

Welcome to the twelfth and final Newsletter for 2021.

Donation to the Public Fund

I am very pleased to announce that through the great generosity of an Overseas Fellow, the First Nations Scholarship is in a good financial position for 2022. Following last month's newsletter, the AAL received a donation of \$5000 to the Public Fund to be used for that scholarship. Again, I thank the donor for his generosity.

Projects for the Public Fund

A real success of the new Public Fund for 2021 was the expenditure of part of the charitable donations on the First Nations Scholarship project. Not only was there a substantial scholarship of \$5000 awarded to a First Nations final year law student, but also individual AAL Fellows in the various jurisdictions volunteered to mentor each of the applicants for the scholarship. Details of the scholarship for 2021 are [here](#).

If you have a proposal for a scholarship or other educational project for the Public Fund, please let me know as soon as possible, so that it may be considered in time for early 2022.

If you wish to make a donation to the fund, the starting point is [here](#).

Subscriptions/donations

Clause 8.2 of the Academy's Constitution provides:

“Life Fellows and Overseas Fellows are not subject to and have no obligation to pay annual subscriptions but may, in their discretion, make a donation to the Academy of an equivalent amount.”

The provision has already been availed of over the last year, and see the most recent substantial donation I have just described.

The amounts of donations are deposited into the Academy's "Public Fund" and are tax deductible for Australian taxpayers.

Of course, the donation may be of any amount and need not be "an equivalent amount" to the amount of the annual subscription (\$400).

The identity of the donor need not be publicised.

As I have said, the Public Fund has already been used for a very worthwhile purpose, the First Nations Scholarship.

If any Fellow, of any category, would like to make a donation, the starting point is [here](#).

or please contact the Secretariat or me.

Two AAL sponsored monographs

The publication of the two monographs sponsored by the Academy is progressing well.

Emeritus Professor David Barker AM's book, the title of which is "A Sense of Common Purpose - A History of the Australian Academy of Law", is to be published by the Federation Press in the first quarter of 2022. I am grateful to **the Hon AM Gleeson QC** for writing a foreword.

The collection of the papers, commentaries and questions and answers at the AAL's very successful event on 8 September 2021 is in the final stages of production and I expect it to be published before Christmas. Its title is "Tax Avoidance: Marking 40 years of Part IVA of the Income Tax Assessment Act 1936".

Fellowship certificates

Following a number of queries from Fellows, the Board has decided to issue a Certificate of Fellowship to each new Fellow elected to the Academy. Existing Fellows may also have a certificate issued on request.

We are leaving it up to individual Fellows as to how their name should appear and what honorifics or other details they wish to include. Fellows are, of

course, welcome to include FAAL after their name on the certificate.

There will be no charge for the issue of an original certificate.

Fellows who would like to have a certificate issued should email the Secretariat advising very clearly the full text of the name and other details they want to have shown. A draft of the certificate will then be emailed to them for confirmation before a final certificate is issued. Fellows should also advise the postal address to which the certificate should be sent.

I thank **Mr Michael Murray** in particular for the work he has done to bring this proposal to fruition. As a matter of historical interest, Foundation Fellows were each issued with a certificate.

A certificate would take the form attached at the end of this Newsletter.

New Fellows

Please join me in extending a warm welcome to the following distinguished lawyers who have accepted the Board's invitation to become a Fellow of the Academy:

Professor Kit Barker

Professor of Law, TC Beirne School of Law, The University of QLD

The Hon Justice Sam Doyle

Court of Appeal, Supreme Court of South Australia

Forthcoming Events

23 February 2022 ACT Public Event

The topic is professional ethics for lawyers advising government. I have agreed to act as the chair. Please put this date in your diary. Further details will be posted as they become available.

25 March 2022 Causation Conference at the UWA Law School

The AAL is co-sponsoring the UWA Law School causation conference to be held on Friday 25 March 2022, at the offices of Herbert Smith Freehills (HSF), Perth. This will be a fully blended event, with the in-person component being held at the offices of HSF, Perth. Full day in-person registration will be \$150; remote registration \$50; and AAL members will enjoy free remote registration.

Please put this date in your diary. Further details will be posted as they become available.

