

Welcome to the third Newsletter for 2022.

The AAL Michael Coper Memorial Prize

The 2022 Australian Law Students' Association (ALSA) Conference Paper Presentation Competition and related Closing Gala and Awards Ceremony has been reinstated after COVID and is to be held on 12 July 2022 in Brisbane.

As set out on ALSA's [webpage](#)

“Paper Presentation involves researching and writing a legal essay and then presenting it to a panel of judges. Competitors compete individually and the papers may be written on any legal topic.

The panel may ask questions as they see fit during and after the presentation to find the depth of knowledge and understanding the competitor has in the chosen field. Competitors are assessed on the essay and the presentation.”

The prize is \$1500, given by the AAL and named in memory of the late Emeritus Professor Michael Coper.

I am looking for a Fellow to speak for five minutes and award the Michael Coper Memorial Prize at the Closing Gala and Awards Ceremony. This is a formal black tie event.

I am also looking for three Fellows to judge the Grand Final of the Paper Presentation. Judging is estimated to take 2½ hours on the afternoon of 12 July.

The award presenter may be one of the 3 judges of the Grand Final.

Would any Fellow who will be in Brisbane on 12 July please let [me](#) or [Professor Gino Dal Pont](#) know as soon as possible if they are willing to take on either or both of these roles?

2022 AAL Annual Essay Prize

The Australian Academy of Law is pleased to

announce the offering of its Annual Essay Prize for 2022.

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

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 essay topic for the Prize in 2022 is as follows:

“What are one or more reforms that could be made to remedy deficiencies in the administration by Australian courts of the criminal law as it applies to minorities or disadvantaged groups?”

Note: The essay should not focus on funding by government.”

The deadline for the submission of an essay is 31 August 2022 and this time limit is strictly observed, as the Rules Governing the Annual Essay Prize make clear.

The rules for the essay prize are [here](#).

MOU with the Federal Court

I have recently signed a further MOU with the Federal Court of Australia for the provision to the AAL of the Secretariat. The new MOU's initial term is for 2 years commencing on 8 August 2021.

I thank the Federal Court, Chief Justice the Hon James Allsop AO and CEO Ms Sia Lagos for continuing this arrangement which is beneficial to the AAL.

It is not universally appreciated that the Secretariat works for the AAL for only 3 days per week and has all these tasks:

- Website and database management;
- Membership management including: issuing event invitations, processing membership

renewals and responding to subscription enquiries;

- Arranging, attending and taking and reporting minutes of AAL meetings to the AAL Board and maintaining AAL records;
- Assisting with arranging AAL events and activities, including prizes and scholarships;
- Assisting the AAL Board in complying with applicable rules and regulations as required by oversight bodies such as the Australian Securities and Investments Commission and the Australian Charities and Not-for-profits Commission;
- Preparing documents and liaising with AAL's auditor and accountant;
- Raising invoices, development and managing budgets, managing AAL's bank account;
- Assisting in drafting AAL Newsletters and distributing those Newsletters;
- Liaising with and assisting AAL Directors and Fellows as required;
- Being the first point of contact for the AAL, both AAL Fellows and others;
- Hosting and overseeing AAL's email account;
- Responding to telephone inquiries;
- Any other administrative, logistical or assistance to the President as required.

Legal studies prize for secondary students

The AAL is investigating the feasibility and logistics of a Year 11/12 Legal Studies prize, with the likely focus being on Year 12.

The idea is to award a prize to the top student in Legal Studies, however named, in each State and Territory, so 8 prizes in all.

There is a question about how best to identify the top Legal Studies student in each jurisdiction.

If you are able to assist please contact me or [Professor Gino Dal Pont](#).

Forthcoming events

31 March 2022 4.15 pm (Perth) 6.15pm (Brisbane)

Australian Federalism in the Time of COVID

Has COVID-19 revived Australian federalism? What does federalism look like after the pandemic?

Professor Nicholas Aroney (University of Queensland) will talk about decision-making in a public health crisis and **Professor Alan Fenna** (Curtin University) will reflect on whether we are seeing a revival of federalism in Australia.

