



Welcome to the twelfth and final Newsletter for 2022. I begin with a retrospective look at 2022.

Retrospect

Events

Calendar year 2022 has been a productive one for events, both in terms of their number and in the variety of topics addressed. Most of them have been open to the public. In chronological order, they were:

- March** Senior trial judges from England and Australia speak about judging
- The Legal and Ethical Regulation of the Internet of Things
- Australian Federalism in the Time of COVID
- April** Making law through practice: examples from commercial law
- May** Private and public lawyers: An Ethical divide?
- Review of Non-Statutory Government Action
- June** The Fallibility of Memory and Fact Finding
- Pathway to Truth-Telling and Treaty Book Launch: A Sense of Common Purpose
- Book Launch: The Responsible Shareholder
- July** The Appointment of State, Territory and Federal Judges - Part 1
- The Appointment of State, Territory and Federal Judges - Part 2
- August** Michael Coper Roundtable: Class Actions in Australia - Controversy and Critique
- Judicial Independence

Issues Arising from the Operation of Intermediate Courts of Appeal (Criminal)

September Causation Conference, with UWA and Herbert Smith Freehills

October The Palmer Act: The Rule of Law Under State Constitutions

Joint Symposium Australian Academy of Law and Australian Academy of Science: The Law and the Science of Prohibited Drugs

Annual Essay Prize Presentation

Patron's Address: "Leave Those Blue-Eyed Babies Alone: Rhetorical Limitations on Parliamentary Sovereignty"

November Michael Coper Roundtable: Where There's a Will There's a Lawyer: The Dobell Case and Subsequent Litigation about the Archibald Prize

Meeting over dinner of Overseas Fellows in the UK at Gray's Inn, London: Class actions, comparing the history and current position in the United Kingdom and Australia

The 11th Austin Asche Oration of the Australian Academy of Law and Charles Darwin University: Executive discretion in a Time of COVID-19; promoting, protecting and fulfilling human rights in the contemporary public health context

This level of activity would not have been possible without the dedication of Fellows throughout Australia and Overseas. I thank them all, especially the Directors of the AAL and the Committee Members who have generously and willingly given their time and expertise. I thank each of them.

New Fellows

During 2022, the following distinguished lawyers accepted the Board's invitation to become a Fellow of the Academy.

Professor Rob McLaughlin, Professor, Australian National Centre for Oceans Resources and Security, University of Wollongong, Senior Fellow, Stockton Centre for International Law, US Naval War

Justice John Bond, Judge, Court of Appeal, Supreme Court of Queensland

Dr Ben Gauntlett, Disability Discrimination Commissioner, Australian Human Rights Commission

Professor Rachael Mulheron KC (Hon), Professor of Tort Law and Civil Justice, School of Law, Queen Mary University of London

Chief Justice Helen Bowskill, Chief Justice of the Supreme Court of Queensland

Mr Perry Herzfeld SC, Barrister, NSW

Mr Ben Doyle KC, Barrister, SA

Ms Carol Webster SC, Barrister, NSW

The Hon Jennifer Coate AO, Commissioner, Law Reform Commission

Dr Suzanne McNicol AM KC, Barrister, Victoria

Dr Kristina Stern SC, Barrister, NSW

Justice Geoffery Kennett, Judge of the Supreme Court of the ACT

Chief Justice Lucy McCallum, Chief Justice of the Supreme Court of the ACT

Professor Michelle Foster, Professor and Director of the Peter McMullin Centre on Statelessness at Melbourne Law School

Professor Ana Vrdoljak, UNESCO Chair in International Law and Cultural Heritage, University of Technology, Sydney

Professor Elizabeth Fisher, Professor of Environmental Law at Corpus Christi College and the Faculty of Law, University of Oxford

Professor Anita Stuhmcke, Professor and Dean of the Faculty of Law at the University of Technology, Sydney

Justice Nicola Pain, Judge of the Land and Environment Court of NSW

Mr James Renwick CSC FRSN SC, Senior Counsel, Honorary Professor ANU, Deputy Judge Advocate-General (Navy)

Professor Daniel Meagher, Professor and Chair in Law, Deakin Law School

The Hon Leslie Katz SC, formerly a Judge of the Federal Court of Australia

Mr Gim Del Villar KC, Solicitor-General for Queensland

First Nations Scholar

Lillian Ireland was the AAL's First Nations Scholarship winner for 2022. The \$5000 award is designed to help a student in the often arduous final year of law study with both funding and an AAL Fellow as a mentor for that period.

Annual Essay Prize

The 2022 prize winners of the \$10,000 Essay Prize were Catherine Bugler and Alice Muir who both worked as Associates to judges of the Supreme Court of Queensland.

