Law School

The Future of Law at UWA
A message from the Dean

In recent years, increasing attention has been given by governments and various agencies to developing criteria for measuring the performance – learning and teaching, research and community engagement – of universities. These metrics are to be used for a range of purposes, including benchmarking institutions and ultimately funding. There have also been suggestions that they could be used to produce a crude indicative ranking of universities and faculties. Not surprisingly this proposal has generated a great deal of debate and criticism. The national tertiary education sector is now extremely diverse. This is very evident with respect to Law Schools. Currently there are 32 CALD recognised Law Schools in Australia – all of them under-funded and all conferring LLB degrees or their equivalent. The real issue is one of maintaining and improving academic standards rather than arguing about flawed league tables. A genuine reputation for quality has to be earned over the long term; it is not won by pursuing transient educational fashions and fads.

There is much to be said for the proposition that the best and most reliable measure of a law school’s performance is the quality of its graduates – their record of professional achievement and success. The UWA Law School has been immensely well served by its graduates. On this basis, and indeed with reference to every other relevant criterion, we enjoy an enviable reputation. Competition for entry into the School’s LLB programme is intense. Only students who have demonstrated the highest standards of academic achievement are selected. We then require those students to enrol in an appropriate combined degree, for instance Law/Arts, Law/Commerce or Law/Science. Finally, we closely monitor and control the distribution of academic grades. The result is that our student body is universally regarded as among the most talented in the nation. Our extraordinary record of scholarship successes in the Rhodes, Menzies and Fulbright awards is testimony to this.

A commitment to excellence, however, necessarily entails a corresponding commitment to ongoing review and continuous improvement. This is why UWA, including the Law School, has recently decided to restructure and simplify its existing degree programmes. The new arrangements mean that from 2013 Law will be studied exclusively as a three year postgraduate coursework degree, the JD (‘Juris Doctor’). There are many good educational and social reasons for this change. Some are explained in this booklet. Importantly, it will also align legal education at this University with best practice elsewhere, including in Canada and the United States.

This exciting development should be seen as part of UWA’s commitment to international excellence in higher education. We are confident that our new JD graduates will be even more mature and better equipped to meet the many professional challenges that they will inevitably face in the 21st century. The proposed changes will also further enhance our present reputation and standing as a major Go8 Law School.

In anticipation of this new era for the Law School the Vice Chancellor, Professor Alan Robson AM, approved the creation of no less than six new senior Professorial positions. Appointments were made to these positions during 2009. All of the successful candidates have strong national and international teaching and research reputations. The new Professors are Michael Blakeney (Herchel Smith Professor of Intellectual Property Law, Queen Mary College, London University), Stuart Kaye (Professor of Law, University of Melbourne, and formerly Dean of Law at Wollongong University), Mark Israel (Professor Law and Criminology, Flinders University), Michael Gillooly (Dean and Professor of Law, Notre Dame University), Holly Cullen (Reader in Law, Durham University), and of course Christopher Steytler QC (formerly President of the WA Court of Appeal). These appointments have resulted in the most radical expansion of the Faculty’s senior staff profile in our 80 year history. They should consolidate our reputation as one of the finest Law Schools in the country. We look forward to the future with confidence and enthusiasm.

Winthrop Professor William Ford
Dean of the Law School
Faculty of Law

The Law Summer School

The first Law Summer School was held in 1961 and after that was an annual event for about 30 years. It was revived as an annual event in 2006 through the joint initiative of The University of Western Australia Law School and The Law Society of Western Australia. Throughout, it has offered an outstanding program of prominent and distinguished speakers on challenging and relevant topics.
UWA’s new courses for a changing world

The shape of tertiary study is changing rapidly. The University of Western Australia is one of several leading universities that are reshaping course structures to match the needs of students in a changing world.