The chair will be **Professor Sarah Murray**, University of Western Australia Law School, Law Reform Commission of Western Australia.

The Australian Academy of Law is pleased to host this event with the Australian Association of Constitutional Law (WA Chapter).

To register click [here](#)

The flyer is [here](#):

7 April 2022, 5.15pm (Brisbane) Banco Court, Supreme Court of Queensland

Making Law through Practice: Examples from Commercial Law

The lecture will be given by **Professor Sir Ross Cranston QC** and will draw from his recent book, *Making Commercial Law Through Practice 1830 - 1970*, emphasising the Australian dimension.



The AAL is pleased to sponsor this jointly with the Selden Society, Australian Chapter. I am also grateful for the assistance of the Queensland Supreme Court Library Legal History Committee.

Please put this date in your diary.

[Register](#) to attend this lecture in person

[Register](#) to join a livestream of this lecture.

More information is in the [flyer](#).

11 May 2022, 5:30 PM at the ACT Supreme Court

Private and public lawyers: An ethical divide?

Please put this date in your diary. This is the event that was planned for 23 February 2022, but had to be postponed due to COVID.

The speakers will be:

Ms Elizabeth Carroll, President of the ACT Law Society, formerly Chief Legal Counsel, IP Australia, and a partner at Holding Redlich

Dr Jennifer Duxbury, Digital Industry Group, formerly in-house lawyer at bodies such as Ninemsn, Lonely Planet and Airservices Australia

Professor Vivien Holmes, ANU College of Law, teaches and researches in the fields of legal ethics, legal education and the legal profession and has worked as a litigation solicitor in private and government practice

Mr Michael Kingston, Australian Government Solicitor, formerly Chief Legal Officer of the Australian Securities and Investments Commission and a partner at Mallesons Stephen Jaques

Mr Athol Opas, commercial barrister, the ACT Bar's representative on the Law Society's Legal Practitioner Act and Ethics Committee, and former President of the ACT Law Society.

I will chair the event.

Registration details will be posted soon.

22 September 2022 – NT Event

Austin Asche Oration in Law and Governance

This public event will be held at the Hilton Hotel, Mitchell St, Darwin. The speaker will be **Emeritus Professor Ros Croucher AM**, President of the Australian Human Rights Commission.

Please put this date in your diary.

8 – 10 September 2023

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

To mark some important national legal bicentenaries, a 2½ day joint event with the Australian Law Journal (ALJ) and the Australasian Institute of Judicial Administration (AIJA) is planned for Friday 8 – Sunday 10 September 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. **Professor David Barker** and **Justice Geoff Lindsay** are on the subcommittee, as is AAL Fellow **Justice Steven Rares**, as a member of the Council and immediate past 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 by the AAL and the ALJ in 2017.

I have recently sent letters of invitation to the Chief Justices of relevant jurisdictions.

Recent events

8 March 2022, 6 PM AEDT

Senior trial judges from England and Australia speak about judging

An audience of 165 heard the distinguished panel discuss important aspects of judging in practice. The topics covered included: finding facts; decisions on the papers; writing judgments; case management; closed hearings; and ex tempore judgments.

Professor Sir Ross Cranston QC, Professor of Law at the London School of Economics and a former judge of the High Court, Queen's Bench Division, was the Chair.

The speakers from England were:

Lord Justice (James) Dingemans, Vice-President of the Queen's Bench Division. He has been heavily involved in the Commonwealth Magistrates and Judges Association and the Commonwealth Lawyers' Association



Mrs Justice Cheema-Grubb, a High Court judge and Senior Presiding Judge on the South-eastern Circuit. Dame Bobbie was Senior Treasury Counsel prior to her appointment, prosecuting heavy crime

Mrs Justice Cockerill, a High Court judge and the Judge in Charge of the Commercial Court. Dame Sara is a noted medieval historian, the author of *Eleanor of Castile* (2014) and *Eleanor of Aquitaine* (2020)



The speakers from Australia were:



Justice Julie Ward, then Chief Judge in Equity of the Supreme Court of New South Wales and now President of the New South Wales Court of Appeal



Justice Katrina Banks-Smith, a judge of the Federal Court of Australia



Justice Susan Kenny AM, the senior puisne judge of the Federal Court of Australia.

