

ANU COLLEGE OF LAW

Prizes and Scholarships 2022



Australian
National
University

Order of proceedings

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Professor Sally Wheeler OBE
Dean, ANU College of Law
Deputy Vice-Chancellor
(International Strategy), ANU

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Associate Professor Wayne Morgan
Associate Dean (Education)
ANU College of Law

Student remarks

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Hamish Robert Mckinnon

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Isabella Borchert-Jonker

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A rare breed of law student



Meet Charlotte Hoynes (BA/LLB (Hons) '21), a recent graduate of the ANU College of Law and 2021 recipient of the Blackburn Medal for Research in Law.

Charlotte Hoynes (BA/LLB (Hons) '21) knew from the outset that she wanted her honours thesis to focus on the relationship between the rule of law and administrative law.

What she didn't know at the time was that her thesis would result in her being awarded the 2021 Blackburn Medal for Research in Law from The Australian National University (ANU) College of Law.

The Blackburn Medal for Research in Law is awarded every year to the student who receives the highest mark in

our LAWS3202 Honours Thesis and LAWS4300 Supervised Research Paper course.

“Being awarded the Blackburn Medal at the conclusion of my Bachelor of Arts/Law (Hons) degree symbolises a lot of hard work—not just on the paper, but also over the course of my academic career at ANU,” Charlotte said.

“To have my work so warmly received and recognised in this way means a great deal.”

Charlotte's thesis examined Justice James Edelman's approach to the rule of law in administrative law.

"Justice Edelman is one of the most frequent dissenters on the High Court (of Australia) at present," Charlotte said.

"I tried to unpick what drives these judicial disagreements and considered what these differences of opinion might reveal about the development of Australian public law."

By analysing Justice Edelman's public law dissenting opinions through the lens of Dworkinian legal theory, Charlotte argued that Justice Edelman "is developing a unique view of the role of the rule of law in the High Court's 75(v) jurisdiction".

Charlotte was motivated to research this topic after she completed several ANU College of Law undergraduate courses.

"My interest in the doctrinal side of this topic stemmed from LAWS2201 Administrative Law (my favourite subject, which probably makes me a rare breed of law student), and my theoretical interest developed from the elective LAWS4309 Colonialism and the Rule of Law," Charlotte said.

The challenge was marrying these two topics within a scope appropriate for an honours thesis.

"It took many consultations with my supervisor, Professor Leighton McDonald, to find the right angle to tackle the topic," Charlotte said.

"I am grateful to him for encouraging me to pursue a project I am passionate about and I think that shines through in the finished product."

Charlotte believes both Professor McDonald and Professor James Stellios FAAL helped set her on her current career path.

"Their tutelage fostered my interest in administrative and constitutional law, sharpened my analytical skills and gave me the academic foundations to critically examine public law issues," she said.

In 2019, Charlotte was also awarded the Leslie Zines Constitutional Law Scholarship, which supported her to undertake a supervised 10-week internship at the Commonwealth Attorney-General's Department.

“To have my work so warmly received and recognised in this way means a great deal.”

“This experience affirmed my career ambitions, and helped me secure my graduate role at the Australian Government Solicitor (AGS),” she said.

In her role as a graduate lawyer at the AGS, Charlotte is part of a team that provides advice to government on a range of public law issues.

“My days are spent researching a wide variety of challenging legal questions,” she said.

While Charlotte is set on pursuing a career in public law focusing on constitutional or administrative law, she is not yet sure what direction this will take her in.

“I have a lot to learn about the law and myself as a lawyer, so I am not yet certain where my career will take me,” she said. “I would also love to undertake further study.”

Reflecting upon her study experiences at the ANU College of Law, Charlotte encourages law students to work hard and put themselves out there.

“If an area of law interests you—run with it,” she said.

“ANU Law offers so many opportunities if you are ready and willing to take advantage of them.”

“Getting involved with the ANU community by attending events and seminars or reaching out to academics or tutors whose work resonates with you are great ways to get to know people and explore your interests.”

