

Welcome to the fourth Newsletter for 2024.

## Congratulations

Please join me in warmly congratulating Academy Fellow **Ms Rowena Orr SG KC** who has been appointed as a Judge of the Court of Appeal of Victoria, with effect from 18 April 2024. **Ms Orr** was appointed Solicitor-General of Victoria in 2021.

## 2024 AAL First Nations Scholarship

The Australian Academy of Law again offered the AAL First Nations Scholarship tenable in 2024 for a First Nations final year law student.

The successful applicant was UNSW student **Mr Kyle Fox**, a proud Wiradjuri man currently in his final year at UNSW studying for a Bachelor of Law and Criminology and Criminal Justice.

The amount of the award is A\$5000.

The AAL will also offer him a Fellow as a mentor.

Please join me in congratulating **Mr Kyle Fox**.

The selection panel was **Justice Tony Besanko**, Federal Court of Australia (Chair); **Justice Louise Taylor**, Supreme Court of the Australian Capital Territory; and **the Hon Kevin Bell AM KC**, former judge of the Supreme Court of Victoria, former Commissioner, Yoo-rook Justice Commission, Victoria. I thank each of them.

## Vale

I note with sadness the death of former Fellow **Emeritus Professor Jim Davis**, a member of the ANU College of Law community from 1968-2024. His publications included *The Law of Contract* (with Professor Don Greig, 1987) and *Law of Torts* (with Dr Rosalie Balkin, fifth edition 2013).

His life and achievements were celebrated on 21 March 2024 at Symposium by University House, Acton, ACT.

Please join me in extending our condolences to Jim Davis's family.

## AAL Annual Report for 2023

The AAL's fourth annual report has been prepared and will be published very shortly. I thank **Ms Kerrie Douglass** for her work on the text and **Dr Trischa Mann** for her editorial work. Once published, the Report will be available on the AAL's website. A limited number of paper copies will also be printed.



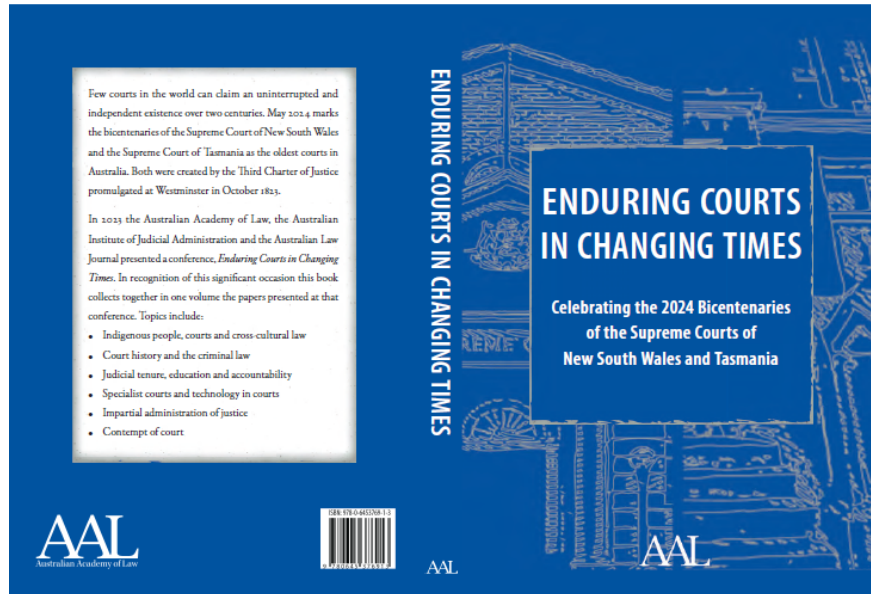
## Publication of the proceedings of the joint event with the AIJA and the ALJ: *Enduring Courts in Changing Times*

The conference was sponsored by the Australian Academy of Law, the Australasian Institute of Judicial Administration (AIJA) and the Australian Law Journal (ALJ).

The organising committee for the conference was **Chief Justice Alan Blow AO**, **Justice Julie Ward**, **Justice François Kunc (ALJ)**, **Justice Geoff Lindsay**, **Justice Steven Rares**, **Justice Murray Aldridge**, **Emeritus Professor David Barker AM**,

**Mr Andrew W Smith** of the New South Wales Bar, **Alison MacDonald (AIJA)** and me.

The AAL has now, with the excellent work of **Dr Trischa Mann**, edited the papers for publication in book form.



Its Contents page is as follows.

