



E-bulletin December 2016

Never Stand Still

Law

Gilbert + Tobin Centre of Public Law

Welcome to the last e-bulletin for 2016 from the Gilbert + Tobin Centre of Public Law. It features some recent highlights and flags our upcoming events. Follow the hyperlinks to find more details about these activities and events. We will bring you a full Newsletter in the new year and you can find out more about Centre news and activities at any time by going to the Centre's [website](#) which is regularly updated or by following us on [Twitter](#) or [Facebook](#).

UPCOMING EVENTS

[Final Courts Roundup: Future Directions for the US Supreme Court after Clinton v Trump](#) - 12 December 2016

A special election year presentation, co-hosted with the AACL and US Studies Centre, Lvl 18, Federal Court, Sydney.

Compered by Professor Rosalind Dixon, the Roundup features Professor Phil Weiser and Associate Professor David Fontana. Phil was clerk to two US Supreme Court justices (White, Ginsburg) and is immediate past Dean of the University of Colorado Law School. He served as a Senior Advisor and Deputy Assistant Attorney General in the Obama Administration. David clerked on the US Court of Appeals (Ninth Circuit), and studied at Yale and Oxford. He works at George Washington University Law School.

Held in conjunction with the Centre's Comparative Constitutional Law Roundtable on 12/13 December, an invited workshop featuring Australian and international scholars, convened by Ros Dixon, Director of the Centre's Comparative Constitutional Law Project.





[Public Law in the Classroom 2017](#) - 16 February 2017

A big annual gathering of teachers of Australian public law, PLIC in 2017 will wrestle with key issues in public law education, as well as innovative teaching techniques and research. Online [registration](#) is free but essential and the full Program is now available. A successful collaboration with the Public Law and Policy Research Unit, University of Adelaide, since 2015.

Also on 16 February, in the evening, our friends at Sydney Law School will host the 2017 George Winterton Memorial Lecture at the Banco Court. It will feature Professor William Gummow AC QC on the topic 'Sir Owen Dixon Today'. See the flyer and the [registration site](#) for more information.



[2017 Constitutional Law Conference and Dinner](#) - 17 February 2017

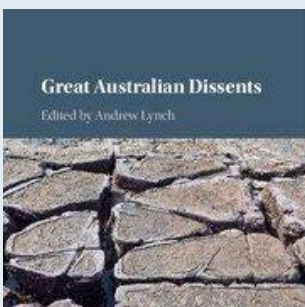
Don't miss our flagship annual conference on constitutional law looking at decisions of the High Court, Federal and State courts and contemporary issues. It will again be held at the Art Gallery of New South Wales. The program features morning keynotes from Dr Sarah Murray and Victorian Solicitor-General Richard Niall QC. Mid-morning, speakers will cover key High Court cases on electoral law (*Murphy*), acquisition of property (*Cunningham*) and eligibility of Senators (*Culleton and Day*). In the afternoon a lively panel will discuss the fascinating crossover topic of *Constitutional Law and Criminal Justice* and to conclude, 40 years on from the last time Australia voted 'Yes' at a referendum, Session 4 will feature fresh perspectives on constitutional change.

Guest speaker at the Conference Dinner, NSW Parliament House, is the Hon Catherine Holmes, Chief Justice of the Queensland Supreme Court.

Registrations are now open:

[General Registration](#)

[Academic Registration](#)



[Book Launch by Sir Anthony Mason of *Great Australian Dissents*](#) [edited by Andrew Lynch](#) - 17 February 2017

Immediately following the close of the Constitutional Law Conference, at 5.15pm adjacent to the conference theatre, there will be a book launch by the Hon Sir Anthony Mason AC KBE GBM of *Great Australian Dissents* edited by Andrew Lynch (Cambridge University Press, 2016). Featuring chapters from 21 authors, it follows a 2015 [workshop](#) supported by the Centre and UNSW Law.

Registration [online](#) is free but essential for catering purposes.



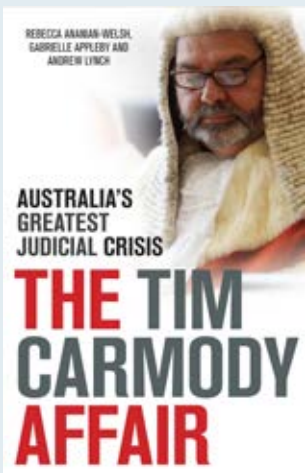
ACTIVITIES AND RESEARCH



The public stand-off between Commonwealth Solicitor-General Justin Gleeson SC and Attorney-General Senator George Brandis and its aftermath generated strong interest in Gabrielle Appleby's work on the office of Solicitor-General. Apart from the book forum and the 100 Year Celebration event reported below, Gabrielle was very busy with media appearances, online pieces for [The Conversation](#) and [Inside Story](#) and her [submission](#) to a Senate inquiry which was followed by oral evidence to the committee.



Dr Melissa Crouch has continued her active engagement with public law issues in the Asian region. With Professor Theunis Roux, she organised a workshop on the Role and Responsibilities of the Constitutional Tribunal in Naypyidaw, as reported on [state television](#). Amongst other contributions, she has commented on the pressure to prosecute the Governor of Jakarta for blasphemy, for the [East Asia Forum](#) and [Indonesia at Melbourne](#).



The launch of [*The Tim Carmody Affair: Australia's Greatest Judicial Crisis*](#) (NewSouth, 2016) sold out the Avid Reader bookshop in Brisbane on 7 October. The book was written by the Directors of the Centre's Judiciary Project, Gabrielle Appleby and Andrew Lynch, with former Centre colleague and now UQ Lecturer Rebecca Ananian-Welsh.

