

Welcome to the second Newsletter for 2024.

## **Congratulations**

Please join me in warmly congratulating the following three Fellows on their recognition in the 2024 Australia Day Honours:

### **Officers (AO) in the general division**

**The Hon Justice Jenny Blokland**, Darwin, NT  
For distinguished service to the judiciary, to the law, to professional associations, and to the community.

**The Hon Justice Judith Kelly**, Darwin NT  
For distinguished service to the judiciary, to the law, to professional associations, and to women.

**The Hon John McKechnie KC**, WA  
For distinguished service to the law, to the judiciary, and to the community of Western Australia.

## **Planning for 2024**

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

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 a member of the Event Organising Committees in your State or Territory <https://academyoflaw.org.au/Board-Committees> or the Secretariat as soon as possible.

## **AAL Annual Report for 2023**

The AAL's fourth annual report is being prepared. If you wish to have a particular subject addressed in the Report please contact the Secretariat or me. Once published, the Report will be available on the website.

## **2024 AAL First Nations Scholarship**

The Australian Academy of Law again offers the AAL First Nations Scholarship tenable in 2024 for a First Nations final year law student\* studying for the LLB or JD or combined Law degree at any Australian law school, or the Diploma in Law through the NSW Law Extension Committee.

The amount of the award is A\$5000 for one year only.

The successful applicant may, additionally, have the opportunity of being mentored for up to a year by an AAL Fellow.

Applications based on the Selection Criteria below are through nominations by the respective Law Deans to the AAL Secretariat by the closing date of 18 March 2024 at 5pm (AEDT). Each Law Dean may nominate one Final Year First Nations law student.

Interested applicants should contact their respective Law Deans to seek to be nominated.

They must provide their academic transcripts, CVs, Personal Statements of no more than 500 words and a list of their existing sources of financial sponsorship (if any).

*\*A "final year law student" means a person who will complete the LLB or JD or combined Law degree, or the LEC Diploma in Law, by April 2025.*

### **Selection Criteria**

1. Academic ability and likelihood of success;
2. Not normally in receipt of any other substantial scholarship or award;
3. Proposed post-graduation career path evincing a commitment to the law and/or legal practice.

Shortlisted applicants may be required to attend an interview in April 2024 with the Selection Panel.

I am pleased to report that the Selection Panel will be **Justice Tony Besanko**, Federal Court of Australia; **Justice Louise Taylor**, Supreme Court of the Australian Capital Territory; and **the Hon Kevin Bell AM KC**, former judge of the Supreme Court of Victoria, former Commissioner, Yoo-rrook Justice Commission, Victoria. I thank each of them.

The winner will be announced by the end of April.

### **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.

### **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. They have written the introduction. The manuscript has been delivered to the Federation Press.

I am pleased to report that **Chief Justice Stephen Gageler AC** has agreed to contribute the foreword.

We are aiming to publish the volume in the first half of 2024.

### **Publication of the proceedings of the joint event with the AIJA and the ALJ: *Enduring Courts in Changing Times***

This 2½ day joint event with the Australasian Institute of Judicial Administration and the Australian Law Journal and 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 AAL is now, with the excellent work of **Dr Trischa Mann**, editing the papers for publication in book form. All the papers are in. We have moved past Word files and Dr Mann has (almost) everything in first layout.

We are aiming for publication of the book by April 2024.

### **Nomination of candidates for Fellowship**

It is important that each Fellow considers from time to time other persons of exceptional distinction in the discipline of law who are suitable for nomination as a Fellow. Each Fellow is encouraged to look broadly to nominate candidates and to consider candidates from diverse backgrounds. Without limiting the content of diversity, the AAL is seeking to be gender diverse, ethnically diverse and to include lawyers with or from different backgrounds.

Nominations should be forwarded to the AAL Secretariat by 31 August each year.

The AAL expects to elect new Fellows by the end of each calendar year.

The nomination process is confidential in the sense that the nominee should not be involved, so as to avoid any disappointment if a nomination is unsuccessful.

