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# Speaker Biographies

Trust & Accountability in a  
2020 World



# The Honourable Michael Kirby AC CMG

When he retired from the High Court of Australia on 2 February 2009, Michael Kirby was Australia's longest serving judge.

He was first appointed in 1975 as a Deputy President of the Australian Conciliation & Arbitration Commission. Soon after, he became inaugural Chairman of the Australian Law Reform Commission (1975-84). Later, he was appointed a Judge of the Federal Court of Australia, then President of the New South Wales Court of Appeal (1984-96) and, concurrently, President of the Court of Appeal of Solomon Islands (1995-6). His appointment to the High Court of Australia followed in 1996 and he served thirteen years. In later years, he was Acting Chief Justice of Australia twice.

In addition to his judicial duties, Michael Kirby has served on three university governing bodies being elected Chancellor of Macquarie University in Sydney (1984-93). He also served on many national and international bodies. Amongst the latter have been service as a member of the World Health Organisation's Global Commission on AIDS (1988-92); as President of the International Commission of Jurists, Geneva (1995-8); as UN Special Representative for Human Rights in Cambodia (1993-6); as a member of the UNESCO International Bioethics Committee (1995-2005); as a member of the High Commissioner for Human Rights' Judicial Reference Group (2007- 9) and as a member of the UNAIDS Reference Group on HIV and Human Rights (2004-).

Following his judicial retirement, Michael Kirby was elected President of the Institute of Arbitrators & Mediators Australia from 2009-2010. He served as a Board Member of the Australian Centre for International Commercial Arbitration (2009-14). He has been appointed Honorary Visiting Professor by twelve universities. And he participates regularly in many local and international conferences and meetings. He has been awarded a number of honorary doctorates at home and abroad. He also serves as Editor-in-Chief of The Laws of Australia (2009 - ).

He served 2011-12 as a member of the Eminent

Persons Group on the future of the Commonwealth of Nations. He was a Commissioner of the UNDP Global Commission of HIV and the Law 2011-2012. He was appointed to the Advisory Council of Transparency International, based in Berlin in 2012. In 2013- 2014, he was appointed Chair of the UN Commission of Inquiry on Human Rights Violations in North Korea. He is a Commissioner of the UNAIDS Lancet Commission on AIDS to the Right to Health (2013-2014); the Global Fund's Equitable Access Panel (2015-16); the UN Secretary-General's High Level Panel on Access to Essential Medicines (2015-16); and UNAIDS/OHCHR's panel on overreach of criminal law (2017).

He was awarded the Gruber Justice Prize in 2010 and has been Patron of the Kirby Institute on Blood Borne Diseases in UNSW Sydney, Australia since 2011. In May 2017, he was invested with the insignia of the Order of the Rising Sun, Gold and Silver Star in Tokyo, with an audience with the Emperor of Japan. In 2017 Japan conferred on him the Order of the Rising Sun – Gold and Silver Star, for his work on human rights in North Korea.

Over the past 12 months Michael Kirby has been heavily engaged as co-chair of the International Bar Association Human Rights Institute, based in London.

(Extract above from The Hon Michael Kirby AC CMG official webpage, available at <https://www.michaelkirby.com.au/content/hon-michael-kirby-ac-cmg-0>)



# Ms Elizabeth Espinosa

Ms Elizabeth Espinosa has been appointed a Commissioner of the Court from 1 June 2020 for a period of 7 years.

Ms Espinosa's practice as a solicitor spans over 20 years, specialising in local government, planning and environmental law. She holds a Bachelor of Arts and Bachelor of Laws (Honours) from the University of Wollongong. Ms Espinosa was admitted as an Australian lawyer in June 1997. Ms Espinosa's experience in the Court is wide-ranging. As a solicitor she has appeared in most classes of jurisdiction of the Land and Environment Court.

She has extensive experience in local government and in assessment of development applications. In her previous role as General Counsel at Liverpool City Council she was responsible for providing high level legal services and appearing as legal representative in the Court and provided legal advice for Council and Councillors in relation to local government development applications and dealings.



Ms Espinosa recently has served as the President of the Law Society of NSW, and currently remains a Councillor of the Law Society of NSW. She is also Director of the Corporate Governance Committee of the Law Council of Australia.

Elizabeth Espinosa is a lawyer with the following qualifications:

- Commissioner of the Land and Environment Court (appointed 1 June 2020)
- Bachelor of Arts/Law (Hons) University of Wollongong 1995
- Graduate Diploma The College of Law
- Graduate of the Australian Institute of Company Directors 2016
- Member of the Law Society of NSW and Women Lawyers Association of NSW
- Prior to commencing as a Commissioner she practiced as a solicitor for over 20 years, specialising in local government, planning and environmental law.
- She also served as a councillor on the Law Society of NSW from 2013 to 2020 and served as President of the Law Society of NSW in 2019.

