

Welcome to the sixth Newsletter for 2024.

## Congratulations

Please join me in congratulating the following Fellows on their recognition in the King's Birthday Honours.

*Officer of the Order of Australia (AO) in the General Division*

### **The Honourable Kevin Bell AM KC**

For distinguished service to the judiciary, to the law, and to human rights through education and reform.

*Members of the Order of Australia (AM) in the General Division*

### **The Honourable Justice Graham Hiley RFD**

For significant service to the judiciary, to the law, and to the Indigenous community.

### **The Honourable Ann Lyons**

For significant service to the judiciary, to the law, and to the community.

*Medal of the Order of Australia (OAM) in the General Division*

### **Distinguished Professor Stuart Kaye**

For service to international law, and to tertiary education.

Please also join me in congratulating Academy Fellow **Mr Stephen McDonald SC** whose appointment to the Federal Court of Australia has been announced. He has been appointed to the South Australian Registry and will commence on 8 July 2024.

Congratulations also to Academy Fellow **Professor Kim Rubenstein** who has been selected by the Council of Australia Law Deans as the winner of the 2024 Lifetime Achievement Medal in recognition of her "significant and impactful contributions to legal research in Australia".

## Donations to the AAL

With 30 June fast approaching, please consider making a donation to the AAL's charitable purposes via the Public Fund, which has deductible gift recipient (DGR) status. Donations may be made via the website:

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

I am very pleased to report donations totaling \$3,800 in June, so far.

## Nominations

Another date which is fast approaching is 31 August 2024, the date for nominations by Fellows of other distinguished lawyers.

The eligibility criteria are that the person nominated is of exceptional distinction in the discipline of law and demonstrably committed to the objects of the Academy. All Fellows are encouraged to look widely and broadly to nominate candidates.

I ask that you look at candidates beyond your usual professional or personal networks and that in nominating distinguished persons from the legal profession, from legal academia and from the judiciary you consider candidates from diverse backgrounds.

To assist, a form is available [here](#)

Please forward your nominations to the AAL Secretariat [aalsecretariat@academyoflaw.org.au](mailto:aalsecretariat@academyoflaw.org.au) by 31 August 2024.

The AAL expects to elect new Fellows by the end of calendar year 2024.

## 2024 AAL First Nations Scholarship

The Australian Academy of Law again awarded the AAL First Nations Scholarship tenable in 2024 for a First Nations final year law student.

The successful applicant was UNSW student **Mr Kyle Fox**, a proud Wiradjuri man currently in his final year at UNSW studying for a Bachelor of Laws/Criminology and Criminal Justice.

Kyle is living on Dharawal country and has extended family members living on Wiradjuri country in Dubbo and Cowra in the central west of New South Wales.

He says that throughout his degree, he has noticed a lack of Indigenous content in the law curriculum. He is part of a UNSW project designed to rectify this by developing content and teaching materials to embed Indigenous voices and perspectives across legal subjects. Kyle has also worked as a Research Assistant contributing to other projects, including the Bugmy Bar Book Project and a multi-jurisdictional Criminal law textbook, and is appointed as a First Nations tutor at UNSW.

The amount of the award is A\$5000.

The AAL also offers one or more Fellows as mentor.

The selection panel was **Justice Tony Besanko**, Federal Court of Australia (Chair); **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-rook Justice Commission, Victoria. I thank each of them.

The panel remarked that Kyle's application was outstanding.

A small ceremony was held on 28 May 2024 in the Common Room, Law & Justice Building at UNSW. It was attended by the Dean of the UNSW Faculty of Law & Justice, **Professor Andrew Lynch**, **Mr Kyle Fox** and members of his family, and me.

Please join me in congratulating **Mr Kyle Fox**. The AAL's media release is to be found [here](#).

Other publicity is [here](#).

## 2024 AAL Essay Prize – 31 August 2024

The Australian Academy of Law invites essays for its 2024 Annual Essay Prize. The deadline for the submission of an essay is 31 August 2024 and this time limit is strictly observed, as the Rules governing the Annual Essay Prize make clear.

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 essay topic for the Prize in 2024 is as follows:

“Taking into account the decision of the High Court in *NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs* [2023] HCA 37 and the response by government to it, what is the law of preventative detention in Australia: Commonwealth, State and Territory? Is it fit for purpose? If not, how and by reference to what principles should it be reformed?”

