



THE UNIVERSITY OF
NEW SOUTH WALES



FACULTY OF LAW

GILBERT + TOBIN CENTRE OF PUBLIC LAW

ANNUAL REPORT

FOR THE YEAR ENDED 31 DECEMBER 2009

Table of Contents

1.	Director's Report	1
	• Relationship of the Centre to UNSW	1
	• Benefits to UNSW	1
	• Financial position of the Centre	1
	• Success or failure in meeting research objectives	1
2.	Chair of Management Committee's Report	3
	• Summary of Centre's achievements	3
	• Contribution to UNSW	5
3.	Centre Committees	6
	• Advisory Committee	6
	• Management Committee	6
4.	Operational Summary	6
	• Objectives of the Centre	6
	• Research	7
	• Funding sources	7
	• Future of the Centre	7
5.	Staff	7
	• Centre Associates	7
	• Postgraduate Students	8
	• Social Justice Intern Program	9
	• Centre Staff	9
6.	Publications	11
7.	Presentations	17
8.	Submissions to Inquiries	25

1. DIRECTOR'S REPORT

Relationship of the Centre to UNSW

The Gilbert + Tobin Centre of Public Law is based in the Faculty of Law at UNSW.

Benefits to UNSW

The Centre provides a focal point for research, teaching and outreach activities in the field of public law at UNSW. Further details can be found in section 2 of this report and in the attached newsletters.

Financial position of the Centre

The financial position of the Centre as at 31 December 2009 recorded a surplus of \$106,549.12. Refer to Statement of Financial Performance attached.

Success or failure in meeting research objectives

All research projects of the Centre met or exceeded their research objectives.

The **Charter of Human Rights Project** (Project Director: Edward Santow) continues to maintain its watching brief on human rights issues in Australia, including through making submissions, presentations and engaging in public debate on legal issues particularly those involving refugees, freedom of expression and freedom of religion. The Centre was a major contributor to the National Human Rights Consultation which was announced at the end of 2008 and the public and academic debate which surrounded this process. Early in the year the Centre hosted, with the Australian Human Rights Commission, a Human Rights Act Roundtable which brought together a large number of human rights experts to discuss ways to best contribute to this Consultation. A final report of this Consultation (the Brennan Committee Report) was released recommending amongst other things, the enactment of a national Human Rights Act. A second roundtable was held in October 2009 after the release of the Report, its aim being to discuss how to contribute to the eventual implementation of the Report's recommendations.

During 2009 the Centre co-hosted its annual Protecting Human Rights conference with the Centre for Comparative Constitutional Studies, the Regulatory Institutions Network and the Australian Human Rights Centre. The Centre, and Edward Santow especially, took the lead in the organisation of this event. This conference critically examined various charters of rights by leading Australian and international speakers.

The **Federalism Project** (Project Director Paul Kildea) began in 2008 with a funding base of \$30,000 won in an internal round from UNSW. From 2009-2011 this project will be funded by an ARC grant of \$270,000 in total. During 2009 the Centre has contributed to debate on a range of issues which intersect with the operation of Australian federalism. A submission was made to the National Human Rights Consultation looking at ways in which a national Human Rights Act might affect the States and it recommended that such an Act confine its operations to federal laws and public authorities. The Project Director and others have written widely on issues of Federalism including a paper entitled "Australian Federalism and a National Human Rights Act – Implications and Challenges"

delivered at an annual conference of the Australian Political Studies Association. Articles on federal water management and the referrals powers under the Constitution were prepared in 2008 and have been submitted to leading journals.

The **Indigenous Legal Issues Project** (Project Director: Sean Brennan) is committed to continuing its work in the area where public law and Indigenous affairs intersect. During 2009 the Project Director has been busy researching constitutional law and Indigenous property rights. He contributed a conference paper in Hong Kong on the 1969 and 2009 High Court decisions, *Teori Tau v Commonwealth* and *Wurridjal v Commonwealth* and later during 2009 he spoke on legal and policy aspects of the Northern Territory Intervention to the Tipstaff and Research Conference held at the NSW Supreme Court again including reference to *Wurridjal* litigation. The Project Director also appeared as a panel member at the Open Forum on alcohol restrictions in Aboriginal communities. Research continues in this important area of legal regulation and Indigenous public health.

The **International Refugee and Migration Law Project** (Project Director: Jane McAdam) consists of three key research areas: Weathering Uncertainty: Climate Change “Refugees” and International Law; Complementary Protection and War Crimes; and Refugee Status: The Application and Interpretation of International Humanitarian and International Criminal Law to the Adjudication of Refugee Status in Canada, the United States, the United Kingdom, Australia and New Zealand. During the first half of 2009 the Project Director travelled widely conducting field work on climate-induced displacement, in particular in Kiribati which has a population of 100,000 and Tuvalu, the smallest state in the world. Both countries have been labelled as ‘sinking islands’ that could spawn the world’s first ‘climate refugees’. Government officials were interviewed regarding their responses to scientific predictions that their countries may no longer be inhabitable within the next 50 years because of rising sea levels and associated problems. Similar research was carried out in New Zealand where discussions took place about possible policy responses.

The Project Director spent the second half of 2009 on sabbatical leave at Oxford University. Whilst on leave, she focused on researching ways in which international law regulates the movement and legal status of people displaced by climate change. Her edited book *Climate-Induced Displacement: Multidisciplinary Perspectives* will be published by Hart Publishing this year,

The **Terrorism and Law Project** (Project Director: Nicola McGarrity) was established to analyse Australia’s legal response to terrorism and to contrast this to the responses of other comparable nations. In December 2008, the Commonwealth Government released its response to several independent and parliamentary inquiries conducted between 2006 and 2008 (including the Clarke Inquiry into the Case of Dr Mohammed Haneef). Probably the most important reform announced was the establishment of a statutory office to be known as the National Security Legislation Monitor. The Government has now presented its Bill and it is clear that the Monitor will perform a similar function to the United Kingdom’s Independent Reviewer of Terrorism Legislation. During 2009, the primary task of the Terrorism and Law Project was to conduct a ‘stock-take’ of Australia’s terrorism trials. The Centre’s website has been updated to include details of these trials. This stock-take has also formed the basis for a much longer academic study, which will soon be published in the *Criminal Law Journal*.

In early July the Centre held an Expert Terrorism Roundtable which brought together 25 academics and practitioners in the areas of criminal and public law to discuss the impact of the trend towards a 'culture of control' on legal systems beyond national security. Many of the papers presented at this roundtable will be published by Routledge-Cavendish in a volume entitled *Counter-Terrorism and Beyond: The Culture of Law and Justice after 9/11* this year. During 2009, the project also made several important submissions – one to the Commonwealth Attorney-General's Department in response to a major *National Security Legislation Discussion Paper* and one to the Senate Finance and Public Administration Committee inquiry into the *National Security Legislation Monitor Bill 2009*.

2. CHAIR OF MANAGEMENT BOARD'S REPORT

Summary of Centre's achievements

During 2009, Centre staff made important achievements in their areas of research, including a large number of submissions to public inquiries, and the publication of books and articles.

