

## About the Contributors

### **Dr Andrew Bell SC FAAL**

Andrew Bell SC is a Sydney barrister with a diverse national practice, although he is best known for his expertise in transnational litigation and private international law. He was the Rhodes Scholar for New South Wales in 1990, a dual university medallist at Sydney University and the Vinerian Scholar at Oxford University, where he obtained his BCL in 1993 and doctorate in 1994. He is an Adjunct Professor at Sydney University, a Fellow of the Australian Academy of Law, Treasurer of the New South Wales Bar Association, and was formerly the Chairman of Sculpture by the Sea. In 1990-91, he was Associate to Sir Anthony Mason.

### **Professor Duncan Bentley FAAL**

Duncan Bentley has engaged in international law and legal education for over 30 years, including eight years as Dean of Law at Bond University. He is currently involved in several representative groups for the Law Council of Australia, primarily focusing on international legal education and the practice of law internationally. Professor Bentley is currently Deputy Vice-Chancellor (Academic) at Swinburne University of Technology. He is a Visiting Professorial Fellow at the University of New South Wales, an Emeritus Professor at Victoria University, Melbourne, and Adjunct Professor at Bond University. He has served in senior executive roles in several Australian universities.

Professor Bentley is a Fellow of the Australian Academy of Law, an Honorary Fellow of the South African Institute of Tax Practitioners and a Fellow of the Institutes of Chartered Accountants of Australia and New Zealand, and England and Wales. He publishes and presents widely on legal education and his major research area in taxpayers' rights.

### **Professor Tony Blackshield AO**

Tony Blackshield AO taught in the 1960s at the University of Sydney Law School (where he taught Michael Coper). In the 1970s (along with Michael Coper) he was one of the founding members of the Faculty of Law at the University of New South Wales. Thereafter he was Professor of Legal Studies at La Trobe University (1979-88), and Professor of Law at Macquarie University (1988-99). He is an Honorary Professor of the Indian Law Institute, New Delhi.

Tony has written extensively on jurisprudential and constitutional issues. He was also a frequent public commentator, notably on 'The Dismissal' of 11 November 1975 and 'The Murphy Affair' of 1984-86.

### **Professor Stephen Bottomley FAAL**

Stephen Bottomley was Dean of the ANU College of Law from 2013-17, succeeding Michael Coper, and continues as Professor of Commercial Law at the Australian National University. He has been a member of the Law School at ANU since 1988, having previously taught corporate and commercial law for a number of years in Sydney. Before commencing the Deanship in 2013, he served the College in a number of capacities, including as Associate Dean and Head of School (2005-09), and Head of School (2011-12). He was the inaugural Director of the College's Centre for Commercial Law (1998-2005).

From 2000 to 2012 he was the legal adviser to the Senate Standing Committee on Regulations and Ordinances. He is a Fellow of the Australian Academy of Law. His areas of research interest are corporate law and governance in the private and public sectors; law and regulation; and delegated legislation. His teaching record covers postgraduate and undergraduate courses in corporate and takeovers law, and corporate governance.

### **Emeritus Professor Michael Coper AO FAAL**

As the subject of this *estschrift*, Michael Coper's story is told in this book. In a nutshell, he graduated from Sydney Law School in 1970, was one of the 'founding fathers' of the UNSW Law School from 1971, and was a long-term Dean of the ANU College of Law from 1998-2012, including a stint as Chair of the Council of Australian Law Deans from 2005-07. In between, he was a Member of the Inter-State Commission from 1988-90, and worked in private legal practice in Canberra from 1991-95, when he was appointed to the ANU as Professor of Constitutional Law following the retirement of the legendary Leslie Zines. He also held a number of visiting positions in the United States, was elected as a member of the American Law Institute in 1999, served as Vice President of the International Association of Law Schools from 2011-14, and is a Foundation Fellow of the Australian Academy of Law. He retired in 2017 and was appointed Professor Emeritus of the ANU.

