

CELEBRATING 140 YEARS OF ADELAIDE LAW SCHOOL

I INTRODUCTION

It is with great pride that I introduce this special issue of the *Adelaide Law Review* to celebrate the 140th anniversary of the Adelaide Law School. The main body of articles in this special issue were originally presented as part of the School's Law 140: Eminent Speakers Series which took place in 2023. Through the Speakers Series, the Law School honoured the considerable contributions made by individuals who have been pivotal in advancing legal research at our School in recent years and decades.

The history of the Adelaide Law School is told in a number of journal articles,¹ in the book *Law on North Terrace* by Alex Castles, Andrew Ligertwood and Peter Kelly released in its centenary year 1983,² and in John Waugh's new book released in celebration of its 140th anniversary: *Adelaide Law: A History of the Adelaide Law School*.³ This special issue of the *Adelaide Law Review* marks some of the contributions of the Adelaide Law School to legal research across its 140-year history.⁴ It also contains a review of Waugh's new book by Professor Paul Babie, Bonython Chair of Law, who I thank for his leadership of the 140th anniversary commemorations.

In this introduction, I offer some thoughts on the tradition of legal research at the Adelaide Law School on Kaurana country as it has developed over the past

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¹ Richard Arthur Blackburn, 'Law School Curricula in Retrospect' (1983) 9(1) *Adelaide Law Review* 43; RA Blackburn, 'The Law Faculty Centenary Address, 1983' (1983) 9(2) *Adelaide Law Review* 279; Victor Allen Edgeloe, 'The Adelaide Law School 1883–1983' (1983) 9(1) *Adelaide Law Review* 1; Peter Rathjen, '135 Years: Reflections on the Past, Present and Future of Adelaide Law School' (2019) 40(1) *Adelaide Law Review* 47; Matthew Stubbs, 'The *Adelaide Law Review* at (Volume) 40: Reflections and Future Directions' (2019) 40(1) *Adelaide Law Review* 1; John Waugh, 'Controversy and Renown: Coleman Phillipson at the Adelaide Law School' (2021) 42(1) *Adelaide Law Review* 147.

² Alex Castles, Andrew Ligertwood and Peter Kelly (eds), *Law on North Terrace: The Adelaide University Law School 1883–1983* (University of Adelaide, 1983).

³ John Waugh, *Adelaide Law: A History of the Adelaide Law School* (Wakefield Press, 2024).

⁴ Further contributions can be found in the collection of research published to mark the 40th volume of the *Adelaide Law Review*: (2019) 40(1) *Adelaide Law Review*.

140 years, providing context for the articles that follow, and reflect on the future of legal research at the new Adelaide University which will succeed the University of Adelaide in 2026. As is evident from the articles in this edition, the Adelaide Law School has a rich legacy of legal research. On behalf of the current faculty of the School, I extend heartfelt gratitude to all those who have contributed to the success and legacy of the Adelaide Law School over the past century and a half. This special issue is a tribute to their dedication, vision, and enduring legacy.

II LEGAL RESEARCH ON KAURNA COUNTRY

The Adelaide Law School is located on the lands of the Kurna people. The Kurna people, whose ancestors have lived on these lands for thousands of years, have a rich history of law and culture which values the essence of the land. This is enriched with the rituals and legends of the Red Kangaroo Dreaming.⁵ When Europeans colonised the area and named it Adelaide, they adopted their own legal frameworks. As with the rest of Australia, for much of Adelaide's history the laws and beliefs of the local Aboriginal people were largely disregarded. While the intersection between European laws and those of Australia's Indigenous people is not explicitly acknowledged by the papers in this special issue, it is vital to recognise the indispensable voices of Indigenous people in the School's research endeavours, and the School's tradition of research on issues affecting Aboriginal and Torres Strait Islander peoples.

Professor Irene Watson was the first Aboriginal PhD graduate of the Law School, and from 2016 to 2023 she was the inaugural Pro Vice Chancellor (Aboriginal Leadership and Strategy) and David Unaipon Chair at the University of South Australia. She made significant contributions with her groundbreaking doctoral thesis on First Nations law and the lasting impacts of colonialism, which earned her the Law School's prestigious Bonython Prize in 2000. Her seminal work *Aboriginal Peoples, Colonialism, and International Law: Raw Law*, published in 2015,⁶ examined the ongoing tensions between Indigenous and non-Indigenous legal systems. Andrea Mason OAM is another distinguished Aboriginal graduate of Adelaide Law School, whose many contributions include service as a Commissioner of the *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*.

