

ENDURING COURTS IN CHANGING TIMES CONFERENCE

8-10 September 2023

Celebrating the forthcoming 2024 bicentenaries of the
Supreme Courts of New South Wales and Tasmania

PROGRAM



The Australian Law Journal



SYDNEY
HOBART

WELCOME

In May 2024 the Supreme Court of New South Wales and the Supreme Court of Tasmania will mark their bicentenaries as the oldest courts in Australia. These courts were created by the Third Charter of Justice promulgated at Westminster in October 1823.

There are few courts in the world with an uninterrupted and independent existence of two centuries. The forthcoming 2024 bicentenaries of the Supreme Courts of New South Wales and Tasmania are occasions for both celebration and critical reflection. In that spirit, the Australian Academy of Law, the Australian Institute of Judicial Administration (AIJA) and the Australian Law Journal are very pleased to present a conference on “Enduring Courts in Changing Times”.

The conference will cover a number of topics, with the past and future relationship between indigenous peoples and the courts a matter of particular emphasis. We invite you to join us either in person or online. It is hoped to publish the papers as a book to mark this significant occasion.

The Hon Alan Robertson SC, President, Australian Academy of Law

The Hon Justice Jenny Blokland, President, The Australasian Institute of Judicial Administration

The Hon Justice François Kunc, Supreme Court of New South Wales and General Editor of the Australian Law Journal

CONFERENCE VENUE

Supreme Court of New South Wales, Banco Court,
Queens Square, 184 Phillip Street, Sydney NSW 2000

Supreme Court of Tasmania
5 Salamanca Place, Hobart TAS 7000 (online)

GALA DINNER VENUE

Sheraton Grand Sydney Hyde Park,
161 Elizabeth Street, Sydney NSW 2000

ACCOMMODATION

Sheraton Grand Sydney Hyde Park is a five minute walk from the conference venue at the Supreme Court of New South Wales. They are offering a discount for delegates to the conference and/or the Gala Dinner.

- City Side Room - Breakfast Included \$355 AUD per night
- 30 days cancellation at no fee / Less than 30 days will incur a 100% cancellation / no-show fee
- An additional \$110 applies for triple occupancy or for a rollaway bed

Book your group rate for Enduring Courts in Changing Times (RL)

CONFERENCE PRICING

All costs are in \$AUD and are inclusive of GST.

IN-PERSON	\$
Conference - Member In-Person Early	\$700
Conference - Member In-Person Early with Dinner	\$910
Conference - Member In-Person Standard	\$850
Conference - Member In-Person Standard with Dinner	\$1,025
Conference - Non-Member In-Person Early	\$950
Conference - Non-Member In-Person Early with Dinner	\$1,160
Conference - Non-Member In-Person Standard	\$1,150
Conference - Non-Member In-Person Standard with Dinner	\$1,360
Conference - Student In-Person	\$250

ON-LINE	\$
Conference - Member Online Standard	\$300
Conference - Non-Member Online Standard	\$450
Conference - Student Online	\$150

DINNER ONLY	\$
Dinner Only - Member, Non-Member, Student	\$210

Please note: Member as meaning Fellow of the AAL or Member of the AIJA

Click here: <https://www.eventbrite.com.au/e/enduring-courts-in-changing-times-conference-tickets-658365818887>

Tickets are limited – book now! Early Bird closes 4 August 2023.

PLEASE NOTE THAT TAKING PHOTOS OR VIDEO IS NOT PERMITTED AT THESE EVENTS.

PROGRAM

FRIDAY 8 SEPTEMBER

- 16:00 - 17:00 **Registration**
- 17:15 - 17:30 **Welcome** by the Hon Alan Robertson SC, President, Australian Academy of Law
- 17:30 - 18:00 **Opening address** (public) by the Hon Susan Kiefel AC, Chief Justice of the High Court of Australia, Patron of the Australian Academy of Law and of the Australasian Institute of Judicial Administration
- 18:30 - 20:00 **Welcome reception**

VENUE Government House (for invited guests)

SATURDAY 9 SEPTEMBER

- 09:00 **Registration**
Welcome to country, Uncle Michael West, Metropolitan Land Aboriginal Land Council
- 09:30 - 11:00 **PLENARY SESSION: COURTS, LEGAL SYSTEMS AND THE INDIGENOUS PEOPLE**
- CHAIR** The Hon Justice Julie Ward, President, New South Wales Court of Appeal
- SPEAKER** Professor Val Napoleon, Dean of Law, University of Victoria, British Columbia, Canada
- SPEAKERS** Professor Megan Davis, Pro-Vice-Chancellor at the University of New South Wales, with Bridget Cama, Indigenous Law Centre
- SPEAKER** Justice Joe Williams, Supreme Court of New Zealand
- SPEAKER** Ms Marcelle Burns, Associate Dean Indigenous Leadership and Engagement, Faculty of Law, UTS
- 11:00 - 11:30 **Morning tea**

11:30 - 12:30 Response by Emeritus Professor the Honourable Kate Warner AC, formerly Dean of the Faculty of Law and Head of the School of Law, University of Tasmania and Professor Tim McCormack, Professor of International Law at the University of Tasmania, followed by Q&A with panellists

