

Welcome to the eleventh Newsletter for 2023.

## The AAL's Patron

Fellows will be delighted to know that the **Hon Stephen Gageler AC**, Chief Justice of Australia, has agreed to be the AAL's new Patron. I again thank our former Patron, the **Hon Susan Kiefel AC KC**, for her support and encouragement over many years.

## Congratulations

Please join me in congratulating **Her Excellency Judge Hilary Charlesworth** on her re-election to the International Court of Justice.

Voting took place on 9 November 2023.

The Security Council, meeting independently from but concurrently with the General Assembly, elected five judges to the International Court of Justice beginning on 6 February 2024. The Council re elected **Ms Charlesworth** (Australia), as well as electing Mr. Aureescu (Romania), Ms. Cleveland (United States), Mr. Verduzco (Mexico) and Mr. Tladi (South Africa).

Her Honour's term will expire on 5 February 2023.

## Further congratulations

Please join me in congratulating four Fellows of the AAL who have recently been elected to the Academy of the Social Sciences in Australia:

**Professor James Stellios** FASSA | Constitutional law expert and barrister | Professor and Head of School, ANU Law School, Australian National University

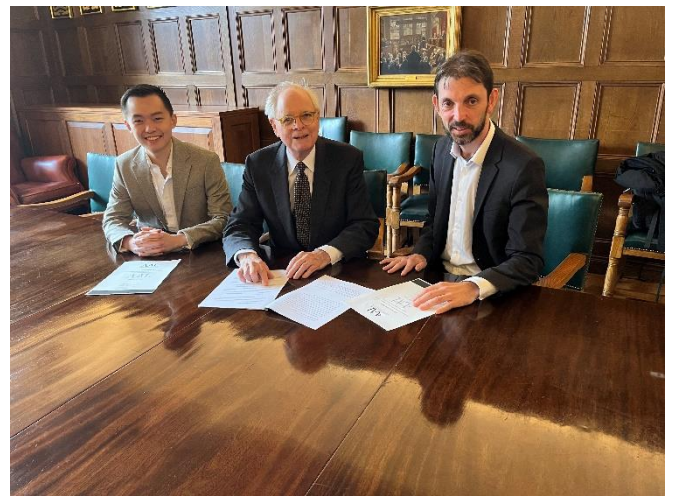
**Professor Natalie Klein** FASSA | Expert in international law of the sea | Professor, School of Global and Public Law, UNSW

**Professor Nicholas Aroney** FASSA | Constitutional lawyer and legal theorist | Professor

of Constitutional Law, TC Beirne School of Law, The University of Queensland

**Professor AJ Brown** FASSA | Integrity, anti-corruption and accountability expert | Professor of Public Policy and Law, School of Government and International Relations, Griffith University

## The AAL 2023 Essay Prize



*Going through some points in the essay, from left to right John Yap, Sir Ross Cranston and Andrew Higgins. You will also see the winners' certificates.*

The AAL's 2023 Essay Prize continues to attract publicity. Here is the [Lawyers Weekly](#) article and the [Law Society Journal](#) article.

Please see the AAL's full media release [here](#).

## Donations

Since the last Newsletter, the AAL has received a further most generous donation to the Public Fund of \$2500.

Please consider making a donation to the AAL's charitable purposes via the Public Fund, which has DGR status. Donations may be made via the website:

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

## **A scheme whereby academics may spend a day with a judge**

Fellows may recall a proposal from pre-COVID days whereby the AAL would facilitate academics spending a day with a judge. We have now revived that proposal and intend to conduct a pilot program, in the first instance in the ACT.

Would any academic at any of the Canberra universities who wishes to spend a day with a judge of the Supreme Court of the ACT or a Justice of the High Court of Australia please let me or the Secretariat know as soon as possible.

If there is enough interest and the pilot program is successful we will extend the scheme to other courts and jurisdictions in 2024.

## **Planning for 2024**

A States and Territories Event Organising Committees Planning Session for 2024 was held on **Monday, 13 November 2023 at 5.00 pm.**

Ideas being explored for seminars and lectures in 2024 include:

- Truth Telling
- The future of the legal profession and where it will be in 2030
- The daily nature of judicial life
- Arbitration/international arbitration
- Statutory commissions of inquiry
- The operation of the National Anti-Corruption Commission

If there is a topic on which you wish to present a paper or wish to have as the topic for a seminar or other event please contact the Secretariat or a member of the Event Organising Committees in your State or Territory as soon as possible.

<https://academyoflaw.org.au/Board-Committees>

## **Publication of selected papers of the Hon James Allsop AC SC**

Fellows will be interested to hear that 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. The material will be delivered to the Federation Press shortly.

We are aiming to publish the volume in April 2024.

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

This 2½ day joint event with the Australian Law Journal (ALJ) and the Australasian Institute of Judicial Administration (AIJA) was held on Friday 8–Sunday 10 September 2023 to mark some important national legal bicentenaries: 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.

We are continuing to examine the feasibility of publishing the entire proceedings.

## **Forthcoming events**

**Monday 4 December 2023 – Annual joint event with the Australian Academy of Science (AAS)**

**Venue: The Shine Dome, Canberra**



I am pleased to report that, in response to a joint invitation by the Presidents of the Australian Academy of Science and the AAL, **Dame Julie Maxton DBE**, Executive Director of The Royal Society, will be the guest speaker at our annual joint Academies event, in December. She will share her expertise at the interface of science and law.

Please keep this date free if you will be in Canberra on 4 December. To register please click [here](#).