Sir Richard Blackburn OBE held the Bonython Chair in Law and served as Dean of Law from 1950 to 1957, and continued as a part-time member of faculty until 1965 when he was appointed a Justice of the Supreme Court of the Northern Territory.⁷

⁵ Waugh, 'Adelaide Law: A History of the Adelaide Law School' (n 3) preface 1.

⁶ Irene Watson, *Aboriginal Peoples, Colonialism, and International Law: Raw Law* (Routledge, 2015).

⁷ He later served as Justice of the Federal Court of Australia, and Justice and Chief Justice of the Supreme Court of the Australian Capital Territory: Richard Refshauge, 'Sir Richard Arthur (Dick) Blackburn (1918–1987)' in *Australian Dictionary of Biography*, vol 17 (Melbourne University Press, 2007).

In that capacity, Blackburn J decided *Milirrpum v Nabalco Pty Ltd* ('Gove Land Rights Case').⁸ Although his Honour's ruling was against the Yolngu claimants, the judgment's acceptance that Yolngu law was 'a subtle and elaborate system highly adapted to the country in which the people led their lives, which provided a stable order of society and was remarkably free from the vagaries of personal whim or influence'⁹ was a watershed moment for the understanding of Aboriginal law in the Australian colonial legal system. Justice Blackburn took important steps down the path the High Court of Australia would tread 20 years later in *Mabo v Queensland (No 2)*.¹⁰

Professor James Crawford AC SC FBA was a member of the academic staff of Adelaide Law School from 1977 until 1986, and would later hold the Whewell Professorship in International Law at the University of Cambridge and become the second Australian elected as a judge of the International Court of Justice.¹¹ In 1982, he was appointed as the Commissioner in Charge of the Australian Law Reform Commission's ongoing inquiry into the Recognition of Aboriginal Customary Laws.¹² The final Report of the inquiry that Crawford had led contained a nuanced consideration of the proper place of Aboriginal customary law in a wide range of legal contexts, and has offered valuable guidance for reform in the intervening decades. The Report continues to offer powerful insights to inform future steps in 'the legal system's search for justice in dealing with the Aboriginal people of Australia'.¹³

The *Adelaide Law Review* has also increasingly published the work of First Nations legal scholars,¹⁴ as well as pieces examining issues relating to Aboriginal peoples and the law.¹⁵ Staff of the Adelaide Law School have also undertaken an increasing

⁸ (1971) 17 FLR 141.

⁹ *Ibid* 267.

¹⁰ (1992) 175 CLR 1.

¹¹ See, eg, Rebecca LaForgia and Matthew Stubbs, 'Remembering James Crawford' (2022) 43(1) *Adelaide Law Review* 1, 3.

¹² Australian Law Reform Commission, *Recognition of Aboriginal Customary Laws* (Report No 31, 12 June 1986).

¹³ *Ibid* [1037].

¹⁴ See, eg: Irene Watson, 'Colonial Logic and the Coorong Massacres' (2019) 40(1) *Adelaide Law Review* 167; Andrea Mason, 'Where do a Bird and a Fish Build a House? An Alumna's View on a Reconciled Nation' (2019) 40(1) *Adelaide Law Review* 173.

¹⁵ See, eg: Kishaya Delaney, Amy Maguire and Fiona McGaughey, 'Australia's Commitment to "Advance the Human Rights of Indigenous Peoples Around the Globe" on the United Nations Human Rights Council' (2020) 41(2) *Adelaide Law Review* 363; Lilly Deluca and Katerina Grypma, 'Putting the Law of Burial to Rest: *South Australia v Ken* [2021] SASC 10' (2022) 43(1) *Adelaide Law Review* 211; Peter Devonshire, 'Indigenous Students at Law School: Comparative Perspectives' (2014) 35(2) *Adelaide Law Review* 309; John Eldridge, "'Paperless Arrests': *North Australian Aboriginal Justice Agency Ltd v Northern Territory* (2015) 326 ALR 16' (2016) 37(1) *Adelaide Law Review* 283; Martin Hinton, 'A Bail Review' (2019) 40(1) *Adelaide Law Review*