Of the twenty five submissions made, those of particular importance include:

- A submission to the Commonwealth Attorney-General's Department was made in response to the major *National Security Legislation Discussion Paper* released in August 2009. This submission involved the largest collaborative effort of any submission in the Centre's history, with seven Centre members making contributions to it.
- A number of topic-specific submissions were made to the National Human Rights Consultation Committee. These included federalism, refugees and asylum seekers, Indigenous legal issues and counter-terrorism. A major comprehensive submission on human rights protection by Edward Santow was extensively cited in the Committee's final report.
- A submission to the Senate Foreign Affairs, Defence and Trade Inquiry into the Economic and Security Challenges Facing Papua New Guinea and the Island States of the Southwest Pacific on the impacts of climate change on human movement in the region.

Centre Foundation Director, Professor George Williams, was awarded one of only fifteen Australian Laureate Fellowships by the Australian research Council. George was the only Humanities academic amongst the recipients of the Fellowships. The award carries funding for a five year period for George's project on 'Anti-Terror Laws and the Democratic Challenge'.

Publications

The Centre continued to produce research publications of significance in 2009, with a full list of books, articles and conference papers in Section 6 of this report.

Public Recognition and Profile

The Centre, throughout 2009, continued to enjoy a high media profile playing a prominent, independent role in public debate on issues vital to Australia's future including human rights, Indigenous legal affairs, anti-terrorism laws, developments in the High Court and reform of the Australian Constitution. The Centre's bi-annual newsletter is put up on the website and is posted to the 1,550 people on the database, which includes academics, lawyers, journalists, politicians and members of the general community. Additionally, in 2009, a brief bi-annual e-bulletin was prepared and distributed in March and September, advising of activities and upcoming events.

Website

The Centre website <www.gtcentre.unsw.edu.au> has become a popular portal into public law issues and the work of the Centre. It is innovative in including features such as a Constitutional Law Teacher's Clearing House and resource pages linked to ongoing research. The site features a number of email distribution lists which have led to considerable interaction between Centre researchers and international scholars and to contact with potential postgraduate students from Australia and overseas.

Projects

The key projects undertaken during 2009 by the Centre were:

- Charter of Human Rights
- Climate Change 'Refugee' and International Law
- Federalism
- High Court of Australia
- Indigenous Rights, Land and Governance
- Terrorism and the Law

During 2009 the Centre continued to work with PhD students involved in fields of law and public policy (see section on postgraduate students below).

Events

The Centre held several successful events during 2009:

- 2009 Constitutional Law Conference and Dinner

On 20 February 2009, the Centre again hosted a major constitutional law conference at the Australian National Maritime Museum. The conference, the eighth in this series of annual events, gathered together practitioners, judges, scholars and members of the general public to discuss recent events and future trends in Australian constitutional law. The event attracted over 200 people and participants at the conference also enjoyed the dinner that night at New South Wales Parliament House. The speaker was Commonwealth Attorney-General, the Hon Robert McClelland and the dinner was again followed by a High Court trivia quiz.

- 2009 Protecting Human Rights Conference

On 2 October 2009 the Centre hosted the “Protecting Human Rights” conference which involved the collaboration of the Centre for Comparative Constitutional Studies (University of Melbourne), RegNet (Australian National University) and the Australian Human Rights Centre. The conference considered the recent National Human Rights Consultation process, human rights developments in other Australian states and the protection of Indigenous, disability and health rights.

- Charter of Human Rights Roundtables

Two roundtables, held in February and October 2009, brought together a large number of human rights experts from around Australia to discuss the National Human Rights Consultation and how to contribute to the implementation of the Brennan Committee’s Report which was released during the year.

- Terrorism Research Roundtable

On 5-7 July 2009 the Centre convened an intensive research roundtable as part of its Terrorism and Law Project. This roundtable brought together practitioners and academics in the areas of public and criminal law to discuss the impact which a focus on the restrictions on the right to liberty of non-suspects, limited public access to information and increased community surveillance have had on legal systems beyond the immediate context of national security. The proceedings will appear as an edited collection in 2010.

- Seminar Series

During 2009 the Centre held a number of seminars. The Centre co-hosted a seminar with the new Centre for Interdisciplinary Studies of Law (CISL) at UNSW on 1 April. The topic was courts and constitutional change and the speakers were uniquely placed to bring rigorous comparative perspectives to this theme. The panel consisted of Visiting Professorial Fellow, Michael Kirby, Associate Professor Renata Uitz, Professor Theunis Roux and Professor Martin Krygier

Professor Vicki Jackson, Georgetown University Law Center gave a paper titled ‘Engaging the Transnational: Older constitutions, Universal Reason and Democratic Legitimacy. Professor Jackson considered the practice and legitimacy of comparative constitutionalism as an aid to the interpretation of well-established national constitutions. Dr David Bilchitz, Director of the South African Institute for Advanced Constitutional, Public Human Rights and International Law spoke on the Brennan Report’s recommendations and socio-economic rights.

Contribution to UNSW

The Centre is pivotal to the strength of the profile of public law at UNSW. It has provided a platform for academics at UNSW to engage in national debates through public submissions, appearances in the media and also the organisation of national conferences. Additionally, the Centre’s continued success in obtaining external grant funding has enabled the employment of talented research staff whose publications and teaching add to the community of public lawyers in the Faculty.

3. CENTRE COMMITTEES

The composition of the Committees for 2009 were as follows:

Advisory Committee

Sir Anthony Mason, Former Chief Justice of the High Court (Chair)
 Ms Robin Banks, Public Interest Advocacy Centre
 Professor Larissa Behrendt, Jumbunna Indigenous House of Learning, University of Technology, Sydney
 Professor James Crawford, Cambridge University
 Professor David Dixon, Dean, Faculty of Law, UNSW
 Mr Stephen Gageler SC, NSW Bar
 Mr Danny Gilbert, Managing Partner, Gilbert + Tobin
 Associate Professor Arthur Glass, Faculty of Law, UNSW
 Dr Andrew Lynch, Centre Director
 Mr Michael Sexton SC, Solicitor-General of NSW

The Advisory Committee held its third meeting on 12 May 2009. During this meeting the Committee discussed and offered strategic advice on the work of the Centre to date.

Management Committee

Professor Andrew Byrnes, Associate Dean (Research), Faculty of Law, UNSW (Chair)
 Associate Professor Andrea Durbach, Faculty of Law, UNSW
 Dr Andrew Lynch, Deputy Centre Director
 Mr Richard Pascoe, Gilbert + Tobin
 Dr Helen Pringle, School of Politics & International Relations, UNSW
 Professor Peter Saunders, Social Policy Research Centre, UNSW

4. OPERATIONAL SUMMARY

Objectives of the Centre

The Centre was established as a national focal point for research and discussion of important questions of public law for the academic, professional and wider community. The Centre is an integral part of the Faculty of Law, which provides considerable support in the form of office space, computer resources and a part-time administrator. In return, in 2009 the Centre provided the Faculty with delivery of a half-time teaching load, valued at \$24,490, and \$11,973 in payment of UNSW levy on commercial activities. In 2009, three of the Centre's Project Directors were academic staff employed full-time by the Faculty and two were employed by the Centre directly using external funds. Several other Faculty members are members of the Centre.

