



THE UNIVERSITY OF  
NEW SOUTH WALES



FACULTY OF LAW

**GILBERT + TOBIN CENTRE OF PUBLIC LAW**

**ANNUAL REPORT**

**FOR THE YEAR ENDED 31 DECEMBER 2006**

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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 2006 recorded a surplus of \$132,630.05. Refer to Statement of Financial Performance attached.

### **Success or failure in meeting research objectives**

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

The **Charter of Human Rights Project** (Project Director: George Williams) (formerly known as the Bill of Rights Project) continues to maintain its watching brief on human rights issues in Australia, including through making submissions, presentations and engaging in public debate on legal issues involving terrorism, refugees, prisoners, freedom of expression and freedom of religion. The project director during the year was involved in a consortium which successfully tendered to train Victorian public servants on Victoria's new Charter of Human rights and Responsibilities Act 2006 which commenced in 2007. The project director gave advice on a number of human rights issues including the case of David Hicks and in the defence of anti-Iraq war activists charged for protesting at the Pine Gap Defence facility in the Northern Territory. The project is gearing up to participate in the recently announced processes for considering human rights charters in New South Wales and Tasmania, with the possibility of further States following in the near future.

The **International Law Project** (Project Director: Devika Hovell) in conjunction with the Centre for International and Public Law at the Australian National University, continued its review and assessment of the relationship between international law and the Australian legal system. This project has sought to engage with such issues as the Iraq war, the global "war against terror", entry into a US/Australia Free Trade Agreement and the continuing debate over Australia's refugee policy. Much of the project's work during 2006 focused on case studies examining the method by which Australia enters into international treaties. This involved interviews with key players, research and analysis of the domestic processes leading to Australia's entry into treaties such as the United States-Australia Free Trade Agreement, the Rome Statute to the International Criminal Court, the Framework Convention on Tobacco Control and the Optional Protocol to the International Covenant on Civil and Political Rights. With the recent publication of the book *No Country is an Island: Australia and International Law*, the project reached its conclusion. During its time, the project significantly contributed to research and debate

on a variety of important issues relating to international law and the Australian legal system.

The **Homelessness, Human Rights and the Law Project** (Project Director: Cassandra Goldie) conducted in partnership with the Public Interest Law Clearing House Homeless Persons Legal Clinic is researching ways in which advocates and policy makers are using legal and human rights tools as part of efforts to improve response to homelessness in Australia. The project has developed a web-based resource in the fields of law, human rights and social policy related to homelessness, particularly in the Australian context and a monthly Resource Bulletin is published updating websites, bulletin boards and subscribers on recent developments in the area. A broad-based Advisory Group has been established to provide advice to the project and assist with resource development and the establishment of networks amongst people committed to promoting the legal and human rights of people experiencing homelessness. During 2006 the project director was active in a range of areas including participation as a resource expert for OHCHR at the Colloquium and Workshop for judges and lawyers on the justiciability of economic, social and cultural rights in the Pacific. The project director has also published widely on homelessness in Australia including an article in *Parity* describing the development of specialist legal advocacy in Australia for people who are homeless.

The **Indigenous Rights, Land and Governance Project** (Project Director: Sean Brennan) continues on from the Treaty Project which concluded mid way through 2005. This project is committed to continuing its work in the area where public law and Indigenous affairs intersect. During 2006, the project director contributed to the debate concerning the controversial changes to Northern Territory Land Rights Act – Australia's high water mark legislation recognising traditional rights to land. A submission was made to a Senate Committee inquiry and an opinion piece was published in several places including the *Age*. The project director continues to be involved in debate in significant new developments in native title law.

The **International Trade and Development Project** (Project Director: Bryan Mercurio) was established to contribute to a better understanding of contemporary international trade and development issues. The project emphasises research into fundamental issues of importance related to public international trade law and examines some of the more poignant issues facing Australia and the World Trade Organisation. During 2006 the project director worked on a large scale project to collect, categorise and analyse all existing FTA's. This project entailed completing a comprehensive work on this subject that will appeal to academics, practitioners and government officials as well as providing commentary by leading members of the trade community on individual FTA's. The project held a high level invitation only symposium on WTO issues which brought scholars and researchers together to discuss issues of international trade law. During the latter part of 2006 the project focused on the issue of patents and access to medicines in the developing world. The project director researched the linkages between international trade law and public health. A number of publications have examined the health crisis in developing countries and the need to provide financial resources to build, maintain and stabilise proper health care systems.