2021 prize recipients

Freilich Indigenous Student Scholarship in Law

Max Michael Farinazzo | Amanda Lee Wingett

Frohlich Scholarship to the Permanent Court of Arbitration (PCA)

Edward Cheston

Frohlich World Bank Scholarship with the Integrity Vice-Presidency

Penelope Han

Kirsten Sjolander Memorial Prize for Advanced International Human Rights Law

Annika Francess Hutchins | Natalie Louise McIntosh

Leslie Zines Constitutional Law Scholarship

Meghan Malone

Meyer Vandenberg Prize for Property Law

Madeleine Alice Noonan Castles

Mick Dodson Prize for Indigenous Australians and the Law

Jocelyn Abbott

Ned Cheston: An international lawyer in the making

Meet Ned Cheston, the 2021 recipient of the ANU Frohlich Scholarship to the Permanent Court of Arbitration.



Edward (Ned) Cheston (BA '20, LLB (Hons) '21) was pleasantly surprised when he learned that he had been awarded the 2021 Frohlich Scholarship to the Permanent Court of Arbitration (PCA).

“At the time, I was planning to stay in Canberra and had accepted a job elsewhere,” he said. “However, the opportunity to work at such an esteemed organisation was too good to turn down.

“I immediately knew that the opportunity to help the PCA render landmark international law decisions would be career-defining.”

The Frohlich Scholarship provides support to a current student or graduate of The Australian National University (ANU) College of Law to undertake a 12-month fellowship as an Assistant Legal Counsel with the PCA's International Bureau at The Hague in the Netherlands.



Permanent Court of Arbitration 2022 cohort.

“I feel incredibly grateful to the ANU College of Law for providing me with not only this current opportunity, but also a number of others which got me here,” Ned said.

“For one, the breadth of international law subjects that are offered to undergraduate students is incredible.”

While studying his Bachelor of Laws (Hons) at ANU, Ned had the opportunity to participate in our International Law Clinic and intern with the *Australian Yearbook of International Law* (AYBIL).

“I feel incredibly grateful to the ANU College of Law for providing me with not only this current opportunity, but also a number of others which got me here.”

"I thoroughly enjoyed both, especially as they provided me with opportunities to write lengthier self-directed research pieces on international law topics," Ned said.

Now he has graduated and several months into his fellowship, Ned has enjoyed the opportunity to broaden his knowledge of a number of bodies of law that the PCA regularly deals with, particularly international investment law.

"The opportunity to add this string to my bow has been really valuable, because being an international lawyer really requires you to be a jack of all trades," he said.

Through his fellowship, Ned has had the chance to work on a wide range of arbitration matters. This includes helping to organise an annual PCA moot competition, conducting legal research for senior colleagues, assisting in the administration of international arbitrations, and supporting the PCA's Secretary-General in his capacity as an 'appointing authority'.

"In the next couple of weeks, I will be attending my first hearings at the PCA and I am greatly looking forward to learning more about international arbitration's practical side," Ned said.

Ned has found it really valuable working at The Hague and being located in "the epicentre of international law worldwide".

"Everyone you speak to has had their own international law journey and has fantastic career advice to share," he said.

Ned found his lecturers and tutors at the ANU College of Law to be similarly supportive and influential during the course of his studies.

"The ANU Law faculty is full of eminent international law academics, many of whom I was lucky enough to meet and learn from during my time at university," he said.

In particular, Ned was inspired by Professor Donald Rothwell FAAL who taught his International Law of the Sea course and supervised his research project during his internship with AYBIL.

“Don’s international law credentials speak for themselves and you always know your teacher is the real deal when they write the textbook you’re learning from,” Ned said.

“However, it’s been Don’s continuous mentoring out of the classroom, including after I graduated last year, which has really motivated and inspired me.”

While Ned has left the classroom for now, he is considering further study down the track.

“I’m certainly interested in doing a Master of Laws, but where and when are still questions to be answered,” he said.

Ned is also interested in working for the Australian Public Service in the future.

