The Annual General Meeting of the AACL for 2012 was held on Thursday 28 November 2012 at 4.45pm. The venue for the meeting was NSW Bar Association Common Room, Basement Level, Selborne Chambers, 174 Phillip Street, Sydney NSW 2000.

The President of the AACL, The Hon. Murray Gleeson AC QC took the chair and opened the meeting at 4.45pm.

1 **Formal Matters**

   **Present:**
   **Council Members**
   The Hon. Murray Gleeson AC QC, President
   Professor John Williams, Vice-President
   The Hon. Justice Rachel Pepper, Secretary
   Professor Adrienne Stone, Treasurer
   Professor Anne Twomey

   **Members**
   Christos Mantziaris

   **Apologies:**
   Ms Pamela Madafiglio
   Professor Brian Opeskin
   Justice Terry Sheahan
   Stephen McLeish SC
   Justice Patrick Keane
   Justice Susan Kenny
   Professor Michael Crommelin
   Justice Melissa Perry
   Kathryn Graham

   **Minutes:** Ms Jean Goh

2 **Confirmation of Minutes of Last Meeting**

   a. The minutes of the 2013 AGM were circulated and adopted.
   b. Matters arising from that meeting: none.

3 **Report of the Council**


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**Australian Association of Constitutional Law Secretariat**

c/- Faculty of Law (CCCS), Level 8, 185 Pelham Street
University of Melbourne    Vic 3010
Telephone: 03-8344 1011  Fax: 03-8344 1013
Email: law-cccs@unimelb.edu.au
a. Finance

The audited Statement of Accounts and Treasurer’s report were circulated during the meeting.

The Treasurer, Professor Adrienne Stone presented and explained the Statement of Accounts and Treasurer’s Report, details as follows:

i. Cash at hand at the end of the financial year was $78,038.31, an increase on last year’s closing figure of $71,704.95, reflecting the fact that the Association’s income exceeded its expenditure by $6315.36

ii. Membership subscriptions were $17,267.00, an increase on the 2011-2012 figure of $17,345.00

iii. The Association’s ongoing significant financial commitments include:
   - Website development, hosting and domain name registration: $566.50
   - Secretariat services provided through the Centre for Comparative Constitutional Studies at Melbourne Law School: $5940. The University of Melbourne raises quarterly invoices covering these services and the research assistance.
   - Research assistance for the AACL newsletter ($2000 per year)
   - Provision of a prize for the winning team in the Sir Harry Gibbs Constitutional Law Moot Competition
   - Support for branch events

It was concluded that the financial position of the Association remains strong. Professor Williams suggested that the Association consider placing a portion of its cash reserves on terms deposit. Professor Stone agreed.

The meeting adopted the Treasurer’s Report.

b. Report of State/Territory activities

Chapter Reports were tabled. The meeting adopted the Chapter Reports.

c. Future activities

Professor Stone updated the Association on the progress of the Association’s bid to host the 2018 World Congress. Professor Stone will present the bid at the next meeting of the IACL’s Executive Committee in March and will report to the Council.

In addition, the Council unanimously provided in-principle support to Professor Adrienne Stone to submit an informal expression of interest for candidacy as a Vice President of the International Association of Constitutional Law”.

4 Other Business

Nothing further to report.

The President closed the meeting at 5pm AEST.
NOTICE OF ANNUAL GENERAL MEETING 2013

The 2013 Annual General Meeting of the AACL will be held on Thursday, 28 November 2013 at 4.45pm.

The venue for the meeting is: NSW Bar Association Common Room, Basement Level, Selborne Chambers, 174 Phillip Street, Sydney NSW 2000.

AGENDA

1. Apologies.

2. Annual General Meeting of the Association held on Thursday 29 November 2012 at 5.30pm.
   a. Confirmation of minutes for that meeting (to be circulated at the meeting);
   b. Matters arising from those minutes.

