



THE UNIVERSITY  
OF  
NEW SOUTH WALES



FACULTY OF LAW

**GILBERT + TOBIN CENTRE OF PUBLIC LAW**

**ANNUAL REPORT**

**FOR THE YEAR ENDED 31 DECEMBER 2003**

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## 1. DIRECTOR'S REPORT

### Relationship of the Centre to UNSW

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

### Benefits to UNSW

The Centre provides a focal point for research and other activity 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 2003 recorded a surplus of \$162,315. This figure represents a surplus of \$21,695 higher than 2002. 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 **Electoral Law Project** published the first book (in conjunction with Griffith University) written on electoral law in Australia entitled *Realising Democracy: Electoral Law in Australia*. Other research tasks completed during the year included articles written for the *University of Tasmania Law Review*, the *Alternative Law Journal*, the *Election Law Journal* and the *John Marshall Journal of Computer and Information Law*.

The **Bill of Rights Project** has been involved with the proposed ACT Human Rights Act. The project published an article in the *University of Queensland Law Journal* on the importance of the UK experience for an Australian Bill of Rights. The Bill of Rights Project Director also continued to conduct a research project with the Jumbunna Indigenous House of Learning at the University of Technology, Sydney Faculty of Law, investigating the impact of international trade law upon Indigenous peoples' rights and international human rights law in general. The project is currently examining the potential benefits of trade liberalisation for Indigenous Australia.

The **International Law Project** in conjunction with the Centre for International and Public Law at the Australian National University, is conducting a review and assessment of the relationship between international law and the Australian legal system. The project partners completed a comprehensive survey paper, "Deep Anxieties: Australia and the International Legal Order" which examined and analysed existing literature on the issue.

The **Treaty Project** has focused its research on Indigenous and non-Indigenous notions of sovereignty and the second in a series of issues papers was published looking at this topic. The project contributed several articles to the *Sydney Morning Herald*, the *Alternative Law Journal*, ACOSS's news monthly *Impact* and various publication of Australians for Native Title & Reconciliation). Papers have been given by the Project Director as part of the Centre's attempt to engage with different communities while academic research and writing continues. Through its community networks,

Reconciliation Australia a partner with the Centre on its Treaty Project, distributed thousands of first discussion papers to schools and local governments.

**Homelessness, Human Rights and the Law** is a new Centre project operating in partnership with the Public Interest Law Clearing House Homeless Persons' Legal Clinic in Melbourne. The Project is making a major contribution to the economic, social and cultural aspects of homelessness. Since commencing the project, the Project Director has published several papers and presented in a range of forums.

## **2. CHAIR OF MANAGEMENT COMMITTEE'S REPORT**

### **Summary of Centre's achievements**

- An application to upgrade the online social science research website Australian Policy Online was successful. APO provides access to research from nearly 100 member centres and institutes to create a national, searchable electronic gateway for academic researchers, librarians, public servants, journalists and students. The site is maintained by the Institute for Social Research at Swinburne University of Technology. The project was awarded \$108,045.
- Members of the Centre during the year were involved in a range of community forums as well as in a series of public debates of national importance. Contributions were made to the debate on questions ranging from the legality of Australia's involvement in the war in Iraq to the constitutional position of the Governor-General to reform of the Senate. Members of the Centre were invited to make contributions to these debates through expert commentary and opinion and in the form of public education. The Centre also engages in such debates through submissions to and appearances before Parliamentary committees at the State, Territory and Federal level. For example, Centre Director and Centre Associate Ronni Redman made a submission to the Senate Standing Committee on Legal and Constitutional Affairs on the controversial changes to the Human Rights and Equal Opportunity Commission in the Australian Human Rights Commission Legislation Bill 2003. The final report of the Commission made reference to and quoted from the Centre's submission.
- The Centre Director appeared on behalf of People with Disabilities in the High Court matter of *Purvis v New South Wales* in April 2003. The High Court granted People With Disabilities leave to intervene as amicus curiae to make written submissions. The case raised questions about the meaning of disability under the *disability Discrimination Act 1992* in the context of public schooling. The Centre Director also appeared in the Supreme Court of Fiji in June 2003 on behalf of Mr Mahendra Chaudhary on the composition of the cabinet in Fiji and on the interpretation of the Fijian Constitution.

### *Public Recognition and Profile*

The Centre 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, the reconciliation process, reform of the Australian Constitution and the question of an Australian republic. The Centre's bi-annual newsletter is put up on the website and is

posted to the 1,400 people on the database, which includes academics, lawyers, journalists, politicians and members of the general community.