From 2012, the University will be introducing a range of changes to its courses and enhancements to the UWA student experience. The decision to change its courses was made after extensive public consultation and international benchmarking. These changes will offer simpler, more flexible study options for UWA students and provide the best possible student learning experience. The degrees available to UWA undergraduate students from 2012 will be:

- Bachelor of Arts
- Bachelor of Commerce
- Bachelor of Design
- Bachelor of Science
- Bachelor of Philosophy (Honours)

Current undergraduate courses – and the option of combined degrees – will be discontinued. However, all areas of study currently available will continue to be offered, though in different forms. Courses designed to meet professional accreditation requirements (such as Law, Medicine, Dentistry, Architecture and Engineering) will be offered at the postgraduate level.

All the new undergraduate courses will include a focus on developing communication skills and research skills, along with an increased opportunity to participate in study abroad and community engagement activities.¹

What happens to the Law Degree? A Juris Doctor (JD)

Under the present degree structure, the vast majority of students complete a five year combined Law degree. Students can enrol in a combined degree straight from secondary school. Only a small minority of students complete a four year LLB or a three year Graduate LLB.

Integral to the UWA restructure is the University’s commitment to a greater emphasis on professional degrees such as Law. Under the new system, Law will become a three year postgraduate course and will be known as a Juris Doctor (JD). This course will be available to students who have completed an undergraduate degree.

How will students be selected for the JD?

To enter the JD, a student will first be required to complete degree studies in one of the five broad undergraduate courses listed above or an equivalent qualification from another university.

Outstanding Year 12 students with high Australian Tertiary Admissions Rank (ATAR) or equivalent qualification may be offered guaranteed pathways to enter the JD. Additional opportunities will be available for students to apply for the JD based on their undergraduate course results.

The Law School will offer some ‘law and society’ units in relevant undergraduate degrees at UWA. However, there will be no prerequisite units for entering the JD, nor will any credit be given towards the JD for completion of any law units in an undergraduate degree.

It is anticipated that the first intake for the JD will be in 2013.

What will the JD curriculum look like?

The JD will be a three year postgraduate coursework degree involving completion of 24 units, 8 per year with a combination of compulsory and option units. Compulsory units will be taught over 4 hours per week and option units will be 3 hours per week. The model for the JD for 2013 is still being finalised, but the current provisional model is set out in the following table.

¹ For more information on the requirements of the undergraduate degrees visit www.newcourses2012.uwa.edu.au (from March 2010).
### Why the change to a JD?

There are two main reasons for the change to the postgraduate JD from the undergraduate LLB.

**First,** it is an integral component of the overall UWA restructure of UWA courses, a strategic priority for the University. The UWA restructure has, in essence, three general objectives:

- To meet the future educational needs of students, and therefore the needs of the wider community, at the highest possible standard.
- To position the University well for the future by reinforcing its international reputation for a commitment to excellence.
- To achieve greater efficiency and effectiveness in teaching and related administrative arrangements for the benefit of staff and students.

**Secondly,** the relationship between the undergraduate degree and the JD will provide significant benefits to our Law students by permitting breadth and depth of study, encouraging focus for students and teachers and providing opportunities for improved future networks in the Australian and international workforce.

#### Breadth as well as depth

The need to complete an undergraduate degree before studying Law means that the nature of the Law School student body is likely to change in highly beneficial ways.

- Students will be more mature and better prepared for legal studies, bringing greater life experience and more developed interpersonal skills to their Law studies.
- Having already completed an undergraduate degree means that each Law student will have a stronger academic and intellectual foundation, more study experience and a greater capacity to learn independently.
- JD students will have a wide range of knowledge and therefore an increased ability to put the study of Law in a broader and clearer social and economic context.

### Focus on Law – our teachers

Law Faculty teachers will be able to plan and teach the JD subjects in the knowledge that Law is the sole focus of our students.

- Teaching a JD allows the Law School teachers to give more specialised attention to their students with the knowledge that the students who are enrolled are focused only on studying the discipline of Law.
- Modes of instruction can be raised to a higher level as staff will be teaching to more mature and experienced students, thereby enriching the learning of Law for the students.

