

## High Honour

It is a great pleasure to share with all Fellows the news that our colleague, Professor Jane Stapleton, Research Professor of Law, ANU College of Law, and Ernest E Smith Professor of Law, University of Texas, has been elected as a Corresponding Fellow of the British Academy.

Jane is only the second Corresponding Fellow in Law from the southern hemisphere, the other one being Professor Peter Cane.

As Professor Stephen Bottomley Dean of Law at the ANU College of Law, has remarked, "This prestigious appointment indicates the very highest international regard in which Jane's scholarship is held, and the huge impact that it continues to have."

I am sure that all Fellows join me in congratulating Jane on her election.

## Inaugural Annual Essay Prize

The closing date for individuals to give notice of an intention to submit an essay was 30 June. I am pleased to report that by that date 62 notices of intent were received.

It is reasonable to expect that not all 62 will result in the submission of an essay by the deadline of 31 August but nonetheless is gratifying that the Prize has generated such interest.

The Academy is much indebted to Professor William Gummow, Professor Gillian Triggs and Mr Russell Miller for their willingness to assist the Academy by constituting the Judging Panel.

## State and Territory events for 2015

The following is the current position regarding State and Territory events planned for the rest of 2015 (see, too, under "Events" on the Academy's website: [www.academyoflaw.org.au](http://www.academyoflaw.org.au)). All events will be held in the evening. In due course flyers will be issued containing more detail.

### *Northern Territory*

Thursday 3 September 2015: The speaker will be Professor Gillian Triggs, President of the Australian Human Rights Commission. As in previous years the event will be the Austin Asche Oration sponsored jointly by the AAL and Charles Darwin University and will be held in the Dining Room and Nimiluk Lounge, Parliament House, Mitchell Street, Darwin.

A flyer for the Northern Territory event is **annexed** to this Newsletter.

### *Victoria*

Thursday 8 October 2015: symposium led by the Hon Stephen Charles QC, Professor Hilary Charlesworth and Mr Douglas Porteous to be held in the Library of the Supreme Court of Victoria.

A flyer for the Victorian event is **annexed** to this Newsletter.

### *Western Australia*

Wednesday 28 October 2015: Professor Frank S Alexander of Emory Law School, Atlanta, Georgia will speak on homelessness, urban blight and the law at Courtroom 1, Federal Court of Australia, 1 Victoria Avenue, Perth.

A flyer for the West Australian event is **annexed** to this Newsletter.



Kevin Lindgren

President

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24 August 2015

### *South Australia*

Local Fellows have met and begun planning for the event later this year in Adelaide.

### *Tasmania*

Local Fellows have met and begun planning for the event later this year in Hobart.

### *Australian Capital Territory*

As noted in previous Newsletters, a very successful event was held in Canberra on Wednesday 25 March. Fellows in Canberra have met and agreed on a plan for a further meeting or further meetings in Canberra this year. Please watch this space.

## Fifth Austin Asche Oration in Law and Governance

### The Expansion of Executive Discretion: Implications for the Northern Territory

Thursday 3 September 2015 5–7 pm

Nitmiluk Lounge Level 4, Parliament House, Darwin

**Professor Gillian Triggs**, President of the Australian Human Rights Commission



As we celebrate the 800th anniversary of the sealing of the Magna Carta by King John in 1215, it is ironic that over the last 15 years Australia has seen an unprecedented expansion of the executive power of governments and a corresponding encroachment on individual rights and freedoms.

While it is the natural inclination of all governments to augment their powers, it is the job of Parliament and the courts to provide checks and balances on any overreach. In fact, Parliaments at Federal, State and Territory levels have failed to exercise their traditional restraint to protect common law freedoms and have been compliant in passing laws introduced by governments in the name of national security and public interest.

Senator Cory Bernardi has described this phenomenon as a “power creep”. Moreover, recent laws such as the Northern Territory’s “paperless arrest” and mandatory sentencing laws oust the role of judges to make individual determinations to the detriment of liberty.

Increasing secrecy, the lack of transparent processes, Captain’s picks, the indefinite administrative detention of the mentally ill, asylum seekers and refugees, and the lack of meaningful access to the courts pose significant threats to Australian democracy. A belief in a “fair go” provides a cultural expectation that human rights will be protected, but it is no longer enough. It is time to reopen the national debate about the value of a Federal Charter of Rights to provide the courts with a benchmark against which to measure compliance with fundamental liberties.