3. Report of the Council (to be circulated at the meeting), including:
   a. Finance:
      i. Audited Statement of Accounts and financial reports (to be circulated at the meeting): for approval.
   b. Report of State/Territory activities.
   c. Future activities.

4. Other business.

Justice Rachel Pepper
Secretary
COUNCIL’S REPORT TO THE ANNUAL GENERAL MEETING 2013

Membership of the Council
The Council met twice in the last financial year on 27 March 2013 and 29 May 2013.

The current members of the Council are as follows:

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>President</td>
<td>The Hon. Mr Murray Gleeson AC QC</td>
</tr>
<tr>
<td>Vice President</td>
<td>Professor John Williams</td>
</tr>
<tr>
<td>Treasurer</td>
<td>Professor Adrienne Stone</td>
</tr>
<tr>
<td>Secretary</td>
<td>The Hon. Justice Rachel Pepper</td>
</tr>
<tr>
<td>Ordinary members</td>
<td>Ms Kathryn Graham</td>
</tr>
<tr>
<td></td>
<td>Mr Andrew Tokley</td>
</tr>
<tr>
<td></td>
<td>Professor Anne Twomey</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Wait</td>
</tr>
<tr>
<td>Co-Opted members</td>
<td>Associate Professor Sarah Murray</td>
</tr>
<tr>
<td></td>
<td>Professor Nicholas Aroney</td>
</tr>
</tbody>
</table>

The terms of the office holders and the ordinary members of the Council will come to an end on 28 February 2015.

Council elections 2013:
Nominations were called for on 10 December 2012 with a final date for receipt of nominations on 21 January 2013. Following their nominations, the above persons were declared to be elected unopposed to those positions. The new Council took office on 1 March 2013. The Council welcomed The Hon. Justice Rachel Pepper to her first term on the Council.

Associate Professor Sarah Murray and Professor Nicholas Aroney were co-opted to the council on 29 May 2013.
Membership of the Association
Currently there are 274 financial members and 163 non-financial members of the Association. The break-down of the membership of financial members is as follows:

<table>
<thead>
<tr>
<th>State/Territory</th>
<th>Members (31-Oct-2012)</th>
<th>Members (21-Oct-2013)</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW</td>
<td>156</td>
<td>140</td>
<td>-10.26%</td>
</tr>
<tr>
<td>VIC</td>
<td>48</td>
<td>46</td>
<td>-4.17%</td>
</tr>
<tr>
<td>ACT</td>
<td>18</td>
<td>35</td>
<td>94.44%</td>
</tr>
<tr>
<td>NT</td>
<td>1</td>
<td>1</td>
<td>0%</td>
</tr>
<tr>
<td>QLD</td>
<td>10</td>
<td>5</td>
<td>-50%</td>
</tr>
<tr>
<td>WA</td>
<td>14</td>
<td>13</td>
<td>-7.14%</td>
</tr>
<tr>
<td>USA</td>
<td>1</td>
<td>0</td>
<td>-100%</td>
</tr>
<tr>
<td>Hong Kong</td>
<td>1</td>
<td>1</td>
<td>0%</td>
</tr>
<tr>
<td>UK</td>
<td>1</td>
<td>1</td>
<td>0%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>266</td>
<td>261</td>
<td>-1.87%</td>
</tr>
</tbody>
</table>

National Activities
AAACL Newsletter
Four editions of the newsletter were published in 2012-13, in July, October, February and April. Professor Adrienne Stone continues to manage the newsletter publication with her research assistant – Mr Houston Ash.

AAACL Website
The features of the site include online membership application and renewal, a listing of all AAACL upcoming events, and a members-only publications section (which includes current and archived newsletters). Members can also log on and edit their contact details. Membership renewals for the 2013-14 financial year was processed on the AAACL website. The uptake of online membership application and renewal has been positive.

International Association of Constitutional Law Meeting 2014
The Council of the International Association of Constitutional Law will meet in Oslo 16-20 June 2014.

