

Dear Friend

Welcome to the thirteenth newsletter of the Gilbert + Tobin Centre of Public Law.

The end of 2007 sees some important changes in personnel at the Centre. Cassandra Goldie has now moved on to work at the Human Rights and Equal Opportunity Commission and so will be winding up the Homelessness Legal Rights project. A full report on that very successful project can be found in this newsletter, but it is fair to say that Cassandra has made an enormous contribution to the area over just a couple of years.

One of our longest serving project directors, Bryan Mercurio, will be taking leave without pay from the Faculty of Law to take up an appointment at the University of Hong Kong. He will be there pursuing his work on international trade and development and his location in Hong Kong will be an ideal base to continue his work on matters such as free trade agreements and China's place in the legal regulation of world trade. Bryan has been an integral part of the Centre over a number of years, beginning with his directorship of the Electoral Law project and culminating in his more recent work on international trade law. He has established himself as a leading authority in both areas and will undoubtedly continue to be so in the years to come.

Finally, Edwina MacDonald is finishing with the Centre as our Senior Research Director. Edwina has been with us for around 18 months and has played a key role in a range of projects, but especially the Terrorism and Law project. Edwina has played a leadership role in a number of submissions to parliamentary inquiries and in the organisation of our symposium on Law and Liberty in the War on Terror held in the middle of this year. Edwina has joined The Women's Legal Service and we wish her well in bringing to bear her experience and legal skills in a much needed community sector role.

On the other hand, we have been fortunate to also see the influx of some new talent. The life of a Centre like ours is always one of comings and departures, and the most recent arrival is Ed Santow. Ed has a distinguished background having worked at the Australian Law Reform Commission on major reviews of sedition and privacy and he has joined the Centre to work particularly on areas such as administrative law and human rights. He has undertaken the directorship of the Charter of Rights project and has found himself in the thick of debate around the nation.

We have held one major event in the second half of the year, the Great Legal Debate between Philip Ruddock and Joe Ludwig as part of the 2007 federal election campaign. This followed on from a similar debate we ran in the 2004 election between Philip Ruddock and Nicola Roxon. The 2007 event was again a great success. The 200 seats for the event were taken up within hours of the email invitation being sent out. However, the fact that the event was webcast has enabled those unable to attend to follow the action. There is a full report on this event in this newsletter.

My own time in the second half of the year has been busy with two inquiries. I have been part of a high level advisory group providing recommendations to Kevin Rudd and Bob McMullan, the Shadow Minister for Federalism, on the reform of federal/state relations. I have also chaired an inquiry for the New South Wales government on options for a new national industrial relations system for Australia. The latter inquiry has not been one focused on the content of such a system, such as on matters like AWAs and unfair dismissal, but on the constitutional structure that might enable a new system to be based upon cooperation between the different tiers of government.

The next six months promises to be busy and exciting. With suggestions of referendums on matters such as the recognition of Indigenous peoples in a preamble to the Australian Constitution and perhaps on areas such as fixed four year terms, there will be significant work for the Centre in analysing proposals and contributing to public debate. We will also hold on 8 February 2008 our annual Constitutional Law Conference and Dinner, which again promises to be a well attended and highly successful event.

Professor George Williams
Director



2008 Constitutional Law Conference and Dinner

The 2008 Constitutional Law Conference and Dinner, the seventh in the series, will be held on Friday 8 February 2008 at the Art Gallery of New South Wales. The dinner will be hosted by NSW Attorney-General, the Hon John Hatzistergos MLC at NSW Parliament House

Centre Activities

'...the rule of law requires that ministers, even when acting to protect national security, do not use the powers conferred on them by Parliament erroneously. It is the role of the courts to ensure that limits on executive power are respected. The overturning of a ministerial discretion exercised in the absence of any facts that the person adversely affected had anything other than an innocent connection with suspected wrongdoers is an important example of the rule of law in action.'

Andrew Lynch, 'A Triumph for the Law' *The Age* (22 August 2007)



Final Centre Meeting for Edwina MacDonald

Centre Submissions

Over the last six months a number of Centre staff have made submissions to important inquiries on legislation and law reform proposals. The most high-profile of these are the two submissions made by Sean Brennan, Talia Epstein (this semester's Centre intern) and Edwina MacDonald to the Senate Legal and Constitutional Affairs Committee's Inquiry into the Commonwealth intervention in Northern Territory Aboriginal communities. As many readers will be aware, the timeframe for making submissions on the legislation was extremely tight with the Committee having only four days between the referral of five bills to it and the deadline for reporting on them! Further details about the Centre's work on the NT intervention is found in the report in this newsletter for the Indigenous Rights, land and Governance Project.

Additionally, the incoming Director of the Charter of Rights Project, Ed Santow was part of a team which made an extremely substantial submission to the Consultation Committee examining adoption of a Human Rights Act in Western Australia.

In July, Andrew Lynch, Edwina MacDonald and George Williams also made a submission to the Senate Legal and Constitutional Affairs Committee 'Inquiry into the Classification (Publications, Films and Computer Games) Amendment (Terrorist Material) Bill 2007'.

The Great Legal Debate: Ruddock v Ludwig

On Tuesday 6 November, the Gilbert + Tobin Centre of Public Law and the Australian Financial Review held the 'Great Legal Debate' in the lead up to the Federal Election on 24 November. The debate was between the Commonwealth Attorney-General the Honourable Philip Ruddock and the Shadow Attorney-General Senator Joe Ludwig.

The Gilbert + Tobin Centre and the AFR first co-hosted an event of this sort prior to the 2004 federal election. In the present campaign, debates between ministers and their opposition numbers have been much more common but it was good to once again provide an opportunity to highlight the issues falling within the portfolio of the Commonwealth Attorney-General and enable the two people vying for this post to come together to debate these topics.



Great Legal Debate Panel



Philip Ruddock speaking at the Great Legal Debate

'The impacts of global warming on habitat are being felt in different ways around the world. Rising sea levels are threatening the very existence of small island States, while Inuit communities in North America and Greenland fear displacement due to melting ice.'

Jane McAdam on 'Climate Change "Refugees" and International Law' at the NSW Bar Association on 24 October 2007

The format for the debate followed those organised by the National Press Club with the Attorney-General and Shadow Attorney-General each making an opening presentation and then answering questions from a select panel. The Debate was chaired by Dr Andrew Lynch from the Centre and the panel was comprised of Ms Megan Davis, the Director of the Indigenous Law Centre at the University of New South Wales; Mr Marcus Priest, the legal editor of The Australian Financial Review; and Mr Ross Ray QC, the President of the Law Council of Australia, the peak representative body for Australian lawyers. After the questions, there was time for brief concluding remarks.

The debate provided an opportunity to hear both sides' policies and opinions on some of the key legal issues facing Australia, including a Charter of Rights, the method of appointing judges, Freedom of Information Act reform and funding for courts and legal aid.

