

About the Contributors

The Hon Chief Justice James Allsop AO

From 1981 to 2001 Chief Justice Allsop practised at the Bar in New South Wales and elsewhere in Australia. He was appointed Senior Counsel in New South Wales in 1994 and Queen's Counsel in Western Australia in 1998.

From 7 May 2001 to 1 June 2008 he served as a Judge of the Federal Court of Australia, undertaking the roles of trial and appellate judge on a full range of Federal Court work. From 2 June 2008 to 28 February 2013 Chief Justice Allsop was President of the New South Wales Court of Appeal. He was appointed Chief Justice of the Federal Court of Australia as of 1 March 2013.

From 1981 to 2014 Chief Justice Allsop taught part-time at the University of Sydney as a tutor and lecturer in property, equity, bankruptcy, insolvency, corporate finance and maritime law. From 2015 to 2018 he taught maritime law part-time at the University of Queensland. From 2005 to 2009 he was a member of the Board of World Maritime University in Malmö, Sweden. From 2008 to 2011 he was a member of the Board of the Australian Maritime College. On January 2010 he was elected as an Honorary Bencher of the Middle Temple. On 19 March 2013 he was elected a member of the American Law Institute. He is a Fellow of the Australian Academy of Law. He is President of the Francis Forbes Society for Australian Legal History. From 2018 he was appointed Inaugural Patron of the Australian Insurance Law Association.

Professor Elise Bant

Professor Elise Bant joined Melbourne Law School in 2008 and is the Co-convenor (with Professor Andrew Robertson) of the Obligations Group. Her main areas of teaching and research interests lie in the fields of unjust enrichment and restitution law, property, civil remedies, equity and trusts. She is author of *The Change of Position Defence* (Hart Publishing, Oxford, 2009) and co-author (with Justice James Edelman) of *Unjust Enrichment* (Hart Publishing, Oxford, 2016), editor of two collections of essays, co-author of a leading Australian casebook on *Remedies* and has published over 50 articles, chapters and other scholarly works in her specialist fields. Elise is also a general editor of the *Journal of Equity* with Professor Simone Degeling (UNSW) and Professor Matthew Harding.

The Hon Sir Gerard Brennan AC KBE GBS

Sir Gerard Brennan AC KBE GBS is a former Chief Justice of Australia. He was appointed as a Judge of the Australian Industrial Court and the Supreme Courts of the Australian Capital Territory and the Northern Territory in 1976, the Federal Court in 1977 and as a Justice of the High Court of Australia in 1981. He was appointed Chief Justice in 1995 and retired in 1998. He was the Foundation President of the Administrative Appeals Tribunal and of the Administrative Review Council 1976-1979. He has been a Non-Permanent Judge of the Court of Final Appeal of Hong Kong and Chancellor of the University of Technology, Sydney.

Rachel Davies

Ms Rachel Davies is a recent JD graduate of Melbourne Law School, and holds a Master's of Criminal Justice and Criminology from UNSW and a Bachelor of Arts degree from the University of British Columbia. She was a research assistant to Professor Miranda Stewart and is currently an Associate at Baker McKenzie.

Professor Mick Dodson AM

Professor Mick Dodson AM is a member of the Yawuru peoples – the traditional owners of land and waters in the Broome area of the southern Kimberley region of Western Australia. He is the former Director of the National Centre for Indigenous Studies at the Australian National University and is currently a Director of Dodson, Bauman & Associates Pty Ltd – Legal and Anthropological Consultants. Professor Dodson worked with the Victorian Aboriginal Legal Service from 1976 to 1981, when he became a barrister at the Victorian Bar. He joined the Northern Land Council as Senior Legal Adviser in 1984 and became Director of the Council in 1990. He was Australia's first Aboriginal and Torres Strait Islander Social Justice Commissioner with the Human Rights Commission, serving as Commissioner from April 1993 to January 1998. From August 1988 to October 1990 he was Counsel Assisting the Royal Commission into Aboriginal Deaths in Custody.

