

Annual Report 2020

Connecting to advance  
the discipline of law.



# Highlights

▶ 1.



West Australian Fellows hosted a timely discussion on the issue of Cruise Ship Passengers and Australian Law. Murdoch University Law School's Professor Kate Lewins led the discussion. The well-attended lunchtime seminar was held at the Supreme Court of Western Australia and attended by maritime industry professionals as well as AAL Fellows.

▶ 2.



To celebrate the remarkable life and work of Sir Samuel Griffith, the first Chief Justice of the High Court of Australia, Queensland Fellows met to mark the centenary of his death. A distinguished panel of legal professionals each gave a talk on a selected aspect of Sir Samuel's work.

▶ 3.



*"The Reception, Quality and Evaluation of Scientific Evidence in Australian Courts"* was the subject of this year's joint event between the Australian Academy of Law and the Australian Academy of Science. It was the third joint seminar of the two Academies and attracted 800 registrations.

▶ 4.



*"The impact of new and widespread contagious diseases on pre-existing contractual obligations"* was the topic for the 2020 Annual Essay Prize. The three-person judging panel was again chaired by Professor the Hon William Gummow AC QC. The panel judged the \$10 000 prize should be shared between Natalie Ngo and Tom Allchurch.

▶ 5.



The Hon Margaret Beazley AC QC, Governor of New South Wales, delivered the Academy's 9th annual Patron's Address. The topic of the address was *Aboriginal Australians and the Common Law* and Her Excellency's thought-provoking lecture covered historical as well as more recent legal cases.

▶ 6.



As part of their regular Michael Coper\* Roundtables, the Academy's ACT Fellows held an event for Fellows focussing on the Legal Implications of Brexit for the United Kingdom. ANU College of Law's Emeritus Professor Stephen Bottomley chaired the event and the speaker was Professor Sally Wheeler, the University's Pro-Vice Chancellor and Dean of Law. Professor Wheeler performed the feat of summarising the complexities of Brexit.

\*Our late esteemed colleague, Emeritus Professor Michael Coper AO was the driving force behind a series of Roundtables held in Canberra by and for the Fellows of the Academy. The Roundtables are held in his honour and remembrance.

*Fuller detail about these events is set out later in this Report under "Events and Activities". (Pages 10-11)*

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### Acknowledgement of Country

The Australian Academy of Law acknowledges the Gadigal people of the Eora nation, on whose land is the office of the Secretariat.

We pay our respects to their Elders past, present and emerging and to all First Nations Peoples.

# Message from our Patron



I was present at the launch of the Australian Academy of Law in Brisbane in July 2007. Much was said on that occasion about the relationship between those teaching, practising or administering the law and how it might be further developed. More recently, as Patron, I have spoken about the importance of academic writing which is directed to judges and to the profession. But it is only a small part of the exchange of views and ideas amongst all the branches of the legal community which the AAL seeks to foster. To that end, since 2007, the AAL has provided a valuable forum for discussion and debate. It has been successful in breaking down some barriers within the legal community and encouraging co-operation.

These achievements are made possible by the work of the Directors, Office-holders and Committees of the AAL. In that regard, I wish to acknowledge the tireless work of the former President, the Hon Kevin Lindgren AM QC between 2011 and 2020. The AAL has benefited from his enthusiasm for its many initiatives. The baton has now passed to the Hon Alan Robertson SC. I wish him and all those involved in the AAL well in their endeavours.

A handwritten signature in black ink, which appears to read "Susan Kiefel". The signature is fluid and cursive, written on a light-colored background.

The Hon. Chief Justice Susan Kiefel AC  
Patron

# Message from the President



## Welcome to the Australian Academy of Law's inaugural Annual Report.

When the Australian Law Reform Commission recommended the establishment of an Australian Academy of Law more than 20 years ago, the idea was to bring together all members of the legal profession – students, practitioners, academics and judges – in a spirit of collegiality.

The Australian Academy of Law (AAL) began in 2007 – to advance the discipline of law by promoting the highest standards of excellence in scholarship and practice and to build a 'bridge' between the different parts of the profession.

Since then, the AAL has grown and prospered under the leadership of, firstly, the Hon Robert Nicholson AO QC from 2008 to 2011 and then the Hon Kevin Lindgren AM QC from 2011 to 2020. I became President on 1 July 2020.

The AAL has grown from 36 Foundation Fellows to approximately 370 Fellows, including Life Fellows and Overseas Fellows.

A key aspect of the AAL's work is to bring members together through functions and events both State and Territory-based and nationally.

Unfortunately, COVID19 forced us to cancel most face-to-face functions in 2020 but we were able to run successfully a wide range of events online, including our annual Patron's address and the joint symposium with the Australian Academy of Science.

The advantage of these online functions was that Fellows from across the country, who might not normally be able to attend an in-person event, were able to have access and participate online.

The impact of COVID-19 on pre-existing contractual obligations was the subject of the AAL's annual Essay Prize competition which has been running since 2015. You will find details of the winners and their essays later in the Report.

During 2020, the Academy sponsored The Federation Press publication of *The Tuning Cymbal – Selected Papers and Speeches of the Hon Robert French AC*. Mr French is a former Chief Justice of the High Court of Australia, a former Patron of the Academy and one of our Life Fellows.

We had earlier published in book form, a collection of papers and proceedings from a joint conference held with Thomson Reuters' *The Australian Law Journal* in 2017 looking at *The Future of Australian Legal Education*.

