

Vale Emeritus Professor Michael Coper AO FAAL

Most Fellows will be aware that Emeritus Professor Michael Coper AO FAAL passed away on 13 April 2019 in Canberra after a long struggle with cancer.

Michael was a Foundation Fellow of the Academy, a longtime director of it, and an active member of the important Membership Committee.

In recent years Michael took the initiative of establishing the roundtables for Fellows in Canberra which have been very popular and worthwhile.

His contribution to Academy activities will be sorely missed.

A funeral service was held on 23 April 2019 at Emanuel Synagogue, Woollahra, Sydney and an event to celebrate his life at University House in Canberra on 7 May 2019.

At its meeting last night, the Board of Directors resolved to make a donation to a charity that Michael supported, the Refugee Advice and Casework Service and also adopted a recommendation of the Prizes Committee to establish an annual prize, the Australian Academy of Law Michael Coper Memorial Prize of \$1,500 for the winner of the Paper Presentation Competition held at the Annual Conference of the Australian Law Students' Association.

The Board also noted with approval the decision of Fellows in the Australian Capital Territory to henceforth name their roundtable functions the Michael Coper Roundtables.

Deductible Gift Recipient Status

At its meeting last night, the Board decided to convene an extraordinary general meeting of the Academy with a view to passing a special resolution amending the Academy's Constitution that is required by the Australian Taxation Office to enable the Academy to take advantage of the deductible gift recipient status that has been accorded to it.

Essentially, the amendments require the Board to establish a separate dedicated charitable fund for the purpose.

The notice of the meeting, which incorporates the proposed special resolution, is enclosed.

As well, there is enclosed an explanatory memorandum from the President who is overseas.

Fellows will note that the extraordinary general meeting is to be held at 5.00 pm on Wednesday 12 June at the Federal Court in Sydney.

Fellows may vote in person or by proxy and the form of appointment of a proxy accompanies the notice of extraordinary general meeting and the explanatory memorandum.

Annual Essay Prize

At its meeting last night, the Board accepted the recommendation of the Prizes Committee that the topic for this year's essay prize will be:

"How do private law and public law interact in Australia? What are, and what should be, the available remedies (public or private or both) where they interact?"

A formal notice of the offering of the Prize is enclosed.

The Board further approved a change to the Essay Prize Rules, the deletion of Rule 5, which required intending essayists to give advance notice of their intention to submit an essay.

The amended Rules for this year will be found on the [AAL's website](#).

Fellows are encouraged to publicise the Prize with a view to attracting a large number of entries.

The Prize is \$10,000.

The deadline for entries is 31 August 2019.

Recent Events

Another of the very successful Michael Coper-initiated roundtables was held in Canberra on Thursday 9 May.

The topic was *"How the Commonwealth should acquire legal services"*.

The lively session was led by Ian Govey AM, former Australian Government Solicitor, and Russell Miller

AM, former Chair, Minter Ellison, also spoke. The event was chaired by the Hon. Mary Finn.

The roundtable was held in the Minter Ellison Room at the ANU College of Law and was attended by 20 Fellows in all.



Alan Robertson
Deputy President

Forthcoming Events

Patron's Address for 2019 to be delivered by the Hon Chief Justice Susan Kiefel AC

As previously advised, the Patron's Address for 2019 will be delivered by Chief Justice Kiefel at the Banco Court, Supreme Court of Queensland, Brisbane on Thursday 31 October 2019.

The title of the address will be: *The Academy and the Courts: what do they mean to each other today?*



Not only is Chief Justice Kiefel the Patron of the Academy: she was a Founding Fellow when the Academy was established in 2007. At that time the Chief Justice was a Judge of the Federal Court of Australia.

The event will also be the Queensland event for 2019 and promises to be "huge".

A flyer for the event is [attached](#).

The Northern Territory - the Austin Asche Oration in Law and Governance

The Annual Austin Asche Oration in Law and Governance, which is sponsored jointly by Charles Darwin University and the Academy, will be held on Monday evening 19 September 2019.

The speaker will be Elizabeth Broderick AO, former, and Australia's longest serving, Sex Discrimination Commissioner, and a Fellow of the Academy.

As usual, the event will be held in the Nitmiluk Lounge, Level 4, Parliament House Darwin.

The title of Ms Broderick's Address will be: *"The Journey of a Restless Advocate: creating a more Gender Equal Australia."*

A Flyer for the event is [attached](#).



AUSTRALIAN ACADEMY OF LAW

ACN 127 640 466 ABN 19 127 640 466

Extraordinary General Meeting

Notice is given that an Extraordinary General Meeting of the Australian Academy of Law will be held at the Federal Court of Australia, Conference Room, Level 20, Law Courts Building, Queen's Square Sydney, on Wednesday 12 June 2019 commencing at 5.00pm for the purpose of considering, and if thought fit passing, the resolution that appears in the agenda below, as a special resolution.

The Meeting will be chaired by the President.