Sir Harry Gibbs Moot
The Sir Harry Gibbs Moot was held at the University of Canberra from 10th to 13th October 2013. The Australian Association of Constitutional Law would like to extend congratulations to the organisers and winners of the Sir Harry Gibbs Mooting. The competition was won by the team from TC Beirne School of Law, The University of Queensland. Kate Thorogood, Martin Rustam and Henry Meehan – defeated the University of Melbourne Law School in the competition grand final held before High Court of Australia Chief Justice The Honourable Robert French and Professor John Williams (who also generously assisted with the drafting of the mooting problem) on October 13. The success of the
competition must be attributed to the work of the Isaacs Law Student Society of the University of Canberra, the many judges who kindly volunteered their time and the Australian Government Solicitor for its generous sponsorship of the event. In particular the AACL notes the immense contributions of Kathryn Graham, Senior General Counsel at the Australian Government Solicitor and an elected member of the AACL Council. In addition, the AACL acknowledges Dr Renwick SC’s kind assistance to the drafting of the problems for the Moot.

**Local Activities**
Local activities over the last financial year will be reported at the meeting.

Local conveners are encouraged to provide membership forms for circulation to those attending local events. Membership forms can be downloaded from the AACL website. Wherever possible, members should be encouraged to pay their membership dues online.

**Secretariat**
The Secretariat has been located since the Association was established at the Centre for Comparative Constitutional Studies (CCCS), Melbourne Law School, The University of Melbourne. The work of the Secretariat is carried out by the Administrator of the CCCS, Ms Jean Goh.

The Hon. Justice Rachel Pepper
Secretary
Dear Justice Pepper

AAACL – 2013 Financial Statement

I enclose a signed/certified statement for the year ended 30 June 2013.

I have no particular matters to draw to attention, except to say that, whilst the Association is in a very strong financial position, there is scope to increase income by seeking to earn more on funds surplus to immediate requirement. To this end excess balances in the cheque account and held by PayPal should be regularly transferred to an interest earning source. At present, considerable funds are held in the NAB Maximiser At Call Account, but it is only paying 2.75% whereas higher interest returns can be obtained in other Government guaranteed financial institutions, either at call as well on a term basis for which some scope seems to exist.

Finally, Miss Goh is to be commended on the excellent manner in which the financial records have been maintained.

Please don’t hesitate to contact me on 03 9646 9593 or by e-mail at rosco.315@optusnet.com.au should you wish to discuss any aspect of the accounts or the above observation.

Thank you for the opportunity to provide this service. My account for the preparation and audit is enclosed.

Yours sincerely

Ross A Garrett
INCOME

Membership subscriptions $17,267.00
Interest Received on National Bank Business Cash Maximiser Account 1,958.23

$19,225.23

EXPENDITURE

Chapter and Meeting Expenses:
  Victoria – Oct., 2011; June, Aug., 2012 248.35
  New South Wales – Aug., Sept., Dec., 2012 May 2013 2,758.97
  Share cost ANU event 31/12/12 200.00
  Annual General Meeting – Travel Expense 177.70 3,385.02
  Travel Expense attendance at 2012 Moot Presentation 368.00
  University of Melbourne - Fee for Administration Support 5,940.00
  Four quarterly charges of $1,485
  Telephone Conferencing Costs 142.14
  Web site Hosting, Maintenance and Domain Name Renewal 566.50
  Financial Statement Preparation and Audit Fee – 2012 Accounts 475.00
  Bank Merchant (Credit Card now terminated) and Account Fees 278.60
  Subscription – International Association of Constitutional Law 2012-2015 1,367.61
  PayPal transaction charges on membership subscription payments 387.00

$12,908.87

Excess of Income over Expenditure $6,315.36

BALANCE SHEET

as at 30 June 2013

MEMBERS’ FUNDS

Funds at 1 July 2012 71,704.95
Plus Excess of Income over Expenditure as above 6,315.36
Funds at 30 June 2013 $78,038.31

Represented by -
  Cash at National Australia Bank 8,045.32
  National Bank Business Cash Maximiser Account 64,695.99
  Balance held in PayPal 5,297.00
$78,038.31

AUDIT REPORT AND OPINION.