The event was held at the New South Wales Parliament and hosted by the State Attorney-General John Hatzistergos. There was enormous demand for spaces but a webcast of the proceedings is available through the websites of both the Australian Financial Review and the Gilbert + Tobin Centre of Public Law.

Jane McAdam speaks on ABC Radio Perspective: Climate Change 'Refugees' and International Law

On Christmas Eve last year, it was reported that the first inhabited island had disappeared underwater as a result of global warming. The residents of Lohachara island in the Bay of Bengal had already fled to a nearby island, that had itself already lost thousands of acres of land to the sea and which risks the displacement of 30,000 people by 2020 due to rapidly rising sea levels.

This is not an isolated incident. Other habitats at risk of submersion due to rising sea levels include island nations in the Indian Ocean, the Central Pacific, and the South Pacific, as well as large tracts of land from Bangladesh to Egypt. At the other end of the globe, Inuit communities in North America and Greenland fear displacement due to melting ice. Climate-induced displacement is of particular relevance to Australia given its geographical proximity to islands such as Kiribati and Tuvalu, where whole nation displacement is imminent. Australia is an obvious destination country in the region for so-called climate change 'refugees'.

'People displaced by climate change do not qualify as 'refugees' under international law.'

Jane McAdam on 'Climate Change "Refugees" and International Law' at the NSW Bar Association on 24 October 2007.

Although precise numbers of those likely to be displaced as a result of global warming are impossible to ascertain, scientists place the figure at somewhere between 50 million and 250 million in the next 50 years. Yet, people forced to move as a result of climate change do not fit the international legal definition of 'refugee', which requires individuals already outside their country of origin to show that they have a well-founded fear of being persecuted *because of* their race, religion, nationality, political opinion or membership of a particular social group. As a result, the rights, entitlements and protection options for people displaced by climate change are uncertain in international law, and there is no international agency, such as the United Nations High Commissioner for Refugees, with a mandate to assist them.

Do States have international legal obligations to 'protect' people displaced by climate change? And how might international refugee law, human rights law and environmental law assist in ascertaining the rights of displaced individuals and the responsibilities of receiving States?

The answers to these questions are not straightforward, and depend upon a principled analysis of the obligations States have voluntarily accepted under an array of different treaties and practices.

First, although refugee law does not strictly apply, certain protective principles, and the status envisaged for those displaced, might be relevant. In particular, the principle that no one should be sent back to persecution or other forms of serious harm is key.

Secondly, international human rights law is of particular importance, given that it safeguards people's most basic and fundamental rights, including the right to life, the right not to be subjected to cruel, inhuman or degrading treatment, the right to an adequate standard of living, the right not to be deprived of means of subsistence, the right to enjoyment of the highest attainable standard of physical and mental health, and the right to take part in cultural life. Ethnic, religious, linguistic or indigenous minorities must be allowed to enjoy their own culture, practise their own religion, and use their own language, and it has been acknowledged by human rights tribunals that the use and enjoyment of the land and its resources are integral components of the physical and cultural survival of the indigenous communities.

Thirdly, the environment is a 'common resource' of vital interest to humanity, and States are prohibited from using their territory in a way that causes harm beyond their borders. International environmental law requires States to implement programs for mitigating greenhouse gas emissions; to prevent, reduce and control pollution of the atmosphere and the marine environment; and to conserve biodiversity. Indeed, the protection of the environment is 'a vital part of contemporary human rights doctrine', since it is indispensable to the realization of numerous human rights, such as the right to health and the right to life.

To provide maximum protection, these various branches of international law must be regarded and interpreted as interconnected, related fields, which together constitute the obligations to which States have agreed. At one level, then, the challenge of climate change and human movement is about identifying, collating and enforcing international legal obligations to protect vulnerable populations at risk of displacement. At another level, it is about using those obligations to create meaningful, sustainable and equitable policy responses to a looming global predicament.

United Nations Conference in China

Earlier this month, five UNSW Law students competed in a Model United Nations Conference at Heilongjiang University in Harbin, China. The outstanding performance of the team—comprised of Kate Purcell, Renee Chartres, Gaurav Sharma, Tristan Garcia and Madeleine Ellicott—was recognized with five awards:

- Outstanding Delegation Award
- Position Paper Award
- Leadership Award (Tristan Garcia)
- Contribution Award (Gaurav Sharma)
- Adviser Award (Dr Jane McAdam)

The UNSW team, representing the Australian Human Rights Centre (AHRC) and the Faculty of Law, was the only foreign team invited to participate in the Model UN, alongside 200 students from 37 Chinese universities. Proceedings simulated those



Jane McAdam with Chen Haihua, Council Member of the UN Association of China

of the recently established United Nations Human Rights Council, and student delegates had to draft, debate and adopt resolutions dealing with the two key themes: 'poverty and human rights' and 'the right to education'.

AHRC's Director, Associate Professor Andrea Durbach, said that the experience for students is 'immeasurable'. She said: 'They undertake research, draft submissions, lobby, debate, exchange ideas, develop friendships and learn about new cultures and the mediation of human rights in different political and economic settings.'

Dr Jane McAdam, who accompanied the UNSW team to Harbin, stated in her Closing Address at the Model UN: 'I have been truly impressed by the high standard of all the delegations over the past two days. You have shown commitment, determination and enthusiasm for upholding fundamental human rights, which are as fragile as they are important. You recognized that human rights cannot simply be taken for granted, but must be respected and enforced to have real meaning for all people.'

The annual Model UN is one of a number of activities undertaken by the Australian Human Rights and Equal Opportunity Commission (HREOC) as part of the China–Australia Human Rights Technical Cooperation Program. It is implemented in cooperation with the UN Association of China.

'If the decision-making process is flawed, a privative clause can operate to prevent an affected person from obtaining legal redress. This, in turn, can have a devastating impact on the individual affected.'

E Santow and M Crock, 'Privative Clauses and the Limits of the Law' in M Groves and HP Lee (eds), *Australian Administrative Law: Fundamentals, Principles and Doctrines* (2007, Cambridge University Press).

** STOP PRESS **

Deputy Centre Director Dr Andrew Lynch, Centre Director Professor George Williams, Professor Greg Craven and Professor Neil Warren have been awarded a 2008 UNSW Goldstar Grant of \$30,000 for 'Reforming Australian Federalism'. This grant marks the beginning of the Centre's new project on federalism and will form the basis of a pilot study as the Centre seeks to secure more funding for this important area of research. Professor Williams was also awarded, with a number of other collaborators, \$100,000 as part of the 2008 ARC linkage round for the Centre's ongoing work with Australian Policy Online.