12:30 - 13:30 **Lunch**

13:30 - 15:30 **HISTORY**

CHAIR Justice Geoff Lindsay/Professor Mark Lunney

SPEAKER Professor Lisa Ford, University of New South Wales

SPEAKER Emeritus Professor Bruce Kercher, Macquarie University

SPEAKER Emeritus Professor Stefan Petrow, University of Tasmania

SPEAKER Emeritus Professor David Barker AM, AUSLII/Faculty of Law, University of Technology Sydney

SPEAKER The Hon Alan Blow AO, Chief Justice of the Supreme Court of Tasmania
Barristers, Solicitors and Amalgams: A Tale of Two Cities

SPEAKER Mr Malcolm Schyvens, President Tasmanian Civil & Administrative Tribunal

15:30 - 15:45 **Afternoon tea**

15:45 - 17:15 **CRIMINAL LAW**

CHAIR The Hon Virginia Bell AC, formerly a justice of the High Court of Australia

SPEAKER Dr Gregory D Woods KC, author of "A History of Criminal Law in NSW"

SPEAKER Emeritus Professor the Honourable Kate Warner AC, former Governor of Tasmania, formerly Dean of the Faculty of Law and Head of the School of Law, University of Tasmania

SPEAKER Professor Hamish Maxwell-Stewart, Professor of Heritage and Digital Humanities, University of New England

19:00 **GALA CONFERENCE DINNER**

SPEAKER The Hon Andrew Bell, Chief Justice of New South Wales

VENUE **Sheraton Grand Sydney Hyde Park**

Sunday 10 September

09:30 – 11:15 **JUDGES**

Finding judges - Appointment, diversity then and now

Launch of the Australian Law Journal's 2023 special issue on the judiciary, guest edited by Professor Gabrielle Appleby

CHAIR **The Hon Helen Bowskill, Chief Justice of the Supreme Court of Queensland**

SPEAKER Mr Michael Tidball, Secretary of the New South Wales Department of Communities and Justice

SPEAKER Mr Joshua Thomson SC, Solicitor-General of Western Australia

COMMENTATOR The Hon Duncan Kerr Chev LH, former justice of the Federal Court of Australia and President of the Administrative Appeals Tribunal, former Minister for Justice and Attorney-General

LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT, THROUGH THE YEARS AND NOW

SPEAKER The Hon Robert Benjamin AM SC, formerly a judge of the Family Court of Australia, has a long-standing involvement in legal education and professional development



SPEAKER Una Doyle, Chief Executive, Judicial Commission of New South Wales

TENURE AND ACCOUNTABILITY, THEN AND NOW

SPEAKER Professor Gabrielle Appleby, Law Faculty of University of New South Wales

11:15 – 11:30 **Morning tea**

11:30 – 13:15 **Parallel sessions**

A. TECHNOLOGY AND DIGITAL COURTS

SPEAKER Professor Andrew Mowbray, Professor of Law and Information Technology and AustLII Co-Director, UTS

SPEAKER Associate Professor Philip Chung, UNSW Law and Executive Director, AustLII

SPEAKER The Hon Justice Robert Beech-Jones, Judge of Appeal and Chief Judge at Common Law, Supreme Court of New South Wales

SPEAKER The Hon Justice Sarah McNaughton, judge of the Supreme Court of New South Wales

B. SPECIALIST COURTS

SPEAKER The Hon Brian Preston SC, Chief Judge of the Land and Environment Court of New South Wales

SPEAKER Professor Liz Fisher, Professor of Environmental Law, Faculty of Law and Corpus Christi College, University of Oxford

SPEAKER Professor Brian Opeskin, Associate Dean (Research), UTS Faculty of Law, University of Technology Sydney

13:15 – 14:00 **Lunch**

14:00– 15:45

Parallel sessions

A. IMPARTIAL ADMINISTRATION OF JUSTICE

SPEAKER The Hon Justice Sarah Derrington AM, Judge, Federal Court of Australia and formerly President of the Australian Law Reform Commission

SPEAKER The Hon Keith Mason AC KC, former President of the Court of Appeal of the Supreme Court of New South Wales

B. CONTEMPT OF COURT AND THE RELATIONSHIP BETWEEN THE COURTS AND THE MEDIA

SPEAKER Professor David Rolph, University of Sydney Law School

COMMENTATOR The Hon Lucy McCallum, Chief Justice of the Supreme Court of the ACT

15:45 – 16:15

Closing plenary session

Her Excellency Margaret Beazley AC KC, Governor of New South Wales

Vote of thanks

The Hon Francois Kunc, judge of the Supreme Court of New South Wales and General Editor of the Australian Law Journal

SPEAKERS

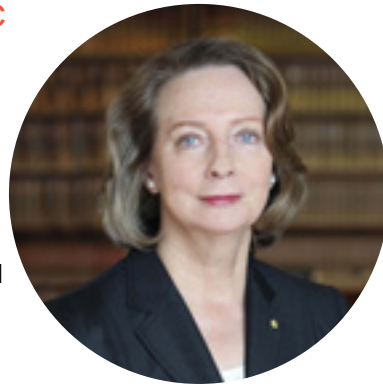
THE HON CHIEF JUSTICE SUSAN KIEFEL AC

The Honourable Susan Mary Kiefel was appointed Chief Justice of the High Court of Australia on 30 January 2017, having served as a Justice of the High Court since 3 September 2007.

Her Honour was educated in Queensland and at the University of Cambridge, where she received a Master of Law. Having been admitted to the Queensland Bar in 1975, in 1987 her Honour became the first woman in Queensland to be appointed Queen's Counsel. She became a Justice of the Supreme Court of Queensland in 1993, and a Justice of the Federal Court in 1994. For four years (2003 to 2007) her Honour served as a part-time Commissioner of the Australian Law Reform Commission.