These accounts have been prepared on a cash basis from the financial records and other supporting documentary evidence.

It is my opinion that these accounts accurately reflect the transactions for the period referred to and the financial position of the Association as at 30 June 2013.

R A Garrett
16 September 2013
TREASURER’S REPORT TO THE ANNUAL GENERAL MEETING 2013

1. Financial statements
   1.1. The following financial statements are presented for approval:
       1.1.1. Statement of income and expenditure for the year ended 30 June 2013.
       1.1.2. Balance sheet as at 30 June 2013.

   1.2. The financial statements have again been audited by Mr Ross Garrett and in his opinion accurately reflect both the transactions for the year ended 30 June 2013 and the financial position of the Association at 30 June 2013.

2. Financial position
   2.1. The highlights of the Association’s financial accounts for 2012-2013 are as follows:
       2.1.1. Cash at hand at the end of the financial year was $78,038.31, an increase on last year’s closing figure of $71,704.95, reflecting the fact that the Association’s income exceeded its expenditure by $6315.36
       2.1.2. Membership subscriptions were $17,267.00, a slight decrease compared to the 2011-2012 figure of $17,345.00
       2.1.3. The Association’s ongoing significant financial commitments include:
               (a) Website development, hosting and domain name registration: $792
               (b) Secretariat services provided through the Centre for Comparative Constitutional Studies at Melbourne Law School: $5940.
                   The University of Melbourne raises quarterly invoices covering these services and the research assistance.
               (c) research assistance for the AACL newsletter ($2000 per year)
               (d) provision of a prize for the winning team in the Sir Harry Gibbs Constitutional Law Moot Competition
               (e) support for branch events

   2.2. The Association thus remains in a strong financial position.

3. Banking facilities
   3.1. The Association operates with the National Australia Bank (NAB):
3.1.1. a (non-interest bearing) cheque account
3.1.2. an interest bearing account
3.1.3. PayPal

3.2. The Auditor’s report refers to this matter requiring comment:
3.2.1. Whilst the Association is in a very strong financial position, there is scope to
increase income by seeking to earn more on funds surplus via Government
guaranteed financial institutions, either at call as well as on a term basis.

4. Annual subscription
4.1. Given the Association’s solid financial position, I recommend that the annual subscription
(and the criteria for eligibility for the concessional rate) remain unchanged.

Professor Adrienne Stone
Treasurer
NSW

Details of 2013 Events
The NSW Chapter has hosted the following events that have been well attended:

1. Wednesday, 6 February 2013
   State Jurisdictional Residue: What Remains to a State Court When Its Chapter III Functions Are Exhausted?
   Presenter: Professor Helen Irving, Sydney Law School
   Commentators: The Hon. Justice Steven Rares, Federal Court of Australia and Associate Professor James Stellios, Australian National University
   Chair: The Hon. Justice Christine Adamson, Supreme Court of New South Wales
   Venue: Federal Court, Queens Square, Sydney, Court 18B, 5:30 pm

   Among the many issues facing the High Court in *Momcilovic v The Queen* [2011] HCA 34, was the constitutional validity of ‘declarations of inconsistent interpretation’ made under section 36 of the *Charter of Human Rights and Responsibilities Act 2006* (Vic) and exercised for the first time in 2010 by the Victorian Court of Appeal. Four members of the High Court found the declaration power valid. Of these, Chief Justice French notably found it valid for a State court, but invalid in the exercise of federal judicial power. The complication was that, when it made its ‘declaration’, the Victorian Court was exercising federal jurisdiction, under section 75(iv) of the Constitution. How, then, were these positions reconciled? The Chief Justice identified what this paper calls ‘State jurisdictional residue’. In his words, ‘There is no reason in principle why the Court of Appeal, having exhausted its functions in the exercise of its federal jurisdiction . . . could not proceed to exercise the distinct non-judicial power conferred upon it by’ the *Charter*. This paper considers what else, if anything, might lie in a State court’s ‘jurisdictional residue’, and its potential implication for the evolution of the *Kable* doctrine.