The length of the essay to be submitted is a maximum of 8,000 words (excluding the abstract).

Essays should be submitted to the Secretariat at the Australian Academy of Law

[aalsecretariat@academyoflaw.org.au](mailto:aalsecretariat@academyoflaw.org.au)

The Rules can be accessed on the Academy's website [here](#).

You should also refer to the Academy's website [here](#) for further information about the actual submission of an entry as well as information on previous winners.

I am pleased to say that the following AAL Fellows have offered to be on the judging panel for 2024:

**The Hon WMC Gummow AC KC** (Chair), **the Hon Pamela Tate AM KC** and **Mr Stephen McDonald SC**.

## AAL Annual Report for 2023

The AAL's fourth annual report has been published. I thank **Ms Kerrie Douglass** for her work on the text and **Dr Trischa Mann** for her editorial work. The Report is available on the AAL's website [here](#).

A limited number of paper copies have also been printed.

In the Report, the Message from the AAL's Patron, **the Hon Stephen Gageler AC**, Chief Justice of the High Court of Australia reads:

“In 2023 the AAL succeeded again in providing forums in which to encourage discussion, debate and reflection on topics concerning the Australian legal system. A highlight was a major conference to mark the bicentenaries of the Supreme Court of New South Wales and the Supreme Court of Tasmania. Around 30 papers were given which will be published in early 2024.

As a long-time member of the AAL, I am pleased now to have become its Patron. In that new capacity, I look forward to working with the organisation and to providing such assistance as I can in furthering its valuable objectives. I join the President in thanking the Hon Susan Kiefel AC for performing the role of Patron until her retirement last year. I extend my thanks to the President and office holders for their continuing dedication.”

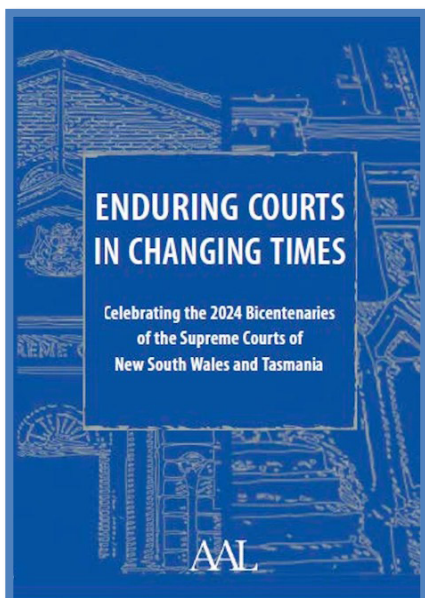
I thank the Chief Justice for his support.

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

This book has now been published by the AAL, following the excellent editorial work of **Dr Trischa Mann**.

You can buy your copy [here](#).

The book will be launched by **the Hon Tom Bathurst AC KC** on **Tuesday 16 July 2024 at 5.15pm** in the Portrait Gallery, Banco Court on Level 13, Supreme Court of New South Wales, Queens Square, Sydney. Please come if you can. Registration details are [here](#). Please join us for light refreshments after the launch itself.



The Contents pages are as follows:

*Friday 8 September 2023*

### Part I: Conference Opening Address

The Creation of the Supreme Courts of New South Wales and Van Diemen's Land

**Chief Justice Susan Kiefel**

*Saturday 9 September 2023*

### Welcome to Country

**Uncle Michael West**

### Part II: Courts, Legal Systems and the Indigenous People

Comparative Perspectives: Engaging Productively Across Legal Orders

**Val Napoleon**

Welcoming Courts to Country

**Justice Joe Williams**

First Nations and State Sovereignties in Australia: Challenges for Enduring Courts in Changing Times

**Marcelle Burns**

Responses and Q&A: Courts, Legal Systems and the Indigenous People

**Kate Warner and Tim McCormack**

### Part III: History

The 1823 Supreme Court in the Imperial Context

**Lisa Ford**

The Foundation of Judicial Methods in Early New South Wales

**Bruce Kercher**

Adapting to Frontier Conditions: The Administration of the Law in Van Diemen's Land 1803–1824

**Stefan Petrow**

Origins and Events Leading to the Foundation of the Supreme Court of New South Wales in 1823