Among many other roles, Professor Dodson has been a member of the Victorian Equal Opportunity Advisory Council; Secretary of the North Australian Legal Aid Service; Chairman of the National Aboriginal Youth Law Centre Advisory Board; and a member of the National Children's and Youth Centre Board. He is the current Chair of Council of the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), and is also a member of AIATSIS. He has served as a member of the Board of Trustees of the United Nations Indigenous Voluntary Fund and a member of the United Nations Permanent Forum on Indigenous Issues. Professor Dodson participated in the crafting of the text of the Declaration on the Rights of Indigenous Peoples in the United Nations Working Group on Indigenous Populations (WGIP), and the Inter-sessional Working Group of the Human Rights Commission which was adopted overwhelmingly in 2007 by the United Nations General Assembly. He has held the Malcolm Fraser and Gough Whitlam Harvard Chair in Australian Studies and has been a Visiting Professor, Harvard Project on American Indian Economic Development. In 2009 he was named Australian of the Year by the National Australia Day Council.

The Hon Justice Michelle Gordon

Justice Michelle Gordon was appointed to the High Court of Australia in June 2015. At the time of her appointment, she was a Judge of the Federal Court of Australia, a position to which she was appointed in April 2007. She was born and educated in Perth. She graduated in law from the University of Western Australia. She did her Articles at Robinson & Cox (now Clayton Utz) and was admitted to practise in Western Australia in 1987. She moved to Melbourne in 1988 and worked at Arthur Robinson & Hedderwicks for four years. She was appointed a Senior Associate of that firm in 1992 and later that year joined the Victorian Bar. She was appointed Senior Counsel in 2003. She practised in state and federal courts, principally in commercial, equity, taxation and general civil matters. She was appointed a Professorial Fellow of the Melbourne Law School in July 2015, where she has taught in the Masters Course since 1999.

The Hon Justice Andrew Greenwood

Justice Andrew Greenwood is a Judge of the Federal Court of Australia. Justice Greenwood was appointed to the Court on 4 August 2005. He holds degrees in Arts and Law from the University of Queensland. Justice Greenwood is a National Coordinating Judge in the national practice area of the Court's jurisdiction in Intellectual Property. Justice Greenwood is the President of the Australian Copyright Tribunal, a Presidential Member of the Australian Administrative Appeals Tribunal and a Member of the Australian Competition Tribunal. Justice Greenwood is an Adjunct Professor in the TC Beirne School of Law at the University of Queensland. He is a Fellow of the Australian Academy of Law. Justice Greenwood also holds an Honorary Doctor of Laws degree from Griffith University.

The Hon Justice John Griffiths

Justice John Griffiths has been a Justice of the Federal Court since April 2012. Prior to his appointment, he practised as a barrister for 17 years. He was made a Silk in 2001. He practised extensively in public law and commercial matters. He is the author of many papers and articles on a wide range of legal topics, including public law. He is one of three national coordinating Judges in the Federal Court's national practice area involving constitutional law, administrative law and human rights. He is a graduate of the Australian National University.

The Hon Justice William Gummow AC

Justice William Gummow AC is a Professor of Law at the ANU Law School and Sydney Law School. He is also a Non-Permanent Judge of the Hong Kong Court of Final Appeal. He is a former Justice of the High Court of Australia, serving from 1995 until his retirement from the Court in 2012. Prior to that time, he was a Federal Court Judge from 1986 to 1995.

He graduated from the University of Sydney with a Bachelor of Arts and Master of Laws. After 10 years in practice as a solicitor, he was admitted to the New South Wales Bar in 1976. He was appointed a Queen's Counsel in 1986. For 30 years he lectured part-time at the University of Sydney. He is the author and editor of several texts on equity and trusts.

Professor Mary Keyes

Mary Keyes is Professor and Deputy Head of School for Research at Griffith Law School in Brisbane. She researches principally in private international law, particularly in the areas of jurisdiction and the use of agreements. She is co-author of *Private International Law in Australia* (LexisNexis, 3rd ed, 2015; with Reid Mortensen and Richard Garnett). She is currently working on a number of projects which critically consider the use of party autonomy in private international law. Professor Keyes will give a special course at the Hague Academy of International Law in the summer session of 2020.

Jeremy Kirk SC

Jeremy Kirk SC practises at the New South Wales Bar, including in commercial and public law at both the trial and appellate level. He studied at the Australian National University and the University of Oxford.

The Hon Justice Neil McKerracher

Justice Neil McKerracher has been a Judge of the Federal Court of Australia since 2007. Prior to his appointment he appeared as Queen's Counsel and advised in a broad range of commercial and civil disputes. He also served as an Acting Commissioner of the Corruption and Crime Commission (WA), a Senior Sessional Member of the State Administrative Tribunal and a Commissioner (Acting Judge) of the Supreme Court of Western Australia. He was the Chairman of WA Bar Chambers Ltd and has also chaired a number of professional and community organisations. He now chairs UNCCA (UNCITRAL National Coordination Committee for Australia), is a judicial member of the Administrative Appeals Tribunal and serves on the Executive of the Judicial Conference of Australia.