2. Thursday, 14 February 2013
   George Winterton Memorial Lecture 2013: Judicial Review and the Dismissal of an Elected Government in 1975: Then and now?
   Presenter: Professor Geoffrey Lindell AM, Adjunct Professor of Law, University of Adelaide and Australian National University, Professorial Fellow in Law, University of Melbourne.
   Venue: Supreme Court of NSW, Queens Square, Sydney, Banco Court (Level 13), 6:00–7.30pm
When the Whitlam Labor Government was dismissed in 1975 it was widely assumed that judicial review was not available to challenge the validity of that dismissal. Since that time developments have occurred both in Australia and elsewhere which may involve in the future the courts resolving 'conflicts over the reins of power'. It has been questioned whether such conflicts would be resolved by a pronouncement of a court. In Australia developments in administrative law have undermined the assumption that the normal rules which govern the exercise of discretions vested in ordinary government officials and bodies do not apply to those vested in a Vice-regal representative. In addition there have also been developments which may have the effect of converting the core aspects of the conventions of responsible government - and their accompanying qualifications based on the reserve powers of the Crown - into judicially enforceable rules of law. This lecture addresses whether in the light of such developments the High Court would, and should, intervene to review the legal validity of the dismissal of an elected Government as a result of the Senate blocking Supply if this were to occur again.

This joint event was organised by Sydney Law School, AACL and the University of Western Australia.

3. **Wednesday, 8 May 2013**

Military Justice and Chapter III of the Constitution: The constitutional Basis of Courts Martial

Presenter: Professor Suri Ratnapala and Dr Jonathon Crowe, University of Queensland

Commentators: The Hon Justice Margaret J White AO, Queensland Court of Appeal and The Hon. Justice Paul Le Gay Brereton, Supreme Court of New South Wales

Chair: Dr James Renwick SC, Wentworth Chambers

Venue: Federal Court, Queens Square, Sydney, Court 18B, 5:30 pm

The High Court has long struggled with the constitutional status of military tribunals established to hear disciplinary charges against service personnel. The Court’s judgments reveal three distinct theories on this issue. The first view holds that military tribunals exercise judicial power, but not ‘the judicial power of the Commonwealth’ within the meaning of s 71 of the Constitution. The second view holds that the power in question is not judicial power at all for constitutional purposes. The third view holds that the power is ‘the judicial power of the Commonwealth’, but can be exercised by courts martial under a limited exception to the rules set out in Chapter III of the Constitution. The first view dominated the High Court’s reasoning until *Lane v Morrison* (2009) 239 CLR 230, where the judges endorsed the second view. This article contends that the first and second views pose insuperable difficulties when placed in their broader constitutional context. The authors therefore argue for the third interpretation. They further argue that the constitutional basis for the third view strongly implies that military tribunals may only exercise jurisdiction over offences by military personnel that relate to service discipline.

[The paper was published in (2012) 40 Federal Law Review 161].
4. **Monday, 22 July 2013**
The Boundaries of Judicial Review and Justiciability; Comparing Perspectives from Australia and Canada
Presenter: Professor Lorne Sossin, Dean, Osgoode Hall Law School, York University, Toronto
Commentator: The Hon. Justice Alan Robertson QC, Federal Court of Australia
Chair: The Hon. Justice Margaret Beazley AO, President, NSW Court of Appeal
Venue: Supreme Court of NSW, Queens Square, Sydney, Banco Court (Level 13), 5:30 pm


This event was organised by the Australian Institute of Administrative Law (NSW Chapter) in conjunction with the Constitutional and Administrative Law Section of the NSW Bar Association and AACL. Professor Sossin is in Australia to deliver the opening address at the AIAL National Conference in Canberra on 18 July 2013 and has kindly agreed to speak in Sydney on the issue of justiciability.