### Focus on Law – our students

The current degree structure puts significant pressure on students to choose a career path very early in their post-school life. Typically under the current Law course structure, most Law students commence Law straight from secondary school and complete a combined degree with both Law and non-Law subjects.

- The new structure provides more preparatory time for students to make a considered choice. By the time they enter the JD, students should be more committed to the study of Law, having had several years to consider and explore other areas.
- The JD degree will provide a more challenging, exciting and focused environment for students with the focus of all study being on Law (not combined with other non-Law units) in a more mature cohort which has academic experience and is committed to the study of Law.
- Students entering the JD will be mixing with students from a variety of academic and social backgrounds, which provides greater opportunities for an enriching Law School experience.

### Future networks

A postgraduate JD will prepare students well for graduation from

<table>
<thead>
<tr>
<th>Year of JD</th>
<th>First Semester</th>
<th>Second Semester</th>
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<tbody>
<tr>
<td>1</td>
<td>Legal Process</td>
<td>Dispute Resolution</td>
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<td></td>
<td>Criminal Law</td>
<td>Torts</td>
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<td>Contract</td>
<td>Introduction to Public Law</td>
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<td>Introduction to Property</td>
<td>Land Law</td>
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<td>2</td>
<td>Constitutional Law</td>
<td>Evidence</td>
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<td>Equity and Trusts</td>
<td>Corporations</td>
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<td>Administrative Law</td>
<td>Remedies</td>
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<td></td>
<td>1 Option</td>
<td>Legal Theory and Ethics</td>
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<td>3</td>
<td>Procedure I</td>
<td>Procedure II</td>
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<td></td>
<td>Commercial Practice</td>
<td>3 Options</td>
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<td></td>
<td>2 Options</td>
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<td><strong>Total: 12 units</strong></td>
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International Connections

The Law School has significant international alliances which will be enhanced by the new JD degree. UWA is part of the Worldwide Universities Network (WUN), a partnership of 15 research-led universities in Europe, North America, South East Asia, Australia and Africa, formed to advance knowledge and understanding in areas of global concern through collaboration between members.

The Law School also has exchange agreements with a number of outstanding overseas universities offering undergraduate and postgraduate students opportunities to study part of their Law degree overseas. Participating universities include McGill University, Kobe University, National University of Singapore, University of Huang Zhou and Stockholm University.

More information on the JD

More information on the JD will become available as the year progresses. Please visit the Law School website www.law.edu.au for updated information or contact:
Winthrop Professor Peter Handford
UWA Law School
Tel: (08) 6488 2958
Email: peter.handford@uwa.edu.au

“Law, as a professional discipline, is best studied and appreciated in a broader educational context, and with some experience of life and human nature. The new course structure proposed at The University of Western Australia, under which law is to be studied at the post-graduate level, will facilitate this and enhance the educational experience for students. It will also provide those who go on to practise law with a broader educational base which should enable them to better serve the community.”
Hon. Wayne Martin, Chief Justice of the Supreme Court of Western Australia
Student achievements

Snapshot of our students 2009

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<tr>
<th>Law Students Enrolled 2009</th>
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<tr>
<td>Total Students 2009</td>
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<tr>
<td>Degree</td>
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<tr>
<td>Undergraduate</td>
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<tr>
<td>Postgraduate</td>
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<tr>
<td>Origin</td>
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<tr>
<td>Local</td>
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<tr>
<td>International</td>
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Academic excellence

Our Law School students are high achievers when it comes to prestigious academic awards and scholarships as well as in other fields. Recent examples follow.

- In February 2010, the Law School moot team (pictured far right) won the grand final of the Australian National Rounds of the Jessup International Law Moot Court Competition – it will now start preparing for the world tournament in Washington DC.

