

Welcome to the seventh Newsletter for 2024.

Congratulations

Please join me in congratulating Academy Fellow **Professor George Williams AO** who this month took up his appointment as the Vice-Chancellor and President, Western Sydney University.

Nominations

31 August 2024 is fast approaching, 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. I note that practitioners are underrepresented amongst Academy Fellows.

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

Please forward your nominations to the AAL Secretariat aalsecretariat@academyoflaw.org.au by 31 August 2024.

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

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

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**.

Donations to the AAL

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 the magnificent donation by Overseas Fellow **Sir Ross Cranston** of \$5,000, received earlier this month. Our prizes and scholarships for the coming year are well secured by such generosity.

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](#).

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 was launched by **the Hon Tom Bathurst AC KC** on Tuesday 16 July 2024 in the Portrait Gallery, Banco Court on Level 13, Supreme Court of New South Wales, Queens Square, Sydney. **Chief Justice Alan Blow AO** also launched the book, by videolink, from Hobart.

About 35 attended the launch, including our former Patron **the Hon Robert French AC**.



From left to right, the Hon Robert French AC, former Chief Justice of Australia; the Hon Tom Bathurst AC KC, former Chief Justice of the Supreme Court of New South Wales and the Hon Andrew Bell, Chief Justice of the Supreme Court of New South Wales



I thank **Chief Justice Andrew Bell** for his support and for making the venue available to us.

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. 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.

This publication has been greatly subsidised by Academy Fellow **Alan Archibald KC**.

I understand this frontispiece illustration has been chosen, with thanks to NSW Bar News:



The Hon James Allsop AC

Recent events

Western Australia

Wednesday 26 June 2024 from 1-2pm (WST)
Online only - Corporate Culture: WA Higher Degree Research Showcase Seminar

The speakers were **Rebecca Faugno** and **Amy Salapak**. Professor Sarah Murray chaired the event and said it was a great session. There were about 18 online attendees and both speakers got some excellent questions about their research and the challenges of regulating corporate culture.

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. The speakers were:

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

I thank Academy Fellow **Dr Dominic O'Sullivan KC** for his comment: "It was a very successful seminar, with probably 200 attendees, and much discussion from the audience." I also thank Supreme Court Librarian and CEO **Marian Morgan-Bindon** for her comment: "It was a great event with significant audience engagement."

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 grand final took 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 Margaret Otlowski](#) and [Professor Gabrielle Appleby](#) for constituting 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.

I thank [Amie Myhowycz](#), Vice-President (Competitions) Australian Law Students' Association for the following information:

“The National Paper Presentation Competition, proudly sponsored by the Australian Academy of Law, was a fantastic success at this year's Australian Law Students' Association Conference. Each competitor had to submit their paper for marking in advance, present their paper uninterrupted for 15 minutes at the conference, and be questioned by their judge for an additional 10 minutes, being asked questions on the strengths and weaknesses of their arguments.

All judges described the standard of essays entered in the competition as extremely high. Competitors explored numerous areas of law, including regulating blockchain and gender-based violence in the digital era.

[Sameer Mandhan](#) from the Victoria University of Wellington was our Overall Champion. His paper was titled "Putting Unfair Practices out to Pasture: An Analysis of New Zealand's Retirement Village Industry Through a Consumer Law Lens."

Our overall runner-up was [Neil Hutton](#) from the University of Auckland. His paper was titled, "The Persisting Influence of Eugenics on New Zealand Law," in relation to mental health, compulsory treatment, and immigration legislation.

Our Australian champion was [Kai Mitchell](#) from the Australian National University. His paper was titled, "The Law of Terror: Anti-Terrorism Legislation as an Encroachment on Democracy and Human Rights in Australia, Singapore and the Philippines."

Our Australian runner-up was [Jasmine Grian](#) from the Canberra Law Students' Society. Her paper was titled, "A Discussion of Smith v Fonterra and the Law of Torts."

On behalf of the ALSA Committee and competitors, I'd like to thank our grand final judges: the [Honourable Duncan Kerr](#), [Professor Margaret Otlowski](#), and [Dr Gabrielle Appleby](#). We greatly appreciate your dedication to supporting young law students. Congratulations to all competitors involved.”