**David Barker**

Barristers, Solicitors and Amalgams: A Tale of Two Cities

**Chief Justice Alan Blow**

From *Parens Patriae* to Will and Preference: The Evolution of the Guardianship Framework in New South Wales and Tasmania

**Malcolm Schyvens**

### Part IV: Criminal Law

Commemorating Twin Supreme Courts: The Historical Contexts after 1824 and before 2024

**Gregory Woods KC**

Criminal Justice Then and Now

**Kate Warner**

Excavating the Legacy of the Criminal Law

**Hamish Maxwell-Stewart**

**Part V: After-Dinner Speech**

My Predecessors: A Dégustation of Chief Justices  
**Chief Justice Andrew Bell**

*Sunday 10 September 2023*

**Part VI: Judges**

Launch of the ALJ Special Issue on the Judiciary  
**Gabrielle Appleby**

Judicial Appointments: The Evolution of Diversity  
**Michael Tidball**

The Changing Composition of Courts  
**Joshua Thomson**

Commentary  
**The Hon Duncan Kerr**

Commentary  
**Rosalind Dixon**

**Part VII: Legal Education and Professional Development, Through the Years and Now**

Embracing Change: Educating Judges  
**The Hon Robert Benjamin**

Judicial Education  
**Una Doyle**

**Part VIII: Tenure and Accountability**

Judicial Tenure and Accountability  
**Gabrielle Appleby**

**Part IX: Technology and Digital Courts**

Free Access to Law and Digital Court Decisions in Australia: Reflections and Future Directions  
**Andrew Mowbray, Philip Chung and Graham Greenleaf**

Inglis Clark's Postage and Recent Experience with Broadcasting Court Proceedings  
**Justice Robert Beech-Jones**

Technology in Court  
**Justice Sarah McNaughton**

**Part X: Specialist Courts**

Specialist Environmental Courts: Their Objective, Integrity and Legitimacy  
**Chief Judge Brian J Preston**

In Praise of Legal Parochialism: On Why I Read the Decisions of Specialist Courts  
**Liz Fisher**

Division of Labour in the Courts: Balancing Values in Changing Times  
**Brian Opeskin**

**Part XI: Impartial Administration of Justice**

Judicial Impartiality  
**Justice Sarah Derrington**

Judicial Impartiality: Historical Perspectives  
**The Hon Keith Mason**

**Part XII: Contempt of Court**

Contempt of Court and the Media  
**David Rolph**

**Part XIII: Conference Closing Address**

Closing Address  
**Her Excellency Margaret Beazley**

The book has 34 chapters and 478 pages.

In my view it is a work of substantial scholarship. I commend it to you.

**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 contributed the Foreword. I thank him.

We are now aiming to publish the volume in August 2024.

As noted in the June 2023 Newsletter, this publication has been greatly subsidised by Academy Fellow **Alan Archibald KC**. He wrote "On behalf of the Trustee for Alan and Mary-Louise Archibald Foundation, it is with great pleasure that I confirm a grant in favour of the Australian Academy of Law for \$10,000, specifically for funding publication of the Allsop volume and any balance towards the September conference."

## **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 aim to conduct a pilot program, in the first instance in the ACT.

An insufficient number of academics in the ACT have expressed interest so far but I hope the program will now get under way in 2024.

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

## **Forthcoming events**

### **Western Australia**

**Wednesday 26 June 2024** from 1-2pm (WST) **Online only**

#### **Corporate Culture: WA Higher Degree Research Showcase Seminar**

The speakers will be **Rebecca Faugno** and **Amy Salapak**. A flyer with registration details is [here](#).

### **Queensland events**

**Thursday 11 July 2024 - Youth Justice in Queensland:**

Brisbane event in conjunction with the Current Legal Issues Series by the Bar Association of Queensland, the Supreme Court Library Queensland and the University of Queensland.

**Professor Tamara Walsh**, The University of Queensland, TC Beirne School of Law; **Natalie Lewis**, Commissioner of the Queensland Family and Child Commission; Magistrate **Eoin Mac Giolla Ri**, Beenleigh Magistrates Court, **Damian Bartholomew**, Youth Advocacy Centre and chaired by **Her Honour Judge Deborah Richards**, President of the Childrens Court of Queensland

Details are to be found [here](#).

