Welcome to 2008 and our first LawAlumni newsletter for the year. This edition explores the lives of law alumni from both ends of the professional spectrum. At one end are those who have led prestigious careers since graduation; in particular William Bale QC - to whom this edition is dedicated - Dr Dennis Rose and Ian Matterson to name a few. Yet, at the other end of the spectrum are the recent alumni who have already carved themselves a legacy and reputation for ground-breaking work. Young Lawyer of the Year Ben Bartl, Rhodes and Tim Hawkins scholar Lionel Nichols and Leah Brown, who has played a vital role in the return of ancestral remains to Tasmania are just some of the recent graduates who are building on the UTas legacy of legal excellence.

Thank you for your kind comments and suggestions following the last edition and please do keep in touch. We welcome and are very happy to publish letters to the editor, stories or alumni profiles (either of yourself or others) that you send.

Brendan Gogarty (Alumni Coordinator)

WILLIAM BALE QC RETIRES

William (Bill) Bale QC (1964) stepped down as Tasmania’s longest serving Solicitor General in September 2007. Bill is remembered as an extremely popular and outgoing law student at UTas where he excelled in both academic and sporting pursuits, winning the national Blackstone mooting competition, being elected to the presidency of the Student Representative Council and even founding and captaining the Uni baseball club. His presidency of the University Cricket Club, along with the success of the 1960-1962 team – of which he was a member – ensured that the team was accepted to the Tasmanian Cricket Association first grade for the first time since the Club’s foundation in 1898. Bill is now a life member of the Club and continues to contribute to its development.

Mr Bale QC graduated LLB(Hons) from UTas in 1964. He went on to practice with Hobart firm, Piggott Wood & Baker, where within three short years he was made partner in 1967. He would go on to be one of the State’s finest constitutional lawyers and was called to the role of Solicitor General in 1986 (when he also took silk). His profound impact on Tasmanian Constitutional Law has been lauded by jurists, professionals and academics.

Reproduced on page 3 is the farewell speech to Bill, by the Attorney General, Steve Kons, outlining Bill’s contributions to the legal system of Tasmania.

We wish Mr Bale QC all the best for the future.
The Faculty of Law congratulates four Alumni for their election to the Commonwealth Parliament in the 2007 Elections

Hon Duncan Kerr SC MP (1975) was elected to the House of Representatives for Denison for the eighth consecutive time, taking up the role of Parliamentary Secretary for Pacific Island Affairs the new Rudd Government. Duncan graduated LLB from UTas in 1975, where he had been a politically active student, winning the presidency of the Tasmanian University Union. He was Crown Counsel in the Solicitor-General’s Department (Tas) and Dean of the Faculty of Law at the Uni of PNG before returning to politics in 1987 when he was elected to the House of Representatives.

Duncan was Minister for Justice (Cth) (1993-96) and Attorney-General in 1993. He was also leading Counsel in Plaintiff S157 v The Commonwealth described by Crispin Hull as one of the seven most far-reaching and influential of the High Court’s decisions on constitutional matters in the past 100 years. He took silk in 2003 and in 2007 was appointed Adjunct Professor of Law, Faculty of Law, Queensland University of Technology.

Senator David Bushby, has been appointed to the Federal Senate. Senator Bushby graduated BEc - LLB (Tas) in 1990, GDLP (Tas) 1991, and GradDipBus (Shipping) from the Australian Maritime College, in 1992. After graduation Senator Bushby practiced law in Launceston, Sydney and Hobart, before going on to work in Government positions including policy work for the Tasmanian Department of Premier & Cabinet, as an adviser to a Federal Cabinet Minister, the Government Whip in the Senate and to a State Opposition Leader, as well as the role of director of a number of private companies ranging from public relations to waste water solutions prior to his appointment as a Senator for Tasmania.

Malcolm Schyvens, graduated from the University of Tasmania with a combined degree in Commerce and Law in 1996. He joined Ogilvie Jennings in 1999 after working as a solicitor at Dobson Mitchell and Allport and has been Managing Partner of Ogilvie Jennings since 2003.

Malcolm is a previous Vice President of the Law Society and member of the Society’s Property & Commercial Law Committee as well as President of COSMOS Inc. and sits as a legal member on the Guardianship and Administration Board. Mr Schyvens intends to build upon the Law Society’s longstanding support of legal education in Tasmania:

“The Society will continue to provide a comprehensive continuing legal education programme with a particular emphasis on assisting younger lawyers. "Young lawyers are the future of a vibrant legal profession, and I am very focused on increasing their role within the Society and the profession.”

Hobart Lawyer and UTas graduate (1996) Malcolm Schyvens has been elected President of the Law Society of Tasmania at the age of 34, making him one of the youngest ever Presidents of the 120 year old institution.