- In December 2009, Arts-Law honours student Jessica Panegyres (above) was named one of Australia’s three Rhodes Scholars at Large.

- Law School graduate Daniel Vujich was awarded the Rhodes Scholarship for WA in 2008, following closely fellow graduates Travers McLeod (WA Rhodes Scholar 2007) and Andrew Lodder (WA Rhodes Scholar 2006). UWA Law School has produced five Rhodes Scholars in the last ten years.

- Recent Law School graduate Hugo Leith became a Fulbright Scholar in 2009 not long after fellow law graduate Andrew Nicol was awarded a Fulbright Scholarship in 2007. Hugo went to Yale University and Andrew to Harvard University.

- UWA Law School has produced numerous Rhodes Scholars. Previous recipients from the Law School include former Prime Minister Bob Hawke, former Chief Justice of the WA Supreme Court David Malcolm, former Commonwealth Attorneys General Peter Durack and Daryl Williams and Victorian Supreme Court Justice Elizabeth Hollingworth.

- Graduate Elizabeth Shaw was named Youth Citizen of the Year 2009 following on from a period as a UN Youth Ambassador.

- Law student Krista McMeeken was awarded the Wesfarmers Indigenous Youth Scholarship 2009.

- In 2009 Law student Hayden Teo was ranked as the second best speaker in the world tournament at the Jessup International Law Moot Court Competition in Washington DC.

- In 2009, 13 incoming law students were recipients of the UWA Excellence Awards Scheme and three more entered their law degree as recipients of the UWA Fogarty Foundation City and Regional Scholarships.

- Fifth year law student Renee Kaczmarczyk received the Linda Cotton Memorial Law Scholarship in 2009 and used the funds to travel to Broome where she volunteered for the Aboriginal Legal Service.

Some recent Doctoral theses


Some recent Honours theses


Alumni news

- The Honourable Carmel McLure (1980), Justice of the WA Supreme Court, was appointed President of the Court of Appeal of the WA Supreme Court in November 2009.
- The Honourable Robert French, Chief Justice of the High Court and distinguished graduate from UWA Law School (1971), was named recipient of the prestigious Sir Charles Court Inspiring Leadership Award in May 2009.
- Kenneth Martin QC (1978) was appointed a Judge of the WA Supreme Court in March 2009.
- In February 2009, Michael Barker (1972) was appointed to the Perth registry as a Judge of the Federal Court of Australia.
- Also in February 2009, Mary Anne Kenny (1992) was elected Chair of the Law Reform Commission of Western Australia.
- In February 2010, John Staude (1982) was appointed a Judge of the District Court of WA.
- At Oxford University, James Edelman (1997) was appointed a Professor of the Law of Obligations in 2008.
- In 2008, Celia Hammond (1991) began her position as Vice-Chancellor of the University of Notre Dame and Philip Clarke (1971) was appointed Pro-Vice Chancellor (International) at Deakin University.

For more comprehensive information on our alumni OR to update your own details as an alumnus, visit the Law School website at www.law.uwa.edu.au/alumni
Did you know?

Since teaching law began in 1928, UWA Law School has produced a long list of distinguished and prominent graduates. Following is just a brief select sample.

