

Welcome to the third Newsletter for 2021.

First Nations Scholarship

As noted in the last Newsletter, the AAL is offering its inaugural First Nations Scholarship tenable in 2021 for a First Nations final year law student.

The amount of the award is \$5,000 for one year only.

Nine applications have been received and the Selection Panel is assessing them. Shortlisted applicants will be interviewed in April 2021 and the successful applicant notified soon afterwards.

Further details are on the website:

<https://www.academyoflaw.org.au/Australian-Academy-of-Law-First-Nations-Scholarship>

If you are interested in a role as a mentor of the winner of the scholarship, please let me know. It could be that if enough Fellows express interest, the role of mentor would be available to applicants beyond the winner of the scholarship.

2021 AAL Essay Prize

As notified in the last Newsletter, the essay topic for this year is:

Outstanding fundamental issues for First Nations Peoples in Australia: what can lawyers contribute to the current debates and their resolution?

Note: 'Outstanding fundamental issues' may include, but are not limited to, constitutional recognition, treaty or bijuralism.

This year, we have broadened eligibility to submit an essay by reverting to the original entry rules as follows.

The Prize is open to anyone, wherever resident, who is studying or has studied legal subjects at a tertiary level, or who is working or has worked in a law-based occupation. There is no limit by reference to the age or seniority or experience of, or position held by, a person who may submit an entry. Accordingly, judicial officers, legal practitioners, legal academics and law students are all eligible to

submit an essay.

The amount of the Prize is \$10,000.

The deadline for the submission of an essay is 31 August 2021.

More detail is on the website:

<https://www.academyoflaw.org.au/Essay-Prize-Rules>

I encourage all Fellows to bring this competition to the attention of anyone who may be interested in submitting an essay, or Fellows (other than Directors) may wish to participate themselves.

Each year since the Essay Prize was established in 2015, the winning essay has been published in the *Australian Law Journal*.

Planning Events for 2021

I encourage Fellows, particularly the members of the event organising committee in each State and Territory, to identify a subject and a speaker for one or more local events in 2021. I am available to assist.

The event organising committee members in each of the States and Territories are [here](#).

The following events are in train or proposed. Each of them needs a small committee to get it organised. Please notify the Secretariat, Susan Jenkins, or me if you are interested in working on any of these projects:

- (i) the annual joint event with the Australian Academy of Science. It would be especially useful to have one or more Fellows with qualifications in science for this purpose. Thus far, the subcommittee will be chaired by me, with Mr Michael Murray, Professor Melissa de Zwart and the Deputy President as members;
- (ii) an event the Victoria organising committee is planning. It does not yet have a finalised working title but is likely to be about First Nations Peoples' identity and Australian nationhood. Justice Mark

Moshinsky is chairing the committee and Justice Pamela Tate and Professor Bee Chen Goh have agreed to be members of it.

- (iii) for 2023, in light of some important national legal bicentenaries, a joint event with the *Australian Law Journal*. Examples of those legal bicentenaries are, for New South Wales, the Third Charter of Justice promulgated on 13 October 1823 establishing the Supreme Court and, for Tasmania, the first sitting of the Supreme Court of Van Diemen's Land on 10 May 1824. A suggested working title is "Australia's courts – the next 100 years". I thank Justice François Kunc for this initiative. Professor David Barker and Justice Geoff Lindsay have agreed to be on the subcommittee. One further volunteer, preferably from Tasmania, is needed.

Proposal for a scheme whereby academics could spend a day or longer with a judge

There have now been additional positive responses to this proposal, and it is necessary to establish a small committee to plan how this may be implemented. Professor Les McCrimmon has offered to be involved. Who else is interested?

The idea is to establish a system whereby (relatively junior) academics may spend a day or longer with a judge to gain firsthand experience of how a court runs.

Chief Justices, Chief Judges and other heads of jurisdiction will be consulted.

Updated pages on AAL's website

There have been improvements made by the Website and Communications Committee and by Susan Jenkins, the Secretariat, to the AAL's website.

There is now a complete list of the committees and the members of those [committees](#). There is also a page showing the present [officeholders](#).

First Annual Report

Mr Michael Murray and I have now finalised the AAL's first Annual Report. An electronic version will be found [here](#). We think you will find it

interesting, and we hope that you will find it attractive. There are 50 printed copies and I propose to distribute those over the next month.

Forthcoming Events

Roundtable in Perth – Monday 19 April 2021

The Western Australia event organising committee is holding a late afternoon Roundtable event involving short presentations on recent legal developments. The speakers will be the Chief Justice of Western Australia, The Hon Peter Quinlan, the WA Solicitor-General, Mr Joshua Thomson SC, and Professor Elise Bant, Professor of Private Law & Commercial Regulation, University of Western Australia & Professorial Fellow, Melbourne Law School. This will be a relatively informal gathering but it will foster a collegial and intellectual interchange among Fellows in Western Australia. Please register [here](#).