Mr Schyvens, graduated from the University of Tasmania with a combined degree in Commerce and Law in 1996. He joined Ogilvie Jennings in 1999 after working as a solicitor at Dobson Mitchell and Allport and has been Managing Partner of Ogilvie Jennings since 2003.

Young Lawyer of the Year - Benedict Bartl (2004)

UTas law graduate Benedict Bartl has received the Law Council of Australia Young Lawyer of the Year Award for an individual’s continuance and outstanding contribution to the profession and the community.

Benedict, who graduated in 2004 with a BA(Hons) - LLB and has worked at the Hobart Community Legal Service since his graduation, representing Socially disadvantaged clients. He has also worked on several high profile legal cases such as defending a convicted murderer against moves by the ABC to run a documentary on him and the refusal by the Australian Red Cross to accept donations of blood from a homosexual man.

President of the Law Society of Tasmania, Malcolm Schyvens said it was a fantastic outcome for Tasmania to win such a prestigious National Award. “Benedict Bartl is an excellent example of a young lawyer who has demonstrated in a very short period of time how much can be achieved,” Mr Schyvens said.

Benedict was also awarded a 2007 Tasmanian Award for Humanitarian Activities as part of Human Rights Week at a function held at Parliament House in early December 2007. The award was given in recognition of ‘incredible scope and impact of his contribution to social justice and rights of the disadvantaged in the community’. 
LIONEL NICHOLS (2007)
WINS RHODES & TIM HAWKINS SCHOLARSHIPS

UTAS law graduate and 2008 Rhodes Scholar Lionel Nichols was awarded the Tim Hawkins Memorial Scholarship for 2007. Awarded annually, the scholarship remembers UTAS graduate Tim Hawkins, a skilled international oarsman who graduated with Honours in Commerce/Law, and who was tragically killed in the 2002 Bali bombings.

The Tim Hawkins Memorial Scholarship allows the recipient to study for at least three months at the International Criminal Tribunal for the Former Yugoslavia, at The Hague, Netherlands.

Lionel holds a Combined BA-LLB with First Class Honours in law, as well as a Master of International Politics. He has been included on the Dean’s Roll of Honour for 2001, 2002, 2003 and 2005 and holds a number of academic awards.

It’s a great honour to be the Attorney General presiding over such an important occasion as the official retirement of Bill Bale QC, Tasmania’s longest serving Solicitor-General. Long before I entered politics, Bill was guiding a succession of governments on scores of issues, some controversial....all challenging.

For those here today unfamiliar with Bill’s beginnings, I can tell you that he graduated with honours in law from the University of Tasmania and commenced his professional life as an articled clerk at the Hobart firm of Piggott, Wood & Baker in November 1960.

In seven short years he became a partner in that firm and remained so until his appointment as Solicitor-General in 1986. In his role as Solicitor-General he averaged more than one thousand legal opinions each year. In fact 1350 advisings in one year from a small office is a credit to you and your staff’s skills. Bill’s also considered hundreds of constitutional law issues on behalf of the State. He’s routinely appeared in the toughest legal forum in Australia, the High Court, on behalf of the State.

In this court Bill Bale has argued cases that have changed the law. None more so than the case of Cole v Whitfield in which Bill’s arguments convinced the High Court to overturn the previous interpretation of the interstate trade and commerce guarantees under section 92 of the Constitution. The judgment was described as extraordinary.

Notwithstanding your heavy and varied workload, you have actively sought out opportunities to participate in the continuing professional development of state servants. Through your seminars you have made a significant difference to the quality of administration in the State Service. I’m sure many of my parliamentary colleagues are also grateful for your early words of wisdom following their election.

Bill’s time in office has also been characterised by his willingness to engage with the State Service at all levels.

No one could accuse him of working from an ivory tower, rather, with great ease, he’s given complex legal advice to all, whether they be a park ranger or a head of agency.

Many of you may be surprised to know that Bill has nearly achieved the “Holy Grail” of a paperless office! He has worked assiduously to move us all from paper based requests for advice to email requests. This has been instrumental in assisting Bill to manage his very significant workload. It has also given him, and the State, an invaluable store of past opinions - all electronically stored and searchable. Bill also played a critical role in the formation of Crown Law in 1997 which brought together the state’s legal practice under one umbrella. For Bill, this has been both a blessing and curse.

The blessings have included being a part of a large body of like-minded professionals and having the opportunity to guide and mentor other lawyers. The downside has included having to wear every legal hat in Crown Law including at one time being Solicitor-General, DPP and Crown Solicitor!

Bill..... today brings an end to 21 years as Solicitor-General but opens another chapter in your life. I believe you have been quoted as saying that you don’t want to bow out of working life entirely but that you have ruled out working again in private practice, so as not to compromise your knowledge of government business.

