



E-bulletin March 2016

Never Stand Still

Law

Gilbert + Tobin Centre of Public Law

Welcome to the quarterly e-bulletin of the Gilbert + Tobin Centre of Public Law to 31 March 2016. It summarises what has been happening in the Centre since the last update in our January [Newsletter](#). You can always find out more about Centre projects, activities and news in between newsletters and these bulletins by going to the Centre's [website](#) which is regularly updated or by following us on [Twitter](#) or [Facebook](#).

PEOPLE

It is great when new people arrive with fresh ideas and perspectives on public law, keen to put their energy not only into their own projects but also into building and broadening our community of researchers and teachers. You will hear much more about these people and their work in the coming months and years.



From the UK, we are very pleased to welcome Professor [Simon Halliday](#) as a new Centre member. Simon is well known to the Faculty, having previously visited here several times as an Adjunct and Conjoint Professor. A leading socio-legal scholar, Simon's research focuses on the significance of law for public administration, particularly for the frontline delivery of public services. He has a strong interest in interdisciplinary collaboration.



Also joining us as a new Centre Member is Dr [Grant Hoole](#) who has moved here with his family from Canada. Grant won a Vice-Chancellor's Postdoctoral Research Fellowship and returns to the Faculty after spending six months of his PhD with us on an Endeavour Research Fellowship in 2012. Grant's research will focus on institutionalised legal responses to systemic wrongdoing, or wrongdoing that arises from defects in the internal practices, culture, or regulation of organisations and administrative systems.



The Centre also welcomes Harry Hobbs, a new PhD student whose research is on the topic 'Beyond the Referendum on Constitutional Recognition: Including Indigenous Peoples in the Processes of Settler State Government - Evaluating an Indigenous Parliament'.

And we are very pleased to have Brigid McManus, an outstanding final year Social Science/Law student as our semester 1 [social justice intern](#).



Finally, on the topic of Centre people, many of you will have heard that the next Dean of UNSW Law will be [Professor George Williams AO](#). George is of course the Foundation Director of the Gilbert + Tobin Centre of Public Law. He put us on the map and has influenced the way we do things ever since, especially our focus on external engagement and support for emerging talent. Our congratulations to George, who is Dean Designate until he takes up the role of Dean in June. The mid-year newsletter will provide us with the opportunity to thank the outgoing Dean, David Dixon, who has been an absolutely steadfast friend and champion of the Centre throughout his period of leadership.

ACTIVITIES AND RESEARCH

There has been plenty of published research and external engagement on public law and policy issues in the first quarter of the year.



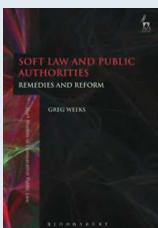
Regional specialist Melissa Crouch wrote on:

- the appointment and constitutional challenges of [Myanmar's new leaders](#)
- [vigilante violence](#) against minority religious communities in Indonesia.

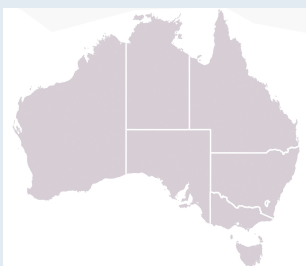


As Australia has moved to a new Senate electoral voting system, the Centre was in the forefront of public and parliamentary debate, including:

- George Williams' [submission](#) to the Joint Standing Committee on Electoral Matters
- George's [op ed](#) at the same time in the Sydney Morning Herald
- an [assessment](#) of the legislation as passed, by George Williams and Harry Hobbs, for the UK Constitution Unit blog.

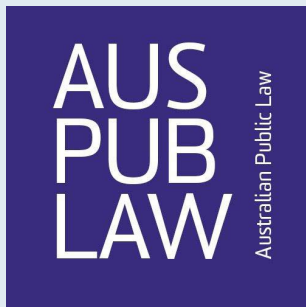


Greg Weeks' book [Soft Law and Public Authorities: Remedies and Reform](#) published by Hart and based on his earlier doctoral work, appeared in February 2016. The book examines the possible remedies when a public authority breaches its own soft law upon which people have relied, thereby suffering loss.



The Centre's work on federalism has continued:

- Shipra Chordia and Andrew Lynch published '[Constitutional Incongruence: Explaining The Failure Of The Council Of The Australian Federation](#)' in the *Federal Law Review*
- Paul Kildea wrote for *The Conversation* on Malcolm Turnbull's [encouragement to the States](#) to take up income taxing powers.