**Emeritus Professor Gillian Triggs** is the President of the Australian Human Rights Commission, with a five-year appointment. She was Dean of the Faculty of Law and Challis Professor of International Law at the University of Sydney from 2007–12 and Director of the British Institute of International and Comparative Law from 2005–07. She is a former barrister and a governor of the College of Law.

Professor Triggs has combined an academic career with international commercial legal practice. She has advised the Australian and other governments and international organisations on international legal and trade disputes. Her focus at the Commission is on the implementation in Australian law of the human rights treaties to which Australia is a party, and to work with nations in the Asia Pacific region on practical approaches to human rights.

Professor Triggs is the author of many books and papers on international law, including *International Law, Contemporary Principles and Practices Second Edition* (LexisNexis Butterworths, 2011).



**Austin Asche AC QC** was the third Chief Justice of the Supreme Court of the Northern Territory and fifteenth Administrator of the Northern Territory. He was made a Companion of the Order of Australia in 1994.

This oration honours the service of Austin Asche AC QC to the people of the Northern Territory and his contribution to the law, to tertiary education and to the community.

*Established in 2007, the Australian Academy of Law (AAL) joined the other four learned Academies in Australia. The AAL was formed on a recommendation of the Australian Law Reform Commission.*

*Fellows of the AAL are individuals of exceptional distinction in the discipline of law drawn from all parts of the legal community – the judiciary, practitioners and academics – and united by the discipline and by the goal of preserving and promoting standards of excellence in the study, practice and administration of the law.*

**RSVP online by Wednesday 2 September:**

W [academyoflaw.org.au/events](http://academyoflaw.org.au/events)

E [aal@anu.edu.au](mailto:aal@anu.edu.au)

T: 02 6125 4124

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



## 2015 Symposium

### **Undue influence and inappropriate pressure: the critical importance of nurturing and protecting independent advisers and organs of government**

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

**When:** Thursday, 8 October 2015 at 3.30pm  
Followed by refreshments in the Supreme Court  
Library from 5.00pm to 6.30pm

**No Charge**

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#### **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**

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

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**TOPIC**

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# Undue influence and inappropriate pressure: the critical importance of nurturing and protecting independent advisers and organs of government

## SPEAKERS

### **The Hon Stephen Charles QC**

Retired Justice of Appeal, Supreme Court of Victoria

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### **Professor Hilary Charlesworth**

ARC Laureate Fellow and Director, Centre for International Governance  
and Justice Regulatory Institutions Network, The Australian National  
University

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### **Mr Douglas Porteous**

Law Graduate, King & Wood Mallesons

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**Post Symposium Refreshments in the Victorian Supreme Court  
Library - 5.00pm to 6.30pm**

## ABOUT THE SPEAKERS

### **The Hon Stephen Charles QC**

The Hon Stephen Charles was a Judge of Appeal at the Supreme Court of Victoria from 1995-2006. In 1960 Mr Charles graduated in Law (Hons) from Melbourne University and shared the Supreme Court Prize. In 1961 he was admitted to practice and later that year signed the Bar Roll. Mr Charles was appointed a Queen's Counsel in 1975. Mr Charles was Chairman of the Victorian Bar from 1983-1985 and President of the Australian Bar Association from 1985-1986.

### **Professor Hilary Charlesworth**

Professor Hilary Charlesworth is an Australian Research Council Laureate Fellow, and the Director of the Centre for International Governance and Justice at the Australian National University. In 2006, her contributions to the body of international law scholarship earned her the American Society of International Law's Goler T Butcher Medal. Professor Charlesworth works for a number of NGOs, including as a Patron of the ACT Women's Legal Service. In 2011, she was appointed an ad hoc judge of the International Court of Justice in the *Whaling in the Antarctic Case (Australia v. Japan)*.

### **Mr Douglas Porteous**

Douglas Porteous is a graduate at King & Wood Mallesons and intends to be admitted as a Barrister and Solicitor of the Supreme Court of Victoria in early October 2015. Doug completed his Juris Doctor at the University of Melbourne in 2014, where he was awarded the Supreme Court Prize. At university, Doug competed and achieved success in a number of mooting competitions, including as a competitor and coach in the Philip C Jessup International Law Moot Court Competition. Doug also wrote a column in the Law School's weekly newspaper, and co-founded the Law School Choir.