A list of Michael's major publications is set out at the end of this book. The chief publications that are critiqued in the book are his *Freedom of Interstate Trade under the Australian Constitution* (Butterworths, 1983), *Encounters with the Australian Constitution* (CCH Ltd, 1987) and *The Oxford Companion to the High Court of Australia* (OUP, 2001) (co-edited with Tony Blackshield and George Williams). He continues to ponder the mysteries of constitutional interpretation, the philosophic meaning of the photographic image, and the good that can be done through legal education, and writes a regular column for the *Australian Law Journal* entitled 'From the Law Schools'.

### **Professor Kim Economides**

Kim Economides is Professor of Law and was Dean at Flinders Law School (2012-17). Previously, he was Professor of Legal Ethics (2000-09) and Head of Law (1999-2004) at Exeter University; Director of the Exeter University Centre for Legal Interdisciplinary Development (EUCLID) (1989-93); and Acting Director of Exeter's Centre for Legal Practice. Moving to New Zealand in 2009, Kim was appointed as Professor of Law and Founding Director of the Legal Issues Centre at the University of Otago in Dunedin

(2009-12). Kim studied law in London and was one of the first researchers at the European University Institute in Italy where he worked on the Florence Access to Justice Project (1976-79).

Kim co-directed the Economic and Social Research Council (ESRC)-funded Access to Justice in Rural Britain Project (1983-87). He was Founding Secretary (1990-92) and Vice Chair (1992-93) of the Socio-Legal Studies Association (SLSA), and from 1993-95 was seconded as Education Secretary to the Lord Chancellor's Advisory Committee on Legal Education & Conduct (ACLEC). He was Chair of the Board of Trustees of the Hamlyn Trust (2004-09) and Series Editor, *The Hamlyn Lectures* (2005-10). He was Founding General Editor of *Legal Ethics* (1998-2008) and in 2004 helped establish the International Legal Ethics Conference (ILEC) series that meets biennially. He also served as President of the International Association of Legal Ethics (IAOLE) (2014-16).

### **The Hon Justice Stephen Gageler AC FAAL**

Stephen Gageler was appointed to the High Court of Australia in October 2012. At the time of his appointment he was Solicitor-General of Australia. He is a graduate of the Australian National University, has post-graduate qualifications from Harvard University, and is a Member of the American Law Institute and a Fellow of the Australian Academy of Law. He was admitted as a barrister of the Supreme Court of New South Wales in 1989 and was appointed Senior Counsel in 2000. Before his appointment as Solicitor-General in 2008, he practised as a barrister extensively throughout Australia, principally in constitutional law, administrative law and commercial law.

### **Dr Ryan Goss**

Ryan Goss is a Senior Lecturer at the ANU Law School, working on public law and human rights law. Before joining the ANU in 2013, Ryan was Junior Research Fellow in Law at Lincoln College, University of Oxford. His book on European human rights law, *Criminal Fair Trial Rights* (Hart, 2014), was longlisted for the Inner Temple Book Prize 2015, and shortlisted for the Birks Prize 2015.

### **Professor Helen Irving FASSA FAAL FRSN**

Helen Irving is a Professor of Law at the University of Sydney, where she teaches Australian and United States constitutional law. She is a Fellow of the Academy of Social Sciences in Australia, the Australian Academy of Law, and the Royal Society of New South Wales. She has researched and written about Australian constitutional law, history and interpretation for many years, and was prominent in public events surrounding the Centenary of Federation, the Australian republic campaign and the Bill of Rights debate. In 2003, she was awarded the Commonwealth's Centenary Medal. In 2005-06, she held the Chair of Australian Studies at Harvard University and, in 2015, a Fernand Braudel Senior Fellowship at the European University Institute in Florence.

Her publications include *To Constitute a Nation* (1997-99), *Five Things to Know about the Australian Constitution* (2004) and, as editor, *The Centenary Companion to Australian Federation* (1999) (all Cambridge University Press). Her most recent publications apply a gendered lens to constitutions and constitutional citizenship,

including *Gender and the Constitution: Equity and Agency in Comparative Constitutional Design* (Cambridge, 2008), *Citizenship, Alienage and the Modern Constitutional State: A Gendered History* (Cambridge, 2016) and, as editor, *Constitutions and Gender* (Edward Elgar Research Handbook, 2017). She attributes her career as a constitutional scholar to reading Michael Coper's *Encounters with the Australian Constitution* in 1987.