The Centre's research and other activities involve not only constitutional and administrative law, but also related areas of intersection between law and government and legal reform in areas such as human rights, Indigenous legal issues, immigration law and terrorism law. In these and other areas, the Centre is involved in research and contemporary public debates of political and legal significance. It acts as a change agent through the excellence of its research, the highly visible platform it provides for key participants and its constructive community leadership in debate and opinion formation.

Research

The Centre has established itself as a leading research institution in the field of public law in Australia and in the region. We are continuing to develop an international profile for our research work. The greater number of papers presented by Centre members at international conferences is a good sign of this.

Funding

During 2009 the Centre was successful in being awarded a number of research grants. The most notable was the Australian Laureate Fellowship grant awarded to Professor George Williams of around \$2.5 million to fund his project on 'Anti-Terror Laws and the Democratic Challenge'.

Further grants were awarded as follows:

- An ARC Discovery grant for \$270,000 over three years was awarded for research into 'Federalism for the 21st Century – A Framework for Achieving Reform and Change'.
- Two ARC Discovery grants were awarded to Dr Jane McAdam for research into 'Weathering Uncertainty: Climate Change 'Refugees' and International Law' for \$69,500 and 'Immigration Restriction and the Racial State, c. 1880 to the present' for \$95,000
- The ARC Lief grant for \$175,000 to support Australian Policy Online Full-Text Research Repository and Thematic Gateways in 2009 involves the Centre in supplying law related analysis and commentary.

Future of the Centre

The Centre has a solid financial base, and we are looking forward to producing more exciting and important research outcomes.

5. STAFF

Centre Associates

Tony Blackshield, *Adjunct Professor*, LL.M Syd

Megan Davis, *Senior Lecturer*, BA LLB UQ, LL.M ANU

Arthur Glass, *Associate Professor*, BA LLB PhD Syd

Cassandra Goldie, B Juris LLB (Hons) UWA LLM Dist UCL, PhD UNSW

Janice Gray, *Lecturer*, BA LLB Dip Ed MA UNSW

Devika Hovell, PhD Program, Balliol College, University of Oxford, BA LLB (Hons) UWA, LLM NYU

Jill Hunter, *Associate Professor*, BA LLB UNSW, PhD Lond

Garth Nettheim, *Emeritus Professor*, LLB Syd, AM Tufts

Richard Potok, *Visiting Fellow*, BComm LLB NSW, BCL Oxon

Rosemary Rayfuse, *Associate Professor*, LLB Queens, LLM Cantab, PhD Utrecht

Ben Saul, *Senior Lecturer*, University of Sydney, BA (Hons) LLB (Hons) Syd, DPhil Oxon

Alex Steel, *Senior Lecturer*, BA LLB (Hons) Macq, MA (Media, Tech & Law) Macq

Jeremy Webber, *Visiting Professor*, BA (British Columbia), LLB (McGill), LLM (Osgoode) 1988

Postgraduate Students

The following postgraduate students were supported by the Centre during 2009:

Justin Carter

Supervised by Edward Santow

Topic: The Law of Contempt at the Dawn of the Human Rights Era

Andrew Dahdal

Supervised by George Williams

Topic: Section 51(xiii) - The Commonwealth Banking Power

Dominique Dalla-Pozza

Supervised by Andrew Lynch and George Williams

Topic: Australian Approach to Enacting Counter-Terrorism Laws

Jacqueline James

Supervised by Andrew Lynch and Sean Brennan

Topic: Contemporary Australian Anti-Terror Laws: Do They Disproportionately Restrict Freedom of the Press?

Mitchell Landrigan

Supervised by George Williams

Topic: The Interface of Political and Religious Discourse Under the Commonwealth Constitution

Katherine Lindsay
 Supervised by George Williams
 Topic: Judicial Biography and the High Court of Australia

Wenwen Lu
 Supervised by Andrew Lynch and Andrew Byrnes
 Topic: Terrorism and National Security in Australia: International Human Rights Perspectives and Comparative Study with Other Asian Countries

Jennifer Norberry
 Supervised by Andrew Lynch and George Williams
 Topic: Law and National Security Crises - Contemporary Australian Experience

Soula Papadopoulos
 Supervised by Andrew Lynch and George Williams
 Topic: Co-operative Federalism is not a constitutional term

Leon Terrill
 Supervised by Sean Brennan and Megan Davis
 Topic: Aboriginal Land Tenure Reform in the Northern Territory

Social Justice Internship

The Centre continues to take part in the Social Justice Intern Program, an undergraduate elective designed to give later year undergraduate students experience in various aspects of social justice advocacy. The students working with the Centre during 2009 were Richard Kraus (Semester I, 2009) and Ben Teeger (Semester II, 2009).

Centre Staff

Centre Staff as at 31 December 2009 consisted of the following:

Sean Brennan (Director, Indigenous Legal Issues Project)
 Email: s.brennan@unsw.edu.au
 Phone: (02) 9385 2334

Interests:

Public Law, Indigenous Legal Issues, Native Title.

Emily Crawford
 Email: emilycrawford@unsw.edu.au
 Phone: (02) 9385 9547

Ben Golder
 Email: b.golder@unsw.edu.au
 Phone: (02) 9385 1843

Interests:

Legal and social theory (particularly critical, feminist and post-structuralist approaches to

law), legal philosophy, criminal law and public law (particularly critical approaches to counter-terrorist law and capital punishment).

Paul Kildea (Director, Federalism Project)

Email: p.kildea@unsw.edu.au

Phone: 902) 9385 9655

Interests:

Public law, the process of constitutional reform, political participation, deliberative democracy.

Andrew Lynch (Centre Director)

Email: a.lynch@unsw.edu.au

Phone: (02) 93859654

Interests:

Federal Constitutional Law, Legal responses to Terrorism, Judicial Dissent.

Jane McAdam (Director, International Refugee and Migration Law Project)

Email: j.mcadam@unsw.edu.au

Phone: (02) 9385 2210

Interests:

International Refugee Law, International Human Rights Law, Public International Law, Forced Migration, Climate-Induced Displacement, Statelessness, EU Law relating to Asylum and Human Rights.

Belinda McDonald (Administrator)

Email: gtcentre@unsw.edu.au

Phone: (02) 9385 2257

Nicola McGarrity (Director, Terrorism Project)

Email: n.mcgarrity@unsw.edu.au

Phone: (02) 9385 3445

Interests:

Constitutional law, Legal responses to terrorism, Human rights, Constitutional reform.

Christopher Michaelsen

Email: c.michaelsen@unsw.edu.au

Phone: (02) 9385 3721

Interests:

Human Rights, Public International Law, German and Comparative Constitutional Law, Criminal Justice, Terrorism/Counter-Terrorism

Theunis Roux

Email: t.roux@unsw.edu.au

Phone: (02) 9385 3418

Interests:

Australian federal constitutional law; South African constitutional (property) law; comparative constitutional (property) law; interdisciplinary research in law and politics; legal theory; property rights restitution and land reform

Ed Santow (Director, Charter of Rights Project)

Email: e.santow@unsw.edu.au

Phone: (02) 9385 9656

Interests:

Human Rights, Administrative Law and Constitutional Law.

