



Welcome to this e-mail update on the activities of the [Gilbert + Tobin Centre of Public Law](#) at the University of New South Wales. Our July [newsletter](#) was the first to appear in an electronic version and met with a very positive response. The purpose of the e-bulletins of March and September each year is simply to keep friends of the Centre briefly informed on the many activities which occur between publication of the biannual newsletter as well as what is coming up in the near future.

On 6-7 July the Centre held a [Terrorism and Law Expert Roundtable](#) which examined the post-9/11 counter-terrorism laws in Australia and other Western jurisdictions as a stark demonstration of the increasing trend towards what David Garland presciently labelled a 'culture of control' in State regulation. The focus of papers presented at the event was on the impact of these developments generally on democratic institutions and the criminal justice system beyond the immediate context of national security. Leading practitioners and academics from the fields of public and criminal law attended the Roundtable, with Australian contributors being joined by experts from Canada, New Zealand, the United States and the United Kingdom. The papers from the Roundtable are due to be published by UK publisher Routledge-Cavendish in May 2010 in a book titled [Counter-Terrorism and Beyond: The Culture of Law and Justice After 9/11](#).

In August the Centre had the very great pleasure of hosting [Professor Vicki C Jackson](#), Carmack Waterhouse Professor of Constitutional Law at the Georgetown University Law Center, Washington DC as a speaker at a lunchtime seminar at the Faculty. Professor Jackson's paper was titled "Engaging the Transnational: Older Constitutions, Universal Reason and Democratic Legitimacy".

During the last three months, Centre members have contributed to debate on important issues of public law through the media, speaking engagements and formal submissions to inquiries. The topics on which members have contributed have included:

- The High Court decision in [Wurridjal v Commonwealth](#);
- The creation of a [National Security Legislation Monitor](#) for Australia;

- The Greens' [Anti-Terrorism Laws Reform Bill 2009](#);
- The Rudd Government's Discussion Paper on Proposed Amendments to National Security Laws – see separately [Lynch](#), [McGarrity](#) and [Michaelsen](#);
- The case for a national [Bill of Rights](#);
- The future of [South Africa's Constitutional Court](#);
- The significance of *Pape v Commissioner of Taxation* for [fiscal federalism](#);
- The impact of predicted rising sea levels, drought and extreme weather conditions on [Climate Refugees](#) in the coming decades; and
- The publication of a festschrift for [Justice Michael Kirby](#).

Particular highlights over recent months include:

- The new edition of [Indigenous Legal Issues](#), co-authored by Sean Brennan, Centre Associates Megan Davis and Garth Nettheim, and colleagues Heather McRae, Thalia Anthony, Laura Beacroft and Terri Janke, was launched by Tom Calma, Social Justice Commissioner at the Australian Human Rights Commission;
- Ben Golder presented a refereed conference paper on '[Foucault, anti-humanism and human rights](#)' at the UniSA conference '[Foucault: 25 Years On](#)';
- Christopher Michaelsen published an article in the [Melbourne Journal of International Law](#) on the incompatibility of the United Nations Security Council's 1267 sanctions regime with European due process guarantees;
- Paul Kildea presented a refereed conference paper on 'Citizen Attitudes towards Popular Engagement in Constitutional Reform' at the [2009 Australian Political Studies Association Conference](#);
- Theunis Roux has published 'Transformative Constitutionalism and the Best Interpretation of the South African Constitution: Distinction without a Difference?' (2009) 20 *Stellenbosch Law Review* 258;
- The [submission](#) of Andrew Lynch, Nicola McGarrity and George Williams to the [Senate Standing Committee on Finance and Public Administration](#) inquiry into the National Security Legislation Monitor Bill 2009 was cited numerous times throughout the Committee's [Final Report](#);
- Two new [postgraduate students](#) have joined the Centre: Jennifer Norberry whose topic is "Law and National Security Crises – Australian Experience" and Leon Terrill whose thesis concerns "Aboriginal Land Tenure Reform in the Northern Territory";
- Liam Burgess has joined us on secondment from Mallesons Stephen Jaques to assist with the Centre's [Charter of Human Rights Project](#) and we are grateful to Mallesons for their support of the project.

## Coming Up

- [Protecting Human Rights Conference – 2 October](#)

On 2 October the Centre, with the [Regulatory Institutions Network](#) at the Australian National University and the [Centre for Comparative Constitutional Studies](#) at Melbourne Law School, University of Melbourne will be holding a one day conference discussing developments in the legislative protection of human rights in Australia.

Leading Australian and international speakers will consider the [National Human Rights Consultation](#), with both [Mary Kostakidis](#) and [Fr Frank Brennan AO](#) offering their views on the Final Report of the Committee on which they have served. The Committee will have handed its report to the Commonwealth Government just two days earlier.

Additionally, the conference program will ensure delegates receive an update of developments in the [Victorian Charter of Human Rights and Responsibilities](#), the [ACT Human Rights Act](#) and in NSW human rights law.

**It is still possible to register for this event online through the [Centre's website](#).**

- 2010 Constitutional Law Conference and Dinner

Our annual conference on constitutional law will see a return to our usual venue at the Art Gallery of New South Wales on 19 February 2010. The conference dinner that night will be at New South Wales Parliament House and hosted by the Hon John Hatzistergos, Attorney-General of New South Wales. The confirmed dinner speaker is Justice Virginia Bell, of the High Court of Australia. A full program and brochure inviting you to register for this event will be sent out shortly.

Dr Andrew Lynch  
Centre Director

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