number of research projects addressing First Nations legal issues. Looking ahead, notwithstanding the contributions noted above, it is imperative for the Law School to deepen its engagement with Aboriginal communities in its research, and to continue to expand its exploration of the convergence of colonial laws with those of Australia's Indigenous peoples. Aboriginal law is still alive and reflects the lives of living Aboriginal people today. By actively involving Aboriginal communities in research processes, the Law School can ensure that its scholarship reflects the diverse perspectives and lived experiences of Aboriginal peoples.¹⁶ These efforts not only promote a more inclusive research process and more equitable outcomes, but also acknowledge the Indigenous legal traditions that have long been present in this place. Embracing such inclusivity is essential for fostering meaningful reconciliation efforts and advancing towards a more just and inclusive legal system that respects and honours the rights and sovereignty of Australia's first peoples.

III THE TRADITION OF LEGAL RESEARCH AT THE ADELAIDE LAW SCHOOL

Legal education at the Adelaide Law School began in 1883, more than 140 years ago. Established as the second fully operational law school in Australia at the time, following the University of Melbourne's lead, it has since played a significant role in legal education within Australia.¹⁷ Throughout its history, the Adelaide Law School has been deeply connected through its teaching and research to the courts, government and the legal profession, and that connection has influenced the impactful research which has been a signature strength of the School. In the early 20th century, Professor (William) Jethro Brown, who was appointed Chair of

187; Martin Hinton, 'Another Bail Review' (2019) 40(3) *Adelaide Law Review* 627; Martin Hinton, 'A Final Bail Review' (2020) 41(2) *Adelaide Law Review* 625; Serah Kang, 'Hearing Friendly Voices: A Case for Increased Indigenous Constitutional Intervention before the High Court of Australia' (2023) 44(2) *Adelaide Law Review* 532; Justice MD Kirby, 'TGH Strehlow and Aboriginal Customary Laws' (1980) 7(2) *Adelaide Law Review* 172; Justice Michael Kirby, 'Black and White Lessons for the Australian Judiciary' (2002) 23(2) *Adelaide Law Review* 195; SD Lendrum, 'The "Coorong Massacre": Martial Law and the Aborigines at First Settlement' (1977) 6(1) *Adelaide Law Review* 26; Henry Materne-Smith, 'All is Fair in Love and Remote Indigenous Communities? *ASIC v Kobelt* (2019) 368 ALR 1' (2020) 41(1) *Adelaide Law Review* 325; Marina Nehme and John Juriansz, 'The Evolution of Indigenous Corporations: Where to Now?' (2012) 33(1) *Adelaide Law Review* 101; Holly Nicholls and Eleanor Nolan, 'Calculating Cultural Loss and Compensation in Native Title: *Northern Territory v Griffiths* (2019) 364 ALR 208' (2019) 40(3) *Adelaide Law Review* 879; Sandra Pruijm, 'Ethnocide and Indigenous Peoples: Article 8 of the Declaration on the Rights of Indigenous Peoples' (2014) 35(2) *Adelaide Law Review* 269; Flynn Wells, 'Heartbeat in the High Court: *Love v Commonwealth* (2020) 375 ALR 597' (2020) 41(2) *Adelaide Law Review* 657.

¹⁶ Marcia Langton and Aaron Corn, *Law: The Way of the Ancestors* (Thames and Hudson, 2023).

¹⁷ Castles, Ligertwood and Kelly (n 2) 5.

Law at the University of Adelaide in 1906, extolled the importance of the teaching research nexus, noting, '[o]nly by constantly learning himself can a teacher hope to make true learners of others.'¹⁸ Brown was also the first of the Law School's professors to publish on legal education, a tradition that continues through the work of the Research Unit on Law and Education.