**Enid Russell (1930)**
First WA woman admitted to legal practice in WA

**Gordon Freeth (1936)**
Former High Commissioner to London and knighted in 1978

**Francis Burt (1940)**
Former Chief Justice of the WA Supreme Court and former Governor of WA

**Ronald Wilson (1949)**
First WA Justice of the High Court of Australia

**Bob Hawke (1951)**
Rhodes Scholar and former Prime Minister of Australia

**John Toohey (1951)**
Former Justice of the High Court of Australia

**Geoffrey Kennedy (1952)**
Rhodes Scholar and former Chancellor of UWA

**Dorothy Parker (1953)**
Social anthropologist and former lecturer at UWA for 25 years

**Rory Argyle (1958)**
Prominent mining and resources lawyer

**David Malcolm (1960)**
Rhodes Scholar and former Chief Justice of WA Supreme Court

**Malcolm McCusker (1960)**
Prominent QC and Chairperson of Legal Aid Commission

**Fred Chaney (1962)**
Former Federal Minister and Deputy Chairman of the Native Title Tribunal

**Robert Meadows (1964)**
Solicitor General of WA

**Daryl Williams (1964)**
Rhodes Scholar, QC and former Commonwealth Attorney General

**Allan Fels (1966)**
Former Chairman of ACCC and current Dean of ANZSOG

**Robert Holmes à Court (1966)**
Prominent entrepreneur

**George Winterton (1968)**
Leading constitutional lawyer

**Neville Owen (1969)**
Justice of the WA Supreme Court of Appeal

**Wayne Martin (1974)**
Chief Justice of WA Supreme Court

**Stephen Smith (1978)**
Federal Minister for Foreign Affairs

**Christine Wheeler (1980)**
First female QC in WA; Justice of the WA Supreme Court of Appeal

**Elizabeth Hollingsworth (1984)**
Justice of the Supreme Court of Victoria

**Christian Porter (1997)**
Attorney General of WA

**Yvonne Henderson (1998)**
Equal Opportunity Commissioner

**Sue Gordon (2002)**
Former Magistrate; Head of the National Indigenous Council

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**The Beasley Awards**

*Named after the University’s Foundation Professor of Law, Frank Beasley, the Beasley Awards commenced in 2003 and are awarded to eminent graduates of the Law School in recognition of outstanding service to the law, the legal profession and legal education in Australia.*

Former recipients of the Beasley Awards are distinguished alumni Sir Francis Burt, Sir Ronald Wilson, Hon. John Toohey and Hon. Geoffrey Kennedy.
Academics achieving excellence

In November 2009, the Vice Chancellor announced the appointment of three new Winthrop Professors, being Mark Israel of Flinders University Law School, Holly Cullen, Reader in Law at Durham University and Stuart Kaye of the University of Melbourne.

In September 2009 Chris Steytler QC, Parliamentary Inspector of the Corruption and Crime Commission of Western Australia and former President of the WA Court of Appeal, was appointed a Winthrop Professor of Law.

Dr Simon Young, who was awarded the Faculty of Law Excellence in Individual Teaching Award and the Blackstone Society’s award for Teacher of the Year in 2008, was promoted to Professor in September 2009.

In January 2009 Professor Michael Gillooly joined the faculty as a Professorial Fellow and Associate Dean of Research in Law.

Professor Michael Blakeney also joined us in 2009. Professor Blakeney is also the Herchel Smith Professor of Intellectual Property Law at Queen Mary, University of London and is an arbitrator with the International Court of Arbitration.

Associate Professor Jill Howieson, Lecturer in Negotiation and Mediation and Alternative Dispute Resolution, was appointed Associate Dean (Students) of the Law School in 2009.

In February 2009, Winthrop Professor Neil Morgan, former Director of Studies at the Crime Research Centre of UWA and Professor of Law at the Law School, took leave of absence from the Faculty to become the new Inspector of Custodial Services.

Law School Dean Winthrop Professor William Ford was elected Chair of the Council of Australian Law Deans in 2008 and Deputy President of the Australian Academy of Law in 2009.

Our publications, research and projects

We are in the fortunate position of having too many publications to list them all in this brochure. So, following is a list of some selected recent publications, research topics and projects.

Books


Kanaga Dharmananda and Anthony Papanastathos (eds), Perspectives on Declaration Relief (2009).


In 2008 it was announced that Professor Antonio Buti won the major prize and the non-fiction category of the Western Australian Premier’s Book Awards for his biography of former High Court justice Sir Ronald Wilson entitled A Matter of Conscience: Sir Ronald Wilson. Sir Ronald Wilson graduated in law from UWA Law School in 1949.