George Williams (Foundation Director)

Email: george.williams@unsw.edu.au

Interests:

Constitutional Law, Human Rights and Electoral Law.

6. PUBLICATIONS

Publications for the year ending 2009 are set out below.

Joint Publications

‘The High Court on Constitutional Law: The 2008 Statistics’ (2009) 32 *University of New South Wales Law Journal* 181-197 (with George Williams);

‘Lessons from the History of the Proscription of Terrorist and Other Organisations by the Australian Parliament’ (2009) 13(1) *Legal History* 25 (with Nicola McGarrity and George Williams);

‘The Proscription of Terrorist Organisations in Australia’ (2009) 37 *Federal Law Review* 1 (with Nicola McGarrity and George Williams).

Joint Media

‘At last, an independent reviewer of terrorism laws’, *Inside Story* (with Nicola McGarrity) (16 July 2009);

‘So far, so good for security monitor’, *Australian Financial Review* (with Nicola McGarrity) (10 July 2009).

Andrew Lynch

‘The Use of History by Lawyers in Debating Responses to Terrorism’ in S Brawley (ed), *Doomed to Repeat? Terrorism and the Lessons of History* (New Academia, 2009) 305;

‘Review: *Appealing to the Future – Michael Kirby and His Legacy*, by Ian Freckelton and Hugh Selby (eds)’, (2009) 34 *Alternative Law Journal* 138;

‘Review: *Counterterrorism: Democracy’s Challenge*, by Andrea Bianchi and Alexis Keller (eds)’ (March 2009) *Law and Politics Book Review* (online), American Political Science Association;

‘Control Orders in Australia: A Further Case Study in the Migration of British Counter-Terrorism Law’ (2008) 8 *Oxford Commonwealth Law Journal* 159;

‘*Thomas v Mowbray*: Australia’s ‘War on Terror’ Reaches the High Court’ (2008) 32 *Melbourne University Law Review* 1182.

Media

‘Why South Australia bikie laws went too far’, *The Australian* (2 October 2009);

‘The devil in the detail’, *Inside Story* (19 August 2009);

‘Entertaining first draft of a Charter operative’, Review of Robertson, *The Statute of Liberty* (2009), *The Weekend Australian* (4-5 April 2009);

‘Judge right on rights’, *The Australian* (20 March 2009);

‘The Lessons from Haneef’, *Inside Story* (5 February 2009).

Sean Brennan

‘The Indigenous Estate’ in Heather McRae and Garth Nettheim, *Indigenous Legal Issues: Commentary and Materials* (4th ed, Lawbook Co, 2009) 183;

‘Land Rights Legislation’ in Heather McRae and Garth Nettheim, *Indigenous Legal Issues: Commentary and Materials* (4th ed, Lawbook Co, 2009) 205;

‘Native Title: An Overview of its Development in Australia’ in Heather McRae and Garth Nettheim, *Indigenous Legal Issues: Commentary and Materials* (4th ed, Lawbook Co, 2009) 261;

‘Native Title: Specific Features of Law and Process’ in Heather McRae and Garth Nettheim, *Indigenous Legal Issues: Commentary and Materials* (4th ed, Lawbook Co, 2009) 321;

‘Aboriginal Land Still Vulnerable’, *Reform: A Journal of National and International Law Reform*, Issue 93, 2009, 26.

Ben Golder

Foucault’s Law (Routledge-Cavendish, 2009) (with Peter Fitzpatrick);

‘The Borders of the Political/The Politics of the Border’, a Special Issue of (2009) 20(2) *Law & Critique* (with Victoria Ridler and Illan Wall eds);

‘Review: *Dead Certainty: The Death Penalty and the Problem of Judgment* by Jennifer L Culbert’ (2009) 5(1) *Law, Culture and the Humanities* 164.

Jane McAdam

‘From Economic Refugees to Climate Refugees?’ (2009) 10 *Melbourne Journal of International Law* 579;

‘Status Anxiety: The New Zealand Immigration Bill and the Rights of Non-Convention Refugees’ [2009] *New Zealand Law Review* 293;

Convention Refugee Status and Subsidiary Protection Working Party: Second Report (International Association of Refugee Law Judges, Cape Town, January 2009).

Media

Jane McAdam and Maryanne Loughry, ‘We Aren’t Refugees’, *Inside Story* (29 June 2009);

Jane McAdam and Maryanne Loughry, ‘Sinking Isles, Rising Hopes’, *Canberra Times* (27 June 2009).

Nicola McGarrity

‘Testing’ Our Counter-Terrorism Laws: The Prosecution of Individuals for Terrorism Offences in Australia’ (2009) 33 *Criminal Law Journal* 201;

‘Calling a Coup a Coup: Judicial Authority versus Political Reality in the Fiji Islands’ (2009) 20(3) *Public Law Review* 182.

‘Errors in the Anti-Charter Campaign: The Need for Public Education about Human Rights’ (2009) 34(1) *Alternative Law Journal* 11;

‘Case Note: Qarase v Bainimarama’ (2009) 20 *Public Law Review* 16.

Media

‘Freedoms are losing out to fear’, *The Age*, (14 August 2009);

‘The Thin Grey Line’, *Inside Story*, 25 March 2009.

Christopher Michaelsen

‘The Future of the UN’s Al-Qaeda and Taliban Sanctions Regime’, Australian National University, Canberra, 16 October 2009;

‘International and Comparative Perspectives on Australia’s Anti-terrorism Laws’, UNSW Law Society Speakers Forum, Sydney, 29 September 2009;

‘The Deportation of Terrorist Suspects: Diplomatic Assurances and the Principle of Non-Refoulement’, Staff Seminar Series, UNSW Law Faculty, Sydney, 22 September 2009;

‘Kadi and Al Barakaat v Council of the EU - The Incompatibility of the UN Security Council’s 1267 Sanctions Regime with European Due Process Guarantees’ (2009) 10 *Melbourne Journal of International Law*, 329-345;

‘The Proportionality Principle in the Context of Anti-Terrorism Legislation: an Inquiry into the Boundaries between Human Rights Law and Public Policy’, in Vinay Kumar (ed), *Proportionality and Federalism: State Reflections* (Hyderabad: Amicus Books, 2009) 180-201;

International Law and the Use of Force: A Documentary and Reference Guide (Westport, CT: Praeger Security International, 2009) (with Anthony Billingsley and Shirley Scott).

Media

‘Legal Duty, No, Moral Duty, Yes’, *Canberra Times* (18 November 2009);

‘Face the flaws – don’t choose the scaremonger path’, *Canberra Times* (17 August 2009);

‘German law points way in our own rights debate’, *Canberra Times* (22 May 2009).