### **13 July 2024 Australian Law Students' Association Paper Presentation Competition**

As explained on ALSA's webpage, Paper Presentation involves researching and writing a legal essay and then presenting it to a panel of judges.

Competitors compete individually and the papers may be written on any legal topic.

The panel may ask questions as they see fit during and after the presentation to find the depth of knowledge and understanding the competitor has in the chosen field. Competitors are assessed on the essay and the presentation.

The grand final will take place on Saturday 13 July at 6.00 pm at Franklin Wharf Bar and Restaurant, Hobart.

I thank the **Hon Duncan Kerr Chev LH SC**, **Professor Gino dal Pont** and **Professor Gabrielle Appleby** for agreeing to be on the judging panel for this event.

As may be seen [here](#) the AAL is the sponsor for this event, the prize being the Michael Coper Memorial Prize.

### **Sydney, New South Wales**

**Tuesday 16 July 2024 at 5.15pm**

As mentioned above, the Enduring Courts in Changing Times book will be launched by **the Hon Tom Bathurst AC KC** on Tuesday 16 July 2024 at 5.15pm in the area outside the Banco Court on level 13, Supreme Court of New South Wales, Queens Square, Sydney. Please come if you can. Registration details are [here](#).

**Thursday 1 August 2024 – Brisbane event**

**5.30pm – 6.45pm AEST**

Banco Court, Level 3, 415 George Street, Brisbane and Online - this is a free public event and a link will be provided prior to it if you cannot attend in person.

#### **The role and running of Commissions of Inquiry:**

**The Hon Catherine Holmes AC**, **the Hon Margaret White AO** and **Emeritus Professor Peter Coaldrake**, with an introduction by **the Hon Justice Peter Applegarth AM**

The eminent speakers will discuss the large topic of the role and value of commissions of inquiry in the Westminster system, and range over the question of who should lead an inquiry, the role of counsel assisting, the pitfalls of celebrity and relations with the media, the difficulties in offering procedural fairness within the time constraints of an inquiry,

relations with the commissioning government, issues of privilege, variations across jurisdictions, getting and managing the material, and obtaining and nurturing staff.

The flyer with registration details is [here](#).

**Wednesday, 7 August 2024 Perth 17:00 for 17:15 start (WST)**

**Contemporary Issues for the Venerable Charitable Trust**

**Place:** Exchange Tower, 2 The Esplanade, Perth WA 6000 and online with a link will be provided beforehand

In this talk **Professor Ian Murray** will present some charity sector and charitable trust basics but will focus on contemporary developments for the storied institution of the charitable trust. In particular:

1. The new *Charitable Trusts Act 2022* (WA)
2. Why is there a *Charities Act 2013* (Cth) and a *Charitable Trusts Act 2022* (WA)?
3. Changes in England and Wales for much easier reform of charitable trusts (applying from March 2024) – can we expect the same changes in Australia?
4. The Productivity Commission's review of philanthropy and implications for charitable trusts.

**Professor Ian Murray** is a lecturer in the UWA Law School where he teaches in Taxation, Corporations and Not-for-profit Law, as well as researching at the intersection between Not-for-profit Law, Tax, Trusts and Corporate Governance.

The flyer will be available shortly.

**3 October 2024 - Northern Territory**

The **Austin Asche** Oration, Darwin - **Dr Anna Cody**, Sex Discrimination Commissioner. This annual event is co-hosted with Charles Darwin University.

**31 October 2024 – Brisbane event**

**Patron's address** by the **Hon Chief Justice Helen Bowskill, Brisbane**

**25 November 2024 AAS/AAL Joint symposium**

At a recent planning meeting with the Australian Academy of Science we fixed this now annual symposium for 25 November 2024 at the Shine Dome, Canberra. Please put this date in your diary. The topic and the speakers will be announced soon.

**In planning - an event on the law of privacy**

With **Desmond Browne CBE KC**, we are planning another UK/Australia event, this one involving lawyers in Australia and in England and Wales speaking remotely. It would examine how English law developed a law of privacy with assistance from the European Convention, and then consider the current state of the law in Australia: and if it is thought to be inadequate how it might be strengthened. We plan to hold the event in November this year. If you are interested in speaking or contributing in any other way please let me or the Secretariat know.



Alan Robertson

President

[alan.robertson.sc@gmail.com](mailto:alan.robertson.sc@gmail.com)

0404 850 364