



THE UNIVERSITY
OF
NEW SOUTH
WALES



FACULTY OF LAW

GILBERT + TOBIN CENTRE OF PUBLIC LAW

ANNUAL REPORT

FOR THE YEAR ENDED 31 DECEMBER 2011

Table of Contents

1.	The Centre	1
2.	Director's Report	1
3.	Centre Committees	2
3.1	Advisory Committee	2
3.2	Management Board	3
4.	Staff	3
	Centre Staff	3
	Centre Associates	5
	Social Justice Interns	5
	Postgraduate Research Students	5
5.	Key Centre Activities	7
	Research Funding	7
	Research Projects	7
	Events	9
6.	Publications	12
7.	Presentations	17
8.	Submissions to Inquiries	25

1. THE CENTRE

The Gilbert + Tobin Centre of Public Law in the Faculty of Law was established in 2001 with the aim of providing a focus within UNSW for research and education (including teaching, research supervision, professional education and public conferences) on issues of law and policy concerning the sphere of Public Law.

The Centre is a focal point for research and discussion of these and other questions of public law for the academic, professional and wider community. The Centre's Members, Postgraduate Students and Visitors seek to actively engage with government, the legal profession and broader community through research, teaching, media and consultancy work and events including conferences and seminars.

The Centre's operations may be generally equated with those expected of individual researchers in an academic faculty but enhanced through the possibilities of institutional collaboration and profile which are afforded by the Centre, as well as the administrative support which its members receive. So, in addition to the publication of traditional legal research in the areas with which the Centre is concerned, the Centre focuses strongly on the application and dissemination of its research efforts.

2. DIRECTOR'S REPORT

Throughout 2011, the Centre maintained its strong profile as an independent, research-based contributor to government and community debates on public law issues including federalism, Indigenous legal affairs, anti-terrorism laws, migration law, and constitutional reform. Twenty-one submissions, frequently followed up by oral evidence, were made to independent and parliamentary inquiries on these and other topics by Centre members.

The Centre's work in respect of the proposal for constitutional recognition of Indigenous peoples deserves special mention. The three submissions made by Sean Brennan, Paul Kildea and George Williams to the Expert Panel on this topic represent just a fraction of the Centre's activities in the area. The Centre has been an ongoing contributor to NGO planning and education around the Indigenous referendum debate. This has taken the form of assisting some of those organisations with their own submissions to the Expert Panel, participating in network discussions about community engagement on the issue, and combining forces with the Law School's Indigenous Law Centre to host an academic roundtable on specific options for constitutional change and also to deliver on a competitive tender won with the National Congress of Australia's First Peoples to survey and inform its members about these proposals.

The Centre held its tenth annual Constitutional Law Conference on 18 February. This continues to be our flagship event, highlighting important developments in the High Court, Federal Court and State Courts. It routinely attracts a broad cross-section of judges, members of the private bar, government lawyers, academics and political figures – both as speakers and delegates. In addition, the Centre held a number of other major events in 2011, most notably the interdisciplinary two-day conference on 'Climate Change and Migration in the Asia-Pacific: Legal and Policy Responses' (November) and

a two-day research workshop on ‘Mechanisms of Federal Reform’ (March). Both those events featured research that is now available as published edited books.

The Centre’s bi-annual newsletter (January and July) and bi-annual e-bulletin (March and September) are posted electronically to the 1,660 contacts on our database, which includes judges, academics, lawyers, journalists, politicians and members of the general community. Additionally, in 2011, the Centre established Facebook and Twitter accounts and now regularly uses these to alert its ‘friends’ and ‘followers’ of upcoming events and news items loaded on to the Centre’s website, including media contributions and mentions as well as submissions, publications and updates to the resources pages.

Towards the end of 2011, the Centre had major success in obtaining external funding from the Australian Research Council. Professor Jane McAdam, Director of the Centre’s International Refugee and Migration Law Project won a Future Fellowship of \$815,000 to support her work on climate-change induced displacement in our region. Since joining the Centre upon her appointment to UNSW in 2006, Jane’s work has made a very large contribution not simply to the Centre’s academic research but also its voice in government and community debates about the persistently vexed topic of migration and asylum seeker policies.

Additionally, the Centre’s Federalism Project won a second consecutive Discovery grant of \$215,000, which will support its activities over 2012-14. In early 2012, the Deputy Vice-Chancellor (Research) of UNSW agreed to further support the Centre’s work in this field with an internal grant of \$100,000 over the next two years. The Federalism Project has been a significant area in the Centre since its relatively recent establishment in 2008 and this is set to continue apace.

Lastly, the Centre continued to grow in membership last year. This was due mainly to the additions made to the team working on the ARC Laureate Fellowship Anti-Terrorism Law Project under Professor George Williams. One Senior Lecturer, two post-doctoral fellows and two PhD students joined the Centre through this project. The Faculty’s own post-doctoral fellow also joined, as did two other PhD students, one each of Sean Brennan and Jane McAdam.

3. CENTRE COMMITTEES

3.1 Advisory Committee

The composition of the Advisory Committee in 2011 was as follows:

Sir Anthony Mason, Former Chief Justice of the High Court (Chair)

The Hon Justice John Basten, Court of Appeal Supreme Court of New South Wales

Professor Rosalind Croucher, President, Australian Law Reform Commission

Professor David Dixon, Dean, Faculty of Law, UNSW

Mr Stephen Gageler SC, Commonwealth Solicitor-General

Mr Danny Gilbert, Managing Partner, Gilbert + Tobin

Professor Andrew Lynch, Centre Director

Dr Melissa Perry QC, New South Wales Bar
Mr Michael Sexton SC, Solicitor-General of NSW

The Advisory Committee held its annual meeting on 31 May 2011. The Committee was pleased to add Justice Basten and Dr Perry to its membership in this year.

3.2 Management Board

Professor David Dixon, Dean, Faculty of Law, UNSW (Chair)
Associate Professor Andrea Durbach, Faculty of Law, UNSW
Dr Andrew Lynch, Deputy Centre Director
Steven Glass, Gilbert + Tobin
Professor Peter Saunders, Social Policy Research Centre, UNSW
Dr Claudia Tazreiter, Faculty of Arts and Social Sciences, UNSW

The Management Board held meetings on 27 April, 7 September and 9 November 2011.

4. STAFF

4.1 Centre Staff

Centre Staff as at 31 December 2011 consisted of the following:

Jessie Blackburn
Email: j.blackbourn@unsw.edu.au
Phone: (02) 9385 9640
Interests: Terrorism, Counter-Terrorism, Anti-Terror Laws.

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.

Fergal Davis
Email: f.davis@unsw.edu.au
Phone: (02) 9385 9656
Interests: Theories of Judicial Review, Scepticism and the Control of Executive Power through Non-Judicial Means.

Ben Golder (Director, Public Law and Legal Theory Project)
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.

Lucas Lixinski

Email: l.lixinski@unsw.edu.au

Phone: (02) 9385 6685

Interests: International Law, Fragmentation of International Law, International Cultural Heritage Law, International Human Rights Law, Regional Economic Integration, Comparative Constitutional Law, International Legal History.