### **The Hon Michael Kirby AC CMG FAAL**

The Hon Michael Kirby was a Justice of the High Court of Australia (1996-2009). He also served as a Deputy President of the Australian Conciliation and Arbitration Commission (1975-83) and inaugural chairman of the Australian Law Reform Commission (1975-84); Judge of the Federal Court of Australia (1983-84); President of the New South Wales Court of Appeal (1984-96) and, concurrently, President of the Court of Appeal of Solomon Islands (1995-96).

Michael has held numerous positions in international legal organisations, including Special Representative of the Secretary General of the United Nations for Human Rights in Cambodia (1993-96) and President of the International Commission of Jurists (1995-98). He was Chancellor of Macquarie University in Sydney (1984-93) and member of the executive of the CSIRO (1983-86). Since his judicial retirement he has served in a number of international organisations. He was a member of the Eminent Persons Group on the future of the Commonwealth of Nations (2010-11); a commissioner of the Global Commission on HIV and the Law of the United Nations Development Program (2011-12); chair of the UN Human Rights Council's commission of inquiry on human rights violations of the Democratic People's Republic of Korea (2013-14); and member of the UN Secretary General's high level panel on access to essential medicines (2015-16). He is the editor-in-chief of *The Laws of Australia* (2009-) and a Fellow of the Australian Academy of Law.

### **The Hon Sir Anthony Mason AC KBE GBM FAAL**

The Hon Sir Anthony Mason was a Justice of the High Court of Australia from 1972 to 1987 and Chief Justice from 1987 to 1995. He was Commonwealth Solicitor General from 1964 to 1969 and a Judge of the NSW Court of Appeal from 1969 to 1972. He has been Chancellor of UNSW, National Fellow at the Research School of Social Sciences at the ANU, a Judge of the Supreme Court of Fiji and President of the Solomon Islands Court of Appeal.

In 1996-97 he was Arthur Goodhart Professor in Legal Science at Cambridge University. Since 2001 he has been Distinguished Visiting Fellow at the ANU College of Law. He is also a Life Fellow of the Australian Academy of Law. Sir Anthony was a non-permanent Judge of the Hong Kong Court of Final Appeal from 1997 until 2015. Sir Anthony holds Honorary Doctorates from the ANU and Sydney, Melbourne, Monash, Griffith and Deakin Universities, UNSW and the Universities of Oxford and Hong Kong.

### **Dr Heather Roberts**

Heather Roberts is a Senior Lecturer at the ANU Law School where she teaches and researches in constitutional law and property law, with a focus on judicial biography. After completing her undergraduate degree at the ANU, Heather worked as a solicitor at Freehills in Canberra. She returned to the Law School in 2002 as a PhD student, examining the constitutional philosophy of Justice Deane, a member of the High Court of Australia between 1982 and 1995. She then continued her passion for judicial biography as a Research Fellow with Professor AJ Brown on his award-winning biography of Justice Michael Kirby (co-incidentally, Justice Deane's successor on the High Court).

Heather's current research picks up a thread from her PhD: the speeches made at judicial swearing-in ceremonies. Focusing on judges of Australian federal courts, she is exploring how speeches made at judicial swearing-in ceremonies shed light on the Australian legal and judicial system. In 2017 her leadership in this field was recognised by the grant of an Australian Research Council 'Discovery Early Career Researcher Award', to undertake the first national study of these ceremonies and the insights they provide into the changing perceptions of judges and judging in Australia.

### **Professor James Stellios FAAL**

James Stellios is a Professor at the ANU Law School. His primary research interest is constitutional law, and he has published widely in that field, including *The Federal Judicature: Chapter III of the Constitution* (LexisNexis, 2010) and the sixth edition of Professor Leslie Zines's classic work, *The High Court and the Constitution* (The Federation Press, 2015). He is the Director of the ANU Centre for International and Public Law, a Fellow of the Australian Academy of Law and a Senior Fellow at the Melbourne Law School. James is also a barrister at the NSW Bar and appears as junior counsel in High Court and lower court cases.