Elizabeth has also served as an office bearer in the following voluntary positions:

- Director of the Law Council of Australia, 2018 – 2020;
- Council of Law Reporting NSW, 2018 – 2020;
- Preferred Foundation Ordinary Member of The College of Law, 2017 – 2020;
- President of St George/Sutherland Law Society 2006 & 2007

She has recently been appointed Chair of the board of the Australian Design Centre

# Dr. Virginia Marshall



Dr Virginia Marshall is a Wiradjiri Nyemba woman from NSW and leading legal scholar on Aboriginal water rights in Australia. Her seminal 2017 book *Overturning Aqua Nullius* includes a foreword by the Hon Michael Kirby. Virginia is the Inaugural Indigenous Postdoctoral Fellow at the Australian National University attached to the School of Regulation and Global Governance and the Fenner School of Environment and Society, and lectures at these and other schools, including the ANU College of Law. She is a practicing lawyer working in native title and intellectual property.

Virginia volunteers as a duty solicitor at Sydney's Downing Centre, as a magistrate with the NSW Law Society's Mock Trials Competition and as a Judge for the Philip Jessup International Law Moot Court Competition. Virginia's academic work lies at the intersection of law, regulation and science, with a focus on Indigenous water rights and the impact of climate change on Indigenous peoples. Her postdoctoral research includes a comparative analysis of Indigenous water rights in the Pacific and North America to inform development of an Indigenous water rights framework for Australia.

Virginia is a member of the Australian Studies Institute Advisory Board, the Sir Roland Wilson Foundation's Pat Turner Scholarship Advisory Group, a member of ANU's Ethics Committee and Climate Change Institute. She is an expert advisor and champion with the Indigenous Peoples Organisation (Australia) and represented the Pacific region at the 2019 UN Indigenous Peoples' Climate Change Preparatory Meeting in Mexico City.

Virginia commenced her tertiary studies at the University of Wollongong, completing a Bachelor of Arts (Sociology), BA Honours (Communications), Bachelor of Laws, Graduate Diploma in Legal Practice and Graduate Certificate in Laws (Criminal Practice) through UOW, and was awarded Golden Key National Honours Society membership for outstanding scholarship. She gained her LLM at ANU and PhD (Law) at Macquarie University.

# Mr Edward Muston SC



Edward is recognised for his sound judgment and commercial approach to dispute resolution. He has a broad practice with a focus on commercial disputes, insurance, reinsurance, and the law of professional obligations. He has particular expertise in addressing policy construction and other indemnity issues arising in the context of insurance.

In addition, Edward has substantial experience in public law and the prosecution of environmental offences. He appears regularly for governmental agencies in administrative appeals and prosecutions.

Since 2005, Edward has been a member of a NSW Bar Association Professional Conduct Committee and has advised and appeared for the NSW Bar Council in relation to various disciplinary matters. He teaches advocacy, evidence and ethics to barristers and prospective barristers in connection with the Bar Practice Course and Bar Examinations. Edward is an Honorary Professorial Fellow of the University of Wollongong's School of Law.

# Dr Lowell Bautista



Lowell Bautista is a Senior Lecturer and Head of Students at the School of Law and a Staff Member at the Australian National Centre for Ocean Resources and Security (ANCORS), University of Wollongong. Dr Bautista is recognised for his expertise in the law of the sea, particularly for his contributions in the area of territorial and maritime disputes in the Asia-Pacific, especially on the South China Sea. He has an established and solid track record of research publication and active research collaborations with government and academic institutions and scholars regionally and globally.

He is a lawyer with over ten years of experience in legal and policy research, litigation and consultancy. He holds a Bachelor of Arts in Political Science (cum laude) and a Bachelor of Laws degrees from the University of the Philippines, a Master of Laws (Marine and Environmental Law) degree from Dalhousie University in Canada and a Doctor of Philosophy (PhD) in law from the University of Wollongong. His areas of research include territorial and maritime boundary issues in the Asia-Pacific, the South China Sea, Philippine maritime and territorial issues, maritime piracy and terrorism, international humanitarian law, underwater cultural heritage, and international environmental law, on which topics he has also published.

# Dr Niamh Kinchin



Niamh Kinchin is a senior lecturer at the School of Law, University of Wollongong, which she joined in January 2015. Niamh specialises in teaching public law subjects, such as Administrative Law and Constitutional Law, as well as Refugee Law. Prior to academia, she was employed for a number of years at the Commonwealth Administrative Appeals Tribunal as a legal officer.

Niamh's primary research interests are in refugees, law and technology, global accountability, administrative justice and public law within the international and Australian contexts. Her current research includes projects on the potential and risks of artificial intelligence in refugee status determination, institutional accountability in the global space, the interpretation of the constitutions of international organisations and the evolution of Australian constitutional principles. Niamh has recently published a monograph with Edward Elgar Publishing (UK) focusing upon Administrative Justice within the UN.



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