Russell Miller AM

Russell Miller AM is a member of Minter Ellison's Australasian Competition Group and a Fellow of the Centre for Strategy and Governance. He is an ANU alumnus and former adjunct professor. He is the author of *Miller's Australian Competition and Consumer Law Annotated* (Thomson Reuters, 40th ed, 2018) and *Miller's Australian Competition Law & Policy* (Thomson Reuters, 3rd ed, 2018). He was made a Member of the Order of Australia in 2005 for service to the legal profession in the fields of international and business law.

The Hon Justice Debbie Mortimer

Justice Debbie Mortimer was appointed to the Federal Court in July 2013, based in Melbourne. She hears first instance cases generally in the Court's practice areas of administrative and constitutional law and human rights, native title, employment and industrial law and consumer and regulatory law, and across those areas in the Court's appellate jurisdiction. Prior to her appointment, Justice Mortimer was a member of the Victorian Bar and was appointed Senior Counsel in 2003. She remains a Senior Fellow at Melbourne Law School and a member of the Advisory Board of the Centre for Comparative Constitutional Studies. As a barrister, Justice Mortimer's practice was principally in public law, together with anti-discrimination and extradition law, and in all areas she acted for both applicants and respondents, and for and against government, in state and federal jurisdictions including in the High Court. She had a substantial public interest practice, particularly in migration law, environmental law and anti-discrimination law, and was involved in many ground-breaking cases over the last 20 years.

Associate Professor Jeannie Marie Paterson

Jeannie Marie Paterson teaches and researches in the areas of contracts, consumer protection and consumer credit law, as well as the role of technological change in these contexts. Jeannie completed her BA/LLB (Hons) at the ANU and her PhD at Monash University and joined Melbourne Law School in 2010. She previously lectured at the Faculty of Law at Monash University and, prior to that time, was a solicitor at Mallesons Stephen Jaques (now King & Wood Mallesons). Jeannie is the co-author (with Andrew Robertson and Arlen Duke) of *Principles of Contract Law* (Thomson Reuters, 5th ed, 2015) and has written extensively on issues of contract and consumer law.

Professor Pauline Ridge

Pauline Ridge is a Professor at the ANU Law School, Australian National University, and a Senior Fellow of the Higher Education Academy. She is a graduate of the ANU, where she was awarded a university medal, and the University of Oxford. She researches in equity, restitution law and contract law; her private law scholarship has been cited across the common law world. She also has a special interest in the legal regulation of religious financing and has published widely on that topic. She is co-editor, with Dr Jamie Glister, of a collection of essays on equity, *Fault Lines in Equity* (Hart Publishing, 2012) and co-author, with Professor Joachim Dietrich, of *Accessories in Private Law* (Cambridge University Press, 2015). She is a former Director of the Centre for Commercial Law at the ANU and a member of the Charity Law Association, Australia and New Zealand.

Professor Joellen Riley

Professor Joellen Riley is Dean and Professor of Labour Law at the University of Sydney Law School. She holds degrees in Law from the universities of Sydney and Oxford, and has been teaching and researching in the field of employment and industrial law since 1998. She joined academia after a short time in commercial legal practice, and has served as a consultant to specialist employment law firms, most recently People + Culture Strategies in Sydney. Her publications include *Employee Protection at Common Law* (Federation Press, 2005), and *The Law of Work* (OUP, 2007 and 2011) (with Rosemary Owens and Jill Murray). She is also one of the authors on the most recent edition of *Macken's Law of Employment* (Thomson Reuters, 2016) and has written a number of books on federal workplace legislation.

The Hon Justice Alan Robertson

Justice Alan Robertson is a graduate of the Australian National University. He was admitted in 1980 as a legal practitioner of the Supreme Court of the Australian Capital Territory. From 1981 to 1983 he worked as assistant to the Commonwealth Solicitor-General, Sir Maurice Byers. In 1983 Justice Robertson joined the New South Wales Bar and, in 1995, was appointed Senior Counsel. His area of specialisation was public law, including constitutional and administrative law, revenue law, competition law and appeals. He was for many years convenor of the Constitutional and Administrative Law section of the New South Wales Bar Association. He was a part-time member of the Administrative Review Council between 1992 and 1997. He was appointed a Judge of the Federal Court in April 2011, based in Sydney. He has been appointed a Deputy President of the Administrative Appeals Tribunal and a Deputy President of the Australian Competition Tribunal.

