Welcome to the September 2011 e-bulletin of the Gilbert + Tobin Centre of Public Law. This e-bulletin updates readers on the activities of Centre members since the publication of our last Newsletter in July. Those who wish to keep really up to date on Centre developments – including our research, events and media commentary – can now also follow us on Facebook and Twitter. Just click on:

![Facebook Icon](image1) ![Twitter Icon](image2)

### Events/Seminars

On 16 September 2011 the Centre hosted a half-day seminar on the subject of Administrative Law and Human Rights in Australia. The seminar included papers by Dr Matthew Groves (Monash University) on possible amendments to the Administrative Decisions (Judicial Review) Act 1977 (Cth) to incorporate human rights obligations; Peter Garrison and Nathan Hancock (ACT Government Solicitor) on the possibility of amending the Human Rights Act 2004 (ACT) to incorporate economic, social and cultural rights; and Dr Melissa Perry QC and Dr Kristina Stern (NSW Bar) on the High Court’s recent decision in Momcilovic v The Queen on the Victorian Charter of Rights and Responsibilities. Papers will be posted on our website as they come in from presenters.

Dr Andrew Schaap (Dept of Politics, University of Exeter) gave the latest presentation in the Centre’s ongoing series of Public Law & Legal Theory seminars on 11 August. Andrew’s presentation was titled ‘Aboriginal Sovereignty and the Politics of Reconciliation: The Constituent Power of the Aboriginal Embassy in Australia’ and was based upon a paper jointly authored with Paul Muldoon (Monash University). The Centre’s Sean Brennan provided a commentary on the paper before it was opened to general discussion.

The Centre hosted a brief visit by Professor AJ Brown a few weeks later, during which he made a presentation to the Faculty on the topic of ‘Constitutional Change in 2013? The Significance of Michael Kirby’s Legacy for Constitutional Recognition of Indigenous Australians and Local Government’.

Lastly, as a footnote to an earlier activity of 2011, the National Congress of Australia’s First Peoples has issued a final report on its inaugural meeting of delegates in June, including that part of the proceedings at which the Centre, in
conjunction with the UNSW Indigenous Law Centre, facilitated a workshop on constitutional reform.

Activities and Research

Over the last three months Centre members have contributed to debate on various public law issues through formal submissions and media and speaking engagements. In particular, the 10th anniversary of the September 11 attacks gave rise to much discussion about the anti-terrorism laws that have been enacted over the past decade:

- George Williams discussed how Australia’s anti-terrorism laws have restricted democratic freedoms;
- Rebecca Welsh considered the roles of judges in the ASIO terrorism questioning & detention regime in the Public Law Review;
- Christopher Michaelsen looked at how counter-terrorism laws are flawed;
- Keiran Hardy discussed religious motive and the Australian definition of a terrorist act’ in the UNSW Law Journal;
- Nicola McGarrity spoke on ‘Radio Talks’ on how far we have come in the fight against terror since September 11; and
- A number of Centre members contributed papers to this year’s Public Law Weekend at the Australian National University.

There were also several contributions made by Centre members to public reaction and debate over the High Court decision in Plaintiff M70/2011 on the Commonwealth government’s ‘Malaysian Arrangement’:

- Jane McAdam offered early analysis of the implications for offshore processing under the Migration Act on ABC Radio;
- Andrew Lynch and this semester’s Social Justice Intern, Fiona Chong, wrote on the case for The Punch;
- Fergal Davis gave readers of the UK’s Guardian a perspective on the Australian refugee situation and the ‘Malaysian solution’;
- Greg Weeks discussed both the High court’s decision and the political attacks that followed in a post to the UK Constitutional Law blog; and
- Jane McAdam, Centre Associate Ben Saul and PhD student Tamara Wood co-author with other leading Australian refugee law academics a submission to the Senate Inquiry on the Commonwealth’s ‘Malaysia Agreement’.

In addition, a range of other topics have also had attention, including:

- Paul Kildea and Andrew Lynch on the relationship between COAG and our constitutional system of responsible government;
- Ben Golder on Foucault and human rights;
• Jane McAdam, Greg Weeks, Fiona Chong and Alice Noda on mandatory detention of asylum-seekers;
• Sean Brennan on Indigenous Australians and constitutional change;
• Greg Weeks on judicial review in Australia; and
• Christopher Michaelsen on the invalidation of the NSW anti-bikie law.

Lastly, a number of the Centre’s web Resource Pages have been updated in recent weeks, namely the Federalism and Indigenous Legal Issues Resources Pages. Also, we highlight our existing resources page on the topic of Complementary Protection in light of the recent passage of the complementary protection legislation through the Commonwealth Parliament.

People

In recent weeks, we have welcomed:

• Lucas Lixinski, who has joined the Faculty as a Senior Research Fellow and the Centre as a new member;
• Assistant Professor Rosalind Dixon, visiting the Faculty from the University of Chicago Law School; and
• Two Postdoctoral Research Fellows on the Centre’s major Anti-Terror Laws and the Democratic Challenge Project, Dr Jessie Blackbourn and Dr Svetlana Tyulkina.

Upcoming Events

The Centre is holding a two day event in November: Climate Change and Migration in the Asia-Pacific: Legal and Policy Responses. This event will be addressed by leading international experts in the field as well as academics and government officials who will discuss a variety of issues related to climate change-related migration and displacement. Registration are now open.

Lastly, a date for noting in the diary: the Centre will be holding its eleventh annual Constitutional Law Conference on 17 February 2012, followed by Dinner at NSW Parliament House hosted by State Attorney-General the Hon Greg Smith SC. Full details and registration for this event will be made available shortly.

We welcome any enquiries concerning the Centre’s many activities or research. Please forward this e-bulletin or the links to information about our work over the last three months to anyone you know who may have an interest in these issues.

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