

Spotlight on Centre Board: Professor Robert Cunningham



I had the privilege of interviewing Professor Robert Cunningham, barrister and Dean and Head of Law School at Curtin University, Western Australia, to find out more about his distinguished legal and academic career, as well as his passion for social justice and the rule of law.

From an early age, Robert had an affiliation with the underdog and those who were not treated fairly. It was this deep interest in social justice as well as environmental issues that took him to university. He initially studied accounting, but later pivoted to law, spurred on by his desire to live in a better world and to *“learn more about the institutions that end up influencing the world we live in.”*

After graduating from law school, Robert worked at a community legal centre where, over time, he became the treasurer and later the director of that organisation. He always had an interest in furthering his education which led him to complete a Masters in International Trade Law. In his academic research, he combined his interest in the environment with his academic studies in international trade and intellectual property law to produce his main academic work on information environmentalism. His book on this topic explores what it would look like to have a set of regulations protecting the information environment against pollutants such as misinformation and privacy violation, just as we have regulations for protecting pollution for the physical environment. This insightful research seems to be more pertinent than ever in our digital age.

Robert said that, *“most of my life has been geared towards seeking accommodation of legal practice and being in the academy.”* This pursuit led him to become a barrister in 2015. Robert is also passionate about the rule of law. *“My passion for the rule of law is based upon a central precept which is checks and balances on the use of power...That’s why I think institutions are so important...I think we all have*

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Professor Robert Cunningham with the President of the Curtin Student Law Society, Harley Gardiner at the Student Law Ball

a role, particularly legal practitioners and indeed academics, to fortify and protect our institutions. So in many respects the calling for me to the Bar was to try and make a contribution from a rule of law perspective.”

Robert’s passion about integrating legal practice with academic studies also

extends to his approach to higher education and is reflected in the social justice opportunities available to students at Curtin University to gain practical experience. For instance, the John Curtin Law Clinic is a student run clinic that seeks to assist clients who cannot afford to pay for legal advice in areas such as small business legal issues, discrimination and legal advice for non-for-profit organisations, social enterprises and start-up companies. In association with the clinic, Curtin Law School also ran a legal tech pop-up course where students engaged in building legal bots that would support clients for not-for-profit and social enterprises. As Robert said, *“we are really proud of some of the things taking place within the clinic space at Curtin Law School. And a lot of it is about improving access to justice based on the fundamental passion I have for the rule of law.”*

This year, Robert appeared pro bono as a barrister in a Federal Court matter that flowed from the High Court decision of *Love v Commonwealth of Australia* [2020] HCA



Professor Robert Cunningham teaching students

3, a case which held that Aboriginal Australians born overseas could not be classified as 'aliens' under section 51(xix) of the Constitution and therefore cannot be deported. As Robert explained, *"the reason I've entered that [matter] is we've been able to get students involved, and allow them to be exposed to the interaction between instructing solicitors and barristers but also all of the different nuances that flow from the complex web of a court matter, such as the need to engage critically with the Love case and how it might manifest into the future."* He said that, *"these sorts of constitutional issues are quite fundamental"* and that *"it's important for students to appreciate that these types of matters can really have an impact on individual human beings... and to be able to empathise with the client and understand and respect, as I say, that the law can have [an impact] on individuals on a day-to-day level."*

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Robert believes it is important for students to be exposed to social justice because the legal profession should work in the public interest. As Robert said, *"if the legal profession is just going to exist for private interest and not for public interest then I think it loses some of its validity. For me, being exposed to social justice is about empathising with clients, understanding how the law affects individuals, understanding how the law impacts on society as a whole, and having an eye on ensuring that as a legal practitioner you are at least paying homage, or respect, to the public dimension of the law. We all have a*

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vested interest in the law operating effectively because it's the law that helps our institutions survive and that, in turn, helps to ensure the world is more peaceful, more civil. I think exposure to social justice allows us to appreciate our privileges and our responsibilities [as legal practitioners]."

Robert describes his current role as Dean and Head of Curtin Law School and as barrister within Murray Chambers as the culmination and highlight of his career to date. He is excited about experimenting with different methods of learning and he sees that his role as Dean is to *"encourage and facilitate...academics to take calculated risks in doing new things."*

Lastly, Robert tells me how he maintains a good work life balance. He is a keen meditator and enjoys playing the guitar, spoken word poetry and chess. I'm sure these pursuits are a further source of inspiration for law students! ■

By Qi Qi Ren, Centre Policy and Project Officer
(on secondment from Australian Government Solicitor)

Professor Robert Cunningham was appointed to the Centre's Board in 2019 as the representative of the Council of Australian Law Deans. He is the Dean and Head of Curtin Law School in Perth, barrister within Murray Chambers and a Fellow of the Australian Academy of Law. As a legal practitioner, Robert's efforts have concentrated on providing legal advice, court advocacy and education within community legal centres and the not-for-profit sector. As a barrister, he specialises in Federal Court matters in areas such as corporate law, consumer protection, native title and intellectual property and international trade law. In academia, Robert's pursuits have primarily focused on the manner in which the law interfaces with international trade, ecological sustainability, corporate governance and information governance and he has published numerous academic journal articles and books on these topics. Professor Cunningham holds a PhD from the Australian National University, Bachelor of Business (Accounting), Bachelor of Laws (Hons), Master of Laws (Hons) and a Graduate Certificate of Legal Practice from the University of Technology Sydney.

Professor Robert Cunningham moving the admission of a Curtin University law student

