: external review project with Emeritus Professor D Pearce and Ms R Creyke, Faculty of Law, Australian Research Council (2 large grants for single project): \$145,000.
- Emeritus Professor D Pearce: judicial review project, with Mr J McMillan and Ms R Creyke, Faculty of Law, Australian Research Grant: \$20,000.
- Ms P A Ridge: legal protection of surety wives; project on Legal Responses to the Abuse of Spiritual Influence for Economic Gain: An Analysis of the Uniting Church in Australia, New Starters Grants Scheme 2000: \$4,000.
- Mr D J Stewart: entries for *Oxford Companion to the High Court of Australia*; Innovation Patents, New Starter's Grant: \$6000.

- Ms A Stone: Legislative, Judicial and Popular Involvement in Human Rights Protection, Australian Research Council Grant: \$138,000.
- Ms P C Weeks: entries for the *Oxford Companion to the High Court of Australia*; research for chapter on Labour Law and Human Rights; research with Assoc. Professor M Pittard in Australian public sector employment law, Australian Research Council Grant: \$20,000 (1999-2001).
- Dr F D Wheeler: judicial power under chapter III of the Constitution, Article, "The Rise and Rise of Judicial Power under Chapter III of the Constitution: A Decade in Overview" (2001) 21 *Australian Bar Review*; entries for *Oxford Companion to the High Court of Australia*.
- Dr G J Williams: *Oxford Companion to the High Court of Australia*; with Professor M Coper and Adjunct Professor T Blackshield, Faculty of Law, National Council for the Centenary of Federation Grant and Australian Research Council: \$151,000 (1999-2001) and \$125,000 (1998-2000).

## *Alumni*

The Law School Alumni program continued to strengthen in 2000, and enhanced the good work started in 1999.

The main objectives of the Alumni association continue to be:

Building the wider Law School community—to encourage genuine interaction between the University and its graduates, former students and staff.

Maintaining its high reputation and meet the challenges of a more competitive environment—by keeping former students in touch with the current developments in the law and in legal education.

The first major Alumni activity, the Administrative Law Chair Alumni Appeal, was a huge success in 2000. The Appeal was launched in 1999 and closed on 31 December 2000 with a total of \$102,000 either donated or pledged annually for five years. It is fitting that one of our alumni, John McMillan, was appointed to the inaugural Alumni Chair at the end of 2000.

The year 2000 saw three major social functions:

**Law School Alumni Weekend:** The multi-faceted weekend was held on 14 -15 October, and comprised a Continuing Legal Education Seminar Program, a 'Meet the Faculty' spit-roast lunch, and The Faculty of Law Annual Alumni Dinner. Seminars were presented by Ms Amelia Simpson, Professor Jim Davis, Professor Bryan Horrigan, Ms Peta Spender, Ms Anne Northcote, Mr Daniel Stewart and Professor John McMillan. The Annual Dinner was held at University House and again proved to be a popular event. The keynote speaker was alumna Justice Margaret Stone, who was appointed to the Federal Court of Australia shortly before the Weekend.

**Professor Hambly's Canberra Farewell Dinner:** Professor Hambly joined the Faculty in 1962 and retired in 1999 after a very distinguished career spanning thirty-seven years. A farewell dinner was held at University House and attended by around 100 people. Master of Ceremonies was Professor Michael Coper and speakers included current and former staff, current students, notable figures from the Canberra Legal Community, and members of Law School Alumni.

**Sydney Farewell Dinner:** Another farewell dinner for Professor Hambly was held in Sydney on 25 August. This dinner was also well attended and a wonderful community event. The dinner featured another prominent alumnus keynote speaker, Justice Anthony Whitlam of the Federal Court of Australia.

Alumni operations in 2000 were guided by Professor Michael Coper, Dean of the Faculty, and facilitated by Christopher Newton, Administrative Officer. Professor Jim Davis remains a favoured point of contact for many alumni.