You may view the video of this excellent event [here](#)

I thank all the speakers, who each have many official commitments, for the time they gave to this event.

Thursday 24 March 2022 6pm Melbourne

The Legal and Ethical Regulation of the Internet of Things

About 65 Fellows and members of the public attended a panel discussion on the topic: 'The Legal and Ethical Regulation of the Internet of Things.'

The Internet of Things is the interconnection via the internet of computing devices embedded in everyday objects, scanners, sensors, etc. that exchange data with each other. Privacy issues arise as well as informed consent and data protection.

The panel was:

Professor Jeannie Paterson, Professor of Law at the University of Melbourne and co-director of the Centre for AI and Digital Ethics.

Professor Lee A. Bygrave, Professor at the Norwegian Research Center for Computers and Law, attached to the Department of Private Law, University of Oslo.

Dr Simon Coghlan, a senior research fellow in the Centre for AI and Digital Ethics and the School of Computing and Information Systems at the University of Melbourne.

The Hon Pamela Tate SC chaired the event.

The event was Online and at Court No 1, Federal Court, 305 William Street, Melbourne.

I am very grateful to the expert panel for their presentations and for their answers to questions.

Thank you as well to **The Hon Pamela Tate SC** for chairing the event and doing so much to organise it.

A link to the reference document provided by Professor Paterson for this stimulating and informative event is available on the website [here](#).



The Hon Justice Mark Moshinsky, The Hon Pamela Tate SC, Dr Simon Coghlan and Professor Jeannie Paterson

AAL monograph

This collection of the papers, commentaries and questions and answers at the AAL's very successful event on 8 September 2021 has been published. Its title is "Tax Avoidance: Marking 40 years of Part IVA of the Income Tax Assessment Act 1936".

The book is 113 pages and includes the papers, the commentary and the Q&A session. It also includes statutory materials.

The price is \$20.00 (incl GST), plus postage, to cover costs. If you wish to buy a copy, or copies, please fill out the order form, which is [here](#), and send payment to [Secretariat](#).

The AAL will look for further opportunities to publish collections of papers given at its events.

Second Annual Report

This report has been completed. It covers calendar year 2021. It will be on the website within a few days.

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.

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 2022.

If you wish to make a donation to the fund, the starting point is [here](#): or please contact the [Secretariat](#) or me.

Second AAL sponsored monograph

[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 half of 2022. I am grateful to [the Hon AM Gleeson AC](#) for providing a foreword.

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.

There will be no charge for the issue of a certificate.

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.

If you would like to have a certificate issued, you should contact the [Secretariat](#) advising clearly the full text of the name and other details you want to have shown on it. A draft of the certificate will then be emailed to you for confirmation before a final certificate is issued. You should also advise the postal address to which the Secretariat should send the certificate.

Postponed Event

Causation Conference at the UWA Law School

The AAL is co-sponsoring the UWA Law School causation conference which was due to be held on

Friday 25 March 2022, as 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.

Due to COVID restrictions, this event has been postponed to a date to be fixed. Further details will be provided as soon as they become available.

New Fellow

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

Dr Ben Gauntlett

Disability Discrimination Commissioner, Australian Human Rights Commission

Change at the Secretariat

Ms Susan Jenkins, who has been the AAL's Secretariat for the last 4 years is leaving the Federal Court and thus the AAL. Her last day will be 14 April 2022.

I know Fellows will join with me in thanking Susan for her important and willing work for the AAL over the last 4 years and in wishing her well for the future.

Dr Jennifer Farrell is due to take over the role of the Secretariat from 19 April 2022. Dr Farrell has worked at the Federal Court for many years. She has a PhD from Macquarie University Law School, the subject of her thesis being: "Enhancing Access to Justice in Australian Courts Using Web 2.0 Applications."

Please join me in welcoming Dr Farrell to the role of AAL Secretariat.



Alan Robertson
President

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