Andrew Lynch (Centre Director)

Email: a.lynch@unsw.edu.au

Phone: (02) 93859654

Interests: Constitutional Law, Federalism, Terrorism Law, Judicial Dissent, Judicial Appointment

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 (Co-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

Svetlana Tyulkina

Email: s.tyulkina@unsw.edu.au

Phone: (02) 9385 6676

Interests: Comparative Constitutional Law, Anti-Terrorism Legislation, International Human Rights Law, Political Participation Rights.

Greg Weeks

Email: greg.weeks@unsw.edu.au

Phone: (02) 9385 8242

Interests: Judicial Review, Public Law and Private Law Remedies against Public Authorities.

George Williams (Foundation Director and Director, Anti-Terror Laws and the Democratic Challenge)

Email: george.williams@unsw.edu.au

Interests: Constitutional Law, Human Rights and Electoral Law.

4.2 Centre Associates

Tony Blackshield, *Adjunct Professor*, LLM Syd

Dominique Dalla-Pozza, *Lecturer*, ANU, BA (Hons) LLB (Hons) Syd, PhD UNSW

Megan Davis, *Senior Lecturer*, BA LLB UQ, LLM ANU

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

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

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

Devika Hovell, *Lecturer*, University of Birmingham, BA LLB (Hons) UWA, LLM NYU

Jill Hunter, *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, *Professor*, LLB Queens, LLM Cantab, PhD Utrecht

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

Alex Steel, *Associate Professor*, BA LLB (Hons) Macq, MA (Media, Tech & Law) Macq

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

4.3 Social Justice Intern Program

The Centre continues to take part in the Social Justice Intern Program, an undergraduate elective designed to give later year undergraduate and Juris Doctor students experience in various aspects of social justice advocacy. The students working with the Centre during 2011 were Robert Woods (Semester I, 2011) and Fiona Chong (Semester II, 2011).

4.4 Postgraduate Research Students

The following postgraduate students were supported by the Centre during 2011:

Andrew Dahdal

Supervised by Theunis Roux

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

Keiran Hardy

Supervised by Ben Golder and George Williams

Topic: Developing a Counter-Insurgency Model of Anti-Terrorism Law

Jackie Hartley
Supervised by Sean Brennan
Topic: Free, Prior and Informed Consent and the Rights of Indigenous Peoples to Lands, Territories and Resources

Mitchell Landrigan
Supervised by George Williams
Topic: The Interface of Political and Religious Discourse Under the Commonwealth Constitution

Wenwen Lu (completed 2011)
Supervised by Andrew Lynch
Topic: Anti-Terrorism Laws Compared – Australia, Singapore and Malaysia

Nicola McGarrity
Supervised by Andrew Lynch
Topic: Terrorism Laws and the Criminal Trial

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

Sangeetha Pillai
Supervised by Fergal Davis and George Williams
Topic: Citizenship and Anti-Terror Laws

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

Tamara Tulich
Supervised by Fergal Davis and George Williams
Topic: The Judiciary as a Check on Anti-Terror Laws

Rebecca Welsh
Supervised by Andrew Lynch and George Williams
Topic: The Power to Restrain Liberty under Chapter III of the Australian Constitution: Control Orders and Preventative Detention Orders

Kelvin Widdows
Supervised by Andrew Lynch and George Williams
Topic: Sir John Latham: Judicial Reasoning in Defence of the Commonwealth

Tamara Wood

Supervised by Jane McAdam

Topic: Who is a refugee under Article I(2) of the 1969 Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa?

5. KEY CENTRE ACTIVITIES

5.1 Research Funding

As at 31 December 2011, the Centre currently has the following external research grants supporting its research activities:

- 2009-12 ARC Discovery grant for \$343,000 to fund research into ‘Immigration Restriction and the Racial State, c. 1880 to the present’ (Bashford, Amrith & McAdam)
- 2011-15 ARC Discovery grant for \$814,913 to fund research into ‘Moving with Dignity a Human Rights Approach to Slow-Onset Climate Change-Related Displacement and Relocation in the Pacific’ (McAdam)
- 2012-14 ARC Discovery grant for \$215,000 to fund research into ‘Co-operative Federalism in Australian: Constitutional Principles and Practice’ (Lynch & Williams)
- 2009-14 ARC Laureate Fellowship grant for \$2,211,430 to fund research into ‘Anti-Terror Laws and the Democratic Challenge’ (Williams)

5.2 Research Projects

The **ARC Laureate Fellowship: Anti-Terror Laws and Democratic Challenge Project** (Project Director: George Williams) aims to answer the question of how democratic nations (especially Australia, Canada, India, New Zealand, the United Kingdom and the United States) can best reconcile traditional democratic processes, institutions, principles and individual freedoms with the likelihood that anti-terror laws granting war-time powers will remain in place for the foreseeable future.

The body of research being conducted by the project is very wide. The project is looking at questions such as how the separation of powers affects control orders and preventative detention, through to analysis of a recent Indian anti-terror trial, through to how terrorism should be defined in democratic nations around the world. A number of publications have already been achieved, with many others in the pipeline, such as the co-edited second edition of *Global Anti-Terrorism Law and Policy* (by Cambridge University Press). The project is supported by a number of Faculty members and postgraduate supervision. The project team was well-represented at the important IACL Terrorism Research Workshop in Milan, Italy in December 2011. Members of the team presented a paper and the Project Directors liaised with the organisers of the IACL Workshop about the Centre’s hosting of a similar event in December 2012. The Project also co-

hosted with the Centre for Criminology at Oxford University a Postgraduate Workshop on 5 December.

The **Charter of Human Rights Project** (Acting Project Director: Rosalind Dixon) aims to contribute to the debate about a national Charter of Human Rights and maintain a watching brief on the intersection of public law with human rights issues in Australia. The Centre was very pleased to have Assistant Professor Dixon, on an extended visit from University of Chicago Law School, act as Director of the project over the second half of 2011. Under her supervision, the Charter of Rights Resource website has recently been updated and includes information and links to analysis and commentary on recent developments such as the High Court's decision in *Momcilovic v R*, the Victorian Scrutiny of Acts and Regulations Committee's *Review of the Charter of Human Rights and Responsibilities Act 2006*, and the new *Human Rights (Parliamentary Scrutiny) Act 2011*.

The **Federalism Project** (Project Director: Paul Kildea) reached the end of three years ARC funding under a Discovery grant obtained by Andrew Lynch and George Williams for 2009-11. As mentioned above, activities over 2012-14 will be funded by a new Discovery grant of \$215,000 supplemented by \$100,000 from UNSW. This money will fund further research into the effect of intergovernmental co-operation on Australia's system of constitutional democracy and the relationship between harmonisation and 'co-operative' federal-state relations and constitutional principles such as responsible government and public accountability. The University's commitment of further funds to support the Centre's work in this area is in recognition of the considerable success that the Director and Foundation Director have had in obtaining consecutive Discovery grants in this field and aims to optimise the Centre's position to lead an collaborative bid in the next anticipated round of ARC Centres of Excellence funding.

