Dear Friend,

This is my first newsletter since assuming the role of Director of the Gilbert + Tobin Centre of Public Law in March. Inside you will find that we have been very busy, re-setting ourselves for the next phase of the Centre’s life with new people, projects, events and activities. At the same time the Centre’s core commitments remain at the forefront of what we do: supporting high quality scholarship; engaging with decision-makers and wider audiences; and generating opportunities by working to maintain an inclusive and supportive environment.

It is the people who make the Centre hum and the last six months has seen some significant changes in personnel. We are lucky to have Kristen Rundle, newly recruited to the Faculty from the London School of Economics, and Jason Varuhas, fresh from his PhD at Cambridge, as enthusiastic and creative new project directors. We also welcome three rising members of the Bar as our first Centre Fellows: Joanna Davidson, David Hume and Brendan Lim. This initiative offers the Centre a new way to extend our public law community, linking with members of the profession who share our interest in top-quality scholarship and external engagement.

We have also celebrated a host of personal achievements by our colleagues. The June graduation ceremony offered a bumper crop of PhD conferrals in Law. Amongst those who received their doctorates were Rebecca Ananian-Welsh and Tamara Tulich (both from the ARC Laureate Project), project director Greg Weeks, Andrew Dahdal (Macquarie University) and another friend of the Centre, our UNSW Law colleague Leon Terrill. Our warmest congratulations to them on achieving these career milestones, and to Fergal Davis, whose article on the jury as a political institution in an age of counter-terrorism won the 2013 Politics article prize in the UK.

The new edition of Human Rights under the Australian Constitution by George Williams and David Hume was launched at our February Constitutional Law conference by High Court Justice Stephen Gageler, a member of our Advisory Committee; and Andrew Lynch and I were proud to join George in producing the latest edition of Blackshield and Williams Australian Constitutional Law and Theory for Federation Press. Rosalind Dixon’s edited collection with Tom Ginsburg, Comparative Constitutional Law in Asia, was published this year by Edward Elgar.

Though very sad to see them go, we congratulate Rebecca and Tamara on their academic appointments to law schools at the University of Queensland and Western Australia respectively. Closer to home, it was great to see two post-doctoral fellows associated with the Centre, Jason Varuhas and Daniel McLoughlin, appointed to the Faculty as Senior Lecturers (Daniel from the completion of his post-doc in 2016). We thank Shipra Chordia for guiding the Federalism Project in recent years and wish her well in the transition from Research Fellow to PhD student in the Centre. And we farewell Jessie Blackbourn, who has returned to the UK after making a great contribution to Centre life, as a post-doc in the ARC Laureate Project, colleague and friend.

With these movements of staff, the completion of the ARC Laureate project, the change in Centre Directors and so on, it made sense for us to take stock, reflect and renew. We held a Centre retreat off-campus in April and I thank everyone who participated so wholeheartedly in a series of lively and focused discussions. You will see the fruits of that day continue to roll out over the coming months, particularly in terms of projects and our website. Some of you may have already sampled our new series of occasional podcasts, 10-15 minute conversations with Centre staff and visitors on recent public law developments here and overseas, available from the website.
Centre events allow us to reach out and engage with people on public law issues of contemporary importance. This year kicked off with our annual February Constitutional Law Conference, one of the best in 13 years since the event’s inception. Most recently, we hosted 19 higher degree research students from 14 institutions here and abroad at our third biennial Postgraduate Workshop in Public Law, one of our favourite events. In between, highlights have included the invited workshop on Party Discipline and the Parliamentary Process organised by Jessie Blackbourn and Fergal Davis and held at State Parliament House in June; and the National Archives of Australia’s Constitution Day Speakers Forum ‘Say what you like: a constitutional right?’, this year hosted by the Centre and later broadcast on ABC Radio National and TV. More details inside, on all of these events.

If you are a public law teacher, please put the date Thursday 12 February 2015 in your diary. With our friends at the Public Law and Policy Research Unit at the University of Adelaide, the Centre will be co-hosting Public Law in the Classroom, a workshop at UNSW for teachers of Australian public law courses. We have locked in a great program of presenters and topics, and a flyer with full details and a call for posters will be out very soon. Registration is free and it creates the opportunity for a public law trifecta across two days: the teaching workshop at UNSW, Sydney University’s 2015 Mason Lecture on the evening of 12 February with Justice Stephen Gageler and our flagship February Constitutional Law Conference and Dinner the following day!

Before closing, I acknowledge the work of those who preceded me as Centre Director. We were fortunate to have Rosalind Dixon as Acting Director from mid-2013 until I commenced in March this year. I thank Ros for her intellectual leadership and energy, amply reflected, for example, in the success of the February conference. The generosity of Sir Anthony Mason, chair of our Advisory Committee, has made possible a Postgraduate Award in Public Law – Ros was instrumental in bringing about that initiative, which will support the work of our research students in coming years. I owe a great deal to the foundational work done by the Centre’s first Director, George Williams, in establishing the Centre’s reputation for scholarship, external engagement and nurturing talent and to his successor Andrew Lynch, who led the Centre superbly and expanded our international reach and interdisciplinary collaboration. I look forward to telling you more next time about the mix of new and familiar strengths within the Centre, as I near the end of my first year in the job. In the meantime enjoy our mid-2014 newsletter and I hope to see you soon at one of our events.

Sean Brennan
Director

Our next Constitutional Law Conference and Dinner will be held on Friday 13 February 2015 at the Art Gallery of New South Wales and NSW Parliament House.
CENTRE ACTIVITIES

2014 Constitutional Law Conference and Dinner

On 14 February 2014 the Centre held its thirteenth annual conference on constitutional law, drawing over 225 participants. This conference kicks off the year by looking back at the key constitutional law decision of the previous 12 months together with panels discussing important contemporary public law issues.

The opening session, ‘The Courts on Constitutional Law’, set the tone for a high quality day of presentations, with two papers that were a pleasure to listen to. Professor Adrienne Stone, covering High Court decisions in 2013, contrasted aspirational and more modest and deferential strains within Australian constitutional case law, while Justice Mark Leeming somehow distilled clarity, humour and some provocation from the intimidating volume of constitutional cases in State and intermediate Federal courts.

The next two sessions, featuring barristers and academics from four jurisdictions, focused on where much of the constitutional action has been in recent years: the implied freedom of political communication, the principle of legality, implications arising from Chapter III of the Constitution and the Kable doctrine extending principles of judicial independence to the States. The conference rounded off with a session on Commonwealth executive power in the wake of the School Chaplains case (now commonly known as Williams No 1). Papers and a video webcast are available at the Centre website.