### **Major Prizes, Honours, Election to membership of learned societies and academies and awards**

Mr S Bronitt: was appointed to the Chair of the Domestic Violence Prevention Council. This is an independent statutory body which advises government on domestic violence policy.

Ms R C Creyke :appointment by Governor-General as member for three years from December 1999 to the Administrative Review Council.

Ms J Jones: was appointed to the Commonwealth Genetic Manipulation Advisory Committee (GMAC), April. GMAC members are drawn from various disciplines to assess genetic manipulation proposals received by the Federal Government. Members are appointed to the Committee by the Minister for Health and Aged Care for their expertise rather than as representatives of a particular interest group.

Mr J McMillan: elected President of the Australian Institute of Administrative Law.

Ms A Simpson: recipient, Fulbright Postgraduate Scholarship for 2001-02.

Dr F D Wheeler: recipient, JG Crawford Prize (for PhD thesis entitled *The Separation of Federal Judicial Power: A Purposive Analysis*)—awarded September 2000.

# Appendix I \_ Analysis of Student Performance

## Analysis of Student Performance Faculty of Law 2000

Unit Code	Unit Name	Effective Enrolments		Sitting		Wastage 1		Wastage 2		Fail (NCN)		Did Not Sit		Sat Fail (N)		Results to be Finalised		High Distinction		Distinction		Credit		Pass		Sat Fail (N)	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
ENGN4211	Engineering Law	67	100	66	99	-	-	-	-	1	1	-	-	2	3	-	-	4	6	35	53	24	36	1	1	2	3
LAWS1201	Foundations of Aust Law	272	100	264	97	5	2	-	-	3	1	1	-	3	1	-	-	7	3	56	21	117	44	81	31	3	1
LAWS1201	Foundations of Aust Law	10	100	10	100	-	-	-	-	-	-	-	-	-	-	-	-	2	20	4	40	2	20	2	20	-	-
LAWS1202	Lawyers Justice & Ethics	281	100	276	98	5	2	-	-	-	-	1	-	7	2	2	1	6	2	49	18	143	52	69	25	7	3
LAWS1203	Torts	290	100	281	97	6	2	-	-	3	1	1	-	17	6	-	-	5	2	29	10	101	36	129	46	17	6
LAWS1204	Contracts S1	44	100	39	89	5	11	-	-	-	-	-	-	-	-	-	-	2	5	7	18	14	36	16	41	-	-
LAWS1204	Contracts S2	275	100	266	97	8	3	-	-	1	-	-	-	35	13	1	-	7	3	39	15	90	34	94	35	35	13
LAWS1205	Australian Public Law S1	245	100	230	94	10	4	-	-	5	2	1	-	3	1	-	-	8	3	43	19	91	40	85	37	3	1
LAWS1205	Australian Public Law S2	40	100	38	95	1	3	-	-	1	3	1	3	-	-	-	-	4	11	7	18	18	47	9	24	-	-
LAWS1206	Criminal Law & Procedure	289	100	271	94	9	3	-	-	9	3	2	1	10	3	2	1	9	3	36	12	156	52	95	31	4	1
LAWS1207	International Law	311	100	302	97	4	1	-	-	5	2	-	-	4	1	-	-	4	1	7	18	14	45	99	37	10	4
LAWS1208	Legal Theory	345	100	335	97	4	1	-	-	6	2	-	-	4	1	-	-	6	2	67	20	151	45	108	32	1	-
LAWS2201	Administrative Law	236	100	228	97	2	1	-	-	5	2	-	-	2	1	-	-	5	2	3	14	92	40	97	43	1	-
