Welcome to the March 2012 e-bulletin of the Gilbert + Tobin Centre of Public Law. Since publication of our last Newsletter in January, Centre members have been busy with several events, including the 2012 Constitutional Law Conference and Dinner. They have also actively engaged in public debates about such topics as the constitutional recognition of Indigenous Australians, same-sex marriage and media regulation.

Recently the Centre’s website has been given a makeover. All the usual resources, information and links to our activities can still be found there but in what is now a clearer and more attractive design. Currently featured on our homepage is a Flipbook version of the special publication released in February to mark the 10th anniversary of the Gilbert + Tobin Centre of Public Law at UNSW. This publication details the Centre’s research and events and also profiles the people who have contributed to its success over the last ten years.

Events

On 19 February 2012 the Centre hosted its annual event on Constitutional Law, looking at developments in the High Court and other Australian courts in 2011 and beyond. The conference, the eleventh in the series, attracted over 230 registrants and the dinner that evening at NSW Parliament House was addressed by the Hon James Spigelman AC QC who spoke on ‘A Tale of Two Panels’, a reflection on the recent work of the expert panels commissioned by the Gillard government to explore options for constitutional change.

A number of papers and, for the very first time, a full video webcast of the proceedings are now available at http://www.gtcentre.unsw.edu.au/events/2012-constitutional-law-conference-and-dinner

Following the conference, the Centre and Federation Press held a book launch of Tomorrow’s Federation – Reforming Australian Government edited by Paul Kildea, Andrew Lynch and George Williams. The book was officially launched by the Premier of New South Wales, the Hon Barry O’Farrell, whose speech can be accessed here.
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. Topics on which members have contributed include:

- Decision-making and dissent in the High Court in 2011;
- The constitutional barriers to media regulation reform;
- The report of the Expert Panel on constitutional recognition of local government;
- The performance of the States in implementing the ‘national seamless economy’ and COAG’s operation more generally;
- The recent decision of the European Court of Human Rights on UK police riot controls;
- Issues arising from Hungary’s new Constitution;
- The removal of mandatory minimum sentencing for aggravated people smuggling offences; and
- The consolidation of Commonwealth anti-discrimination laws.

Particular highlights over recent months include:

- The publication of Jane McAdam’s new book: Climate Change, Forced Migration, and International Law by Oxford University Press;
- The release of Ramraj, Hor, Roach and Williams (eds), Global Anti-Terrorism Law and Policy (2nd ed) published by Cambridge University Press and containing chapters by Centre members Andrew Lynch, Nicola McGarrity and George Williams;
- The contribution of several Centre staff to public debate greeting the report of the Expert Panel on Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution: Sean Brennan in the Age; Paul Kildea in the Australian Financial Review; and George Williams in the Sydney Morning Herald;
- Centre PhD student, Rebecca Welsh, reflected on the Wainohu decision in the Public Law Review with a comment titled “Incompatibility” Rising? Some Potential Consequences of Wainohu v New South Wales’, while Nicola McGarrity spoke on that decision and others in a paper titled ‘Much Ado About Nothing? Drafting Control Orders for Serious Organised Crime Groups after Totani and Wainohu’ at the Centre’s Constitutional Law Conference; and
- The Centre’s Social Justice Intern, Emily Burke, with Andrew Lynch and George Williams made a submission to the Senate Committee Inquiry into the Marriage Equality Amendment Bill 2010.
A number of the Centre’s web Resource Pages have been updated in recent months. See particularly the Charter of Human Rights and Indigenous Legal Issues pages.

People

Already this year the Centre has welcomed two visitors – father and daughter team Professor William Buss (University of Iowa) and Professor Emily Buss (University of Chicago). Bill arrived in time to attend the Constitutional Law conference on 17 February and subsequently conducted a postgraduate reading group discussion on the American influence on the drafting of s 75(v) of the Commonwealth Constitution.

Bill was joined by Emily who is a family law specialist and they delivered a joint Faculty seminar paper titled ‘Escaping the American Blot? A Comparative look at Federalism in Australia and the United States through the Lens of Family Law’. We were delighted that Professor Kim Rubensteint, the Director of CIPL and the ANU, was available to join us in Sydney that day to provide a commentary.

Position Available

The Centre is currently seeking to appoint an academic to join our Federalism Project, analysing key public law issues impacting on the contemporary practice of 'co-operative' federalism in Australia. Applications close on 4 April.

Upcoming Event – Call for Papers

On 13-14 December the Centre’s ARC Laureate Fellowship: Anti-Terror Laws and the Democratic Challenge is hosting, with the International Association of Constitutional Law Research Group on Constitutional Responses to Terrorism, a major international workshop on ‘States of Surveillance – Counter-Terrorism and Comparative Constitutionalism’. Abstracts may be submitted until 9 May.

We welcome any enquiries for better particulars 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.

Professor Andrew Lynch
Director

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