In 2008, her Honour was made an Honorary Fellow of Wolfson College, Cambridge and a Doctor of the University of Griffith University. She was made a Doctor of Laws honoris causa by the University of Queensland in 2009, and awarded the Honorary Degree of Doctor of Laws by the University of Adelaide in 2018. In 2019, her Honour received the awards of Doctor of the University from both the Queensland University of Technology and the University of the Sunshine Coast. Among other things, her Honour is a titular member of the International Academy of Comparative Law; an Honorary Bencher of the Honourable Society of Gray's Inn; and an Honorary Professor of the Faculty of Law at The University of Hong Kong.

Her Honour was awarded the Companion in the General Division of the Order of Australia in 2011.



THE HONOURABLE CHIEF JUSTICE BLOW

The Hon Justice Alan Michael Blow was appointed as a judge of the Supreme Court of Tasmania in 2000, and as the Chief Justice in 2013. Since 2013 he has also been the Lieutenant Governor of Tasmania.

He is a graduate of the University of Sydney. He practised in the areas of conveyancing and probate in Sydney before moving to Devonport in 1976. There he practised in family law, civil litigation, and crime. He practised as a barrister in Hobart from 1987 until 2000, mainly in civil litigation. He was appointed as Queen's Counsel in 1995. He sat part-time on the Administrative Appeals Tribunal (Commonwealth), first as a senior member (1989-1993) and then as a Deputy President (1993-2000).

He has been the President of the Law Society of Tasmania (1989-1990), the Chairman of Trustees of the Tasmanian Museum and Art Gallery (1991-1997), and a member of the boards of the Salamanca Arts Centre (1988-2013, President 1988-1992) and the Narryna Heritage Museum (1998-2011). He received the medal of the Order of Australia in 1996 for services to the arts.

He has been a member of the Governing Council and Executive Committee of the Judicial Conference of Australia since 2000, and has been actively involved with the Tasmanian Legal Practice Course as an instructor for over 10 years.

The Honourable Chief Justice Alan Blow AO has been appointed as an Officer of the Order of Australia for his distinguished service to the judiciary and to the law, particularly as Chief Justice of the Supreme Court of Tasmania, and his contribution to legal education and professional standards, and to the community. Among his many contributions, Chief Justice Blow was a board member for the Centre for Legal Studies at the University of Tasmania from 2008 until 2013.



THE HONOURABLE CHIEF JUSTICE BELL OF THE SUPREME COURT OF NEW SOUTH WALES

The Hon. Andrew Bell was sworn in as Chief Justice of New South Wales on 7 March 2022. Prior to being appointed as Chief Justice, his Honour was President of the New South Wales Court of Appeal, having been appointed to that position on 28 February 2019. His Honour is also Lieutenant Governor of New South Wales and President of the Judicial Commission.



His Honour graduated from the University of Sydney with a Bachelor of Arts and a Bachelor of Laws, receiving First Class Honours and the University Medal in both degrees, and was also awarded the Sydney University Convocation Medal. He was awarded a Rhodes Scholarship to Oxford University where he graduated in 1993 with First Class Honours in the BCL, also being awarded the Vinerian Scholarship for first place in that degree. His Honour completed his doctorate the following year with his thesis forming the basis for his subsequent book *Forum Shopping and Venue in Transnational Litigation* published by Oxford University Press. He is also co-author of *Nygh's Conflict of Laws in Australia* and has taught and published extensively, especially in relation to private international law and transnational litigation.

His Honour was admitted to the Bar in 1995 and was appointed Senior Counsel in 2006. During his time at the Bar, his Honour had a broad national practice at trial and appellate levels, and was also engaged in numerous international arbitrations. At the time of his appointment to the Bench, his Honour was Senior Vice-President of the New South Wales Bar Association. He is also a Fellow of the Australian Academy of Law and an Adjunct Professor at the University of Sydney where he taught part time for many years.

THE HONOURABLE CHIEF JUSTICE BOWSKILL

The Honourable Helen Bowskill was sworn in as Chief Justice of Queensland on 22 March 2022, having served as a Judge of the Supreme Court of Queensland from 10 July 2017, and as the Senior Judge Administrator of the Supreme Court of Queensland from 24 August 2021. Her Honour previously served as a Judge of the District Court of Queensland from 10 November 2014, in that capacity also sitting as a Judge of the Children's Court of Queensland and the Planning and Environment Court. Her Honour holds the degree of Bachelor of Laws (First Class Honours) from the Queensland University of Technology, and was awarded the University Medal in 1995. Her Honour served as the Associate to the Honourable Justice Drummond of the Federal Court of Australia in 1996, and completed articles of clerkship with Minter Ellison in 1997. Her Honour was admitted as a solicitor in January 1998, and as a barrister in July 1998. She commenced practice at the private Bar in Brisbane in July 1998. Her Honour took silk in November 2013. As a barrister, she practised widely in public, administrative and commercial law areas, with a particular focus on native title law. Her Honour is the Chair of the Judicial Council on Diversity and Inclusion.