AGENDA

1. Apologies

2. Deductible Gift Recipient Status – Special Resolution

“That the Academy’s Constitution be amended by:

- (i) Inserting in the chapeau to clause 58.2 between the words “but” and “will” the following: “, subject to clause 60,” so that it will read “...but, subject to clause 60, will be given or transferred to another body corporate...”
- (ii) adding the following immediately after the existing last clause of the Constitution (clause 59):

“60 Public Fund

60.1 The Board must:

- (a) establish a Public Fund to be called the Australian Academy of Law Public Fund (“the Fund”), for the purpose of accepting all money and property consisting of donations and gifts to the Academy (and any income produced from such donations and gifts, including, without limitation, interest received on any monies in the Fund). For the avoidance of doubt, the Fund is a gift fund for the purposes of section 30.130 of the Income Tax Assessment Act (1997) (Cth) (“Tax Act”); and

- (b) manage the income and property of the Fund in accordance with the objects of the Academy as stated in clause 4.1;
 - (c) invite the public to make donations and gifts to the Fund for the objects of the Academy as stated in clause 4.1;
 - (d) must open a separate bank account in the name of the Fund and cause financial records in relation to the Fund to be kept. This account must include all money which is a donation or gift to the Fund, or which is received because of such donations or gifts, to be used solely for promoting the objects of the Academy as stated in clause 4.1 and must not include any other money.
- 60.2 The objects which the Fund will support are all of the objects listed in clause 4.1.
- 60.3 The Academy must issue receipts for donations and gifts to the Fund in the name of the Australian Academy of Law as soon as practicable. The receipts must comply with the Tax Act and, without limitation, must include:
- (a) the name of the Australian Academy of Law;
 - (b) the fact that the receipt is a donation or gift; and
 - (c) the Australian Business Number of the Academy.
- 60.4 Subject to clause 39, the Directors must apply the income of the Fund solely towards the objects of the Academy as stated in clause 4.1. No part of the income of the Fund may be paid or transferred directly or indirectly by way of dividend or otherwise to any officers or employees of the Academy or to any Fellow of the Academy.
- 60.5 A separate committee will administer the Fund, all or a majority of whom have a degree of responsibility to the general community.
- 60.6 If the Academy is wound up or its status as a deductible gift recipient is revoked (whichever occurs first), any surplus of the following assets shall be transferred to another organization with similar objects, which is charitable at law, to which income tax deductible gifts can be made:
- (a) gifts of money or property for the principal purpose of the Academy;
 - (b) contributions made in relation to an eligible fundraising event held for the principal purpose of the Academy;
 - (c) money received by the Academy because of such gifts and contributions.
- 60.7 The Academy must notify the Australian Tax Office of any future change to its Constitution.””

3. Close of meeting

For the Board of Directors
David Barker
(Secretary)
16 May 2019

NOTE: A Fellow is entitled to appoint a person as the Fellow's proxy to attend and vote for the Fellow at the meeting. The written appointment of the proxy must be received by the Academy at least 48 hours before the time fixed for the holding of the meeting (5.00 pm on Wednesday 10 June 2019). A form of proxy is enclosed



AUSTRALIAN ACADEMY OF LAW

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EXPLANATORY MEMORANDUM ACCOMPANYING NOTICE OF EXTRAORDINARY GENERAL MEETING

The Academy received a letter dated 5 April 2019 from The Hon Stuart Robert MP, Assistant Treasurer, advising as follows:

“Thank you for your application seeking to specifically list the Australian Academy of Law in the income tax law as a deductible gift recipient (DGR).

I am pleased to advise the Government has agreed to specifically list the Australian Academy of Law as a DGR with the special condition that ‘the gift must be made after 30 June 2019 and before 1 July 2024’.

As you are aware, listing as a DGR by name involves a change in the tax law; specifically, an amendment to Division 30 of the Income Tax Assessment Act 1997. Therefore, the deductibility of donations to the Australian Academy of Law is subject to the amending legislation being passed by Parliament.

The Government will introduce legislation as soon as practicable to give effect to its decision once the Australian Taxation Office (ATO) has advised the public fund requirements have been met. The ATO will be in contact to assist the Australian Academy of Law meet these requirements.”

As foreshadowed in the Assistant Treasurer’s letter, the Australian Taxation Office (ATO) has contacted the Academy and explained that it is necessary for the Academy’s Constitution to be amended to provide for the establishment of a public fund which will be separate from the ordinary funds of the Academy.

With the advice of the Academy’s solicitors and the approval of the ATO, the public fund rules contained in the attached notice of extraordinary general meeting have been prepared.

If anyone would wish to have more information concerning public fund rules, please see *Taxation Ruling 95/27 Income tax: public funds* which may be accessed on the ATO website.



Kevin Lindgren AM QC FAAL
President

16 May 2019

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Proxy Voting Form

Extraordinary General Meeting 2019

I, _____ of _____

being a member of the Australian Academy of Law, hereby appoint:
the Chairperson of the Meeting (mark box) OR if you are not appointing the
Chairperson of the meeting please write the name of the person you are appointing
as your proxy:

_____ of _____

_____ as my proxy to vote for
me and on my behalf at an Extraordinary General Meeting to be held at the Federal
Court of Australia, Level 20, Law Courts Building, Queens Square, Sydney on
Wednesday 12 June 2019 commencing at 5.00pm.

Signed: _____ Date: _____

* Please post the completed proxy form to the Australian Academy of Law, c/o Federal Court of Australia, Locked Bag A6000, Sydney South NSW 1235 or email a scanned copy to AALSecretariat@academyoflaw.org.au. Proxies are to be received at the Secretariat office **48 hours** prior to the Annual General Meeting (that is no later than 5.00pm Monday 10 June 2019.)

AUSTRALIAN ACADEMY OF LAW

NOTICE OF

ANNUAL ESSAY PRIZE 2019

The Australian Academy of Law is pleased to announce the offering of its *Annual Essay Prize* for 2019.

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 2019 is as follows:

How do private law and public law interact in Australia? What are, and what should be, the available remedies (public or private or both) where they interact?

The deadline for the submission of an essay is 31 August 2019. This time limit is strictly observed, as the Rules Governing the Annual Essay Prize make clear.

Those Rules can be accessed on the Academy's website: www.academyoflaw.org.au

Refer to the Academy's website also for further information about the actual submission of an entry as well as information on previous winners.