It only serves to reinforce my opinion that Bill Bale is, and always will be, a man of great principle.

I think it fitting the last word comes from Australia’s Chief Justice, Murray Gleeson, who reminds us that you are not just highly regarded in Tasmania, but throughout the Commonwealth.
Roy Waldon graduated from the UTas-Faculty of Law in 1982. He is currently Executive Director of the NSW Independent Commission Against Corruption (ICAC) where he is Executive Director of the Legal Division and Solicitor to the Commission. Roy is, together with the ICAC Commissioner and the other executive directors, responsible for the strategic direction and governance of the ICAC.

The ICAC was established in 1988 to investigate, expose and minimise corruption affecting the NSW public sector. It has extensive statutory powers. These include power to compel production of documents and other things, execute search warrants, use listening devices, intercept telecommunications and conduct controlled operations. The ICAC also conducts hearings (both private and public). Witnesses giving evidence in these hearings are required to answer all relevant questions. Although a witness may object on the ground the answer will incriminate the witness, the witness must still answer the question. The effect of the objection is that the answer cannot be used against the witness in any civil or criminal proceeding (except for an offence under the ICAC Act) or in any disciplinary proceedings. The evidence can, however, be used by the ICAC in making its findings and recommendations. The ICAC can make public reports on its investigations. In these reports it can make findings that named persons have engaged in corrupt conduct.

Having such extensive powers it is important they are exercised appropriately and in accordance with the law. The role of the ICAC’s Legal Division is to assist the ICAC to perform its functions and to exercise its powers in a lawful, effective, ethical and accountable manner.

As Executive Director of the Legal Division, Roy ensures that ICAC lawyers are appropriately assigned to all investigations, that applications for the exercise of statutory powers are reviewed and analysed and that hearings are organised and conducted appropriately and in accordance with the requirements of procedural fairness. He also occasionally acts as counsel in hearings and is responsible for engaging counsel for other hearings, overseeing preparation of investigation reports for publication and preparation of criminal briefs for submission to the NSW DPP.

Alumni Profile - Penny Burnell (1995)

After graduating from the Legal Practice Course (1995) I came to Europe to work and travel. I had a couple of great years living and working in London at The Henley Centre for Social Research in the City, and then at Clever Media in Soho. My weekends were spent sailing in open meetings at clubs all over the UK. After my two year working visa expired, I moved to Mallorca to live with my Spanish boyfriend whom I met in Hobart after graduating. We married two years later and now have two children, a labrador, a hamster and a successful retail business.

Last year I established a small music school, Mini Musicos, introducing classical music to 4 and 5 year olds and have also recently discovered a niche translating legal documents from English to Spanish. Spain is a great place to live, and Mallorca is a wonderful place to raise a family. It is particularly rewarding when I observe my children (5 and 3 years old) swapping seamlessly between the English, Spanish and Catalan languages. Life is very relaxed here... Do I regret not pursuing a career in law? Not at all!!

Magistrate’s Position for Outgoing Director of Centre for Legal Studies

Glenn Hay, the previous Director of the UTas post-graduate Professional Legal Training Program (PTLP) at the Centre for Legal Studies accepted the permanent role of Magistrate in the Tasmanian Magistrates Court in September 2007.

Glenn graduated Bachelor of Laws (Tas) in 1973. He practised as a barrister and solicitor in Hobart from 1976 until 1998 when he was appointed Registrar of the Family Court of Australia. He has been a sitting member of the Anti-Discrimination Tribunal since 1997. In 2001 Glenn joined the Independent Bar with chambers at Malthouse Chambers, specialising in Family Law and the representation of children. He was PTLP Director from 2002 to 2007.

Hugh Murray LLB (Tas 1976) replaces Glenn Hay as director of the PTLP Program. Hugh has been an active practitioner since his admission in 1978 and previously acted as trainee mentor and instructor in Property Law Practice.

The PLTP opens 1 February coinciding with the opening of the Legal Year, running till 31 July. Around 50 trainees will attend a special ecumenical service at St David’s Cathedral to mark the occasion following which they will be introduced to the Governor of Tasmania, the Chief Justice, judges, magistrates and members of the legal profession.
The Tasmania Law Reform Institute has released its newest report – A Charter of Rights for Tasmania (Final Report No 10) – in which it recommends the enactment of a Charter of Human Rights for Tasmania.

Terese Henning, Senior Lecturer in the Faculty of Law, and the Institute board member in charge of the project, said the Institute received 407 submissions, 94 per cent of which were in favour of the charter. Australia is the only common law country that does not have a national Bill of Rights – unlike the US, the UK, Ireland, Canada, New Zealand and South Africa – and in Australia, only two jurisdictions, Victoria and the ACT, have enacted human rights Acts.

