

## Personalia

The role of Executive Director of the New South Wales Bar Association has passed from one member of the Academy to another.

The Association has announced that Professor Gregory Tolhurst of the Faculty of Law, University of Sydney, has been appointed to that position, succeeding Mr Philip Selth OAM who has filled that role for 19 years, serving 12 Presidents over that period.

Both departures are a loss to the institutions that Greg and Philip are leaving. Nonetheless, Greg is to be congratulated and wished well on his appointment and the Association has expressed its gratitude to Philip for his dedication to the profession and its good wishes for his future endeavours.

Congratulations and best wishes are also due to two directors of the Academy: to Professor Brian Opeskin on his appointment as Associate Dean (Research) at UTS, and to our Honorary Secretary, Professor David Barker, on the award of the degree of Doctor of Philosophy by Macquarie University. The title of David's thesis was "A History of Australian Legal Education" and his supervisor was Professor Opeskin.

## Events held

Since the last Newsletter, the Academy has held two events: the annual event in Western Australia and the first ever overseas meeting of Fellows in Cambridge, England.

### Western Australian event for 2016

Justice Michael Barker has provided the following report on the former event that was held in Perth on Wednesday 7 September:

"The 2016 WA chapter lecture was delivered by Professor Lawrence Watters, an international law scholar visiting the University of WA. The lecture, attended by a small but interested group of Fellows and invited guests, was well received.



Professor Watters presented on two recent events: The Paris Agreement on Climate Change in December 2015, and the Permanent Court of Arbitration's decision In the Matter of the South China Sea Arbitration. He detailed the historical context in which the Paris Agreement occurred, provided an insightful account of its potential impacts in the field of climate change, and responded to critiques of the Agreement by preeminent scholars. He also noted the increased involvement and importance of the private sector in instigating innovation and action in the area. He then elucidated the Permanent Court of Arbitration's key findings, and their implications for international relations and the jurisprudence on the United Nations Convention on the Law of the Sea. Finally, Professor Watters challenged audience members to teach these topics in a manner that recognises the diverse ways in which international law increasingly intersects with national law.

Fellows took Professor Watters to dinner at the conclusion of the lecture."



*Justice Barker with Professor Lawrence Watters*

## First overseas event

Justice Alan Robertson has provided the following report on the meeting of Fellows that took place in Cambridge on Sunday evening 11 September:

"On the evening of Sunday, 11 September 2016 the Academy held its first overseas function and indeed its first function involving Overseas Fellows. A number of Fellows from Australia and Overseas Fellows are attending the biennial Cambridge Public Law Conference, beginning the next day, with the title "The Unity of Public Law?"

The function took the form of a reception for Fellows and partners hosted by the Academy and after that a dinner at the Hotel Du Vin in Cambridge. Nineteen people attended. The Academy was honoured by the attendance of the Patron of the Academy, Chief Justice Robert French AC. Desmond Browne QC gave an occasional talk addressed in part to the similarities and differences between the legal professions in England and Wales on the one hand and Australia on the other. The evening was an excellent occasion for Fellows to make or renew acquaintances in an informal setting. It was organised by the Academy's Deputy President, Justice Alan Robertson, but there is of course no reason why similar events should not be arranged and enjoyed locally by any Fellows wishing to do so. Indeed I would encourage Fellows to do so."



*Deputy President, Justice Robertson, introducing the speaker, Desmond Browne QC*

## Events to be held

### The Northern Territory

As has been noted in previous Newsletters, the Sixth Annual Austin Asche Oration in Law and Governance, which is sponsored by the Academy and Charles Darwin University, is to be held on Tuesday 11 October 2016.

The venue is the Nitmiluk Lounge, Level 4, Parliament House, Darwin.

The speaker will be The Hon Marilyn Warren AC, Chief

Justice of Victoria.

A flyer for the event is **attached** and contains RSVP details.

The Chief Justice's topic has proved to assume particular significance in view of recent events in the Northern Territory. As the flyer says, it is "*Young People in Detention: impacts, progress and alternatives*".

### New South Wales

As noted in the last Newsletter, the annual Patron's Address for 2016 will be delivered by Mr. Justin Gleeson SC, Solicitor-General of the Commonwealth, on Tuesday 18 October 2016.

The venue will be the Banco Court of the Supreme Court of New South Wales, and the starting time, 5.30 pm.

This will follow the Annual General Meeting of the Academy of which formal notice will be sent out to members within the next few days.

Mr. Gleeson's topic will be "The Increasing Internationalisation of Australian Law".

