

## Vale

I note with sadness the passing on 11 October 2019 of Academy Fellow Major General the Honourable Richard Tracey AM, RFD, QC. He had in 2014 been made a Member of the Order of Australia in the Military Division "For exceptional service in the field of military law, as a consultant for the Director of Army Legal Services, and as Judge Advocate General of the Australian Defence Force." He was appointed a judge of the Federal Court of Australia in 2006 and retired from that Court in 2018. Thereafter he was appointed as a commissioner of the Royal Commission into Aged Care Quality and Safety. I express my and the Academy's condolences to Richard Tracey's family.

## Recent Events

There are three recent events to be reported:

- the Annual Austin Asche Oration in Law and Governance held in Darwin on Thursday 19 September 2019;
- on the same evening, a further Michael Coper roundtable held in Canberra; and
- the annual Patron's Address held in Brisbane on Thursday 31 October 2019.

## Annual Austin Asche Oration

An audience of about 100 heard Liz Broderick AO speak on "*The Journey of a Restless Advocate: Creating a more Gender Equal Australia*" at Parliament House in Darwin on Thursday 19 September 2019.



Ms Elizabeth Broderick AO

This was the annual Austin Asche Oration in Law and Governance.

The Hon Austin Asche AO was present as usual, but, sadly, Dr Valerie Asche AM, who had always accompanied Austin to these events, had passed away only a couple of months earlier.

Those who spoke passed on their condolences to Austin and his daughter, Wendy, who accompanied Austin.

The speaker described her earliest interest in gender related issues through to her current role having been appointed by the United Nations as one of 5 Special Rapporteurs and Independent Experts on Discrimination against Women and Girls across the world.



From Left: Professor Les McCrimmon, Ms Elizabeth Broderick AO and the Hon Kevin Lindgren AM QC.

## Michael Coper roundtable held in Canberra on Thursday 19 September 2019

Being in Darwin, I could not attend this event and The Hon Mary Finn has provided the following account of the discussion led by Dr Stephen Donaghue QC, the Commonwealth Solicitor General. I am indebted to Mary Finn for providing the following account.

On Thursday 19 September the first of the now re-named "Michael Coper Roundtables" (being the third ACT Roundtable for the year) was held in Canberra at a conference room in the High Court. The speaker for the event was the Commonwealth Solicitor General, Dr Stephen Donaghue QC.

Under the topic, which he had nominated as "Current Issues in Australian Constitutional Law", Dr Donaghue principally addressed three recent decisions of the High Court concerning the implied freedom of political communication.

Following his talk there was a very full and interesting discussion between Dr Donaghue and the fourteen Academy Fellows, a significant number of whom were past or present government lawyers. That discussion continued at an informal dinner which concluded the evening.

The Academy is very grateful to Dr Donaghue for leading the discussion.

### Patron's Address in Brisbane on Thursday 31 October 2019

A large audience of some 200 gathered in the Banco Court of the Supreme Court of Queensland to hear the Hon Chief Justice Susan Kiefel AC deliver the Academy's Patron's Address for 2019.

The Chief Justice's topic was "*The Academy and the Courts: what do they mean to each other today?*"

The topic obviously lies at the heart of the Academy's role.

In addition to now being the Patron of the Academy, the Chief Justice was a Foundation Fellow of it when it was established in 2007.

Among other things, the Chief Justice addressed the influence that academic writings can have on judicial decision making, with reference to the UK, France, Germany and Italy, as well as to Australia.



From left: Mr Glenn Ferguson AM, The Hon Chief Justice Susan Kiefel AC, The Hon Chief Justice Catherine Holmes and The Hon Kevin Lindgren AM QC

After the Address, the Chief Justice presented the Academy's cheque (for \$1,500) to the winner of the inaugural Michael Coper Memorial Prize for Best Paper Presentation at the annual Australian Law Students Association Conference (held in Melbourne this year).

The winner was Ms Hennie Lui, an Associate to a Judge in the Federal Circuit Court of Australia, and a student who is completing a combined B Com/LL B degree at the University of Queensland.