Centre People

The success of a WA Human Rights Act will 'depend on three related elements: (i) the comprehensiveness of the rights protected; (ii) the mechanisms for their protection ... ; and (iii) engendering belief in the importance of human rights'.

E Santow and others (International Human Rights Lawyers Working Group), Submission to the Consultation Committee for a Proposed Western Australia Human Rights Act (31 August 2007).

Edwina MacDonald

The year and a half that I have spent with the Centre has flown and I am sad to be leaving such great people and interesting work. In the last semester I have continued to work across several of the Centre's projects, co-editing *Law and Liberty in the War on Terror* with Andrew and George, researching indigenous governance in the Torres Strait and working with the NSW Charter Group advocating for the NSW government to initiate widespread consultation on how best to protect and promote human rights in NSW. While my time at the Centre has come to an end, I hope to stay up to date with its work and look forward to receiving one of the Centre's highly sought after lunch invitations!

Ed Santow

I recently took up a position as a Senior Lecturer at the Law Faculty and then promptly joined the Centre as the Director of the Charter of Rights Project. Until the end of the year, I am dividing my time between UNSW and the Australian Law Reform Commission, where I am currently working on the Commission's inquiry into privacy law. I have also worked on the Commission's sedition and evidence law inquiries.



New Centre Staff Member Ed Santow

I have lectured at the Faculty in Public Law and Administrative Law since 2004. In addition to my academic work, I am a member of the Steering Committee of the Global Alliance for Justice Education and I do some pro bono legal work. Prior to joining the faculty, I have worked as a solicitor and as associate to a High Court judge. I have also worked as a consultant on an EU-funded project on anti-discrimination law and practice. I have a Masters of Laws from Cambridge University, where I focussed on public law and human rights.

Centre Visitors

Aleksandra Popovic Lund University, Sweden



I began my five month visiting period at the Gilbert + Tobin Centre of Public Law in September and it has already proven to be enormously stimulating and rewarding. After an initial setback in the form of a flu epidemic I am now completely settled and I am in full progress with fulfilling the purpose of my visit which is to research the development of evidential rules and concept in common law countries and how the problems

with their applicability in refugee determination procedures have been dealt with in Australia. This research forms part of my PhD thesis on the development of evidential rules and concepts in both common law countries and civil law countries and their applicability in the refugee determination procedures of the modern legal systems. My study encompasses several areas of law and I am pleased to have been able to come to a Faculty where there are active researchers in all those areas. Already within my first month of visiting the Centre I have been fortunate to get fruitful feedback from Jane McAdam, Ed Santow, Arthur Glass and Gary Edmond and I am forever grateful to them for lending me their time. I would also like to take the opportunity to express my sincere appreciation to all of the staff at the Centre for making me feel so welcome, and for helping me with all those millions of practical things that need to be done before one can get settled. A special note of thanks goes to Jane McAdam and George Williams, for making my visit possible in the first place.

Joo-Cheong Tham



In July this year, I commenced my study leave from the Law Faculty, University of Melbourne, in a most congenial way by spending over two weeks in the Gilbert & Tobin Centre. During this time, I chaired a vibrant debate between Professor Kent Roach and Dr Ben Saul that was held as part of the Centre's Symposium on Law and Liberty in the War on Terror. More informally, I continued the stimulating discussions I have had on counter-terrorism laws with George Williams and Andrew Lynch. I benefited especially from their thoughts on a comparative study I am undertaking on UK and Australian control orders under the auspices of a British Academy Visiting Fellowship.

During my visit, I also had the opportunity to present a paper on non-standard employment at a Faculty seminar (thanks to Belinda McDonald and George Williams for organising this). As a follow up to the Roundtable on Political Finance Reform I co-organised with the Centre in March this year, I also met with representatives of the NSW Greens and the Public Interest Advocacy Centre. As importantly perhaps, I enjoyed several wonderful meals with members of the Centre.

Thanks to members of the Centre and the UNSW Law Faculty for making me very welcome and, in particular, to George Williams for making the visit possible.

Lawrence McNamara



Arriving at the Gilbert + Tobin centre in July, I had the pleasure of spending a little over two months there. The plan had been to spend six months there while on research leave from Macquarie University but (because even the best laid plans ...) this was truncated when I was offered an academic post in the UK that would commence in October. I could not have had a better place to spend the time before I left Australia.

The main focus of my time at the Centre was a project that examines the potential and actual effects that Australian counter-terrorism laws have on public discussion and access to information. The project analyses how the laws affect the media's ability to investigate and report on matters of public interest, and explores how democratic commitments to media freedom might best be balanced against contemporary demands of national security. From July to September, I conducted around 20 interviews with journalists, media lawyers and criminal lawyers to establish what is happening on the ground when the media are reporting on national security issues, and presented preliminary findings of the research at staff seminars at UNSW and elsewhere.

I was fortunate to be at the Centre in early July when the excellent Law, Liberty and the War on Terror conference was held. It was also around this time that Dr Mohamed Haneef was arrested and charged with terrorism offences in circumstances where access to and the release of information was highly contentious. The Centre provided a friendly, stimulating, interdisciplinary environment where I was able to discuss the issues and events that were at the heart of my research and the project is all the better for it. I am grateful to a number of people in the Centre and the Faculty who made the experience valuable and enjoyable, though I need to single out Andrew Lynch and Edwina McDonald for special thanks. I look forward to spending some warm sunny days at the Centre in future. Not that there is anything wrong with the view from my new office in the UK where the light from the daily moment of November sunshine refracts beautifully through the rain and colours the grey skies just a little ...

Postgraduate Research

Mitchell Landrigan



My PhD topic compares political speech and religious speech in a legal context in Australia.

My recently completed draft chapter, contrasting political speech and religious speech, explores political and religious speech in relation to topics such as marriage, stem-cell research, welfare agencies and Sunday trading. I examine religious language in religious communities, and also consider how language can be a tool for monitoring religious compliance in religious communities.

Using some of Foucault's writings (especially on the role of the 'pastorate'), I also look at the prominence of sexuality in Christian religious language.

I contend that, while it can be difficult to distinguish political speech and religious speech, religious speech that purports to be independent of external interpretative influences – exegetical revelation – ought not to be treated as political discourse with respect to the implied

constitutional freedom of political discourse. Such expression may, however, be protected under section 116 of the Constitution – at least in relation to Commonwealth laws – as relating to the free exercise of religion.

My next piece of research will focus on freedom of political and religious movement and association.

Social Justice Inter Report

Talia Epstein



Over the past semester, I've been very fortunate to be a social justice intern at the Centre. Timing is everything, and this semester was a particularly opportune time to undertake the internship – with Commonwealth takeovers of hospitals, an

intervention in the Northern Territory, and a federal election on the horizon, there was ample material in the public arena on which the Centre could carry out research and provide commentary and analysis. I was certainly never short of work and have enjoyed every minute!