A flyer for the event, which contains RSVP details, is **attached**.

### Queensland

As previously advised, the Academy event in Queensland will be held on Monday 24 October in the Banco Court, Level 3, Queen Elizabeth Courts of Law, 415 George Street, Brisbane.

The speaker will be The Hon Justice Margaret McMurdo AC, President of the Queensland Court of Appeal, whose topic will be: "*The Court of Appeal: the first 25 years*".

A flyer for the event is **attached** and contains RSVP details.

### Victoria

The Victorian event will take the form of a Symposium and will be held in the Banco Court of the Supreme Court of Victoria on the afternoon of Thursday 10 November 2016 commencing at 4.30 pm.

The speakers and their respective topics are:

Professor Dan Hunter, Foundation Dean, Swinburne Law School: "The Death of the Law Firm?";

Jake Goldenfein, Lecturer, Swinburne Law School, "Measuring the "lawfulness" of legal technologies: from speedbumps to smart contracts"; and

Ari Dyball, Legal Technologist, Swinburne Law School, "Uncodified code: a primer on smart contracting". .

The **attached** flyer gives details of the event and the RSVP details.

## South Australia

As previously noted, the annual event in South Australia will be held on Thursday 24 November, when the speaker will be The Hon Marcia Neave AO.

The topic will be "Where to from here on family violence-law and social policy solutions".

The venue will be Law Lecture Theatre 2, Adelaide Law School, Ligertwood Building, University of Adelaide, and the starting time, 5.30 pm.

A flyer for the event is **attached**. It contains RSVP details.

## Annual Essay Prize

Fellows will recall that the closing date for the Academy's Annual Essay Prize was 31 August.

The number of essays submitted by that date was 9.

They are with the Judging Panel of Professor WMC Gummow (Chair), Professor Bee Chen Goh, and Mr Michael Murray.

## Subscriptions for 2016-2017

Members who have not paid their subscription for 2016-2017 are reminded to do so.

If you have mislaid the renewal notice please contact the Secretariat at [admin@academyoflaw.org.au](mailto:admin@academyoflaw.org.au).

The Secretariat, Ms Claire Hammerton, will be pleased to send you a copy.

## Advance notice of National Conference on Legal Education in 2017

The Academy and the *Australian Law Journal*, with the support of the Law Council of Australia, will hold a major national conference on legal education next year.

The conference will be held in Sydney from Friday evening 11 August to lunch on Sunday 13 August.

We are very fortunate to have secured as the keynote speaker, Professor Martha C Nussbaum, Ernst Freund Distinguished Professor of Law and Ethics, University of Chicago Law School.

Fellows will be interested to read more about her via Google.

A small committee comprising, in addition to myself, Justice Kunc, the Editor of the ALJ, Stuart Clark and Fiona McLeod representing the Law Council of Australia, and other Fellows, Nuncio D'Angelo and Professors David Barker, Brian Opeskin, Rosalind Croucher and Natalie Klein, with the able support of the Secretariat, Claire Hammerton, has been making preliminary plans for the conference.

At this stage I would encourage all Fellows to reserve the dates 11-13 August 2017 in their diaries for this, the most substantial event that the Academy has undertaken to date.

## New members

On behalf of the Academy and its members, I am pleased to extend a warm welcome to the following lawyers who, at the Board's invitation, have become members of the Academy since the last Newsletter:

### Fellows

Emeritus Partner Bob Baxt AO  
Professor Lee Godden

### Overseas Fellows

Dr Gavan Griffith AO QC  
Professor Philip G Alston



Kevin Lindgren  
President  
[kevlindgren@gmail.com](mailto:kevlindgren@gmail.com)

0414 914 827

# Sixth Austin Asche Oration in Law and Governance

## Young people in detention: impacts, progress and alternatives

**Tuesday 11 October 2016** 5 – 7 pm

**Nitmiluk Lounge** Level 4, Parliament House, Darwin

**The Honourable Marilyn Warren AC** Chief Justice of the Supreme Court of Victoria



Around 20 years ago, the Australian Law Reform Commission and the Human Rights and Equal Opportunity Commission were tasked by the then federal Attorney General Michael Lavarch with investigating the experience of children and juvenile offenders in the Australian justice system. Amongst the findings in the Commissions' 1997 report was the comment that due to their 'heightened vulnerability to physical and emotional harm and different perceptions of time' detention could result in harm to children, creating 'serious social and developmental consequences'.