“At the same time, I’ve learnt through my experience of being granted the Frohlich Scholarship that life has a funny way of shaking things up when you least expect it,” he said. “In this sense, I will wait and see what happens when I conclude my fellowship next year.”

Reflecting upon his journey at the ANU College of Law, Ned encourages future law students to seize the opportunity to study abroad and go on exchange.

“ANU Law makes it very easy for students to take up fantastic opportunities at top overseas universities,” he said.

“My own experience gave me the chance to take law subjects that are not offered at ANU and, perhaps more importantly, learn about the law from a different perspective and in a different context.

“This is especially important for aspiring international lawyers because you realise that, despite claiming to be ‘international’, international law means different things to different people worldwide.”

2021 prize recipients

Myint Zan Prize for Law Studies

Gaia Ewing | Kathleen Tighe

Norton Rose Fulbright Prize for Cyber Law

Daniel Popovski | Christina Tsou | Dennis Rade Arsic

Phillipa Weeks Scholarship in Law

Bridie Eileen Minehan

Scholarship for a Legal Internship in London

Sellamma Laksshini Sundaramoorthy

Sir George Knowles Memorial Prize

Lily Butterfield

Sparke Helmore Prize for Commonwealth Constitutional Law

Ellis Oliver Silove

Vik Sundar and Clear Law Prize

Zachary Duchon



Remembering Honorary Professor Peter Bailey AM OBE

3 September 1927–7 November 2021

Throughout his 30 years at ANU, Peter was a constructive participant in the development of our teaching, research and social engagement.

Peter Bailey's professional career spanned 70 years: 40 years in the Australian Public Service, and 30 years at the ANU.

In reviewing his career, and reflecting on the values that guided him, it is striking to note the points of resemblance with the career of his father, Kenneth Bailey. Indeed, comparisons of their achievements began at the earliest possible moment. When Peter was born, his father was the Vice-Master of Queen's College, the Methodist residential college at the University of Melbourne. The Centenary History of the College tells us that the students toasted Peter's birth, their President saying 'We hope when he comes to Queen's he will be as worthy a representative of the College as Mr Bailey is'. The author of the History commented, 'That, in fact, did come to pass. In 1945, Peter entered Queen's and, like his father, won the Rhodes Scholarship.'^[1]

The father and son both had distinguished careers in universities and the Australian Public Service, though in a different sequence. Kenneth Bailey was appointed to a Chair in the Faculty of Law at the University of Melbourne in 1927.

In 1928, aged 30, he became the Dean. In 1943, he took leave to move to Canberra to be an advisor to the Attorney-General's Department. At the request of Dr H V Evatt, he was an advisor to the Australian Delegation to the United Nations when the draft Charter of the United Nations was being considered. In 1946, he was appointed as Secretary of the Attorney-General's Department and Solicitor-General of the Commonwealth. He was also a member of the interim Council that established the ANU. He was High Commissioner to Canada, 1964–69.

Peter's Public Service career—or his service to the public, as he liked to put it—started in 1946, as an assistant to Sir George Knowles, Secretary of the Attorney-General's Department, for a short period before Knowles was succeeded as Secretary by Kenneth Bailey. Peter then completed a Law degree at the University of Melbourne. He won the Rhodes Scholarship for Victoria in 1949. After a MA at Oxford, he completed an LLM at Canberra University College, which was then an affiliate of the

University of Melbourne. (The College merged with the ANU in 1961.) His degree was conferred in Canberra by Sir Robert Garran.

His early career in the Public Service was in Treasury, and later in the Department of Prime Minister and Cabinet when Harold Holt succeeded Robert Menzies as Prime Minister. As First Assistant Secretary, he was in charge of the Prime Minister's private office. In December 1967, it fell to him to inform Zara Holt of the Prime Minister's disappearance. In 1972, he became a Deputy Secretary of the Department and was awarded the OBE.

Two major appointments followed. From 1974 to 1976, he was a full-time member of the Royal Commission on Australian Government Administration, under the chairmanship of HC Coombs. In 1978, the Fraser Government appointed him as a special advisor on human rights, with the task of setting up the Australian Human Rights Commission. He was the Deputy Chairman and Chief Executive Officer of the Commission from 1981 to 1986.