Theunis Roux

National and International Perspectives on Social Rights (Ant N Sakkoulas/Bruylant, 2008) (with Julia Iliopoulos and Strangas eds);

Constitutional Law of South Africa 2nd ed (Juta & Co, 2008) (with Stuart Woolman, Jonathan Klaaren, Matthew Chaskalson, Anthony Stein and Michael Bishop eds);

‘Land Restitution and Reconciliation in South Africa’ in Antje du Bois-Pedain and Francois du Bois (eds), *Justice and Reconciliation in South Africa* (Cambridge University Press, 2008) 144;

‘Principle and Pragmatism on the Constitutional Court of South Africa’ (2009) 7 *International Journal of Constitutional Law* 106;

‘The Dignity of Comparative Constitutional Law’ (2008) *Acta Juridica* 185 (also published in AJ Barnard-Naudé, Drucilla Cornell & François du Bois (eds), *Dignity, Freedom and the Post-Apartheid Legal Order: The Critical Jurisprudence of Laurie Ackermann* (Juta & Co, 2008)).

Edward Santow

‘Justice Education, Law Reform and the Clinical Method’ in Frank Bloch (ed), *The Global Clinical Movement: Educating Lawyers for Social Justice* (OUP, 2010) (with Les McCrimmon);

‘The Global Alliance for Justice Education’; in Frank Bloch (ed.), *The Global Clinical Movement: Educating Lawyers for Social Justice* (OUP, 2010) (with George Mukundi);

‘The Brennan Committee Report: Reform of Discrimination Law’ (2009) 17(1) *Australian Journal of Administrative Law* 21;

‘The Impact of an Australian Human Rights Act on Refugee Law’ (2009) 16(4) *Australian Journal of Administrative Law* 183.

Media

‘Frank Brennan’s Explosive Recommendations’, *Inside Story* (15 October 2009).

‘Bill that adds up’, Review of Leeser and Haddrick (eds), *Don’t Leave Us with the Bill: The Case Against an Australian Bill of Rights* (2009), *The Weekend Australian* (13-14 June 2009);

George Williams

‘The People’s Choice: The Prisoner Franchise and the Constitutional Protection of Voting Rights in Australia’ (2009) 8 *Election Law Journal: Rules, Politics, and Policy* 123-139 (with Graeme Orr);

‘Commonwealth Power over Industrial Relations: Evolution without a Referendum’ in HP Lee and P Gerangelos (eds), *Constitutional Advancement in a Frozen Continent* (Federation Press, 2009), 105-125 (with David Hume);

‘Australian Censorship Policy and the Advocacy of Terrorism’ (2009) 31 *Sydney Law Review* 381-410 (with David Hume);

‘Advocating Terrorist Acts and Australian Censorship Law’ (2009) 20 *Public Law Review* 37 (with David Hume);

‘Freedom of Speech and Defamation: Developments in the Common Law World’ in E Barendt (ed), *Freedom of the Press* (Ashgate, 2009) 275-291 (with Adrienne Stone);

‘Enemies Foreign and Domestic; Thomas v Mowbray and the New Scope of the Defence Power’ (2008) 27 *University of Tasmania Law Review* 83 (with Hernan Pintos-Lopez);

‘Bringing Human Rights Home’ *Australian Fabian News*, Vol 49 No 2, November 2009, 9-11;

‘The Role of Parliament under an Australian Charter of Human Rights’ (2009) 51 *Papers on Parliament* 49-60;

‘Asylum Seekers: New Refugee Solution Needs Legal help’ in J Healey (ed), *Refugees* (Issues in Society, vol 296, Spinney Press, 2009), 11-12;

‘Innovations: Key Legislative, Committee and Parliamentary Achievements’ in *20th Anniversary of Self-Government in the Australian Capital Territory* (Legislative Assembly for the ACT, 2009), 82-88;

‘Listening not Talking’ (2009) 24 *Griffith Review* (online);

‘A Charter of Rights’ *Australian Mosaic*, Issue 23, October 2009, 44-46;

‘A Charter of Rights for Australia’ *Debate* (Issue 4, March 2009), 6;

‘*Qarase v Bainimarama* and the Rule of Law in Fiji’ in *Courts and Coups in Fiji: The 2008 High Court Judgment in Qarase v Bainimarama* (State, Society & Governance in Melanesia Program Discussion Paper 2008/10, Research School of Asian and Pacific Studies, ANU College of Asia and the Pacific), 2.

Media

‘Rudd Unlikely to be Trigger Happy’, *The Age* (1 December 2009);

‘Rudd is Unlikely to be Trigger Happy’, *Sydney Morning Herald* (1 December 2009);

‘League Tables Law is Simply Rank’, *Sydney Morning Herald* (17 November 2009);

‘Time for a New Debate on the Republic’, *Sydney Morning Herald* (3 November 2009);

‘The People Have Spoken – and They Want Protection’, *Sydney Morning Herald* (21 October 2009);

‘A Clear Voice Crying for Dignity for our Fellow Beings’, *Sydney Morning Herald* (9 October 2009);

‘Show of Hands for Call to Arms’, *Sydney Morning Herald* (6 October 2009);

‘New Test Promotes Citizenship by Rote’, *Sydney Morning Herald* (23 September 2009);

‘Pyrrhic Victory May Help Stewart’, *Sydney Morning Herald* (8 September 2009);

‘How to Get Rid of Them’, *Sydney Morning Herald* (3 September 2009);

‘There are More Humane Ways to Die than Starving’, *Sydney Morning Herald* (25 August 2009);

‘Curbs on Campaign Ads Should not be Beyond Us’, *Sydney Morning Herald* (11 August 2009);

‘Health Reform Needs a Federal Fix First’, *Sydney Morning Herald* (28 July 2009);

‘A Better Way to Choose Judges’, *Sydney Morning Herald* (14 July 2009);

‘High Court Casts Shadow on Canberra’s Lofty Vision’, *Sydney Morning Herald* (9 July 2009);

‘One Man’s Rare Win for States’ Rights may Ring Hollow’, *The Age* (9 July 2009);

- ‘Time to Take Away their Right to Vote’, *Sydney Morning Herald* (30 June 2009);
- ‘Bush Capital Lacks a Fair Share’, *Canberra Times* (17 June 2009);
- ‘It’s our Republic, Not a Dance with Her Maj’s Heirs’, *Sydney Morning Herald* (16 June 2009);
- ‘Wisdom of Politicians is Frail Shield for our Rights’, *Sydney Morning Herald* (2 June 2009);
- ‘Work Choices Flaw Lives on in Industrial Relations Law’, *Sydney Morning Herald* (20 May 2009);
- ‘Wanted: A Workable System’, *Canberra Times* (11 May 2009);
- ‘The Gaping Holes in our Laws on Torture’, *Sydney Morning Herald* (6 May 2009);
- ‘Alcopops Bill Could be a Trigger to Dissolution’, *Sydney Morning Herald* (21 April 2009);
- ‘The Rule of Law has been Displaced by the Force of Arms’, *Sydney Morning Herald* (11 April 2009);
- ‘Racist Premise of Our Constitution Remains’, *Sydney Morning Herald* (7 April 2009);
- ‘Strategies for Achieving Constitution Recognition of Local Government’, *Councillor Magazine* (March/April), 3-4;
- ‘Challenge to Bonuses has its Merits’, *Sydney Morning Herald* (20 March 2009);
- ‘Breaking Pattern of Citizen Inane’, *Sydney Morning Herald* (10 March 2009);
- ‘Time to Change Terrorism Laws’, *Sydney Morning Herald* (24 February 2009);
- ‘Rudd Must Act if Race Complaint Upheld’, *Sydney Morning Herald* (10 February 2009);
- ‘Listening not Talking’, (2009) 24 *Griffith Review* (online).