From my first week onwards, I was launched into often daunting but interesting and challenging tasks. While at the Centre, I undertook a range of tasks, including co-writing a Sydney Morning Herald opinion piece with Andrew Lynch on the Mersey hospital takeover; writing my own piece for Australia Policy Online on the impact of 'aspirational nationalism' on democratic participation; and assisting Sean Brennan and Edwina MacDonald in researching the Centre's submission to the Senate inquiry on the Northern Territory intervention legislation. These tasks took me outside of the work typically required in a law school course, and I learnt many practical skills that I would probably not have experienced otherwise at law school.

In addition, I was fortunate to be involved with two ongoing projects during my internship. The first was the Charter of Rights project: as part of my work for this project, I prepared and delivered a presentation to the NSW Charter group on the importance of having a state charter of rights in NSW and ways in which individuals would benefit from the protection of a charter. Second, I recently started working on a website project with Sean Brennan in relation to the NT intervention. The aim of the project is to provide a range of fact and evaluation sheets on the key issues raised by the intervention, highlighting legislative provisions; commentary and analysis; and government justification for the measures. I have found this work particularly interesting and topical, and I have learnt a lot in the process.

I would like to thank the Centre for providing such an interesting and worthwhile internship. It has been a fantastic opportunity to work with such a committed group of people, and in particular, Andrew Lynch, Sean Brennan and Edwina MacDonald have made the experience especially enjoyable.

'Committees can assist in ensuring that pieces of counter-terrorism legislation are properly deliberated... [and] I... maintain that proper deliberation of such legislation is a 'democratic tradition' to which Australia should adhere...'

Dominique Dalla-Pozza, 'The Conscience of Democracy? The Role of Australian Parliamentary Committees in Enacting Counter-Terrorism Laws,' The Australasian Study of Parliament Group 2007 Conference.

Project Reports

'The Thomas case exposed a worrying ambiguity towards the rule of law amongst powerful voices in the Australian community. The suggestion that the primary responsibility of courts is to support the national security agenda of the other arms of government or to decide cases in a way consistent with community fears about terrorists demonstrates the extent of this problem.'

Andrew Lynch, 'Maximising the Drama: 'Jihad Jack', the Court of Appeal and the Australian Media' (2006) 27 *Adelaide Law Review* 311.

Charter of Rights

Project Director: Edward Santow

On 25 September 2007, the University of Melbourne hosted the *Protecting Human Rights Conference*, which involved the collaboration of the Centre for Comparative Constitutional Studies, RegNet at the ANU and the Gilbert + Tobin Centre of Public Law. The conference focussed on three main themes: the integration of human rights protection in the law-making process; the role of the courts in interpreting human rights law; and moving beyond civil and political rights to protect economic, social and cultural rights.



Audience and Panel at the Human Rights Conference in Melbourne

The Centre Director, George Williams, led a session discussing recent developments in Australian human rights law. This included discussion on the reform process in Western Australia, which is currently conducting an inquiry into the establishment of a Human Rights Act. The chair of that inquiry, Fred Chaney, and the WA Attorney-General, Jim McGinty, both noted the strong support in the WA community for better human rights protection.

Among the other speakers at the conference, Murray Hunt, the Legal Adviser to the UK's parliamentary Joint Committee on Human Rights, explored how the UK Human Rights Act encourages the three arms of government all to work to promote the protection of human rights. Another speaker, Senator Marise Payne, explained how the parliamentary committees can serve important roles in ensuring that legislation is framed to protect human rights.

Currently, Victoria and the Australian Capital Territory remain the only jurisdictions to have enacted a human rights statute or charter. As noted above, WA has begun a process of reform in this area.

Additionally, in October 2007, the Tasmanian Law Reform Institute released its final report, which recommended the enactment of a state Charter of Human Rights that largely follows the models in Victoria and the ACT.

Ed Santow has recently taken over as director of the Charter of Rights Project. Ed joined the Faculty of Law as a Senior Lecturer in July 2007.

Climate Change 'Refugees' and International Law

Project Director: Jane McAdam

The issue of climate change remains firmly on the political – and public – agenda, and as such there has been considerable interest in the Centre's Project on climate-induced displacement. In December, Project Director Jane McAdam organised and spoke on a climate-induced displacement panel at Oxford University's multidisciplinary conference *'An Unsettled Future? Forced Migration and Refugee Studies in the 21st Century'*, hosted by the Refugee Studies Centre. In November, she presented at the inaugural workshop of the UNSW Climate Change Law and Policy Initiative, organized by Rosemary Rayfuse of the UNSW Law School. In October, Jane was invited with the Hon Murray Wilcox QC to address the NSW Bar Association on 'Some Legal Aspects of Climate Change'. In September, she gave a seminar for the Jesuit Refugee Service on the status of climate change 'refugees' in international law, and prepared a briefing paper on this issue for the United Nations High Commissioner for Refugees' annual Executive Committee meeting in Geneva, on behalf of the Australian Refugee Rights Alliance. During August, Jane addressed two HSC Legal Studies conferences – for students and teachers respectively – about the role of human rights law in assisting people at risk of climate-induced displacement. In July, she tutored for the third time at Oxford University's Refugee Studies Centre's International Summer School in Forced Migration. Over the past six months, Jane has been interviewed on ABC and community radio, including presenting a spoken opinion piece on 'Climate Change 'Refugees' and International Law' on ABC Radio National's Perspective program (reprinted earlier in this newsletter). She has a number of forthcoming academic articles on climate-induced displacement.

In semester 2 this year, Jane taught a new undergraduate elective course called 'Forced Migration and Human Rights in International Law'. Part of the assessment involved a mock negotiation on climate-induced displacement between different interest groups: the governments of Australia, New Zealand, Kiribati, Tuvalu and Papua New Guinea; the United Na-



Jane McAdam and students she tutored at the University of Oxford's Refugee Studies Centre International Summer School in Forced Migration

tions High Commissioner for Refugees; legal academics; and Amnesty International. The objective of the negotiation was to develop a strategy for dealing with climate-induced displacement in the South Pacific region, which was cognisant of and responsive to international law principles. The students came up with thoughtful and innovative ideas, and enjoyed applying their research on climate-induced displacement in this practical and interactive way. A number of students subsequently went on to develop independent research essays on particular aspects of displacement caused by climate change, some of which may be published in due course on the Project website.

Jane has been awarded the Law School Research Fellowship for 2008, which will enable her to devote the second half of 2008 solely to her research on climate-induced displacement and international law.

Homelessness Legal Rights

Project Director: Cassandra Goldie

This edition features the final report from the Homelessness Legal Rights Project. Commenced in 2003, the Project provided an online clearing house, and periodic e-bulletin about developments in the area of homelessness, the law and human rights. The Project featured updates on current developments in law reform, and policy, as well as advocacy and campaign initiatives within Australia, and at international level. The Director of the Project, Cassandra Goldie, was also involved in a range of collaborations, domestic and international conferences, and workshops seeking to promote housing as a human right.