In March 2011 the project hosted a federalism roundtable on the theme of 'Mechanisms of Federal Reform'. This roundtable brought together academics from a range of disciplines and also leading practitioners in intergovernmental relations to discuss processes and institutions that contribute to change in Australia's federal system. Papers from this event were published as an edited collection titled *Tomorrow's Federation – Reforming Australian Government*. Published by Federation Press, this book was launched on 17 February 2012 by the Hon Barry O'Farrell, Premier of New South Wales. Additionally, the project team published in academic journals, print and online media on federalism matters, as well as delivering conference papers on their research in this area.

The **Judiciary Project** (Project Director: Andrew Lynch) continues to house the work done by Centre members on the High Court and other courts as institutions. This includes the annual survey of decision-making on the High Court and media pieces, commentary and submissions to inquiries on issues affecting the Australian judiciary.

The **Indigenous Legal Issues Project** (Project Director: Sean Brennan) is committed to continuing its work on the intersection between constitutional law and indigenous property rights. The project is an obvious point of Centre collaboration with the Faculty's

Indigenous Law Centre, and this occurred in 2011 to a much greater degree than in previous years.

As indicated in the Director's report, the prospect of a referendum on constitutional recognition of Aboriginal and Torres Strait Islander people has warranted a lot of Centre activity in this project area. A number of opportunities to consolidate and develop collective thinking on proposals for a 2013 referendum arose during the second half of the year. The project director worked with several major Aboriginal and Torres Strait Islander NGOs in developing their response to the Commonwealth's Expert Panel, as well as making direct contributions on behalf of himself and the Centre through submissions, presentations and media commentary. Other Centre members, especially the Co-Directors of the Referendum Project, were also involved in these and similar activities.

A special resource page on the Centre's website was developed specifically on Constitutional Change and Aboriginal and Torres Strait people for community use.

The **International Refugee and Migration Law Project** (Project Director: Jane McAdam) continued to focus on climate change and human movement, and refugee law. 2011 marked the 60th anniversary of the Refugee Convention providing a point for reflection as well as an opportunity to consider future challenges and responses. The Project director was invited to the UN High Commissioner for Refugees' first Expert meeting on climate change and displacement to discuss the sufficiency of existing legal and policy frameworks to respond to climate-related movement; to consider strategies to secure commitment on climate-related displacement and to discuss a set of common understandings on responses to it.

During 2011, the problem of asylum seekers once more featured prominently on the national political agenda. The project director with other Centre staff, interns and volunteers made submissions to the Commonwealth Parliament on these issues as they arose for consideration in committee. In November the project held a two-day conference on 'Climate Change and Migration in the Asia-Pacific: Law and Policy Responses'. This event wove together an array of multi-disciplinary analyses of climate-related movement in our region. Presentations ranged from central conceptual issues through to detailed fieldwork-based analysis of the experiences of particular communities in Tuvalu, Kiribati, Papua New Guinea, the Maldives and Bangladesh.

The **Public Law and Legal Theory Project** (Project Director: Ben Golder) examines many of the foundational concerns of the Centre (public law, sovereignty, democracy, human rights and counter-terrorism) through the lens of contemporary political theory, legal philosophy and critical legal theory. Activities of this project continue to centre around the organisation of seminars by visitors to the Faculty. Two research outputs were supported by the project, a special issue of the *Leiden Journal of International Law* on 'Foucault and International Law' and the forthcoming edited collected of *Michel Foucault: Law, Government, Rights*.

The **Referendums Project** (Project Co-Directors: Paul Kildea and George Williams) was created to explore the holding of referendums in Australia. Referendums have long been important to the work of the Centre in areas like federalism and Indigenous legal issues, but have not themselves been the subject of sustained attention. The project became increasingly active during 2011 as the public debate surrounding possible constitutional amendment intensified. A submission was made to the Expert Panels' inquiry into constitutional recognition of Aboriginal and Torres Strait Islander peoples. This submission focused on issues of process and argued that more was needed to be done to raise public awareness and engage the community on the reform options.

The project was also involved in public consultations surrounding constitutional recognition of local government, which was the subject of a second Expert Panel that reported to the Commonwealth before the end of 2011.

5.3 Events

The Centre held several successful events during 2011:

- 2011 Constitutional Law Conference and Dinner

On 18 February 2011, the Centre again hosted its annual constitutional law conference at the Art Gallery of New South Wales. The conference, the tenth in this series, 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 230 people and participants at the conference also enjoyed the dinner that night at New South Wales Parliament House. The guest dinner speaker was the Hon Patrick Keane, Chief Justice of the Federal Court of Australia.

- Federalism Roundtable

On 24-25 March, the Centre hosted a two-day major research roundtable on the theme 'Mechanisms of Federal Reform'. This event brought together leading academics in law, political science and economics as well as senior officials from government departments to discuss the processes and institutions that contribute to change in Australia's federal system. Its aim was to prompt an interdisciplinary discussion among participants about changes occurring in the federal system. Papers from this event appeared in an edited collection *Tomorrow's Federation – Reforming Australian Government* published by Federation Press in February 2012.

- Workshop for National Congress of Australia's First Peoples

On 8 June the Centre, in partnership with the Indigenous Law Centre at UNSW, delivered a Constitutional Reform Workshop at the Inaugural Meeting of the National Congress of Australia's First Peoples. The workshop was designed to provide delegates information about the options for reform and the factors that affect the successful outcome of a referendum. It was preceded by an online survey of the Congress membership on these

issues and followed by a poll of meeting delegates. This data was used to advise the Board of the Congress on the stance it might take with respect to constitutional reform.

- Constitutional Reform and Indigenous Peoples – Research Workshop

The Centre co-hosted a research workshop with the UNSW Indigenous Law Centre, gathering experts in the field to discuss work on the important topic of constitutional reform in respect of Australia's Indigenous peoples. Professors Megan Davis and Marcia Langton, both members of the Expert Panel, presented and engaged with participants about specific options for constitutional change.

- Administrative Law and Human Rights Seminar

On 16 September the Centre hosted a half day seminar on Administrative Law and Human Rights. The event was primarily organised by Centre staff member, Greg Weeks. Associate Professor Matthew Groves of Monash University discussed statutory judicial review and human rights; Dr Melissa Perry QC and Dr Kristina Stern SC jointly spoke on *Momcilovic v R* and Peter Garrisson, Solicitor-General of the ACT and Nathan Hancock of the ACT Government Solicitor discussed the ACT Government's inquiry into whether explicit protection of economic, social and cultural rights should be included in the *Human Rights Act 2004 (ACT)*.

- International Conference: Climate Change and Migration in the Asia-Pacific: Law and Policy Responses

On 10-11 November 2011 the International Refugee and Migration Law Project hosted an event to analyse the phenomenon of climate-related movement in the Asia-Pacific region. The aim of this conference was to present research by leading international academics and officials from affected countries on climate change and migration/displacement to an Australian audience, with a particular focus on the impacts of climate change in the Pacific region. It covered themes such as: Conceptualizing climate change-related movement; The nature of movement – what does the evidence tell us?; Legal protection frameworks; ‘Migration with dignity’; Relocation and land tenure; Statehood; and Institutional responses.