In late 1986, I bumped into Peter by chance at a friend's birthday party. I had met him often in various professional and social settings. I also knew his wife, Leila, who had a long career as a highly respected counsellor in the ANU Counselling Service. To my surprise, Peter told me that his career in the Public Service was about to end, when his appointment at the Human Rights Commission expired. He was shocked, and uncertain about his next step. I was the Dean of the Faculty of Law at the ANU at that time. Our conversation led to negotiations that resulted in Peter's appointment as a Visiting Fellow in the Law Faculty. He would help to develop teaching and research in human rights and public law, and give students and colleagues the benefit of his experience in the Public Service. I saw this as a stimulating venture for the Faculty, and a transitional arrangement that would give Peter a chance to consider his options.

The transitional arrangement endured. The Visiting Fellowship was renewed, and it was replaced by an appointment as Adjunct Professor from 1999 until he retired, aged 89, in 2016.

Peter maintained a full teaching load almost to the end. He always had a full quota as a supervisor of honours students undertaking research theses. They were attracted by his forward-looking research interests and his consultative style.

He published several books on human rights. The most notable was *The Human Rights Enterprise: In Australia and Internationally* (2009). It was launched at the ANU by the recently retired Justice Michael Kirby. He hailed the book as ‘a triumph for one of the great human rights scholars of Australia ...every nook and cranny of the subject is examined’.

Throughout his 30 years at the ANU, Peter was a constructive participant in the development of our teaching, research and social engagement. He was a model of collegiality. Some of his activities should be mentioned, to give an indication of the range of his contributions.

Drawing on his experience at the Human Rights Commission, he was an early proponent of a scheme established in 1990 to recruit Indigenous students and to provide tutorial support for

them. This was a forerunner to the current ANU College of Law Indigenous Programme and the Tjabal Indigenous Higher Education Centre.

He participated in recurring discussions that sought to improve the experience of women—staff and students—in the ANU College of Law.

He was an advocate for the establishment of the Law Reform and Social Justice programme, and a supporter of its activities.

He had a leading role in establishing a student exchange scheme with the University of Alabama, and a student internship program with the Australian Public Service.

He was the Convenor of the ANU Council Committee Against Sexual Harassment, 1989–95 and 1997, and Chair of the ANU Discrimination and Harassment Survey Committee, 2000–02.

In 1992, he provided funding for the establishment of the Bailey Prize in Human Rights. The prize is awarded each year to the top student in the course Human Rights Law in Australia.

He was also a keen supporter of the Sir Kenneth Bailey Memorial Lecture series at the University of Melbourne, which commemorates Sir Kenneth's service as Dean of Law at Melbourne and his 'significant part in Australia's contribution to the formation of the United Nations'.

Peter was an active member, for many years, of several community organisations, including Relationships Australia and its predecessor, the Marriage Council; St John's Anglican Church, Reid, and the support group, 'Drugs in the Family'.

In 1998, he was awarded the AM 'for service as an advocate and educator in human rights at national and international levels, and community service'. At the ANU, he received the Vice-Chancellor's Award for Career Excellence in 2011, and the Law Dean's Cup for service to the College of Law community in 2014.

One of Peter's engaging quirks was his love of motorcycles. He rode onto the campus in 1987 on a BMW 800. Thirty years later, after a farewell gathering with his colleagues, he rode away on a shiny new Vespa.

At his farewell, Professor Stephen Bottomley, who was then the Dean, spoke for us all:

Peter is one of Australia's foremost thinkers and contributors in the law on human rights, and in his time here many generations of students have had the immense benefit of his knowledge, wisdom and insight.

As his colleagues, we have also greatly enjoyed his involvement in our teaching, research and administrative activities. In his quietly spoken but passionate manner, Peter has been the embodiment of the collegial spirit that we strive to maintain.

**Emeritus Professor
David Hambly FAAL**


1 Parnaby O 1990, *Queen's College, University of Melbourne: A Centenary History*, Melbourne University Press.


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