The **Terrorism and Law Project** (Project Director: Andrew Lynch) was established during 2005 to analyse Australia's legal response to terrorism and to contrast this to the responses of other comparable nations. Since the London bombings in July 2005, there

has been a renewed focus and energy to the problem of terrorism and the work on this project has been very much oriented towards the contribution to those public debates. During 2006 the project has been actively involved in reviewing the Commonwealth's anti-terrorism laws passed in 2002 and 2003. A number of submissions have been made reviewing the operation of these laws. Throughout 2006 the project was involved with parliamentary and public processes of consultation, and academic pieces which critically analyse Australia's counter-terrorism regime contributed to this debate. A book *What Price Security? Taking Stock of Australia's Anti-Terrorism Laws* was published which provided the general public with short topical works on issues of contemporary importance. The book fills a gap in providing an accessible and up to date survey of the major elements of Australia's counter-terrorism laws, including control orders, sedition and ASIO's powers to question and detain citizens.

## 2. CHAIR OF MANAGEMENT COMMITTEE'S REPORT

### Summary of Centre's achievements

- The Victorian Human Rights Consultation Committee, chaired by the Centre Director, consulted with people across the State about whether their human rights needed to be better protected. After receiving over 2,500 submissions and holding some 130 meetings, the Committee received overwhelming support for change and in 2006 the *Victorian Charter of Human Rights and Responsibilities* was passed by the Victorian Government, to come into effect in 2007.

This debate has encouraged other States to take up similar initiatives with New South Wales and Tasmania looking at processes for considering human rights charters.

- During 2006 the Centre assisted the work of Federal Parliamentary Committees.

Several submissions were made on a number of public law issues. These included the Security Legislation Review Committee established by the Attorney-General to review the operation of the first draft of Commonwealth anti-terror laws passed in 2002 and 2003; the Australian Law Reform Commission's inquiry into the sedition laws passed in 2005 and the Senate's inquiry on the Telecommunications (Interception) Amendment Bill 2006. Two prominent international inquiries took evidence about the counter-terrorism measures adopted in Australia – the United Nations and the International Commission of Jurists.

- The Centre Director attended two national future forums. The Australian Future Direction forum in Melbourne involved over 80 people from across Australia invited to come up with ideas and solutions for some of our most pressing problems over the next 15-20 years. The event went for a number of days and the invitees were chosen on the basis of their potential to play a leadership role. The Centre Director also attended a Future Summit in Brisbane that grappled with similar issues.
- The last twelve months have marked a number of important publications by Centre members. They include *What Price Security? Taking Stock of Australia's*

*Anti-Terror Laws*, a book designed to provide an accessible introduction to and analysis of Australia's terror laws enacted since September 11. That book has sold in large numbers and has proved successful in generating public debate and a focus both upon the strengths and weaknesses of these laws. Another important publication is *Defining Terrorism in International Law* by Ben Saul. It is a major contribution to international debate on the legal treatment of terrorism and is sure to be used widely around the world.

### *Public Recognition and Profile*

The Centre, throughout 2006, 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 1,750 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. The site 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 2006 by the Centre were:

- Charter of Human Rights
- High Court of Australia
- Homelessness, Human Rights and the Law
- Indigenous Rights, Land and Governance
- International Law and the Australian Legal System
- International Trade and Development
- Public Law Litigation
- Terrorism and the Law
- The Republic
- A Treaty between Indigenous Australians and the Wider Community

During 2006 the Centre continued to work with PhD students involved in fields of law and public policy (see section on postgraduate students below).

### *Events*

The Centre held several successful events during 2006.

- 2006 Constitutional Law Conference and Dinner

On 24 February 2006, the Centre again hosted a major constitutional law conference at the Art Gallery of New South Wales. The conference, the fifth in this series of annual events, gathered together practitioners, judges, scholars and members of the general public to discuss recent events and future trends in Australian constitutional law. The event attracted over 250 people and participants at the conference also enjoyed the dinner that night at New South Wales Parliament House. The speaker was the Hon Justice Christopher Maxwell of the Victorian Court of Appeal and the dinner was again followed by a High Court trivia quiz.

- Australian Bills of Rights: The ACT and Beyond

The ACT Human Rights Research Project at the Regulatory Institutions Network at the Australian National University and the Centre held a one day event in Canberra assessing recent developments in Australian Bills of Rights. The conference surveyed the impact of the ACT Human Rights Act over the last year in the courts, legislature and bureaucracy. It also looked at the Charter of Human Rights and Responsibilities in Victoria, and at developments in other States, at the national level, and the comparative perspective from New Zealand.

- Occasional Seminar Series

These seminars are held in the evening and are open to the general public. The series was launched by Professor Peter Russell, formerly from the University of Toronto, who spoke on “Appointing Judges in an Age of Judicial Power”. Professor Russell’s talk was a stimulating and expansive discussion of the experiences of judicial appointments from around the globe.