Supported in part by the Law and Justice Foundation of New South Wales, the establishment of the Project was initially inspired by the Director's experiences whilst practicing in Darwin, in the Northern Territory,

which at the time had the highest rate of homelessness in any capital city. It was clear that, by reference to international human rights standards, many homeless people experienced daily human rights violations, including forced evictions, lack of ability to secure adequate housing, and violation of their right to be treated with dignity and respect. Based in the far North, the Director saw the value of fostering links between various organisations and individuals around Australia seeking to promote and secure adequate and culturally appropriate housing – as a human right. In collaboration particularly with Phil Lynch, then Coordinator of the Melbourne Homeless Persons' Legal Clinic, Livia Carusi, then Coordinator of the Supported Accommodation Advocacy Program, and Centre Director, Professor George Williams, the Director designed the Project to share current developments amongst the growing network of homelessness advocates using a rights-based approach. Ken Fernandes, then Coordinator of the Centre of Housing Rights and Evictions – Asia Pacific Program was also a key supporter of the Project as was Noel Murray, Editor of Parity Magazine of the Council to Homeless Persons.

Since the Project commenced in 2003, the landscape of debate about the rights of people who are homeless, and the level of advocacy and direct legal service to people who are homeless has changed dramatically. Prior to 2000, for example, a handful of legal journal articles had gone to print. Since that time, over 100 journal articles have been published by Australian authors about various 'rights-based' issues affecting people who are homeless. In the last five years, a network of specialist homelessness legal services have developed, commencing with the Victorian Homeless Person's Legal Service, then the Queensland HPLC based with QPILCH, the NSW Homeless Persons Legal Service with PIAC, and the South Australian Homeless Persons Legal Clinic with the Welfare Rights Service. A similar service in Western Australia is currently in development.

'Although precise numbers of those likely to be displaced as a result of global warming are impossible to ascertain, scientists place the figure at somewhere between 50 million and 250 million in the next 50 years.'

Jane McAdam on 'Climate Change "Refugees" and International Law' at the NSW Bar Association on 24 October 2007:

Networks of these legal services, non-government organisations and other advocates have prepared numerous submissions and reform proposals in the areas of public space laws, criminalisation of people living in public areas, human rights standards associated with eviction laws, voting rights, non-discrimination on the grounds of social status and others. Groups have also prepared 'shadow reports' to UN human rights treaty bodies, and many groups were actively involved in securing the visit to Australia in 2006 of the UN Special Rapporteur on the Right to Adequate Housing, Miloon Kothari. The Rapporteur delivered his Report to the UN Human Rights Council earlier this year, describing Australia as facing a hidden 'housing crisis'. Not so hidden anymore.

At the national level, progress has been made, slowly but surely, towards the adoption of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. The Optional Protocol would create an individual complaints mechanism for violations of these social rights, including the right to adequate housing and protection from forced evictions.

As such, the Homelessness Legal Rights Project has had much to share and report over the last four years.

The Project's Management Group comprised Phil Lynch and Centre Director, George Williams. It also had the privilege of a broad-based, and highly skilled Advisory Group including Alison Aggarwal (now Director of the NSW Combined Group of Community Legal Centres), Andrea Durbach (Associate Professor and Director, Australian Human Rights Centre), Livia Carusi (former CEO, Financial and Consumer Rights Council, Victoria), Brendan Edgeworth (Associate Professor, Faculty of Law, UNSW), Ken Fernandes (former Coordinator, Centre on Housing Rights and Evictions - Asia Pacific Program), Emma Golledge (former Coordinator, Homeless People's Legal Service, NSW), Anne Gosley (Secretary, Homeless People's Association, Victoria), Malcolm Langford (former Senior Legal Officer, Centre on Housing Rights and Evictions - Geneva), Bill Mallanack (Coordinator, Homeless Person's Legal Clinic, Welfare Rights Centre, South Australia), Rivkah Hissim (Poverty and Rights Policy Analyst, Victorian Council of Social Services), Dianne Otto (Associate Professor, Faculty of Law, University of Melbourne, Victoria), Michele Slatter (Associate Professor, Faculty of Law Flinders University, South Australia), Monica Taylor (Former Coordinator, Homeless Person's Legal Clinic, Queensland Public Interest Law Clearinghouse, Queensland), and Tamara Walsh (Lecturer, T C Beirne School of Law, University of Queensland).

The Director and the Centre are deeply indebted to these persons for their ongoing high quality advice and support, and to all those individuals and organisations who generously contributed articles and

information to the Project. A sincere thank you also to the Law and Justice Foundation of New South Wales for its financial contribution to the Project.

At the present time, the international human right to adequate housing remains unprotected in Australian domestic law. Australia has been criticised for its failure to implement its international obligations under the International Covenant on Economic, Social and Cultural Rights by the UN Committee on Economic, Social and Cultural Rights, responsible for monitoring our performance. The two 'charters of rights' now adopted in the ACT and Victoria do not include the right to adequate housing, nor other economic, social and cultural rights. It is encouraging that Tasmania is now actively considering the adoption of its own charter of rights. The report by the Tasmanian Law Reform Institute recommends that economic, social and cultural rights, including the right to adequate housing, be included in any charter adopted by that State. With the 'housing crisis' now well underway, the need for basic legal protections to have access to basic housing, and minimum protections from arbitrary forced evictions becomes even more pressing.

This Project is dedicated to Mr Johnny Balaiya who fought long and hard for the rights of people called 'homeless' who live in the long grass in Darwin, Northern Territory. He inspired its inception and continues to be an inspiration.

Indigenous Rights, Land and Governance

Project Director: Sean Brennan

In sheer scale, the Commonwealth Intervention in Northern Territory Aboriginal communities is one of the most far-reaching uses of law to achieve social and economic objectives that Australia has seen. The package of legislation underpinning the Intervention passed through Parliament with minimal scrutiny and only a day's hearing before the Senate Legal and Constitutional Affairs Committee in August 2007. No one questions the need for decisive government action on the range of very serious problems facing Aboriginal communities. And a broad-based approach is better than the piecemeal, underfunded and short-term measures that governments at all levels have tended to use in the past. But such a large and sometimes unapologetically coercive use of law warrants close assessment and monitoring by the community.

The Centre has decided it could make a contribution to that process with a small website project devoted to better understanding the Intervention and its implementation. As a first step we are disaggregating the Intervention into its constituent parts, which number a dozen or more depending

'A non-Aboriginal property holder in the Northern Territory whose property rights are taken away by government has access to a statutory compensation regime. Why should traditional owners have to climb over numerous additional legal obstacles to obtain compensation, by proving that a constitutional 'acquisition of property' has occurred?'