In Tasmania, a patchwork of sources provide protection of human rights, including the Tasmanian and Australian constitutions, international law, common law and state and federal laws. However, the protections offered are fragmented and incomplete – working out what rights are protected, when and how, is complex.

The Institute argues that a Charter of Rights would:
- provide a single, comprehensible statement of the fundamental rights applicable in Tasmania;
- foster awareness of human rights; and
- encourage the systematic development and observance across all arms of government of processes responsive to human rights.

However, the Institute acknowledges that a Charter of Rights would not be a solution for all human rights problems or prevent social inequality and injustice in Tasmania.

To view the full report and some of the public submissions, visit: www.law.utas.edu.au/reform

Albert Profile - David Shelley (1997)

Since graduating from the University of Tasmania Law School in 1997 (B.A./LL.B and Dip Ed.) and completing the requisite legal practice course, David Shelley has been practising law at Page Seager Lawyers in Tasmania. Whilst initially working in their workers compensation area, in 2003 he switched to commercial law. In 2006 he became a partner of the firm.

Outside of the law, David has continued his involvement with the Tasmanian French community, until recently hosting a weekly radio program in French on a community radio station. He is also Vice-Chair of the Council of Jane Franklin Hall.

Honorary Doctorate for Esteemed Constitutional Lawyer, Dr Dennis Rose (1958)

Dr Dennis Rose, AM, LLB Tas, BA Oxf, AMusA, QC, PhD, who is recognised as one of the leading constitutional lawyers of his generation, received an honorary doctorate in law from the University of Tasmania, in December 2007, in recognition of his esteemed career and outstanding public service.

Born in Launceston in 1936, Dr Rose graduated from UTas with First Class Honours in Law in 1958, receiving the Rhodes Scholarship to study at Oxford University in the UK.

On his return to Australia, Dr Rose served as a Senior Legal Officer with the Federal Attorney-General’s Department (1962-1964). He was a Senior Lecturer in Law at the Australian National University from 1965 to 1967, and returned to Commonwealth service as a Principal Legal Officer in 1971.

In 1980, he was appointed First Assistant Secretary in the Attorney-General’s Department and from 1989 to 1995 was Chief General Counsel. In this position, he was senior legal adviser to the Government after the Attorney-and-Solicitor-General. He also served on numerous occasions as Acting Solicitor-General. Dr Rose was appointed a Commonwealth QC in 1991 and in 1992 was admitted a Member of the Order of Australia for his public service.

Dr Rose said he was delighted to learn of his honorary doctorate. “This is a very great honour and I’m very appreciative of it. I also owe the University a lot, I acknowledge my great debt to the University,” he said.
Forty years after being admitted to the Bar in 1967, Ian Matterson’s life has changed markedly. With his legal career now behind him, he is working in a voluntary capacity with Tasmania’s senior medical research facility, the Menzies Research Institute.

After ten years in private practice, which culminated in becoming a partner at Piggott, Wood and Baker, he took a seat on the magisterial bench in Hobart in April 1977. From the outset he developed an individual style. His court was accompanied with humour, a tactic he also employed to calm highly nervous witnesses and defendants. Within the court system he was a prodigious worker. If a fellow magistrate was in difficulties coping with their list, the overflow was frequently transferred to Ian’s court.

In addition to his magisterial duties he was Deputy Chairman of the Public Vehicles Licensing Appeals Tribunal (1979-1989) and then Chairman (1989-2000). Ian was also Chairman of the Industrial Safety, Health and Welfare Appeal tribunal (1983-1995) and then Chairman of its successor, the Workplace Health and Safety Appeal Tribunal.

He was often a visiting guest lecturer at the Tasmanian Police Academy, the Legal Practice Course, the Media, Entertainment and Arts Alliance, and the Tasmanian Fire Service. However, it is perhaps through his work as a coroner that he is best remembered. A coroner since 1977, the most contentious inquest over which he presided was the death of Joe Gilewicz, a Vietnam veteran who was shot by a police SOG marksman during a siege at Pelverata.

The late 1990s were Ian’s busiest. As the Chief Coroner’s Delegate for Southern Tasmania he was “on-call” during this period for 24 hours per day, seven days per week, in addition to his full magisterial workload. He spent three days on site at Port Arthur as the sole coroner following the mass shooting there in 1996. Callouts to deaths in custody, motor vehicle accidents, suicides, murders, drug overdose victims, fire fatalities and drownings were commonplace.

From 1997 Ian was delegated to attend to coronial duties relating to drowning deaths at sea following the foundering of a vessel on a statewide basis and was responsible for the introduction of compulsory life jacket legislation. From 2004 he also specialised in coronial inquests following deaths relating to the use of All Terrain Vehicles. In 2006 he was made a life member of the Asia-Pacific Coroners’ Society Inc.