Further events at which Dame Julie will speak are as follows:

**Tuesday 5 December 2023 – Sydney - 5.15PM for 5.30pm**

**Venue: Court 12D, Supreme Court of New South Wales, Queens Square, Sydney 2000**

To register please click [here](#).

The event will be followed by refreshments.

**Wednesday 6 December 2023 – Melbourne 5 PM to 6:15 PM followed by refreshments**

**Venue: Court No 1, Level 8, Federal Court of Australia, 305 William Street, Melbourne.**

To register please click [here](#).

The event will be followed by refreshments.

**Turning to 2024, the following events have been organised so far:**

**18 March 2024 – Melbourne** from 5:00pm – 6:15 pm AEDT

**The Commonwealth AAT and the Tribunal which is intended to replace it**

The venue will be Court No 1, Level 8, Federal Court, 305 William Street, Melbourne and online.

We are fortunate that the **Hon Justice Emilios Kyrou AO** has agreed to be our speaker at this event.. Justice Kyrou is the President of the AAT and a judge of the Federal Court of Australia.

From 2008 **Justice Kyrou** was a judge of the Supreme Court of Victoria and from 2014 until his appointment to the Federal Court in 2023 was a Judge of Appeal in that Court.

The Australian Government has announced that a new Administrative Review Tribunal (ART) will replace the Administrative Appeals Tribunal (AAT) and that the ART will be user-focused, efficient, accessible, independent and fair.

The Government has also announced that key features of the legislation to be introduced to the Parliament will include:

- enhanced powers and procedures to enable the ART to respond flexibly to changing caseloads
- a transparent and merit-based selection process for members, informed by the operational needs of the ART
- clear and delineated roles and responsibilities for those who hold leadership positions in the ART, including the President and Registrar
- a simplified membership structure with 4 levels of membership
- greater powers for the President to manage the performance, conduct and professional development of tribunal members
- a user-focused design, including simpler and more consistent application processes, an emphasis on non-adversarial approaches to resolving applications and safeguards to ensure representatives comply with their obligations
- clear mechanisms for the ART to identify, escalate and report on systemic issues in administrative decision-making.

Subject to the passage of legislation through the Parliament, the Government has proposed that the ART will commence operations in 2024.

The commentator will be **Mr Albert Dinelli KC** of the Victorian Bar.

This will be a free event and a link will be provided prior. Please put the date in your diary. Registration details will be available soon.

**21 March 2024 – Hobart**

Planning is underway to hold an AAL event in Hobart on the evening of 21 March 2024. The speaker and format have yet to be decided, but if you will be in Hobart on that evening, please hold the date.

## **Recent events**

**AAL Canberra Roundtable 21 November 2023**

This meeting took the form of a social gathering which included discussion of topics for Michael Coper Roundtables in 2024.

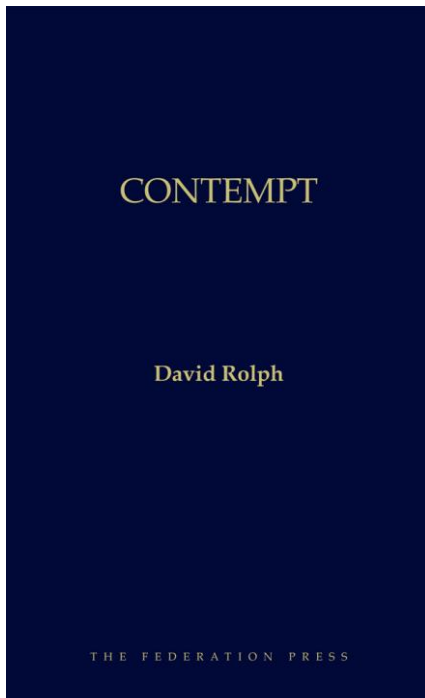
I thank the partners of MinterEllison for their hospitality.

**Wednesday 22 November 2023, 5.30pm (AEST)**

Contempt of Court – A lecture by **Professor David Rolph FAAL**

This well-attended event was held in the Chief Justice's Courtroom, Courtroom 5, Level 3, Supreme Court of Queensland 415 George Street, Brisbane and online.

**Professor Rolph** is the author of the authoritative work, *Defamation Law*, a consulting editor on *Gatley on Libel and Slander*, and a legal history scholar.



In his lecture he spoke about two major differences between Australia and the United Kingdom in relation to contempt, being the *Contempt of Court Act 1981* (UK) and the European Convention on Human Rights, which have meant that standard texts

developed for the particular context of the United Kingdom may no longer be appropriate and adapted for Australia.

In addition to those differences, Professor Rolph said it was proper to note some distinguishing features of Australia, which mean that an Australian text on the Australian law of contempt was warranted. One of the issues was the potential impact of aspects of Australian constitutional law on contempt of court, in particular, the potential impact of judicial power under Ch III of the Commonwealth Constitution and the implied freedom of political communication.

**Patrick McCafferty KC**, a media law specialist, provided a substantive commentary. He concluded by saying that the profession was indebted to Professor Rolph for this fine book.

The **Hon Justice Peter Applegarth AM** chaired the session. He congratulated Professor Rolph and The Federation Press on publishing this first comprehensive treatment of the Australian law of contempt.

I join Justice Applegarth in thanking **Chief Justice Bowskill** for allowing the AAL to use the Chief Justice's courtroom for this event.

A handwritten signature in blue ink, appearing to read 'A. Robertson', is written over a light blue horizontal line.

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