

APPENDIX 9 – JUDGES’ PARTICIPATION IN LEGAL REFORM ACTIVITIES AND INTERNATIONAL COMMITTEES AND CONFERENCES IN 2010–2011

In Brisbane on 1 July 2010, via video link from the Federal Court in Sydney, Chief Justice **KEANE** welcomed the Commonwealth Attorney-General, the Hon Robert McClelland MP and participants to the Australian Maritime and Transport Arbitration Commission Annual Address 2010.

Chief Justice Keane travelled to China on 15 July 2010 to attend the Shanghai World Expo and delivered a paper on 16 July entitled *Recent Developments in International Arbitration in Australia*. The event was supported by the Australian International Legal Services Advisory Council (ILSAC) and the Australian Centre for International Commercial Arbitration (ACICA).

On 3 August 2010 Chief Justice Keane attended the launch of the Australian International Dispute Centre in Sydney by the Commonwealth Attorney-General.

On 9 September 2010 Chief Justice Keane delivered the Keynote Address entitled *Fundamental Legal Values: the Courts and the Law Reform Commission* at the Australasian Law Reform Agencies Conference at the State Library of Queensland in Brisbane.

On 20 September 2010, at the Federal Court in Brisbane, Chief Justice Keane met with Justice Khairul Haque, Judge of the Appellate Division of the Supreme Court of Bangladesh, and Justices Khondker Khaled, Mohammad Haque and Muhammad Ali, Judges of the High Court Division of the Supreme Court of Bangladesh.

In Melbourne on 23 September 2010 Chief Justice Keane, Chief Justice Bryant of the Family Court of Australia and the Hon Dr Harifin Tumpa, Chief Justice of the Supreme Court of the Republic of Indonesia, signed a further Annex to the Memorandum of Understanding between the Courts. Chief Justice Keane delivered an address to the judges of the Indonesian Courts on the management of appeals within the Federal Court of Australia.

On 8 October 2010 in Sydney Chief Justice Keane attended a breakfast meeting of the Anglo-Australasian Lawyers Society and delivered a speech entitled *A Bill of Rights: Founders’ Attitudes to Government in the United States and Australia*.

In Canberra on 14 October 2010 Chief Justice Keane gave the Keynote Address at the Australian Government Solicitor’s Administrative Law Forum. The Chief Justice’s paper was entitled *Reflections on Jurisdictional Error*.

On 15 October 2010 in Sydney Chief Justice Keane delivered the opening address entitled *Judicial Support for Arbitration in Australia* at the Financial Review International Dispute Resolution Conference 2010.

Chief Justice Keane attended the 12th International Criminal Law Congress in Noosa, Queensland on 21 October 2010 and delivered a commentary on the address by the Hon Paul de Jersey, Chief Justice of the Supreme Court of Queensland.

On 27 October 2010 Chief Justice Keane attended a meeting of the Council of Chief Justices of Australia and New Zealand in Wellington, New Zealand.

On 4 November 2010 at the Federal Court in Melbourne Chief Justice Keane and Registrar Warwick Soden met with Dame Sian Elias, Chief Justice of New Zealand, Judge Helen Winkelmann, Chief Judge of the High Court of New Zealand, and Justice Mark O’Regan, President of the New Zealand Court of Appeal, to discuss judicial administration.

Also on 4 November 2010 in Melbourne Chief Justice Keane attended the Australasian Institute of Judicial Administration Oration given by the Hon Mrs Justice Susan Denham, Senior Judge of the Supreme Court of Ireland.

In Brisbane on 9 November 2010, via video link from the Federal Court in Sydney, Chief Justice Keane welcomed participants to the National Admiralty and Maritime Seminar.

On 16 November 2010 in Brisbane Chief Justice Keane and Registrar Warwick Soden met with Chief Justice Vincent Lunabek and Chief Registrar John Obed Alilee of the Supreme Court of the Republic of Vanuatu to discuss the proposed Memorandum of Understanding between the courts.

In Brisbane on 17 November 2010 Chief Justice Keane and Registrar Warwick Soden met with Sir Salamo Injia, Chief Justice of the Supreme Court and National Court of Papua New Guinea, Mr Ronald Silovo, Secretary National Judicial Staff Service and Mr Paul Kelly, Development Practitioner, PNG Law and Justice Sector organisation, for discussions regarding judicial assistance to the Supreme Court and National Courts of Papua New Guinea.

On 19 November 2010 in Sydney Chief Justice Keane and Registrar Warwick Soden participated in the Federal Civil Justice System Roundtable convened by the Commonwealth Attorney-General.

Chief Justice Keane was the keynote speaker at the 2010 Monash University Global Courts Conference and Workshop in Sydney on 3 December 2010. The Chief Justice's speech was entitled *The Prospects for an International Legal Order*.