EMERITUS PROFESSOR DAVID BARKER AM, AUSTLII/FACULTY OF LAW, UNIVERSITY OF TECHNOLOGY SYDNEY

Emeritus Professor David Barker AM is the Secretary and a Foundation Fellow of the Australian Academy of Law. He is the former Dean of the Faculty of Law, University of Technology Sydney (UTS)

He is the author of the best-selling UK law book, *Law Made Simple*, and the Australian law books, *Essential Australian Law*, *A History of Australian Legal Education* and *A Sense of Common Purpose: A History of the Australian Academy of Law*.

In 2006 he was appointed a Member of the Order of Australia (AM) 'For services to legal education in Australia and the Pacific region, to professional associations and to the community'.



PROFESSOR GABRIELLE APPLEBY

Professor Gabrielle Appleby has worked at the Faculty of Law & Justice at UNSW since 2015. She researches and teaches in public law, focussing on the accountability of public power, as exercised by the government, the parliament and the judiciary. Drawing on her research, Gabrielle is a strong advocate for reform in these areas, most recently working on the need to introduce an independent complaints handling procedure for the federal judiciary, and towards the constitutional enshrinement of a First Nations Voice. Gabrielle is the Director of The Judiciary Project and the Gender and Public Law Project at the Gilbert + Tobin Centre of Public Law, the constitutional consultant to the Clerk of the Australian House of Representatives, and a member of the Indigenous Law Centre. In 2016-2017, she worked as a pro bono constitutional adviser to the Regional Dialogues and the First Nations Constitutional Convention that led to the Uluru Statement from the Heart. She has worked previously for the Crown Solicitor of Queensland and the Victorian Government Solicitor's Office.



HER EXCELLENCY THE HONOURABLE MARGARET BEAZLEY AC KC

Her Excellency the Honourable Margaret Beazley AC KC is the 39th Governor of New South Wales, commencing her five year tenure on 2 May 2019.

Prior to her appointment as Governor, Her Excellency enjoyed a long and distinguished law career spanning 43 years, during which time she served as a role model for women in law at both the State and national level.

Appointed Queen's Counsel in 1989, in 1993 she was made a judge of the Federal Court of Australia, the first woman to sit exclusively in that Court. In 1996, she achieved the distinction of being the first woman appointed to the New South Wales Court of Appeal and, subsequently, as the first woman to be appointed as its President. She served, on a number of occasions, as Administrator of the Government of the State of New South Wales.

She was made a Companion of the Order of Australia in the Australia Day Honours List on 26 January 2020 for "eminent service to the people of New South Wales, particularly through leadership roles in the judiciary, and as a mentor of young women lawyers".

Her Excellency has three children - Erin, Lauren and Anthony Sullivan - and is married to Mr. Dennis Wilson, a barrister, mediator, accredited international arbitrator and Adjunct Professor of Law, at Notre Dame University, Sydney. Her Excellency brings her deep commitment to education, youth leadership, human rights and social justice to the role in service of the people of New South Wales.



THE HONOURABLE JUSTICE ROBERT BEECH-JONES

Justice Beech-Jones was admitted as a barrister in 1992 and was appointed Senior Counsel in 2006. His Honour was appointed a judge of the Supreme Court of New South Wales in 2012 and sat in the Common Law Division. From 2016 to 2018 he was President of the Judicial Conference of Australia. On 31 August 2021 he was appointed Chief Judge of the Common Law Division and a Judge of Appeal. He sits at first instance and in the Court of Appeal. He regularly presides in the New South Wales Court of Criminal Appeal.



THE HONOURABLE VIRGINIA BELL AC, SC

Virginia Bell served on the High Court of Australia from February 2009 until her retirement in March 2021. At the date of her appointment, she was a judge of the Court of Appeal of the Supreme Court of New South Wales. Prior to this she served as a judge of the Supreme Court's Common Law Division for nine years. She was President of the Australasian Institute of Judicial Administration between 2006 and 2008. In 2012 was made a Companion of the Order of Australia for eminent service to the judiciary and as an advocate for the economically and socially disadvantaged.



THE HON. JUSTICE ROBERT BENJAMIN AM SC

The Honourable Robert Benjamin AM SC is a Commissioner in the Tasmanian Commission of Inquiry into that Government's Responses to Child Sexual Abuse in Institutional Settings, which ends on 31 August 2023. He is senior counsel and former judge of the Family Court of Australia. Admitted to legal practice in 1975, he practised extensively in family law and child protection prior to his appointment to the bench in 2005. He retired as a Family Court Judge in May 2021.



Robert Benjamin has had a long-standing involvement in legal education and professional development, including through the National Judicial College of Australia, the College of Law and the Tasmanian Legal Practice Course. He has been engaged with the University of Tasmania's Law School over the years. He has previously chaired the Family Court of Australia's Aboriginal and Torres Strait Islander Committee and established the Family Court's Reconciliation Action Plan. He has also assisted with the development of non-adversarial legal practices in various countries around the world including Indonesia, Japan and Zimbabwe.

Robert Benjamin was awarded an Honorary Degree in Master of Laws (Applied Law) and Fellow of the College of Law.

In the Queen's Birthday Honours in 2015, Commissioner Benjamin was made a Member of the Order of Australia for his significant service to the judiciary and to the law, legal education, mediation and arbitration and professional standards.