The AAL has some ambitious plans for the future. For example, the AAL Board is establishing an annual First Nations Scholarship to provide financial support to a First Nations student in the final year of their legal studies. We are also considering a scheme where legal academics may spend time with a judge to experience court practice and procedure.

The AAL has been entirely funded through membership subscriptions and we hope that our recent status as a Deductible Gift Recipient will mean more donations and bequests to support the First Nations scholarship proposal and other important initiatives.

The AAL continues to be an energetic and growing organisation. We have an informative and evolving webpage ([www.academyoflaw.org.au](http://www.academyoflaw.org.au)) as well as a regular monthly Newsletter. We take pride in our activities and achievements.

Our work to date has made it appropriate to publish this, our first Annual Report. I trust it will help to inform and engage Fellows, other members of the legal profession and indeed a wider audience. It should set the benchmark for the coming year. I commend it to you.

A handwritten signature in black ink, appearing to read 'A. Robertson'.

The Hon Alan Robertson SC  
President

# Mission/Vision

Conducts public conferences and other events for the interchange and dissemination of ideas and views

## Our Vision

To bring together the branches of the legal community (judges, academics, practitioners and students) to facilitate effective intellectual and professional exchange between them and to build wider public knowledge and understanding of the role of the discipline of law in Australia.

Holds Roundtable events for Fellows for constructive debate

Promotes research

## Our Mission

The Australian Academy of Law links as Fellows individuals of exceptional distinction from across the legal community to work for the advancement of the discipline of law by promoting excellence, ethical conduct, professional competence and responsibility, education, law reform and understanding of the rule of law.

Awards prizes and scholarships to encourage legal learning at the tertiary level

Sponsors the publication of scholarly papers

Offers an annual essay prize to promote excellence in legal scholarship

# About the Australian Academy of Law



The Australian Academy of Law (AAL) was officially launched in July 2007 at Government House in Brisbane.

It was founded, in part, in response to a recommendation of the Australian Law Reform Commission in its Report *Managing Justice - A Review of the Federal Civil Justice System* (ALRC Report 89):

“There is a need for an institution which can draw together the various strands of the legal community to facilitate effective intellectual interchange of discussion and research of issues of concern, and nurture coalitions of interest. Such an institution should have a special focus on issues of professionalism (including ethics) and professional identity, and on education and training.”

The ALRC had expressed the concern that, as the profession of law continued to grow in Australia, there was a risk of fragmentation so that, instead of a single ‘profession’, there would be a range of legal occupations none of which would see themselves as part of a ‘larger whole’.

There was broad acceptance of the need for ‘bridge building’ between the different strands of the legal profession.

The AAL began with 36 Foundation Fellows.\* The inaugural Patron was the then Chief Justice of the High Court of Australia, the Hon Murray Gleeson AC. The second Patron was Chief Justice Robert French AC. The Hon Chief Justice Susan Kiefel AC is the present Patron.

The first President of the AAL was the Hon Robert Nicholson AO. As a new organisation, the Academy started slowly and took some time to grow and achieve recognition within the legal community. Its purpose and benefit to legal professionals was not, perhaps, sufficiently clear.

The Hon Kevin Lindgren AM QC became President in November 2011. The organisation began to become more firmly established. Mr Lindgren’s professional experience spanned all three categories of Fellow – legal practitioner, academic and the judiciary. The membership grew as did the number of Academy events and conferences. He introduced monthly Newsletters, sent to all Fellows, and some significant research projects were undertaken. Mr Lindgren instigated the move of the Academy’s Secretariat from the Australian National University to the Federal Court of Australia.

One of the turning points in attracting wider recognition of the Academy was the inaugural Patron’s Address in 2012. The then High Court Chief Justice, Robert French AC spoke about the need for more dialogue and interaction between legal scholars, legal practitioners and the judiciary and the importance of the Academy of Law in ‘bridging the gulf’.

Mr Lindgren served as President until July 2020 when he retired from that office. The Board then unanimously invited him to become a Life Fellow in recognition of his indefatigable work for the Academy.

The Hon Alan Robertson SC was elected as the new President, with effect from 1 July 2020.

Each of the three Presidents to date has served as a judge of the Federal Court of Australia.

The AAL is committed to building bridges between each part of the legal profession – academics, practitioners and the judiciary – and to providing a forum for cooperation, collaboration, constructive debate and the effective interchange of views amongst all branches of the legal community.

# About the Australian Academy of Law (Continued)

## The current directors and officeholders are:

- ▶ The Hon Alan **Robertson** SC  
(President)
- ▶ The Hon Kevin **Lindgren** AM, QC  
(Deputy President)
- ▶ The Hon Justice G John **Digby**  
(Treasurer)
- ▶ Emeritus Professor David **Barker** AM  
(Secretary)
- ▶ The Hon Justice Tony **Besanko**
- ▶ Professor Gino **Dal Pont**
- ▶ Dr Nuncio **D'Angelo**
- ▶ Professor Melissa **De Zwart**
- ▶ Professor Bee Chen **Goh**
- ▶ Professor Les **McCrimmon**
- ▶ Mr Russell **Miller** AM
- ▶ The Hon Justice Mark **Moshinsky**
- ▶ Mr Michael **Murray**
- ▶ The Hon Emeritus Professor Ralph **Simmonds**
- ▶ Professor Erika **Techera**

## \* The Founding Fellows are listed here

- ▶ [https://academyoflaw.org.au/resources/Documents/\(FINAL\)%20AAL%20Constitution\\_updated\\_18%20June%202019%20.pdf](https://academyoflaw.org.au/resources/Documents/(FINAL)%20AAL%20Constitution_updated_18%20June%202019%20.pdf)

## Further details about the Academy's structure and purpose are contained in the Constitution:

- ▶ [https://academyoflaw.org.au/resources/Documents/\(FINAL\)%20AAL%20Constitution\\_updated\\_18%20June%202019%20.pdf](https://academyoflaw.org.au/resources/Documents/(FINAL)%20AAL%20Constitution_updated_18%20June%202019%20.pdf)



A question from the floor at a (pre-pandemic) Academy public event.