Until the 1960s, law at Adelaide was taught by a sole Chair of Law with the support of legal practitioners. As a result, the workload of the Chair of Law was heavy, and the contribution of incumbents to legal scholarship varied in scope. However, there was much important scholarship during this time and Adelaide Law School gained an international reputation in the early 20th century through the work of its professors. Sir John Salmond, Chair of Law from 1897 to 1906, for whom the law library is named, authored important works including *Jurisprudence, or the Theory of the Law*, published in 1902,¹⁹ and *The Law of Torts*, published in 1907.²⁰ His successor Jethro Brown had an established reputation when appointed as Chair of Law,²¹ and he continued to publish during his tenure at Adelaide, including *The Underlying Principles of Modern Legislation* in 1912 and *The Prevention and Control of Monopolies* in 1915.²²

Research in the Adelaide Law School community in the 1920s, 1930s and 1940s largely flourished through the work of its students.²³ It was during this period that the Doctorate of Laws ('LLD') became a research degree, after being established in 1885 as a relatively practical qualification requiring the completion of an essay and passing of an examination. The Law School encouraged research through the LLD, the Master of Laws and the Bonython Prize for legal research.²⁴ Adelaide scholars made substantial contributions to Australian constitutional law at this time. Donald Kerr's 1919 doctoral thesis on 'The Judicial Interpretation of the Constitution of the

¹⁸ W Jethro Brown, 'Law Schools and the Legal Profession' (1908) 6 *Commonwealth Law Review* 3, 12.

¹⁹ John W Salmond, *Jurisprudence, or the Theory of the Law* (Stevens and Haynes, 1902).

²⁰ John W Salmond, *The Law of Torts: A Treatise on the English Law of Liability for Civil Injuries* (Stevens and Haynes, 1907).

²¹ See, eg, Castles, Ligertwood and Kelly (n 2) 19, 21.

²² W Jethro Brown, *The Underlying Principles of Modern Legislation* (John Murray, 1912); W Jethro Brown, *The Prevention and Control of Monopolies* (EP Dutton 1915).

²³ Coleman Phillipson, Professor of Law from 1920 to 1925, was a distinguished international lawyer prior to arriving in Adelaide, but did not produce research of significance before his resignation from the University: see Waugh, 'Controversy and Renown: Coleman Phillipson at the Adelaide Law School' (n 1). Arthur Campbell, Bonython Chair in Law from 1926 to 1949, had no law degree, and is thought not to have published any research during his long tenure: see Blackburn, 'The Law Faculty Centenary Address, 1983' (n 1) 286–7.

²⁴ See, eg, Edgeloe (n 1) 28–9.

Commonwealth²⁵ was published as a book, *The Law of the Australian Constitution* in 1925.²⁶ Kerr's work was followed by William Anstey Wynes, whose 1933 thesis,²⁷ first published as *Legislative, Executive and Judicial Powers in Australia* in 1936,²⁸ went on through its four subsequent editions to become the leading Australian constitutional law text of its time.²⁹

The tradition of international law scholarship has been one of the great contributions of the Adelaide Law School. This was significantly shaped by the influence of Daniel P O'Connell who was appointed Reader in 1953 and subsequently to a personal Chair in International Law. O'Connell remained at Adelaide until his appointment as Chichele Professor of Public International Law at the University of Oxford in 1972. His work published during his time at Adelaide included *State Succession in Municipal Law and International Law* (1967),³⁰ and *Richelieu* (1968).³¹ His later works, partially written at Adelaide and continued at Oxford, included *The Influence of Law on Sea Power* (1975),³² and *The International Law of the Sea* (1982) (published posthumously after his untimely death in 1978).³³ The latter works remain well known and widely consulted to this day. O'Connell's teaching at Adelaide greatly influenced his students,³⁴ and he has been succeeded by an impressive group of international lawyers, including Ivan Shearer,³⁵ James Crawford (later the second Australian judge elected to the International Court of

²⁵ Donald Kerr, 'The Judicial Interpretation of the Constitution of the Commonwealth' (LLD Thesis, University of Adelaide, 1919).

²⁶ Donald Kerr, *The Law of the Australian Constitution* (Law Book, 1925).

²⁷ William Anstey Wynes, 'The Legislative and Executive Powers of the Commonwealth and States under the Commonwealth of Australia Act' (LLD Thesis, University of Adelaide, 1933).

