

Welcome to the twelfth and final Newsletter for 2023.

The AAL's Patron

Fellows will be delighted to know that **Chief Justice Stephen Gageler AC**, our Patron, has accepted the Board's invitation to become a Life Fellow.

Calendar year 2023

The AAL has held 20 events this calendar year and one 2½ day conference. Some of these events have been co-hosted, for example with the Australian Academy of Science (see below). I thank all our co-hosts.

A full list of the 2023 events is to be found here:

<https://academyoflaw.org.au/events-and-videos>

The AAL has continued its annual program of prizes and scholarships.

I am very pleased to report that during the calendar year a total of \$19,900 was donated to the AAL's Public Fund to support our educational programs.

A scheme whereby academics may spend a day with a judge

Fellows may recall a proposal from pre-COVID days whereby the AAL would facilitate academics spending a day with a judge. We have now revived that proposal and will conduct a pilot program, in the first instance in the ACT.

A small number of academics in the ACT have expressed interest and the program will now get under way in 2024.

There is still room for further expressions of interest. Please contact the Secretariat.

Planning for 2024

A States and Territories Event Organising Committees Planning Session for 2024 was held on 13 November 2023.

Ideas being explored for seminars and lectures in 2024 include:

- Truth Telling
- The future of the legal profession
- The daily nature of judicial life
- Arbitration/international arbitration
- Statutory commissions of inquiry
- The operation of the National Anti-Corruption Commission
- Report of the statutory review of the *Modern Slavery Act 2018* (Cth)
- Climate Change, Small Island States, and the Law of the Sea: The International Tribunal for the Law of the Sea Advisory Opinion Request

If there is a topic on which you wish to present a paper or wish to have as the topic for a seminar or other event please contact the Secretariat or a member of the Event Organising Committees in your State or Territory as soon as possible.

<https://academyoflaw.org.au/Board-Committees>

Publication of selected papers of the Hon James Allsop AC SC

The AAL has again joined with **The Federation Press**, this time to publish a selection of the papers of **the Hon James Allsop AC SC**, the former Chief Justice of the Federal Court of Australia and who was such a strong supporter of the AAL during his term of office.





Dr Ruth Higgins SC and **Kevin Connor SC** are the editors of the volume. The manuscript will be delivered to the Federation Press shortly.

We are aiming to publish the volume in April 2024.

Joint event with the Australasian Institute of Judicial Administration and the Australian Law Journal: *Enduring courts in changing times*

This 2½ day joint event with the Australian Law Journal (ALJ) and the Australasian Institute of Judicial Administration (AIJA) was held on Friday 8–Sunday 10 September 2023 to mark some important national legal bicentenaries: 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.

The papers are being edited for publication in book form. We are aiming for completion of the book by March/April 2024.

Donations

Please consider making a donation to the AAL’s charitable purposes via the Public Fund, which has DGR status. Donations may be made via the website:

<https://academyoflaw.org.au/Donations>

Forthcoming events

18 March 2024 – Melbourne from 5:00pm – 6:15 pm AEDT

The title of the event is: **Mechanisms in the Administrative Review Tribunal Bill to thwart Robodebt-type maladministration**

The venue will be **Court No 1, Level 8, Federal Court, 305 William Street, Melbourne and online.**

We are fortunate that the **Hon Justice Emilios Kyrou AO** has agreed to be our speaker at this event.. Justice Kyrou is the President of the present AAT and of the proposed Tribunal. He is a judge of the Federal Court of Australia.

From 2008 **Justice Kyrou** was a judge of the Supreme Court of Victoria and from 2014 until his appointment to the Federal Court in 2023 was a

Judge of Appeal in the Supreme Court of Victoria.

The commentator will be **Mr Albert Dinelli KC** of the Victorian Bar.

On 7 December 2023, the Commonwealth Attorney-General introduced into the Federal Parliament the *Administrative Review Tribunal Bill 2023* and the *Administrative Review Tribunal (Consequential and Transitional Provisions No. 1) Bill 2023*. When enacted, the Bills will abolish the Administrative Appeals Tribunal and replace it with the Administrative Review Tribunal. The ART Act will:

- Empower the President to manage the caseloads of the ART in jurisdictional lists and to assign members to jurisdictional areas in accordance with the demands of those caseloads from time to time.
- Provide for a code of conduct and a professional standard for members and facilitate the professional development of members.
- Empower the President to delegate ADR and case management functions to registrars to free members to focus on hearing and determining cases that are not resolved by agreement.
- Provide mechanisms to enable the ART to identify, escalate and report upon systemic issues in administrative decision making, including referring them to a new Guidance and Appeals Panel or to the re-established Administrative Review Council. A key rationale for these mechanisms is to thwart Robodebt-type maladministration.

Justice Kyrou will discuss those mechanisms.

The two Bills are to be found here:

https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=r7117

https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=r7127

This will be a free public event and a link will be provided beforehand. Please put the date in your diary. Registration details will be available soon.