ASSOCIATE PROFESSOR MARCELLE BURNS, ASSOCIATE DEAN INDIGENOUS LEADERSHIP AND ENGAGEMENT, FACULTY OF LAW, UNIVERSITY OF TECHNOLOGY SYDNEY

Marcelle Burns is a Gomeroi-Kamilaroi First Nations' woman and Associate Dean Indigenous Leadership and Engagement, Law Faculty, University of Technology Sydney. She has over 25 years' experience in the field of Indigenous peoples and law, as both as a lawyer and academic. Her research interests include the recognition of First Nations in international and domestic laws, and Indigenous cultural competency in legal education. Marcelle was awarded the Southern Cross University's School of Law and Justice Alumnus of the Year in 2017 for her contribution to Indigenous legal education, research and practice. Her work on Indigenous law curricula was acknowledged by a University of New England Award for Excellence in Teaching and Learning Research in 2018.



BRIDGET CAMA, RESEARCH ASSISTANT, INDIGENOUS STRATEGY, EDUCATION & RESEARCH UNIVERSITY OF NSW

Bridget Cama (BA LLB '19) is a proud Wiradjuri woman and is of both Aboriginal and Fijian heritage. In 2014, Bridget was selected as a recipient of the Ngiam Tong Yuen Scholarship. Bridget graduated with a Bachelor of Arts (Indigenous Studies) with Distinction and Bachelor of Laws at UNSW in May 2019. Bridget worked as a paralegal at Gilbert + Tobin through their Indigenous Cadetship program which included secondment to the Northern Land Council and Chalk & Behrendt. She is currently a researcher to Professor Megan Davis, Pro Vice-Chancellor Indigenous at UNSW. Bridget is working closely with Professor Davis on the reforms in relation to the Uluru Statement from the Heart, namely the movement to enshrine a First Nations Voice in the Constitution and is a part of the organising team for the Uluru Youth meetings.



ASSOCIATE PROFESSOR PHILIP CHUNG

Philip Chung is Associate Professor of Law at the University of New South Wales. He is Executive Director of the Australasian Legal Information Institute (AustLII) and associated projects (including AsianLII, CommonLII and WorldLII). AustLII is a joint facility of UNSW and UTS Faculties of Law.

He holds degrees in Economics and Law from the University of Sydney, with honours in Computer Science and Operations Research as well as a PhD in Law from UNSW. His research interests include legal information systems, computerisation of law, and legal AI.



PROFESSOR MEGAN DAVIS, PRO-VICE-CHANCELLOR (RESEARCH) AT THE UNIVERSITY OF NEW SOUTH WALES

Professor Megan Davis is the Pro Vice-Chancellor Society (PVCS) at UNSW Sydney. Professor Davis is also the Balnaves Chair of Constitutional Law, a Professor of Law and Director of the Indigenous Law Centre UNSW Law. She is a Cobble Cobble woman of the Barunggam Nation and a renowned constitutional lawyer and public law expert, focusing on advocacy for Aboriginal and Torres Strait Islander peoples. Her work extends internationally, through roles at the United Nations, focusing on global Indigenous rights. In this capacity, she was elected by the UN Human Rights Council to the United Nations Expert Mechanism on the Rights of Indigenous Peoples based in Geneva in 2017 and again in 2019 (2019-2022) and served previously as an expert member and Chair of the UN Permanent Forum on Indigenous Issues, UN Headquarters in New York (2011-2016). Professor Davis was a member of the Prime Minister's Referendum Council and the Prime Minister's Expert Panel on the Recognition of Aboriginal and Torres Strait Islander Peoples in the Constitution. She is currently the Chair of the Expert Mechanism. Professor Davis is an Acting Commissioner of the NSW Land and Environment Court, a Fellow of the Australian Academy of Law, and a Fellow of the Australian Academy of Social Sciences. She is also a member of the Australian Rugby League Commissioner.



In 2022 Professor Davis was a co-recipient of the Sydney Peace Prize for the Uluru Statement from the Heart.

JUSTICE SARAH DERRINGTON

Justice Sarah Derrington was appointed to the Federal Court of Australia on 10 January 2018. Immediately prior to her appointment to the Court, she was the Dean of Law at the University of Queensland and a barrister specialising in maritime and shipping law, general commercial law and arbitration. From 9 January 2018 to 9 January 2023, she was the President of the Australian Law Reform Commission.

She has been a member of the Admiralty Rules Committee since 2006, and was a member of the Council of the Australian Maritime College (AMC) from 2012 -2023. She continues to serve on the Council of the Australian National Maritime Museum (ANMM). She was elected a Fellow of the Academy of Law in 2009, of the Nautical Institute in 2013, of the Queensland Academy of Arts and Sciences in 2018, and an Honorary Bencher of Gray's Inn in 2021. She was appointed a Member of the Order of Australia in the Queen's Birthday Honour's List of 2022.



UNA DOYLE, JUDICIAL COMMISSION OF NEW SOUTH WALES

As Chief Executive, Una Doyle is responsible for all the Commission's operations. She has input into all aspects of the Commission's work, from financial management to research, complaints, information systems management and education activities. Ms Doyle was appointed in July 2022. She was previously the Director, Education at the Commission since December 2015.

Ms Doyle has worked for over 25 years in law, legal education and executive management. Prior to joining the Judicial Commission, Ms Doyle was the Head of Professional Development, Membership and Communications, at the Law Society of NSW and the Director of Continuing Professional Education at the College of Law. She was a member of the leadership team both at the College of Law and Law Society of NSW,



with responsibilities including governance, financial oversight and high-level strategic planning.