Other work on the judiciary has included:

- Grant Hoole's [comment](#) on remedial discretion in constitutional cases
 - the [2015 High Court Statistics](#) published in the UNSW Law Journal (Andrew Lynch and George Williams)
 - a [submission](#) to the Standing Committee on the Model Code of Professional Conduct, Federation of Law Societies of Canada, on their 'Post-Judicial Return to Practice Discussion Paper' (Gabrielle Appleby with Dr Alysia Blackham (Melb)).
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Constitutional change and Indigenous peoples:

- Sean Brennan published a chapter in the new [collection](#) *Constitutional Recognition of First Peoples in Australia* (Federation Press, 2016) edited by Simon Young, Jennifer Nielsen and Jeremy Patrick
- George Williams [wrote](#) on constitutional recognition and a treaty.

The Royal Commission on NT youth detention and child protection:

- both [Rosalind Dixon](#) and [Grant Hoole](#) wrote on the bumpy start to the Royal Commission.

UNSW Law Dean George Williams continued his opinion column in Fairfax Media, including pieces on the same sex marriage [Bill](#) and a national anti-corruption [body](#).

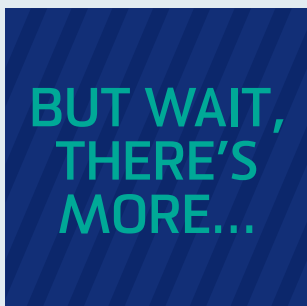


The AUSPUBLAW, the Australian Public Law Blog, is now managed by an editorial team of three: the inaugural Blog Co-ordinator Gabrielle Appleby, with Dr Paul Kildea and PhD student Lynsey Blayden. As well as monthly public law events updates, it continues to feature posts on a variety of topics including:

- the politics of [judicial diversity](#)
- [sunset clauses](#) in national security laws
- [country guidance decisions](#) in refugee cases
- [past](#) and [present](#) Senate disqualification cases
- frontline experiences of [racial vilification](#)
- the constitutional relevance of [religion](#) to the marriage equality debate
- Australia's [South Sea Islanders](#)
- creating [new States](#) from existing ones and
- the [principle of legality](#) and the Victorian Charter.



The online Indigenous Law Resources [database](#) — the result of a joint project of the Indigenous Law Centre (ILC) and the Australasian Legal Information Institute (AustLII) — now has over 1200 fully searchable documents, many of them never before digitally available. This new database, hosted on AustLII's website, provides free access to rare and important legal materials relating to Indigenous issues. Centre Director Sean Brennan assisted with the redevelopment and expansion of the database.



Professor Rosalind Dixon [wrote](#) on constitutional carve-outs in the Oxford Journal of Legal Studies.

PhD student Sarah-jane Morris posted to AUSPUBLAW on the [finality principle](#) and how it was trumped in *Kirk*.

And on the ancient but modern question of petitioning Parliament, George Williams wrote with Daniel Reynolds for the [Australasian Parliamentary Review](#) and [AUSPUBLAW](#), as well as in his [column](#) for Fairfax Media.

RECENT EVENTS



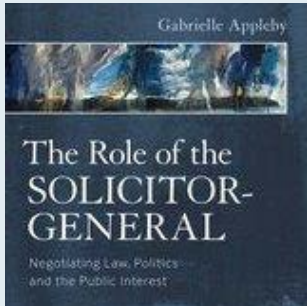
[Celebrating 100 Years of the Commonwealth Solicitor-General](#) - 24 October 2016

Around 250 people gathered in the Banco Court at an event co-hosted with the Australian Association of Constitutional Law, to celebrate 100 years since the introduction of the first Commonwealth Solicitor-General. Sir Anthony Mason, Commonwealth Solicitor-General between 1964 and 1969, opened proceedings. A panel discussion followed involving former Solicitors-General Ellicott, Griffith, Bennett and Gageler. The event was organised and moderated by Associate Professor Gabrielle Appleby. Twitter commentary from the evening is collected [here](#).



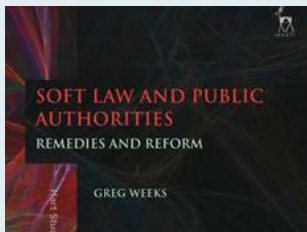
The Inaugural Mason Conversation - 4 October 2016

This new event featured a dialogue between Sir Anthony Mason, our Dean Professor George Williams and members of a large audience including many UNSW Law students. The discussion ranged over Sir Anthony's long career in public life and personal reflections delivered with his customary dry wit. An annual event named in his honour, future Mason Conversations will feature a prominent person in conversation about contemporary issues in public affairs with a particular focus on public law.



UNSW Law Book Forum: *The Role of the Solicitor General* - 7 September 2016

This series of regular forums brings author, commentators and an interested public audience together to discuss a book recently released by a Faculty member of UNSW Law. The panel discussing *The Role of the Solicitor General: Negotiating Law, Politics and the Public Interest* (Hart, 2016) featured the author Dr Gabrielle Appleby from the Centre, as well as Justice Stephen Gageler, Professor Anne Twomey and Dr Yee-Fui Ng. This UNSW Law Book Forum was organised by the series instigator, the Centre's Dr Ben Golder, who was recently promoted to Associate Professor and Associate Dean (Education). Congratulations Ben!



UNSW Law Book Forum: *Soft Law and Public Law Authorities* - 24 August 2016

The Book Forum dedicated to Greg Weeks's monograph, *Soft Law and Public Law Authorities: Remedies and Reform* (Hart, 2016) featured Professors Robin Creyke and Matthew Groves as well as Linda Pearson on the panel of commentators. It was chaired by Emeritus Professor Mark Aronson.

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Associate Professor Sean Brennan
Director