On 8 December 2010 Chief Justice Keane attended and spoke at the launch of the publication *Courting Reform: Indonesia's Islamic Courts and Justice for the Poor*, authored by Professor Tim Lindsey and Cate Sumner, at the Lowy Institute for International Policy in Sydney.

In January 2011 Chief Justice Keane attended the Annual Supreme Court and Federal Court Judges' Conference in Wellington, New Zealand.

Chief Justice Keane thanked Victorian barristers and solicitors for their ongoing commitment to the Federal Court's pro bono scheme at a function at the Commonwealth Law Courts in Melbourne on 14 February 2011.

On 18 February 2011 Chief Justice Keane attended the 2011 Constitutional Law Conference, organised by the Gilbert + Tobin Centre of Public Law with the support of the Australian Association of Constitutional Law, at the Art Gallery of New South Wales. That evening, the Chief Justice was the guest speaker at the conference dinner at New South Wales Parliament House which was hosted by the NSW Attorney-General, the Hon John Hatzistergos. The title of the Chief Justice's speech was *Originalism: Founders, Judges and Modesty*.

On 10 March 2011 the Chief Justice welcomed Judges, Federal Magistrates, Registrars, staff and members of the profession to the opening of the Level 6 Mediation Centre at the Commonwealth Law Courts in Melbourne.

Chief Justice Keane attended an afternoon tea to meet the 2011 Indigenous Law Clerks on 15 March 2011 at the Commonwealth Law Courts in Melbourne.

On 16 March 2011 at the Federal Court in Sydney Chief Justice Keane presented a paper entitled *A Question of Words: Conceptual Creep and Fiduciary Obligations* to the Society of Trust and Estate Practitioners.

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On 12 April 2011 the Chief Justice attended a meeting of the Council of Chief Justices of Australia and New Zealand at the Supreme Court in Perth, followed by a lunch held at the Federal Court. That evening, Chief Justice Keane attended a dinner for the Council of Chief Justices in Government House hosted by His Excellency the Governor of Western Australia and Mrs Julie Michael.

On 5 May 2011 in Brisbane, Chief Justice Keane welcomed participants to the Australasian Institute of Judicial Administration’s conference on Child Protection in Australia and New Zealand.

Also on 5 May 2011 at the Federal Court in Sydney Chief Justice Keane gave the keynote address at the International Commercial Law, Litigation and Arbitration Conference sponsored by the Federal Court of Australia and the Law Council of Australia.

In Sydney on 13 May 2011 the Chief Justice was the guest speaker at the New South Wales Bar Association’s 2011 Bench and Bar Dinner.

On 23 May 2011, at the invitation of the Hon Trevor Riley, Chief Justice of the Supreme Court of the Northern Territory of Australia, Chief Justice Keane attended events in Darwin to celebrate that court’s 100th anniversary.

In Townsville on 27 May 2011 Chief Justice Keane presented a paper entitled *Contemporary Perspectives of Judicial Power* at the North Queensland Law Association Conference 2011.

On 3 June 2011 Chief Justice Keane presented a paper entitled *Opportunity and Responsibility* at the Australian Institute of Aboriginal and Torres Strait Islander Studies’ (AIATSIS) Conference in Brisbane.

In Melbourne on 9 June 2011 Chief Justice Keane opened the 14th Annual Tribunals Conference of the Australasian Institute of Judicial Administration.

Justice **MOORE** sat on the Court of Appeal in Tonga from: 12– 16 July; 4–8 October 2010; and from 11– 15 April 2011.

Between 17 and 29 September 2010 Justice Moore conducted workshops for judges of the Supreme People’s Court of Vietnam on *The Arrest of Ships* in Hanoi, Danang and Ho Chi Minh City.

On 12 October 2010 Justice Moore addressed the members of the Migration Review Tribunal and the Refugee Review Tribunal in Sydney on the review of migration decisions in the Federal Court. In the same month Justice Moore discussed the use of information technology by judges in the Federal Court with visiting delegates from the Supreme People’s Court of Vietnam. Justice Moore presented a paper: *Judicial Independence – Breaking Free from the Executive Branch* at the 19th Pacific Regional Judicial Conference in Guam (5–10 November 2010).

During the reporting year Justice Finn was the Arthur Goodhart Visiting Professor of Legal Science, University of Cambridge, a Professorial Fellow, Gonville and Caius College, Cambridge and Professorial Fellow, University of Melbourne. He presented guest lectures at the universities of Cambridge, Oxford and Monash (Prato) and the Max Planck Institut, Hamburg. In June 2011 Justice Finn delivered a paper titled *Equity* at the Remedies Discussion Forum, Aix-en-Provence.