7. PRESENTATIONS

Joint Presentations

Nicola McGarrity and George Williams, ‘Enacting Anti-Terror Laws in a National without a Bill of Rights: The Australian Experience’, *International Conference on Exclusions from Constitutional Law*, City University of Hong Kong, 28-29 November 2009;

Paul Kildea, Andrew Lynch and Edward Santow, 'Australian Federalism and a National Human Rights Act – Implications and Challenges', Conference of the Australian Political Studies Association, Macquarie University, Sydney, 28-30 September 2009;

Nicola McGarrity and George Williams, 'When Extraordinary Measures become Normal: Pre-Emption in Counter-Terrorism and Other Laws', *Terrorism Roundtable: The 'Culture of Control'*, University of New South Wales, 6-7 July 2009.

Edward Santow and Kate Temby, 'Writing Submissions to Law Reform Bodies: the National Human Rights Consultation and Beyond', Australian Human Rights Commission, 27 February 2009;

Edward Santow and Francine Johnson, 'Towards a Federal Human Rights Act: The Consultation and Business', *Gilbert + Tobin Lawyers Forum*, 26 February 2009.

Wenwen Lu

'The Influence of Motive in the Definition of Terrorism: A Comparative Study of Australia, Hong Kong, Singapore and Malaysia', *International Conference on Exclusions from Constitutional Law*, City University of Hong Kong, 28-29 November 2009;

'Comparative Research of the Definition of Terrorism in Australia, Hong Kong, Singapore and Malaysia', Law and Crisis Postgraduate Students Conference, University of Sydney, 30 October 2009.

Andrew Lynch

'Contemporary Challenges and the Strengthening of Executive Power: An Australian Case Study', IALS Conference on Constitutional Law, American University Washington College of Law and Georgetown University Law Center, Washington DC, United States of America, 11-12 September 2009;

'The Discussion Paper in Context', *National Security Legislation Review Forum*, Australian Human Rights Commission, Sydney, 3 September 2009;

'The Constitutional Licence for Laws of Control: Terrorists and Bikies', NSW Young Lawyers, Law Society of NSW, 28 July 2009.

(Moderator) 'Does Australia Need a Human Rights Act?', *UNSW Speakers' Forum*, LawSoc and Amnesty International, UNSW, 1 June 2009;

'The Legislative and Executive Branch vs The Constitutional Court and the Judiciary – Conflict or Co-operation?', *60 years Deutsches Grundgesetz – The German Constitution turns 60: Human and basic rights through the eyes of Germany and Australia*, Australian National University, Canberra, 22-23 May 2009;

'The Advantages of a Human Rights Act', Amnesty International, New South Wales Annual General Meeting, Steelers Club, Wollongong, 17 May 2009;

‘The powers of the Commonwealth Parliament - too much or too little?’, *New South Wales Schools State Constitutional Convention*, Parliament of NSW, Sydney, 16 February 2009;

‘The Haneef Affair: Diminished Rights, Diminished Security’, Counter Terrorism and Human Rights (Postgraduate Course), Centre for Security Studies, University of Sydney, 14 February 2009.

Sean Brennan

Past Scholar’s Address, delivered at Lionel Murphy Foundation Annual Lecture, NSW Parliament House, 2 December 2009;

‘Territory Residents and Indigenous Property Holders under the Australian Constitution: In or Out?’, *International Conference on Exclusions from Constitutional Law*, City University of Hong Kong, 28-29 November 2009;

‘Indigenous Legal Issues and Public Law’, UNSW Indigenous Research Showcase, Sydney, 10 November 2009;

Panel Member, ‘Alcohol Restrictions in Indigenous Communities’, Indigenous Law Centre Open Forum, 22 September 2009;

‘The Northern Territory Intervention: The Constitutional Challenge in *Wurridjal v Commonwealth* and Other Issues’, NSW Supreme Court Tipstaff and Researcher Conference, Sydney, 21 August 2009;

Panel Member, Aboriginal Health Panel, Shalom Gamarada Aboriginal Art Exhibition, Sydney, 26 July 2009.

‘Australian Constitutional Futures’, Panel Discussion, *Gilbert + Tobin Centre of Public Law Constitutional Law Conference*, Sydney, 20 February 2009.

Ben Golder

‘Foucault, Anti-Humanism and Human Rights’, *Centre for Postcolonial and Globalisation Studies Conference: Foucault: 25 Years On*, Adelaide, 25 June 2009;

‘Foucault and the Unfinished Human of Rights’, *Australian Society for Legal Philosophy Annual Conference*, Melbourne, 5-6 June 2009.

Paul Kildea

‘Citizen attitudes to public engagement in constitutional reform’, Conference of the Australian Political Studies Association, Macquarie University, Sydney, 29 September 2009.

Jane McAdam

‘An International Law Critique of the “Disappearing State” Phenomenon’, Faculty of Law, University of Essex (8 December 2009);

Invited workshop participant: ‘Survival Migration’ (Department of International Relations, University of Oxford, 3 December 2009);

Invited workshop participant: ‘Immigration Restriction and the Racial State’ (Harvard University, 28 October 2009);

‘Environmental Migration Governance and International Law’, *Environmental Change and Its Impact on Human Societies’ Conference*, The Graduate Institute, Geneva, 8–9 October 2009;

‘Countering the Australian media’s representation of refugees and asylum seekers’, Jesuit Refugee Service, 27 April 2009;

‘Climate-Induced Displacement and the Frameworks of International Human Rights and Refugee Law’, UNSW International Research Workshop, 18–20 February 2009.

Nicola McGarrity

‘The Impact of a Bill of Rights on the Enactment and Review of Counter-Terrorism Laws: An Examination of Australia and the United Kingdom’, Guest Lecture, *Bills of Rights in Comparative Perspective*, University of Wollongong, 11 December 2009;

‘The Coercive Powers of the Australian Security Intelligence Organisation’, *Workshop on Intelligence Agencies and their Oversight*, European University Institute Law Department, Florence, 12-13 November 2009;

‘Anti-Terrorism Law Panel’, *UNSW Law Society Speakers’ Forum*, UNSW Law Society Speakers Forum, Sydney, 29 September 2009;

‘Constitutional Recognition of Local Government: The Technical Case’, *National General Assembly of Local Government*, National Convention Centre, Canberra, 22 June 2009;

‘The Coercive and Investigatory Powers of the Australian Building and Construction Commission’, *Wilcox Inquiry Public Forum*, University of Sydney, 4 March 2009.