Still at the conference venue, Justice Stephen Gageler launched Human Rights under the Australian Constitution by George Williams, joined for this second edition by a new co-author David Hume. Proceedings then moved to NSW Parliament House for the evening dinner, hosted by NSW Attorney-General, Greg Smith SC. Guest speaker at the dinner was the Commonwealth Attorney-General, Senator George Brandis, who spoke on ‘The Constitution in 2030’.

Workshop on Party Discipline and the Parliamentary Process

On 23 June, Sean Brennan launched the Gilbert + Tobin Centre’s new Parliaments Project at its inaugural event, a workshop on Party Discipline and the Parliamentary Process. The workshop was organised by Centre member Jessie Blackbourn and Parliaments Project Director Fergal Davis and it was held at the Parliament of New South Wales.

The aim of the workshop was to explore the impact of strong political party discipline in Australia on a variety of parliamentary processes, in particular those providing for political rights review. The workshop started with a keynote lecture from Professor Philip Cowley of the University of Nottingham in the UK. Professor Cowley used his expertise on backbench rebellions at Westminster to demonstrate that dissent was now a regular feature of votes in the UK parliament, but that weak party discipline did not necessarily have a detrimental effect on the parliamentary process. The workshop participants then explored how the opposite feature in Australia – strong party discipline – has affected the way in which Australian parliaments perform their oversight functions.

Dr Fergal Davis outlined how the Australian norm of strong political party cohesion and the absence of dissent might limit the effectiveness of political rights review of legislation. He argued that for political rights review to be successful in the Commonwealth parliament, it will require elected
representatives to take a stand in favour of effective scrutiny over party loyalty. However, Professor John Halligan and Richard Reid highlighted the growing trend of ‘dissensus’ in parliamentary committees in Australia, leading to an increased rate of minority reports. This has occurred where committee members have opted to toe the party line, rather than work in a bipartisan relationship with members from opposing parties. Halligan and Reid questioned whether parliamentary committees can still be successful—in terms of their ability to scrutinise government policy—if they can no longer reach consensus. Dr Laura Grenfell outlined the spectrum of political rights review across Australia’s nine jurisdictions. She noted that the recently established Commonwealth Parliamentary Joint Committee on Human Rights had bucked the trend identified by Halligan and Reid, in that it had secured bipartisan support and not yet produced a minority report. In contrast, Grenfell noted that the State and Territory parliamentary committees had not established adequate mechanisms to guarantee non-partisan human rights review of all parliamentary bills. The question of bipartisanship was raised again in Dr Gabrielle Appleby’s paper on the absence of parliamentary scrutiny of delegated legislation and in Adele Lausberg’s paper on cross-party collaboration in the Commonwealth parliament. Dr Appleby showed how bipartisan support for delegated legislation which authorises the Commonwealth government to fund certain schemes (for example, the National School Chaplaincy Program) diminishes parliament’s role in scrutinising the executive and creates the need for courts to intervene. Lausberg, in contrast, demonstrated that on rare occasions, individual politicians have broken party ranks to engage in bipartisan behaviour in the form of cross-party collaboration on certain socio-moral issues, such as in legislation safeguarding reproductive rights.

The workshop papers prompted a lively discussion from those who attended, which included the President of the Legislative Council and the Clerks of the Parliaments and the Legislative Assembly in the Parliament of New South Wales. Perhaps unsurprisingly, no consensus was reached on whether the absence of dissent helped or hindered the parliamentary process in Australia, but the workshop opened up a number of debates with which the Parliaments Project will engage over the coming years.

**Constitution Day Speakers Forum**

Each year the National Archives of Australia organises a speakers forum on Constitution Day. It is an opportunity for public engagement with contemporary constitutional issues, on the anniversary of Royal Assent being given to the Australian Constitution by Queen Victoria in 1900.

This year the event was hosted on 7 July by the Gilbert + Tobin Centre of Public Law and it tackled freedom of speech. That issue has taken on extra bite with federal government proposals to radically revise provisions in the *Racial Discrimination Act* that make it unlawful to offend, insult, humiliate or intimidate someone on the basis of race, subject to a defence of reasonableness and good faith (since shelved).

‘Say what you like: a constitutional right?’ brought together a panel of five speakers, moderated by the ABC’s Paul Barclay: Kirstie Parker, Co-Chair of the National Congress of Australia’s First Peoples; Tim Wilson, Human Rights Commissioner; Louise Allen, Government Relations Manager at Amnesty International Australia; Alec Coles, Director of the Western Australian Museum; and the Centre’s own George Williams.

Audience members, including notably some sharply analytical UNSW students, contributed to the live Twitter feed (hashtag #CDay14) as well as questions from the floor. The forum was filmed and recorded by the ABC and the podcast of the Radio National and TV broadcasts are available from the Big Ideas website. Blogs from each of the panellists can be found at the National Archives of Australia website.
Postgraduate Workshop in Public Law

Since 2010, the Centre has hosted a free, biennial two-day workshop for higher degree research students in public law, broadly defined. The idea is to provide an opportunity for higher degree research students in the field of public law to gain experience in presenting their work to the peers and the wider academic public law community in a critically constructive yet supportive environment. The workshop also offers an invaluable opportunity for emerging scholars to establish networks with colleagues in their field.

In 2014 the Centre’s efforts to reach out further with our call for papers paid off, with participants coming from the United States and New Zealand as well as five Australian jurisdictions. After a selection process, we had 19 presenters from 14 different institutions, across a range of public law topics. While presenters kept strictly to time, every session pressed up against and usually exceeded its allotted endpoint, due to the comments and questions from interested participants.

The workshop began with a keynote address by Professor Kim Rubenstein (ANU) who spoke about her scholarship on citizenship, gender and biography and her own journey as a legal researcher. Kim’s warmth and personal tone engendered from the outset exactly the friendly and informal atmosphere we strive for in this event. She also located legal scholarship simultaneously in terms of individual motivations and also the broadest possible social contexts, themes that were recognised and picked up by many participants during the subsequent two days of workshop sessions. The workshop wrapped up with a presentation from George Williams on the practicalities of achieving publications and the importance of approaching a PhD thesis strategically, at the beginning, middle and end, in terms of building future academic opportunities.