### *Website*

The Centre website [www.gtcentre.unsw.edu.au](http://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. In over two years, the site has had over 55,000 visitors, or over 500 a week, and has 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 2003 by the Centre were:

- Bills of Rights
- Electoral Law
- High Court of Australia
- Homelessness, Human Rights and the Law
- International Law and the Australian Legal System
- Public Law Litigation
- The Republic
- Reconciliation and a Treaty between Indigenous Australians and the Wider Community

During 2003 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 very successful events during 2003.

#### 2003 Constitutional Law Conference and Dinner

On 21 February 2003, the Centre successfully hosted a major constitutional law conference at New South Wales Parliament House, the second in this series of events. This event was sold out, attracting some 200 participants and a number of high profile speakers and chairs, including Sir Harry Gibbs, John Basten QC and Justice Susan Kenny. The Dinner afterwards included a speech by Sir Anthony Mason on the Centenary of the High Court and a trivia quiz.

#### Sovereignty Workshop

On 13 June 2003 the Centre held a workshop in the Faculty of Law to explore the concept of sovereignty. The aim was to broaden and clarify our thinking on sovereignty in order to assist several projects currently being worked on by Centre staff. The workshop generated vigorous discussion and the wide variety of perspectives offered during the workshop will greatly assist Centre staff with future research and publications for their projects.

## Breakfast Roundtable

On 28 September 2003, the Centre, in conjunction with the Asia-Australia Institute and the Hong Kong Economic and Trade Office, hosted a roundtable discussion with Stephen Lam, the Secretary for Constitutional Affairs in the Hong Kong Special Administrative Region. Participants included former Chief Justice of the High Court, Sir Anthony Mason, Federal Court Judge Ronald Sackville and New South Wales Senator Marise Payne. A challenging and stimulating discussion focused on Hong Kong's recent constitutional crisis.

## National Forum on Terrorism and the Rule of Law

The Centre held a successful National Forum at New South Wales Parliament House on 10 November 2003. Over 125 attendees from a wide spectrum of the community participated and the conference allowed Federal and State politicians, experts in the legal and intelligence community and public commentators to discuss the balance between the need for increased security and Australia's respect for the rule of law and human rights.

## Contribution to UNSW

The Centre has boosted the already strong national profile of public law at UNSW. It has provided a platform for academics at UNSW to engage in national debates through appearances in the media and also the organisation of national conferences.

### 3. CENTRE COMMITTEES

The composition of the Committees is as follows:

#### Advisory Committee

Sir Anthony Mason, Former Chief Justice of the High Court (Chair)  
Professor Larissa Behrendt, Jumbunna Indigenous House of Learning, University of Technology, Sydney  
Professor James Crawford, Cambridge University  
Ms Andrea Durbach, Director, Public Interest Advocacy Centre  
Mr Stephen Gageler SC, NSW Bar  
Mr Danny Gilbert, Managing Partner, Gilbert + Tobin  
Justice Ronald Sackville, Federal Court of Australia  
Mr Michael Sexton SC, Solicitor-General of NSW  
Professor Leon Trakman, Dean, Faculty of Law, UNSW  
Professor George Williams, Centre Director  
Professor George Winterton, Faculty of Law, UNSW

The Advisory Committee held its first meeting on 19 February 2003. During this meeting the Committee discussed and offered strategic advice on the work of the Centre to date.

#### Management Committee

Professor David Dixon, Associate Dean (Research), Faculty of Law, UNSW (Chair)  
Ms Carmel Harrington, Gilbert + Tobin  
Professor Peter Saunders, Social Policy Research Centre, UNSW  
Associate Professor Elaine Thompson, School of Politics & International Relations,  
UNSW  
Dr Derek Wilding, Director, Communications Law Centre, UNSW  
Professor George Williams, Centre Director

The Management Committee held its first meeting on 11 March 2003. During the meeting the Centre's budget and other operations were reviewed.

#### **4. OPERATIONAL SUMMARY**

##### **Objectives of the Centre**

The Centre was established as a national focal point for research into and discussion of important questions of public law for the academic, professional and wider community. The Centre has strong support from the Faculty of Law, which provides office space, computer resources etc and a part time administrator. Many members of the Faculty are Associates of the Centre.

The Centre's activities involve not only administrative and constitutional law, but also related areas of intersection and structural legal reform, such as human rights, Indigenous legal issues, cyberlaw and electoral 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.

