

Welcome to the third Newsletter for 2024.

## Planning for 2024

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 a member of the Event Organising Committees in your State or Territory <https://academyoflaw.org.au/Board-Committees>

or the Secretariat as soon as possible.

The Secretariat email address is now resolved. For the future, please contact the Secretariat via this email address:

[AALSecretariat@academyoflaw.org.au](mailto:AALSecretariat@academyoflaw.org.au)

## AAL Annual Report for 2023

The AAL's fourth annual report is being prepared and will be published in April. I thank Ms Kerrie Douglass for her work on the text and Dr Trischa Mann for her editorial work. Once published, the Report will be available on the website.

## 2024 AAL First Nations Scholarship

The Australian Academy of Law again offers the AAL First Nations Scholarship tenable in 2024 for 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.

The amount of the award is A\$5000 for one year only.

The successful applicant may, additionally, have the opportunity of being mentored for up to a year by an AAL Fellow.

Applications closed on 18 March 2024 at 5pm (AEDT).

I am pleased to report that the Selection Panel will be **Justice Tony Besanko**, Federal Court of Australia; **Justice Louise Taylor**, Supreme Court of the Australian Capital Territory; and **the Hon Kevin Bell AM KC**, former judge of the Supreme Court of Victoria, former Commissioner, Yoo-rrook Justice Commission, Victoria. I thank each of them.

The winner will be announced by the end of April.

## 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 will conduct a pilot program, in the first instance in the ACT.

A small number of academics in the ACT have expressed interest and the program will now get under way in 2024.

There is still room for further expressions of interest. Please contact the Secretariat.

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

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. They have written the introduction. The manuscript has been delivered to the Federation Press.

I am pleased to report that **Chief Justice Stephen Gageler AC** has agreed to contribute the foreword.

We are aiming to publish the volume in the first half of 2024.

### **Publication of the proceedings of the joint event with the AIJA and the ALJ: *Enduring Courts in Changing Times***

This 2½ day joint event with the Australasian Institute of Judicial Administration and the Australian Law Journal and 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.

The AAL is now, with the excellent work of **Dr Trischa Mann**, editing the papers for publication in book form. All the papers are in. Dr Mann is finishing the editing.

We are aiming for publication of the book in April 2024.

### **Nomination of candidates for Fellowship**

It is important that each Fellow considers from time to time other persons of exceptional distinction in the discipline of law who are suitable for nomination as a Fellow. Each Fellow is encouraged to look broadly to nominate candidates and to consider candidates from diverse backgrounds. Without limiting the content of diversity, the AAL is seeking to be gender diverse, ethnically diverse and to include lawyers with or from different backgrounds.

Nominations should be forwarded to the AAL Secretariat by 31 August each year.

The AAL expects to elect new Fellows by the end of each calendar year.

The nomination process is confidential in the sense that the nominee should not be involved, so as to avoid any disappointment if a nomination is unsuccessful.

Clause 6 of the AAL’s Constitution states that the eligibility criteria are that the person is “of exceptional distinction in the discipline of law” and is “demonstrably committed to the objects of the Academy”.

Consistently with the AAL’s objective of providing a “bridge” across the three areas of academia, the judiciary and the practising profession, these criteria may be met in different ways, depending on whether the candidate’s distinction stems from their core work as an academic, or as a judicial officer or as a legal practitioner.

For example, it would not be expected that a legal practitioner who is not or is no longer an academic would have a list of publications or research as extensive as an academic’s. But it would be expected that a distinguished lawyer would show a contribution beyond the work involved in their official or formal work.

For practising lawyers, contribution to the activities of a professional or regulatory body will be given weight, as would presentations and instruction, whether to members of the profession or to students, and publications in legal journals.

Similarly, for judicial officers, it would not be expected that a judge would necessarily have a list of publications or research, but it would be expected that a judge would have contributed beyond their official duties, for example by papers, participation in professional discussions, mentorship et cetera.

Academic nominees would also be expected to have gone beyond their formal responsibilities, for example by way of impact or engagement outside pure academia.

The relevant objects of the Academy are to:

- Advance the discipline of law;
- Promote excellence in legal scholarship, research, education, and the administration of justice;
- Promote law reform;
- Promote ethical conduct and professional responsibility;

- Enhance the understanding and observance of the rule of law;
- Provide a forum for collaboration and constructive debate amongst all branches of the legal community.

In the nomination please include, where relevant, reference to:

- Contribution to the activities of a relevant professional or regulatory body, presentations and instruction, whether to members of the profession or to students, and publications in legal journals
- Teaching and mentoring, including research supervision; and academic and research leadership
- Participation in professional societies, journal refereeing, editorial boards, public lectures, national and international committees etc.
- For academics, any research grants
- Conference or seminar presentations.

All nominations should have a seconder who should provide a substantive endorsement rather than a one line "I agree".

A nomination form is available on the website here to assist in the process.

<https://academyoflaw.org.au/page-18215>

## Donations

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>

## Your contact details

Please contact the AAL Secretariat as soon as possible if your contact details change or if your profile changes. The email address is:

[AALSecretariat@academyoflaw.org.au](mailto:AALSecretariat@academyoflaw.org.au)

**NSW Event Thursday 18 April 2024 5:00 PM, AEST**

**In conversation with Overseas Fellow Desmond Browne CBE KC**

**Venue: Sydney CBD [TBA]**

**Desmond Browne** will be well known to many of you as he has strong Australian connections and is a frequent visitor here. He has now retired from the Bar but is a former Chairman of the Bar, former Treasurer of Gray's Inn and former Joint Head of Chambers at 5RB for 19 years (with Justin Rushbrooke KC). In the Queens' Birthday Honours List 2020, he was appointed Commander of the Order of the British Empire (CBE) for services to the Inns of Court and diversity at the Bar. His practice centred on media law, particularly defamation and privacy.