On 25 January 2006 Ian retired from the bench as the longest serving magistrate in Tasmania, having sat for almost twenty-nine years. In 2001 he lost his wife Helene in a motor vehicle accident. Whilst this had been a devastating blow he had continued with his professional work. He remarried and it was his new wife Caroline who suggested that a change of direction was more appropriate than an actual retirement.

In addition to his new role he has undertaken a writing project. Having involved himself in writing a novel and moved from Hobart to a property outside Longford, Ian has taken on an even greater challenge as the voluntary Chairman of the Menzies Research Institute’s ‘Society for the Future’, assisting Menzies to increase the number of major donors and bequests supporting its health and medical research.

Menzies’ work has always been of interest to Ian. As he indicates, there aren’t many families around the world that have not been affected by some disease, the cure for which has yet to be found. Menzies’ aspiration is to contribute significantly to human health and wellbeing, with particular emphasis upon research that takes advantage of Tasmania’s unique population resource and other competitive advantages.

Ian is highly enthusiastic about his new role and the potential for increased donation and bequest income to make a difference to the lives of many people in the future, through supporting Menzies’ locally-based, globally significant research.

Menzies and Law Centre in $8m 
Genetics Research Grant

Professor Simon Foote of the Menzies Research Institute (MRI) and Professor Don Chalmers, Director of the Centre for Law and Genetics (CLG), and four other chief investigators have secured an $8.1 million NHMRC Program Grant for cancer genetic research. A key component of the grant is the establishment of a human genetic biobank. The role of the Professors Chalmers, Otłowski and Assoc.Prof Nicol at CLG is to work with the MRI in the development of the biobank to ensure that world’s best practice is achieved by addressing the ethical, legal and social implications of the project.

A fundamental step in this process is to engage with the public and as a first step, CLG held a colloquium, Human Genetic Biobanks: Achieving World’s Best Practice in Tasmania, in December 2007. Invited expert guests discussed how existing research, knowledge and experience could be applied to the proposed Tasmanian biobank. The meeting was open to the general public and was followed by a special National Health and Medical Research Council workshop on the governance of biobanks.
Several renovations of the Law School have been or are nearly completed, improving the facilities available to students, staff, researchers and visitors.

The Tasmanian Law Reform Institute now has a dedicated wing on the lower level of the School.

Thanks to combined Commonwealth and Faculty funding, the Law Library has recently undergone a vibrant refurbishment of the old student computer lab on Level One. The new Learning Hub was designed by Architects Gilby Vollus, and provides a wonderful contemporary space for students to access online resources. Additional computing facilities have also been installed on Level Two of the library enabling us to provide a variety of learning spaces.

The new ‘Andrew Inglis Clarke Moot Court’ is also nearing completion. The $300,000 project, has seen the old Lecture Theatre 3 transformed into a combined Moot Court and an intermediate teaching space for interactive seminar style teaching. The new Moot Court incorporates flexible features for group discussion and class exercises – reversible seating, retractable three judge bench, moveable witness box, two bespoke lecturns, a bar table accommodating up to six counsel, and discussion tables. Robing and storage spaces, and a “Mooting Central” noticeboard have also been included. The project has been managed by Dr Greg Carne, senior lecturer in Constitutional, International and Human Rights law.


The Law Faculty hosts a prestigious group of national and international scholars as part of its annual Summer School programme. This year is no different, with a number of eminent lecturers teaching in a wide range of disciplines including Art, Antiquity and Law, Dispute Resolution Law, Tax and European Union Law.

Dr Ruth Redmond-Cooper is Director of the Institute of Art and Law (UK), and Lecturer in French Law at the University of Nottingham. She is the co-editor of the quarterly publication Art, Antiquity and Law and has organised numerous seminars in the UK, Europe and Australia on cultural property matters.

Professor Norman Palmer CBE practises as a barrister at Lincoln’s Inn in London, specialising in claims involving cultural property, personal property and general commercial law. He is a Visiting Professor of Law at King’s College London and a member of the Spoliation Advisory Panel.

Dr Samantha Hardy is a Senior Lecturer in Conflict Resolution based at the Australian Centre for Peace and Conflict Studies, Melbourne. She is the coordinator of the University of Queensland Postgraduate Programs in Conflict Resolution. Sam is an accredited mediator and has undertaken advanced negotiation training at Harvard Law School.

Dr Justin Dabner is an Associate Professor at the Law School at James Cook University. In addition to having worked as a legal practitioner in Tasmania he has also held the positions of National Tax Technical Director with international consultancy firms Ernst & Young and Deloitte Touche Tohmatsu.

Professor Alexander Mowara is Professor of Comparative and Anglo-American Law and Delegate for Internationalisation at the University of Lucerne School of Law, Switzerland. He holds a Magister iuris, University of Salzburg (Austria), LLM and SJD, George Washington University.

