

2005 Faculty Prize Giving Ceremony

On the 19th of May 2005 Sydney Law School recognised the excellence of its students at its annual prize giving ceremony. The ceremony saw 200 guests comprised of prize donors, prizewinners and their guests and family attend. Law has the largest number of prizes of any faculty and this wonderful support reflects the close link that the faculty has with both the community and profession. Caroline Spruce, winner of the University medal, gave the [student address](#) at the ceremony.



Prize winners (alphabetical order)

Edwin Abuya	The Cooke, Cooke, Coghlan, Godfrey & Littlejohn Scholarship The Longworth Scholarship
Kirsten Anker	The Ross Waite Parsons Scholarship
Mischa Barr	The Australian Securities and Investments Commission Prize The ED Roper Memorial Prize The Nancy Gordon Smith Prize
Jonathan Bonnitcho	The New South Wales Justices Association Prize The ED Roper Memorial Prize
Melissa Brunning	The Harmer's Workplace Lawyers Prize for Anti-Discrimination Law The Harmer's Workplace Lawyers Prize for Employment & Industrial Law
Matthew Burston	The Tomonari Akaha Memorial Prize
Nicola Campion	The John George Dalley Prize The Dudley Williams Prize The Nancy Gordon Smith Prize
Julia Carland	The Monahan Prize The George and Matilda Harris Scholarship No 2A
Mark Chong	The Cooke, Cooke, Coghlan, Godfrey & Littlejohn Scholarship
Kristi Cooper	The Tuh Fuh and Ruby Lee Memorial Prize The J H McClemens Memorial Prize The Sybil Morrison Prize
Aaron Corcoran	The Jeff Sharp Prize in Tax Research
Surya Deva	The Ross Waite Parsons Scholarship

The Ross Waite Parsons Scholarship - Supplementary

Astron Douglas	The Caroline Munro Gibbs Prize The Lexis Nexis Prize No 1
Andrew Dyer	The Pitt Cobbett Prize
Peter Edmundson	The Nancy Gordon Smith Memorial Prize
Joseph Edwards	The Sir John Peden Memorial Prize
Jennifer English	The NSW Women Justices' Association Prize
Stephen Fang	The Mr Justice Stanley Vere Toose Memorial Prize
Leah Friedman	The Tuh Fuh and Ruby Lee Memorial Prize The J H McClemens Memorial Prize
Olivia Gossip	The Sir Alexander Beattie Prize
Lauren Hollington	The J.H. McClemens Memorial Prize in Criminology No 2
Jane Hooper	The Blake Dawson Waldron Prize
Bradley Jones	The Bill Wallace Memorial Prize for Stamp Duties
Keith Jones	The Gustav and Emma Bondy PG Prize in Jurisprudence
Peter Kim	The C A Hardwick Prize The Andrew M Clayton Memorial Prize – Clayton Utz
Sarah Kiyork	The Alan Ayling Environmental Law Prize
Costa Koutsis	The Carolyn Mall Prize
Anthony Lamb	The Law Graduates' Association Medal
Eliza Mik	The Cooke, Cooke, Coghlan, Godfrey & Littlejohn Scholarship
Karen Mok	The Sir Peter Heydon Prize for the Sydney Law Review
Alison Mutton	The Peter Paterson Prize for the Sydney Law Review
Stuart Naphali	The Bruce Panton McFarlan Prize
Brooke Newell	The Blake Dawson Waldron Prize
Gerald Ng	The Blake Dawson Waldron Prize The Nancy Gordon Smith Prize
Thomas Nicholls	The John Geddes Prize
Toby Norton-Smith	The Christopher C Hodgekiss Prize
Na Hoom Oh	The Mallesons Stephen Jacques Prize
Stewart Old	The Allens Arthur Robinson Prize
Kathryn Peterson	The Edward John Culey Prize The George and Matilda Harris Scholarship No 1