5. **Thursday 15 August 2013**
Realism about the High Court Revisited: Pragmatic Statesmanship in the Expansion of Chapter III
Presenter: Professor Jeffrey Goldsworthy, Monash University
Commentators: The Hon. Roger Gyles AO QC, Selborne/Wentworth Chambers and Professor Peter Cane, ANU College of Law
Chair: The Hon. Justice Robert Beech-Jones, Supreme Court of New South Wales
Venue: Federal Court, Queens Square, Sydney, Court 18B, 5:30 pm

In a review of Brian Galligan’s *Politics of the High Court* (UQP, 1987), published as ‘Realism About the High Court’ (1988) 18 Federal Law Review 27, I was very critical of his thesis that the High Court routinely used a pretense of “strict legalism” to conceal essentially political (albeit non-partisan) reasoning. Twenty five years later, I think there is more to be said for Galligan’s position. In the Wheat Board case (2003) 216 CLR 277, *Kable* (1996) 189 CLR 51 and *Kirk* (2010) 239 CLR 531, the High Court has acted politically, under a cover of specious legalism, to boost the authority and independence of the judiciary and the Court’s conception of the rule of law. This observation is not in itself a criticism: a moral argument to justify this approach could be made, although I would not accept it. These cases raise questions about the propriety of “pragmatic statesmanship” in constitutional adjudication.

This is a joint event organised by AACL and the Australian Society of Legal Philosophy (ASLP). The annual conference for the ASLP will be held at the University of Sydney on 16–17 August 2013.

6. **Wednesday, 23 October 2013**
State Law and Order Regimes and the High Court: Past, Present and Future
One of the key bastions of State jurisdiction in the Federation remains law and order. However, like the States’ legislative competence, this arena has come under increasing threat of harmonisation and unification by the High Court. Through the Kable principle, the High Court has been able to impose what are now very real limits on State responses to local law and order issues, stifling much government innovation in this arena. By reference to the reinvigoration of the Kable principle in the cases of International Finance Trust Co v New South Wales Crime Commission, South Australia v Totani, and Wainohu v New South Wales, and the current challenge on foot to the Criminal Organisations Act 2009 (Qld) (Condon v Pompano Pty Ltd), this paper maps the trajectory of the Kable principle as it relates to the limits on the use of State courts in law and order regimes.

Forthcoming Events:

- **The Last Seminar of the Year, 10 December 2013**
  COMPARATIVE CONSTITUTIONAL LAW – FINAL COURTS ROUND–UP 2013
  Presenters: Professor Richard Fallon, Harvard Law School, Professor Janet Hiebert, Queens University, Professor Claudia Geiringer, Victoria University of Wellington
  Chair: Professor Rosalind Dixon, University of New South Wales
  Venue: Federal Court, Queens Square, Sydney, Court 18B, 5:30 pm

  This annual seminar will provide an outline of recent constitutional developments in three jurisdictions – the United States, Canada and New Zealand– that are of key interest to Australian constitutional lawyers. Experts from each jurisdiction will report on three of four major constitutional cases argued or decided over the last year; changes in the composition and politics of each country’s highest court; and flag the state of debate over constitutional reform. Together, the panellists will also discuss the potential relevance of these comparative developments for current issues in Australian constitutional law.

  This is a joint event organised by the Gilbert+Tobin Centre of Public Law (UNSW) and AACL.