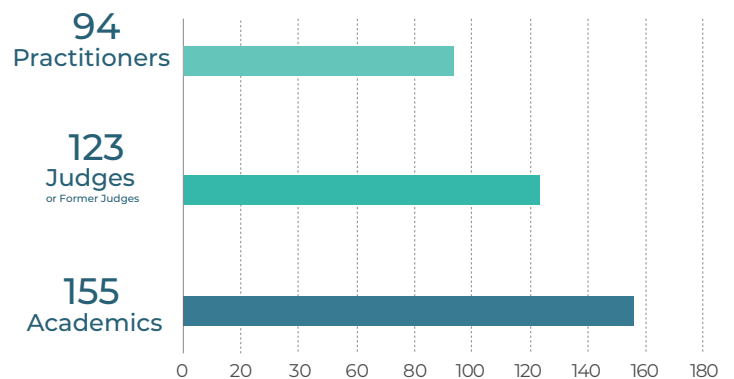
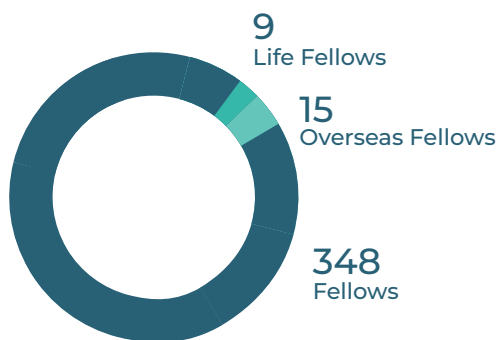
# Profile of membership

## Fellows of the AAL are drawn from practising lawyers, legal academics and the judiciary.

Fellows are nominated and invited on the basis of exceptional distinction in the discipline of law and commitment to the advancement of that discipline and to justice according to law.

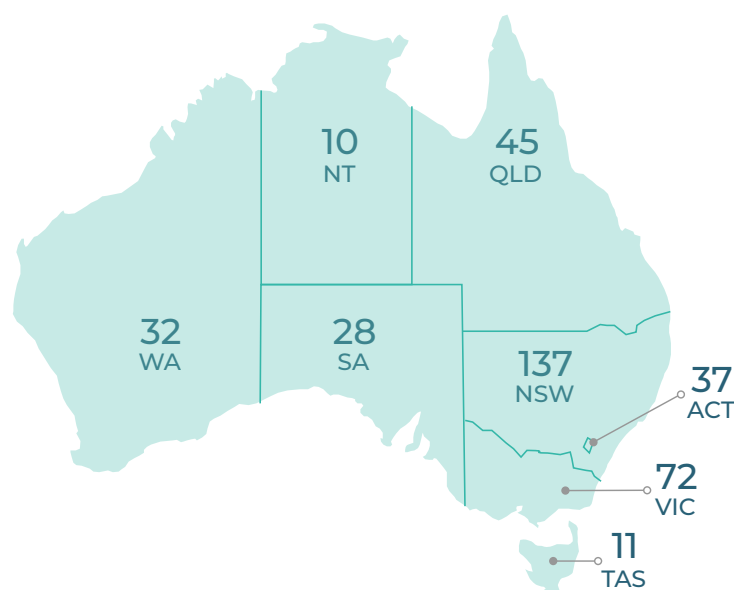
There are three categories of membership: Fellows (resident in Australia), Overseas Fellows and Life Fellows.

While the Constitution does not stipulate a cap on numbers, it was expected that the number of Fellows would not normally exceed 400. As will be seen, we are gradually approaching that number.



As at 30 June 2019, there were 357 Fellows  
As at 30 June 2020, there were 372 Fellows

## By State/Territory



Lists of Current Fellows are on the AAL website:

» <https://www.academyoflaw.org.au/fellows>

# New Fellows

During the year the Academy elected the following distinguished lawyers as new Fellows, including one Overseas Fellow:

**Ms Sonia Brownhill SC**, then Solicitor-General for the Northern Territory

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**Professor Phillip Evans**, Professor of Law, University of Notre Dame (Australia)

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**Mr Tim Game SC**, Barrister, former President of the New South Wales Bar Association

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**Dr Francis Gurry**,

Former Director General, World Intellectual Property Organisation (WIPO) Oct 2008-Sep 2020 (Overseas Fellow)

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**Mr Chris Horan QC**, Barrister, Victorian Bar

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**The Hon Justice Jayne Jagot**, Judge, Federal Court of Australia

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**The Hon Murray Kellam AO**, former Justice of the Court of Appeal, Supreme Court of Victoria

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**The Hon Justice Ann Lyons**, Senior Judge Administrator of the Supreme Court of Queensland

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**Professor Lyria Bennett Moses**,