Professor Thomas Möllers holds degrees from the Universities of Mainz, Dijon, Berkeley and Florence. He is Professor for Civil Law, Economic Law, European Law, Conflicts of Law and Comparative Law as well as Managing Director of the Institute for European Legal Systems at the Augsburg University.

The Summer School program is open to Alumni and legal professionals. The 2009 program will be released in August this year.

For more information contact the Faculty Officer: Miriam.Chalk@utas.edu.au (03 6226 7510)
I limited my options for exchange with UTas to Europe because I had never visited the continent and wanted to experience the food, the culture and the people that so many had spoken so positively about. The Czech Republic offered law subjects in English, they focused on International Law and the country was placed in central to eastern Europe and I felt it offered me the opportunity to explore a part of Europe that many people seemed to bypass for the western countries. The decision was made, I was enrolled at Masaryk University in Brno, and before I knew it, I was on my way to an extraordinary adventure. Because the Czech Republic is reasonably central, I was able to travel for a month through Spain before I arrived to study. The city of Brno is essentialy for students, but is a vibrant, interesting and relaxing place to live and study. I met other students from around the world, including the Czech Republic, and made new friends from Canada, America, Norway, Finland and Germany to name only a few. Classes were very small – I studied International Refugee Law, Human Rights and European Union Law and the teachers were experts in their particular areas. I travelled to Prague for a meeting of the International Criminal Court and was able to witness what I had only learnt about in my other subjects at UTas.

The country provided inexpensive, educational, and amazingly interesting trips to small and large cities, UNESCO heritage areas and I made smaller trips to climb mountains in Slovakia; witness the atrocities of Auschwitz and the energy of underground bars of Krakow in Poland; drank wine in the wine regions of Eger; and strolled down amazing avenues in Budapest, Hungary and ate with the locals in Naples, trying to avoid the Camorra on their motorbikes. Having the opportunity to study in a beautiful European country has not only made me a more focused and mature person and student, but it has made me life long friends and started a love affair with an amazing country.

The Law Faculty is privileged to announce, not one, but two University Medalists for 2007.

Phillipa Cathryn McCormack
Bachelor of Arts/Bachelor of Laws with First Class Honours in Law

Lucy Margaret Ellen Line
Bachelor of Arts/Bachelor of Laws with First Class Honours in Law

Both received First Class Honours in Law. On behalf of the Staff and Alumni of the Faculty, we congratulate Phillipa and Lucy and wish them good luck in their future careers.

Ben Groom, a 23 year-old UTas Law student recently completed his mission as Australian Youth Representative to the United Nations. The Youth Representative position is a collaboration between the Department for Foreign Affairs and Trade (DFAT) and the United Nations Youth Association of Australia which allows one young Australian every year to spend two months as an official member of the Australian Delegation to the United Nations General Assembly. As part of his role, Ben was based in New York between mid-September and mid-November 2007. During this time he addessed the General Assembly and met with the Secretary General.

In 2005, Ben interned at the United Nations Environment Program and the Institute for Governance and Sustainable Development. He also undertook courses in international policy and health policy.

“It was disappointing to discover how few UN interns were under the age of 25. UN processes can really benefit from the enthusiasm and energy provided by the world's youth. So there's still plenty of work to be done on this front.”

To prepare for his time at this year’s General Assembly, Ben spent five months traveling to every corner of the vast Australian continent. He has visited 34 cities and towns, in every Australian state and territory, and met with approximately 4000 young Aussies within a diverse range of settings.
Two very popular lecturers, John Blackwood and Julia Davis, stepped down from their positions in 2007/2008. Their colleagues provide their own perspective on both John and Julia below.

**JOHN BLACKWOOD**

John Blackwood (known to friends and colleagues as ‘JB’) has retired from his full-time senior lectureship, but will continue to teach part-time and act as Moot Master.

JB graduated with First Class Honours in Law in 1970. At Law School he was known as a brilliant debater and moorer. After a year with his father’s firm Finlay Blackwood, he joined the University as a lecturer in Criminal Law, Taxation Law and Commercial Law.

He was later promoted to Senior Lecturer and was Dean of Law (1980-1982, 1987-1990). As a law student his nick name was Weed, I suppose after one of his loves - tobacco. He has always been a keen sailor, food and wine lover. He has an excellent palate and has enjoyed success in blind tasting.

Feared and loved by his students, his authorship of criminal law problems is easily spotted by his habit of giving defendants the names of his friends and by expressions such as a a ‘very average red’. He loves gadgets, especially big ones, Holden utes and flash barbies. But computers have remained a bit of a challenge.

Anon

**DR JULIA DAVIS**

Dr Julia Davis has resigned from her position as Lecturer in Law at the Law School and has taken up an exciting new position as Associate Professor in Law at the new law school of the University of South Australia, Adelaide. She commenced that position in early January 2008.