- Anti-Terror Laws and Preventive Justice Postgraduate workshop

On 5 December the Centre co-hosted a workshop with the Centre for Criminology at University of Oxford for the benefit of PhD students working under the ARC Laureate Fellowship Project on Anti-Terror Laws and the Democratic Challenge. This workshop, held in Oxford, looked at inchoate liability, control orders and preventative detention, immigration and citizenship and the intersection of security and rights. Discussion was enriched by Oxford students who came from a variety of jurisdictions, including Canada, Poland, South Africa and Denmark.

- Comparative Constitutional Law – Final Courts Round-up 2011

On 13 December, the Centre co-hosted an evening seminar with the NSW Chapter of the Australian Association of Constitutional Law. The event, named ‘Final Courts Round-Up’ brought together academic visitors to assess recent constitutional developments in their various home jurisdictions of Canada (Professor Yasmin Dawood – University of Toronto), New Zealand (Professor Andrew Geddis – University of Otago) and the United Kingdom (Professor Tom Poole – London School of Economics).

- Public Law and Legal Theory Seminar Series

During 2011, the project held a series of seminars at the Law Faculty which brought together Australian and international experts in the field to discuss a range of familiar topics (sovereignty, colonialism, rights, and democracy) from a range of different philosophical, historical and sociological perspectives. Professor Stuart Elden from Durham University spoke about ‘The Birth of Territory’; Dr Dimitris Vardoulakis from the University of Western Sydney spoke about ‘Sovereignty and its Discontents’; Dr Daniel McLoughlin from the University of Adelaide spoke about “After the Failure of Peoples’: Agamben on the Camp, the Nation-State, and Political Nihilism’; and Dr Andrew Schaap spoke on the political significance and future of the Aboriginal Tent Embassy.

6. PUBLICATIONS

Publications for the year ending 2011 are set out below.

Joint Publications

Paul Kildea and Andrew Lynch, 'Entrenching "Cooperative Federalism": Is it Time to Formalise COAG's place in the Australian Federation?' (2011) 39 *Federal Law Review* 103-129;

Paul Kildea and George Williams, 'The Water Act and the Murray-Darling Basin Plan' (2011) 22 *Public Law Review* 9-14;

Paul Kildea and George Williams, 'The Constitution and the Management of Water in Australia's Rivers' (2010) 32 *Sydney Law Review* 595-616;

Paul Kildea and George Williams, 'Australia's Dysfunctional Federation' *Government: Business, Foreign Affairs and Trade* (April 2011) 3-5;

Fernando Lusa Bordin, Lucas Lixinski and Claudia Lima Marques, 'Articles 11-16' in Aziz Tuffi Saliba (ed), *Treaty Law – Commentary to the Vienna Convention on the Law of Treaties (1969)* (Arraes Editores 2011) 55-98;

Lucas Lixinski and Claudia Lima Marques, 'Family and Succession Law' in Fabiano Deffenti and Welber Barral (eds), *Introduction to Brazilian Law* (Kluwer Law International, London, 2011) 49-69;

Andrew Lynch and Marianna Matevosian, 'Preserving the 'Federal Balance' through Judicial Diversity: Clutching at Straws?' (2011) 13(3) *Constitutional Law and Policy Review* 42-57;

Andrew Lynch and George Williams, 'The High Court on Constitutional Law – the 2010 Statistics' (2011) 34(3) *University of New South Wales Law Journal* 1030-47;

Jane McAdam and Ben Saul, 'Displacement with Dignity: Climate Change, Migration and Security in Bangladesh' (2010) 53 *German Yearbook of International Law* 233-87;

Ngairé Watson and George Williams, 'Abortion Laws: Time to Reform' *Precedent* January/February 2011, Vol 102, 38-41;

George Williams and Andrew Lynch, 'The High Court on Constitutional Law – the 2010 Term' (2011) 34(3) *University of New South Wales Law Journal* 1006-29.

Joint Media

Fiona Chong and Andrew Lynch, 'Why the Malaysia solution was as useless as old rendang', *The Punch* (31 August 2011);

Paul Kildea and George Williams, 'COAG: How to turn a 'Parking Lot for Tough Decisions' into Something Really Useful' *The Conversation* (23 March 2011).

Sean Brennan

'Constitutional Reform and its Relationship to Land Justice', *Land, Rights, Laws: Issues of Native Title*, Vol 5 Issues Paper No 2, October 2011, 1;

Media

'A rare chance for positive change: the referendum on indigenous recognition', *Lawyers Weekly* (11 August 2011).

Fergal Davis

Media

'Redefining the role of the monarchy' *The Drum Opinion* (4 November 2011);

'The failure of Australia's 'Malaysia Solution' is a positive step for refugees' *The Guardian* (4 September 2011).

Lucas Lixinski

'Selecting Heritage: The Interplay of Art, Law and Politics', (2011) 22(1) *European Journal of International Law* 81-100.

Andrew Lynch

'The *Fair Work Act* and the Referrals Power – Keeping the States in the Game' (2011) 24 *Australian Journal of Labour Law* 1-23;

'The Legislative and Executive Branch vs The Constitutional Court and the Judiciary – Conflict or Co-operation?', in Jurgen Bröhmer (ed) *The German Constitution turns 60: Basic Law and Commonwealth Constitution; German and Australian Perspectives*, Peter Lang Press, 163-80.

Jane McAdam

'Refusing Refuge in the Pacific: (De)constructing Climate-Induced Displacement in International Law', in E Piguet, A Pécoud and P de Guchteneire (eds), *Migration and Climate Change* (Cambridge University Press, Cambridge, 2011), 102;

'The Right to Leave Any Country: An Intellectual History of Freedom of Movement in International Law' (2011) 12 *Melbourne Journal of International Law* 27;

'Semantics, Law and "Environmental Refugees"' (2011) 1 *LingAppl@Quarterly*;

Climate Change Displacement and International Law: Complementary Protection Standards (Division of International Protection UNHCR, Geneva, PPLA/2001/01.Rev1) (2011);

‘Interpretation of the Refugee Convention’ in A Zimmermann (ed), *Commentary on the Refugee Convention* (Oxford University Press, Oxford, 2011) 75–115;

‘Environmental Migration’, in A Betts (ed), *Global Migration Governance* (Oxford University Press, Oxford, 2011) 153–88;

‘Swimming against the Tide: Why a Climate Change Displacement Treaty is Not the Answer’ (2011) 23 *International Journal of Refugee Law* 1–26.

Media

‘Explainer: The Facts about the Malaysian Solution and Australia’s International Obligations’, *The Conversation* (16 June 2011);

‘We Have a Duty not to Return Asylum Seekers to Harm’, *National Times* (24 March 2011).

Nicola McGarrity

‘Fourth Estate or Government Lapdog? The Role of the Australian Media in the Counter-Terrorism Context’ (2011) 25(2) *Continuum* 273.

Christopher Michaelson

‘The Cross-border Transfer of Dangerous Persons, the Risk of Torture and Diplomatic Assurances’ in Saskia Hufnagel, Clive Hartfield and Simon Bronitt (eds), *Regional Law Enforcement Cooperation - European, Australian and Asia-Pacific Perspectives* (Routledge, Oxford, 2011) 211-30;

‘Australia and the Threat of Terrorism in the Decade after 9/11’ (2010) *Asian Journal of Political Science* 18, No. 3, 248-68;

‘Reforming Australia’s National Security Legislation: The Case for a Proportionality-Based Approach’ (2010) *University of Tasmania Law Review* 29, No. 1, 31-48.