##### **Funding**

Gilbert + Tobin funds the salary of its Director (this funding is provided direct to the Faculty of Law and not to the Centre).

Additional funding that enables the Centre to employ four other full-time people is as follows:

##### *Treaty Between Indigenous and Non-Indigenous Australians*

The Australian Research Council has awarded the Centre and its partners the following research funding for this project:

2002:	\$70,000
2003:	\$100,000

2004: \$134,083

The project is also supported by funding of \$90,000 from the Myer Foundation.

#### *Electoral Law*

The Australian Research Council has awarded the Centre and its partner the following research funding for this project:

2002: \$77,506

2003: \$32,561

The project is also supported by funding of \$60,000 from the Electoral Council of Australia.

#### *International Challenges to the Australian Legal System*

The Australian Research Council has awarded the Centre and its partner the following funding for this project:

2002: \$57,000

2003: \$107,000

2004: \$136,520

2005: \$72,000

### **Future of the Centre**

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

## **5. STAFF**

### **Centre Associates**

Nicole Abadee, *Part-time Lecturer*, BA LLB (Hons) Syd, LLM (Hons) (Cambridge)

Roy Baker, *Project Director*, Communications Law Centre, LLB, LLM UBC, LLM UNSW

Tony Blackshield, *Adjunct Professor*, LLM Syd

Dorne Boniface, *Senior Lecturer*, BCom (Ec) UNSW, LLB UNSW, LLM Uni Syd

Adam Czarnota, *Senior Lecturer*, LLM PhD N.Copernicus

Julian Disney, *Professor*, AO LLB Adel, Hon LLD UNSW

Colin Fong, *Librarian*, Australian Taxation Studies Program, BEc (Syd); AALIA; MLS (Hons) (UTS)

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

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

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

Martin Krygier, *Professor*, BA LLB Syd, PhD ANU

Irene Nemes, *Senior Lecturer*, BA Syd, LLB UNSW, LLM Syd

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

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

Ronnitt Redman, *Lecturer*, BA LLB Syd LLM McGill

Robert Shelly, *Lecturer*, BA LLB Syd

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

George Winterton, *Professor*, LLM WAust, JSD Columbia

Leslie Zines, *Visiting Professor*, AO LLB (Syd) LLM (Harv) Hon LLD (ANU)

### **Postgraduate Students**

The following postgraduate students are supported by the Centre:

Peter Gerangelos

Supervised by Professor George Winterton

Topic: The Separation of Powers and Legislative Interference with the Judicial Process.

Cassandra Goldie

Supervised by Professor George Williams

Topic: Human Rights and Homelessness in the Northern Territory and the Need for Legal and Constitutional Reform.

Katherine Lindsay

Supervised by Professor George Williams

Topic: Judicial Biography and the High Court of Australia

Andrew Lynch

Supervised by Professor George Williams

Topic: Dissent in the High Court of Australia in Constitutional Cases

Dan Meagher

Supervised by Professor George Williams

Topic: The Why and How of Race Hate Speech Regulation in Australia

Ms Anne Twomey  
Supervised by Professor George Williams  
Topic: The Powers of the New South Wales Government

### **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 2003 were Katherine Fallah (semester II, 2003) and Nicholas Hume (semester I, 2003)

### **Centre Staff**

Staff as at 31 December 2003 consisted of the following:

Sean Brennan (Director, Treaty Project)

Email: s.brennan@unsw.edu.au

Phone: (02) 9385 2334

*Interests:*

Public Law, Indigenous Legal Issues, Native Title.

Megan Davis (on secondment) (Director, Bills of Rights Project)

Email: megan.davis@unsw.edu.au

Phone: (02) 9385 2863

*Interests:*

Human Rights, Public Law, International Law.

Cassandra Goldie (Director, Homelessness Legal Rights Project)

Email: c.goldie@unsw.edu.au

Phone: (02) 9385 1295

*Interests:*

Human Rights, Social Justice Law and Policy Homelessness and Housing Community  
Legal Education and Development

Devika Hovell (Director, International Law Project)

Email: d.hovell@unsw.edu.au

Phone: (02) 9385 2875

*Interests:*

International humanitarian law, International criminal law, Use of force, International  
Courts and Tribunals, International law and Human Rights in Australia

Belinda McDonald (Administrator)

Email: gtcentre@unsw.edu.au

Phone: (02) 9385 2257

Bryan Mercurio (Director, Electoral Law Project)

Email: b.mercurio@unsw.edu.au

Phone: (02) 385 3445

*Interests:*

Electoral Law, International Trade Law and Intellectual Property.