Clause 6 of the AAL’s Constitution states that the eligibility criteria are that the person is “of exceptional distinction in the discipline of law” and is “demonstrably committed to the objects of the Academy”.

Consistently with the AAL's objective of providing a "bridge" between the three areas of academia, the judiciary and the practising profession, these criteria may be met in different ways, depending on whether the candidate's distinction stems from their core work as an academic, or as a judicial officer or as a legal practitioner.

For example, it would not be expected that a legal practitioner who is not or is no longer an academic would have a list of publications or research as extensive as an academic's. But it would be expected that a distinguished lawyer would show a contribution beyond the work involved in their official or formal work.

For practising lawyers, contribution to the activities of a professional or regulatory body will be given weight, as would presentations and instruction, whether to members of the profession or to students, and publications in legal journals.

Similarly, for judicial officers, it would not be expected that a judge would necessarily have a list of publications or research, but it would be expected that a judge would have contributed beyond their official duties, for example by papers, participation in professional discussions, law reform, mentorship.

Academic nominees would also be expected to have gone beyond their formal responsibilities, for example by way of impact or engagement outside pure academia.

The relevant objects of the Academy are to:

- Advance the discipline of law;
- Promote excellence in legal scholarship, research, education, and the administration of justice;
- Promote law reform;
- Promote ethical conduct and professional responsibility;
- Enhance the understanding and observance of the rule of law;
- Provide a forum for collaboration and constructive debate amongst all branches of the legal community.

In the nomination please include, where relevant, reference to:

- Contribution to the activities of a relevant professional or regulatory body, presentations and instruction, whether to members of the profession or to students, and publications in legal journals
- Teaching and mentoring, including research supervision; and academic and research leadership
- Participation in professional societies, journal refereeing, editorial boards, public lectures, national and international committees etc.
- For academics, any research grants
- Conference or seminar presentations.

All nominations should have a seconder who should provide a substantive endorsement rather than a one line "I agree".

A nomination form will shortly be available on the website here to assist in the process.

## 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>

## Your contact details

Please contact the AAL Secretariat as soon as possible if your contact details change or if your profile changes.

## 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.

This will be a free public event and a link will be provided beforehand. Please [register here](#)

## Thursday 21 March 2024 – Hobart

There will be an AAL event in Hobart on the evening of 21 March 2024. Invitations and notifications have been sent out. If you will be in Hobart on that evening, have not been invited and wish to attend, please let the Secretariat know as soon as possible as the venue seats a maximum of 22 people. Partners are very welcome. I will be there, with my wife Patricia. Details of the dinner are:

**Venue:** Landscape Restaurant at The Henry Jones Art Hotel, 23 Hunter Street, Hobart

**Time:** 6.30 PM for 7.00 PM

**Cost:** \$120 per head

There will also be an informal after dinner talk.

Please let the Secretariat know by email ([academyoflaw23@gmail.com](mailto:academyoflaw23@gmail.com)) if you wish to attend.

## 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 offers a Professional Certificate in Arbitration in 2024.

## Recent events

**Tuesday, 20 February 2024 5:00pm at the High Court of Australia, Canberra Michael Coper Roundtable**

The inaugural Commissioner of the National Anti-Corruption Commission, **the Hon Paul Brereton AM RFD SC FAAL**, gave a presentation on the origins and establishment of the Commission, its jurisdiction and the meaning of “corrupt conduct”, its organisation and operations including referrals and assessment, powers, procedures and protections, outcomes and reports. Emerging issues and trends and corruption prevention generally were also discussed. **Mr Brereton** emphasised that he is endeavouring to build co operative links with the anti corruption bodies of Australia’s Pacific neighbours.

There was a record attendance of 22 at this in person Fellows only event, including several Fellows who had had experience with State and Territory anti-corruption bodies.



*From left to right, the Hon Paul Brereton, the Hon Mary Finn and Mr Michael Murray*

Alan Robertson  
President

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