

JOINT AAL/AAS SYMPOSIUM ON 23 AUGUST – A RESOUNDING SUCCESS

The symposium on the topic “*Are you sure?*” sponsored jointly by the Australian Academy of Law and the Australian Academy of Science was held on Thursday 23 August in the Federal Court’s ceremonial court on Level 21 of the Law Courts Building.

In brief, the topics covered included the relationship between probability for the purposes of litigation and statistical probability, human memory, the embracing of uncertainty, and judicial understandings of judicial decision-making.

On any reckoning it was a resounding success. Both the well of the Court and the gallery were virtually full meaning that we had an audience of about 220.



From left: Hon Justice Stephen Gageler, The Hon Chief Justice James Allsop, Professor Kerrie Mengersen, The Hon Robert French AC, Professor Max Coltheart AM

The symposium was chaired by the Hon Justice Stephen Gageler and the panellists were as follows:

From the AAS: Professor Max Coltheart, Emeritus Professor of Cognitive Science, Macquarie University

Professor Kerrie Mengersen, Australian Laureate Fellow and Professor of Statistics, QUT

From the AAL: The Hon Chief Justice James Allsop, Chief Justice of the Federal Court of Australia

The Hon Robert French, former Chief Justice of the High Court of Australia



Questions and comments from the audience

There was ample opportunity for questions and comments from the audience, although apparently not ample enough: a member of the audience later emailed me to the effect that the event was a great success and that the questions could have continued for a further hour!

The time over refreshments afterwards saw further discussion of the issues that had been raised in the symposium.

The general consensus among representatives of both Academies was that a further such event should be held, and that perhaps they should even be held annually. So, watch this space.

The event was video recorded and many photographs were taken.

We hope to have the video recording and the full gallery of photographs on the Academy website soon.

ROUNDTABLE IN CANBERRA

A further roundtable for Fellows organised by Professor Michael Coper was held in Canberra on Monday 3 September.

This one was held in the Minter Ellison room, ANU College of Law.

The discussion was led by the Hon Robert French AC on the subject “*A Cart without a Horse: The principle of legality without legislative intention*”.



From left: Professor Michael Coper (convenor of the ACT Chapter), the guest speaker the Hon. Robert French AC, the Hon. Mary Finn (chairperson of our roundtables).

Michael Coper reports that “it was an excellent occasion, with a very stimulating, and to some extent provocative, paper on statutory interpretation” and that the speaker “was highly sceptical of the traditional search for legislative intention, framing the task of statutory interpretation rather as one of constructional choice”. Mr French reconsidered the principle of legality—that clear words are needed to oust long-established rights and freedoms—in this context.

The Fellows in the ACT are to be commended for their support for these roundtables. More than 20 members of the Academy attended.



Roundtable turnout with over 20 Fellows

The next Canberra roundtable will be held on Thursday 29 November 2018, featuring ANU Professor of International Law Don Rothwell and former Commonwealth Chief General Counsel Henry Burmester speaking on the politico-legal issues involved in the controversy surrounding China’s assertions of sovereignty over the South China Sea.

SECOND “ACCESS TO JUSTICE” EVENT HELD IN NEW SOUTH WALES ON 26 JULY

The second in this year’s series of three events on the theme of “Access to Justice” was held in the Banco Court of the Supreme Court of New South Wales on 26 July.

The particular topic was “*Overcoming Financial Barriers to Access to Justice*”.

The debate was chaired by Dr Warren Mundy, an economist who had been the Presiding Commissioner on the Productivity Commission’s report on Access to Justice Arrangements.

The panellists were: Jonathon Hunyor, CEO of the Public Interest Advocacy Centre;

Doug Humphreys OAM, President of the Law society of New South Wales;

Michael Green SC, Founder of BarNet JADE and Chair of the NSW Bar’s Innovation and Technology Committee;

Anna Cody, Director of the Kingsford Legal Centre.

An audience of approximately 50 attended the event which was followed by refreshments in the foyer outside the Court.

FORTHCOMING ACADEMY EVENTS

VICTORIA

As previously advised in earlier Newsletters, the Patron's Address this year will be delivered by Dame Sian Elias GNZM PC QC, Chief Justice of New Zealand on Thursday 18 October.

Dame Sian's topic will be *"Back to the Future? How local history and traditions are still reshaping our legal orders"*.

Dame Sian is a Fellow of the Academy.

The event will be held at the Federal Court in Melbourne.