George Williams (Centre Director)

Email: 9385 2259

Phone: (02) 9385 2259

*Interests:*

Constitutional law, human rights and electoral law.

## **6. PUBLICATIONS**

Publications for the year ending 2003 are set out below.

### **George Williams**

#### *Books*

*Realising Democracy: Electoral Law in Australia* (Federation Press) with Graeme Orr and Bryan Mercurio.

#### *Edited Issues*

‘Special Edition: A Bill of Rights for Australia’ (2003) 9(1) *Australian Journal of Human Rights* (with John Pace).

#### *Book Chapters*

‘Foreword’ to J Hocking, *Terror Laws: ASIO, Counter-Terrorism and the Threat to Democracy* (UNSW Press, 2003), vii-viii.

‘The Australian Electoral Tradition’ in Orr, G, Mercurio, B, and Williams, G (eds), *Realising Democracy: Electoral Law in Australia* (Federation Press, 2003), 1-6 (with Graeme Orr and Bryan Mercurio).

‘The Whitlam Government and Constitutional Reform’ in Hocking, J and Lewis, C (eds), *It’s Time Again: Whitlam and Modern Labor* (Circa, 2003), 195-215.

‘Constructing a Community-Based Bill of Rights’ in Campbell, T, Goldsworthy, J, and Stone, A (eds), *Protecting Human Rights: Instruments and Institutions* (Oxford University Press, 2003), 247-262.

‘Globalisation of the Constitution – The Impact of International Norms’ in French, R, Lindell, G, and Saunders, C (eds), *Reflections on the Australian Constitution* (Federation Press, 2003), 192-211.

#### *Articles*

‘Australian Electoral Law: Free and Fair?’ submitted to the *Federal Law Review* (with Bryan Mercurio).

“Sovereignty” and Treaty-Making Between Indigenous Peoples and Australian Governments’ submitted to the *Sydney Law Review* (with Sean Brennan and Brenda Gunn).

‘The Constitutional Role of the Courts: A Perspective from a Nation without a Bill of Rights’ submitted to the *New Zealand Journal of Public and International Law*.

‘A Supreme Court for the United Kingdom? A View from the High Court of Australia’ forthcoming in *Legal Studies* (with Tracey Stevens).

‘The Treaty Debate, Bills of Rights and the Republic: Strategies and Lessons for Reform’ forthcoming in *Balayi: Culture, Law and Colonialism*.

‘Reform of the Judicial Appointments Process: Gender and the Bench of the High Court of Australia’ (2003) 27 *Melbourne University Law Review* 819-863 (with Rachel Davis).

‘Deep Anxieties: Australia and the International Legal Order’ (2003) 25 *Sydney Law Review* 423-465 (with Hilary Charlesworth, Madelaine Chiam and Devika Hovell).

‘Review of Executive Action and the Rule of Law under the Australian Constitution’ (2003) 14 *Public Law Review* 219-233 (with Duncan Kerr).

‘Australian Values and the War Against Terrorism’ (2003) 26 *University of New South Wales Law Journal* 191-199.

‘Australian Electoral Law: A Stocktake’ (2003) 2 *Election Law Journal* 383-402 (with Graeme Orr and Bryan Mercurio).

‘National Security, Terrorism and Bills of Rights’ (2003) 9 *Australian Journal of Human Rights* 263-273.

‘Rights-based Reconciliation Needs Renewed Action from Canberra’ (2003) 28 *Alternative Law Journal* 122-126 (with Sean Brennan and Vanessa Bosnjak).

‘The First Step to a National Industrial Relations Regime? Workplace Relations Amendment (Termination of Employment) Bill 2002’ (2003) 16 *Australian Journal of Labour Law* 94-98.

‘A Century of Appointments but Only One Woman’ (2003) 28 *Alternative Law Journal* 54-58 (with Rachel Davis).

#### *Electronic*

‘Why ASIO Shouldn't Be Given More Power’ *Australian Policy Online* <[www.apo.org.au/webboard/items/00498.shtml](http://www.apo.org.au/webboard/items/00498.shtml)> at 4 November 2003.

‘The ACT Human Rights Act is a Great Leap in the Right Direction’ *On Line Opinion* <[www.onlineopinion.com.au/view.asp?article=824](http://www.onlineopinion.com.au/view.asp?article=824)> at 29 October 2003.

‘ACT Well on the Way to a Bill of Rights’ *Australian Policy Online* <[www.apo.org.au/webboard/items/00495.shtml](http://www.apo.org.au/webboard/items/00495.shtml)> at 28 October 2003.