Before joining the ANU, James spent a number of years in legal practice working for the Attorney-General's Department and the Australian Government Solicitor, principally in the area of constitutional litigation. He has also been Counsel Assisting the Solicitor-General of the Commonwealth, David Bennett QC.

### **Professor Adrienne Stone FASSA FAAL**

Adrienne Stone is Redmond Barry Distinguished Professor, Kathleen Fitzpatrick Australian Laureate Fellow at Melbourne Law School and Director of the Centre for Comparative Constitutional Studies. She is First Vice President of the International Association of Constitutional Law and is a Fellow of the Academy of Social Sciences in Australia and of the Australian Academy of Law.

She writes on constitutional law and theory, with particular attention to freedom of expression. Her work has been published widely in international journals on these questions. She is co-editor, with Cheryl Saunders, of the *Oxford Handbook on the Australian Constitution* (2018) as well as co-editor, with Frederick Schauer, of the forthcoming *Oxford Handbook on Freedom of Speech* (2018).

### **Mr Garry Sturgess**

Garry Sturgess practised as a barrister but has worked mainly in media and publishing, including as Law Reporter on *The Age*, Presenter of *The Law Report* (ABC Radio National), and Senior Reporter on *The Legal Times* (Washington DC). He is the co-author of *Judging the World: Law and Politics in the World's Leading Courts* (Butterworths-Heinemann, 1988), co-editor of *Legal Visions of the 21st Century: Essays in Honour of Judge Christopher Weeramantry* (Kluwer Law International, 1998), and the author of 'Murphy and the Media' in Jocelynn Scutt (ed), *Lionel Murphy: A Radical Judge* (McCullough Publishing, 1987). He researched Bob Hawke, *The Hawke Memoirs* (Heinemann, 1994) and was Associate Producer of BBC Television's *The Republic of Oz*, which Hawke presented.

He created the Radio National series *Prime Minister* (1980), and was Senior Researcher of the ABC's five-part television series *Labor in Power* (Gold Walkley, Silver Logie) and produced the BBC version. He was the originator and co-creator of the SBS Television's award-winning series *Liberal Rule: The Politics that Changed Australia*. Garry is a regular interviewer for the Oral History and Folklore branch of the National Library of Australia. His film *Barry Jones In Search of Lost Time – A Film Story* is now in post-production. The Garry Sturgess Collection is held in the National Library and The Sturgess Collection at the Museum of Australian Democracy.

### **Professor John Williams FAAL**

John Williams is the Pro Vice-Chancellor (Research Operations) at the University of Adelaide. Before this he was the Dean of the Adelaide Law School. At some point he was also Professor Michael Coper's PhD student.

## Acknowledgements

James Stellios's acknowledgements are contained in the Preface to this book, and Michael Coper's are set out in his Reflection at the end of the book. Indeed, Michael's Reflection is in large part an extended acknowledgement of the wit and wisdom of all of the contributors to this volume, and of the many others associated in different ways with the conception and execution of this *festschrift*.

However, Michael wishes also to acknowledge a broader debt over many years to his family, friends, colleagues and students, all of whom have been an endless source of stimulation, inspiration and support, through acute observation, free flowing conversation, uninhibited argumentation and fearless critique, from earliest times to the present day. Hopefully this relentless though welcome invitation to introspection and self-improvement in one's intellectual and moral life has been substantially accepted and acted upon.

In particular, family and extended family love, support and sacrifice has been pivotal to whatever success Michael has enjoyed, and he wishes to acknowledge both the 21st century reinvention of his family in the form of Judy, Emily and Elizabeth and its 20th century and ongoing underpinnings in the form of Leone, Sachaa, Rachel and Edward, now bolstered by their partners Adam, Jesse and Summer and their offspring Jasper, Max, Billie, Tommy and Evie. May the *Encounters* related in this book resonate with some or all of these cherished family members, whether in nostalgic retrospect or distant prospect.