Welcome to the September 2012 e-bulletin of the Gilbert + Tobin Centre of Public Law. This e-bulletin provides followers of the Centre’s activities with a brief update on what has been happening since publication of our last Newsletter in July, as well as alerting them to a number of exciting upcoming events. You can always find out more about Centre projects in between newsletters and these bulletins by going to the Centre’s website which is regularly updated or following us on Facebook or Twitter.

Events

On 12-13 July the Centre held its second biennial Postgraduate Workshop in Public Law. This gives higher degree research students in the field of public law experience in presenting their work to their peers and the wider academic public law community at UNSW. Registration is free but requires acceptance of an abstract. Apart from the Centre’s own PG students, the event featured the participation of others from the University of Adelaide, Macquarie University, Monash University, RMIT, Swinburne University of Technology, University of Wollongong and the University of Melbourne – all conducting fascinating research projects. We were very fortunate to have the event begin with a special Keynote Address by Professor Jeffrey Goldsworthy of Monash University who gave a thought-provoking reflection, much referred to by the participants in their later discussions, on ‘The Role of Theory in Public Law Scholarship’.

Later that month, the Centre was delighted to hold a seminar with Professor Grant Huscroft of University of Western Ontario. Grant’s presentation was titled ‘Proportionality in Human Rights Law: Paradoxes and Prospects’ and offered a stimulating discussion on the use of proportionality under not only the Canadian Charter of Rights and Freedoms but also other statutory models, including that of the Charter of Rights and Responsibilities 2006 (Vic).

On 17-18 August the Centre hosted, in collaboration with colleagues in other Faculties at UNSW and the University of Sydney, an interdisciplinary event titled Contemporary Critical Approaches to Human Rights, featuring both local and international scholars (from Columbia University, the London School of Economics, Kansas University and the European University Institute) across two
The workshop presented an opportunity to engage on political and philosophical questions concerning the status and function of the universal discourse of human rights by bringing historians, political theorists, philosophers and legal theorists into a productive and wide-ranging dialogue. The event was structured around four separate, but interconnected, panels examining the history, politics, philosophy and political economy of human rights. There was an overwhelming amount of interest in the workshop which was over-subscribed.

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:

- The appointment of Stephen Gageler SC to the High Court of Australia and the significance of diversity in judicial appointments more generally;
- The High Court’s decision to uphold Bilal Khazaal's terrorism conviction;
- The decision to defer the proposed referendum on constitutional recognition of Indigenous Australians until further community support builds;
- The government’s inquiry into the powers of intelligence agencies;
- The Commonwealth’s response to the High Court’s decision on the validity of the National School Chaplaincy Program in Williams v Commonwealth;
- A challenge to print media regulation with the proposed introduction of a new statutory body; and
- Ramifications of the political trial of the Russian band ‘Pussy Riot’.

Particular highlights over recent months include:

- The publication of a special issue of the Australian Indigenous Law Review collecting together many of the papers from the ‘Constitutional Reform and Indigenous Peoples Workshop’ the Centre co-hosted with the Indigenous Law Centre in mid-2011;
- Sean Brennan made a submission to the Low Aromatic Fuel Bill a supply-reduction measure to combat petrol sniffing;
- Fergal Davis wrote on ‘Parliamentary Supremacy and the Re-Invigoration of Institutional Dialogue n the UK’ in the journal Parliamentary Affairs;
- A Centre submission by Greg Weeks was cited and discussed in the Administrative Review Council’s report on Federal Judicial Review;
- George Williams, Sean Brennan and Andrew Lynch released the online supplement to Blackshield & Williams Australian Constitutional Law and Theory on the case of Williams v Commonwealth;
- Jane McAdam led a submission authored by 17 refugee and immigration law experts to the Commonwealth’s Expert Panel on Asylum Seekers;
- Two submissions were made to the Independent National Security Legislation Monitor on ASIO powers and control orders and preventative detention orders by several members of the Centre’s Anti-Terror Laws and the Democratic Challenge Project;
- Two further multi-author submissions were made regarding anti-terrorism laws: a submission to the Parliamentary Joint Committee on Intelligence and Security Inquiry into National Security Reforms; and another submission to the COAG Counter-Terrorism Review; and

People

We have welcomed Shipra Chordia who joined the Centre recently as the new Director of its Federalism Project. Shipra holds a BSc from UNSW and LLB (Hons) from the University of Sydney. She has previously worked at Freehills, Linklaters LLP, London and as a judicial assistant to Lord Justice Mummery on the UK Court of Appeal.

Also, Grant Hoole is an Endeavour Fellowship recipient visiting the Centre this semester from the University of Ottawa where he is researching his PhD. Grant’s thesis concerns the public law principles surrounding involvement of the judiciary in Royal Commissions and specially-constituted public inquiries.

Upcoming Events

On 11 December 2012, the Centre, in conjunction with the New South Wales chapter of the Australian Association of Constitutional Law, is holding the Comparative Constitutional Law - Final Courts Round-up 2012. This seminar, which ran for the first time last year to a great reception, will provide an outline of recent constitutional developments in the United Kingdom, Canada and the United States that are of key interest to Australian constitutional lawyers. Chaired by Rosalind Dixon, the three panelists are Professor Conor Gearty (London School of Economics), Assistant Professor Vanessa MacDonell (University of Ottawa) and Professor David Cole (Georgetown Law Center). (This seminar is
open only to members of the AACL – you can learn about becoming a member here).

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’. The Call for Abstracts has now closed.

2013 Constitutional Law Conference and Dinner

On 15 February 2013 the Centre is again holding its Constitutional Law Conference. The twelfth in the series, this event will look at decisions in the High Court and other Australian courts in 2012 and beyond. A great program of interesting speakers on diverse topics has been assembled. The conference dinner that evening will be hosted by the New South Wales Attorney-General, the Hon Greg Smith SC. The guest speaker at the dinner will be the Hon Justice Virginia Bell AC of the High Court of Australia. Register now to be sure to take advantage of the early-bird rate!

As always, 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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