She is a past President of ACLEA, the International Association for Continuing Legal Education (2016-2017) and co-chaired ACLEA's International Committee from 2007-2009. She was President of the Continuing Legal Education Association of Australasia from 2005-2007, and has served as a member of its Executive for five terms, including as Treasurer from 2019 to 2021.

PROFESSOR LISA FORD

Ford is a historian of ideas and practices of order in the post-1763 British Empire and the early national United States. She is the author of three prize-winning monographs: *Settler Sovereignty: Jurisdiction and Indigenous People in America and Australia, 1788-1836* (Harvard, 2010); *Rage for Order: The British Empire and the Origins of International Law, 1800-1850* (Harvard, 2016), co-authored with Professor Lauren Benton; and *The King's Peace: Law and Order in the British Empire* (Harvard, 2021). Professor Ford has also co-edited two books with Tim Rowse: *Between Indigenous and Settler Governance* (Routledge, 2013); and with Peter Cane and Mark McMillan, *The Cambridge Legal History of Australia* (Cambridge, 2022).



PROFESSOR LIZ FISHER

Professor Liz Fisher (BA/LLB (UNSW), DPhil (Oxon)) is Professor of Environmental Law, Faculty of Law and Corpus Christi College, University of Oxford. Publications include *Elizabeth Fisher and Sidney Shapiro, Administrative Competence: Reimagining Administrative Law* (CUP 2020) (jointly awarded the American Bar Association Administrative Law Section's Scholarship Award 2021); *Risk Regulation and Administrative Constitutionalism* (winner of the SLS Peter Birks Prize for Outstanding Legal Scholarship 2008); and Elizabeth Fisher and Brian Preston (eds) *An Environmental Court in Action: Function, Doctrine and Process* (Hart 2022). Fisher is also General Editor of the Oxford Journal of Legal Studies.



**BRUCE KERCHER, EMERITUS
PROFESSOR OF LAW AT MACQUARIE
UNIVERSITY**

Bruce Kercher is Emeritus Professor of Law at Macquarie University. He has a particular interest in the reception of law in newly established colonies, and the ways in which that law was adapted to local conditions.

His legal history publications include *An Unruly Child, A History of Law in Australia*, and edited collections of Australian colonial law reports (both in book form and online at Austlii). He was President of the Francis Forbes Society for Australian Legal History, and was one of the founders of the Australian and New Zealand Law and History Society.



**THE HON DUNCAN KERR SC, CHEV LH
FAAL**

Duncan Kerr SC is a former Judge of the Federal Court of Australia and former President of the Administrative Appeals Tribunal.

Kerr served in the Commonwealth Parliament as the member for Denison for 23 years. He was Attorney-General (1993) and Minister for Justice (1993–1996) in the Keating Government and later Parliamentary Secretary for Pacific Island Affairs (2007–2009) in the Rudd Government.

He has been counsel in significant constitutional cases in the Supreme Court of Papua New Guinea and the High Court of Australia including for the applicant in Plaintiff S157 /2002 v The Commonwealth.

Prior to his election to the House of Representatives Kerr was Crown Counsel for the State of Tasmania, Dean of the Faculty of Law, University of Papua New Guinea and Principal Solicitor for the Aboriginal Legal Service (NSW).



THE HON JUSTICE FRANÇOIS KUNC

The Hon Justice François Kunc was appointed to the Equity Division of the Supreme Court of NSW in 2013. He is the General Editor of the Australian Law Journal and a Fellow of the Australian Academy of Law. Before his appointment, he had practised as a solicitor for 6 years with Allen Allen & Hemsley (now Allens) and then 21 years as junior and senior counsel, with chambers in Eleven Wentworth in Sydney. He holds bachelors degrees in arts and law from the University of Sydney and a Masters of Law from Duke University in the United States.



THE HON KEITH MASON AC KC

Keith Mason AC KC has been Chairman of the NSW Law Reform Commission, Solicitor-General for NSW, President of the NSW Court of Appeal (1997-2008) and Chair of the NSW Electoral Commission. He has written and taught on legal history, restitution, taxonomy and other topics.



**PROFESSOR HAMISH MAXWELL-
STEWART**

Hamish Maxwell-Stewart is a professor of Digital Humanities and Heritage at the University of New England. He has written a number of books on criminal justice in colonial Australia including *Closing Hell's Gates* (2007) and *Unfree Workers: Insubordination and Resistance in Convict Australia 1788-1860* (2022 co-authored with Michael Quinlan).



CHIEF JUSTICE LUCY McCALLUM

Chief Justice Lucy McCallum graduated with a BA/LLB from the University of New South Wales in 1986, majoring in philosophy. She commenced her legal career as a commercial litigation solicitor at Mallesons Stephen Jaques in Sydney before moving to Canberra to take up a position as a prosecutor in 1988. In 1990, her Honour joined the Queensland DPP as a trial advocate. She returned to Sydney in 1991 to become a barrister, taking silk in 2005. In 2008, her Honour was appointed as a judge of the Supreme Court of New South Wales in the Common Law Division. In 2016, Chief Justice McCallum was appointed Chair of the NSW Judicial Commission Ngara Yura Committee, which works to educate judicial officers on matters relating to contemporary socio-cultural issues that have an impact on Aboriginal people in the justice system. In February 2019, she was elevated to the New South Wales Court of Appeal. Her Honour was sworn in as Chief Justice of the Australian Capital Territory on 8 March 2022.



