

Life Fellows

At its last meeting the Board of Directors resolved to invite The Hon Sir Anthony Mason, The Hon Sir Gerard Brennan, The Hon Murray Gleeson and The Hon Chief Justice Robert French to become Life Fellows of the Academy, and I am delighted to report that they each have accepted the invitation.

Clause 6.3(b) of the Academy's constitution defines the category of "Life Fellow" as limited to "persons who have given distinguished service to the Academy or to the law nationally and/or internationally". As I said in my letter of invitation to our four new Life Fellows, they "more than qualify".

The four new Life Fellows join our only other Life Fellow, The Hon Dame Quentin Bryce.

The five Life Fellows will be listed on the AAL website ahead of "Fellows", to use the category descriptions in the constitution.

Western Australian Academy event for 2014

An audience of some 300 gathered in the Ballroom of Government House, Perth on Monday 28 July to hear Academy Fellow The Hon Michael Kirby AC CMG speak on "North Korea: International Law and Political Reality". The address was followed by a lively question time. Michael Kirby made time during the day to speak to students at the University of Western Australia and Curtin University. He flew from Sydney to Perth in the morning and returned that night on the "red eye special"—simply indefatigable!

Queensland Academy event for 2014

The following evening, Tuesday 29 July, Professor Lucia Zedner, Professor of Criminal Justice in the Faculty of Law at Oxford was the lecturer at our Queensland event for the year. The title of her lecture was "Preventive Justice and the Rule of Law: what role for the legal profession and the courts, what role for the academy?"

Professor Zedner's lecture, like Justice Keane's of 2013, was given in the Banco Court of the Supreme Court of Queensland. There was an audience of some 200. Refreshments were served in the foyer of the court following the lecture. The questions asked in the lecture and the post-lecture discussion demonstrated the interest that exists in this topical subject.

South Australian Academy event for 2014

On 25 August, Academy Fellow, Julian Burnside AO, QC, gave the Academy lecture for South Australia for 2014. His topic was "Speaking plainly...". He dealt with the role of language in advocacy and spoke plainly on who we are and would wish to be by reference to "boat people" and the future of the planet.

The lecture was given in Lecture Theatre 2 of the Adelaide Law School to an audience of some 200.

Both the lecture and refreshments afterwards provided occasions for the speaker to be asked questions, in particular by Law students who attended.

Forthcoming Northern Territory Academy event for 2014

As has been mentioned in earlier Newsletters, The Hon Frank Vincent AO, QC will be delivering the Academy lecture for the Northern Territory on Thursday 4 September on the subject "Law and Order in a Rapidly Changing Society". Members of the Academy will recall that in the case of the Northern Territory, the Academy co-sponsors with Charles Darwin University the Austin Asche Oration in Law and Governance.

Attached to this Newsletter are two flyers: one issued by the University and the other by the Academy about this forthcoming event, which all Fellows in the Northern Territory are encouraged to attend.

Annual Essay Prize

The Board of Directors has resolved to sponsor an annual essay prize. The best way of conveying its nature is to refer Fellows to the attached document, "Rules Governing the Annual Essay Prize". Members will note the prefatory statement indicating how the sponsoring of the Prize is seen to be in furtherance of the objects of the Academy.

Although the Prizes and Scholarships Committee of the Board has ideas concerning the subject matter of the first year's Prize, Fellows are invited to send in any suggestions they may care to make.

Patron's Address for 2014 and Annual General Meeting of the Academy

Notice has been previously given that the Annual General Meeting of the Academy will be held on Thursday 23 October at 4.00 pm in the Conference Room, Level 20 of the Law Courts Building in Sydney, immediately before the Patron's Address is given in the Banco Court of the Supreme Court of New South Wales on Level 13 of the same Building at 5.30 pm by The Hon Sundaresh Menon, Chief Justice of Singapore.

Arrangements are well in hand for this Patron's Address event and a flyer will issue shortly.

Similarly, formal notice of the AGM will issue in due course. One item that will be on the agenda for the AGM is amendments of the Academy's constitution. Although I think that the amendments will be uncontroversial, I have attached to this Newsletter a statement of the amendments so that Fellows will have the opportunity to consider them well in advance of the AGM and to raise any questions with me or with other members of the Board of Directors of the Academy.

The following brief explanation of the nature of, and reasons for, the proposed amendments may assist readers.

The first batch of amendments is designed to eliminate the category of "Ex-officio Fellows". This category is described in clause 6(c) of the Academy's constitution which contains a quite lengthy and diverse list of offices. It includes, for example, all Deans and the Attorneys-General, Solicitors-General and Directors of Public Prosecutions of the Commonwealth and of all States and Territories.

When the Academy was established in 2007, the Ex-officio category may have served a useful purpose but for quite some time the Board and the Membership Committee have considered that people should become, not Ex-officio Fellows by reason of holding a particular office, but Fellows by reason of satisfying the description of the "Fellows" category, namely, "persons of exceptional distinction in the discipline of law who are demonstrably committed to the objects of the Academy".

Consistently with the view taken by the Board and the Membership Committee, for a very long while now, persons have not been invited to become Ex-officio Fellows and there are no Ex-officio Fellows remaining.

It should go without saying that in the nature of things, holders of the offices listed in clause 6(c) may well satisfy the constitution's description of "Fellows". In fact, we have within the category of Fellows a number of members who hold or have held one or other of the offices listed.

The first batch of amendments is desirable as a matter of policy and will bring the constitution into line with what has been the practice for quite some time.

The proposed amendments will therefore tidy up the constitution to reflect the reality.

The second batch of amendments is designed to allow for pro rata subscriptions. The annual subscription is \$400 and it would be unjust that a person becoming a Fellow later in the financial year should have to pay the whole \$400 for that year. For some time the Board has adopted a policy of allowing a reduction of one quarter according to the quarter of the year in which a person becomes a Fellow. The substitution of the proposed new clause 8.5 will put it beyond question that the Board has power to follow this practice.

The third batch of amendments is designed to remove references in the constitution to "applications" for membership. An individual may become a Member only by being nominated by an existing Member and references in the constitution to "application", as distinct from "nomination", are inappropriate. It may be that those references contemplated applications by office holders who wished to become Ex-officio Fellows.

The fourth and final amendment (the substitution of a new clause 6.2(b)) is consequential on the removal of the Ex-officio category and the removal of references to "application" but also removes a reference to a nominee's consenting to being nominated--a practice that is not followed and is inconsistent with the

confidentiality that properly surrounds the nomination process.

New Fellows

Since the last Newsletter, the following have become Fellows of the Academy:

Professor Reid Mortensen
Professor Barbara McDonald
Mr Peter Hanks, QC
Associate Professor Matthew Groves
The Hon Chief Justice Wayne Martin AC
Mr Neil Williams SC
Mr Richard Neal

I am sure that all Fellows join me in extending a warm welcome to these new members.



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