²⁸ W Anstey Wynes, *Legislative, Executive and Judicial Powers in Australia* (Law Book, 1936).

²⁹ P Brazil, 'Legislative, Executive and Judicial Powers in Australia by W Anstey Wynes, LLD, of the South Australian Bar' (1977) 8(3) *Federal Law Review* 371. In contrast, and perhaps uncharacteristically, John Bray's 'Bankruptcy and the Winding Up of Companies in Private International Law' (LLD Thesis, University of Adelaide, 1937) was not subsequently published, and Michael Kirby notes that Bray 'later admitted ruefully that he had never once been able to put his thesis, for which he was awarded the rare LLD degree, to practical use': Michael Kirby, 'Book Review: John Jefferson Bray — A Vigilant Life' (2016) 37(2) *Adelaide Law Review* 537, 539.

³⁰ DP O'Connell, *State Succession in Municipal Law and International Law* (Cambridge University Press, 1967) vol 1–2.

³¹ DP O'Connell, *Richelieu* (Weidenfeld and Nicolson, 1968).

³² DP O'Connell, *The Influence of Law on Sea Power* (Manchester University Press, 1975).

³³ DP O'Connell, *The International Law of the Sea*, ed IA Shearer (Clarendon Press, 1982–84) vol 1.

³⁴ IA Shearer, 'Daniel Patrick O'Connell (1924–1979)' in *Australian Dictionary of Biography*, vol 15 (Melbourne University Press, 2000).

³⁵ See, eg, the tributes collected in (2019) 40(2) *Adelaide Law Review*.

Justice), Hilary Charlesworth (later the third Australian judge elected to the International Court of Justice), Judith Gardam, Dale Stephens, Rebecca LaForgia, and Matthew Stubbs.³⁶

The steady expansion of the Adelaide Law School's academic staff (and students) from the 1950s onwards means that its research contributions have become substantially broader. The pieces in this special issue provide insights into some of the key contributions that the Adelaide Law School's research has made. The holders of Adelaide Law School's Research Chairs give another indication of some of the key contributors. The Bonython Chair in Law³⁷ was established in 1926 as part of the Golden Jubilee celebrations of the University of Adelaide.³⁸ It would later be followed by the John Bray Chair,³⁹ established in 1990,⁴⁰ and the Dame Roma Mitchell Chair,⁴¹ established in 2007. The 1960s also saw the establishment of the *Adelaide Law Review* under the initial leadership of Dean Norval Morris and Alex Castles. The *Review* has evolved over its 60 plus year history with a shift to a focus on the publication of more 'extensive and holistic examinations of areas of law informed by a greater theoretical critique', reflecting 'an increasing maturity and broadening perspective in the legal scholarship published in the *Review*'.⁴²

This special issue serves as a testament to the Adelaide Law School's enduring legacy in legal research and its continued relevance in a rapidly evolving legal landscape. Through a diverse array of scholarly contributions, this special issue

³⁶ See, eg, Stubbs (n 1) 9.

³⁷ The Bonython Chair in Law has been held by:
Arthur Campbell (1926–49)
(Sir) Richard Blackburn (OBE) (1950–57)
Norval Morris (1958–61)
Arthur Rogerson (1964–78)
Alexander Castles (1982–94)
Adrian Bradbrook (1996–2011)
Ngaire Naffine (2012–20)
Melissa de Zwart (2021)
Paul Babie (2021 to present).

³⁸ Edgeloe (n 1) 28.

³⁹ The John Bray Chair has been held by:
Marcia Neave (AO) (1990–91)
Adrian Bradbrook (1991–95)
Hilary Charlesworth (AM) (1995–98)
Paul Fairall (2002–06)
Andrew Stewart (2007 to present).

⁴⁰ See, eg, Ian Leader-Elliott, 'Norval Morris and the "New Manslaughter" in the *Adelaide Law Review*' (2019) 40(1) *Adelaide Law Review* 75, 86 n 79.

⁴¹ The Dame Roma Mitchell Chair has been held by:
Rosemary Owens AO (2007–15)
John Williams AM (2015 to present).

⁴² Stubbs (n 1) 6.

explores the historical significance of Adelaide Law School's research, celebrates its achievements, and reflects on its enduring values and principles.