***Admission Cost***

**Free**

***Registrations Close***

**5.00pm on Thursday, 1 October 2015**

**RSVP by 1 October 2015**

**Lisa O'Farrell**

**AAL Secretariat**

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**T: 02 6125 4178**

***Continuing Professional Development***

If this educational activity is relevant to your immediate or long term needs in relation to your professional development and practice of law, you are likely to be entitled to claim CPD credit(s) for attendance.





## ABOUT THE AUSTRALIAN ACADEMY OF LAW

Launched in 2007 by Her Excellency, Ms Quentin Bryce AC CVO, then Governor of Queensland and a Foundation Fellow of the Australian Academy of Law (AAL), the AAL is the fifth learned Academy in Australia and is the culmination of a process begun with the Australian Law Reform Commission's landmark report, *Managing Justice: a review of the federal civil justice system* (ALRC 89, 2000).

The AAL is a broadly-based body, comprising individuals of exceptional distinction from all parts of the legal community—elected from the judiciary, legal practitioners and legal academics—united in a common goal of advancement of the discipline of law and the justice system. A distinctive feature of the AAL is that its Fellows and therefore the AAL itself, provide a 'bridge' linking, indeed uniting, the judiciary, academia and the legal profession in Australia. Information about the AAL may be found on its website: [www.academyoflaw.org.au](http://www.academyoflaw.org.au)

The objects of the Academy, set out in the AAL Constitution, include:

- To establish and advance funds to provide scholarships and research grants which advance legal education and the discipline of law and promote ethical conduct and professional responsibility.
- To promote the highest standards of legal scholarship, legal research, legal education, legal practice, and the administration of justice.
- To promote the continuous improvement of the law and the operation of the legal system.
- To promote the highest standards of ethical conduct and professional responsibility amongst all members of the legal community, including the use of legal skills not merely for material personal reward but also in the service of society.
- To enhance understand and observance of the rule of law, and community understanding of the role and function of law, lawyers, the legal profession, and the judiciary.
- To provide a forum for cooperation, collaboration, constructive debate and the effective interchange of views amongst all branches of the legal community on all matters relating to the achievement of these objects.



**'Neighbourhood Stabilization Strategies for  
Vacant and Abandoned Properties'  
by Professor Frank S Alexander**

**Wednesday 28 October 2015**

**5.15 pm**

**Courtroom 1, Federal Court of Australia,  
1 Victoria Avenue, Perth**



The challenge presented to communities by vacant and abandoned properties is a phenomenon the world over. In this presentation Professor Alexander will focus on the particular challenges presented to neighbourhoods and local governments in the US by growing inventories of vacant, abandoned, and foreclosed properties — particularly in older industrial cities as they experienced significant employment and population losses. Since 2007 and the advent of the Global Financial Crisis this challenge became one experienced to some degree by virtually all communities in the US.

**Professor Frank S Alexander**

Understanding the challenge requires an appreciation of the collateral costs of abandonment and an understanding of the legal and policy systems which create incentives for abandonment. The solutions lie in a redesign of such systems in a manner that makes possible the conversion of these properties from liabilities into community assets. While Australia mostly avoided the type of foreclosure crisis experienced in the US, the suggested redesign of the US legal and policy systems in response to the US crisis may possibly offer food for thought in an Australian context

**Frank S. Alexander** is the Sam Nunn Professor of Law at Emory University School of Law and Co-founder and Senior Advisor of the Center for Community Progress. He is the author or editor of eight books and over fifty articles in real estate finance and community redevelopment including *GEORGIA REAL ESTATE FINANCE AND FORECLOSURE LAW* 2014-2015 (10th ed., 2014) and *LAND BANKS AND LAND BANKING* (2nd ed 2015). Professor Alexander's work has focused on homelessness and affordable housing, serving as a Fellow of the Carter Center of Emory University (1993-96), and as a Commissioner of the State Housing Trust Fund for the Homeless (1994-1998). He has served as Interim Dean of Emory University School of Law (2005-2006), as Visiting Fellow at the Joint Center for Housing Studies, Harvard University (2007), and has testified before Congress concerning the mortgage foreclosure crisis (2008, 2009). Professor Alexander received his J.D. from Harvard Law School, a Masters in Theological Studies from Harvard Divinity School, and his B.A. from the University of North Carolina.

**RSVP:** [aal@law.anu.edu.au](mailto:aal@law.anu.edu.au) or 02 6125 4178.

This event may count as MCLE/CPD points.