*Friday 8 September 2023*

**Part I: Conference Opening Address**

The Creation of the Supreme Courts of New South Wales and Van Diemen's Land

**Chief Justice Susan Kiefel**

*Saturday 9 September 2023*

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**Uncle Michael West**

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Comparative Perspectives: Engaging Productively Across Legal Orders

**Val Napoleon**

Welcoming Courts to Country

**Justice Joe Williams**

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**Marcelle Burns**

Responses and Q&A: Courts, Legal Systems and the Indigenous People

**Kate Warner** and **Tim McCormack**

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**Bruce Kercher**

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**Stefan Petrow**

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**David Barker**

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**Chief Justice Alan Blow**

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**Malcolm Schyvens**

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**Gregory Woods KC**

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[Hamish Maxwell-Stewart](#)

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My Predecessors: A Dégustation of Chief Justices

[Chief Justice Andrew Bell](#)

*Sunday 10 September 2023*

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[Michael Tidball](#)

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Commentary

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Commentary

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Judicial Education

[Una Doyle](#)

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[Andrew Mowbray](#), [Philip Chung](#) and [Graham Greenleaf](#)

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[Justice Robert Beech-Jones](#)

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In Praise of Legal Parochialism: On Why I Read the Decisions of Specialist Courts

[Liz Fisher](#)

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[Brian Opeskin](#)

**Part XI: Impartial Administration of Justice**

Judicial Impartiality

[Justice Sarah Derrington](#)

Judicial Impartiality: Historical Perspectives

[The Hon Keith Mason](#)

**Part XII: Contempt of Court**

Contempt of Court and the Media

[David Rolph](#)

**Part XIII: Conference Closing Address**

Closing Address

[Her Excellency Margaret Beazley](#)

The book has 34 chapters and is 478 pages.

In my view it is a work of substantial scholarship and I commend it to you.

We are aiming to publish within the next 2 weeks. Fellows will be notified when the book is available and how to buy a copy.

## Publication of selected papers of the Hon James Allsop AC SC

The AAL has again joined with **The Federation Press**, this time to publish a selection of the papers of **the Hon James Allsop AC SC**, the former Chief Justice of the Federal Court of Australia and who was such a strong supporter of the AAL during his term of office.

**Dr Ruth Higgins SC** and **Kevin Connor SC** are the editors of the volume. They have written the introduction. The manuscript has been delivered to the Federation Press.

I am pleased to report that **Chief Justice Stephen Gageler AC** has contributed the Foreword. I thank him.

We are aiming to publish the volume in the first half of 2024.

As noted in the June 2023 Newsletter, this publication has been greatly subsidised by Academy Fellow **Alan Archibald KC**. He wrote "On behalf of the Trustee for Alan and Mary-Louise Archibald Foundation, it is with great pleasure that I confirm a grant in favour of the Australian Academy of Law for \$10,000, specifically for funding publication of the Allsop volume and any balance towards the September conference."

## A scheme whereby academics may spend a day with a judge

Fellows may recall a proposal from pre-COVID days whereby the AAL would facilitate academics spending a day with a judge. We have now revived that proposal and will conduct a pilot program, in the first instance in the ACT.

A small number of academics in the ACT have expressed interest and I hope the program will now get under way in 2024.

There is still room for further expressions of interest. Please contact the Secretariat.

## Donations

Please consider making a donation to the AAL's charitable purposes via the Public Fund, which has DGR status. Donations may be made via the website:

<https://academyoflaw.org.au/Donations>

## Your contact details

Please contact the AAL Secretariat as soon as possible if your contact details change or if your profile changes. The email address is:

[AALSecretariat@academyoflaw.org.au](mailto:AALSecretariat@academyoflaw.org.au)

## Forthcoming events

### Aspects of Commercial Arbitration Adelaide 8 May 2024 – 5.00PM

The AAL has organised this free public event with the University of Adelaide and the Resolution Institute.

**The venue** is Level 5, Ligertwood (Adelaide Law School) Building, The University of Adelaide.

The speakers will be:

**Ms Julia Dreosti**, Counsel, Clifford Chance

**The Hon Kevin Lindgren AM KC**, arbitrator and Past President, Australian Academy of Law

**Mr Peter Kassapidis**, lecturer and course coordinator of the Professional Certificate in Arbitration (the joint venture between Resolution Institute and the University of Adelaide)

Commentary will be by **Mr Brendon Roberts KC** of the South Australian Bar.

The chair will be **the Hon Tony Besanko**, Deputy President of the AAL.

Public Event Adelaide | In person and Online

**AAL** Australian Academy of Law

**THE UNIVERSITY OF ADELAIDE**

**Resolution Institute**

**ASPECTS OF COMMERCIAL ARBITRATION**

Co-Sponsored by the Australian Academy of Law, the University of Adelaide and the Resolution Institute

Date: 8 May 2024  
Time: 5:00pm – 6:30 pm  
Place: Level 5, Ligertwood (Adelaide Law School) Building, The University of Adelaide, North Terrace – and online - this is a free public event and a link will be provided prior

The AAL has organised this free public event with the University of Adelaide and the Resolution Institute on arbitration.