Joint event with the *Australian Law Journal* and the Australasian Institute of Judicial Administration – August 2023

In light of some important national legal bicentenaries, a 2 or 3 day joint event with the Australian Law Journal and the Australasian Institute of Judicial Administration (AIJA) is planned for August 2023. Examples of those legal bicentenaries are, 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. I thank **Justice François Kunc** for this initiative. **Emeritus Professor David Barker** and **Justice Geoff Lindsay** have also agreed to be on the subcommittee, as has AAL Fellow **Justice Steven Rares**, as President of the AIJA. I am pleased to say that **Chief Justice Alan Blow AO** and **Justice Stephen Estcourt AM** of the Supreme Court of Tasmania have also joined the small committee.

The working title is "*Enduring courts in changing times*".

The idea is to have one part of the event physically in Tasmania and another part in New South Wales, but with a commingling of speakers and topics.

This promises to be a major event, similar to the "*Future of Australian Legal Education*" conference held in 2017. I invite comments and suggestions.

Recent Events

Freedom of Expression in the United Kingdom and Australia considered comparatively

On Tuesday 7 December 2021, 6.00PM AEDST and 7.00AM GMT, the AAL held its first international event, where the speakers were in different jurisdictions.

The speakers addressed how the law restricts investigative journalism and how the Courts protect public interest stories. The event compared the position in the United Kingdom and Australia. A panel of four experts, **Ms Laura Tingle**, **Mr Matthew Collins AM QC**, **Mr Andrew Caldecott QC** and **Mr Alan Rusbridger**, discussed these issues and then participated in a Q&A led by the expert chair, **Mr Desmond Browne CBE QC**.



From left to right, top row, Mr Desmond Browne CBE QC, Mr Matthew Collins AM QC and the Hon Alan Robertson SC; bottom row, Mr Andrew Caldecott QC, Ms Laura Tingle, Mr Alan Rusbridger (top) and Justice Applegarth.

I am very grateful to all the speakers, and to the chair, particularly to those based in the United Kingdom where the event commenced at 7 AM (GMT).

All of the feedback was very positive, to the effect that the event was both enjoyable and informative. One member of the audience, a former senior judge, said it was wonderful to see the mix of contributors and to have the input of views from the strictly legal to observations from bitter experience about the practical impact of legislation.

Ceremony for the winners of the 2021 AAL Essay Prize: Monday 13 December

Through the good offices of the Supreme Court of Queensland, particularly **Chief Justice Holmes AC**, a memorable ceremony was held to congratulate the winners of the 2021 essay prize.

You may recall that **Ms Lillian Burgess**, **Mr Suvradip Maitra** and **Ms Giulia Marrama** are the joint winners of this year's essay prize and that they are all currently working as Associates to Judges of the Queensland Court of Appeal.

A lively description of the event is to be found [here](#), in the Queensland Law Society Journal:

The families and friends of the winners attended in person, as did some of the Fellows of the Academy in Queensland and judges of the Supreme Court. There was an audience in the court of 30, and a further 12 or so watching the event on YouTube.

I am grateful to the Chief Justice's associate, **Ms Janine Mitchell** for her substantial assistance in organising the event, **Ms Susan Jenkins** of the Secretariat for her assistance and **Mr Ian McDonald**, Senior Service Officer for setting up the remote

access.



From left to right, Mr Suvradip Maitra, Chief Justice Holmes AC, Ms Lillian Burgess, and Ms Giulia Marrama

I thank former High Court Justice, **the Hon William Gummow AC QC** who again chaired the judging panel, and I also thank the other two members of the judging panel, **Professor Gabrielle Appleby** of the University of New South Wales and **Mr Tony McAvoy SC** of the New South Wales Bar.

The winning essay is published on the Academy of Law's website [here](#) and will also appear in a 2022 edition of the *Australian Law Journal*.

The press release by the AAL is to be found [here](#).

You can view the prize giving event, including the prizewinners' remarks [here](#).

Thank you

I thank all Fellows of the Academy, particularly the Directors and Officeholders and members of Committees, for their willing contributions during 2021.

I thank **Ms Susan Jenkins**, the AAL's Secretariat, for her efficient and tireless work during the year.

Best wishes

My best wishes go to all Fellows for a safe and enjoyable Christmas and New Year.

Alan Robertson
President

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This is to certify that

Professor xxx yyy AM

is a Fellow of the Australian Academy of Law

**The Hon Alan Robertson SC
President
Day/Month/2022**

The Australian Academy of Law comprises elected individuals of exceptional distinction in the discipline of law who are committed to the advancement of that discipline and to justice according to law in Australia.