Centre Seminars

On 16 April 2014 Dr Melissa Crouch from the National University of Singapore, spoke at a Centre seminar on ‘Constitutionalism in Transition: The Writs as a Litmus Test of Law Reform in Myanmar’.

In a seminar co-hosted with the Indigenous Law Centre on 23 July, Professor Dwight Newman analysed Tsilhqot’in v British Columbia, the recent landmark aboriginal title decision delivered by the Canadian Supreme Court. Professor Newman holds the Canada Research Chair in Indigenous Rights in Constitutional and International Law at the University of Saskatchewan. A recording of the seminar can be found on YouTube and a podcast interview with Professor Newman is on the Centre website.
CENTRE PEOPLE

Centre Visitors

Emmanuelle Richez, PhD
Concordia University, Montreal

In February 2014, I was awarded an Australian Endeavour Research Fellowship, which funded my 5-month visit at the Gilbert + Tobin Centre of Public Law in the Faculty of Law at the University of New South Wales. The main objective of my visit was to gain an in-depth understanding of the state of Victoria’s Charter of Human Rights and Responsibilities and its impact on Australian Aboriginal rights and policies. The research I conducted at the Centre is part of a larger multi-year project which looks at the effects of bills of rights on Aboriginal rights and policies in Australia, Canada, New Zealand, and the United States. Bills of rights are often seen as an efficient way of accommodating and protecting minority rights, especially when they are constitutionally entrenched and judicially enforceable. However, it remains to be seen to what extent, and under which conditions, bills of rights can fulfill their promise.

I was particularly interested by the Victorian Charter because, while it is not constitutionally entrenched and judicially enforceable, it recognizes special rights for Aboriginal Peoples. My preliminary research findings suggest that the Victorian Charter is having a limited impact on Australian Aboriginal rights and policies. There have been relatively few Aboriginal affairs court cases based on the Victorian Charter. The interviews I conducted with key elected officials, former politicians, public servants, and civil society members during my visit point to some possible explanations for this trend. For example, rights-based challenges cannot be brought solely on Charter grounds. Charter arguments can only be used as a support in existing causes of action, like administrative review and injunctive relief. Furthermore, Aboriginal groups lack the necessary funding and legal expertise to bring challenges before the courts. Finally, most judges have been reluctant to engage with Charter arguments when confronted with them.

The Victorian Charter was primarily intended for the executive and legislative branches of government to give proper consideration to human rights in policy formulation, implementation, and review. It was not meant to empower the judiciary at the expense of parliamentary sovereignty. Most stakeholders interviewed for this study agreed that the Victorian Charter had brought a new rights culture within the State’s institutions. However, rights-based parliamentary review has not yielded many changes to proposed legislation in the area of Aboriginal affairs. It must be noted that no major Aboriginal policy has been introduced by the government since the enactment of the Victorian Charter. Yet the interviewed stakeholders were of the view that Aboriginal rights protection is being improved incrementally by existing legislation. While preliminary, these findings are significant as they lay the groundwork for new research avenues for me as well as the broader academic community. Most notably, I will look at how political negotiations can represent a better alternative to bills of rights for Aboriginals rights recognition. I am also interested in collaborating with other scholars to launch projects aiming to fill some of the gaps in the academic literature relating to my research.

My stay at the Centre was not only about conducting my personal research activities, but also about refining my understanding of the Australian constitutional context and expanding my academic horizons. I wish to acknowledge several members of the Centre who were instrumental in making my visit at the Centre a success. First, I want to thank Rosalind Dixon, Sean Brennan, George Williams and Leon Terrill for providing me


‘Government has greater capacity to make promises and to create expectations than individuals have. This is simply an extension of the observation that we will generally follow instructions clearly being made by an organ of the state which we would otherwise be likely to challenge or ignore. Consider the uniformed police officer who directs you to drive away from your intended route. Few of us would not comply with such an instruction; absent the uniform and overt trappings of the state, the situation changes radically.’

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with constructive and insightful feedback which helped strengthen my research project. Second, I would also like to give a special thank you to Rosalind and Sean for sponsoring and hosting my visit. I thoroughly enjoyed my time at the Gilbert + Tobin Centre of Public Law and the University of New South Wales’ Law Faculty. I was really impressed by the dynamism and cutting-edge nature of the research activities of the Centre and the Faculty of Law. The Centre offered me great networking opportunities that will definitely lead to future collaborations. Overall, I couldn’t have asked for a better environment to conduct my research activities and certainly hope I will be able to visit the Centre again in the near future. I will definitely spread the word on the great quality of the Centre and its members back in Canada.

Social Justice Intern Report

Agnieszka Deegan

It is hard to believe that 12 weeks can go so fast. My time at the Gilbert + Tobin Centre of Public Law seemed to be over before it started. I enjoyed my time at the Centre as it provided me with a unique opportunity to learn about issues of constitutional and public law under guidance from members of the Centre, especially Sean Brennan. The internship demonstrated (not surprisingly) that all I learnt during my public law subjects only scratched the surface. I feel privileged that I was given an opportunity to explore a number of constitutional issues in depth and also to be able to provide research support for the Centre’s members in my short time there.

I started my internship with a small research request into an old case on unjust terms. This was a good introduction to this area of law as later I prepared a case brief for an up-coming High Court challenge to AG (NT) v Emmerson. The grounds of the challenge included unjust terms (and the Kable principle). It was an exciting task that gave me an opportunity to discover a whole new area of constitutional law and it was also the first time that I analysed a case in such detail. This was quite a challenge, as I had to become familiar with multiple judgements, submissions and hours of High Court hearings and prepare a document that was supposed to be no longer than three pages. I ended up with seven!

My second main task involved analysis of the potential limitations that the implied freedom of political communication may impose on State executive power. Working on this assignment gave me an opportunity to engage in the practical application of constitutional analysis to a real life situation. It also provided me with a much deeper understanding of the implied freedom and brought me up to date with the significant recent judicial developments in the area. My research turned out to be helpful in completing a research assignment for Paul Kildea right at the end of my internship and which was related to the question of how the High Court approached the ideas of “informed voting” and “informed choice” in the implied freedom cases.

I also carried out research for Andrew Lynch on reform of judicial appointments across many jurisdictions. This gave me an insight into the recent developments in this area in the UK, New Zealand, Canada and Ireland, and the ability to contrast it with the Australian experience. How timely considering the recent developments in Queensland!

While at the Centre, I also explored issues relating to the proposed reforms of (1) the Racial Discrimination Act 1975 (Cth) and (2) Senate elections. I found the latter particularly enlightening as a newcomer to the Australian electoral process.