This will be the first occasion on which the Patron's Address will have been held in Melbourne.

Chief Justice James Allsop of the Federal Court will introduce the speaker.

A flyer for the event can be accessed at this [link](#).

NEW SOUTH WALES

Arrangements are in hand for the third and final event in the "Access to Justice" series to be held on a date in late October or early November. The topic will be: "Non-Financial Barriers to Access to Justice".

QUEENSLAND

As advised in previous Newsletters, the public event in Queensland this year will be held on Thursday 4 October 2018 when The Hon Phillip

Cummins AM will speak on *"Litigation Funding: Access and Ethics"*.

As in previous years, the venue will be the Banco Court of the Supreme Court of Queensland.

The flyer for the event can be accessed at this [link](#).

NORTHERN TERRITORY

The Hon Robert French AC will deliver the Austin Asche Oration on Law and Governance this year on Monday 17 September.

As in previous years the venue will be the Nitmiluk Lounge, Level 4, Parliament House, Darwin.

Attached to this [link](#) is the flyer for the event which is sponsored every year jointly by the Academy and Charles Darwin University.

As can be seen from the flyer, Mr French's topic will be *"Free Speech and the Law: Do we need a Charter of Rights and Freedoms just for Universities?"*

TASMANIA

The proposed Academy dinner in Hobart for Fellows and partners was notified in earlier Newsletters. There have been enough expressions of interest, 31, to mean that this event will go ahead.

The details again are: reception and dinner in Hobart on Sunday, 20 January 2019 at 7 PM. A greater number of Fellows than usual will be in Hobart at that time as part of the Supreme Courts and Federal Court annual conference.

The cost will be \$120 per person, including drinks and wine. Partners will be very welcome.

The venue will be the Ball & Chain Grill at 87 Salamanca Place, Hobart.

Professor Dianne Nichol will give the after-dinner address.

If you have not already expressed interest and wish to attend please email either the Secretariat.

ANNUAL ESSAY PRIZE

Entries closed for the Annual Essay prize on 31 August.

12 essays have been entered.

The Prizes Committee will report further in the next Newsletter.

ANNUAL GENERAL MEETING

This year's annual general meeting of the Academy will be held immediately before the Patron's Address.

This means that this year the AGM will be held in court 8C in the Federal Court in Melbourne at 4.00 pm.

Please put the date 18th October 2018, 4pm in your diary if you will be in Melbourne then.

A formal notice of the meeting will be sent to Fellows in the near future.

REGISTRATION WITH THE AUSTRALIAN CHARITIES AND NOT-FOR-PROFITS COMMISSION

I am pleased to advise Fellows that the Academy has just received advice that its application to be registered as a charity with the Australian Charities and Not-for-profits Commission has been successful.

I will report further on this further in a future Newsletter.

BOOK LAUNCH – RESERVE THE DATE

I am pleased to advise that the book, *The Future of Australian Legal Education*, comprising the papers that were presented at the Conference held last August by the Academy and the *Australian Law Journal*, will be launched by The

Hon Justice Margaret Beazley AO, President of the New South Wales Court of Appeal and a Fellow of the Academy, on Wednesday 28 November at 5.30 pm in the Banco Court of the Supreme Court of New South Wales, Level 13, Law Courts Building, Sydney.

The launch will be followed by Christmas drinks in the foyer of the Court. Please reserve the date. A flyer will be issued shortly.

PUBLIC LAW WEEKEND IN CANBERRA

Professor James Stellios has asked that the Academy publicise the following event:

The Public Law Weekend, hosted by the ANU [Centre for International and Public Law](#), is one of Australia's pre-eminent public law conferences. This year's program will focus primarily on administrative law with a special emphasis on celebrating administrative law at the ANU, particularly the stellar careers of Emeritus Professors Robin Creyke AO and John McMillan AO.

Confirmed speakers include: the Hon Justice Stephen Gageler, the Hon Justice John Basten, the Hon Justice John Griffiths, the Hon Justice Rachel Pepper, the Hon Justice Janine Pritchard, Gabrielle Appleby, Mark Aronson, Judith

Bannister, Will Bateman, Janina Oughey, Lisa Burton Crawford, Robin Creyke, Matthew Groves, Graeme Hill, Leighton McDonald, John McMillan, Dennis Pearce, Kim Rubenstein, Kristina Stern SC, Daniel Stewart and Greg Weeks.

Further information can be found at the conference [website](#).



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