JUSTICE SARAH McNAUGHTON

Justice Sarah McNaughton was appointed to the Supreme Court of New South Wales on 11 October 2022. Prior to her Honour's appointment to the judiciary, she served as the Commonwealth Director of Public Prosecutions. She was the Director from May 2016. During her time as Director, she was a keen supporter of the digital transformation of that office.

Justice McNaughton was admitted as a solicitor in 1989 and was called to the Bar in 1996. Her Honour was appointed Senior Counsel in 2011. As a barrister, she appeared as both prosecution and defence counsel in a number of complex criminal trials, developing specialist expertise in fraud, taxation offences, corporate crime, drug importation and terrorism. She appeared for the State of New South Wales at the Royal Commission into Institutional Responses to Child Sexual Abuse and was appointed Senior Counsel assisting the Royal Commission into Trade Union Governance and Corruption.



PROFESSOR TIM McCORMACK

Tim McCormack is Professor of International Law at the University of Tasmania and the Special Adviser on War Crimes to the Prosecutor of the International Criminal Court in The Hague. Tim was previously amicus curiae on International Law Issues in the trial of Slobodan Milosevic in The Hague (2002-06) and he was awarded a Senior Fulbright Fellowship to take up the position as Charles H Stockton Distinguished Scholar-in-Residence at the US Naval War College in Newport, Rhode Island. Tim was appointed by the Premier of Tasmania in 2021 to work with the former Governor of Tasmania, Professor Kate Warner AC, to prepare the Report on Pathway to Truth-Telling and Treaty with Tasmania's Aboriginal People.



PROFESSOR ANDREW MOWBRAY

Andrew Mowbray is Professor of Law and Information Technology in the Faculty of Law at the University of Technology Sydney. He co-founded the Australasian Legal Information Institute (AustLII) in 1995. Andrew researches and publishes in the area of law and technology and is a major software author. He was awarded the NSW Law Foundation Justice Medal in 2014 for his 25-year commitment to making legal information available online.



PROFESSOR VAL NAPOLEON

Professor Val Napoleon [Indigenous Peoples' Counsel, LLB, PhD] is the Acting Dean of the Faculty of Law, UVIC, and the Law Foundation Chair of Indigenous Justice and Governance. She is the co-founder of JID/JD (dual degree program in Indigenous legal orders and Canadian common law), and the founding director of the Indigenous Law Research Unit. She is Cree from Saulteau First Nation and an adopted member of the Gitanyow [northern Gitksan].

Her areas of research include Indigenous legal traditions and methodologies (e.g., land, water, governance and democracy, human rights, gender, dispute resolution, and intellectual property), Indigenous legal theories, Indigenous feminisms, legal pluralism, Indigenous democracy, and Indigenous intellectual property. She teaches common property law and Gitksan land and property law transsystemically in the JID/JD.



THE HON. JUSTICE BRIAN J PRESTON FRSN

Justice Preston is the Chief Judge of the Land and Environment Court of New South Wales. Prior to being appointed in November 2005, he was a senior counsel practising primarily in environmental, planning, administrative and property law. He has lectured in post-graduate environmental law for over 30 years. He is the author of Australia's first book on environmental litigation and 150 articles, book chapters and reviews on environmental law, administrative and criminal law. He holds numerous editorial positions in environmental law publications and has been involved in a number of international environmental consultancies and capacity-building programs, including for judiciaries throughout Asia, Africa and the European Union.



PROFESSOR BRIAN OPESKIN

Brian Opeskin is a Professor of Law and former Associate Dean (Research) at the University of Technology Sydney. He has previously held positions as Professor of Legal Governance at Macquarie University; Head of the Law School at the University of the South Pacific in Vanuatu; Deputy President of the Australian Law Reform Commission; Associate Professor at Sydney University; and Associate to Justice Mason at the High Court of Australia. He researches in the broad field of public law and has written widely on constitutional law; courts, judges and jurisdiction; and international migration law. He is the author of *Future-Proofing the Judiciary: Preparing for Demographic Change* (Palgrave Macmillan, 2021) and is a Fellow of the Australian Academy of Law.



STEFAN PETROW, EMERITUS PROFESSOR OF HISTORY, UNIVERSITY OF TASMANIA

Stefan Petrow is an Emeritus Professor of History at the University of Tasmania. His current research areas include the legal, planning, urban and cultural history of twentieth century Tasmania, but he has also published widely on nineteenth century Tasmania.

His latest book is *Look After the Missus and Kids: A History of Hobart Legacy 1923 to 2023* (2023).



PROFESSOR DAVID ROLPH

David Rolph is a Professor of Law at the University of Sydney Law School. He is the author of a number of books, including *Defamation Law* and his forthcoming work, *Contempt*, as well as many book chapters and journal articles. Professor Rolph is the lead academic author on the latest edition of *Gatley on Libel and Slander* and on *Balkin and Davis: Law of Torts*. From 2007 to 2013, he was the editor of the Sydney Law Review. Since 2015, Professor Rolph has been one of the editors of the New South Wales Law Reports. He is also a Fellow of the Academy of Law. Professor Rolph is the academic expert on the Defamation Expert Panel, advising the New South Wales Attorney-General on the current reforms of the Model Defamation Provisions. He is an academic member of Level 22 Chambers, a leading media law set in Sydney.