My internship ended with me writing a case note on a recent Federal Court judgement that involved numerous constitutional challenges to the Water Act 2007 (Cth) and one statutory challenge involving an allegation that the
Act effected acquisitions on unjust terms. The case note is to be published in Australian Environment Review.

I would like to thank the members of the Centre with whom I had the pleasure to work during my internship. I would like to extend special thanks to Sean Brennan, who as my supervisor put a lot of time and energy into organising my time at the Centre. Furthermore, Sean was always very supportive and provided me with valuable insights not only on practical matters (like my writing style), but also on a new way of thinking about and applying constitutional law.

PhD Reports

We are delighted that several people who have had an association with the Centre have recently been awarded their PhDs. Here are reports on three of those completed projects.

**Rebecca Ananian-Welsh**  
**Topic:** A Purposive Formalist Interpretation of Chapter III of the Australian Constitution

I joined the Centre as a Research Assistant with the Terrorism & Law Project in late 2009. In 2010 I commenced my PhD with Professor George Williams’ ARC Laureate Fellowship Project ‘Anti-Terror Laws and the Democratic Challenge’. My research was supervised by Professor Williams and Professor Andrew Lynch. Prior to joining the Centre I held positions with the Federal Attorney-General’s Department and as a litigation solicitor with DLA Piper. Earlier this year I completed my PhD thesis and was awarded my doctorate. Since handing in my thesis I have been employed as an academic member of the Laureate Fellowship Project, and in July I leave the Centre to take up a permanent academic position with the TC Beirne School of Law at the University of Queensland.

My doctoral research considered how Chapter III of the Constitution ought to be interpreted to best protect the independence and impartiality of federal courts. In the thesis I examine the existing tests governing the separation of judicial power in Australia - the strict, formalist, *Boilermakers’* rule, and the flexible, functionalist, *Kable* test. This analysis underpins my design of a new approach called ‘purposive formalism’. Purposive formalism is designed to overcome the weaknesses in formalist and functionalist models and better achieve the independence and impartiality of federal courts. Anti-terror preventative detention orders and control orders provide case-studies to demonstrate the strengths and weaknesses of the existing tests and to support my case for purposive formalism.

I have been keenly interested in the importance of judicial independence since the earliest days of my undergraduate studies. I’ve always been intrigued by the powerful role that judges play in society and the vague manner in which that role is often defined and limited. I’ve been struck by the fundamental importance of judicial independence to the rule of law and social stability, and by the fragility or imperfection of the frameworks that exist to protect that independence. My interest was piqued in 2005 when the *Anti-Terror Act (No 2)* was enacted by the federal government. This Act seemed to allow judges to place serious restrictions on people’s liberties on the basis of vague predictions and other problematic criteria.

Since completing my PhD, my work on judicial independence has continued. I recently completed a project with Professor Williams for the Judicial Conference of Australia assessing existing protections for the independence of judges at federal, state and territory levels. As this study revealed, there is still considerable work to be done in examining and designing ways to improve the frameworks for judicial independence and institutional integrity, and I am excited about a range of future projects.
Being a member of the Centre and of the Laureate Fellowship team has been an incredible experience, for which I am extremely grateful. Every member of the Centre is very generous with their time and energy, and I have learned more than I imagined possible. I’ve been actively supported through the highs and lows of the PhD process by a team that is as ready to share a drink and a laugh, as they are to share advice and guidance, or to give rigorous and invaluable intellectual feedback on my work. Not only have Centre members been brilliant colleagues, but the wealth of visitors that come to the Centre has presented opportunities to learn and collaborate. With the help of the Laureate Fellowship and the Centre I have taught in Public Law, published in major journals and in edited books, and spoken at a number of Australian conferences. I’ve also had the opportunity to speak at events in Washington DC, Milan, Mexico City, Oxford and Oslo. I have built a strong network of peers with whom I share ideas and collaborate with on research. Most of all, I feel entirely prepared as I now embark on my academic career.

Tamara Tulich

My thesis examined prevention and pre-emption in anti-terror lawmaking. Following September 11, the Australian government embarked on a legislative agenda that prioritised the prevention of terrorism. Many of Australia’s preventive anti-terror laws were justified—and opposed—as extraordinary, unprecedented and isolated measures, something that struck me as curious given that preventive measures have long been part of Australian law. My thesis tested assumptions regarding the exceptionality of preventive anti-terror laws and investigated whether they are better understood as part of a picture of preventive governance in Australia. To do so, my thesis questioned the utility of the preventive state concept as a way to read developments in Australian law following September 11 and compared federal anti-terror control orders with preventive measures contained in the high risk offender and civil mental health legislative regimes in NSW.

My thesis was a wonderful learning experience, and has provided me with a solid foundation from which to conduct future research into preventive laws. I feel tremendously fortunate to have completed my thesis at the Centre. Centre members were unfailingly generous with their time, experience and feedback throughout my candidature. I was encouraged and supported to publish my research and to present at conferences. As a Centre PhD student, I was afforded enviable academic experiences: I collaborated with Centre members on the now infamous Milan paper, contributed to joint submissions to inquires and was part of the Public Law teaching team. I also benefited greatly from meeting Centre visitors and associates, and from attending the many Centre events and seminars. All of these experiences enriched my research and academic skillset.

The successful completion of my thesis is a testament to the outstanding supervision and mentoring I received from Professor George Williams and Dr Fergal Davis. I owe an immense debt of gratitude to them. While space does not permit me to acknowledge all Centre members by name, I would especially like to thank Professors Andrew Lynch and Ros Dixon, Associate Professor Sean Brennan, Dr Ben Golder, Dr Paul Kildea, Shipra Chordia, Jackie Hartley and the fabulous Laureate team. It has been a privilege to experience the vibrant and supportive research environment of the Centre. I will miss Centre meetings and gatherings. But, I look forward to continuing to be involved with the Centre and to watching it thrive during the Brennan reign.

