

## ANNUAL ESSAY PRIZE

The winner of the Academy's Annual essay Prize for 2018 is Ms Ashleigh Mills, who is a solicitor employed at Holding Redlich in Sydney.

The prize (of \$10,000) will be presented to Ms Mills at the Academy's book launch event to be held on 28 November (see under "Forthcoming Events" below).

The Academy is much indebted to the Judging Panel comprising Professor the Hon William Gummow AC QC (Chair), Ms Kate Eastman SC and Professor James Stellios for their work in judging the essays.

## ANNUAL GENERAL MEETING

The annual general meeting of the Academy was held at the Federal Court in Melbourne immediately prior to the Patron's Address at the same location (see under "RECENT EVENTS" below).

The following were elected as directors and to the particular offices where shown

### President

The Hon Kevin Lindgren AM QC

### Deputy President

The Hon Justice Alan Robertson

### Treasurer

The Hon Justice John Digby

### Other Directors

Emeritus Professor David Barker AM

(Hon Secretary and Public Officer)

The Hon Justice Martin Hinton

Professor Paul Fairall

Professor Bee Chen Goh

Professor Brian Opeskin

Emeritus Professor Michael Coper AO

Emeritus Professor Ralph Simmonds

Professor Les McCrimmon

Mr Michael Murray

Dr Nuncio d'Angelo  
Professor Gino Dal Pont  
Mr Russell Miller AM

*Dame Sian Elias GNZM PC QC and members of the Academy at the AGM*



As was noted at the Annual General Meeting, Professor Croucher did not stand again for the office of Director due to her having assumed the role of Chair of the Asia Pacific Forum of National Human Rights Institutions (in addition to her responsibilities as President of the Australian Human Rights Commission). The President noted with thanks the indebtedness of the Academy to Professor Croucher for the major contribution that she has made as a Director. The meeting welcomed as a new Director Professor Gino Dal Pont of the University of Tasmania Law School.

## RECENT EVENTS

The following gives, in chronological sequence, a brief account of the many Academy events that have occurred since the last Newsletter was issued on 2 October.

### TASMANIA

The annual Tasmanian Academy of Law lecture was held at the University of Tasmania Law

School on the evening of 2 October. Prof Tim McCormack, the new Dean of the Law School and Fellow of the Academy delivered the lecture entitled 'Between a Rock and Hard Place: Are we



*Chief Justice Blow introducing the lecturer and then Professor Dianne Nicol and Professor Tim McCormack during Q&A*

Asking Too Much of the International Criminal Court?' Professor McCormack provided an overview of how the Court's jurisdiction works and explained just how sensitive all the decisions the Prosecutor and the Judges of the Court make really are. 50 people attended the lecture including four of the Tasmanian Fellows of the Australian Academy of Law. Prof Dianne Nicol, Chair of the UTas Academic Senate, Professor of the Law School and Fellow of the Academy facilitated proceedings and the Hon Chief Justice Alan Blow AO, also a Fellow of the Academy introduced the lecturer. Prof Don Chalmers, former Dean of the Law School, Distinguished UTas Professor and a Founding Fellow of the Academy was also in attendance.

## QUEENSLAND

On Thursday 4 October, The Hon Justice Sarah Derrington delivered the lecture for the Queensland event for 2018, and Mr Justin McDonnell, a partner at the Brisbane office of King & Wood Mallesons was the commentator. As usual, the event was held in the Banco Court of the Supreme Court of Queensland. The address was originally to have been delivered by The Hon Philip Cummins AM who, unfortunately, fell ill not long before the event. The Academy appreciates the willingness of Justice Derrington to take on the role of speaker instead of

commentator, and that of Mr McDonnell to come in as commentator at short notice.

The title of Justice Derrington's address was "*Litigation Funding: Access and Ethics*"

The lecture and comments addressed many of the practical issues relevant to the role of litigation funders in the class action context, the benefits that they present, and the difficulties to which (at least according to respondents/defendants) their presence can give rise.

There was an appreciative audience of about 70-80 from which interesting questions were forthcoming.



*From Right to Left: the Hon Justice Douglas, the Hon Kevin Lindgren, the Hon Justice Derrington, Mr Justin McDonnell and Professor Bee Chen Goh*

## SOUTH AUSTRALIA

The Academy held a roundtable at the University of Adelaide on Thursday 11 October. The organisers, Academy Fellows Justice Martin Hinton and Professor Melissa de Zwart, have provided the following account of it for the Newsletter.

The Adelaide members of the AAL hosted a very successful Adelaide Emerging Scholars evening on 11 October 2018 at the Adelaide Law School. Three PhD candidates presented on their work in progress and posed questions to and sought feedback from an audience, which included Martin Hinton, Melissa de Zwart, Kevin Nicholson, Elizabeth Handsley, Andrew Cannon and Tom Gray.

## THE PHD SCHOLARS WERE:

**Emily Ireland** : *An Examination of the Law, Lives and Litigation of Married Women Suing without their Husbands, by a 'Next Friend', in the Eighteenth-century English Court of Chancery.*

Emily's work focuses upon the ways in which the common law mitigated the doctrine of coverture and the importance that married women's participation in litigation played in shaping eighteenth-century English law.

