



Welcome to the September 2013 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. 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 following us on [Facebook](#) or [Twitter](#).

Directorship of the Centre

[Professor Andrew Lynch](#) stepped down from the role of Director of the Centre at the end of June. Andrew held this position since 2008 and during this time the success of the Centre as a focal point for research and public engagement on public law expanded. During his time as Director, Andrew made great progress in such areas as the postgraduate experience, engaging with the public through seminars and conferences and fostering international and domestic relationships while at the same time continuing with his teaching and research. The Centre is very grateful for Andrew's contribution.

[Associate Professor Sean Brennan](#) has been appointed as the Centre's third director and will take up this position in March 2014 after a long planned sabbatical. [Professor Rosalind Dixon](#) is serving as the Acting Director in the interim.

People

The Centre is pleased to have hosted as visitors in August-September [Dr Alexander Williams](#), from the Law School at Durham University, [Dr Elizabeth Ferris](#), Senior Fellow in Foreign Policy at Brookings in Washington DC, [Assistant Professor Richard Albert](#) from Boston College Law School, and [Assistant Professor David Landau](#) from Florida State University.

We are also delighted to be currently hosting [Dr Liora Lazarus](#) from the University of Oxford and [Professor Janet Hiebert](#) from Queens University, Canada. Dr Lazarus is an outstanding scholar working in the fields of criminal justice, criminology and human rights, and currently completing an edited

collection entitled Reasoning Rights, with support from a British Academy Mid-Career Fellowship. She previously attended the IACL Research Groups Constitutional Responses to Terrorism Workshop hosted by the Centre in December 2012, and following the success of that visit, chose to apply to become a Visiting Professor at the Faculty of Law, and the Centre, and to spend the final period of her BA Fellowship with us.

Liora is an outstanding scholar respected in criminal justice, criminology and human rights circles.

Professor Hiebert is one of the world's leading scholars on the role of parliaments in the protection of human rights, and previously visited the UNSW Faculty of Law as a Visiting Fellow in 2005. She has returned as a visitor to the Centre to complete the final stages of a book manuscript (co-written with Jim Kelly), Parliamentary Bills of Rights: The Limits of Constitutional Engineering in New Zealand and the United Kingdom, which examines how the UK Human Rights Act and New Zealand Bill of Rights Act have influenced policy development, cabinet decision-making and parliamentary evaluations of legislation. While in Australia, she is interviewing public and political officials involved with evaluating whether proposed legislation is consistent with rights, and she is studying whether and how the requirement for ministerial statements of compatibility with rights in Victoria, ACT and the Commonwealth influences the development of legislative initiatives, and their assessments by cabinet and parliament.

We are delighted to have them both here.

The Centre will also be welcoming later this year: [Professor Gerry Rosenberg](#) from the University of Chicago, who will be here in November, and [Professor Richard Fallon](#) from Harvard Law School, who will visit the Centre in December.

Finally, the Centre is pleased to have Nesha Bala as its Social Justice Intern for Semester 2.

Events

Workshop on relocation, land rights and governance in the Pacific

This workshop, organised by [Jane McAdam](#), Director of the [International Refugee and Migration Law Project](#), was intended to provide an informal forum for researchers working on issues related to relocation in the Pacific to talk about their research. The event consisted of presentations by participants of their work and the identification of trends, gaps and future needs for further work in the area.

Workshop on Constitutional Amendment & Its Limits

To coincide with the visit of Assistant Professors Albert and Landau, both leading American experts on constitutional amendment, the Centre hosted a lunchtime workshop on August 21 on “Constitutional Amendment and its Limits”. [Rosalind Dixon](#) and [Dr Carlos Bernal-Pulido](#), from Macquarie University, presented at the workshop and Assistant Professors Albert and Landau offered a response/critical commentary.