Media

‘Our flawed responses to 9/11’, *Canberra Times* (9 September 2011);

‘On mere suspicion - Are the Security Council’s efforts to combat the financing of terrorism violating fundamental rights?’, *SCOPE magazine*, (9 May 2011);

‘Monitor must tackle Government over anti-terrorism laws,’ *Canberra Times*, (29 April 2011);

‘Security Council move will reach far beyond Libya’ *Canberra Times*, (21 March 2011).

George Williams

‘The Australian Constitution and the *Aid/Watch Case*’ (2011) 3 *Cosmopolitan Civil Societies: An Interdisciplinary Journal* 1;

‘How to Win the Referendum to Recognise Indigenous Peoples in the Australian Constitution’, July/August 2011, 7(25) *Indigenous Law Bulletin* 18;

‘International Law and the War Power in Australia’ in Jurgen Bröhmer (ed) *The German Constitution turns 60: Basic Law and Commonwealth Constitution; German and Australian Perspectives*, Peter Lang Press, 101-09;

‘Recognising Indigenous Peoples in the Australian Constitution: What the Constitution Should Say and How the Referendum Can be Won’, *Land, Rights, Laws: Issues of Native Title* (Vol 5 No 1, September 2011, Australian Institute of Aboriginal and Torres Strait Islander Studies);

‘Recognition of Local Government in the Australian Constitution’, *The Australian Local Government Infrastructure Yearbook 2011/2012* (Executive Media, 2011), 7;

‘The Constitution and Federalism’, *Your Memento*, National Archives of Australia, Issue 3, July 2011;

‘Australia’s Second-Class Citizens’, (2011) 51(2) *Australian Fabian News* 5;

‘How Should the Australian Constitution be changed to Recognise Indigenous Peoples?’, *Civil Liberty* (Journal of the New South Wales Council for Civil Liberties), June 2011, Issue 225, 3;

‘Australia and the Threat of Terrorism in the Decade after 9/11’ (2010) *Asian Journal of Political Science* 18, No. 3, 248-68;

‘Reforming Australia’s National Security Legislation: The Case for a Proportionality-Based Approach’ (2010) *University of Tasmania Law Review* 29, No. 1, 31-48;

‘The Coming Referendum on the Recognition of Local Government in the Australian Constitution’ *Local Government Reporter* (2010, Vol 9, No 1), 107-109;

‘Guantánamo: Legal Black Hole’ *Human Rights Defender* (Amnesty International, Vol 29 No 4 2010/2011), 16.

Media

‘Minimum Sentence, Maximum Injustice’, *Sydney Morning Herald* (6 December 2011);

‘Money has Driven the Federal System Right Off the Rails’, *Sydney Morning Herald* (22 November 2011);

‘When the Umpire Takes a Stand’, *Sydney Morning Herald* (12 November 2011);

‘Abbott Courts Trouble with Carbon Tax Plans’, *Sydney Morning Herald* (26 October 2011);

‘Offshore Processing Bill is Tampa Law Mark II: Unjust and Bad’, *Sydney Morning Herald* (11 October 2011);

‘Race Vote Should Offer Protection All Round’, *Sydney Morning Herald* (27 September 2011);

‘The Laws that Erode Who We Are’, *Sydney Morning Herald* (10 September 2011);

‘While the Guilt is not Certain, the Damage is Beyond Doubt’, *The Age* (30 August 2011);

‘It’s not Law Thomson Should Fear’, *Sydney Morning Herald* (30 August 2011);

‘Malaysia Court Case Pitches Minister Against Basic Refugee Rights’, *Sydney Morning Herald* (16 August 2011);

‘Breaches of Privacy by Large Corporations the Real Problem’, *Sydney Morning Herald* (3 August 2011);

‘A State of Confidence up North as NT Moves Towards Adulthood’, *Sydney Morning Herald* (19 July 2011);

‘Latest Chapter Ignores the Fatal Flaw in Territory Intervention’, *Sydney Morning Herald* (5 July 2011);

‘National Plebiscite on Carbon Tax an Expensive, Bad Idea’, *The Age* (21 June 2011);

‘Why Put it to the People when Labor is Free to Ignore the Result?’, *Sydney Morning Herald* (21 June 2011);

‘Plain Packaging Challenge Could Go Up in Smoke, But You Never Know’ *Sydney Morning Herald* (7 June 2011);

‘Chaplaincy Challenge Reveals Legal Failure’ *Sydney Morning Herald* (24 May 2011);

‘Labor Stalling May Anoint Charles III’ *Sydney Morning Herald* (11 May 2011);

‘Australia’s B+ Human Rights Record: Good but Must Improve’ *The Conversation* (27 April 2011);

‘The Female Factor Sets up a Right Royal Mess’ *Sydney Morning Herald* (26 April 2011);

‘Britain is Taking Another Look at its Anti-Terrorism Laws, So Why Can’t We?’ *Sydney Morning Herald* (14 April 2011);

‘O’Farrell Needs to Prove that States can do Things Better’ *Sydney Morning Herald* (29 March 2011);

‘Nothing to Fear but Timidity in Brown’s Bill’ *Sydney Morning Herald* (15 March 2011);

‘Law is no Hindrance to Locking up Children’ *Sydney Morning Herald* (1 March 2011);

‘Should Same Sex Marriage be Legalised?’ *Sydney Morning Herald* (26 February 2011);

‘COAG Needs to be Loved and Nurtured’ *Sydney Morning Herald* (16 February 2011);

‘Reform of Pokies Tests Gillard deal with Wilkie’ *Sydney Morning Herald* (1 February 2011);

‘Child Porn Decision a Bad Look for MPs’ *Sydney Morning Herald* (21 December 2010);

‘Bridle on Outspoken Charities was Wrong’ *Sydney Morning Herald* (7 December 2010).

7. PRESENTATIONS

Joint Presentations

Nicholas Cowdery AM QC, Dr Anthony John Billingsley, Joanne Lennan, Jane McAdam and Rebecca Welsh, *Social Justice Q & A*, UNSW, 11 October 2011;

Paul Kildea and Andrew Lynch, ‘COAG, the Constitution and State Accountability’, *3rd Annual Intergovernmental Relations Conference*, National Convention Centre, Canberra, 16-17 August 2011;

Mika Hayashi and Christopher Michaelson, ‘Arms Control and International Norm Development: Is there a Role for Civil Society?’, *8th Asian Law Institute Conference*, Kyushu University, Fukuoka, Japan, 27 May 2011;

Andrew Lynch, Tamara Tulich and Rebecca Welsh, ‘Secrecy and Control Orders: The Role and Vulnerability of Constitutional Values’, *Secrecy, National Security and the Vindication of Constitutional Law*, International Association of Constitutional Law – Research Group on Constitutional Responses to Terrorism, Bocconi University, Milan, Italy, 1-2 December 2011;

Nicola McGarrity and Kent Roach, ‘Terrorism Trials and Human Rights’, *Constitutional Roundtable*, University of Toronto, Canada, 19 October 2011;

Christopher Michaelsen and Mika Hayashi, 'Arms Control and International Norm Development: Is there a Role for Civil Society?', *8th Asian Law Institute Conference*, Kyushu University, Fukuoka, Japan, (27 May 2011);

George Williams and Andrew Lynch, '*The High Court on Constitutional Law: The 2010 Term*' Gilbert + Tobin Centre of Public Law 2011 Constitutional Law Conference, Sydney, 18 February 2011.