**Patricia Carlisle**: *Between a Rock and a Hard Place: Managing Patients with Impaired Decision-Making Capacity in Emergency Departments*

Patricia's research focuses upon the absence of coverage in the current statutory regime dealing with persons unable to give consent to treatment of protection for medical professionals called upon to treat those who are only temporarily denied the power to make rational decisions.

**John Harrison**: *Superannuation and the Welfare System*

John's focus is upon social justice and the interrelationship between the superannuation and tax transfer systems. The students found the experience and the feedback from the audience very useful and it is likely that this event will be expanded next year.



*The emerging scholars with Dr Andrew Cannon AM, The Hon Tom Gray QC, Justice Martin Hinton, Professor Melissa de Zwart and Justice Kevin Nicholson.*

## VICTORIA

The Patron's Address for 2018 was delivered in Melbourne on Thursday 18 October by Dame

Sian Elias GNZM PC QC, Chief Justice of New Zealand.



*Dame Sian Elias GNZM PC QC and the Hon Chief Justice James Allsop.*

There was an audience of about 80 in Court One of the Federal Court.

The title of the Chief Justice's Address was "*Back to the future? How local history, customs and traditions are still shaping our legal orders*".

The lecture compared and contrasted the responses to indigenous laws and customs that have occurred in Canada, New Zealand and Australia.

A transcript of the lecture will soon be available on the Academy's website.

There was much discussion of the issues raised over refreshments immediately following the event.

This was the first time that the Patron's Address had been given elsewhere than in Sydney and it was successful in every respect.

Next year the Patron's Address will be given in Brisbane by Chief Justice Kiefel.

## FORTHCOMING EVENTS

### WESTERN AUSTRALIA – Thursday 8 November

On Thursday 8 November a roundtable for Fellows will be held in Perth at the Curtin Law School at which Professor Paul Fairall, Dean of the Law School, will speak on "*Criminal Law for a continent? I don't think so*".

Professor Fairall will address the complexities that we face as a nation arising from our nine

overlapping criminal law jurisdictions: six States, two Territories, and the Commonwealth.

He will then question whether there is a role for the Academy in nation building law reform in this area.

A flyer for the event can be viewed [at this link](#).

## WESTERN AUSTRALIA – Thursday 22 November

“*Cruise Ship Passengers and Australian Law—Contracts, Consumer Protection, Convention*” will be the subject of the public lecture to be given by Professor Lewin of the Law School at Murdoch University.

The venue will be the Federal Court of Australia, 1 Victoria Avenue, Perth, Hearing Room 1 on Level 7, and the starting time 5.15 pm.

Professor Lewin’s specialist interest is Maritime Law. She is, for example, the Director of the International Maritime Law Arbitration Moot and teaches an LLM unit in *Carriage of Passengers by Sea* in the Centre for Maritime Law at the University of Singapore.

All Fellows in Perth are encouraged to attend this event (as well as the one noted above).

A flyer for the event can be viewed [at this link](#).

## NEW SOUTH WALES – Tuesday 27 November

The third and final symposium in the *Access to Justice* series for 2018 will be held on Tuesday 27 November in the Banco Court of the Supreme Court of New South Wales starting at 5.00 pm.

The title for this event is “*Overcoming Non-Financial Barriers to Access to Justice*”.

The debate will cover barriers on account of:

- intellectual disability,
- language and culture,
- age,
- regional, rural and other geographical location.

A flyer for the event can be accessed [at this link](#).

## NEW SOUTH WALES – Wednesday 28 November

This evening will mark the launch of the Academy’s first book—*The Future of Legal Education in Australia*—a collection of papers that were presented at the Conference under that title that was held in August of 2017 by the Academy and *The Australian Law Journal*.

We are honoured that The Hon Margaret Beazley AO, President of the New South Wales Court of Appeal has agreed to launch the book.

Following the launch the Academy’s Annual Essay Prize for 2018 will be presented (see earlier in this Newsletter).

After that there will be “Christmas refreshments” in the foyer adjoining the Court.

A flyer for the event can be accessed [at this link](#)

## AUSTRALIAN CAPITAL TERRITORY

The final roundtable in Canberra for 2018 will be held on Thursday 29 November, when Professor Don Rothwell will speak on “*Islands and their Entitlements*”. The commentator will be Henry Burmester AO QC.

The roundtable will canvas the highly controversial issues touching China’s claim to islands, including artificial islands in the South China Sea. As well and more broadly, discussion will cover islands in the Pacific, notably, Norfolk Island and New Caledonia.

This roundtable will be held in the ANU College of Law Phillipa Weeks Staff Library and will start at 5.00 pm and finish at 6.30 pm.

A flyer for the event can be accessed [at this link](#).

## NEW FELLOWS

I am sure that all Fellows join me in extending a warm welcome to the following distinguished lawyers who have accepted the Board's invitation to become Fellows of the Academy since the last Newsletter.

Mr Graeme Neate AM

The Hon Justice Hilary Penfold PSM QC



Kevin Lindgren

President

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