LAWS2202	Common Constitt Law	231	100	227	98	2	1	-	-	4	1	-	-	2	1	-	-	6	3	32	14	92	40	97	43	1	-
LAWS2203	Corporations Law	308	100	300	97	4	1	-	-	4	1	-	-	2	1	-	-	12	4	41	14	117	39	128	43	2	1
LAWS2204	Property	142	100	139	98	1	1	-	-	2	1	-	-	6	4	-	-	3	2	19	14	50	36	61	44	6	4
LAWS2205	Equity and Trusts	191	100	187	98	2	1	-	-	1	1	-	-	18	9	-	-	7	4	34	18	59	32	69	37	18	10
LAWS2207	Evidence	175	100	172	98	-	-	-	-	3	2	-	-	13	7	-	-	6	3	14	8	46	27	93	54	13	8
LAWS2210	Commercial Law	91	100	87	96	4	4	-	-	-	-	-	-	3	3	-	-	5	15	17	31	36	34	39	3	3	
LAWS2211	Comparative Legal Hist	30	100	29	97	-	-	-	-	1	3	-	-	-	-	-	-	3	10	12	41	14	48	-	-	-	-
LAWS2212	Conflict of Laws	86	100	83	97	2	2	-	-	1	-	-	-	1	1	-	-	3	7	9	17	33	40	31	37	1	1
LAWS2213	Contemp Issues in Con L	44	100	43	98	1	2	-	-	-	-	-	-	-	-	-	-	3	7	9	21	26	60	5	12	-	-
LAWS2214	Criminal Justice	89	100	85	96	2	2	-	-	2	2	-	-	-	-	-	-	4	5	29	34	41	48	11	13	-	-
LAWS2215	Environmental Law	71	100	71	100	-	-	-	-	-	-	-	-	1	1	-	-	4	6	14	20	32	45	20	28	1	1
LAWS2217	Family Law	91	100	83	91	5	5	-	-	1	2	-	-	-	-	-	-	6	8	22	28	41	53	9	12	-	-
LAWS2219	Health Law and Ethics	80	100	78	98	1	1	-	-	-	-	-	-	-	-	-	-	2	3	16	23	32	46	18	26	-	-
LAWS2221	Income Tax	71	100	69	97	-	-	-	-	2	3	-	-	-	-	-	-	2	3	35	25	65	66	32	23	2	1
LAWS2222	Intellectual Property	143	100	141	99	1	1	-	-	1	1	-	-	2	1	-	-	3	5	13	21	53	13	33	-	-	-
LAWS2223	Intern Dispute Resoln	40	100	40	100	-	-	-	-	-	-	-	-	-	-	-	-	1	4	9	32	13	46	5	18	-	-
LAWS2224	Int Law Elect:Law of Sea	28	100	28	100	-	-	-	-	-	-	-	-	-	-	-	-	4	5	19	23	35	43	23	28	1	1
LAWS2225	Int Law of Human Rights	85	100	82	96	3	4	-	-	-	-	-	-	1	1	-	-	4	5	17	23	34	47	20	27	-	-
LAWS2226	International Trade Law	78	100	73	94	5	6	-	-	-	-	-	-	-	-	-	-	2	13	2	13	6	38	6	38	-	-
LAWS2227	Japanese Law	16	100	16	100	-	-	-	-	-	-	-	-	-	-	-	-	2	3	3	19	17	58	53	29	27	-
LAWS2228	Labour Law	112	100	109	97	2	2	-	-	1	1	-	-	-	-	-	-	3	8	30	48	20	32	7	11	-	-
LAWS2229	Law and Society SE Asia	62	100	62	100	-	-	-	-	-	-	-	-	-	-	-	-	5	3	6	67	1	11	1	11	-	-
LAWS2230	Law Internship	9	100	9	100	-	-	-	-	-	-	-	-	-	-	-	-	1	11	4	44	3	33	3	33	-	-
LAWS2230	Law Internship	9	100	9	100	-	-	-	-	-	-	-	-	-	-	-	-	1	11	4	44	3	33	3	33	-	-
LAWS2236	Succession	106	100	105	99	-	-	-	-	1	1	-	-	-	-	-	-	5	5	19	18	39	37	42	40	-	-
LAWS2237	Takeovers & Sec Ind Law	83	100	81	98	2	2	-	-	-	-	-	-	1	1	-	-	2	2	14	17	39	48	25	31	-	-
LAWS2240	SLE:4 Rest Trade Pract	161	100	161	100	-	-	-	-	-	-	-	-	-	-	-	-	2	2	34	21	97	60	27	17	-	-
LAWS2241	SLE:5:Women and the La	56	100	56	100	-	-	-	-	-	-	-	-	-	-	-	-	3	4	8	14	29	52	17	30	-	-
LAWS2244	Litigation & Dispute Man	208	100	206	99	2	1	-	-	-	-	-	-	2	1	-	-	4	2	31	15	72	35	97	47	2	1