Other Centre Events/Seminars

The Centre has also held a number of other seminars over the last three months given by visitors to the Centre. Dr Alexander Williams spoke on “The Scope of Judicial Review”, Dr Elizabeth Ferris gave a seminar (co-hosted by the UNSW Refugee Law and Policy Group) on ‘Syria’s Humanitarian Crisis: Implications for International Law and Global Governance’, and Dr Lazarus a seminar and master class on “Positive Obligations and Criminal Justice: Duties to Protect or Coerce”.

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 [UN Human Rights Committee’s finding](#) that Australia’s treatment of refugees violates international human rights law
- The Australian perspective on the [guidelines on assisted suicide](#)
- Discussion on a referendum to [abolishing the Irish Senate](#)
- The importance of the [Tasmanian Dam Case](#) for Australia’s protection of human rights
- The new Prime Minister’s approach to relations between the [Commonwealth and the states](#)
- [Recognition of same sex marriage](#) at the federal level

Particular highlights over recent months include:

- David Hume, [Andrew Lynch](#) & [George Williams](#)’ article ‘Heresy in the High Court? Federalism as a Constraint on Commonwealth Power’ was published in the [Federal Law Review](#)
- PhD student [Rebecca Welsh](#) published article on [Chapter III of the Constitution](#) published in the *Monash University Law Review*
- George Williams and Andrew Lynch spoke at the [Sir Samuel Griffith Symposium](#) - Australia’s Federal Future in Brisbane, 26 July
- George Williams and Rosalind Dixon spoke at Tasmanian Dam Case: 30th Anniversary Symposium co-hosted by the [ANU Centre for International and Public Law](#) and [Centre for Environmental Law](#), and the [Commonwealth Attorney-General’s Department](#)

- Jane McAdam has edited '[The Global Reach of European Refugee Law](#)' with Helene Lambert and Maryellen Fullerton (CUP, Cambridge, 2013)
- [Jessie Blackbourn](#) has edited 'Critical Terrorism Studies since 11 September 2001: What Has Been Learned?' with David Miller, Helen Dexter and Rani Dhanda (Oxford: Hart Publishing, 2013).

New Centre Project

The Centre has recently launched a new [Comparative Constitutional Law Project](#), which aims to contribute to increased interest in and knowledge about comparative constitutional developments among constitutional scholars, lawyers and legal policy-makers in Australia. A [Resource Page](#) has been established which provides web links and other information on constitutional developments in Australia, and other Commonwealth nations. The Project will also continue the Centre's tradition of hosting a Final Courts Roundup, and host an associated academic comparative constitutional law roundtable later in the year.

Upcoming Events

Workshop: The High Court, the Constitution & Australian Politics

With the upcoming publication of *The High Court, the Constitution and Australian Politics* to be published by [Cambridge University Press](#), and co-edited by Rosalind Dixon and George Williams, the Centre will be holding a workshop on 7/8 November to gather together authors to discuss the early drafts of their chapters.

Final Courts Roundup

On 10 December the Centre will hold its annual "Final Courts Roundup". This event will provide an outline of recent constitutional developments in three jurisdictions – the United Kingdom, Canada and the United States – that are of key interest to Australian constitutional lawyers. Experts from each jurisdiction will report on two or three major constitutional cases argued or decided over the last year; changes in the composition and politics of each country's highest court; and flag the state of debate over constitutional reform. Together, the panellists will also discuss the potential relevance of these comparative developments for current issues in Australian constitutional law. Participants at this event will include Centre visitor, Professors Janet Hiebert and Richard Fallon, and [Professor Claudia Geiringer](#) of the Victoria University of Wellington.

2014 Constitutional Law Conference

On 14 February 2014 the Centre is again holding its Constitutional Law Conference. The thirteenth in the series, this event will look at decisions in the High Court and other Australian courts in 2013 and beyond. The conference

dinner that evening will be hosted by the New South Wales Attorney-General, the Hon Greg Smith SC. Speakers already confirmed for the event include Professors Adrienne Stone, Katharine Gelber, James Stellios and George Williams, and newly appointed Justice Mark Leeming (of the NSW Court of Appeal).

Professor Rosalind Dixon
Acting Director

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