David Ritter, Contesting Native Title: From Controversy to Consensus in the Struggle Over Indigenous Land Rights (2009).

David Ritter’s other 2009 book, The Native Title Market, has been shortlisted for the 2009 Human Rights Award in literature.


Book chapters and journal articles


In a partnership announced this year between UWA and the WA Supreme Court, law students will assist in creating edited highlights of trials for webcasting on the university’s and the court’s websites. The aim is to promote public understanding of the legal system. Associate Professor Daniel Stepniak headed up this project for the Law School.


Professor Alex Gardner is one of the chief investigators in the interdisciplinary team for the new National Centre for Groundwater Research and Training. The Centre will receive $55 million of Commonwealth funding. Professor Gardner is part of a team of selected professionals from Australian universities including UWA, Flinders University and the Australian National University. Professor Gardner has also been advising the State Department of Water on water resources law reform.


Winthrop Professor Peter Handford has been invited to be part of the editorial team that will produce a new edition of John Fleming’s The Law of Torts.

Our Research Centres
www.law.uwa.edu.au/research

Crime Research Centre
Director: Frank Morgan
A joint initiative between the State Government and UWA, it is a major contributor to the collection and analysis of crime statistics in WA.

Mining, Energy and Natural Resources Law
Director: Richard Barltett
Stimulates education and research on legal issues relating to mining, energy and natural resources.

Law and Public Policy
Director: William Ford
Provides a forum for scholarly and professional debate on legal issues topical to questions of public policy.

Australian Global Studies
Director: Michael Blakeney
A multidisciplinary centre to promote international and global studies across key discipline areas of UWA, including law.

Consumer Research
Director: Aviva Freilich
A voice on consumer issues established with the Department of Consumer and Employment Protection.

New Graduate Diploma in Energy Law – responding to the current resources boom, the Law School will offer this new Diploma from 2010. Go to www.law.uwa.edu.au for details.
Law school staff

Academic Staff

Dean and Head of School
William Ford

Deputy Dean
Peter Handford

Associate Dean
(Teaching and Learning)
Mark Israel

Associate Dean (Research)
Michael Gillooly

Associate Dean (Students)
Jill Howieson

Winthrop Professors
Richard Bartlett
Michael Blakeney
Holly Cullen
William Ford
Peter Handford
Mark Israel
Stuart Kaye
Neil Morgan
Chris Stetlyer

Professors
Antonio Buti
Alex Gardner
Michael Gillooly
Doug Hodgson
Simon Young

Associate Professors
Meredith Blake
Greg Carne
Robyn Carroll
John Fiocco
Rasiah Gengatharen
Sharon Mascher
Jani McCutocheon
Brenda McGivern
Peter Sinden
Daniel Stepniak
George Syrota
John Tarrant
Stella Tarrant
Jim Thomson
Ana Vrdoljak
Eileen Webb

Assistant Professors
Penny Carruthers
Robert Cunningham
Rebecca Faugno
Aviva Freilich
Barbara Gordon
Ambelin Kwaymullina
Sarah Murray
Sam Raj
Natalie Skeaad
Robin Tapper

Adjunct Winthrop Professor
Jim O’Donovan

Our Adjunct Professors, Honorary, Visiting and Senior Fellows include

Associate Director, Centre for Mining, Energy and Natural Resources
John Chandler

Crime Research Centre

Director
Frank Morgan

Emeritus Professor
Richard Harding

Research Associate Professors
Anna Ferrante
David Indermaur

Research Assistant Professors
Joe Clare
Caroline Spiranovic

Principal Research Analyst
Max Maller

Senior Research Officers
John Fernandez
Nini Loh

Research Associate
Taruia Nicholls

Research Analyst
Matt Walsh

To find out more about the Law School visit www.law.uwa.edu.au for information on staff profiles and news; student news; alumni; research and projects; publications; research centres; and upcoming events, including CPD events.
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