IV ARTICLES PUBLISHED IN THIS SPECIAL ISSUE

The articles featured in this special issue encompass a wide spectrum of legal scholarship, situating the Adelaide Law School in its historical context, demonstrating its strengths in both common law and critical analysis, and addressing Adelaide Law School's ongoing relationship to South Australia and to the reform of the law in its home State. Each contribution offers a unique perspective on the Adelaide Law School's legacy and its enduring impact on legal scholarship.

Bookending this special issue are two distinguished addresses — delivered, respectively, to new students at the commencement of Adelaide Law School's 140th year, and to graduating students who completed their degrees at the end of its 140th year. In his opening oration, Justice Mark Livesey, President of the Court of Appeal of South Australia, explores the founding of the Adelaide Law School, its enduring connections with the legal profession in South Australia, its ongoing role in promoting law reform, and reflects on the contributions of some of its exceptional alumni. Drawing upon anecdotes and achievements from graduates who have gone on to careers ranging from the judiciary to politics to the media, his Honour emphasises the diverse opportunities available to Adelaide Law School graduates, and their capacity to make a positive contribution to society.

Adrian Tembel's graduation oration highlights the importance of Adelaide Law School's graduates to South Australia and its community. A passionate advocate for the possibilities that lie ahead for South Australia, Tembel highlights the role that Adelaide Law School has played as 'a vital source of strength' for its home State, and encourages graduates to pursue opportunities to contribute to the building of a prosperous future for South Australia. There is considerable synergy between Adrian's oration and the strategic ambition of the new Adelaide University to 'enable South Australia to thrive'.⁴³

This special issue also features a book review by Paul Babie of John Waugh's *Adelaide Law: A History of the Adelaide Law School*.⁴⁴ This serves as a fitting introduction to Waugh's important new work, one which I hope will give readers a sense of the value of this new history of the Adelaide Law School. I encourage everyone associated with the School to read Waugh's book and reflect on the contributions made by the Adelaide Law School over its first 140 years, taking both inspiration and guidance for the future.

⁴³ 'A New for Purpose University: For a Better Australia', *Adelaide University* (Report, 2024) 11 <<https://adelaideuni.edu.au/siteassets/docs/au-strategic-ambition-and-direction-2024-34.pdf>>.

⁴⁴ Waugh, *Adelaide Law: A History of the Adelaide Law School* (n 3).

Adelaide Law School's proud tradition of scholarship in legal history is continued by Emeritus Professor Wilfrid Prest's contribution 'Law Reform and Legal Change in Augustan England'. He provides an overview of how law reform has been viewed by the historians of early modern England, noting how the English Civil Wars of the 1640s had subjected the legal structure at the time to an unprecedented level of criticism and agitation for progressive change. Prest concludes with a brief assessment of the attempts to reform English law between the Glorious Revolution of 1688–89 and the ultimate accession of King George III in 1760. Law reform remains an equally important task today, and one to which Adelaide Law School has made substantial contributions over its 140 years, a proud tradition now carried on by the South Australian Law Reform Institute based at the School.⁴⁵

The theme of reform continues in Emeritus Professor Christopher Symes' contribution 'Theory and Influences Found in Australian Insolvency Law'. He reflects on some of the influences on insolvency law from the 19th century until today, and the ways in which the alumni of the Adelaide Law School have contributed to these developments. Starting with a brief exploration of the theoretical position of insolvency law in Australia, Symes also goes beyond the State border to consider the many others who have influenced Australian insolvency law and practice, which is now considered one of the world's best examples in this area of law.

Insolvency is also the focus of Andrew Keay's contribution 'The Impact of *Sequana* on the Directors' Obligation to Consider Creditor Interests in Financially Distressed Companies: Was it Worth the Wait?' Keay, an LLB graduate of Adelaide Law School and now Professor at the University of Leeds, explores the United Kingdom Supreme Court's long-awaited and wide-ranging judgment in *BTI 2014 LLC v Sequana SA*,⁴⁶ its first regarding the obligation of directors to consider creditor interests when their company is in financial distress. Reviewing the main points decided in *Sequana*, and the plethora of earlier related cases in both Australia and the United Kingdom, Keay identifies the exact impact of the judgment on the law as it relates to directors' obligations and investigates whether the wait for the judgment has been worth it.