Sean Brennan

'Options for Constitutional Change', *Aboriginal and Torres Strait Islander Forum on Constitutional Recognition*, Redfern Community Centre, Sydney, 15 September 2011;

'The Formalisation of Indigenous Governance', *Between Settler and Indigenous Governance Conference*, University of Western Sydney, 19 August 2011;

Takings and Acquisitions under State Law: Issues in the Compulsory Acquisition of Native Title on Just Terms', *Constitutional Reform and Indigenous Peoples Workshop*, Indigenous Law Centre and Gilbert + Tobin Centre of Public Law, Sydney, 1 July 2011;

'Ideas for Constitutional Reform' *National Congress of Australia's First Peoples*, Sydney, 8 June 2011;

'Constitutional Reform: Can it Support Land Justice?', *AIATSIS National Native Title Conference*, Brisbane, 3 June 2011.

Ben Golder

'Limits to Critique', *Law and Culture Symposium*, UTS Faculty of Law Sydney, 1 July 2011;

'Foucault's Critical Affirmation: Three Figures of Rights', *Foucault Effect: 1991-2011*, a conference organised by the Centre for Law and the Humanities, Birkbeck College, London, 3-4 June 2011;

'Foucault's Critical Affirmation: Three Figures of Rights', *2011 meeting of the Foucault Circle*, University of Alberta, Banff, 25-27 March, 2011.

Fergal Davis

'Trial by jury and the state of exception: lessons in anti-terrorism law and politics from Ireland and New Zealand', Centre for Criminal Justice and Human Rights, University College Cork, Ireland, 7 December 2011;

'I Saw Two Shooting Stars Last Night': Caution against wishing for constitutional reform of the UK royal prerogative' *Australian Political Science Association Conference 2011*, Canberra, 26-28 September 2011;

‘Trial by jury and the state of exception: lessons in anti-terrorism law and politics from Ireland and New Zealand’, Centre for Criminal Justice Studies, University of Leeds, United Kingdom, 6 December 2011.

Keiran Hardy

‘Hearts, Minds and Bodies: Community-Based Approaches To Preventing Terrorism’, *Anti-Terror Laws & Preventive Justice Postgraduate Workshop*, Oxford University, United Kingdom, 5 December 2011.

Paul Kildea

‘The 2013 Referendum on Indigenous Recognition: The Process Ahead’, *Quarterlies Conference of Community Legal Centres NSW*, Marque Hotel, Sydney, 16 May 2011;

‘Making Room for Democracy: Towards Greater Transparency, Accountability and Participation in Intergovernmental Relations’, *Federalism Research Roundtable*, Faculty of Law, UNSW, Sydney, 24-25 March 2011;

‘Five Strategies for Achieving Popular Ownership of the Referendum on Indigenous Recognition’, *Indigenous Law Centre Open Forum*, Faculty of Law, UNSW, Sydney, 17 March 2011.

Andrew Lynch

‘Judicial Dissent and Strategy’, *A Big Day Out for Judicial Development*, South Australian Judicial Education Committee, Adelaide, 3 November 2011;

‘National Priorities and State Referrals: The Age of Section 51 (xxxvii)’, *Sixteenth Public Law Weekend – ‘10 Years on from September 11: the Impact on Public Law’*, ANU, 9-10 September 2011;

‘Commonwealth Financial Powers – Taxation, Direct Spending and Grants – Scope and Limitations’, *Power and Politics: New Dimensions of Federalism in Australia Conference*, Constitutional Centre of Western Australia, 2-3 July 2011;

‘The Rise and Rise of the Reference Power’, *Mechanisms of Federal Reform – Research Roundtable*, Gilbert + Tobin Centre of Public Law, Sydney, 24-25 March 2011.

Jane McAdam

‘Overarching Normative Frameworks: Developing Principled Legal Responses to Climate-Related Displacement’, *Climate Change and Migration in the Asia-Pacific: Legal and Policy Perspectives* (NSW Parliament House, 10-11 November 2011);

‘The Ethical Questions posed by Forced Migration and “Climate Refugees”’, St James Ethics Centre, Sydney, 30 June 2011;

‘What Protection Do “Climate Refugees” Receive Today?’, *The Nansen Youth Conference on Climate Change and Displacement*, Oslo, 6-7 June 2011;

‘How to Address the Protection Gaps: Ways Forward’, *The Nansen Conference on Climate Change and Displacement*, Oslo, 5-7 June 2011;

‘Threatened Island Nations: *Legal Implications of Rising Seas and a Changing Climate*’ conference, Columbia University, May 2011;

‘Climate Change, Displacement and the Role of International Law and Policy’, International Dialogue on Migration 2011: The Future of Migration: *Building Capacities for Change: Intersessional Workshop on Climate Change, Environmental Degradation and Migration*, International Organization for Migration, Geneva, 29-30 March 2011;

‘Complementary Protection and Climate Change-Related Displacement’, *Refugee Review Tribunal Annual Conference*, Torquay, 24-25 March 2011;

‘Climate Change Displacement and International Law: Complementary Protection Standards’, *UNHCR Expert Meeting on Climate Change and Displacement*, Bellagio, Italy, 22-26 February 2011.

Nicola McGarrity

‘The Role of Religion in Australia’s Terrorism Trials’, Osgoode Hall Law School, York University, Toronto, Canada, 12 October 2011;

‘10 Years After September 11 – Will Muslims in Australia Ever be (Viewed) the Same?’, *Public Forum*, NSW Young Lawyers and the Justice and Arts Network, Gilbert + Tobin, 6 October 2011;

‘Principles Relevant to the Sentencing of Individuals for Terrorism in Australia’, *Justice, Crime and Democracy Conference*, Queensland University of Technology, 27 September 2011;

‘Challenges for the Judiciary in Australia’s Terrorism Trials’, *Sixteenth Public Law Weekend – ‘10 Years on from September 11: the Impact on Public Law’*, ANU, 9-10 September 2011;

‘The Politics of Australia’s Anti-Terrorism Regime’, Guest Lecture, ‘Australian Politics and Human Rights’, University of Sydney, 5 September 2011;

‘9/11 at Home: Panel Session’, *The 2011 National Summit: The 9/11 Decade, How Everything Changed*, University of Sydney, Sydney, 7 June 2011;

‘Setting a Dangerous Precedent: Australia’s Terrorism Trials’, *Australian Lawyers for Human Rights Seminar*, 31 May 2011;

‘The Role of Religion in Australia’s Terrorism Trials’, Staff Seminar, University of Wollongong, Wollongong, 25 May 2011;

‘Constitutional Recognition of Local Government’, *New South Wales Local Government Financial Managers Association Annual Conference*, Wollongong, 15 May 2011;

‘Australia’s Terrorism Trials’, Guest Lecture, International Human Rights Law, University of New South Wales, Sydney, 22 March 2011;

‘New Judicial Roles in Anti-Terror and Organised Crime’, *South Australian Judicial Development Seminar*, Adelaide, 9 February 2011.

