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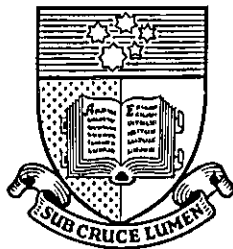
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ADELAIDE LAW REVIEW

THE UNIVERSITY OF ADELAIDE



LAW SCHOOL

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INTRODUCTION:

FORTIETH A.U.L.S.A. CONFERENCE, ADELAIDE, 1985

This issue of the Adelaide Law Review is devoted to papers given at the fortieth conference of the Australasian Universities Law Schools Association. This conference was hosted by the Adelaide Law School and held in Adelaide between 27th and 29th of August 1985. The conference attracted over 170 delegates, coming from law schools and law teaching units in tertiary institutions in Australia, New Zealand and Papua New Guinea and also, for the first time, from Singapore, Malaysia and Hong Kong. The forty-first annual conference will be hosted by the Law School of the University of Papua New Guinea and will be held between 27th and 29th August 1986 in Goroka in the eastern highlands of Papua New Guinea.

A.U.L.S.A. conferences include both plenary and interest group sessions. The Adelaide conference organisers decided to focus plenary sessions upon the role of legal institutions in the resolution of disputes. Emphasis was given to the role of courts, the impact of court procedures and the development of alternative forums. The key papers thus looked at the impact of a bill of rights, at judicial and legislative law-making techniques with respect to industrial and intellectual property, at the resolution of environmental disputes, at international trade dispute resolution mechanisms, and at fault and non-fault systems of accident compensation. In addition to the plenary papers, two interest group sessions involved invited speakers — those sessions concerned evidence law reform and recent consumer credit legislation.

The invited speakers came from the judiciary, the executive, academia and private legal and commercial practice. They therefore brought a range of perspectives and experiences to bear upon the issues explored. The papers they presented are published in the form used by the authors without any attempt at standardisation. Some read more obviously as the basis of oral presentation than others. The accident compensation session involved a panel, — those contributions plus a related interest group paper have been included in this volume. Similarly the consumer credit session drew together three speakers with differing perspectives in relation to the new legislation. All sessions provided an opportunity for audience questions and discussion, and there was lively debate. However it was not possible to include a summary of the debate in this volume.

Beyond the material produced in this volume, the interest group sessions contained many informed, varied and provocative contributions. The list of interest group sessions is set out below. Some of the papers will be produced in volume 10 number 2 of this Review. Others will appear elsewhere. All written papers delivered at the conference have been reproduced and a copy deposited in the law libraries of each law school in Australia, New Zealand and Papua New Guinea.

JAMES CRAWFORD
President

ANTHONY MOORE
Conference Secretary

A.U.L.S.A. INTEREST GROUP SESSIONS 1985

COMMERCIAL & CONSUMER PROTECTION LAW

Convenor: C. Hodgekiss (Sydney)

- R. Armitage, S. Begg and M. Noblett — Consumer Credit Law Reform and Uniformity.
- C. Hodgekiss — Conglomerate Mergers — A Comparative Trade Practices Analysis.
- S. Rees — Legal Inadequacies Relating to Tenders.

COMPANY & REVENUE LAW

Convenor: D. Lanham (Melb.)

- I. Campbell — Definitions of Intentional Murder.
- J. David — Informal Justice.
- P. Fairall — Committal Proceedings.
- W. Fisse & P. French — Corporate Responses to Wrongful Behaviour: Time's Arrow, Law's Target.
- D. Lanham — Wilful Blindness and the Criminal Law.

ENVIRONMENTAL LAW

Convenor: R. Fowler (Adel.)

- B. Boer — Legal Aid in Environmental Disputes.
- D. Craig — Social Impact Assessment (x).
- Group Discussion — The Nature and Direction of Research in Environmental Law in Australia (x).

EVIDENCE & PROCEDURE

Convenor: J. Phillips (Melb.)

- E. Magner — The Law of Evidence and the Control of Terrorism.
- T. Smith — Review of A.L.R.C. 25, Interim Report on Evidence.

FAMILY LAW

Convenor: R. Bailey-Harris (Adel.)

- I. Johnston — Reforming the Law of Adoption.
- D. Hambly & others — A.L.R.C. Discussion Paper No. 22 on Family Property.

GOVERNMENT LAW

Convenor: G. Craven (Melb.)