Director, Allens Hub for Technology, Law and Innovation and Professor, University of New South Wales

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**The Hon Justice David Mossop**, Judge, Supreme Court of the Australian Capital Territory

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**Dr Dominic O'Sullivan QC**, Barrister, Queensland Bar

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**The Hon Justice Anthe Philippides**, Judge, Court of Appeal, Supreme Court of Queensland

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**The Hon Justice Janine Pritchard**, Judge, WA Court of Appeal and President of the State Administrative Tribunal

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**Mr Edward Santow**, Australian Human Rights Commissioner

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**Professor John Sharkey AM**, Commercial Arbitrator, Victoria

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**Professor Tim Stephens**, Professor of International Law, University of Sydney Law School

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**Professor Christopher Symes**, Professor of Law, Adelaide Law School, University of Adelaide

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**The Hon Margaret Wilson QC**, former Judge of the Supreme Court of Queensland, Justice of Court of Appeal of Solomon Islands

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Also, the Academy's outgoing President, the **Hon Kevin Lindgren AM QC** was elected a Life Fellow

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# Events and Activities

**Due to COVID and social distancing restrictions, the Academy focused on two different types of event during the year.**

**Roundtables:** Held in person where possible, these events are restricted to Academy Fellows with up to 20 people in attendance. The typical roundtable involves a guest speaker and a discussion. Chatham House rules apply and this means the event is not recorded or made available remotely.

**Public Events:** These are larger and more formal occasions which the public is encouraged to attend, as well as Academy Fellows. Hosted as webinars, these events are not confidential and recordings, papers and speeches are published on our website.

Thirteen events (one in two parts) were held in 2020.

## February 2020

**ACT Event:** The Michael Coper Roundtable looked at the issue of Native Title: concepts, challenges and creative outcomes. The speaker was the former President of the National Native Title Tribunal and current President of the ACT Civil and Administrative Tribunal, Mr Graeme Neate AM. The chair was The Hon Mary Finn.

**WA Event:** A discussion on the subject of Cruise Ship Passengers and Australian Law was led by Murdoch University Law School's Professor Kate Lewins who specialises in Maritime and Transport Law. The lunchtime seminar was held at the Supreme Court of Western Australia and attended by maritime industry professionals as well as AAL Fellows.

## June 2020

**ACT Event:** ANU College of Law's Professor Don Rothwell led an online Michael Coper Roundtable on the International Law issues associated with COVID-19 and cruise ships. The event was chaired by Emeritus Professor Stephen Bottomley.

**WA Event:** PhD candidate at the University of Western Australia's School of Law, Ms Jessica Kerr led an online Roundtable discussion on "Making Judges

in Commonwealth Judiciaries". Federal Court Judge, the Hon Justice Craig Colvin chaired the online event.

## July 2020

**National event:** A two-part webinar looked at the impact of COVID-19. It posed the question "What effect has the pandemic had on legal practice, courts and on the law schools and how are they each responding?" The first event was chaired by the Hon Justice François Kunc of the Supreme Court of New South Wales and the panellists were Federal Court of Australia Chief Justice, The Hon James Allsop AO, Justice Julie Ward, Chief Judge in Equity of the Supreme Court of New South Wales, Ms Pauline Wright, President of the Law Council of Australia, Ms Jocelyn Williams, Barrister, Sydney, Professor Michael Legg of the University of New South Wales and Ms Jessica Der Matossian, Registrar, Digital Practice, Federal Court of Australia.

Academy President, the Hon Alan Robertson SC chaired the second event and the panellists were the Hon Justice Derek Price AO, Chief Judge, District Court of New South Wales, Judge Graeme Henson AM, Chief Magistrate of New South Wales, Professor Lesley Hitchens, Dean, Faculty of Law, UTS, Professor Tania Sourdin, Dean, Faculty of Law, University of Newcastle, Ms Rose Khalilizadeh Barrister, Sydney Mr Richard Spurio, Managing Partner, Allens and Ms Karen Pedersen, Group General Counsel, Lendlease.

## August 2020

**QLD event:** To celebrate the remarkable life and work of Sir Samuel Griffith, the first Chief Justice of the High Court of Australia, Queensland Fellows met to mark the centenary of his death. A distinguished panel of legal professionals each spoke on a selected aspect of Sir Samuel's life. The panel speakers were Queensland Supreme Court Chief Justice, the Hon Catherine Holmes AC; Griffith University Vice Chancellor and President, Professor Carolyn Evans; Barrister Mr John McKenna QC; Professor of Law at Griffith Law School Professor Sarah Joseph; and Dr Raymond Evans, distinguished historian. The Hon

# Events and Activities (Continued)

Justice Peter Applegarth AM, Justice of the Supreme Court of Queensland, chaired the event. The Selden Society (Australia) and the Supreme Court Library Queensland provided valuable support for this event. The speeches are available on our website:

➤ <https://www.academyoflaw.org.au/event-3923223>

**National Event:** “*The Reception, Quality and Evaluation of Scientific Evidence in Australian Courts*” was the subject of the annual collaboration between the Australian Academy of Law and the Australian Academy of Science. The Hon Justice Virginia Bell AC of the High Court of Australia chaired the online symposium featuring a panel of experts from scientific and legal fields: the Hon Justice Mark Weinberg AO QC, Reserve Judge of the Supreme Court of Victoria and formerly a Judge of the Federal Court of Australia; Professor David Balding FAA Professor of Statistical Genetics, The University of Melbourne; Professor Carola Vinuesa FAA Professor of Immunology Co-Director, Centre for Personalised Immunology, Australian National University; and Mr Tim Game SC, President of the New South Wales Bar Association who practices principally in criminal law. It was the third annual joint seminar of the two Academies and the event attracted 800 registrations.