At that time the report noted that a number of Australian jurisdictions, including Queensland, Western Australia and the Northern Territory, had enacted legislation adopting a

punitive rather than rehabilitative approach to juvenile sentencing. By way of example, it pointed to the Northern Territory's system of mandatory imprisonment for young offenders who had committed more than one property offence. The report noted the Commissions considered such mandatory detention arrangements violated significant international and common law norms and recommended the systems be repealed. Four years later, the provisions were repealed by the Northern Territory government. Unfortunately, other jurisdictions took longer.

There has been a real development of our national awareness of the issues at stake in the detention of children. Yet despite the improvements, currently on an average day 883 young people will be in juvenile detention across Australia, an increase on the figures at the time of the Commissions' report. To continue our progress, the time is ripe to delve back into the research into the effects of detention on children, Australia's response to those issues, and the wisdom we can seek from other jurisdictions.

**Chief Justice Marilyn Warren** was appointed as Chief Justice of the Supreme Court of Victoria in November 2003, having been first appointed as a judge of the Court in 1998. She is the longest-serving of all current Australian Chief Justices. The Chief Justice is a graduate of Monash University. She is also the Lieutenant-Governor of Victoria.

**RSVP by Friday 7 October 2016:**

E [CDUEvents@cdu.edu.au](mailto:CDUEvents@cdu.edu.au)  
T 08 8946 6554

*This event may count as MCLE/CPD points.*

PUBLIC SEMINAR





## **The Australian Academy of Law's Patron's Address — 'The Increasing Internationalisation of Australian Law'**

**5.30 pm, Tuesday, 18 October 2016  
Banco Court, Supreme Court of NSW  
Level 13, Law Courts Building  
Queen's Square, Sydney**

**The fifth annual Patron's Address of the  
Australian Academy of Law will be delivered by  
Justin Gleeson SC, Solicitor-General for the  
Commonwealth of Australia**



The title of the address is 'The Increasing Internationalisation of Australian Law'.

The Solicitor-General will consider the most recent wave of the internationalisation of Australian Law and some of the separate drivers or actors of that wave. He will examine the implications of this internationalisation, including the requirement that Australian Courts engage more frequently with treaties, foreign awards and foreign judgments and the possibility that the decisions of Australian courts on the validity of domestic legislation or action may no longer necessarily be the final say on a matter.

Justin Gleeson SC is the Solicitor-General of the Commonwealth of Australia. He was formerly a barrister practising at the NSW Bar and founding head of Banco Chambers in Sydney. He graduated from Sydney University with a Bachelor of Arts (BA) in 1981 and a Bachelor of Laws (LLB) with Honours and the University Medal in 1983, and subsequently from the University of Oxford with a Bachelor of Civil Law (BCL) in 1985. He was called to the Bar in 1989 and took Silk in 2000.

As Solicitor-General, he appears as counsel for the Commonwealth and related entities, particularly in international courts and tribunals and in the High Court of Australia, and provides opinions on questions of law on referral from the Attorney-General. He is an Australian member of the Permanent Court of Arbitration (PCA) in The Hague.

RSVP by Thursday 13 October to [admin@academyoflaw.org.au](mailto:admin@academyoflaw.org.au). This event may count as MCLE/CPD.

# THE COURT OF APPEAL: THE FIRST 25 YEARS



## JUSTICE MARGARET McMURDO AC

President, Queensland Court of Appeal  
Fellow of the Australian Academy of Law

CHAIR	Justice James Douglas Judge, Supreme Court of Queensland
WELCOME	The Hon Dr Kevin Lindgren AM QC President, Australian Academy of Law
VOTE OF THANKS	Professor Bee Chen Goh Southern Cross University
WHEN	5.15pm for 5.30pm Monday 24 October 2016
WHERE	Banco Court Level 3, Queen Elizabeth II Courts of Law 415 George Street, Brisbane

Refreshments will be served after the lecture

## REGISTRATION DETAILS

Please allow plenty of time to pass through security.  
BAQ and QLS attendees are eligible to claim 1 CPD point.

This public lecture is free to attend but attendees must register and numbers are limited.

RSVP Monday 3 October 2016  
EMAIL [kerry.harkins@justice.qld.gov.au](mailto:kerry.harkins@justice.qld.gov.au)  
PHONE 07 3247 9170  
FAX 07 3229 4364

The Australian Academy of Law ([www.academyoflaw.org.au](http://www.academyoflaw.org.au)) is a broadly-based body comprising individuals of exceptional distinction in the discipline of law who are committed to the advancement of that discipline and to justice according to law in Australia. A distinctive feature of the Academy is that its Fellows, and therefore the Academy itself, provide a "bridge" that links, indeed unites, the judiciary, academia and the practising profession through shared values and objectives.