Justice **MARSHALL**, together with Justice Gray, hosted a visit to the Victoria District Registry on 13 July 2010 by judges from the Republic of Korea. In September 2010, Justice Marshall conducted workshops for judges of the Supreme People’s Court of Vietnam on *basic Australian copyright and trademark law* in Hanoi, Danang and Ho Chi Minh City.

Also in September 2010 Justice Marshall presided over the Melbourne University Witness Examination Grand Final and the Melbourne University Law Students Society Moot Court Grand Final.

In late October 2010, together with Justice Bromberg, Justice Marshall hosted a visit by Ms Yu Bai from the Beijing Zhicheng Migrant Workers Legal Aid and Research Centre in co-operation with the Australian Human Rights Commission.

In April 2011 Justice Marshall gave an address to the students at the Tasmanian Legal Practice Course and hosted a reception for the Tasmanian Women Lawyers.

In 2010–11 Justice **MANSFIELD** participated in various functions for the Law Society of South Australia. In his capacity as Chair of Graduate Diploma and Legal Practice (GDLP), Justice Mansfield was the formal speaker at the GDLP Graduation Ceremonies held on 7 October 2010 and 12 May 2011 at the Law Society.

Justice Mansfield presented papers to the Law Society of the Northern Territory entitled *Australian Consumer Law* outlining changes to Australian Consumer Law on 8 March 2011 and *what's driving changes in the law under the reins of Chief Justice French* on 24 May 2011.

On 2 August 2010, Justice Mansfield was a speaker on Appellate Advocacy at the Inaugural Conference of the South Australia Bar Association at Victor Harbor. He also presented various sessions on the Federal Court to the South Australia Bar Readers Course and the South Australia New Practitioners.

Justice Mansfield presented a paper entitled *Cartel Offences – Issues for the Judge* to the Law Council Business Law Section Trade Practices Conference on 21 August 2010. He also attended, and gave opening remarks at, the University of South Australia Trade Practices Workshop on 15 October 2010.

The 19th Pacific Regional Judicial Conference was held in Guam from 7–10 November 2010. Justice Mansfield presented a paper entitled: *The Role of Judges in Climate Change*.

Justice Mansfield also presented a joint paper on *Extra Judicial Activities while a Serving Judge* to the annual Supreme Court Federal Court Judges Conference in New Zealand on 22–26 January 2011.

Justice Mansfield continues as Chair of the GDLP Course Committee of the Law Society of South Australia as well as Chair of the South Australia Bar Association Continuing Professional Development (CPD) Committee. Justice Mansfield is a member of the University of South Australia Law School Advisory Board and also Chair of the Centre for Regulation and Management Advisory Board at the University of South Australia.

On 25 October 2010 Justice **EMMETT** participated in the World Legal Forum, 'Expert Roundtable' at The Hague. On 5–6 November 2010, in his capacity as President of the Copyright Tribunal, he attended and presented a paper at the Second International Conference on Content Industries and Intellectual Property, *300 Years of Copyright: From Statute of Anne to Digital Copyright 2010* held at East China University of Political Science and Law, Shanghai, China.

In October 2010 and May 2011, Justice Emmett participated in the New South Wales Bar Association readers' course. On 25 February 2011, he attended and presented a paper on copyright at the Blue Sky Conference held at Balmoral, Sydney.

Justice Emmett is the Challis Lecturer in Roman Law at the University of Sydney and in first semester of 2011 presented his regular course on Roman private law.

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Justice **DOWSETT** continues to be a member of the Programs Advisory Committee of the National Judicial College of Australia. In November 2010 Justice Dowsett was appointed as Chair of the Steering Committee of the National Judicial Orientation Program (NJOP), which is conducted by the College. In April 2011 Justice Dowsett attended the program held at Coogee Beach, Sydney. His Honour chaired several sessions, including *Judicial Conduct In and Out of Court* and *Court Craft – The Trial from Hell*.

Justice Dowsett celebrated 25 years on the Bench in July 2010, having been appointed to the Supreme Court of Queensland in July 1985 and to the Federal Court in September 1998.

On 24 September 2010 Justice Dowsett attended the Asia-Pacific Forum in Vladivostok. The Forum was conducted by the Supreme Commercial Court of the Russian Federation and had as its focus ‘Property Rights in the Modern Economy’. Justice Dowsett presented a paper entitled *Practical Effects of Native Title Legislation upon Land Development and Use in Australia*.

In December 2010 Justice Dowsett was granted life membership of the Bar Association of Queensland.