	The Lexis Nexis Prize No 5
Ian Phillips	The Blake Dawson Waldron Prize
Jacquelin Plummer	The Playfair Prize
Mariko Ralph	The Victoria Gollan Memorial Scholarship
Andrew Rankine	The EM Mitchell Prize The Aaron Levine Prize The Margaret Dalrymple Hay Prize The Law Society of NSW Prize
Fiona Roughley	The Law Society of NSW Prize The George and Matilda Harris Scholarship No 2B The Minter Ellison Scholarship The Lexis Nexis Prize No 3
Bridie Rushton	The Margaret Ethel Peden Prize
Adam Russoniello	The Thomas P Flattery Prize
Troy Sarina	The Cooke, Cooke, Coghlan, Godfrey & Littlejohn Scholarship The Ross Waite Parsons Scholarship - Supplementary
Anirudha Satchithananda	The John Warwick McCluskey Memorial Prize The Julius and Reca Stone Award in International Law and Jurisprudence
Helen Saunders	The Margaret Dalrymple Hay Prize The Law Society of NSW Prize The Caroline Munro Gibbs Prize
Fleur Shand	The Minter Ellison Prize
Jeremy Southwood	The Margaret Ethel Peden Prize The Sir John Peden Memorial Prize
Caroline Spruce	The John George Dalley Prize The NSW Bar Association - RG Henderson Memorial Prize The Nancy Gordon Smith Prize The Rose Scott Prize
Anna Stephens	The University of Sydney Foundation Prize
Joanna Sutton	The Pitt Cobbett Prize The Caroline Munro Gibbs Prize The Andrew M Clayton Memorial Prize – Clayton Utz The Wigram Allen Scholarship No 1A The Lexis Nexis Prize No 4
Jonathon Tanner	The Bruce Panton McFarlan Prize
Ashley Tscalos	The Ross Waite Parsons Scholarship
Justin Vaughan	The Allens Arthur Robinson Prize The Kevin Dufty Memorial Prize The Nancy Gordon Smith Prize
Zachary Vermeer	The EM Mitchell Prize The Lexis Nexis Prize No 2
Katie Walsh	The Sir John Peden Memorial Prize

Sarina Warwick	The Cooke, Cooke, Coghlan, Godfrey & Littlejohn Scholarship The Ross Waite Parsons Scholarship - Supplementary
Peter Welch	The Judge Samuel Redshaw Prize
Lucinda Wilson	The Sir Alexander Beattie Prize
Selina Wrighter	The Pitt Cobbett Prize The Sir John Peden Memorial Prize
Aleardo Zanghellini	The Ross Waite Parsons Scholarship – Supplementary
Yvonne Zhang	The Zoe Hall Scholarship

The achievements of the following students were recognised at partner faculty ceremonies

University of Sydney Undergraduate Scholarships:

Kang-Lei Bei	Keith Loke
Julia Bowes	Andrew Meyer
Lucy Boyle	Deeksha Nanda
Simon Chan	Kruthika
Kai Chang	Narayan
Xiao Chen	Amy Ngan
Maeve Curry	Natalie Nichols
Paul Ferris	Louise Rigozzi
Alice Goldsmith	Holly Roper
Naomi Hart	Max Shen
David Indula	Nancy Shen
Rose	Jing Shi
Khalilizadeh	Ehson Shirazi
Melanie Lim	Phillip Thai
Daniel Lim	Daniel Wodak
Michelle Wong	

University of Sydney Undergraduate Scholarships for Outstanding Achievement in the HSC:

Christoper Angelos	Lok-Hin Lam
David Birch	Jodie Lilir
Daniel Drew	Andrew Luboski
Laurence Field	Lauren Miller
Angela Ha	David Perkis
Supun Jayawardana	Alice Yan
Ivan Shui -Shing Kwong	Yvonne Zhong

University of Sydney Graduate Scholarships:

Shipra Chordia	Soo Jin Yoon
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Speech from Caroline Spruce, winner of the University Medal



Chancellor, Pro-Vice Chancellor, Dean, Pro-Deans, prize donors, fellow prize winners, ladies and gentlemen.

It is a great pleasure and an enormous honour to have been asked to address you this afternoon. I'd like to start by congratulating all the prize winners on their achievements. To be honest, I feel overwhelmed to have been awarded the university medal, given the outstanding talents of many of my peers. One of the great strengths of this law school is that it attracts the top students and one of the great benefits of studying here is the remarkably clever people you meet along the way. I'd particularly like to acknowledge those students who write brilliant essays, but do not do well at exams. They are not well served by an assessment system based heavily on examination – but they are no less deserving of credit.

I'd also like to personally congratulate Nicola Campion, with whom I share the university medal. I don't know Nicola personally, but I must say, I am very pleased to be sharing the medal with another woman. Unfortunately, there are large parts of the legal profession still in need of proof, that as Mary Gaudron once put it, the skills of lawyering are not found on the Y chromosome.

It is 103 years since the first female student graduated from this faculty of law. For many years now women have comprised over 50% of law graduates. Yet, women are still significantly underrepresented in the top jobs. Research shows that 5 years after graduation, the careers of male and female law graduates diverge dramatically. This is not because women choose to leave law. It is because of, what Justice McHugh describes as “a systemic and structural discrimination against female lawyers”. Let me give you an example - in the UK, the House of Lords was able to hold out appointing a woman Law Lord until the year 2003, apparently by arguing, with the sort of deft legal reasoning you would expect from the highest court in that country, that they couldn't appoint a woman because there was no female toilet in the law lords' corridor. At least they now have a woman on their highest court, which is more than we can say in Australia. I hope that the representation of women in law, is one of the things that will change dramatically over the course of our professional lives.