The topics covered will include:

- arbitration v litigation to resolve disputes
- early case clarity and case management
- bridging the gap between arbitration theory and practice
- the structure of the arbitration legislation
- appeals from arbitral awards

**The speakers will be:**

**Ms Julia Dreosti**, Counsel, Clifford Chance

**Mr Peter Kassapidis**, lecturer and course coordinator of the Professional Certificate in Arbitration (the joint venture between Resolution Institute and the University of Adelaide)

**The Hon Kevin Lindgren AM KC**, arbitrator and Past President, Australian Academy of Law

The commentary will be by **Mr Brendon Roberts KC** of the South Australian Bar

The event will be chaired by the **Hon Tony Besanko KC**, Deputy President of the AAL

Please join us for light refreshments after the presentation

This event may qualify for CPD points - please contact your local regulatory body

## Queensland events

**11 July 2024** - Brisbane event in conjunction with the Current Legal Issues Series by the Bar Association of Queensland, the Supreme Court Library Queensland and the University of Queensland

**Youth Justice in Queensland: Professor Tamara Walsh**, The University of Queensland, TC Beirne School of Law; **Natalie Lewis**, Commissioner of the Queensland Family and Child Commission; Magistrate **Eoin Mac Giolla Ri**, Beenleigh Magistrates Court **Damian Bartholomew**, Youth Advocacy Centre and chaired by Her Honour **Judge Deborah Richards**, President of the Childrens Court of Queensland

**1 August 2024** – Brisbane event

**The role and running of Commissions of Inquiry: the Hon Catherine Holmes AC, the Hon Margaret White AO and Emeritus Professor Peter Coaldrake**, with an introduction by **the Hon Justice Peter Applegarth**

**31 October 2024** – Brisbane event

**Patron's address** by **the Hon Chief Justice Helen Bowskill, Brisbane**

## Northern Territory

3 October 2024 – the Austin Asche Oration, Darwin - **Dr Anna Cody**, Sex Discrimination Commissioner. This annual event is co-hosted with Charles Darwin University.

## Recent events

**NSW Event Thursday 18 April 2024 5:00 PM**  
**In conversation with Overseas Fellow Desmond Browne CBE KC**

**Desmond Browne** is well known to many Fellows as he has strong Australian connections and is a frequent visitor here. He is a former Chairman of the Bar, former Treasurer of Gray's Inn and former Joint Head of Chambers at 5RB for 19 years (with Justin Rushbrooke KC). In the Queens' Birthday Honours List 2020, he was appointed Commander of the Order of the British Empire (CBE) for services to the Inns of Court and diversity at the Bar. His practice centred on media law, particularly defamation and privacy.

The conversation at this very enjoyable event ranged from defamation, privacy, and diversity in the profession and on the courts. I thank **Desmond Browne** for his participation.



*From left to right: Mr Michael Murray, Mr Stephen Lloyd SC, Mr Desmond Browne CBE KC and the Hon Ruth McColl AO*

**ACT event 23 April 2024 5:00 PM, AEST**  
**Michael Coper Roundtable**

**At the High Court of Australia, Parkes, Canberra**  
In Person Event Canberra - Fellows Only

**Presentation on Genocide and the International Court of Justice** by **Professor Donald Rothwell**.

Professor Rothwell discussed three cases presently running in the International Court of Justice (ICJ):

1. *Ukraine v. Russian Federation*, dealing with Russia's allegation that genocide was taking place in Ukraine; and Ukraine's proceedings brought to counter that claim;
2. *South Africa v. Israel*, alleging that Israel is committing acts of genocide against Palestinian peoples in Gaza; and
3. *Nicaragua v. Germany*, alleging that Germany is supporting acts of genocide by supplying Israel with military assistance and suspending aid.

The event was chaired by **Emeritus Professor Stephen Bottomley**.

17 Fellows heard **Professor Rothwell** explain these cases, brought under the 1948 Convention on the

Prevention and Punishment of the Crime of Genocide. He made the point that it is unprecedented for the ICJ to be involved in these high profile genocide cases. He also discussed the 32 interventions, including Australia's, in the Ukraine case and the issue of Provisional Measures.



*Emeritus Professor Stephen Bottomley (left) and Professor Donald Rothwell.*

The first two cases will now proceed to the merits phase.

The lively questions and comments, particularly by the international lawyers in the group, and the size of the group, made this a most rewarding seminar.



I gave a short introduction bringing Fellows up to date with the very recent activities of the Academy and the events planned over the next 6 months.

I thank **Professor Rothwell** and the members of the ACT Organising Committee, **Professor Stephen Bottomley**, the **Hon Mary Finn**, **Mr Ian Govey AM** and **Mr Russell Miller AM**.

I also thank **Chief Justice Stephen Gageler** for permitting us to use the level 6 area of the High Court building for the event.

A handwritten signature in blue ink, which appears to read 'A. Robertson'.

Alan Robertson  
President

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