- **The Winterton Lecture, 14 February 2014**
  The 2014 George Winterton Memorial Lecture will be delivered by Professor Fiona Wheeler (ANU). Professor Wheeler's Lecture is entitled "'Judges as Royal Commissioners' Reprised: The Involvement of Australian Judges in Extra–Judicial Work'.
The Lecture will be held in the Banco Court of the NSW Supreme Court on 14 February 2013. This event is organised by Sydney Law School and sponsored by AAACL. The lecture is free, but registration is necessary.

- **Conferences**
  - On 15 November 2013, the ANU College of Law will hold its annual Public Law conference in Canberra. The focus is on administrative law, but a number of papers explore the constitutional/administrative law intersection. The program and registration details can be found at: [http://law.anu.edu.au/conferences/public-law-weekend-2013](http://law.anu.edu.au/conferences/public-law-weekend-2013)
  - On 15 February 2014, the Gilbert + Tobin Centre for Public Law (UNSW) will hold its annual Constitutional Law Conference and Dinner. The draft program and registration details can be found in the fourth attachment. (The event follows the Winterton Lecture of the previous evening).

Dr Christos Mantziaris  
NSW Convenor

**VIC**

**Details of Events- 2013**

1. **Thursday, 27 June 2013 - 5:45pm - 7:00pm**  
   *What is the relevance of Williams and Plaintiff M61 for the exercise of State executive power?*  
   Speaker: Ms Kathleen Foley, Ninian Stephen Chambers, Victorian Bar  
   Commentators: Mr Ben Saunders, Legal Officer, Office of Crown Counsel (Advisings), Mr David Heaton, Boston Consulting Group  
   Chair: Mr Stephen McLeish SC, Solicitor General for Victoria  
   Venue: Courtroom 1, Level 8, Owen Dixon Commonwealth Law Courts  
   Address: 305 Williams Street, Melbourne

2. **Tuesday, 10 September 2013 - 5:30pm - 7:00pm**  
   *Fortescue Metals Group Limited v The Commonwealth*  
   Speaker: Professor Michael Crommelin AO, Zelman Cowen Professor of Law, University of Melbourne  
   Commentators: Dr Gavan Griffith AO QC, Owen Dixon Chambers, Victorian Bar; Essex Court Chambers, English Bar; Professor Ross Garnaut AO, Vice-Chancellor’s Fellow and Professorial Fellow in Economics, University of Melbourne and Distinguished Professor of Economics, ANU; Mr Graeme Hill, Melbourne Chambers, Victorian Bar  
   Venue: Court 1, Level 8, Owen Dixon Commonwealth Law Courts  
   Address: 305 William Street, Melbourne

3. **Friday, 8 November 2013 - 5:45pm - 7:00pm**
Round table on recent High Court cases on the implied freedom of political communication

In April this year Mr Tom Howe QC facilitated a round table discussion of recent High Court cases on the implied freedom of political communication. The cases discussed included Attorney-General for the State of South Australia v the Corporation of the City of Adelaide [2013] HCA 3 (Corneloup) and Monis v The Queen [2013] HCA 4 (Monis) in which Mr Howe QC was senior counsel for the Attorney-General of the Commonwealth (who intervened in both cases in support of the impugned legislation). Over 25 members, many of them new to AACL, attended the event and participated in debate about the significance, if any, of the gender split in the judgments in Monis and the new meaning that some judges in Monis and Corneloup appear to have given to the test enunciated in Lange v Australian Broadcasting Commission (1997) 189 CLR 520 (and modified in Coleman v Power (2004) 220 CLR 1) for determining the invalidity of impugned provisions in light of the implied freedom of political communication.

October 2013 – Judging the Sir Gibbs Moot

Many of our members kindly gave their time in mid-October this year to judge rounds of the Sir Gibbs Moot, in which university students mooted a problem question raising constitutional issues such as the scope of the defence power and the validity of legislation allowing a judge, acting in their personal capacity, to make an order detaining a person who presents a risk to Australia’s security. Prior to the rounds, the AACL hosted an information evening during which attendees discussed the key issues in the moot problem.
Upcoming events
We are currently working with the Australian Institute of Administration Law to organise a seminar with, among others, Professor Mick Dodson, on indigenous recognition in the Australian Constitution. We hope to host the seminar later this year.