But enough of looking forward. It is inevitable, at a moment like this, to spend some time looking back and reflecting on how it is that one actually got here. In my case, you'd have to say it was via the scenic route.

When I finished school I was in the rare position of knowing exactly what I wanted to do – it was not law. I wanted to be an actor. This, as I'm sure at least half my audience will appreciate, is the sort of statement that makes parents break out into a cold sweat. Mine were commendably calm. They wholeheartedly encouraged me to pursue my theatrical interests – but with a fine instinct for legal small print inserted an extra clause – once I'd got a degree.

I decided to study Broadcast Journalism at Charles Sturt University in Bathurst. I spent some time on this decision, but as it turns out, it wouldn't have mattered what I decided to study because I spent most of my first degree not actually studying anything at all. I was far too busy having fun. In my view, having an enormous amount of fun and doing very little else is a fine use of a first degree. I believe it's what arts degrees are for. In my experience they are certainly not very good for much else.

The only problem with spending so little of your first degree with your head in a book is that when you decide to embark upon a second degree, people have a tendency not to take you very seriously. They might even think you are not up to the task. This is precisely what happened to me when I applied to do graduate law at Sydney University. I didn't get in! I did have a lot of fun during my first degree... I had so much fun that the University of NSW wouldn't take me either. Fortunately, standards are a little less exacting across the border and I was able to enrol in law at the Australian National University in Canberra – if at first you don't succeed, try ANU.

I loved studying law, but with the inability to commit to anything that is characteristic of your mid twenties, I took two years off and spent the first year going to acting school and the second year living and teaching in a small town in Japan.

I'm happy to say, that when I came back to Australia to finish my law degree, Sydney was willing to have me. I'm very glad they were. I think today is the appropriate occasion to thank them for changing their mind.

I know, because I've been to more than one, that this is a terrific law school. I had a wonderful time studying here. I was taught by some exceptional teachers, and made fantastic friends. And at the end of the day, the roundabout way in which I got here was an advantage. The law is complex. It is rare that legal

issues are raised in a vacuum. Cases can raise historical, philosophical, ethical, political, social, and moral issues as well. I felt, as a graduate, that I had a level of intellectual maturity that made it much easier to comprehend the complexities and subtleties of legal thinking.

I have no doubt that everybody here today shares the great affection that I have for this law school. As a result of that affection, I know that long after graduation, indeed for the rest of my career, I will maintain an interest in what happens here. With that in mind, I'd like to use the remainder of these remarks today to offer some constructive reflections on the time I spent here. In particular, I would like to talk about two things: The best thing I did at law school, and the thing I didn't do at law school, but wish I had.

Without question, mooting was the best thing I did at law school. It was intellectually the most demanding, it was the most rewarding and it was the most fun. Whether you intend to have a career as an advocate or not, mooting is the best way to cultivate the skills required to excel at law. Mooting, not lectures, taught me that you actually have to read cases; it taught me how to analyse a legal problem; how to conduct in depth research; how to construct a legal argument – and the most about the substantive law. There is nothing quite like the complete humiliation that comes from being pounded with questions by a judge that you do not know the answer to, to make you realise that you have misunderstood a case or the principles of equity.

I think mooting is more valuable than ever in an era where tuition is delivered exclusively by mass lectures. Big classes mean that even the best lecturers are forced to over simplify and spoon feed to some degree. Talented students have to discover the complexities of law for themselves. Mooting is all the things even the best lecture cannot be – direct, dynamic and interactive.

Unfortunately, the faculty only awards course credit for one mooting competition. This means only 5 Sydney students a year will moot as part of their degree. I was one of the lucky 5. It also means there are a large number of other prestigious international mooting competitions which Sydney does not participate in at all, despite the fact that they are fiercely contested, literally by the rest of the world. The University of NSW, by way of contrast, offers course credit for five separate mooting competitions, allowing around 20 students a year to moot as part of their degree. I understand the new law school, when it is built, will contain a moot courtroom, which is an exciting development. I hope it will inspire the faculty to do more to encourage and nurture mooting at Sydney generally. It would be terrific to see the faculty extending its mooting programme so that more students can benefit, as I did, from the experience of intervarsity mooting.

The second thing I'd like to talk about is the most important thing I didn't learn at law school – and wish I had. Statutory interpretation. At law school statutes were always treated like the common law's poor cousin. The common law was dynamic, malleable, and exciting. Statutes were long, wordy, and incomprehensible and there was no point studying them anyway because if you needed to know what they said you could just look it up.

