

Australia Day Honours

In this, the first Newsletter for 2016, it is with great pleasure that I draw to the attention of Fellows that the following members were recognised in the Order of Australia on Australia Day:

Allan James Myers AC, QC has been made a Companion of the Order of Australia “for eminent service to the community through philanthropic leadership in support of major visual arts, higher education, medical research and not-for-profit organisations, to the law, and to professional learning programs”.

Elizabeth Broderick AO has been made an Officer of the Order of Australia “for distinguished service to the community through seminal contributions to human rights, to the prevention of violence against women and children, to public administration, and to the law”.

I am sure that all members of the Academy join me in conveying our warm congratulations to these two Fellows on this important recognition of their work.

Events for 2016 – preliminary notice

Planning is already under way for some of the State and Territory events for the year as set out below.

Tasmania

The Academy’s event for 2016 in Tasmania will be held on Wednesday 27 April 2016 on the campus of the University of Tasmania (IMAS reception Area Ground Floor). The speaker will be The Hon Robert French AC, Chief Justice of Australia. A flyer for the event will issue in due course.

Australian Capital Territory

On the evening of Tuesday 15 March 2016, the AAL together with the ANU College of Law will hold an event in Canberra at which the speakers will be Chief Justice Robert French and Professor Jerry Mashaw of Yale University. A flyer for the event is **attached**.

Northern Territory

Fellows will recall that the Academy’s annual event in Darwin is in fact the annual Austin Asche Oration which is co-sponsored by the Academy and Charles Darwin University.

This year the NT event will be held on a date to be advised in the second half of the year, and the speaker will be Chief Justice of the Supreme Court of Victoria, Marilyn Warren AC.

Patron’s Address

Several distinguished lawyers have been suggested as the person to deliver the Patron’s Address for 2016.

This note is to invite all Fellows to bring to attention the name of any individual who might be an appropriate person to deliver the Address. This can be done by an email to me or to the Secretariat.

In particular, I would invite Chief Justices and Deans of Law Schools to draw to my attention the name of any distinguished visitor from overseas who will be visiting Australia during the year.

Doing Business Across Asia: Legal Convergence in an Asian Century

Fellows will recall that the Academy was one of the many “Supporting Organisations” for the Conference held under this title in Singapore last week on Thursday 21 and Friday 22 January.



The Conference was organised by the Singapore Academy of Law (SAL)—an organisation that is vastly different from the Australian learned academies with which we are familiar, including our own. The SAL is a large statutory body, of which the Chief Justice of Singapore is the President, to which all lawyers admitted in Singapore automatically belong.



It is not practicable to give a detailed account of the Conference within the scope of this Newsletter. It was large, with some 500 participants. Over the two days of the Conference there were six sessions and two addresses, one address at the start of each day. The first was given by The Hon Sundaresh Menon, Chief Justice of Singapore, and the second was given by our Patron and Chief Justice of Australia, The Hon Robert French AC.



From left to right: the Honourable Justice Arjan Sikri Supreme Court of India, the Honourable the Chief Justice Sundaresh Menon, Supreme Court of Singapore, the Honourable Chief Justice Robert Shenton French AC, High Court of Australia, the Honourable Senior Judge Zhang Yongjian, Chief Judge of the Fourth Civil Division, The Supreme People's Court, People's Republic of China

Probably the most noteworthy feature of the Conference was the associated launch of the Asian Business Law Institute (ABLI). Attached to this Newsletter is a statement about the ABLI. The ABLI's Board of Governors (which had its first meeting in Singapore in association with the Conference) includes three individuals from each of Australia, China, India and Singapore. Those from Australia are Chief Justice French, Chief Justice Marilyn Warren, and myself.



The ABLI's website is at www.abli.asia

If any member of the Academy would like to learn more about the Conference or the ABLI, by all means contact me.



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29 January 2016

ABOUT THE ASIAN BUSINESS LAW INSTITUTE

The Asian Business Law Institute (ABLI) will be an Institute based in Singapore established to undertake and facilitate research into transnational business law possibilities for the region, publish in the area of Asian business laws, provide practical guidance in the field of Asian legal development and promote the convergence of Asian business laws.

Among ABLI's core tasks will be:

- to evaluate and stimulate the development of Asian law, legal policy, and practice, and in particular make proposals for the further convergence of business law among Asian Countries;
- to study Asian approaches regarding business laws and practice in drafting legal instruments, restatements of law or model rules;
- to conduct and facilitate pan-Asian research, in particular to draft, evaluate or improve principles and rules which are common to the Asian legal systems; and
- to provide a forum, for discussion and cooperation, between the business community and the legal fraternity including, inter alia judges, lawyers, academics and other legal professionals, who take an active interest in Asian business law development.

To accomplish its tasks, ABLI operates on its own initiative. It is also, however, available for collaboration and consultation by institutions involved in the development of law on an Asian – regional or international level.

For more details visit www.abli.asia





Australian
National
University



Judicial Review for Reasonableness in Australian and US Administrative Law

Tuesday 15 March 2016 5.30–7 pm (reception 6.30–7 pm)

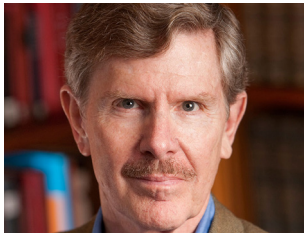
Finkel Lecture Theatre John Curtin School of Medical Research (131),
Garran Road, The Australian National University

The Honourable Robert French AC Chief Justice of the High Court of Australia
Professor Jerry Mashaw Sterling Professor of Law Emeritus and Professorial
Lecturer, Yale University



The Many Faces of Reasonableness

Reasonableness is a word sometimes associated with judicial review of legislation that infringes constitutional guarantees or prohibitions, and legislation in pursuit of purposive powers. It is also used in relation to the exercise of statutory powers. Those usages and the notion of rationality in administrative action inform limits on the powers of the three branches of government.



Taming Reasonableness Review

American federal courts have developed a form of reasonableness review that substitutes a demand for rationality and reason giving for straightforward grappling with the reasonableness of administrative actions. That approach will be evaluated against a more direct engagement with reasonableness as 'proportionality'.

The **Honourable Robert French AC** has been Chief Justice of the High Court of Australia since 2008, before which he was a judge of the Federal Court of Australia, having been appointed to that office in November 1986. He graduated from the University of Western Australia in science and law. From 1994 to 1998 he was President of the National Native Title Tribunal. At that time he was also a Deputy President of the Australian Competition Tribunal, and a part-time member of the Australian Law Reform Commission. Chief Justice French was appointed a Companion of the General Division of the Order of Australia in 2010.

Professor Jerry Mashaw is Sterling Professor of Law Emeritus and Professorial Lecturer at Yale University, where he teaches subjects including administrative law and regulation. His many books include *Bureaucratic Justice* (1983), *The Struggle for Auto Safety* (with David Harfst, 1990) and *Greed, Chaos, and Governance: Using Public Choice to Improve Public Law* (1997), all of which won prestigious prizes. He is a Fellow of the National Academy of Arts and Sciences, and has served as a consultant to a number of government agencies and private organisations, and to the governments of Peru, Argentina and the People's Republic of China.

RSVP by Monday 14 March 2016:

W academyoflaw.org.au/events?id=48

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This event may count as MCLE/CPD points.

PUBLIC SEMINAR