- J. Goldring — Administrative Law: Teaching and Practice.
- G. Nettheim — Open Justice and State Secrets.
- Group Discussion — Administrative and Judicial Review (x).

INTELLECTUAL PROPERTY LAW

Convenor: A. Stewart (Adel.)

- Group Discussion: General Discussion (x).

INTERNATIONAL PEACE AND SECURITY

Convenor: C. Hodgekiss (Syd.)

- Group Discussion — General Discussion (x).

INTERNATIONAL LAW

- Convenor — G. Triggs (Melb.)
R. Boyle — Human Rights and The European Convention.
C. Chinkin — Third Party Intervention before the International Court of Justice.
M.A. Kimuli — The Application of the Doctrine of Foreign Sovereign/State Immunity to Public Corporations.

LABOUR LAW

- Convenors: B. Brooks (U.N.S.W.); J. Kaburise (U.P.N.G.)
B. Brooks — Aspects of Atypical Employment Relationships in Australia.
W. Gould — The Reagan Board and Taft-Hartley: New Directions for American Labour Law (x).
J.B.K. Kaburise — Unshackling Collective Bargaining in Papua New Guinea.

LAW & COMPUTERS

- Convenor: A. Tyree (Syd.)
K.W. Hale & J.G. Jackson — The Role and Future of Specialised Legal Data Bases in Australia: The Australian Corporate Law Data Base Model.
J. Miller — Computer Hackers and Tort Law — New Ways for Old Wrongs.
A. Tyree — Finder: An Expert System.
S. Wright — The Legal Protection of Computer Software in Singapore: A Tentative Appraisal.
Group Discussion — C.L.I.R.S. (x).

LAW IN NON-LAW SCHOOLS

- Convenor: K. Hale (Wollongong)
K. Hale and R. Williams — Legal Studies in Australian Universities: Some Problems in the Assessment of Students' Performance.

LAW LIBRARIANS

- Convenor: R. Finlay (Adel.)
Group Discussion — The C.T.E.C. Review and the Wilson—Glasson Survey (x).

LAW & SOCIAL JUSTICE

- Convenor: P. Hanks (Monash)
I. Duncanson — Some Categories of Civil Libertarian Thought.
A. Ladley — Disputing Authority — Courts, Party and State in Rural Zimbabwe.
J. Morgan — Constructing the Deserving Poor: Late Claims for Social Security.

LEGAL EDUCATION

- Convenor: J. Crawford (Adel.)
G. Bird — Re-Defining a Law Curriculum from a Multicultural Perspective: The Monash/Victoria Law Foundation Joint Project.
I. Lamat & K. Menon — Legal Education in Malaysia: How Australian & New Zealand Law Schools Can Help.
Group Discussion — Legal Studies in Schools (x).

PROPERTY LAW

Convenors: S. MacCallum (Melb.); S. Morgan (Melb.)

H. Gamble, J. Nicholson & P. Weeks — Teaching Property Law.

A. Lang — Formality v Intention — Wills in an Australian Supermarket.

A.P. Moore — Residential Standards.

SOUTH PACIFIC LEGAL STUDIES

Convenor: H. McRae (Adel.)

J.R. Crawford — The A.L.R.C. Aboriginal Customary Law Reference.

S. Dinnen — Minimum Penalties in Papua New Guinea — A Case Study in Crime and Development.

S. Dinnen — Sentencing, Custom and the Rule of Law.

G. Nettheim — An “Alternative Technology” for Human Rights Protection: Regional Support Structures for Micro-States.

TORTS & CONTRACT

Convenor: J. Keeler (Adel.)

D. Baker — Maladministration and the Law of Torts.

M.P. Ellinghaus — Freeze, Flights and Fight in High Court Contract Judgements.

S. Kneebone — Nuisance and the Defence of Statutory Authority — A Public Tort or a Flexible Concept?

J. Miller — Accident Compensation in New Zealand.

D. Partlett — Tort, Contract and Choice.

C. Phegan — From Compensation to Care — A Change of Direction for Accident Victims?

S. Todd — The Peabody Case.

F. Trindade — The Principles Governing the Recovery of Damages for Negligently Caused Nervous Shock.

WOMEN & THE LAW

Convenor: J. David (Syd.)

M. Thornton — Affirmative Action, Merit and the Liberal State.

(x) Indicates no written paper.