Unfortunately, Ms Lui was not able to attend to be

presented with the prize because, fortunately, she had secured and taken up an internship at the United Nations in New York. Her delegate, Maggie Hawkins, the President of the University of Queensland Law Society, received the Prize on Ms Lui's behalf.



From Left: Professor Rosalind Croucher AM, The Hon Chief Justice Susan Kiefel AC, The Hon Justice Susan Brown and The Hon Justice Hugh Fraser.

### Winner of the Academy's Annual Essay Prize

The topic for the Academy's Annual Essay Prize for 2019 was "*How do private law and public law interact in Australia? What are, and what should be, the available remedies (public or private or both) where they interact?*"

The Prize is open to anyone, wherever resident, who is studying or has studied legal subjects at a tertiary level, or who is working or has worked in a law based occupation. There is no limit by reference to the age or seniority or experience of, or position held by, a person who may submit an entry. Accordingly, judicial officers, legal practitioners, legal academics and law students are all eligible to submit an essay.

The winning essay for 2019 was submitted by Dr Ellen Rock, lecturer at the UTS Faculty of Law.

The amount of the Prize is \$10,000.

I congratulate Dr Rock. Her winning essay will be found on the Academy's website. In due course, as in previous years, I expect it to be published in the *Australian Law Journal*. Arrangements are being made for the Prize presentation in Sydney.

I also express my gratitude and the gratitude of the Academy to the Fellows of the Academy who constituted the judging panel, Professor William Gummow AC QC (Chair), Ms Margaret Allars SC and Professor Rosalind Dixon.

## Election of officers at the Annual General meeting

At the Annual General Meeting of the Academy in Brisbane on 31 October 2019 the following officers were elected:

President

- The Hon Kevin Lindgren AM, QC

Deputy President

- The Hon Justice Alan Robertson

Treasurer

- The Hon Justice G John Digby

Honorary Secretary and Public Officer

- Emeritus Professor David Barker AM

Other Directors

- Professor Gino Dal Pont
- Dr Nuncio D'Angelo
- 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
- Professor Melissa de Zwart
- The Hon Justice Tony Besanko

I announced to the Annual General Meeting my intention to resign from the position of President towards the middle of 2020. Having performed the role of President for some 8-9 years I feel it is time for a change in leadership. I proposed that I should be replaced as President by the Deputy President Justice Alan Robertson.

I express my gratitude and the gratitude of the Academy to the following directors for their service as Directors, being those who did not stand for re-election:

The Hon Justice Martin Hinton

Professor Brian Opeskin

Professor Paul Fairall

## Reminder concerning outstanding subscriptions

A gentle reminder if you have not renewed your subscription. It is easy to overlook renewing subscriptions to a not-for-profit body like the AAL.

The amount is \$400 for the year 2019-2020.

I will ask the Secretariat to issue reminders to those whose subscriptions are outstanding contemporaneously with the issue of this Newsletter.

## Dinner for Fellows in Canberra on Sunday 19 January 2020

The Deputy President of the Academy, Justice Alan Robertson, has received a sufficient number of indications of interest from Fellows for an Academy of Law to confirm and fix a reception and dinner in Canberra on Sunday, 19 January 2020 at 7 pm. A greater number of Fellows than usual will be in Canberra at that time as part of the Supreme Courts and Federal Court annual conference.

Academy Fellow Professor James Stellios has very kindly agreed to give the after dinner talk, his topic being "The life of a practising academic".

The cost will be \$125 per person, a slight increase, including drinks and wine. Partners will be very welcome.

The venue will be the Boat House, Menindee Drive, Barton ACT.

Even if you have already notified your interest, would you please email the Secretariat [aalsecretariat@academyoflaw.org.au](mailto:aalsecretariat@academyoflaw.org.au) by the end of November if you will be attending and, if so, whether you will be accompanied by your partner.

Please also specify any dietary requirements. The venue is limited to about 40 people.

This amount will be payable to the Academy of Law later in January and should not be sent now.



Kevin Lindgren

President

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