I left law school with 3 erroneous beliefs 1) that statutory interpretation was unimportant and 2) that statutory interpretation was boring and 3) that I could avoid statutory interpretation if I wanted to.

You find this out very quickly once you go out into legal practice that this is not the case. Statutes are everywhere. I cannot think of an area of law that is entirely untouched by statute. For the past year and a half, I have been working for Chief Justice Spigelman as his researcher. I don't think I have seen a single case which does not involve the interpretation of at least one statutory provision.

Statutory interpretation is not only pervasive, it is important. In Australia, where we have no bill of rights, it is the rules of statutory interpretation, like the rule that parliament does not intend to abrogate fundamental rights, that provide the primary means of protecting fundamental rights and liberties.

But, for me, the most astounding discovery of all was that statutory interpretation is fun. The meaning of a statutory provision is just as open ended as a principle of common law. Anyone who doubts the veracity of this statement – and I have no doubt there are many of you - should read the Canadian case *R v Ojibway*, 8 Criminal Law Quarterly 137, decided in 1965.

The facts were as follows: Fred Ojibway, an Indian, was riding his pony through the park. He couldn't afford a saddle so he was using a feather pillow instead. The pony broke its leg so Fred, taking pity on the animal, shot it in order to put its out of its misery. He was charged with violating the Small Birds Act which provided that "Anyone maiming, injuring or killing small birds is guilty of an offense". The magistrate acquitted Fred on the basis that he had killed his horse and not a small bird but the decision was overturned on appeal. The appeal judge stated:

"Section 1 defines 'bird' as 'a two-legged animal covered with feathers'. There can be no doubt that this case is covered by this section.

Counsel for the accused...submitted that the evidence of the expert clearly concluded that the animal in question was a pony and not a bird, but this is not in issue. We are not interested in whether the animal in question is a bird or not in fact, but whether it is one in law.

Counsel also contended that the neighing noise emitted by the animal could not possibly be produced by a bird. With respect, the sounds emitted by an animal are irrelevant to its nature, for a bird is no less a bird

because it is silent.

Counsel for the accused also argued that since there was evidence to show the accused had ridden the animal, this pointed to the fact that it could not be a bird but was actually a pony. Obviously this avoids the issue. The issue is not whether the animal was ridden or not, but whether it was shot or not, for to ride a pony or a bird is of no offense at all.

Counsel contends that the iron shoes found on the animal decisively disqualify it from being a bird. I must inform counsel, however, that how an animal dresses is of no concern to this court.

It remains then to state my reason for judgment which, simply is as follows: For the purpose of the Small Birds Act, all two legged, feather covered animals are birds. This, of course, does not imply that only two legged animals qualify, for the legislative intent is to make two legs merely the minimum requirement. The statute therefore contemplated multi-legged animals with feathers as well. Counsel submits that having regard to the purpose of the state only small animals 'naturally covered' with feathers could have been contemplated. However, had this been the intention of the legislature, I am certain that the phrase 'naturally covered' would have been expressly inserted... Therefore, a horse with feathers on its back must be deemed for the purposes of this Act to be a bird, and a fortiori, a pony with feathers on its back is a small bird."

I have to admit the Ojibway case is actually fictitious - it written by a couple of academics in the 60's as a parody of statutory interpretation. But it's the best example I know of the mental gymnastics and creativity that a good bit of statutory interpretation can involve.

It seems to me inevitable that the dominance of statute law will ultimately have to be reflected in legal teaching. As Lord Steyn said in the 2002 John Lehane Memorial Lecture: "Universities have not caught up with the reality that statute law is the dominant source of law of our time." Justice Gummow echoed similar sentiments in his recent Maurice Byers Lecture. Courses in statutory interpretation are already being taught in some universities in the US. It would be good to see Sydney at the forefront of this trend in Australia.

Before I sit down, I have one very important task left to do, and that is to thank my wonderful family, who have always been so loving and so supportive of me, no matter what I have done. I would not have achieved what I have without their great love and encouragement. I would not have survived some difficult times without their advice and support. I would particularly like to acknowledge, on this occasion, the tremendous impact that my father, my mother and my grandmother have all had on my intellectual development. They are all towering intellects, who share a terrific sense of humour, a wonderful command of the English language, and a tremendous dexterity of thought. My grandmother, who is 94, is still the most independent thinker I know. Neither Mum, Dad nor Nanna had the opportunity to go to university. I think my achievements indicate the great achievements they would have had, if only they had been given the opportunities, which they have worked so hard and sacrificed so much to provide me with. I am very grateful to them.

Thankyou very much.