Christopher Michaelsen

‘The Proportionality Principle, Counterterrorism and Human Rights: A German-Australian Comparison’, *International Conference on Exclusions from Constitutional Law*, City University of Hong Kong, 28-29 November 2009;

‘The Future of the UN’s Al-Qaeda and Taliban Sanctions Regime’, Australian National University, Canberra, 16 October 2009;

‘International and Comparative Perspectives on Australia’s Anti-terrorism Laws’, UNSW Law Society Speakers Forum, Sydney, 29 September 2009;

‘The Deportation of Terrorist Suspects: Diplomatic Assurances and the Principle of Non-Refoulement’, Staff Seminar Series, UNSW Law Faculty, Sydney, 22 September 2009;

‘The Security Council’s 1267 Sanction Regime: The Way Ahead’, *17th Annual Conference, Australian and New Zealand Society of International Law*, Victoria University of Wellington, 3 July 2009;

‘Economic Sanctions and the Rule of Law’, *3rd Australasian Conference on the Economics and Politics of War and Peace*, University of Sydney, 27 June 2009;

‘The Security Council’s 1267 Sanction Regime: An Increasing Liability for the United Nation’s Counter-Terrorism Efforts’, *6th Asian Law Institute (ASLI) conference*, University of Hong Kong, 29 May 2009;

‘The Legality of Diplomatic Assurances and Memoranda of Understanding under International Human Rights Law’ *Crossing Borders: Promoting Regional Law Enforcement Cooperation -European, Australian and Asia-Pacific Perspectives*, ANU, Canberra, 8 April 2009.

Theunis Roux

‘The South African Constitutional Court and the Hlophe Controversy’, *International and Comparative Perspectives on Constitutional Law Conference*, Centre for Comparative Constitutional Studies 21st Anniversary Conference, Melbourne, 27 November 2009;

‘The Politics of Principle: Explaining the Success of the First South African Constitutional Court, 1995-2005’, Melbourne Law School Colloquium on Constitutional Theory, 26 November 2009;

‘Courts and Constitutional Change: South Africa, Hungary, Australia’ Centre for Interdisciplinary Studies of Law and Gilbert + Tobin Centre for Public Law Seminar, 1 April 2009.

Edward Santow

‘Rights, reform and the Australian Constitution: A reflection on the Human Rights Consultation and Report’, *International and Comparative Perspectives on Constitutional Law Conference*, Centre for Comparative Constitutional Studies 21st Anniversary Conference, Melbourne, 27 November 2009;

‘Human Rights Act Debate’, Fabian Society, NSW Parliament House, 25 November 2009;

‘Should Australia have a Bill of Rights?’, Shine Lawyers Public Debate, University of Southern Queensland, 4 November 2009;

‘Human Rights for Australians’, Geography Teachers’ Association Conference, NSW Parliament House, 7 August 2009;

Panellist, *The Great Debate: Does Australia need a Charter of Human Rights?*, Parliament House, Canberra, 2 July 2009;

Plunkett Seminar on Human Rights Laws, Plunkett Centre for Ethics, Sydney, 11 June 2009;

‘Does Australia Need a Human Rights Act?’, UNSW Speakers’ Forum, LawSoc and Amnesty International, UNSW, 1 June 2009;

‘Corporate responsibility: failed rhetoric or future remedy?’, Forum, Australian Human Rights Centre, 21 May 2009;

‘Who’s afraid of a Human Rights Act?’, A Charter of Rights for Australia: *NSW Young Lawyers Conference*, Sydney, 9 May 2009;

‘A Human Rights Act and the National Consultation’, *Embracing an Australian Human Rights Act for People with Disability Forum*, Sydney, 8 May 2009;

‘A Charter of Rights for Australia’, *Legal Studies Association of NSW Conference*, Sydney, 3 April 2009;

‘A Human Rights Act for Australia?’, *Meeting of the Minds Debate*, Sydney, 30 March 2009;

‘The business case for a Human Rights Act’, DLA Phillips Fox CLE forum, 24 March 2009;

‘Fostering engagement in the National Human Rights Consultation’, *Human Rights Roundtable*, Australian Human Rights Commission, 19 February 2009.

Leon Terrill

‘Township leasing and Aboriginal land reform in the Northern Territory’, University of New South Wales Indigenous Research Showcase, 10 November 2009.

George Williams

‘What Form Should a Charter of Human Rights Take?’, Seminar, Parliament House, Hobart, 7 December 2009;

‘Towards a Republic’, ALP Central Branch, Sydney, 23 November 2009;

‘An Australian Human Rights Act’, Chief Legal Office, Australian Securities and Investments Commission, Sydney, 17 November 2009;

‘An Entrenched Bill of Rights’, *The Socratic Forum*, Key Centre for Ethics, Law, Justice and Governance; Institute for Ethics, Governance and Law and Australian Research Council Governance Research Network (GovNet), Canberra, 13 November 2009;

‘An Australian Human Rights Act’, Family Court of Australia Judges Conference, Family Court of Australia, Melbourne, 9 November 2009;

‘What are we aiming to achieve and how might we get There?’, *Human Rights Act Roundtable*, Gilbert + Tobin Centre of Public Law and Australian Human Rights Commission, Sydney, 22 October 2009;

‘Anti-Terror Laws and the Challenge for Democracies like Australia’, Distinguished Scholars Speakers Series, UNSW, Sydney, 13 October 2009;

‘The Laws You Have When you Don’t have a Bill of Rights!’, *National Young Unionists Conference*, Canberra, 3 October 2009;

‘After the Apology: Recognising Indigenous Peoples and their Rights in the Australian Constitution’, *4th National Indigenous Legal Conference*, Adelaide, 25 September 2009;

‘Drivers of Research Success’, Faculty Seminar, School of Law, University of South Australia, Adelaide, 24 September 2009;

‘The Republic’ Seminar, ANU Debating Society, 15 September 2009;

‘What’s Next?’, *National Security Legislation Review Forum*, Australian Human Rights Commission, Sydney, 3 September 2009;

‘Anti-Terror Laws and the Democratic Challenge’, University of Tasmania Law Faculty, Hobart, 31 August 2009;

‘Panel Discussion on Research Excellence’, *Australia Malaysia Forum on Quality and Excellence in Higher Education*, Kuala Lumpur, Malaysia, 11 August 2009;

‘Public Law: Showcasing Australian Research Excellence’ *Australia Malaysia Forum on Quality and Excellence in Higher Education*, Kuala Lumpur, Malaysia, 11 August 2009;

‘Is the Republic Really Inevitable?’ Australian Republican Movement, Sydney, 30 July 2009;

‘The Role of Parliament under an Australian Charter of Human Rights’, *Australia – New Zealand Scrutiny of Legislation Conference*, Parliament House, Canberra, 8 July 2009;

‘The ABCC and its Powers’, Social Activists Seminar: Creating a Better Working Life, Canberra, 2 July 2009;

‘Constitutional Reform – Q and A’, *National General Assembly of Local Government*, National Convention Centre, Canberra, 22 June 2009;

‘Democracy and Participation’, *ACTU Congress 2009*, Brisbane Convention and Exhibition Centre, Brisbane, 3 June 2009;

‘Charters and Unions’, *Unions NSW*, Sydney, 28 May 2009;

‘International Law and the War Power’, *60 years Deutsches Grundgesetz – The German Constitution turns 60: Human and basic rights through the eyes of Germany and Australia*, Australian National University, Canberra, 22-23, May 2009;

‘The Role of Parliament under an Australian Charter of Human Rights’, Senate Occasional Lecture, Parliament House, Canberra, 22 May 2009;

‘The Community Sector and a National Charter of Human Rights’, ACT Council of Social Service Inc Forum, Canberra, 19 May 2009;