Wastage 1 : Withdrawn with Fail (WN), and Withdrawn without Fail (WD)  
Wastage 2 : Awarded Withdrawn after commencement of official exam period (WL)  
Fail (NCN) : Non completion of compulsory requirements

**Analysis of Student Performance  
Faculty of Law 2000**

Unit Code	Unit Name	Effective Enrollments		Sitting		Wastage 1		Wastage 2		Fail (NCN)		Did Not Sit		Sat Fail (N)		Results to be Finalised		High Distinction		Distinction		Credit		Pass		Sat Fail (N)		
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	
LAWS2245	Information Tech Law	109	100	107	98	2	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
LAWS2246	SLE 6: Expert Legal Syst	18	100	18	100	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
LAWS3103	Law and the Environment	49	100	17	89	-	-	-	-	2	11	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
LAWS3201	Research Unit Methodology	74	100	71	96	2	3	-	-	1	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
LAWS3201	Research Unit Methodology	25	100	23	92	-	-	-	-	2	8	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
LAWS3202	Research Unit S1	23	100	22	96	1	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
LAWS3202	Research Unit S2	71	100	71	100	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
LAWS4001	Final Honours Exam	16	100	16	100	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
LAWS4002	Final Honours Exam	78	100	78	100	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	<b>03 - Faculty of Law</b>	<b>8037</b>	<b>100</b>	<b>5860</b>	<b>96</b>	<b>103</b>	<b>1</b>	<b>5</b>	<b>-</b>	<b>66</b>	<b>1</b>	<b>8</b>	<b>-</b>	<b>134</b>	<b>2</b>	<b>30</b>	<b>-</b>	<b>222</b>	<b>3</b>	<b>1121</b>	<b>19</b>	<b>2439</b>	<b>41</b>	<b>1914</b>	<b>32</b>	<b>134</b>	<b>2</b>	
<b>Summer</b>																												
Units 99/00																												
LAWS2207	Evidence	59	100	58	98	1	2	-	-	-	-	-	-	3	5	-	-	2	3	10	17	22	38	21	36	3	5	
LAWS2230	Law Internship	13	100	13	100	-	-	-	-	-	-	-	-	-	-	-	-	1	8	8	62	4	31	-	-	-	-	
LAWS2234	SLE 1: Iss In Cont Asian	61	100	58	95	3	5	-	-	-	-	-	-	1	2	-	-	6	10	14	24	31	53	6	10	1	2	
LAWS2235	SLE 2: Consumer Protect	73	100	65	89	6	8	-	-	2	3	-	-	-	-	1	1	-	-	13	20	43	66	8	12	-	-	
LAWS2242	Rousseau Moot	4	100	4	100	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	100	-	-	-	-	-	-
LAWS2243	Ethics and Lawyers	40	100	40	100	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LAWS3010	Jessup Moot	5	100	5	100	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5	100	-	-	-	-	-	-
	<b>03 - Faculty of Law</b>	<b>255</b>	<b>100</b>	<b>243</b>	<b>10</b>	<b>1</b>	<b>0</b>	<b>-</b>	<b>2</b>	<b>3</b>	<b>0</b>	<b>-</b>	<b>4</b>	<b>7</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>9</b>	<b>-</b>	<b>54</b>	<b>22</b>	<b>100</b>	<b>41</b>	<b>75</b>	<b>31</b>	<b>4</b>	<b>2</b>	

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