➤ <https://vimeo.com/449532659/bfb6fa4f10>

## September 2020

**NSW Event:** “World in a Box – 50 years of Containerisation in Australia” looked at issues raised in the booklet, ‘The Homeward Trade’ which gives an account of the transport of cargo between Australia and the UK and Europe from the days of sailing ships to container shipping at the beginning of the 21st Century. Its author, Martin Orchard led the online event with papers by The Hon Angus Stewart and The Hon Sarah Derrington, judges of the Federal Court of Australia and comments by the chair, The Hon James Allsop AO, Chief Justice of the Federal Court of Australia.

## October 2020

**WA Event:** “Justice in the Hood?” discussed the potential of the Community Justice Centre (CJC) model for Western Australia. The event was chaired by The Hon Justice Peter Quinlan, Chief Justice of Western Australia with University of Western Australia’s Professor Sarah Murray, as the presenter. The panellists were Dr Sue Gordon, Retired Magistrate of the Children’s Court of Western Australia, and Magistrate Felicity Zempilas of the WA mental health court, the Start Court.

**National Event:** The Governor of New South Wales, the Hon Margaret Beazley AC QC delivered the Academy’s 9th annual Patron’s Address. The topic of the address was *Aboriginal Australians and the Common Law* and Her Excellency’s thought-provoking lecture covered historical as well as more recent legal cases, examining the historical and changing relationship of the Common Law and Australian Aboriginals.

**ACT Event:** A Michael Coper Roundtable focussed on the Legal Implications of Brexit for the United Kingdom. ANU College of Law’s Emeritus Professor Stephen Bottomley chaired the event and the speaker was Professor Sally Wheeler, the University’s Pro-Vice Chancellor and Dean of Law.

## November

**NSW event:** The online event explored the issue of whistleblowing and asked a series of questions; what is it, who does it, when is it lawful, when is it mandatory? The discussion was chaired by New South Wales Supreme Court Chief Judge in Equity, Julie Ward with panellists, Professor A J Brown Professor of Public Policy & Law in the Centre for Governance & Public Policy, Griffith University, Professor John McMillan AO Emeritus Professor, ANU and former Commonwealth and NSW Ombudsman;

Ms Kate McClymont AM Investigative Journalist; and Mr Bret Walker SC Former President of the NSW Bar Association and Law Council of Australia and former National Security Legislation Monitor.

➤ [https://www.youtube.com/watch?v=I\\_OC18N8d8](https://www.youtube.com/watch?v=I_OC18N8d8)

## December

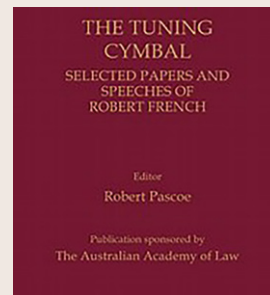
**National event:** Online book launch of *The Tuning Cymbal – Selected papers and speeches of the Hon Robert French AC*, edited by Robert Pascoe. The Academy sponsored the publication by The Federation Press. Speakers were The Hon Justice Virginia Bell AC of the High Court of Australia, Professor Adrienne Stone, who holds a Chair at Melbourne Law School where she is also a Kathleen Fitzpatrick Australian Laureate Fellow, a Redmond Barry Distinguished Professor and Director of the Centre for Comparative Constitutional Studies, Professor Gino Dal Pont, School of Law, University of Tasmania, The Hon Robert French AC, Chancellor of the University of Western Australia, and formerly Chief Justice of Australia, and Professor Robert Pascoe, Dean Laureate and Professor of History at Victoria University, Melbourne.

➤ <https://www.youtube.com/watch?v=jmidMb5-0lc>

## Publications

The Academy of Law sponsored a collection, in book form, of the papers and speeches of former Chief Justice of the Australian High Court, the Hon Robert French AC who was Patron of the Academy during his time at the High Court. Dean Laureate and Professor of History at Victoria University, Robert Pascoe edited the book.

*'The Tuning Cymbal'* is a rich account of Mr French's contribution to the law and covers a wide range of his work including human rights, public law, commercial dispute resolution, the judicial system and Indigenous issues. Eminent legal academics and practitioners also contributed to the publication in the form of commentaries. Contributors include Chief Justice of the Supreme Court of NSW, the Hon Tom Bathurst AC, Professor Megan Davis, Fiona McLeod AO SC, Professor Anne Twomey and the Chief Justice of Singapore, Sundaresh Menon.



The Academy also published in book form, a collection of papers and proceedings from a joint conference held with Thomson Reuters' *The Australian Law Journal* which explored *'The Future of Australian Legal Education'*.



In addition, the monthly newsletters, which are made available online, continue to be a valuable form of written communication and a source of information for our members. Ten newsletters were published in 2020.

Papers and speeches delivered at our events throughout the year can be found on the website.

➤ <https://www.academyoflaw.org.au/Publication>

# Essay Competition and Prizes

**To advance the Academy's goal of promoting high standards of legal research, scholarship and education, the AAL introduced an annual Essay Competition in 2015.**

Entry is generally open to applicants who are either studying or have studied legal subjects at a tertiary level or who are either working or have worked in a law-based occupation.