Please contact the Secretariat if you would like to attend this informal event.

**ACT event 23 April 2024 5:00 PM, AEST**

**Michael Coper Roundtable**

**Venue: The High Court of Australia, Parkes, Canberra**

In Person Event Canberra | Fellows Only

**Presentation on Genocide and the International Court of Justice**

All AAL Fellows who are in Canberra on 23 April 2024 are invited to a Michael Coper Roundtable that evening to be presented by **Professor Donald Rothwell FAAL**. Professor Rothwell will discuss three cases that are presently running in the International Court of Justice:

1. *Ukraine v. Russian Federation*, dealing with Russia's allegation that genocide was taking place in Ukraine;
2. *South Africa v. Israel*, alleging that Israel is committing acts of genocide against Palestinian peoples in Gaza; and
3. *Nicaragua v Germany*, alleging that Germany is supporting acts of genocide by supplying Israel with military assistance and suspending aid.

The event will be chaired by **Emeritus Professor Stephen Bottomley FAAL**.

Fellows may [Register Here](#)

## An event in Adelaide on arbitration

8 May 2024

The AAL has organised a free public event with the University of Adelaide and the Resolution Institute on arbitration.

**The venue: Level 5, Ligertwood (Adelaide Law School) Building, The University of Adelaide**

The speakers will be:

**Ms Julia Dreosti**, Counsel, Clifford Chance

**The Hon Kevin Lindgren AM KC** arbitrator and Past President, Australian Academy of Law

**Mr Peter Kassapidis**, lecturer and course coordinator of the Professional Certificate in Arbitration (the joint venture between Resolution Institute and the University of Adelaide)

Commentary: **Mr Brendon Roberts KC**

The chair will be the **Hon Tony Besanko**, Deputy President of the AAL.

A flyer and registration details will be available shortly.

## Queensland events

**11 July 2024** - Brisbane event in conjunction with the Current Legal Issues Series by the Bar Association of Queensland, the Supreme Court Library Queensland and the University of Queensland

**Juvenile Justice in Queensland: Professor Tamara Walsh**, The University of Queensland, TC Beirne School of Law; **Natalie Lewis**, Commissioner of the Queensland Family and Child Commission; **Damian Bartholomew**, Youth Advocacy Centre and chaired by Her Honour **Judge Deborah Richards**

**1 August 2024** – Brisbane event:

**The role and running of Commissions of Inquiry: the Hon Catherine Holmes AC, the Hon Margaret White AO and Emeritus Professor Peter Coaldrake, with an introduction by the Hon Justice Peter Applegarth**

**31 October 2024** – Brisbane event

**Patron's address by the Hon Chief Justice Helen Bowskill, Brisbane**

## Northern Territory

3 October 2024 – the Austin Asche Oration, Darwin - **Dr Anna Cody**, Sex Discrimination Commissioner. This annual event is co-hosted with Charles Darwin University.

## Recent events

**18 March 2024 – Melbourne 5:00PM AEDT**

The title of this seminar was: **Mechanisms in the Administrative Review Tribunal Bill to thwart Robodebt-type maladministration**

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

We were fortunate that the **Hon Justice Emilios Kyrou AO** was the speaker at this event. Justice Kyrou is the President of the present AAT and of the proposed Tribunal. He is a judge of the Federal Court of Australia.

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



*From left to right: Justice Mark Moshinsky, Mr Albert Dinelli KC, Justice Emilios Kyrou AO, the Hon Alan Robertson SC and the Hon Pamela Tate AM KC*

On 7 December 2023, the Commonwealth Attorney-General introduced into the Federal Parliament the *Administrative Review Tribunal Bill 2023* and the *Administrative Review Tribunal (Consequential and Transitional Provisions No. 1) Bill 2023*.

When enacted, the Bills will abolish the Administrative Appeals Tribunal and replace it with the Administrative Review Tribunal. Justice Kyrou identified 5 aspects of the Bill to guard against a future Robodebt:

1. The requirement that the ART's leaders identify and report systemic issues in administrative decision-making.
2. The establishment of an internal second merits review panel called the Guidance and Appeals Panel.
3. The re-establishment of the Administrative Review Council.
4. The power of the ART to compel an agency to attend and participate in a hearing.
5. The requirement that the ART publish certain decisions.

**Mr Dinelli** commented on the Bill from the perspective of practitioners.

This was a free public event. About 10 attended in person, a distinguished but disappointingly small number, and about 80 online.

I thank the speakers and the **Hon Pamela Tate AM KC** who chaired the event.

The Bill to establish the ART was passed by the House of Representatives on 21 March 2024.

### Thursday 21 March 2024 – Hobart

There was an AAL event in Hobart on the evening of 21 March 2024.

A total of nineteen attended: Fellows, other distinguished lawyers and some partners. The after dinner paper was given by me and covered the Tasmanian aspects of the September conference and papers on the bicentenaries of the Supreme Courts and a primer on the proposed legislation to replace the AAT with the ART.



I thank the **Hon Kate Warner AC** for her role in organising the excellent venue: see below:



A handwritten signature in blue ink, which appears to read 'A. Robertson'.

Alan Robertson  
President  
alan.robertson.sc@gmail.com  
0404 850 364