Emeritus Professor Tony Blackshield AO published [Death of a Ghost; or, SCOTUS Sans Scalia](#), an expert treatment of a dozen recent United States Supreme Court cases, in Occasional Pieces, a new series on the Centre website about public law topics here and overseas.

With the death of Justice Antonin Scalia and no replacement in sight, the even 4:4 split between liberal and conservative judges on many issues is already causing problems for the Court, for the parties and for the state of the law in the United States. Meanwhile the influence of the late and colourful Justice Scalia lingers.

AUSPUBLAW – the [Australian Public Law Blog](#) featuring writers from around Australia, hosted by the Centre and co-ordinated by Gabrielle Appleby – has continued to deliver high quality and accessible scholarly writing on the topics of the moment, including:

- David Hume's piece integrating the technical detail, the wider context, the litigation insights and the significance of the outcome in [Plaintiff M68](#)
- John McMillan's authoritative views on the continuing importance of a [strong Fol system](#)
- Shipra Chordia's take on the High Court's [approach to proportionality](#) in *McCloy v NSW*
- electoral law expert Graeme Orr's assessment of the [robust regulatory work](#) of the NSW Electoral Commission on political donations
- the [obligations of public authorities](#) under the Vic Human Rights Charter, by Jack Maxwell
- Matthew Stubbs on prospects of [substantive constitutional recognition](#) of Indigenous people
- Glenn Patmore's research on [politicians' justifications](#) for initiating a move to a republic
- Murray Wesson on [McCloy, proportionality and the doctrine of deference](#), and
- the regular monthly update on public law events.

RECENT EVENTS

2016 Public Law Teaching Workshop

On 11 February 2016 the Centre, together with the Public Law and Policy Research Unit, University of Adelaide, held its second [Public Law in Classroom Workshop](#). The day featured a keynote and panel discussion on The Politics of Teaching Public Law, posters and presentations about teaching experiments and innovations and a final session focusing on Critical Thinking Through Theory and Re-reading. A report on the event, including a link to the Twitter conversation about #publawteach captured on Storify, can be found [here](#).

2016 Constitutional Law Conference and Dinner

On 12 February the Centre hosted the 2016 Constitutional Law Conference and Dinner. This event attracted over 220 participants to hear top-quality papers and discussion of recent High Court cases and contemporary public law issues. The conference proceedings were followed that night by dinner at NSW Parliament House where the guest [speaker](#) was Justin Gleeson SC, Solicitor-General of the Commonwealth. A video of all sessions can be found [here](#), together with papers, powerpoint slides and handouts from the conference.





Seminar

On 14 March the Centre hosted A Conversation with Emeritus Professor Bill Buss, discussing draft chapters from his forthcoming book about the US Influence on the Australian Constitution.

UPCOMING EVENTS

Here are some of our upcoming events:



Constitutional Triumphs, Constitutional Disappointments: A Critical Assessment of the 1996 South African Constitution's Local and International Influence

27-28 April 2016

Organised by Professors Rosalind Dixon and Theunis Roux.

The Politics of Australian Health Policy

12 May 2016

Organised by Professor Louise Chappell (UNSW Faculty of Arts & Social Sciences) in conjunction with the Centre.



Australian Constitutional Values Workshop

10 June 2016

Organised by Professor Rosalind Dixon.

Public Lecture by Deputy Chief Justice Dikgang Moseneke

15 June 2016

His Honour DCJ Moseneke, of the Constitutional Court of South Africa, will address the balance between the democratic process and robust constitutionalism.

2016 Postgraduate Workshop in Public Law

14-15 July 2016

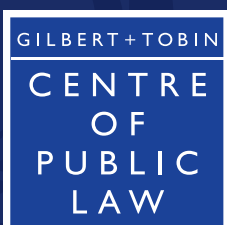
This workshop is an opportunity for higher degree research students in the field of public law to present their work to their peers and the wider academic public law community in a critically constructive yet supportive environment. The [Call for Abstracts](#) closes on 13 May.

2017 Constitutional Law Conference and Dinner

Our annual conference on constitutional law looking at decisions of the High Court, Federal and State courts will again be held at the Art Gallery of New South Wales, on **Friday 17 February 2017**. The Conference Dinner that evening will be held at NSW Parliament House.



Associate Professor Sean Brennan
Director



Gilbert + Tobin Centre of Public Law

Telephone: (02) 9385 2257

Email: gtcentre@unsw.edu.au

Website: www.gtcentre.unsw.edu.au

Twitter: [@GTCentre](https://twitter.com/GTCentre)

Facebook: www.facebook.com/pages/Gilbert-Tobin-Centre-of-Public-Law/138063326284705