Andrew Dahdal

I can vividly remember sitting in an undergraduate Torts class many years ago scoffing and thinking no amount of sophistry is going to shake or dislodge my views on what is right and wrong in this dispute. The case
was *Bolton v Stone*. A cricket ball was hit for a six by a batsman and as the ball cleared the barrier it struck and injured the plaintiff. As I listened to law students much more confident than I discuss the possible liability of the local council, or the club to which the batsman in question belonged, I sat a little bit confused. ‘What is there to discuss’ I thought? The guy who hit the ball is responsible for the injury. My honest opinion was that all this talk is some ruse or ploy to confuse the situation. Why would these seemingly nice people all around me be engaging in this verbal orgy of falsehood? The dilemma I faced was that I could hold onto my version of what is simple and true and inevitably drown in a legal education where solemn simplicity was incapable of demonstrating a grasp of the law. Or, alternatively, I could let go of what I honestly thought to be right and true, and swim in the flowing discourse of juristic babble. I hated that choice.

The survival instinct kicked in and I found a way to navigate the following few years of legal education and still maintain at least a sense of sincerity, I held onto that feeling of knowing the simple truth of right and wrong and I let that be my anchor on shore. I then dove whole-heartedly into the law whilst always having that starting point in mind. It also became important to temper any arrogance such Gnosticism might breed. This little psychological trick worked.

Having divulged the inner workings of my psyche I should now probably say something about my actual project. What started as a Masters project examining a seldom explored part of the Constitution (the banking power s51(xiii)) turned into a PhD thesis about the use of history in Australian constitutional interpretation. I started looking at pre-federation history, the history of Anglo-American banking, its nexus with constitutional arrangements as well as the legal arrangements regulating imperial and colonial banking practices. Some of these historical materials were amazing. The stories they told were critical to understanding the banking power as it related to the broader Australian constitutional system. This interest in history ultimately led to the questions: how and why is history used in constitutional interpretation and ultimately my thesis topic.

Good fortune saw that I was supported every step of the way by great supervisors. George Williams gave me the initial push into deep waters and encouraged me to keep paddling, whilst Theunis Roux guided me through those waters with insight and sincerity. Peter Gillies was also a solid source of support. Although I was only on campus a limited number of times I seemed to run into the Dean of Law, David Dixon, on nearly every occasion and managed to refrain from discussing the English Premier League despite his inviting accent. My review panels were always constructive and inspired more than one idea for a Tropfest-style short film. In the end the real anchor and source of all truth and wisdom was Jennifer Jarrett who was always, without fail, supremely organised and friendly.

What about *Bolton v Stone*? Where does that case stand with me now? That’s an easy one. Remaining on the sidelines and refusing to play the game means you are at risk of getting hurt – it was the spectator’s fault all along.
Project Reports

ARC Laureate Fellowship: Anti-Terror Laws and the Democratic Challenge

Project Director: George Williams

Professor George Williams was awarded an Australian Research Council Laureate Fellowship to lead a team of researchers to conduct a five-year project entitled ‘Anti-Terror Laws and the Democratic Challenge’. The Project ran from 1 July 2009 to 30 June 2014.

The project represented the next phase in public law research on the anti-terror laws enacted after 11 September 2001. Anti-terror laws could no longer be cast as a transient, exceptional legal response to the events of 11 September 2001 and later attacks in, for example, Bali, Madrid and London. Whether or not the laws were justified as a matter of legal policy – a subject of great contention – they were, in one form or another, clearly here to stay.

The overarching aim of the project was to answer the question of how democratic nations (especially Australia, Canada, India, New Zealand, the United Kingdom and the United States) can best reconcile traditional democratic processes, institutions, principles and individual freedoms with the likelihood that anti-terror laws granting war-time powers will remain in place for the foreseeable future. The democratic challenge posed by anti-terror legislation was addressed through two complementary research objectives.

First, the project provided detailed, comparative legal analysis of the scope and operation of the anti-terrorism laws in democratic nations. This was a vital aspect of the project because, despite the volume of literature, much about the laws in nations such as Australia and India, and especially the comparisons between them, had yet to be examined and understood. This research was also necessary because anti-terror laws are not static.

Second, the project answered specific questions of public law theory and institutional design central to the democratic challenge posed by anti-terror laws. These questions included:

1. Do the public law systems of the selected nations have human rights mechanisms sufficient to provide an adequate check on such laws? Given their relative effectiveness, what does this say about those mechanisms and the anti-terror laws?

2. Do the public law systems of the selected nations have other public law and institutional mechanisms sufficient to provide an adequate check upon such laws (for example, through institutions such as parliament and the courts and principles such as the rule of law, the separation of powers, federalism and judicial review)? Given their relative effectiveness, what does this say about those mechanisms and the anti-terror laws, and have the anti-terror laws reshaped those mechanisms?

3. Do the public law systems of the selected nations contain sufficient oversight and review mechanisms to ensure the proper operation of such laws, such as that they operate within legal bounds and that the laws continue to be monitored so that they reflect the changing threat level?

4. To what extent have exceptional aspects of the anti-terror laws become normalised or applied elsewhere? Is there a ‘new normal’ after
September 11 such that the exceptional has become acceptable? To what extent are such laws constrained by time limits such as sunset clauses, and to what extent should they be? Where have exceptional features of the laws (for example, new evidence gathering techniques or restrictions on the grant of bail) "leaked" into other areas of law? Or, where have traditional values been reasserted despite the open-ended nature of the threat of terrorism?

5. How have international norms and rules been adapted or not adapted through reception into domestic law? Why has a more coherent and consistent response to the problem of terrorism not yet emerged in democratic countries?

6. Has there been a fundamental, historic shift in democratic public law systems? What will be the long-term impact on democracies of anti-terror laws? Is this impact acceptable from the perspective of public law policy and design, and if not are legal changes required to secure both the protection of the community from terrorism and the future health of democratic systems?

Addressing these lines of research involved a large team of academics and students, namely:

**Academic members**
- Professor George Williams
- Professor Andrew Lynch
- Dr Fergal Davis
- Dr Nicola McGarrity
- Mr Edward Santow
- Dr Rebecca Ananian-Welsh

**Postdoctoral research fellows**
- Dr Jessie Blackbourn
- Dr Svetlana Tyulkina

**PhD students**
- Dr Rebecca Ananian-Welsh
- Dr Nicola McGarrity
- Dr Tamara Tulich
- Mr Keiran Hardy
- Ms Jennifer Norberry
- Ms Sangeetha Pillai
- Mr Kelvin Widdows

The project produced a large volume of research that has been published in Australia and internationally. Overall, 13 books, 24 book chapters, 54 refereed articles and 41 unrefereed articles were produced. This amounts to an enormous, valuable body of learning about this contentious area of law. These publications are highly comparative, such as in charting the development of control order regimes across nations such as the United Kingdom and Australia, or the powers that a variety of nations have vested in their intelligence agencies as a means of preventing terrorism. A theme across much of this work is how anti-terror laws are becoming seen as less exceptional, and more normal incidents of legal systems. In this form, anti-terror laws are being used as a template for enactment of law and order regimes in other contexts.