## 2016 Symposium

**Where:** Banco Court, Supreme Court of Victoria  
210 William Street, Melbourne

**When:** Thursday, 10 November 2016 at 4.30pm  
Followed by refreshments in the Supreme Court Library from 5.45pm to 7.00pm

### PROGRAM:

**Convener:** The Hon Justice John Digby, Judge of the Supreme Court of Victoria

### WELCOME

The Hon Justice Marilyn Warren AC, Chief Justice, Supreme Court of Victoria

The Hon Kevin Lindgren AM, QC, President of the Australian Academy of Law

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### SPEAKERS

***"The Death of the Law Firm"*, Professor Dan Hunter**, Foundation Dean, Swinburne Law School

***"Measuring the 'lawfulness' of legal technologies: from speedbumps to smart contracts"*, Mr. Jake Goldenfein**, Lecturer, Swinburne Law School

***"Uncodified code: a primer on smart-contracting"*, Mr Ari Dyball**, Legal Technologist, Swinburne Law School

## RSVP by Friday, 4 November 2016

AAL Secretariat

E: [admin@academyoflaw.org.au](mailto:admin@academyoflaw.org.au)

T: 02 9230 8253

**This event is free of charge.**

## ABOUT THE SPEAKERS

### **Professor Dan Hunter**

Professor Dan Hunter is the Foundation Dean of Swinburne Law School. He is an international expert in intellectual property and internet law, and regularly publishes on the theory of intellectual property and on the intersection of computers and law. He is the author of the Oxford Introduction to U.S. Law: Intellectual Property, the co-author of books on gamification and intelligent legal systems, and the author of numerous articles on intellectual property and internet law. His main research involves cultural histories of intellectual property in the postwar period, including work on Lego bricks, Barbie dolls, recipes, and luxury handbags.

### **Jake Goldenfein**

Jake Goldenfein joined Swinburne Law School as a lecturer in 2016. His research addresses the intersection of law and technology, focusing on questions of privacy, surveillance, automated decision making, automated legal action (smart contracts), distributed ledger technologies, media law, the history and theory of communications technologies, as well as copyright and other questions in intellectual property. Jake's recent publications have explored the history of law enforcement intelligence databases, the relationship of privacy to police photography, and computer surveillance in remote indigenous communities. These publications have earned several prizes including the 2013 Australian Privacy Foundation Sir Zelman Cowan Privacy Essay Competition.

### **Ari Dyball**

Ari Dyball is a lawyer and legal technologist, and works at Swinburne Law School. Ari completed his degree in Art History from the University of Melbourne and then worked in contemporary art spaces in London. While there he shifted to publishing and worked on the first retail-based print-on-demand service in Europe, and then returned to start one in Melbourne. He then undertook a JD, while studying law, and against all sane advice, he taught himself how to write code. Ari now works in the space between technology and law at Swinburne Law School, and at law tech startup.



# 'Where to from here on family violence - law and social policy solutions'

**Thursday 24<sup>th</sup> November, 2016 5.30-6.30pm**

*The lecture will be followed by refreshments in the Level 5 Suite, Adelaide Law School*

**The Hon. Marcia Neave AO**

**Law Lecture Theatre 2, Adelaide Law School, Ligertwood Building,  
The University of Adelaide**

## Program

- Welcome - The Hon Kevin Lindgren AM QC, President of the Australian Academy of Law
- Professor Margaret Davies, Flinders University, introduces The Hon. Marcia Neave, AO
- The Hon Marcia Neave AO, delivers her lecture
- The Hon Justice Kevin Nicholson, delivers the vote of thanks



The Honourable Marcia Neave AO was appointed Chair of the Royal Commission into Family Violence in February 2015 and delivered her report to the Victorian Government in March 2016. Prior to her appointment as Royal Commissioner, she was a judge of the Victorian Court of Appeal.

The Hon M Neave has been a professor at three Australian universities, including a term as Dean of Law at Adelaide Law School, and she is currently Judge in Residence at Melbourne Law School. She has always had an interest in the way the law responds to the needs of women.

Registration is essential for catering purposes.

**RSVP by Wednesday 16<sup>th</sup> November:**

T 08 8313 3357

E [rhannon.kinsey@adelaide.edu.au](mailto:rhannon.kinsey@adelaide.edu.au)