Sean Brennan and Talia Epstein, Submission to Senate Inquiry into Commonwealth Intervention on Aboriginal Communities in the Northern Territory (9 August 2007)



Lunch with Indigenous Law Centre

on how they are counted. Around the time this newsletter is published the Centre will be posting on its website the first round of fact sheets and evaluation sheets looking at issues like the quarantining of social security (income management) and the regulation of community stores. Each fact sheet will address the basic legal and policy content of the measure. Each evaluation sheet will look at the implementation of the measure to date, criticisms made and responses to those criticisms. Hyperlinks will direct readers to further information and indicate the sources we have relied on.

Meanwhile, Project Director Sean Brennan has been continuing research in both land rights and native title. With help from Peta MacGillivray, one of UNSW's talented Indigenous students, the Centre is closely following the High Court litigation over fishing licences in the Northern Territory on Aboriginal land. That case will be heard in December and presumably judgment will be delivered in the course of 2008.

International Trade and Development

Project Director: Bryan Mercurio

The time has come for my close association with the Centre to end as I take leave from UNSW to take up a Professorship at The Chinese University of Hong Kong. My five and a half years at the Centre has been immensely rewarding and enriching, and I can truly say that I would not be the scholar or person I am today (for what it's worth) if not for the experience.

I am most grateful for George Williams for providing the opportunity to experience Centre life. I am also richer for having been able to work closely with the other Centre affiliated researchers, including my rival for Centre longevity Sean Brennan, and other great intellectuals such as Megan Davis and Devika Hovell. The list is too long to mention, so I won't even attempt to thank all that have provided insight, critique, humour and friendship. I do want to extend particular thanks, however, to Centre administrator Belinda McDonald for her support throughout my time at the Centre.

Initially hired as the Director of the Electoral Law Project, the Centre provided the perfect entrée into academic life. This project, conducted under the guidance of George Williams and Graeme Orr, investigated an important but often neglected area of the law. The project was tremendously successful in meeting its objectives of raising awareness of the importance of electoral law as part of the broader sphere of public law. As importantly, research from the project continues to have a major impact in the community. Project research has been used and cited by the High Court, relied upon in parliamentary committees and cited in scholarly publications. Personally, it has been particularly gratifying to see my work on electronic voting and expatriate voting playing a large role in shaping and further developing public policy in those two areas.

Throughout the Electoral Law Project, I continued researching and writing on international trade law. Research into this area is my true passion, and upon the expiration of the electoral project and my transition to a full-time academic, I became the Director of the newly established International Trade and

'In order to truly benefit from economic and trade policy changes ... nations must also implement important changes to their legal and regulatory framework. Such legal and regulatory changes are needed in order to provide certainty for the business community, traders and investors. In fact, a properly designed legal and regulatory framework is another 'necessary' component to growth and development as the lack of legal and regulatory stability not only increases the cost of doing business for all traders (both locals and foreigners) but is also responsible for investors (again both domestic and foreign) redirecting their capital elsewhere'.

Bryan Mercurio, *Growth and Development: Economic and Legal Conditions* (2007) 30 *University of New South Wales Law Journal* (Thematic Issue on International Trade Law) 437.

Development Project. My research on free trade agreements, trade and public health, trade and development and dispute settlement in the WTO continued to flourish and the Project also hosted a successful Symposium on WTO Law which brought leading Australian and international scholars together for a day of interesting papers and lively discussion and debate. In a sense, it is a shame the project has not been able to run its course, as further engagement with the community on trade and development issues had been planned, only some of which can now be implemented.

I look forward to seeing a continued steady flow of important research come from the Centre and remaining part of it as the Hong Kong correspondent.

Terrorism and Law Project

Project Director: Andrew Lynch

In October, the Project Director travelled to the United Kingdom in order to deliver the Australian perspective on a panel titled 'Comparative counter-terrorism: what can we learn?' at an event organised by the Centre for the Study of Human Rights at the London School of Economics. The day long summit was held at the LSE on 5 October under the heading *Human Rights and Counter-Terrorism: Reframing the Debate*. It was a magnificent opportunity not just to update the audience on Australia's stance on extraordinary rendition, the use of intercept evidence and the impact of anti-terrorism measures on human rights, but to gain a sense of the state of play in the UK – and where developments there are headed. Particularly interesting was hearing from Lord Alex Carlile of Berriew QC, the UK's Independent Reviewer of anti-terrorism laws and operations. Andrew thanks Professor Conor Gearty, the Director of the Centre for the invitation to speak at this event and the support of his visit by the LSE.

The UK's Labour Government under Gordon Brown is considering an extension of the pre-charge detention period from the existing 28 days to a 56 day timeframe. Consequently, there was much interest in Australia's open-ended pre-charge detention, recently utilised in respect of Dr Mohamed Haneef. Another area in which those in the UK are keenly watching Australia (and elsewhere) is the use made of intercept evidence in terrorism cases. UK law currently does not allow for intercept evidence to be used in prosecutions but several recent parliamentary reports have favoured reversing this position.

Andrew also gave papers on Australia's law and approach to national security at the University of Leeds and the University of Durham. He thanks Professor Clive Walker and Steven Wheatley in the School of Law at Leeds and Professor Gavin Phillipson at Durham for making both visits possible and

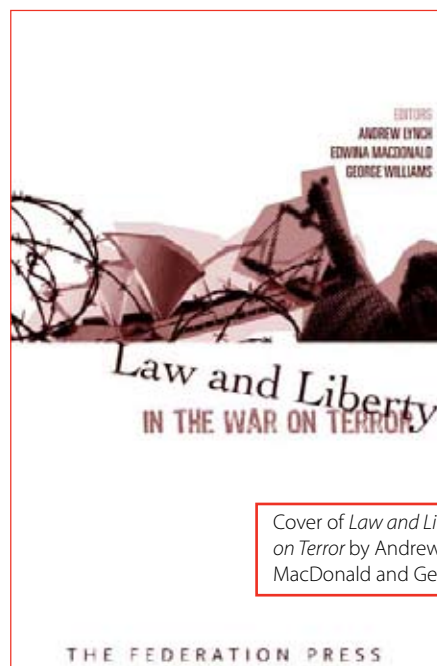
so enjoyable. Gavin is scheduled to visit the Gilbert + Tobin Centre in early 2008 and we look forward to extending to him as hospitable a welcome to Sydney as he gave Andrew to Durham!