The research produced by the project has also engaged with high level theoretical questions, as well as problematic issues of institutional design. This includes larger questions such as the role of prevention in modern
democracies, the respective roles of parliament and the courts in protecting human rights, the role of the jury, the independence of judges, citizenship and soft and hard approaches to combating terrorism. Such questions have often been addressed in an interdisciplinary way, producing highly original research findings that transcend the anti-terror context to more generally inform the field of legal scholarship.

The research has been presented at conferences and workshops across Australia as well as around the world, including in Canada, Germany, Hong Kong, Hungary, Ireland, Italy, Mexico, New Zealand, Norway, Pakistan, Spain, the UK and the USA. All up, team members have given 136 presentations at major conferences and other events.

The Project has hosted a number of domestic and international visitors and organised events that have brought internationally acclaimed scholars to Australia. These workshops and other events include the 2012 annual conference of the International Association of Constitutional Law’s Research Group on Constitutional Responses to Terrorism. As with other events organised by the project, the papers at this conference were published as an edited collection by a leading international publisher.

The project has been actively engaged in media debates about anti-terror laws and in processes that have considered reforms to these laws. All up, the project has made 18 submissions to parliamentary inquiries, independent reviewers and law reform bodies. These submissions have often proved to be influential. They have regularly formed the basis of recommendations and have impacted upon the form in which laws have been enacted.

Comparative Constitutional Law Project
Project Director: Rosalind Dixon

On 21 March this year, the Comparative Constitutional Law project hosted an academic roundtable featuring presentations by A/Professor Carlos Bernal Pulido (Macquarie) on ‘The Right to Water in Comparative Perspective: Between Reasonableness, Proportionality and the Minimum Core’, Dr Coel Kirkby (UNSW FASS), ‘The Imperial Origins of the Australian Constitution’, Professor Stephen Ross (Penn), ‘Cricket, the Constitution & Advisory Opinions’, and the Project’s Director, Professor Rosalind Dixon (UNSW) ‘Constitutional Amendment as Democratic Override’ (in a paper co-authored with Professor Adrienne Stone (Melbourne)). Commentators included Centre Director A/Professor Sean Brennan, Professor Andrew Lynch, Professor George Williams and Dr Kristen Rundle, as well as Professor Denise Myerson (Macquarie), Mr Rishad Chowdhury (Delhi bar), and Associate Professor Deborah Healey (UNSW).

Federalism Project
Project Director: Shipra Chordia

The first half of 2014 has seen the Federalism Project engage in a broad range of activities. Work on the High Court’s decisions in Williams v Commonwealth (Nos 1 and 2) has continued and an analysis by Shipra Chordia and Andrew Lynch considering the implications of the decision Williams (No 1) for Australian constitutional interpretation is forthcoming in the Queensland University Law Journal. In addition, project members have considered the federal significance of other recent decisions of the Court. Andrew’s analysis of the Court’s treatment of the Mineral Rent Resource Tax in Fortescue v Commonwealth was published in the Australian Bar Review and Shipra’s investigation of the federal aspects of the Same-sex Marriage Case will appear in the next volume of the Alternative Law Journal.
In light of broader developments, George Williams and Rosalind Dixon have examined federal issues arising in the context of constitutional reform to recognise Indigenous people, which appeared in an article in the Public Law Review. In the sphere of cooperative federalism, Shipra and Andrew have sought to explain the underperformance of the Council for the Australian Federation as an institution of cooperative federalism in an article recently submitted for publication. In addition, Andrew delivered a paper on parliamentary sovereignty and co-operative federalism at the Attorney-General's Department Constitutional Law Symposium held in Canberra on 15 April 2014. Andrew also addressed the Australian Local Government Association's General Assembly in Canberra on 16 June on the topic of 'Local Government in the Federation'.

In the media, Andrew and Shipra published an article in the Canberra Times and The Age considering the legal hurdles facing the new Attorney-General, George Brandis, in his first term. This included an analysis of the implications of the decisions in the Williams cases for Commonwealth executive spending. In a series of articles published in The Conversation, Andrew considered matters such as whether the Commission of Audit’s May 2014 report would lead to another ‘new federalism’ and reflected upon the implications for federalism reform after the 2014 Budget. Also in The Conversation, Shipra explained the constitutional developments that have led to vertical fiscal imbalance in Australia and discussed federal reform in an interview with Amanda Vanstone on Radio National.

Indigenous Legal Issues Project
Project Director: Sean Brennan

The High Court has been unusually active in the area of native title extinguishment law recently, softening the edges a little on an otherwise harsh set of legal rules and doctrine. In March it delivered an unanimous judgment in favour of native title holders in Western Australia v Brown, the third extinguishment case to go that way in seven months. Project Director Sean Brennan was involved in drawing public attention to the preference for co-existence over extinguishment, in the Australian newspaper, the Public Law Review and in kicking off the Centre’s new podcast series, in conversation with Paul Kildea.

Centre activity on Indigenous issues has otherwise continued to be dominated by the question of constitutional reform. For details on work by George Williams, Ros Dixon and Paul Kildea in this area, see the Referendums Project report.

Judiciary Project
Project Director: Andrew Lynch

The main focus of the project this year is on judicial appointments. The reforms made by Attorney-General Robert McClelland in 2008 to the process by which federal judges are appointed appears to have been discontinued under the new Coalition government. This means that advertising judicial vacancies and calling for nominations and expression of interest has ceased. The Commonwealth no longer provides a statement of criteria upon which the selection of individuals is based and the Attorney-General takes his nomination to Cabinet without receiving recommendations from an advisory panel. In short, after the experiment of the McClelland reforms, the Commonwealth has reverted to the traditional opaque approach by which it appoints judges to its courts. This has not gone unremarked, with concerns about the consequences for efforts to improve judicial diversity having been voiced. Justice Ruth McColl of the New South Wales Court of Appeal has said of the reversion that ‘any move that strips away progress towards greater equality of judicial appointment is, at the very least, highly problematic’.

‘Deliberative forums have an important role to play in strengthening public engagement in constitutional reform processes, particularly if employed skilfully alongside more familiar consultation devices.’