MR JOSHUA THOMSON SC

Joshua Thomson SC was appointed as the Solicitor-General of WA in 2018. Since then, he has appeared on all major cases on behalf of the State in the High Court of Australia. He studied at the University of Western Australia and Oxford University. He is a co-author of the book *Commercial Contract Clauses: Principles and Interpretation* (Thomson Reuters) and has regularly published articles on a range of topics in academic journals, such as the *Australian Law Journal*, *Australian Bar Review*, the *Federal Law Review* and the *Public Law Review*. He was the editor and consulting editor of the *Western Australian Reports* for 16 years.



MR MALCOLM SCHYVENS BCOM LLB, PRESIDENT – TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (TASCAT)

Malcolm Schyvens was appointed as the inaugural President of the Tasmanian Civil and Administrative Tribunal (TASCAT) in 2021. Mr Schyvens was previously a Deputy President of the NSW Civil and Administrative Tribunal (NCAT). He has also held a variety of related roles in both NSW and Tasmania including President (2011-2013) and Deputy President (2008-2011) of the former Guardianship Tribunal of NSW, and was a Member of the former Guardianship and Administration Board of Tasmania (2003-2008). He completed his university studies in 1996 and commenced legal practice in Tasmania. He is a former President of the Law Society of Tasmania (2007-2008).

He is currently the Secretary of the Council of Australasian Tribunals (COAT) and a Member of the Cultural Diversity Justice Network auspiced by the by the Judicial Council on Cultural Diversity.



MR MICHAEL TIDBALL

Michael Tidball commenced as Secretary of the Department of Communities and Justice (DCJ) on 1 February 2022.

Prior to joining DCJ, Mr Tidball had been the Chief Executive Officer of the Law Council of Australia (LCA) and the Secretary-General of LAWASIA. He also served as the CEO of the Law Society of NSW for 14 years.

During his 35-year career, Mr Tidball has worked with Government leaders and ministers, agency heads, industry leaders, the judiciary, non-government organisations and the community.

Mr Tidball began his career in child protection working for the South Australian public service, before moving to the Commonwealth to develop community corrections and juvenile justice programs in the lead-up to self-government in the Australian Capital Territory.



**THE HON JUSTICE JULIE WARD,
PRESIDENT, PRESIDENT NSW COURT
OF APPEAL, SUPREME COURT OF NEW
SOUTH WALES**

Justice Ward studied arts/law at the University of Sydney, graduating in law in 1982 with First Class Honours and the University Medal. Her Honour was admitted as a solicitor of the Supreme Court in 1982.

Following graduation, Justice Ward worked for a year as the associate to Sir Nigel Bowen, the first Chief Justice of the Federal Court. Justice Ward worked for Stephen Jaques Stone James (now King & Wood Mallesons) for two years, then completed a BCL with first class honours at Oxford University, having won a post-graduate scholarship from Sydney University.

Justice Ward was made a partner of Mallesons in 1988. At that time she was the youngest female partner to be appointed at that firm. Her Honour was appointed to the Supreme Court of New South Wales in September 2008. She was the first female solicitor directly appointed to the Supreme Court bench. She sat in the Equity Division of the Court, until her appointment to the Court of Appeal in November 2012.

She was appointed Chief Judge in Equity in March 2017 and appointed President of the Court of Appeal on 6 March 2022.



numerous boards and is a Fellow of the Australian Academy of Law and the Australian and New Zealand Society of Criminology. She is currently working on a national project on judicial well-being, a new edition of a sentencing text and a book consolidating the results of the Australian jury sentencing projects.

In 2012 Kate was awarded the Distinguished Service Medal at the University of Tasmania and in 2016 was made a Companion of the Order of Australia, for her significant service to the law.

JUSTICE JOE WILLIAMS

Justice Williams has an LLB from the Victoria University of Wellington and an LLM (Hons) from the University of British Columbia. He became a partner at Kensington Swan in 1992 and went on to co-found Walters Williams & Co in 1994. In 1999 he became Chief Judge of the Māori Land Court and was appointed Chairperson of the Waitangi Tribunal in 2004. Justice Williams was appointed a judge of the High Court in September 2008, a judge of the Court of appeal in February 2018, and a judge of the Supreme Court in May 2019.

Justice Williams' iwi are Ngati Pūkenga, Waitaha and Tapuika.



**KATE WARNER, EMERITUS PROFESSOR
OF LAW, UNIVERSITY OF TASMANIA**

Kate Warner is an Emeritus Professor of Law at the University of Tasmania where she taught Criminal Law, Criminology and Evidence Law before her appointment as Governor of Tasmania in December 2014. Kate was Director of the Tasmania Law Reform Institute from 2002 until 2014. She was the first woman Dean of the Faculty of Law and was Head of Department in the Law School.

She is an internationally recognised expert in sentencing, has served on



DR GREGORY WOODS KC

Dr Gregory Woods KC practices at Trust Chambers, Sydney, and was for two decades a judge of the District Court New South Wales. Formerly a senior lecturer in Law at Sydney University and Adjunct Professor of Law at the University of New South Wales, he has lectured in various fields including Legal History. He is the author of two volumes on the history of criminal law in New South Wales (1788 to 1900, and 1901 to 1956), and is currently writing the third volume.



NOTES



NOTES





The Australian Law Journal



For any enquiries, please contact the conference organiser: Kathryn McKenzie, Director Business Angel Services Pty Ltd,
PO Box 1027, Newcastle NSW 2300 **P** 0413 501 992 **E** angel@businessangel.com.au **W** www.businessangel.com.au ABN 82 088 771 797