Emeritus Professor Geoffrey Lindell AM and the Honourable Christopher Sumner AM then take us in the direction of public law with their contribution 'The Suggested Effect of a South Australian Parliamentary Vote of No Confidence in a Minister: Is it Uncertain?' They examine how Westminster parliamentary principles — especially collective responsibility and responsible government — apply in the political systems of the Australian Commonwealth. In particular, Lindell and Sumner consider the potential consequences of a South Australian parliamentary vote of no confidence in a single Minister, including whether or not the Minister would be expected to resign. This piece also reminds us of the enduring contribution made by Adelaide Law School to constitutional law scholarship.

⁴⁵ A special forum marking the first decade of the South Australian Law Reform Institute is published in (2022) 43(1) *Adelaide Law Review*.

⁴⁶ [2022] 3 WLR 709.

In one of two important conceptual pieces, Emerita Professor Rosemary Owens AO examines the question ‘Are Labour Rights Human Rights?’ She explores the conventions, protocols, and recommendations of the International Labour Organization in order to situate its work within the wider body of human rights discourse. Building on the historical similarities between the areas of labour law and human rights law, Owens argues that there can be a productive interaction between labour law and human rights, and that labour rights are — and should be conceived of as — human rights. She concludes with a reflection on the implications of this for the future of legal education in Australia, reminding us of the essential relationship between teaching and research.

Emerita Professor Ngaire Naffine in her piece ‘Policing the Legal Person: How John Finnis and Other Jurisprudential Figures Continue to Unperson Women’ reflects on the history of how the common law has regarded legal personhood, and in particular its failures to recognise women’s legal personhood. Drawing upon the institutional hurdles faced by the historical movements to recognise women as legal persons, as demonstrated by past case law such as the ‘Persons Cases’, Naffine examines how this forms part of the wider failure to recognise and evaluate entrenched patriarchy in our law, jurisprudence, and academic commentary. She reminds us of the importance of a critical lens in legal analysis, and mounts a compelling case for a continuing focus in legal scholarship on women as legal persons.

V CONCLUSION

As we celebrate our 140th anniversary, we also look towards the future with a renewed commitment to legal research and scholarship that contributes to creating just and equitable legal and regulatory solutions to the challenges that face society globally. The Adelaide Law School’s 140-year history serves as a source of inspiration for the future, reminding us of the enduring importance of legal scholarship in building more robust legal frameworks, and a more just and equitable society. When we commenced the celebration of our 140th anniversary, the University of Adelaide was in discussions with the University of South Australia to explore the feasibility of the merger of the two institutions,⁴⁷ in response to the policy which had been adopted by the State Government to explore university amalgamations in South Australia.⁴⁸ The two University Councils reached agreement in June 2023 and the legislation to establish the Adelaide University was passed in December 2023.⁴⁹

⁴⁷ ‘Statement of Cooperation on Creating a New University for the Future in South Australia’, *Adelaide University* (Statement, December 2022) <<https://adelaideuni.edu.au/siteassets/docs/future-university-statement-of-cooperation.pdf>>.

⁴⁸ ‘A South Australian University Merger: For the Future’, *South Australian Labor* (Policy Document, 2023) <<https://sa.alp.org.au/wp-content/uploads/2023/07/South-Australian-University-Merger.pdf>>.

⁴⁹ *Adelaide University Act 2023* (SA). Most of the Act entered into force on 8 March 2024: ‘Adelaide University Act (Commencement) Proclamation 2023’ in South Australia, *South Australian Government Gazette*, No 90, 14 December 2023, 4129, 4135.

The Adelaide Law School now looks forward to a new era as part of the Adelaide University, building on our 140-year tradition of legal scholarship and excellence, contributing to legal and multi-disciplinary research that strengthens and diversifies the South Australian and national economies, and contributes to finding solutions to the array of complex and pressing problems that face society globally. Legal research is crucial to finding solutions to the challenges of sustainability, economic security, societal wellbeing and effective deployment of technology and innovation and to shaping a future we can look forward to while leaving a history of which to be proud.