The project is engaged in an evaluation of the McClelland reforms, which are likely to provide the starting point for future endeavours at enhancing the process of appointment. Directly informed by the contemporary United Kingdom model and also debates in that jurisdiction about the design of a process for appointment ‘solely on merit’, this research will assess the dominant features of the McClelland changes – most particularly the use of stated criteria, shortlisting of candidates by advisory panels and the recognition to be given to broader considerations going to the diversification of the judiciary in any formal process. It may be recalled that the McClelland reforms did not apply to the High Court and heads of jurisdiction vacancies. The justification for that limit is also weighed, and contrasted with overseas experience.

The Project Director’s work on judicial dissent continues to be another major focus. In addition to the latest compilation of statistics on the decision-making on the High Court, with the 2013 results presented in February at the Centre’s annual Constitutional Law conference, Andrew has reworked for publication his earlier paper on ‘Judicial Dissent, Diversity and Electoral Politics’ at the ‘High Court, the Constitution and Australian Politics’ Workshop which was reported in the last newsletter.

Public Law and Legal Theory Project
Project Director: Ben Golder

Work in the Public Law and Legal Theory project has been focussed very much on the event: The Politics of Legality in a Neoliberal Age, held at the UNSW Law School on 1-2 August. The event, co-convened by the Directors of the Project, Drs Ben Golder and Daniel McLoughlin, features UNSW Law, national and international speakers addressing a range of different dimensions of the workshop theme, from the rule of law and human rights to evolving forms of state power in the contemporary era. Individually, the Directors of the Project have each been working on ongoing writing projects (for Daniel, a book arising out of his doctoral work on the Italian philosopher Giorgio Agamben; for Ben, a book manuscript entitled Foucault and the Politics of Rights) and delivering seminar papers at the University of Western Sydney and the University of Melbourne.

Referendums Project
Project Director: Paul Kildea

Much of the current activity surrounding the proposed referendum on the constitutional recognition of Aboriginal and Torres Strait Islander peoples is taking place at the community level. While recent months have seen little in the way of government announcements – the Abbott government remains committed to releasing draft amendments for public discussion by the end of the year – there has been a flurry of activity below the radar. The Journey to Recognition, organised by Recognise, recently moved through Western Australia and continues its advance across the continent. Recognise also launched a youth wing, ‘Recognise This’, devoted to enhancing the engagement of young people on the issue. And in a significant announcement that attracted widespread media attention, the AFL put its support behind constitutional recognition and promoted the issue during Round 11. Meanwhile, the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander People continues its work and is conducting a series of consultations around the country.

The Centre has been actively involved in some of this community activity. George Williams has given several presentations, including at Recognise forums in Tasmania, and a public forum at Ashfield town hall. George has also been assisting the Joint Select Committee with regard to the options for change. Paul Kildea gave a lunchtime seminar at Gadens Lawyers during National Reconciliation Week, addressing the topic ‘Constitutional Recognition: Recent Developments and Future Challenges’.

‘There is significant overlap between the concepts of law and public power, but their similarities are not absolute. Their key difference from the point of view of judicial accountability is that the former is subject to judicial review and the latter is not. It is submitted that what is important from the point of view of accountability is the way that power is exercised in fact and not whether it meets a formalist definition of ‘law’.

The Centre has also been progressing research on referendum issues. Paul has recently published a series of journal articles about the challenges of achieving public engagement in constitutional reform. Among them is a *Griffith Law Review* piece in which he argues that Australian governments should make greater use of deliberative forums when undertaking constitutional change, rather than relying solely on public hearings and other familiar mechanisms of consultation. George and Rosalind Dixon, meanwhile, have written an article that canvasses the various options for replacing the races power in section 51(xxvi) of the Constitution. This article is in the *Public Law Review*.

‘There is a context to 18C…There is a context when the privileged seek to deny the Stolen Generations by implying that being light skinned makes someone less Aboriginal.’

PUBLICATIONS

Joint Publications

Alysia Blackham and George Williams, ‘Social Media and the Courts’ (2014) 88(3) Law Institute Journal 30-33;

Fergal Davis and David Mead, ‘Declarations of Incompatibility and the Criminal Law’ (2014) 43(1) Common Law World Review 62–84;


Jessie Blackbourn


Sean Brennan

‘Native Title Extinguishment Law in the High Court’ (2014) 25(1) Public Law Review 8-12.

Fergal Davis


Paul Kildea


Ben Golder


Andrew Lynch

‘sSpecial Measures: Terrorism and Control Orders’ in B Saul (ed), Research Handbook on International Law and Terrorism (Edward Elgar, 2014) 503-20;’


Greg Weeks


George Williams


‘Repeal Section 25 of the Constitution’ NSW Society of Labor Lawyers, Legal Tweaks that Would Change NSW and the Nation (2013), 6;


Jason Varuhas


Presentations

**Joint Presentations**


**Jessie Blackbourn**

‘Secret Material and Anti-Terrorism Review in Australia and Canada’, *Secrecy, Law and Society Workshop*, University of Sydney, 6-7 February 2014.

**Sean Brennan**


**Ben Golder**

Discussant at *Encountering the Author* session on Joseph Slaughter, *Human Rights, Inc.* (New York: Fordham University Press, 2007), Philosophy@UWS and the Writing and Society Research Centre, University of Western Sydney, Sydney, 15 April 2014;


**Paul Kildea**


**Andrew Lynch**


**George Williams**

‘Constitutional Reform’ Forum, St George Leagues Club, Sydney, 28 May 2014;

‘Reflections on Measuring the Impact, Legitimacy and Effectiveness of European Counter-Terrorism Laws’, *Securing Europe through Counter-Terrorism Workshop*, Durham University, United Kingdom, 15 May 2014;

‘Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples’ Public Forum, Marrickville Residents for Reconciliation, Ashfield Town Hall, 26 March 2014.

‘Governments and industry groups have vigorously pressed the cause of extinguishment since the days of the Mabo litigation in the 1980s. But courts should be slow to conclude that a deep intergenerational connection with land has been permanently severed according to a purely technical and potentially arbitrary set of legal rules.’

‘The lesson from “regulation” cases like Yanner, Akiba and Karpany is that legislative or executive action can go a long way in authorising suppressive legal effects on the exercise of native title rights without extinguishing the rights themselves.’