21 March 2024 – Hobart

Planning is underway to hold an AAL event in Hobart on the evening of 21 March 2024. The speaker and format have yet to be decided, but if you will be in Hobart on that evening, please hold the date.

An event in Adelaide on arbitration

I hope to take advantage of the presence in Adelaide of **the Hon Kevin Lindgren AM KC** in March and April 2024 to organise an event on arbitration. Please let me know if you are interested in presenting a paper.

I note that the University of Adelaide Law School, in partnership with the Resolution Institute, will offer a Professional Certificate in Arbitration in 2024.

Recent events

Monday 4 December 2023 – Annual joint event with the Australian Academy of Science (AAS) at The Shine Dome, Canberra

On the joint invitation by the Presidents of the AAS and the AAL, **Dame Julie Maxton DBE** was the guest speaker at our annual joint Academies event(s).

Dame Julie is the Executive Director of the Royal Society, and has held that position since 2011. Before taking up that position, she was Registrar at the University of Oxford, from 2006.

Originally trained as a barrister at the Middle Temple, Dame Julie combined a career as a practising lawyer with that of an academic, holding a number of senior academic positions, including those of Deputy Vice Chancellor, Professor and Dean of the Faculty of Law at the University of Auckland.

She is an Honorary Fellow of University College Oxford, a Bencher of the Middle Temple and a Freeman of the Goldsmith's Company.

This Canberra event was attended by 80 lawyers and scientists who heard a fascinating talk on how the Royal Society is acting to keep bad science out of the courtroom and how best to keep lawyers, especially judges, more up to date with developments in science.

Professor Chennupati Jagadish AC, President of the Australian Academy of Science introduced Dame Julie and I moved the vote of thanks.



From left to right, the Hon Alan Robertson SC, President of the Australian Academy of Law; Dame Julie Maxton DBE, Executive Director of the Royal Society; Professor Chennupati Jagadish AC, President of the Australian Academy of Science; and Anna-Maria Arabia, Chief Executive of the Australian Academy of Science



From left to right, Professor Chennupati Jagadish AC, President of the Australian Academy of Science; the Hon Justice Jacqueline Gleeson, High Court of Australia; the Hon Justice Stephen Gageler AC, High Court of Australia; Dame Julie Maxton DBE, Executive Director of the Royal Society; Justice James Edelman, High Court of Australia; the Hon Alan Robertson SC, President of the Australian Academy of Law; Anna-Maria Arabia, Chief Executive of the Australian Academy of Science; and the Hon Robert Beech-Jones, High Court of Australia





Further events at which Dame Julie spoke were as follows:

Tuesday 5 December 2023 – Sydney

Court 12D, Supreme Court of New South Wales, Queens Square, Sydney

Some 35 scientists and lawyers heard Dame Julie share her expertise at the interface of science and law.

I introduced Dame Julie and chaired the session.

Professor Robert Graham AO, Vice President and Secretary for Biological Sciences at the Australian Academy of Science, gave the vote of thanks.

The lecture was followed by a Q&A session.



Dame Julie Maxton DBE speaking at the Sydney AAS/AAL event

Wednesday 6 December 2023 – Melbourne 5 PM to 6:15 PM followed by refreshments

Court No 1, Level 8, Federal Court of Australia, 305 William Street, Melbourne

An audience of approximately 30 people, including many from the Victorian Institute of Forensic Science, attended this lecture. It was followed by a very lively Q&A session.

The **Hon Pamela Tate AM KC** introduced Dame Julie.

Professor Marilyn Anderson AO, the Treasurer of the Australian Academy of Science, moved the vote of thanks.



From left to right, the Hon Pamela Tate AM KC, Dame Julie Maxton and Professor Marilyn Anderson AO at the Melbourne AAS/AAL event

We are very grateful to Dame Julie for her willingness to share her expert knowledge at these three events.

New Fellows

Please join me in extending a warm welcome to the following distinguished lawyers who have accepted the Board's invitation to become a Fellow of the Academy:

Guy Aitken KC Former Chief General Counsel, Australian Government Solicitor.

Dr William (Will) Bateman Professor of Law and Associate Dean of Research, Australian National University

Dr Ivana Damjanovic Lecturer, University of Canberra and former diplomat

The Hon Justice Steven Dolphin President, South Australian Employment Tribunal

Professor Matthew Harding Dean, Melbourne Law School, University of Melbourne

Dominique Hogan-Doran SC Barrister, Sydney

Dr Benjamin Kremer SC Barrister, Sydney

The Hon Justice Emiliou Kyrou AO Judge of the Federal Court of Australia and President, Administrative Appeals Tribunal

Professor Maree Sainsbury Senior Fellowship of the Higher Education Academy; Head, Canberra Law School; Deputy Dean, Faculty of Business, Government and Law, University of Canberra





Peter Sutherland Visiting Fellow, College of Law,
Australian National University

Dr Carolyn Tan Special Counsel, Yamatji Marlpa
Aboriginal Corporation

Seasons best wishes

I wish all Fellows a happy, safe and restful break.

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