A photo from the Semi Final round:

Top Row (left to right): Jasmine Grian (Canberra Law Students' Society), Sameer Mandhan, Victoria University of Wellington.

Bottom Row (left to right): Abigail Owsley (University of Waikato), Kai Mitchell, (Australian National University), Isabelle Patch (University of Canterbury), Neil Hutton (University of Auckland).

Forthcoming events

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 beforehand 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) In person only

Contemporary Issues for the Venerable Charitable Trust

Exchange Tower, 2 The Esplanade, Perth WA 6000

In this talk **Professor Ian Murray** will present on contemporary developments for the storied institution of the charitable trust and the new *Charitable Trusts Act 2022* (WA) and reforms in England and Wales allowing for reform of charitable trusts (applying from March 2024). Attention will turn to whether we can expect the same changes in Australia and to the Productivity Commission's review of philanthropy and implications for charitable trusts.

The Attorney General of Western Australia and Minister for Electoral Affairs, **the Hon John Quigley MLA** will discuss the new Act, its ramifications and the policy considerations that motivated the legislation.

Professor Ian Murray is a Professor at 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 Hon John R Quigley MLA was born in Perth in 1949, received his law degree from UWA, practiced as a lawyer for 25 years, was elected to Parliament in 2001 and has been serving as Attorney General since 2017.

Joshua Thomson SC will be the chair.

The flyer is [here](#). Please register.

27 August 2024 - ACT event

5.00 – 7.00 pm AEST Michael Coper Roundtable In person for Fellows only

Preserving Public Service Independence and Impartiality

Andrew Podger AO FASSA FIPAA and John McMillan AO FAAL

Office of the Australian Government Solicitor, 4 National Circuit, Barton, ACT.

Preserving the integrity of the Public Service is an enduring and lively topic. This Roundtable will examine recent developments, focusing on two important publications:

- A Discussion Paper released by Andrew Podger in July 2024 titled 'Further Reform of the Australian Public Service', endorsed by 28 former senior public servants. The Discussion Paper can be found at: https://csm.cass.anu.edu.au/sites/default/files/docs/2024/7/APS_REFORM_-_2024_-_DISCUSSION_PAPER25.pdf
- A Report by the Victorian Ombudsman published in December 2023 titled 'Alleged Politicisation of the Public Sector'. John McMillan led the investigation as Strategic Advisor. The Report is available at <https://www.ombudsman.vic.gov.au/our-impact/investigation-reports/alleged-politicisation-of-the-public-sector/#full-report>

Andrew Podger is a former Australian Government Public Service Commissioner and Departmental Secretary, and is Honorary Professor of Public Policy at ANU.

John McMillan is a former Commonwealth Ombudsman and Information Commissioner and is an Emeritus Professor at ANU.

The Roundtable will be chaired by **Emeritus Professor Stephen Bottomley FAAL**.

If you will be in Canberra on 27 August please [register here](#) (by 23 August 2024).

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.

Registration details will be available soon.

21 October 2024 - an event on the law of privacy

With the great help of **Desmond Browne CBE KC**, we are planning another UK/Australia event, this one involving senior lawyers in Australia and in England and Wales speaking remotely. Those who have kindly agreed to speak are:

Lord Justice Warby, joint editor of *The Law of Privacy and the Media*:

Tom Blackburn SC, whose practice in media law includes breach of confidence and privacy cases

Professor Barbara McDonald, who headed the ALRC Inquiry into Serious Invasions of Privacy in the Digital Era.

Professor David Rolph, who specialises in media law and whose recent publications include Rolph, D., Pilkington, T., Eldridge, J. (2024). *Australian Tort Law in the 21st Century*: The Federation Press.

The seminar will 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.

A flyer and registrations will be available soon.

31 October 2024 – Brisbane event

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

Her Honour is planning to speak on the role of academics' work in the development of the law, by focussing on a few key judgments or areas where courts have looked to the analysis of legal scholars to assist in the development of the law.

Registration details will be available soon.

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.



Alan Robertson

President

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