Ms Megan Caristo
Acting ACT Convenor

QLD

Nothing further to report.

Professor Nicholas Aroney
QLD Convenor

SA

The South Australian Chapter has had a busy year with more to come! In February we started off the year with a discussion on proportionality with presenters Sarah Moulds from the Law Council of Australia and Cornelia Koch from the Adelaide Law School. This seminar explored the status of proportionality in constitutional rights adjudication in Australia and Germany and considered whether the German approach could inform the development of a more consistent and structured principle in Australian law.

In April AACL teamed up with the University of Adelaide and co-hosted Professor Harold Hastings Bruff, Rosenbaum Professor of Law at the University Of Colorado School Of Law. Professor Bruff delivered an informative and entertaining seminar on the Separation of Powers in the United States of America.

In May AACL joined forces with AIAL to present a series of two seminars following the decision of the High Court in Attorney-General (SA) v Corporation of the City of Adelaide (the Street Preachers Case). In the first seminar Michael Roder SC discussed the scope council by-law making powers following the Street Preachers Case. In the second seminar Luci Byers and Mike Wait of the Crown Solicitor's Office explored freedom of political communication following the case. This seminar series attracted many people from local government and was well attended with over 80 attendees at each seminar.

The committee spent some time on planning and preparation towards a seminar on the Local Government referendum. However, with the election timing the referendum did not go ahead. We have kept our plans for this in the future!
In late October we are co-hosting an event with the Australian Labour Law Association. Rachel Doyle SC is visiting from the Victorian Bar and will speak on "Buying Power: State procurement policies and labour standards". The seminar will explore the two recent cases of Construction, Forestry, Mining and Energy Union v State of Victoria and Construction, Forestry, Mining and Energy Union v McCorkell Constructions Pty Ltd (No 2) and the labour and constitutional law implications.

We are now in the throes of preparing for our end of year event which will be themed "The Twelve Constitutional Cases of Christmas" and will involve a summary of the leading constitutional law cases from 2013.

Already in planning for 2014, we have a seminar on letters patent for early in the new year and event with Dyson Heydon in around May 2014.

Sarah Mitchell, SA Committee Member
Mike Wait, SA Convenor

WA

Details of 2013 Events

The WA Chapter has had the following recent seminars:

1. 4 September 2013:
   Present: Dr Peter Johnston Adjunct Professorial Fellow-UWA, Senior Fellow, Monash University
   Chair: Justice James Edelman
   Commentary: Professor Gerard Carney, Curtin University Law School

2. 6 August 2013
   ‘The 4th Arm of Government’
   Chair: Professor Simon Young, UWA Law School
   Speakers:
   • Mr Chris Field, Ombudsman
   • Mr Colin Murphy, Auditor General
   • Mr Sven Bluemmel, Information Commissioner
3. **30 July 2013**

‘Implied Freedom of Political Communication: New Dimensions’
Chair: Amy Preston Samson, State Solicitor’s Office
Speakers:
- Jean Shaw, State Solicitor’s Office
- Tim Goyder, Associate to the Hon. Chief Justice Wayne Martin AC Supreme Court of Western Australia

4. **9 July 2013**

‘Sir John Forrest Lecture – State of the Federation Address’
Speaker: Professor Geoffrey Bolton AO

5. **11 June 2013**

‘Inside the White House- Appointing US Supreme Court Justices’
Speaker: The US Ambassador Jeffrey Bleich
Chair: Grant Donaldson QC, Solicitor-General (WA)

**Proposed events for 2014**

- Proposed Half-day conference on ‘Human Rights and the Constitution’
- Twilight Seminar: ‘Recent decisions from the High Court’

Associate Professor Sarah Murray
WA Convenor