‘Serious Senate Reform Should Address the Wider Issues of the Senate's Role’ *On Line Opinion* <[www.onlineopinion.com.au/view.asp?article=786](http://www.onlineopinion.com.au/view.asp?article=786)> at 14 October 2003.

‘Beware Senate Reform that Seeks to Only Block the Block’ *Australian Policy Online* <[www.apo.org.au/webboard/items/00467.shtml](http://www.apo.org.au/webboard/items/00467.shtml)> at 9 October 2003.

‘Amended Bill Hits Security Target’ *Australian Policy Online* <[www.apo.org.au/webboard/items/00341.shtml](http://www.apo.org.au/webboard/items/00341.shtml)> at 3 July 2003.

‘ASIO Bill May Not Pass the Constitutional Test’ *Australian Policy Online* <[www.apo.org.au/webboard/items/00334.shtml](http://www.apo.org.au/webboard/items/00334.shtml)> at 25 June 2003.

‘Fixed Terms Hold Key to Breaking Senate’s Legislative Deadlock’ *Australian Policy Online* <[www.apo.org.au/webboard/items/00319.shtml](http://www.apo.org.au/webboard/items/00319.shtml)> at 12 June 2003.

‘All Should Choose Head of State’ *Australian Policy Online* <[www.apo.org.au/webboard/items/00303.shtml](http://www.apo.org.au/webboard/items/00303.shtml)> at 29 May 2003.

‘Only Safe Course is to Resign’ *Australian Policy Online* <[www.apo.org.au/webboard/items/00295.shtml](http://www.apo.org.au/webboard/items/00295.shtml)> at 16 May 2003.

‘Hollingworth Should Resign in the Interests of his Office and the Nation’ *On Line Opinion* <[www.onlineopinion.com.au/view.asp?article=336](http://www.onlineopinion.com.au/view.asp?article=336)> at 13 May 2003.

‘Compromising the Commission’ *On Line Opinion* <[www.apo.org.au/webboard/items/00284.shtml](http://www.apo.org.au/webboard/items/00284.shtml)> at 8 May 2003 (with Ronnit Redman).

‘Call for G-G to Resign’, *ABC Online – The Public Record* <[www.abc.net.au/public/s849131.htm](http://www.abc.net.au/public/s849131.htm)> at 7 May 2003.

‘Reconciliation Must be Practical and Symbolic – But it Needs Federal Support’, *On Line Opinion* <[www.onlineopinion.com.au/view.asp?article=281](http://www.onlineopinion.com.au/view.asp?article=281)> at 14 April 2003 (with Sean Brennan).

‘Bringing Together Rights and Practical Policy’ *Australian Policy Online* <[www.apo.org.au/webboard/items/00263.shtml](http://www.apo.org.au/webboard/items/00263.shtml)> at 10 April 2003 (with Sean Brennan).

‘The Whitlam Government and Constitutional Reform’ in *Its Time*, e-magazine of the Whitlam Institute, Issue 11 <[www.whitlam.org/its\\_time/11/](http://www.whitlam.org/its_time/11/)> at 6 February 2003.

‘Australian Values and the War Against Terrorism’ in *Its Time*, e-magazine of the Whitlam Institute, Issue 11 <[www.whitlam.org/its\\_time/11/](http://www.whitlam.org/its_time/11/)> at 6 February 2003.

### *General Media*

‘Changing the Way We Go to War’ *Australian Financial Review* (21 November 2003).

‘Terrorist Laws Tough Enough, if Used’ *Sydney Morning Herald* (4 November 2003).

‘Why ASIO Should Not be Given More Power’ *The Age* (4 November 2003).

‘Anti-Terrorism Laws Threaten Freedoms’ *Courier Mail* (4 November 2003).

‘ACT Well on the Way to a Bill of Rights’ *Canberra Times* (25 October 2003).

‘Beware Senate Reform that Seeks to Only Block the Block’ *Sydney Morning Herald* (9 October 2003).

‘Human Rights Vulnerable to Assault’ *Australian Financial Review* (29 August 2003).

‘Political Prisoner Status Earned, Not Stolen’ *Sydney Morning Herald* (27 August 2003) (with Bryan Mercurio).

‘Diversity and Australia’s Highest Court’ *Australian Financial Review* (22 August 2003).

‘Amended Bill Hits Security Target’ *The Australian* (27 June 2003).

‘ASIO Bill May Not Pass the Constitutional Test’ *The Age* (24 June 2003).