Christopher Michaelsen

‘The Security Council and Judicial Review of Atypical Enforcement Measures: A Role for the ICJ?’, *The Security Council, Sanctions and the Rule of Law Workshop*, ANU, Canberra, Australia, 14 December 2011;

‘Prioritising “Security” over “Liberty”: The UN Security Council’s Approach to Counter-Terrorism and Domestic Legislative Responses’, *Democratic State’s Response to Terrorism under the Rule of Law Workshop*, International Institute for the Sociology of Law, Oñati, Spain, 14 July 2011;

‘The Case against ‘Normatising’ Human Security: Lessons from the OSCE,’ *5th CIPL Workshop, Connecting International Law with Public Law - Security Institutions and International and Public Law*, ANU, Canberra, Australia, 27 June 2011;

‘From Promoter to Violator of Human Rights: Revisiting the Limits to Security Council Enforcement Action’, *19th Annual Conference*, ANZSIL, ANU, Canberra, Australia, 24 June 2011;

‘The UN, Counter-Terrorism and Human Rights since 9/11: A Decade of Missed Opportunities,’ *ILA Asia-Pacific Regional Conference*, Taipei, Taiwan, 31 May 2011;

‘R2P: An Emerging Norm?’, UN Society of the University of Sydney, 19 May 2011;

‘Terrorism in Australia: An Inflated Threat’, Australian Defence College, Weston Creek, Canberra, Australia, 18 May 2011;

‘Terrorism and International Law’, Australian Institute of International Affairs & Law Society of NSW Young Lawyers, Sydney, Australia, 16 May 2011;

‘International Law and the Use of Force’, *State Conference of the Legal Studies Association of NSW*, Sydney, Australia, 24 March 2011.

Sangeetha Pillai

‘Citizenship and Anti-Terror Laws’, *Anti-Terror Laws & Preventive Justice Postgraduate Workshop*, Oxford University, United Kingdom, 5 December 2011.

Tamara Tulich

‘A View Inside the Preventive State: Australia’s anti-terror laws’, *Anti-Terror Laws & Preventive Justice Postgraduate Workshop*, Oxford University, United Kingdom, 5 December 2011;

‘Inside the Preventive State’, *Crime, Justice and Social Democracy: An International Conference*, School of Justice, QUT, Brisbane, 28 September 2011.

Svetlana Tyulkina

‘Terrorism and Constitutional Changes: Lessons from Spain’, Department of Constitutional Law, Faculty of Law, Pompeu Fabra University, Spain, 8 November 2011.

Rebecca Welsh

‘Control Orders and Judicial Independence: the Legacy of *Thomas v Mowbray*’, *Anti-Terror Laws & Preventive Justice Postgraduate Workshop*, Oxford University, United Kingdom, 5 December 2011;

‘Independence under Interrogation: Chapter III and ASIO’, *Sixteenth Public Law Weekend – ‘10 Years on from September 11: the Impact on Public Law’*, ANU, 9-10 September 2011.

George Williams

‘A Culture of Inclusion: Constitutional Recognition of Indigenous Australians’, Reconciliation Australia and Dreamworld *Public Forum*, Gold Coast, 23 November 2011;

‘Indigenous Australians and Constitutional Recognition’, *Public Forum*, Reconciliation Australia and Allens Arthur Robinson, Sydney, 17 November 2011

‘People Power’, *WEA Seminar*, Sydney, 9 November 2011;

‘Constitutional Recognition’, *Local Government Association of NSW 2011 Conference*, Nowra, 24 October 2011;

‘Ten Years of the War on Terror’, *Australian Lawyers Alliance 2011 National Conference*, Hamilton Island, 22 October 2011;

‘Human Rights in the 21st Century: Challenges and Opportunities’, *Change the World Conference: 50th Anniversary of Amnesty International Australia*, Brisbane, 6 October 2011;

‘Constitutional Recognition Strategy’, *Local Government Association of Queensland Annual Conference*, Gold Coast Convention and Exhibition Centre, 5 October 2011;

‘The Path to Statehood: The Northern Territory as Australia’s Seventh State’, *2011 Northern Institute Lecture Series: A Working Future in the Seventh State*, Charles Darwin University, Northern Territory Assembly Building, 21 September 2011;

‘Does the Northern Territory need a Charter of Human Rights?’, *Public Lecture*, Northern Territory Committee for Human Rights Education, Charles Darwin University, Darwin, 20 September 2011;

‘A Decade on from 9/11: Taking Stock of Australia’s Anti-Terror Laws’, UNSW Faculty of Law Professorial Lecture Series, UNSW, Sydney, 12 September 2011;

‘Taking Stock of Australia’s Anti-Terror Laws’, *Sixteenth Public Law Weekend – ‘10 Years on from September 11: the Impact on Public Law’*, ANU, 9-10 September 2011;

‘Lessons from a Decade of Australian Anti-Terror Law’, *Lowy Lunch Club*, Lowy Institute for International Policy, Sydney, 31 August 2011;

‘Federal Power over Higher Education’, *University & Tertiary Education Symposium 2011*, University of Sydney, 31 August 2011;

‘Options for Reform and How to Win the Referendum’, *Constitutional Recognition of Indigenous Peoples NGO Workshop*, Sydney, 25 August 2011;

‘A Conversation about Human Rights’, *Public Seminar*, Gilbert + Tobin, Sydney, 24 August 2011;

‘Localism – The Global Way’, *Western Australian Local Government Association 2011 Convention*, Perth Convention and Exhibition Centre, 4 August 2011;

‘The Constitutional Reform Agenda’, *Public Seminar*, Australian Association of Constitutional Law, The Constitutional Centre of Western Australia and UWA Law School, 3 August 2011;

‘Federalism and Federal Reform’, Address to Members of Parliament Luncheon, Perth Convention and Exhibition Centre, 3 August 2011;

‘Referendums to Alter the Constitution’, Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, Melbourne, 28 July 2011;

‘Comment on The High Court in *Rowe v Electoral Commissioner* and its Implications’, *Challenges of Electoral Democracy Workshop*, University of Melbourne Law School, Melbourne, 14 July 2011;

‘Internet Censorship’, *Australian Law Students Association 2011 Conference*, Sydney, 13 July 2011;

‘2011 Constitution Day Address: A Guide to our Constitution’, *Speakers Corner Lecture Series*, National Archives of Australia, Canberra, 10 July 2011;

‘Comment on the Politics of Constitutional Reform’, *Constitutional Reform and Indigenous Peoples Workshop*, Indigenous Law Centre and Gilbert + Tobin Centre of Public Law, UNSW Faculty of Law, Sydney, 1 July 2011;

‘Constitutional Recognition’ *National General Assembly of Local Government*, National Convention Centre, Canberra, 22 June 2011;