The substantial prize of \$10 000 is awarded after judging by a panel comprising eminent members of the legal profession.

In 2020, in the context of the COVID-19 pandemic, the Essay topic was: "The impact of a new and widespread contagious disease on pre-existing contractual obligations - Earlier "new" outbreaks of infectious diseases may be taken into account."

The Hon. Justice Pamela Tate and Professor Ros Croucher AM were on the judging panel which was chaired by former justice of the High Court of Australia, the Hon William Gummow AC QC.

The joint winners were Ms Natalie Ngo of Melbourne and Mr Tom Allchurch of Sydney.

Details of all winners and their essays are on our website:

➤ <https://www.academyoflaw.org.au/Past-Winners>

Each year since the inception of the Essay Prize in 2015, the winning essay has been published in the *Australian Law Journal*.

The AAL also offers two other annual awards: The Honours Prize which is awarded at the annual National Honours Conference hosted by the Law Faculty of the University of Technology Sydney; and the Michael Coper memorial Prize which is awarded to the winner of the Papers Presentation competition run by the Australian Law Students' Association.

Unfortunately, neither prize was awarded in 2020 due to the COVID related cancellation of both events by their respective hosts.

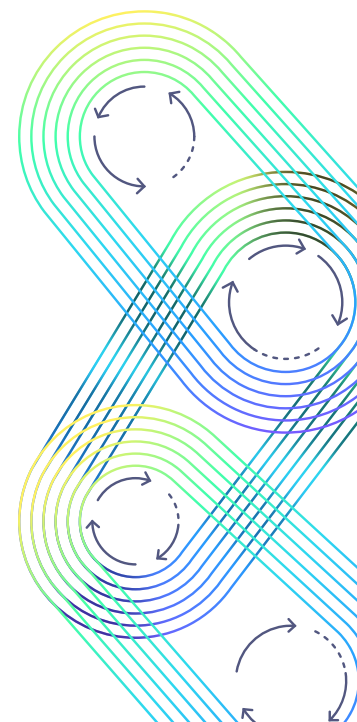
# DGR status, Donations and Policies

The Academy is registered as an endorsed charity with the Australian Charities and Not-for-profits Commission. As well, it is listed as a Deductible Gift Recipient (DGR) in the Income Tax Assessment Act 1997. The legislation to achieve that result came into force on 1 October 2020.

Therefore, the "AAL Public Fund Account" has been established. It is distinct from the other accounts of the Academy and is used only to receive tax deductible donations. DGR status means that donations to the Academy may be claimed by the donor as a tax deduction.

All donations must be utilised in accordance with the objectives for which the Academy was established. Those that are particularly relevant are the advancement of legal education and research.

During 2020, donations totalling \$10,000 were made to the Public Fund. As set out in the Future Plans section of this Report, initiatives funded by those donations are under way.



# Committee Reports

## **The Membership Committee** **– Chair, The Hon Alan Robertson SC**

Academy membership is by invitation. The Committee looks at nominations by Fellows and assesses each according to the eligibility criteria set out in the Constitution: that a person is of exceptional distinction in the discipline of law and demonstrably committed to the objects of the Academy. Recommendations for consideration are then made to the Board. The Membership Committee met 5 times in 2020.

## **The Governance Committee** **– Chair, Professor Gino Dal Pont**

The Governance Committee serves primarily to review and ensure the Academy's compliance with applicable legislation, to consider any risk exposures to which the Academy may be exposed, and to give members a forum to raise any governance concerns. To this end, it liaises with other Committees on matters of intersection in relation to governance. In the 2019-20 financial year the Governance Committee targeted the Academy's reporting obligations and was instrumental in preparing an induction pack for Directors, driving the drafting of charters for each committee and in propelling the creation of the annual report. It has also worked with both Website and Finance Committees on matters of governance including in relation to the Academy's deductible gift recipient status (DGR.)

## **The Finance Committee** **- Chair, The Hon Justice G John Digby**

The remit of the Finance Committee includes assisting the Treasurer of the AAL in relation to:

- (i) the management of the AAL's financial affairs;
- (ii) the production and monitoring of an AAL Financial Budget;
- (iii) ensuring the timely submission of the AAL's annual Financial Statements and Reports;

- (iv) ensuring that the AAL is compliant with all relevant governance and financial requirements;
- (v) liaising with other committees in areas of intersection within the remit of the AAL Finance Committee;
- (vi) the assistance and recommendations provided by the Treasurer, from time to time, to the President, Secretary and Board of Directors of the AAL in relation to matters including those referred to in (i) to (v) above.

The AAL Finance Committee intends, except when unnecessary, to meet prior to scheduled Board Meetings and provide Minutes of its meetings to the AAL Board in advance of the Board Meetings.

## **Research and Expenditure Committee** **– Chair, The Hon Alan Robertson SC**

This new Committee held its first meeting in September 2020.

A reason for the establishment of this Committee was the AAL's new DGR status to the effect that donations to the AAL are tax-deductible in the hands of the donor. The necessary public fund account has now been established. Two generous donations have been made.

An early initiative of this Committee has been the offering of the AAL's inaugural First Nations Scholarship tenable in 2021 for a First Nations final year law student. The amount of the award is \$5,000 for one year only. In addition, the successful applicant may have the opportunity to be mentored for up to a year by an AAL Fellow.

One task of the Committee is to identify research projects which Fellows of the AAL could themselves conduct or towards which the AAL could direct its financial resources, consistently with the objects set out in the AAL's Constitution.