‘Drafting Options for the Aboriginal Recognition Referendum’, Constitutional Law Symposium, Commonwealth Attorney General’s Department, Canberra, 15 April 2014;


‘The Five Pillars of Referendum Success’, Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, National Centre of Indig enous Excellence, Sydney, 21 February 2014;

‘Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples’, Public Forum, Recognise and University of Tasmania, Hobart Town Hall, Tasmania, 19 February 2014;

‘Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples’, Public Forum, Recognise and University of Tasmania, Devonport Council Chambers, Tasmania, 18 February 2014;

‘Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples’, Public Forum, Recognise and University of Tasmania, Launceston Town Hall, Tasmania, 17 February 2014;


MEDIA PUBLICATIONS

Joint Media Publications

Jessie Blackbourn and Nicola McGarrity, ‘The Independent Security Monitor’s unfinished work’, Inside Story (3 April 2014);


Rebecca Ananian-Welsh

‘Hells Angel takes on bikie laws in court, but what are his chances?’, The Conversation (21 March 2014).

Sean Brennan

‘Native title and co-existence’, The Australian (14 March 2014).

Shipra Chordia

‘Federation frozen in time fails as a model of accountable government’, The Conversation (4 June 2014).

Fergal Davis

‘I used to believe I had the right to be a bigot. But reason prevailed’, The Guardian (31 March 2014);
Determining a replacement for the races power as part of a referendum to recognise Aboriginal and Torres Strait Islander peoples in the Australian Constitution raises a number of important drafting issues. The difficulty is magnified by the need for a replacement power that continues the scope of the existing races power with respect to Aboriginal peoples, while also providing room for future flexibility and limiting the capacity of the power to enable discrimination against Aboriginal peoples.

Our analysis suggests that a subject matter power is not likely to satisfy these requirements. A more appropriate option is likely to be in the form of a purposive power or a provision that incorporates both a power and the guarantee. Provisions in this form might, respectively, be drafted as powers that enable the Federal Parliament to make laws with respect to either:

- the recognition and advancement of Aboriginal and Torres Strait Islanders, and their distinctive culture, language and traditions
- Aboriginal and Torres Strait Islanders, but not so as to discriminate against them.


‘Could a secret ballot ensure the election of unbiased Speakers of the House?’, The Guardian (5 February 2014);

‘The repeal day I would like to see: trim our repressive, unused anti-terror laws’, The Guardian (14 January 2014).

Andrew Lynch

‘Chief-justice controversy sounds an important warning’, The Australian (20 June 2014);

‘History of unchecked executive haunts Queensland in judge fight’, The Conversation (16 June 2014);

‘Judicial Appointments in Australia – Reform in Retreat’, UK Constitutional Law Blog (26 May 2014);

‘Abbott draws up new battlelines in the fight over federalism’, The Conversation (16 May 2014);

‘Will the Commission of Audit lead to another ‘new federalism’?, The Conversation (1 May 2014);

‘Brandis, bigotry and balancing free speech’, The Age (26 March 2014);

‘Not yet ‘coast-to-coast’ coalitions – so what now for federalism’?, The Conversation (17 March 2014);

‘Changing faces of High Court ease dissent’, The Australian (14 February 2014);

‘Taking over universities: why the states would give up control’, The Conversation (18 December 2013).

George Williams

Public Funding of Elections is Costly and Simply Unfair’ Sydney Morning Herald (3 June 2014);

‘Indefinite Detention Without Reason Must End’ Canberra Times (20 May 2014);

‘ASIO’s New Power over Asylum Seekers Needs Proper Checks’ Sydney Morning Herald (20 May 2014);

‘Chaplaincy Program Back in the Dock of the High Court’ Sydney Morning Herald (6 May 2014);

‘To Drag Republican Movement from the Doldrums, Political Leaders Must Speak Up’ Sydney Morning Herald (22 April 2014);

‘WA Senate Poll a Reminder Voters are Being Tricked’ Sydney Morning Herald (7 April 2014);

‘Scraping Monitor of Anti-Terror Laws Unfathomable’ Canberra Times (25 March 2014);

‘Cutting Red Tape an Excuse to Reject Unwelcome Advice’ Sydney Morning Herald (25 March 2014);

‘Scraping Monitor of Anti-Terror Laws Unfathomable’ The Age (25 March 2014);
'No Party has a Monopoly on Human Rights Reform' Canberra Times (11 March 2014);

'Don’t Give up on Abbott: Human Rights is a Conservative Issue Too’ Sydney Morning Herald (10 March 2014);

'Folly in Revealing Cabinet Papers' The Age (25 February 2014);

'Releasing Cabinet Documents has a Long-Term Price' Canberra Times (25 February 2014);

'Releasing Cabinet Documents May Bring Short-term Benefit but at a Long Term Price' Sydney Morning Herald (25 February 2014);

'Extraordinary Powers Come with Weapon in PM’s Armoury’ Sydney Morning Herald (11 February 2014);

'Nauru Judiciary Turmoil Demands Real Response’ Sydney Morning Herald (28 January 2014);

'Brandis Faces Test on Rights’ Canberra Times (31 December 2013);

'Anti-terrorism Laws will be Test for Brandis’ Commitment to Freedoms’ Sydney Morning Herald (31 December 2013);

'Freedom of Political Communication a Weak Basis to Roll Party Funding Reform’ Sydney Morning Herald (18 December 2013);

'High Court Ruling did not Rule out Same-Sex Marriage’ Canberra Times (17 December 2013);

'Gay Marriage is Now Only a Matter of Political Will’ Sydney Morning Herald (17 December 2013);

'Being Pro-Choice in Practice is Not the Same as Legal Protection’ Sydney Morning Herald (3 December 2013).

SUBMISSIONS

Joint Submissions

Jessie Blackbourn, Andrew Lynch, Nicola McGarrity and George Williams, Submission to the Senate Legal and Constitutional Affairs Committee Inquiry into the Independent National Security Legislation Monitor Repeal Bill 2014 (29 April 2014);


George Williams

Submission to ACT Legislative Assembly Select Committee on Amendments to the Electoral Act 1992 Inquiry into Amendments to the Electoral Act 1992 (24 April 2014);

Submission to Joint Standing Committee on Electoral Matters Inquiry into the 2013 Federal Election (5 February 2014).
CENTRE PODCASTS

Andrew Lynch on the School Chaplains decision in *Williams No 2* and its wider context (with Sean Brennan) (30 June 2014);

Rishad Chowdhury on a NGO challenge in the Indian Supreme Court to a law criminalising homosexual conduct (with Sean Brennan) (8 April 2014);

Sean Brennan on the High Court’s decision on native title extinguishment in *Western Australia v Brown* (with Paul Kildea) (27 March 2014).
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