‘Fixed Terms Hold Key to Breaking Senate’s Legislative Deadlock’ *Sydney Morning Herald* (11 June 2003).

‘ACT’s Proposed Human Rights Act Strikes the Right Balance’ *Canberra Times* (5 June 2003) (with Nick Hume).

‘A Chance for All to Choose Head of State’ *The Australian* (27 May 2003).

‘Only Safe Course is to Resign’ *The Australian* (13 May 2003).

‘Compromised Hollingworth Can’t Do His Job’ *Courier Mail* (7 May 2003).

‘It May not be Fair, but Hollingworth Should Stand Down’ *Sydney Morning Herald* (7 May 2003).

‘Litigation Work Vital to Education on Human Rights’ *Australian Financial Review* (2 May 2003) (with Ronnit Redman).

‘Without a Canberra Commitment, Aborigines Remain on the Outer’ *Sydney Morning Herald* (8 April 2003) (with Sean Brennan).

‘Nowhere to Hide Behind the Letter of the Law’ *Sydney Morning Herald* (19 March 2003) (with Devika Hovell).

‘Who Declares War for Australia?’ *Perspective*, ABC Radio National (14 March 2003) <[www.abc.net.au/rn/talks/perspective/stories/s805728.htm](http://www.abc.net.au/rn/talks/perspective/stories/s805728.htm)>.

‘Legal Harmony Trumps States’ Rights’ *Australian Financial Review* (17 February 2003).

‘Australian Values and the War on Terrorism’ *Australian Financial Review* (7 February 2003).

'Top Job Deserves to be Redefined' *The Australian* (3 January 2003).

### **Sean Brennan**

"Sovereignty" and Treaty-Making Between Indigenous Peoples and Australian Governments' submitted to the *Sydney Law Review* (with Sean Brennan and Brenda Gunn).

'Rights-based Reconciliation Needs Renewed Action from Canberra' (2003) 28 *Alternative Law Journal* 122-126 (with Vanessa Bosnjak and George Williams).

'Bringing Together Rights and Practical Policy' *Impact* (ACOSS, May 2003), 8-9 (with George Williams).

'Native Title in the High Court of Australia a decade after Mabo' (2003) 14 *Public Law Review* 209.

'Whitlam and the Value of Law in Indigenous Affairs: Lessons for the Contemporary Debate on Reconciliation and a Treaty?' in Jenny Hocking and Colleen Lewis (eds), *It's Time Again. Whitlam and Modern Labor* (Circa, 2003), 138-165.

Book Review: *A New Constitution for Australia* by Bede Harris [2003] *Public Law* 831-832.

'Reconciliation Must be Practical and Symbolic – But it Needs Federal Support', *On Line Opinion* <[www.onlineopinion.com.au/view.asp?article=281](http://www.onlineopinion.com.au/view.asp?article=281)> at 14 April 2003 (with George Williams).

'Bringing Together Rights and Practical Policy' *Australian Policy Online* <[www.apo.org.au/webboard/items/00263.shtml](http://www.apo.org.au/webboard/items/00263.shtml)> at 10 April 2003 (with George Williams).

'Practical Reconciliation: Only Half the Story', Perspective, ABC Radio National (20 November 2003).

'A Mixed Bag: Alice Springs Conference Reflects on Mabo Legacy' *ANTar NSW Newsletter* (July 2003).

'Without a Canberra Commitment, Aborigines Remain on the Outer' *Sydney Morning Herald* (8 April 2003) (with George Williams).

### **Megan Davis**

'New Developments in International Advocacy: Amicus Curiae and the World Trade Organisation' *Indigenous Law Bulletin* April/May 2003

'Globalising Human Rights: Aboriginal Women, customary Aboriginal law and the Australian common law' based on workshop 'Women, Crime and Globalisation: Feminist Perspectives for the New Millennium' at the International Institute for the Sociology of Law (IISL), Onati, Spain, 23-26 September 2003 (forthcoming Jan/Feb Hart Publishing)

'Civics Education and Human Rights' (2003) 9(1) *Australian Journal of Human Rights* 235.

'International Human Rights Law and the Domestic Treaty process' in 'Treaty - Lets Get it Right!' (ed) *Aboriginal Studies Press* (2003).

*Terrorism Hot Topics* No 42 Legal Information Access Centre, State Library of New South Wales

### **Devika Hovell**

'Deep Anxieties: Australia and the International Legal Order' forthcoming in the *Sydney Law Review* (with Hilary Charlesworth, Madelaine Chiam and George Williams).