Professor Peta Spender

Professor Peta Spender is Deputy Dean of the ANU College of Law and a Fellow of the Australian Academy of Law. She is also a Presidential Member of the ACT Civil and Administrative Tribunal. Her research passions straddle corporations/financial markets law and litigation. She has published widely in both areas and made submissions to various law reform bodies including the James Hardie Special Commission of Inquiry. Peta is a co-author of leading Australian books on litigation and corporate law, and is currently working on a project about process and substance in civil justice systems.

Professor James Stellios

James Stellios is a Professor at the ANU Law School and a barrister at the NSW Bar. His primary research interests are constitutional law and federal jurisdiction, and he has published widely in those fields, including *The Federal Judicature: Chapter III of the Constitution* (LexisNexis, 2010) and the sixth edition of Professor Leslie Zines' classic work, *The High Court and the Constitution* (The Federation Press, 2015). His research has been awarded the Zines Prize and the Saunders Prize for Constitutional Law, and he is a Fellow of the Australian Academy of Law. Prior to joining the ANU, he was Counsel Assisting the Solicitor-General of the Commonwealth, David Bennett QC, and in the past has been a lawyer with the Australian Government Solicitor and a public law consultant for Clayton Utz and Sparke Helmore.

Professor Miranda Stewart

Professor Miranda Stewart is the Professor and Director of Tax Studies at the University of Melbourne Law School. Miranda is also a Fellow of the Tax and Transfer Policy Institute, Crawford School of Public Policy at the Australian National University, where she was the inaugural Director. She researches and teaches on taxation law and policy topics including business and personal income taxation, tax avoidance, international tax and tax reform. Recent publications include *Tax, Social Policy and Gender* (ed, ANU Press, 2017); *Death and Taxes* (Thomson Reuters, 6th ed, 2014 with Michael Flynn); and *Sham Transactions* (ed, Oxford University Press, 2014 with Edwin Simpson). Miranda is a chartered tax adviser with The Tax Institute, a member of the Scientific Committee of the International Fiscal Association and of the Law Council of Australia Tax Committee. She studied mathematics and law at the University of Sydney and has a LLM (International Taxation) from the New York University School of Law.

The Hon Justice Mark Weinberg AO

Justice Mark Weinberg AO was admitted to practise in New South Wales in 1974, and in Victoria in 1975, and his name was entered on the roll of barristers and solicitors of the High Court in 1979. In 1975 he joined the academic staff of the University of Melbourne, where he held various positions in the Faculty of Law, culminating in Dean of the Faculty from 1984 to 1985, and was Commonwealth Director of Public Prosecutions from 1988 to 1991.

Justice Weinberg was appointed to the Court of Appeal, Supreme Court of Victoria in July 2008. His Honour was a Judge of the Federal Court of Australia from 1998 to 2008 and previously held the following appointments: Deputy President, Federal Police Disciplinary Tribunal; Non-resident Judge, Supreme Court of Fiji; Judge, Supreme Court of the Australian Capital Territory; and Chief Justice, Supreme Court of Norfolk Island.

Justice Weinberg was appointed an Officer of the Order of Australia in 2017. He was awarded the degree of LLD (Honoris Causa) by Monash University in October 2017. Justice Weinberg was appointed a Reserve Judge of the Court of Appeal as from 8 May 2018, and continues to sit regularly, and on a full-time basis.

Emeritus Professor Fiona Wheeler

Fiona Wheeler is an Emeritus Professor in the ANU College of Law, Australian National University, where she served in roles including Head of School, Deputy Dean and Chair, ANU Academic Board. Her research is primarily in constitutional law, with a particular

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interest in courts and the judicial system and the history of the High Court of Australia. Her doctorate on the separation of judicial power under the Australian Constitution was awarded the ANU JG Crawford Prize (2000). She has been an Honorary Harold White Fellow, National Library of Australia (2009), delivered a High Court Public Lecture (2011), the Winterton Memorial Lecture (2014) and is a Fellow of the Australian Academy of Law.