On 12 and 13 February 2011 Justice Dowsett attended a program concerning expert evidence conducted by the NJOP at the Australian National University, Canberra. On 14 February 2011 he attended a conference conducted by the Centre for European Studies in the Australian National University. The conference was entitled ‘Reappraising the Judicial Role’. Justice Dowsett presented a paper entitled *The Australian Judges – Who Do They Think They Are?*

On 5 March 2011 Justice Dowsett attended the Annual Conference of the Bar Association of Queensland held on the Gold Coast where he facilitated a session entitled *Evidence Reforms – How are they Working?*

On 25 March 2011 Justice Dowsett attended the Annual General Meeting of the College of Law in Sydney and was elected as a Community Member of that Board.

From 5–7 May 2011 Justice Dowsett attended the International Commercial Law, Litigation and Arbitration Conference held in Sydney.

On 3 June 2011 Justice Dowsett attended the Keynote Session of the 12th annual Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) Conference held at the Brisbane Convention and Exhibition Centre.

Justice **KENNY** is a part-time Commissioner, Australian Law Reform Commission. In this capacity she was a Member of the Division constituted under the *Australian Law Reform Commission Act 1996* for the purposes of the reference that resulted in ALRC Report 115, *Managing Discovery: Discovery of Documents in Federal Courts*.

Justice Kenny is a member of the Council of the Australian Institute of Judicial Administration; Regional Deputy Governor of the International Organization for Judicial Training; member of the International Law Advisory Board, Law School, Monash University; Chair of the Advisory Board of the Institute of Legal Studies, Australian Catholic University; member of the Advisory Board of the Centre for International and Public Law; and a Foundation Fellow of the Australian Academy of Law.

In August 2010, Justice Kenny participated in a Roundtable entitled ‘The US Supreme Court in Critical Perspective’ at the Centre for Comparative Constitutional Studies, University of Melbourne Law School. In the same month, Justice Kenny, with her associate, Mr Alex Prieto, judged a Witness Examination Competition for the Monash University Law Students Society.

In September 2010, Justice Kenny spoke at the Australian Law Reform Agencies Conference on *The Relationship between Law Reform Agencies and the Judiciary*.

In October 2010, Justice Kenny participated in the deliberations of the Australian Selection Committee for Menzies Scholarships in Law for the 2011 academic year. In the same month she presented a seminar in the Victorian Bar's seminar series *The New Evidence Act: What you must know*. In late October, Justice Kenny presented the Future Justice awards at the Castan Centre for Human Rights Law Dinner.

On 27 January 2011 Justice Kenny judged a practice moot for the 2011 Deakin University Team, in preparation for the Australian Rounds of the Philip C. Jessup International Law Moot Competition.

In March 2011, at the invitation of the Australian Government Solicitor, Justice Kenny and Professor Rosalind Croucher, President, Australian Law Reform Commission, presented a session at the National Information Law Conference. Justice Kenny delivered a paper on *Secrecy Provisions: Policy and Practice*.

Justice Kenny in her capacity as a member of the Advisory Board of the Centre for International Public attended a lecture in April 2011 on *Universal Jurisdiction and the Suppression of Modern-day Piracy* given by His Excellency Kriangsak Kittichaisaree, Thai Ambassador to Australia.

In May 2011, Justice Kenny was the guest speaker at the Melbourne University Law School's annual awards ceremony.

On 27 July 2010 Justice **STONE** attended a talk given by Professor Michael Dirkis – *The Demise of International Tax Avoidance?* – held at the Sydney University Law School. Also in July, Justice Stone attended a Corporations Workshop held under the auspices of the Corporations Committee of the Business Law Section of the Law Council of Australia at the Hyatt Hotel, Canberra.

Justice Stone attended the 2010 Ross Parsons Corporate Law Address entitled *Fraud on the Market in the US – Can it be Fixed?* given by Professor Reinier Kraakman, Ezra Ripley Thayer Professor of Law at Harvard Law School and held on 3 August 2010 in Court 1 of the Federal Court, Sydney. In the same month, Justice Stone attended the Challis Taxation Dinner held at the Australia Club in Sydney and delivered a paper to women barristers at the Essoign Club, Melbourne.

From 23–25 September 2010 Justice Stone attended the Asia-Pacific Forum in Vladivostok and presented a paper on *Property rights as the basis for modern economic relations*. Justice Stone participated in the Judicial Colloquium held by the Judicial Conference of Australia in Hobart from 7–9 October 2010 and on 30 November 2010, attended the Annual Julius Stone Address entitled *Could He Forgive Her* at the Sydney University Law School.

From 22–26 January 2011 Justice Stone attended the Supreme and Federal Court Judges' Conference in Wellington, New Zealand and, in May 2011, the International Commercial Law Conference hosted by the Federal Court in Sydney.

On 29 March 2011 Justice Stone met with Chief Judge Rader of the Court of Appeals for Federal Circuit (USA) in Sydney.

During the reporting year Justice Stone represented the Federal Court on the Governing Council and Executive Committee of the Judicial Conference of Australia.