'The Sovereignty Stratagem: Australia's Response to UN Human Rights Treaty Bodies' (2003) 28 *Alternative Law Journal* 297.

'A New World Order Beckons when Violation Becomes the Norm' *Sydney Morning Herald* (10 November 2003).

'Terrorism and International Law', Perspective, ABC Radio National (7 November 2003).

'Nowhere to Hide Behind the Letter of the Law' *Sydney Morning Herald* (19 March 2003) (with Devika Hovell).

### **Bryan Mercurio**

'Australian Electoral Law: Free and Fair?' submitted to the *Federal Law Review* (with Bryan Mercurio).

*Realising Democracy: Electoral Law in Australia* (Federation Press) with Graeme Orr and George Williams.

The Future of Dispute Settlement in the WTO: The Implementation Phase Under Scrutiny' in Ross Buckley (ed), *The WTO and the Doha Round: The Changing Face of World Trade* (Kluwer Law International, London) (2003) 115-143.

'Discrimination at the Ballot Box: The Secret Ballot and Blind Voters' (October 2003) 12(2) *Human Rights Defender* 2.

'Beyond the Paper Ballot: Discovering Computerised Voting' in Graeme Orr, Bryan Mercurio, & George Williams (eds) *Realising Democracy: Election Law in Australia*, 230 (Federation Press, Sydney) (2003).

'Discrimination in Electoral Law: Using Technoogy to Extend the Secret Ballot to Disabled and Illiterate Voters' (2003) 28 *Alternative Law Journal* 273.

'Australian Electoral Law: A Stocktake' (2003) 2 *Election Law Journal* 383-402 (with Graeme Orr and George Williams).

‘Political Prisoner Status Earned, Not Stolen’ *Sydney Morning Herald* (27 August 2003) (with George Williams).

## **PRESENTATIONS**

### **George Williams**

‘The Constitutional Role of Courts: Lessons from Australia’ to be delivered at *Courts*, First Annual Conference on the Primary Functions of Government, New Zealand Centre for Public Law, Victoria University of Wellington, Wellington, New Zealand, 28 November 2003.

‘The Case that Stopped a Coup? The Rule of Law in Fiji’ to be delivered at 2003 Quentin-Baxter Memorial Trust Lecture, New Zealand Centre for Public Law, Victoria University of Wellington, Wellington, New Zealand, 27 November 2003.

‘Aboriginal Peoples and the Australian Constitution: Issues of Race and Reconciliation’ to be delivered at Faculty Seminar, University of Auckland Law School, New Zealand (with Sean Brennan).

‘The Executive and the Military: Commentary’ delivered at *2003 Public Law Weekend*, ANU, Canberra, 8 November 2003.

‘Aboriginal Peoples and the Australian Constitution’ delivered at School of Law, University of Glasgow, United Kingdom, 25 September 2003.

‘Aboriginal Peoples and the Australian Constitution’ delivered at University College London, United Kingdom, 23 September 2003.

‘Terrorism: The View from Down Under’ delivered at Public International Law Speaker Series, Columbia University Law School, United States, 17 September 2003.

‘Human Rights and Judicial Review in Australia’ delivered at *Constitutionalism in the Charter Era*, University of Western Ontario, Canada, 12 September 2003.

‘Terrorism and the Law in Australia after September 11 and the Bali Attack’ delivered at Osgoode Hall Law School, York University, Canada, 10 September 2003.

‘Aboriginal Peoples and the Australian Constitution’ delivered at Constitutional Roundtable, University of Toronto Law Faculty, Canada, 8 September 2003.

‘The Case that Stopped a Coup? The Rule of Law and Constitutionalism in Fiji’ delivered at Comparative Constitutionalism Course, University of Sydney Law School, 20 August 2003.

‘A Bill of Rights for Australia’ delivered at Legal Institutions Lecture Series, Faculty of Law, University of Sydney, 19 May 2003.

‘Australian Values and the War Against Terrorism’ delivered at National Press Club Telstra Australia Day Address, National Press Club, 29 January 2003.

## **Sean Brennan**

‘A Treaty or Treaties with Indigenous Peoples in Australia’, delivered at NSW Law Society Human Rights Committee, Sydney, 19 August 2003.

‘Treaty Issues in Australia’, delivered at ANTaR WA forum on Sovereignty, Identity and Justice – Recognising Aboriginal Nations, Perth, 26 August 2003.

‘A Treaty Project’, delivered at National Community Legal Centres Conference, Hobart, 2 September 2003.