The other major development for this Project in the last six months has been the publication of *Law and Liberty in the War on Terror* by Federation Press. This book, co-edited by Andrew, Edwina MacDonald and George Williams brings together 20 chapters reflective of the papers and debates at the Centre's 'Symposium on Law & Liberty in the War on Terror' in July (which was featured in the last issue of the newsletter). The book is more than a record of that very successful event – it is a major and important contribution to Australian scholarship in the area in its own right. Like the symposium, it features a full spectrum of perspectives from those who defend the anti-terrorism laws in their entirety, those who think they are not at all necessary, and the many in between who accept the case for the new laws but advocate their amendment or even repeal of some aspects. The book features chapters dealing with recent developments – not just the Haneef affair, but also the High Court's decision in *Thomas v Mowbray* which is extensively discussed by Professor David Dyzenhaus and Rayner Thwaites. The contributors to the book are drawn from politics, government, the legal profession and academia.

Lastly, it must be noted that this Project, more than any other, benefited enormously from the work of Edwina MacDonald in her 18 months with the Centre. Edwina brought a great deal to all the activities relevant to this project – but her input into the many Centre submissions to parliamentary and other inquiries into anti-terrorism laws was particularly invaluable. We wish her all the best!

'While many of Australia's anti-terror laws are in good shape, others are not. The unfairness and injustice in the Haneef case can be too easily seen in other laws that have yet to be pressed into service. These laws also require attention lest we see another case like Dr Haneef's.'

George Williams 'Dodgy Outcome Demands Review' *The Australian* (1 August 2007).



Cover of *Law and Liberty in the War on Terror* by Andrew Lynch, Edwina MacDonald and George Williams

Publications and Presentations

PUBLICATIONS

Joint Publications

Mary Crock and Ed Santow, 'Privative Clauses and the Limits of the Law' in M Groves and HP Lee (eds), *Australian Administrative Law: Fundamentals, Principles and Doctrines*, Cambridge University Press, Sydney, 2007;

Dominique Dalla-Pozza and George Williams, 'The Constitutional Validity of Declarations of Incompatibility in Australian Charters of Rights' (2007) 12 *Deakin Law Review* 1;

Justin Hogan-Doran, Jane McAdam, Tim Stephens and Brett Williams, 'Cases involving Questions of Public International Law' (2006) 26 *Australian Year Book of International Law* 237;

Andrew Lynch, Edwina MacDonald and George Williams (eds), *Law and Liberty in the War on Terror*, Federation Press, Sydney, 2007;

Andrew Lynch and Tessa Meyrick, 'The Constitution and Legislative Responsibility' (2007) 18 *Public Law Review* 158;

Andrew Lynch and George Williams, 'The High Court on Constitutional Law – the 2006 Statistics' (2007) 30 *University of New South Wales Law Journal* 188;

Edwina MacDonald and George Williams, 'Combating Terrorism: Australia's *Criminal Code* since September 11, 2001' (2007) 16 *Griffith Law Review* 27;

Edwina MacDonald and George Williams, 'Banned Books and Seditious Speech: Anti-Terrorism Laws and Other Threats to Academic Freedom' (2007) 12 *Australia & New Zealand Journal of Law & Education* 29;

Alex Reilly, Larissa Behrendt, Ruth McCausland, Mark McMillan and George Williams, 'The Promise of Regional Governance for Aboriginal and Torres Strait Islander Communities' (2007) 1 *Ngiya: Talk the Law* 126.

Andrew Lynch

'Achieving Security, Respecting Rights and Maintaining the Rule of Law' in A Lynch, E MacDonald and G Williams (eds), *Law and Liberty in the War on Terror*, Federation Press, Sydney, 2007;

'Should Australia's Muslim Communities really be concerned about Anti-Terrorism Laws?' (2007) 16(2) *Human Rights Defender* 7;

'Maximising the Drama: 'Jihad Jack', the Court of Appeal and the Australian Media' (2006) 27 *Adelaide Law Review* 311.

Jane McAdam

'Regionalizing International Refugee Law in the European Union: Democratic Revision or Revisionist Democracy?' (2007) 38 *Victoria University of Wellington Law Review* 255;

'Climate-Induced Displacement', Australian Refugee Rights Alliance discussion paper for UNHCR Executive Committee Meeting in Geneva (September 2007);

'Review: *International Migration Law: Developing Paradigms and Key Challenges*, by R Cholewinski, R Perruchoud and E MacDonald (eds)' (2007) 19 *International Journal of Refugee Law* 593;

'Review: *European Asylum Law and International Law*, by H Battjes' (2007) 19 *International Journal of Refugee Law* 593.

Bryan Mercurio

'Growth and Development: Economic and Legal Conditions' (2007) 30 *University of New South Wales Law Journal (Thematic Issue on International Trade Law)* 437.

Ed Santow

'Review: *What Price Security: Taking Stock of Australia's Anti-Terror Laws* by A Lynch and G Williams' (2007) 89 *Reform* 82;

'Review: *The Rights of Refugees under International Law* by Hathaway' (2007) 89 *Reform* 86.

PRESENTATIONS

George Williams

'Parliamentary Protection and Promotion of Human Rights – What does the Charter Mean for MPs?', Parliament House, Melbourne, 4 December 2007;

'Star Wars gripped viewers from the very beginning. After the ponderous 2001: A Space Odyssey of a decade before, people were ready for a fast-paced romp through the galaxies that did not take itself too seriously.'

George Williams 'The Forum: 30th Anniversary of Star Wars', *Weekend Australian* (3 November 2007).

‘...trade and financial policies cannot truly be effective in assisting the growth and development of any nation without the backing of a sound legal and regulatory framework which recognises and protects property rights, whose bureaucracy and institutions operate efficiently and effectively, where policies are enforced through the rule of law, with minimal levels of corruption and bribery, and by governments who are willing to stay the course and thereby deliver both economic and legal stability to their country’.

Bryan Mercurio, Growth and Development: Economic and Legal Conditions’ (2007) 30 *University of New South Wales Law Journal* (Thematic Issue on International Trade Law) 437.

‘What does the Charter Mean for Ministerial Advisers?’, Parliament House, Melbourne, 4 December 2007;

‘Litigation Workshop’, *Working for a Fair, Just & Democratic Society in the 21st Century*, Public Interest Advocacy Centre Conference, Sydney, 19 October 2007;

‘Human Rights and Australian Identity in the Age of Terror’, Amnesty International Australia, University of New South Wales, 3 October 2007;

‘Australian Human Rights Acts: The Current State of Play’ 2007 *Protecting Human Rights Conference*, University of Melbourne, 25 September 2007;

‘Scandals, Embarrassments and Political Mistakes’, *Writing History Festival*, NSW Writers’ Centre, 22 September 2007;

‘A Bill of Rights: Democratic Development or Judicial Power Grab?’ Public Debate, Australian Institute of Administrative Law, Adelaide, 30 August 2007;

‘Writing Policy: A Rights Policy Dialogue’, *Melbourne Writers’ Festival*, 25 August 2007;

‘An Australian Charter of Rights? Lessons from the Victorian Charter of Human Rights and Responsibilities’, Gilbert + Tobin Lawyers, 22 August 2007;

‘Why is the NSW Government against a Bill of Rights?’, Australian Fabians, Sydney, 25 July 2007;

‘The Races Power and the 1967 Referendum’, *National Forum on the ‘67 Referendum: 40 Years On – Where to Now?’*, UNSW Indigenous Law Centre, 20 July 2007.