Another purpose of the Committee, in collaboration with the Prizes and Scholarships Committee, is to identify potential areas where payments (such as grants or bursaries) to individuals could best advance those objects.

# Committee Reports (continued)

One important consideration for the Committee is that expenditure should be sustainable in the medium to long-term, taking into account the AAL's sources of income.

## **The Website and Communications Committee – Chair, Mr Michael Murray**

This Committee is responsible to the Board for the public profile and communications of the AAL as a means of assisting the Academy to better promote and pursue its objectives.

During 2020, the Committee oversaw the creation and development of a new website at a time when increased on-line processes were called for in response to the impact of the coronavirus. On-going information about the Academy and its events, prizes and activities is now more available and accessible along with the Academy's newsletters, reports and other publications. The website is also an important means for the Academy to meet its governance and public accountability obligations in providing access to details of Board and committee members, and the Academy's constitution and financial and other statutory records. The committee continues to review further opportunities for extending the Academy's means of communication and engagement.

## **The Prizes and Scholarship Committee – Chair, Professor Bee Chen Goh**

The Committee oversees the Academy's prizes and scholarships. The Committee met on February 28, 2020 and recommended to the Board the topic for the 2020 Annual Essay Prize. The Committee also recommended the distinguished judging panel. Details of the topic and the joint winners can be found elsewhere in this Report. Due to the pandemic, there was no Essay Prize Ceremony. The Committee has also established the following awards:

- ▶ The best presentation at the Australia and New Zealand Law Honours student conference.
- ▶ The Michael Coper Memorial Prize for the winner of the National Paper Presentation competition at the Australian Law Students' Association conference.

Unfortunately, neither the Law Honours student prize nor the Michael Coper Memorial Prize was awarded in 2020 as both events were cancelled by their respective hosts.

In addition to the existing awards, a new initiative for 2021 will be the introduction of the First Nations Scholarship. The amount of \$5 000 will be awarded to a First Nations final year law student studying for the LLB or JD or combined Law degree at any Australian law school, or the Diploma in Law through the NSW Law Extension Committee (LEC). The award has been made possible through generous donations to the AAL's public fund – the AAL now having DGR status.

## **Secretary – Emeritus Professor David Barker AM**

One of the Secretary's roles is to oversee governance, compliance and culture and 2020 was a positive year in this respect. With the receipt of official approval from the Senate with respect to the grant of charitable fund-raising status to the Academy, both the Governance and Finance Committees have taken appropriate action to ensure that the Academy's fund-raising activities accord with the compliance process. In this respect the establishment of a Research and Expenditure Committee, which has already decided upon a procedure for the award of a Scholarship in support of a First Nations final year law student, has been a constructive move by the Academy.

The installation of terms of reference for all Committees of the Board and a regular timetable for the holding of Academy Board Meetings has also ensured a more efficient conduct of meetings of the Board of Directors.

It is anticipated that the concept of an inaugural Roundtable led by newly admitted Fellows would not only stimulate the holding of such events, but also help promote the interaction of new with existing Fellows.

It is crucial to the future development of the Academy that both the Board of Directors and all Fellows recognise that ongoing initiatives for the improvement of governance, as well as the conduct of Academy events, can benefit the Academy and also enhance its status within the legal and wider community.



# Financial Statements

## Statement of Financial Position

Australian Academy of Law (A company limited by guarantee) ABN 19 127 640 466

As at 30 June 2020

	2020
	\$
<b>Current Assets</b>	
Cash and Cash Equivalents	327,901
<b>Total Current Assets</b>	327,901
<b>Total Assets</b>	327,901
<b>Current Liabilities</b>	
Other Accruals	38,000
<b>Total Current Liabilities</b>	38,000
<b>Total Liabilities</b>	38,000
<b>Net Assets</b>	289,901
<b>Equity</b>	
Retained Earnings	289,901
<b>Total Equity</b>	<b>289,901</b>

## Profit and Loss Statement

For the Year ended 30 June 2020

	2020
	\$
<b>Income</b>	
Membership Fees	136,140
Event Fees	5,833
Interest Received	3,508
	145,481
<b>Expenditure</b>	
Accountancy Fees	2,310
Audit Fees	1,800
Bank Charges	371
Donations	-
Prizes	13,000
Filing Fees	79
Insurance	2,578
Legal Costs	-
Secretariat Fees & Costs	44,333
Conferences, Events & Teleconference Expenses	24,820
Sponsorship	-
Travelling Expenses	5,443
Website Expenditure	4,895
	99,629
<b>Net Profit</b>	<b>45,852</b>

Please click on the Registered Charity Tick on the Academy of Law website for a complete record of our financial statements.

➤ [Australian Academy of Law | Australian Charities and Not-for-profits Commission \(acnc.gov.au\)](#)

# Plans for the Future

## Fellows

**The number of Fellows has grown substantially in recent years with the total now approaching 400. As a result, the Academy is in a sound financial position due almost entirely to the past and ongoing subscriptions by Fellows.**

We are working towards the active involvement of each of the Fellows in the work of the AAL. The Academy must not be an institution where a small number of members do all, or almost all, of the necessary work.

We must also continue to seek nominations of younger distinguished lawyers, while remaining true to the eligibility criterion in our Constitution which states that, to be a Fellow, the individual must be *“of exceptional distinction in the discipline of law and demonstrably committed to the objects of the Academy”*.