‘Treaty as a Campaign Issue’ delivered at *Reconciliation and Rights Youth Gathering*, ReconciliACTION, Sydney, 24 April 2003.

‘Should Australia have a Treaty (or Treaties) with Its Indigenous Peoples?’ delivered at Faculty of Law Seminar Series, Sydney, 15 April 2003.

‘The Treaty Project’ delivered at ANTaR National Congress, Adelaide, 5 April 2003.

## **Megan Davis**

‘Indigenous Peoples and Australian human rights tradition: the perennial footnote’ delivered at workshop ‘Protecting Human Rights in Australia: Past, Present and Future’ The Novotel Hotel, St Kilda, Dec.10-12, 2003

‘International Human Rights Law and Aboriginal Customary Law’ International Law Association/HREOC Seminar (20 November)

‘Globalising Human Rights: Aboriginal Women, customary Aboriginal law and the Australian common law’ at ‘Women, Crime and Globalisation: Feminist Perspectives for the New Millennium’ at the International Institute for the Sociology of Law (IISL), Onati, Spain, 23-26 September 2003

‘Case Studies and Current Research regarding Customary Protocols and Intellectual Property from Aboriginal Australia’ WIPO North American Workshop on Intellectual property and Traditional Knowledge, Ottawa, Canada, 7-9 September 2003

‘International Trade Law and Indigenous Australia’, UTS Jumbunna Indigenous House of Learning, Seminar Series.

‘Comparative Human Rights: Whose Australia Needs a Bill of Rights?’ delivered at the University of Sydney, Faculty of Law.

‘Human Rights in Australia: Why Australia Needs a Bill of Rights’ delivered at the University of Sydney, Political Science Department.

## **Devika Hovell**

“Anachronism or Answer: Australian Sovereignty and the Human Rights Committee”, 11th Annual Australia and New Zealand Society of International Law Conference, Wellington, July 2003.

“International Law and Post-War Iraq”, University of New South Wales Expo, 6 September 2003.

“A New Order of Things? Terrorism and International Law”, National Forum on Terrorism and the Rule of Law, NSW Parliament House, Sydney, 10 November 2003.

“Legality of the Use of Force in Iraq”, Melbourne Asia Policy Papers Workshop: Enforcing Human Rights Post September 11th, Sydney Myer Asia Centre, University of Melbourne, 6 March 2003.

“Use of Force, the Security Council and International Law”, New South Wales Bar Association CPD: War, Armed Conflict and the Circumstances When Any State May Use Force Against Another State Without the Authority of the UN Security Council, 27 February 2003.

“Women, Peace and Security”, UNIFEM Informs Seminar, Gilbert + Tobin, Sydney, 26 February 2003.

## **Bryan Mercurio**

‘Some Problems with Computerised Voting’ presentation at the H.S. Chapman Society Forum 24, held in Sydney on 12 October 2003.

“‘And the winner is...’ Australia, America and free trade’ presentation at Lawyers Reform Association, Continuing Legal Education, held in Sydney on 18 November 2003.

## **CENTRE SUBMISSIONS**

Submission by Tracey Stevens and George Williams to United Kingdom Department for Consultative Affairs on ‘Constitutional Reform: A Supreme Court for the United Kingdom’ (9 December 2003)

Submission by George Williams to Consultative Group on Senate Reform on ‘Resolving Deadlocks: A Discussion Paper on Section 57 of the Australian Constitution (12 November 2003).

Submission by George Williams to Senate Legal and Constitutional References Committee on ‘Inquiry into State Elections (One Vote One Value) Bill 2001 [2002] (8 October 2003)

Submission by Rachel Davis and George Williams to United Kingdom Department for Constitutional Affairs on ‘Constitutional Reform: A New Way of Appointing Judges’ (5 September 2003).

Submission by George Williams and Ronnit Redman to Senate Legal and Constitutional Legislation Committee on 'Inquiry into the Provisions of the Australian Human Rights Commission Legislation Bill 2003' (14 April 2003).

Submission by George Williams, Sean Brennan and Nicholas Hume to Legal, Constitutional and Administrative Review Committee, Queensland Parliament, on 'Inquiry into Aboriginal and Torres Strait Islander Peoples' Participation in Queensland's Democratic Process' (10 April 2003).

Submission by George Williams to Senate Employment, Workplace Relations and Education Committee on 'Inquiry into the Provisions of the Workplace Relations Amendment (Termination of Employment) Bill 2002' (6 February 2003).