Julia was a brilliant undergraduate at the Law School, graduating with First Class Honours in 1996, obtaining more honours points than anyone in the degree and receiving a University Medal for academic excellence.

She commenced her PhD in 1997 and was appointed Lecturer at the Faculty in 1999. Her PhD, entitled ‘The Problem of Harm, its Significance in the Criminal Law and its Role in Sentencing Law’ was awarded in 2004. She has published extensively on that area, and others.

Quite apart from her research capabilities, Julia is an outstanding teacher, and generally regarded as one of the best this Law School has produced. This was given due recognition by the University of Tasmania through the awarding of numerous Teaching Merit Certificates, a Vice Chancellor’s Award for Teaching Excellence (2006) and a UTas finalist (2006) in the Carrick Australian Award for University Teaching.

All in all, there is no doubt that Julia is an exceptional legal academic and her talents have been rightly recognised by the University of South Australia. We all wish her well in her new career there and will particularly miss her outstanding generosity to all at the Law School here, particularly to the students.

Continued pg 11
Postgraduate student Lorana Bartels’ PhD thesis, *Sword or Feather: The Use and Utility of Suspended Sentences in Tasmania*, has sparked media and professional interest and debate - even before being submitted. Her research suggests people on suspended sentences are less likely to re-offend than those who receive gaol or other penalties.

As part of her research, Ms Bartels analysed all sentencing decisions in the Tasmanian Supreme Court from 2002-04 and more than 10,000 cases in the Magistrates’ Court from 2003-04 and compared reconviction rates for those who received a suspended sentence, unsuspended sentence or non-custodial order in the Supreme Court. She also conducted interviews with the profession, including all six Supreme Court Judges and ten magistrates in what is believed to be the highest interview response on sentencing in the common law world.

The research, found:

- both partly and wholly suspended sentences had lower reconviction rates than other sentencing options;
- those offenders on a wholly suspended sentence who did re-offend were less likely to be convicted for serious offences than other groups.

Factors identified as relevant to suspension included prior criminality, good character, rehabilitation, adverse circumstances, supportive relationships and physical or mental illness.

“Many people think that offenders are not likely to be deterred by a suspended sentence, but my research suggests that such offenders are less likely to continue offending than offenders with any other sentencing disposition,” Ms Bartels said.

The DPP, Tas Police and judiciary have all expressed interest in the thesis, which was funded by the Australian Research Council and the Tasmanian Department of Justice, and is due early this year.

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**2008/2009 Postgraduate Scholarships Available**

A number of generous postgraduate scholarships are available to domestic and international candidates. You can find some of these at http://www.scholarships.utas.edu.au. Faculty scholarships may also be available to some students. Alumni are particularly encouraged to apply.

Further information about special research areas, flexible hours and course requirements can be found at http://www.law.utas.edu.au/research.htm

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**UTas Success at Law Postgraduate Conference**

David Plater and I, both PhD candidates, recently represented the Law School’s postgraduate program at the University of Sydney’s law postgraduate conference, 23-24 November, 2007. The annual national conference is generally regarded to be the most prestigious law postgraduate conference in Australia.

Students were invited to submit abstracts for conference papers on a particular aspect of their postgraduate research. David and I were both selected to present our work.

David is close to completing his PhD in criminal law, which compares the role of the prosecutor in Australia and the UK. I am in my second year of postgraduate studies in family law. My conference paper discussed judges interviewing children in Family Court proceedings.

There were around 20 presentations on many weird and wonderful aspects of the law, covering topics as diverse as the legal implications of a benevolent worm (a computer worm which could be used to distribute important information in areas of censorship) and IVF for ‘saviour siblings’ (babies born to assist an older sick sibling). The diversity of topics demonstrated the wide breadth of PhD study currently being undertaken by postgraduate students in Australia.

The level of presentations was high and I am pleased to report that we were both very well received. I received a special mention and David won equal first place for best presentation, once again showing that UTas excels even amongst other, larger Australian law schools. David and I agree that any of our current postgraduate students would have presented equally well, and the quality of our postgraduate program equals, if not surpasses, that of the ‘G8’ law schools.

The Law Faculty congratulates David on his outstanding win. If any alumni are interested in finding out more about the Law School’s postgraduate program, please contact me or our postgraduate coordinator, Assoc Prof Dianne Nicol.

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As a matter of religion and practice, all Tasmanian Aboriginal human remains must be returned to their original tribal lands and their people. However, a number of ancestral remains languish in foreign museums and collections. The bulk of these derive from the private collection of George Augustus Robinson.