## Activities

The present source of income being subscriptions by Fellows means that, for the time being, any AAL activities requiring substantial ongoing funding must be limited. We remain committed to both the substantial annual Essay Prize and to the student prizes awarded by the AAL.

We would like to achieve the maximum ‘ripple effect’ from these prizes - so that for a specific sum, the greatest beneficial outcome might be seen on the discipline of law in Australia. This is the principal aim of funding the Essay Prize and the student prizes.

We are also awarding a First Nations scholarship, beginning in 2021. As a result of legislative changes passed last year, the Academy is now listed as a Deductible Gift Recipient under the *Income Tax Assessment Act 1997*. With two bequests already received, it is hoped it will be possible to sustain an annual \$5,000 scholarship to help a First Nations student complete the financially arduous final year of legal studies.

It is also proposed that during 2021, there will be events which focus on First Nations Peoples’ issues in

Australia. These fundamental issues are the subject of the 2021 Essay Prize and planned to be the subject of a substantial seminar series intended to be held in the middle of 2021.

As noted in the President’s message, one of the downsides of the COVID-19 pandemic has been that, apart from Roundtable events, opportunities for Fellows to meet in person have been very limited although we expect those opportunities to increase during 2021. On the upside, the Academy has now developed the expertise to broadcast events live online which means Fellows and members of the public are able to participate no matter where they are. We expect this access to become a permanent feature of Academy functions including jointly organised events.

We expect the annual symposium held in association with the Australian Academy of Science to become a permanent event. Combining the differing perspectives of scientists and lawyers to address an important common issue provides a valuable educational experience to both scientists and lawyers.

In August 2020, the Academy made a donation of \$5,000 to AustLII which, as is well known, is an institution operated jointly by the Faculties of Law of the University of Technology Sydney and the University of New South Wales. The Board considered that AustLII’s public policy purpose, to improve access to justice through access to legal information, supported many of the objects of the AAL. We expect this donation to continue when our funds permit.

Looking further ahead, in 2023 we are discussing marking some important national legal bicentenaries with a national conference held in partnership with the *Australian Law Journal* and the Australian Institute of Judicial Administration. The working title is *‘Australia’s courts – the next 100 years.’* We would expect the papers from the proceedings be published in book form in 2024.

## Cooperation

We plan to maintain the AAL’s cooperation with other legal institutions. Recent examples have been events co-sponsored with the Charles Darwin University, the

University of Adelaide, the *Australian Law Journal* and the Supreme Court of Queensland. There are events to occur in early 2021 with the Australian Law Reform Commission and the New South Wales Bar Association. These co-operative events resonate with the Academy's purposes and we will pursue further opportunities.

### **Academics exposure to court work**

A further initiative for 2021 is the proposal for individual academics - most probably more junior academics - to spend a day or two with a judge, to experience first-hand what judges do and how courts work. We hope this initiative will be in place during the current calendar year.

### **Governance**

Under the Governance Committee and the Finance Committee the governance of the AAL continues on a sound footing. It is anticipated that the Memorandum of Understanding with the Federal Court of Australia, whereby secretarial services are provided to the Academy for an agreed fee, will continue.

### **Research and expenditure**

One task of the newly established Research and Expenditure Committee is to identify research projects which Fellows of the AAL could themselves conduct or towards which the AAL could direct financial resources, in accordance with the objectives set out in the Constitution. Another purpose of the Committee, in collaboration with the Prizes and Scholarships

Committee, is to identify potential areas where payments (such as grants or bursaries) to individuals could best advance these objectives.

### **Publicity**

The Academy's website will continue to be a timely and valuable resource. Similarly, the monthly Newsletters will provide information to Fellows and to interested members of the public. However, we plan to seek some external assistance with these matters as there is a need for some specific skills and expertise beyond what is available within the Academy.

### **General**

**The view of the Australian Law Reform Commission in 2000 was that there was a need for:**

*an institution which can draw together the various strands of the legal community to facilitate effective intellectual interchange of discussion and research of issues of concern and nurture coalitions of interest. Such an institution should have a special focus on issues of professionalism (including ethics) and professional identity, and on education and training*

This continues to be our purpose. While much remains to be done, the AAL has made significant progress in building bridges between legal communities and facilitating effective intellectual interchange across the Australian judiciary, the practising profession and the universities.

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## General Thanks

The Academy thanks the Board, the Chairs of each of the committees and the members of these committees. Each has given freely of their time.


Thank you also to the Chief Justice and to the Chief Executive Officer of the Federal Court for the continuation of the Memorandum of Understanding under which the AAL is provided with administrative services.

We thank **Susan Jenkins**, the Secretariat, for her calm and efficient work for the AAL throughout the year. She is our only administrative assistance and achieves her work for the AAL in three days a week. The rest is done by Fellows themselves.

Profound thanks must go to the Hon Kevin Lindgren AM QC for more than 9 years of service as President. The Academy's progress, activities and achievements during his time as President have been considerable. They include the increase in the number of events and their location; the substantial increase in the number of Academy Fellows; the introduction of the annual Patron's address and the annual Essay Competition; the publication of two scholarly books; the achievement of the AAL's Deductible Gift Recipient status; the Secretariat's move from the Australian National University in Canberra to the more satisfactory location in the Federal Court in Sydney; and the writing by him of some 89 individual Newsletters. As a mark of our immense gratitude, and with his agreement, the Academy has elected Kevin Lindgren a Life Fellow.



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