Public event in Adelaide – 28 April 2021

Establishment of the Court of Appeal, Supreme Court of South Australia

To mark the establishment of the Court of Appeal in South Australia and the commencement of its operations on 1 January 2021, Justice Tony Besanko has organised an event based in Adelaide. Justice Mark Livesey, one of the five judges appointed to the new Court, will be a speaker. Mr Richard Whittington QC of the South Australian Bar and Professor Gabrielle Appleby of UNSW will also speak. The venue will be the Supreme Court. There will be limited space at the Court for Fellows, and I hope the event will be live-streamed also.

Please put this event in your diary.

Proposed event in Hobart, Tasmania, Thursday 10 June 2021

Those of you who will be in Hobart on 10 June 2021, please put in your diary an AAL event to be held on the evening of Thursday, 10 June 2021. The format and the venue in Hobart will be advised closer to the date, but it is likely to be a Fellows' dinner with a speaker on a topic of current interest.

Recent Events

Event with the Australian Law Reform Commission – Tuesday 2 March 2021, 5:30 PM

As you may be aware, the ALRC is currently inquiring into Federal Judicial Impartiality. In conjunction with the Australian Academy of Law, the ALRC will hold a panel discussion of the issues from a variety of perspectives.

The seminar was held in the Federal Court's Court 1 in the Courts Building, Queens Square, Sydney. There was limited in-person attendance but substantial online participation.

The Chair was The Hon Justice Sarah Derrington of the Federal Court of Australia, President of the Australian Law Reform Commission.

The panellists were:

The Hon Justice Michael Lee, Federal Court of Australia

His Honour Judge Matthew Myers AM, Federal Circuit Court of Australia

Professor Gabrielle Appleby, University of New South Wales

Mr Anthony McAvoy SC, Barrister

Mr Chris Merritt, Journalist and Rule of Law Institute Australia Vice President



From back: The Hon Justice Michael Lee, The Hon Alan Robertson SC and Professor Gabrielle Appleby

Some 35 people attended in person in the Court and many more attended remotely. Despite a technical hitch at the beginning, it was a lively and successful event. A video record of the event is to be found [here](#).

2021 Tenth Austin Asche Oration in Law and Governance: Darwin – 27 March 2021

Chief Justice Susan Kiefel AC, the Academy's Patron, gave this address in Darwin on 27 March

2021 at the Hilton, Darwin



Crowd at the Oration: Professor Les McCrimmon in the middle foreground

This annual event was sponsored by Charles Darwin University and by the AAL.

The title of the Oration was “Judicial Independence – From what and to what end?” In a paper which touched on the independence of the judiciary in China and the Weimar Republic as well as in Australia, Chief Justice Kiefel began by quoting from the judgment of Asche CJ in *Re Chamberlain* [1988] NTCCA 3, 38 NTLR 82, protesting as to the impact of s 433A of the *Criminal Code* (NT) on judicial independence.

There was a keen and appreciative audience of some 160 at the venue. The event was also live-streamed.

The Academy is very grateful to Chief Justice Kiefel for delivering this Oration, a flagship event in the Northern Territory and in Australia as a whole.

The Honourable Austin Asche AC QC was present, as he was for the meeting next-mentioned.

I thank Professor Les McCrimmon and Charles Darwin University for their assistance in arranging this event.

A video record of the event is to be found [here](#).

Meeting of Fellows in Darwin Friday, 26 March 2021 at 4 PM

Chief Justice Grant kindly made available the Common Room in the Supreme Court of the Northern Territory for a meeting of Fellows. At the meeting, I brought Fellows up to date with the Academy's activities. The meeting also discussed ideas for a future event this year in Darwin. A topic concerning the recognition of Aboriginal Law was identified, and a committee consisting of Mr Alistair Wyvill SC, Justice Judith Kelly and Professor Les McCrimmon is being established.

I thank Chief Justice Grant for facilitating this

meeting and Professor Les McCrimmon for his assistance in arranging this event.

New Fellows

Please 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.

Professor Alison Gerard

Head of the Canberra Law School,
University of Canberra

Website – biographical details

Space has been made on the Academy website under each Fellow's name for you to show your biographical details if you wish. Instructions on how to access the Fellows-only part of the website and add or change biographical details were attached to earlier Newsletters. If you need help, please contact the Secretariat.

Publication on AAL Website

I encourage all Fellows to put forward material for the 'Fellow spotlight' on the webpage.



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