‘Referendums to Alter the Constitution: What is Required to Achieve Change?’ *Workshop on Constitutional Reform and Recognition of Indigenous Peoples*, National Congress of Australia’s First Peoples, Sydney, 8 June 2011;

‘Constitutional Reform – Can it Support Land Justice?’ *National Native Title Conference 2011: Our Country, Our Future*, Australian Institute of Aboriginal and Torres Strait Islander Studies, Brisbane Convention Exhibition Centre, 3 June 2011;

‘Constitutional Recognition’ *Modernisation – It’s our Time: Shires Association of New South Wales Annual Conference 2011*, Sydney, 1 June 2011;

‘Constitutional Recognition of Local Government – What We Can Do’ *2011 Local Government Managers Australia National Congress*, Cairns, 24 May 2011;

‘Federalism and Service Delivery’ *Public Sector Leadership 2011: Rethinking and Improving Service Delivery*, L21 Public Sector Leadership Series, Sydney, 12 May 2011;

‘A Gala Wedding and the Prospects of a Republic: Have William and Kate made a Difference?’ Australian Institute of International Affairs, Sydney, 2 May 2011;

‘What Would Evatt Do?’ Inaugural HV Evatt Memorial Dinner, Evatt Foundation, Katoomba, 30 April 2011;

‘Recognising Indigenous Australians: What the Constitution Should Say and How the Referendum Can be Won’ Open Seminar, Flinders University and Fabian Society of South Australia, Adelaide, 28 April 2011;

‘Recognising Indigenous Australians: What the Constitution Should Say and How the Referendum Can be Won’ Lecture for University of South Australia, Adelaide, 28 April 2011;

‘Recognition of Local Government in the Constitution’ *Local Government Association of South Australia 2011 Conference*, Adelaide Convention Centre, 28 April 2011;

‘Constitutional Implications of the *AidWatch Case*’ *Political Charity? The Impact of the AidWatch Case*, Cosmopolitan Civil Societies Research Centre Public Forum, UTS, Sydney, 15 April 2011;

‘Advancing Recognition of Local Government in the Australian Constitution’ *Local Government Association of the Northern Territory 2011 Conference*, Alice Springs Town Council, 1 April 2011;

‘Federal Reform by Way of a Referendum’ *Federalism Roundtable*, Gilbert + Tobin Centre of Public Law, University of New South Wales, 25 March 2011;

‘Recognition of Indigenous People in the Constitution: What Will it Take to Bring About Change?’ *Indigenous Law Centre Open Forum*, UNSW, 17 March 2011;

‘Bills of Rights’ *Law and Society HSC Legal Studies Day*, Legal & Business Studies Seminars, 17 March 2011;

‘Constitutional Recognition of Indigenous Peoples’ Constitutional Reform Panel, Australian Human Rights Commission, Sydney, 11 February 2011;

‘The 2011 Constitutional Convention and Statehood’ Indigenous affairs Advisory Council and Indigenous Economic Development Taskforce Seminar, Darwin, 4 February 2011;

‘Launch of *In the Eye of the Storm: Jai Ram Reddy and the Politics of Postcolonial Fiji* by Brij V Lal’ Australian National University, Canberra, 15 December 2010.

8. SUBMISSIONS TO INQUIRIES

Joint submissions

Daniel Joyce, Paul Kildea and George Williams, Submission to Independent Media Inquiry (14 November 2011);

Paul Kildea, Andrew Lynch, Nicola McGarrity and George Williams, Submission to Expert Panel on Constitutional Recognition of Local Government (1 November 2011);

Fiona Chong and George Williams, Submission to NSW Shadow Attorney General’s ‘Consultation on Proposal to amend *Interpretation Act 1987 (NSW)*’ (22 September 2011);

Jane McAdam et al, Submission to Senate Standing Committee on Legal and Constitutional Affairs, Inquiry into the Agreement between Australia and Malaysia on the transfer of asylum seekers to Malaysia, 15 September 2011;

Fiona Chong, Jane McAdam, Alice Noda and Greg Weeks, Submission to Joint Select Committee on Australia's Immigration Detention Network, 10 August 2011.

Rhonda Galbally, Andrew Gaze, Haddon Storey and George Williams, Submission to Victorian Parliament Scrutiny of Acts and Regulations Committee, Inquiry into the Charter of Human Rights and Responsibilities (7 June 2011);

Jane McAdam and Robert Woods, Submission to Senate Legal and Constitutional Affairs Committee, Inquiry on Migration Amendment (Strengthening the Character Test and Other Provisions) Bill 2011 (31 May 2011);

Paul Kildea, Andrew Lynch and Robert Woods, Submission to the Joint Committee of Public Accounts and Audit, Inquiry into National Funding Agreements (7 April 2011);

Paul Kildea and George Williams, Submission to Senate Legal and Constitutional Committee, Inquiry into Provisions of the Water Act 2007 (16 March 2011);

Nicola McGarrity and George Williams, Submission to Australian Communications and Media Authority, 'Public Consultation on the Reform to the Anti-Terrorism Standards' (11 February 2011);

Paul Kildea and George Williams, Submission to House of Representatives Standing Committee on Regional Australia, Inquiry into the impact of the Murray-Darling Basin Plan in Regional Australia (12 January 2011);

Paul Kildea and George Williams, Submission to Senate Standing Committee on Rural Affairs and Transport, Inquiry into the Management of the Murray-Darling Basin (12 January 2011).

Sean Brennan

Submission to the Expert Panel on Constitutional Recognition of Indigenous Australians (30 September 2011).

Paul Kildea

Submission to the Expert Panel on Constitutional Recognition of Indigenous Australians (30 September 2011).

Jane McAdam

Position paper on 'A Statelessness Determination Procedure for Australia' (for the Refugee Council of Australia, submitted to the Department of Immigration and Citizenship (September 2011).

Greg Weeks

Submission to the Administrative Review Council, Response to Consultation Paper (1 July 2011).

George Williams

Submission to ACT Justice and Community Safety Directorate, Inquiry into Economic, Social and Cultural Rights – A Good Idea for the ACT? (29 July 2011);

Submission to Australian Law Reform Commission, National Classification Scheme Review Inquiry (14 July 2011);

Submission to Expert Panel on Constitutional Recognition of Indigenous Australians (12 July 2011);

Submission to Joint Standing Committee on Electoral Matters, Inquiry into the Funding of Political Parties and Election Campaigns (27 May 2011);

Submission to Senate Education, Employment and Workplace Relations Committee, Inquiry into the Tertiary Education Quality and Standards Agency Bill(s) 2011 (8 April 2011);

Submission to Senate Legal and Constitutional Committee, Inquiry into the Wild Rivers (Environmental Management) Bill 2011 (28 March 2011);

Submission to Legal and Constitutional Affairs Legislation Committee, Inquiry into Australian Capital Territory (Self-Government) Amendment (Disallowance and Amendment Power of the Commonwealth) Bill 2010 (3 March 2011);

Submission to Joint Select Committee on Gambling Reform, Inquiry into Pre-Commitments Scheme (8 February 2011);

Submission to Joint Standing Committee on Electoral Matters, Inquiry into the Conduct of the 2010 Federal Election and Matters Related Thereto (1 February 2011).