The essay topic for the Prize in 2022 was:

“What are one or more reforms that could be made to remedy deficiencies in the administration by Australian courts of the criminal law as it applies to minorities or disadvantaged groups? Note: The essay should not focus on funding by government.”

In their winning essay, Ms Bugler and Ms Muir chose to focus on the bail system and what they contended are systemic inequalities which fail to accommodate cultural, gendered and socio-economic differences.

Particular thanks

My particular thanks go to Dr Jennifer Farrell, the Academy's Secretariat. She has worked tirelessly and efficiently since taking over the role earlier this year.

Donations to the AAL's Public Fund

It is very pleasing to note the steady number of donations to the AAL's charitable purposes via the Public Fund, which has DGR status. The AAL is most grateful to all donors. Donations may be made via the website:

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

AAL Annual Report for 2022

The AAL's third 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.

Planning for 2023

The Fellows who are members of the State and Territory based event organising committees met on 13 December to map out events proposed for 2023.

The tentative program includes:

- The legal aspects of the Voice to Parliament constitutional referendum
- A reprise by **Graeme Neate AM** of his paper on the litigation surrounding Archibald Prize
- The treaty framework in Victoria
- Whistle-blower laws
- Public benefit in Australian charity law: some unresolved questions
- Juries and what may invalidate their work
- Legislative drafting
- The 2½ day joint event with the Australian Law Journal (ALJ) and the Australasian Institute of Judicial Administration (AIJA) to be held on Friday 8–Sunday 10 September 2023 (see below)

If you wish to propose a topic for an event or would like to present a paper on an issue of interest to you please contact the Secretariat or me.

Forthcoming events

8 – 10 September 2023

Joint event with the *Australian Law Journal* and the Australasian Institute of Judicial Administration: *Enduring courts in changing times*

To mark some important national legal bicentenaries, a 2½ day joint event with the Australian Law Journal (ALJ) and the Australasian Institute of Judicial Administration (AIJA) will be held on Friday 8–Sunday 10 September 2023. Those legal bicentenaries are, 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.

I thank **Justice François Kunc** for this initiative. **Emeritus Professor David Barker AM** and **Justice Geoff Lindsay** are on the subcommittee, as is AAL Fellow **Justice Steven Rares**, as a member of the Council and immediate past President of the AIJA. I am pleased to say that **Chief Justice Alan Blow AO** and **Justice Stephen Estcourt AM** of the Supreme Court of Tasmania have also joined the small committee. **Andrew W Smith** of the New South Wales Bar has also accepted my invitation to assist with the planning.

The idea is to have one part of the event physically in Tasmania and another part in New South Wales, but with a commingling of speakers and topics.

The Chief Justice of Tasmania, the **Hon Alan Blow AO**, and the Chief Justice of New South Wales, the **Hon AS Bell**, have approved the project. The Chief Justice of Australia, the **Hon Susan Kiefel AC**, has agreed to give the opening address.

A number of distinguished speakers, judges and former judges, academics and practitioners have been invited and are willing to address the conference. These speakers include:

The Hon Susan Kiefel AC, Chief Justice of Australia

The Hon Alan Blow AO, Chief Justice of Tasmania

The Hon Andrew Bell, Chief Justice of New South Wales

Justice Estcourt AM, Supreme Court of Tasmania

Justice Sarah Derrington AM, Federal Court of Australia

The Hon Keith Mason AC KC

The Hon Robert Benjamin AM SC

The Hon Duncan Kerr Chev LH

Emeritus Professor the Hon Kate Warner AC

Prof Val Napoleon, Dean of Law, University of Victoria, British Columbia

Professor Lisa Ford

Emeritus Professor Bruce Kercher

Emeritus Professor Stefan Petrow

Emeritus Professor David Barker AM

Professor David Rolph

Professor Gabrielle Appleby

Professor Andrew Mowbray

Mr Malcolm Schyvens

This promises to be a major event, similar to the “*Future of Australian Legal Education*” conference held by the AAL and the ALJ in 2017.

The organising committee met on 6 December to map out the shape of the conference and a draft program will be available in the New Year.

New Fellow

Please join me in extending a warm welcome to the following distinguished lawyer who has accepted the Board’s invitation to become a Fellow of the Academy:

Mr Gim Del Villar KC, Solicitor-General for Queensland

Best wishes

My best wishes go to all Fellows for a safe and enjoyable Christmas and New Year vacation.

Please note the Secretariat will be closed from 16 December 2022, reopening on 18 January 2023.



Alan Robertson

President

alan.robertson.sc@gmail.com

0404850364