‘After the Apology: Recognising Indigenous Peoples and their Rights in the Australian Constitution’, *Indigenous Network Seminar*, Canberra, 14 May 2009;

‘Referendums and an Australian Republic’, U3A Current Affairs Seminar, Canberra, 13 May 2009;

‘Innovations: Key Legislative, Committee and Parliamentary Achievements’, *20th Anniversary of Self-Government Conference: Representing and Governing the Territory: Two Decades of Self-Government in the Nation’s Capital*, Legislative Assembly for the Australian Capital Territory, Canberra, 12 May 2009;

‘Australia’s Human Rights Problems and Why We Need a Charter of Rights’, *NSW Young Lawyers CLE Conference: A Charter of Rights for NSW and Australia*, Sydney, 9 May 2009;

‘A Charter of Human Rights for Australia’, Evatt Foundation Seminar, NSW Parliament House, Sydney, 7 May 2009;

‘Time for a National Human Rights Act?’ Public Forum, ACT Human Rights Commission and Australian Lawyers for Human Rights, ACT Legislative Assembly, 29 April 2009;

‘Anatomy of Bills and Charters of Rights, with Attention to Parliamentary Reform’, *Parliaments and Bills of Rights Conference*, Parliamentary Studies Centre and Centre for International and Public Law, Australian National University, Canberra, 24 April 2009;

‘The ACT Electoral System’, Community Forum, Canberra, 4 April 2009;

‘Challenges for Access to Justice and Civil Rights’, *Queensland Law Society Symposium 2009*, Brisbane Convention and Exhibition Centre, 28 March 2009;

‘The Community and a Charter’, Anti-Discrimination Commission Queensland, Brisbane, 27 March 2009;

‘A Criminal’s Charter or a Charter for Everyone’, *2009 Everyday People Everyday Rights Human Rights Conference*, Victorian Equal Opportunity & Human Rights Commission, Melbourne, 16 March 2009;

‘Moderator: Should Australia adopt a Federal Charter of Human Rights?’, Open Forum, Isaacs Law Society, University of Canberra Law School, 11 March 2009;

‘Bills of Rights’, *NSW Aboriginal Land Council Statewide Conference*, Crowne Plaza Hunter Valley, Cessnock, 3 March 2009;

‘The Case for a National Charter’, Charter of Rights Forum, Canberra, 28 February 2009;

‘What Future For the Powers of the ABCC?’, *Forum on the Proposed Building and Construction Division of Fair Work Australia*, Centre for Employment and Labour Relations Law, Melbourne Law School, 26 February 2009;

‘What do we Need to Achieve to Ensure a Human Rights Act for Australia?’, *Human Rights Act Roundtable*, Gilbert + Tobin Centre of Public Law and Australian Human Rights Commission, Sydney, 19 February 2009;

‘Simple as ABCC?’, Australian Fabian Society, Hobart, 13 February 2009;

‘Free Speech and a Charter’, Australian Press Council, 5 February 2009.

8. SUBMISSIONS TO INQUIRIES

Joint submissions

Ben Teeger and George Williams, Submission to Electoral Reform Secretariat, Department of the Prime Minister and Cabinet ‘Electoral Reform Green Paper: Strengthening Australia’s Democracy’ (19 October 2009);

Paul Kildea and George Williams, Submission to House Standing Committee on Legal and Constitutional Affairs ‘Inquiry into the Machinery of Referendums’ (9 October 2009);

Ben Golder, Andrew Lynch, Nicola McGarrity, Christopher Michaelson, Edward Santow, Ben Teeger and George Williams, Submission to Commonwealth Attorney-General’s Department ‘National Security Legislation Discussion Paper’ (24 September 2009);

Andrew Lynch, Ben Teeger and George Williams, Submission to Senate Legal and Constitutional Affairs Committee ‘Inquiry into the Marriage Equality Amendment Bill 2009’ (28 August 2009);

Andrew Lynch, Nicola McGarrity, Ben Teeger and George Williams, Submission to Senate Legal and Constitutional Affairs Committee ‘Inquiry into the Anti-Terrorism Laws Reform Bill 2009’ (14 August 2009);

Nicola McGarrity and George Williams, Submission to Senate Education, Employment & Workplace Relations Committee 'Inquiry into the Building and Construction Industry Improvement (Transition to Fair Work) Bill 2009' (16 July 2009);

Andrew Lynch, Nicola McGarrity and George Williams, Submission to Senate Standing Committee on Finance and Public Administration 'Inquiry into the National Security Legislation Monitor Bill 2009' (14 July 2009);

Jane McAdam and Tristan Garcia, Submission (Refugees and Asylum Seekers) made to the National Human Rights Consultation Committee on (11 June 2009);

Paul Kildea and Andrew Lynch, Submission (Federalism Issues) made to the National Human Rights Consultation Committee (27 May 2009);

Ben Golder, Andrew Lynch, Nicola McGarrity and Christopher Michaelson, Submission (National Security Issues) made to the National Human Rights Consultation Committee (18 May 2009);

Andrew Lynch and George Williams, Submission to Senate Standing Committee on Legal and Constitutional Affairs 'Inquiry into Australia's Judicial System, the Role of Judges and Access to Justice' (27 March 2009);

Andrew Lynch and George Williams, Submission to Standing Committee on Finance and Public Administration 'Inquiry into the Plebiscite for an Australian Republic Bill 2008' (3 February 2009);

Edward Santow (with Just Fair Treatment), Submission to the Australian Human Rights Commission's Inquiry, *Freedom of Religion and Belief in the 21st Century* (February 2009).

Sean Brennan

Submission (Indigenous Legal Issues) made to the National Human Rights Consultation Committee (15 June 2009).

Jane McAdam

Submission to Senate Standing Committee on Legal and Constitutional Affairs' Inquiry into the Migration Amendment (Complementary Protection) Bill 2009 (28 September 2009).

Edward Santow

Submission to the National Human Rights Consultation (May 2009).

George Williams

Submission to Parliament of New South Wales Joint Standing Committee on Electoral Matters, 'Inquiry into Public Funding of Election Campaigns' (9 December 2009);

Submission to ACT Legislative Assembly Standing Committee on Justice and Community Safety, 'Inquiry into Campaign Finance Reform' (8 December 2009);

Submission to Constitution Committee, House of Lords, United Kingdom Parliament, 'Inquiry into Referendums in the UK's Constitutional Experience' (26 November 2009);

Submission to Senate Standing Committee on Foreign Affairs, Defence and Trade, 'Inquiry into Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2008 [No 2]' (22 September 2009);

Submission to ACT Department of Justice and Community Safety, 'Review of the *Human Rights Act 2004* (ACT)' (26 August 2009);

Submission to House Standing Committee on Procedure, 'Inquiry into the Effectiveness of House Committees' (22 June 2009).

Submission to Queensland Legal, Constitutional and Administrative Review Committee 'Inquiry into A Preamble for the Queensland Constitution?' (18 May 2009);

Submission to the National Human Rights Consultation (6 May 2009);

Submission to Electoral Reform Secretariat, Department of the Prime Minister and Cabinet 'Electoral Reform Green Paper: Donations, Funding and Expenditure' (25 February 2009).