Robinson, originally a builder and untrained preacher, was given the title ‘Protector of Aborigines’. Under this mantle he forcibly rounded up and attempted to ‘europa-nise’ Tasmanian Aboriginal people in isolated settlements. The conditions in these settlements were appalling and the people interred there rapidly began to die from ill health and homesickness. Rather than respectfully inter their remains, the ‘Protector of the Aborigines’, cut up their bodies as presents for his friends, military officers and representatives of the Crown.

In 2006, the Trustees of the British Museum announced they would return two cremation bundles to the Aboriginal community. This event was the culmination of an ongoing campaign by the Tasmanian Aboriginal Community waged from 1976 onwards to repatriate their ancestors. In reclaiming such remains we are able, at last, to put to rest in a traditional ceremony the spirits of our ancestors. I was given the honour of returning these bundles to Australia and asked to continue lobbying other institutions, such as Oxford, Cambridge, the Edinburgh Museum and the National History Museum who retained ancestral remains.

Although museums may present a hundred reasons why they should keep Aboriginal material, they ultimately have no claim over what is not theirs, what they never acquired properly and what belongs to us as a people and as a culture. Although they might want to tell our story for the so-called betterment of mankind, we are perfectly capable of telling it ourselves. To be a voyeur on the physical objects of other people’s cultures is not a way to understand them. We suggest that is more enlightening to listen to indigenous people.

We do not choose to be enshrined in a glass case, with our story told by an alien institution which has appointed itself an ambassador for our culture. The items displayed are not chosen by us and do not tell the story we would tell of ourselves. They are captured in time, as well as space, and speak only of the dead. Our culture is not only the past, we, the living, are our culture.

Leah Brown graduated in 2006 with a Bachelor of Arts and Bachelor of Laws. She was a Robert Riley scholar (2002-2007), Bishop Hay Memorial Award for Industry recipient (2000), Centenary Medalist (2003) Tasmanian Aborigine of the Year (2003, 2006) and Finalist Young Achiever of the Year (2007). During her legal studies she also worked for the Anti-Discrimination Commission as an Investigation and Conciliation Officer (2001-2006) and as Legal Advisor for the Aboriginal Heritage Office (2006–2007). She completed her Graduate Certificate in 2007 and was admitted to the Bars of Tasmania and Queensland. She now works with the North Queensland Land Council as a barrister and solicitor.
In memory of Alan Davidson

It is with great sadness that Alumni are informed of the death of former Faculty member Alan Davidson, after a long illness, in October of 2006. He was a respected and well-liked teacher and colleague over two decades, and will be fondly remembered by older members of staff and practitioners. He is survived by daughters Sian and Beth and wife Diane.

Alan, or ‘Davo’ as he was widely known, arrived from England in 1970 to take up a teaching position in the Law Faculty. After graduating with honours from Exeter University he also completed a teaching diploma - a rare qualification for an academic in those days - before lecturing in law at Bournemouth College. Despite attractive offers from Hong Kong and Monash law schools, he chose Tasmania, which he and Diane came to love, and where he taught throughout his career.

Alan was a conscientious teacher and a methodical researcher. His main teaching and research was in mercantile and industrial law, subjects he mastered during a long tenue at the Law School. His post graduate thesis was a major study of the history and development of master and servant laws in Tasmania. It is a unique account of the progress of law through changing perceptions of fairness and dignity in the work place, and remains a basic reference for future scholarship.

Alan was a co-author, with colleagues, of the first edition of The Australian Social Worker and the Law. This was an early step in a direction which came to shape much of the Law School’s later research - the use of academic scholarship to serve practical community needs. Alan’s academic ability, and his deep commitment to the role of unions in securing justice in the workplace, led to a close working relationship with Professor Ted Sykes, the leading Australian authority on industrial law, who became a good friend and mentor, and a regular visitor to the law school.

Apart from family and law school, Alan’s lifelong passion was soccer. He was a great fan of Southampton, and eagerly followed its fortunes. He himself had played for Exeter University and at one time had the option of turning professional. In Tasmania he first played with the Malaysian Tigers and later for many years with University Graduates. His interests included camping, bushwalking and fishing, which he continued to enjoy after leaving the law school. He was a collector of stamps and of eighteenth and nineteenth century Scottish letters. He was also a discerning buyer and keen restorer of antiques. He enjoyed his music and had a deep and abiding love for the novels of Charles Dickens.

Alan’s career and lifestyle were abruptly cut short when he was diagnosed with Huntington’s disease in 1989. Despite this, he maintained a positive outlook on life, and for many years continued to find pleasure in family and friends, in his books, music and soccer. He will be remembered by colleagues and students for his personal dignity and firm convictions, for his commitment to family and work, and for his strong sense of justice and fair play; but also as a man who very much loved the company of his friends, who had a wonderful sense of fun and unfailing good humour.

Max Atkinson (former Senior Lecturer and Dean of Law 1976-1977)