Sean Brennan

‘Indigenous Affairs and the Commonwealth Intervention in the Northern Territory’, Warrane College, UNSW, Sydney, 8 October 2007.

Dominique Dalla-Pozza

‘The Conscience of Democracy? The Role of Australian Parliamentary Committees in Enacting Counter-Terrorism Laws’, *Australasian Study of Parliament Group 2007 Conference*, Adelaide, 23-25 August 2007.

Andrew Lynch

‘Australia’s Anti-Terrorism Laws - Where They Stand and What’s Next?’, Occasional Seminar, Judicial Commission of New South Wales and the District Court Education Committee, Sydney, 29 November 2007;

‘Comparative Counter-Terrorism: what can we learn? Extraordinary Rendition, Intercept Evidence and ‘Setting Aside’ Rights’, *Human Rights and Counter-Terrorism: Reframing the Debate*, Centre for the Study of Human Rights, London School of Economics, United Kingdom, 5 October 2007;

‘Some Observations on Australian Anti-Terrorism Law and Civil Liberties’, Department of Law, University of Durham, United Kingdom, 3 October 2007;

‘International Influences on Australian Anti-Terrorism Law’, School of Law, Leeds University, United Kingdom, 2 October 2007;

‘Perspectives on Federalism’, *National Industrial Relations Conference*, Queensland Department of Employment and Industrial Relations, 11 September 2007;

‘Securing Our Freedoms’ Panel Discussion, Amnesty International, University of Adelaide, 31 July 2007.

Jane McAdam

‘Climate-Induced Displacement and the Challenges for Protection’, *An Unsettled Future? Forced Migration and Refugee Studies in the 21st Century*, Refugee Studies Centre, University of Oxford, 7-8 December 2007;

Closing Address, ‘The United Nations, Climate Change and Human Rights’, *Sydney University Model United Nations Conference*, 25 November 2007;

Climate Change Seminar (with the Hon Murray Wilcox QC), *NSW Bar Association*, 24 October 2007;

Closing Ceremony, *China Model United Nations Conference*, Heilongjiang University, Harbin, China, 14 October 2007;

‘Climate Change ‘Refugees’ and International Law: On or Off the Map?’, Jesuit Refugee Service, Sydney, 19 September 2007;

‘Climate Change ‘Refugees’’, NSW Teachers’ Legal Studies Student Conference, NSW Parliament House, 24 August 2007;

‘Climate Change ‘Refugees’ and International Law’ Scientia Scholars and Mentors, UNSW, 7 August 2007;

‘Human Rights Treaties’, *Understanding International Law and Human Rights*, Amnesty International Australia NSW Human Rights and Security Network Lecture Series, 1 August 2007;

MEDIA PUBLICATIONS

Joint Media Publications

Talia Epstein and Andrew Lynch, 'Selective Centralism no answer to Federal Problems' *The Sydney Morning Herald* (3 August 2007).

George Williams

Review: *Fatal Revenant (The Last Chronicles of Thomas Covenant)* Stephen Donaldson (2007), *Weekend Australian* (10-11 November 2007);

Review: *Inventing Human Rights: A History* Lynn Hunt as 'How Human Rights Took Root in the Human Conscience' *The Australian* (11 August 2007);

'The Forum: 30th Anniversary of Star Wars' *The Australian* (3 November 2007);

'Free Speech Needs Protection, But Bill of Rights is not Enough' *The Australian* (31 August 2007);

'A Charter of Rights' *Perspective*, ABC Radio National (23 August 2007);

'Vision is Needed to Drive Reforms' *The Australian* (3 August 2007);

'Dodgy Outcome Demands Review' *The Australian* (1 August 2007);

'Court Action Leaves Murray up the River' *Adelaide Advertiser* (27 July 2007);

'Both Sides Looking for a Case that Holds Water' *Sydney Morning Herald* (26 July 2007);

'A Solution Trickling Away' *The Age* (26 July 2007);

'Discerning Judge of Character' *The Australian* (7 July 2007);

'Throwing the book at terror' *Courier Mail* (25 June 2007).

Sean Brennan

'Indigenous Australians: the Preamble is a Start, But Only a Start', *Online Opinion* (15 October 2007).

Andrew Lynch

'If I were Attorney-General' *Human Rights Law Resource Bulletin* (November 2007);

'A Triumph for the law' *The Age* (22 August 2007);

'Kirby's Thomas case dissent stands in good historical company' *The Australian* (10 August 2007);

'Sacrificing rights puts us at risk' *The Australian* (24 July 2007);

'Was Haneef's phone card any more than an indiscretion?' *The Age* (16 July 2007).

Jane McAdam

'Climate Change Refugees and International Law', *Perspective* (17 September 2007).

SUBMISSIONS

Joint Submissions

Edward Santow (with International Human Rights Lawyers Working Group), Submission to the Consultation Committee for a Proposed Western Australian Human Rights Act (31 August 2007);

Sean Brennan, Talia Epstein and Edwina MacDonald, Supplementary Submission to Senate Legal and Constitutional Committee Inquiry into Commonwealth intervention in Aboriginal communities in the Northern Territory (10 August 2007);

Sean Brennan and Talia Epstein, Submission on compulsory acquisition of Aboriginal property rights for Senate Legal and Constitutional Committee Inquiry into Commonwealth intervention in Aboriginal communities in the Northern Territory (9 August 2007);

Andrew Lynch, Edwina MacDonald and George Williams, Submission made to Senate Legal and Constitutional Legislation Committee 'Inquiry into the Classification (Publications, Films and Computer Games) Amendment (Terrorist Material) Bill 2007' (10 July 2007).

George Williams

Submission made to Senate Environment, Communications, Information Technology and the Arts Committee 'Inquiry into the National Greenhouse and Energy Reporting Bill 2007', August 2007.

Submission made to Senate Legal and Constitutional Legislation Committee 'Inquiry into the Australian Citizenship Amendment (Citizenship Testing) Bill 2007', June 2007.

'We need national leadership with the courage, patience, wisdom and humility to sit down with Indigenous peoples and work through the whole agenda of Unfinished Business, not just the important but easier symbolic stuff.'

Sean Brennan,
'Indigenous Australians: the Preamble is a Start, But Only a Start',
Online Opinion, 15 October 2007.

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Gilbert + Tobin Centre
Christmas party lunch

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Professor Peter Saunders, Social Policy Research Centre, UNSW

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