The second in the series was a seminar with Professor Ken Roach (University of Toronto) speaking on “Must We Trade Rights for Security: Reflections on Contemporary Anti-Terrorism Law and Policy”. Professor Roach spoke of the need to approach the topic of national security and individual rights in a sophisticated way. He argued for employment of a proportionality analysis of current and proposed counter-terrorism measures.

- Public Event: “Speaking on Rights and Liberties in an Age of Terrorism”

In light of great public interest in the impact of anti-terrorism laws on human rights in Australia and elsewhere, the Centre hosted an “Evening in Conversation” with two internationally renowned academic lawyers. Professor Conor Gearty (London School of Economics) and Professor Hilary Charlesworth (ANU) spoke on anti-terrorism measures in the UK and their impact on civil liberties. A wide range of issues were discussed from the perspective of international law and human rights law, including the utility of human rights and international law in the face of terrorism and the war in Iraq and the relationship between legal regimes and powerful interests.

### **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 for 2006 were as follows:

#### **Advisory Committee**

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

The Advisory Committee held its third meeting on 21 March 2006. 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)  
 Associate Professor Andrea Durbach, Faculty of Law, UNSW  
 Mr Richard Pascoe, Gilbert + Tobin  
 Professor Peter Saunders, Social Policy Research Centre, UNSW  
 Dr Helen Pringle, School of Politics & International Relations, UNSW  
 Professor George Williams, Centre Director

The Management Committee held its meeting on 20 March 2006. 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. Several 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 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 other full-time people is as follows:

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

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

2002:	\$57,000
2003:	\$107,000
2004:	\$136,520
2005:	\$72,000

### *Terrorism and Law*

2005	\$90,000
2006	\$90,000
2007	\$90,000
2008	\$70,000
2009	\$70,000

### *Regional governance for Aboriginal and Torres Strait Islander communities*

2005	\$90,000
2006	\$90,000

### *Australian Policy Online Enhancement Project*

2005	\$114,036
2006	\$158,884

## **Future of the Centre**

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

## 5. STAFF

### Centre Associates

Tony Blackshield, *Adjunct Professor*, LLM Syd

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

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

Ben Golder, *Part-Time Lecturer at the University of East London*, BA (Hons) LLB (UNSW)

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

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

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

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

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

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

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

### Postgraduate Students

The following postgraduate students were supported by the Centre during 2006:

Andrew Dahdal

Supervised by George Williams

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

Dominique Dalla-Pozza

Supervised by George Williams and Andrew Lynch

Topic: Australian Approach to Enacting Counter-Terrorism Laws

Cassandra Goldie

Supervised by Professor George Williams

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

Jennifer Ireland

Supervised by George Williams and Andrew Lynch

Topic: Free Speech, Sedition and Political Dissent: A Comparative Analysis

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

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

Dan Meagher  
 Supervised by Professor George Williams  
 Topic: The Why and How of Race Hate Speech Regulation in Australia

Katherine Nesbitt  
 Supervised by George Williams and Andrew Lynch  
 Topic: Detention of Terror Suspects in Australia and the United States

During 2006 Anne Twomey graduated from the program. Her topic was 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 2006 were David Hume (semester I, 2006) and Allison Rickett (semester II, 2006).

### **Centre Staff**

Staff as at 31 December 2006 consisted of the following:

Sean Brennan (Director, Indigenous Rights, Land and Governance Project)  
 Email: s.brennan@unsw.edu.au  
 Phone: (02) 9385 2334

*Interests:*

Public Law, Indigenous Legal Issues, Native Title.

Ben Golder (UK Correspondent)  
 Email: benjgolder@hotmail.com

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

Andrew Lynch (Deputy Director, Director, Terrorism and the Law Project)  
 Email:  
 Phone: (02) 93852210

*Interests:*

Federal Constitutional Law, Legal Responses to Terrorism, Judicial Decision-making and Equitable Remedies

Edwina MacDonald (Senior Research Director)

Email: e.macdonald@unsw.edu.au

Phone: (02) 9385 9655

Belinda McDonald (Administrator)

Email: gtcentre@unsw.edu.au

Phone: (02) 9385 2257

Bryan Mercurio (Director, International Trade and Development)

Email: b.mercurio@unsw.edu.au

Phone: (02) 385 3445

*Interests:*

Electoral Law, International Trade Law and Intellectual Property.

Ben Saul (Director, Charter of Rights Project)

Email: b.sauls@unsw.edu.au

Phone: (02) 9385 1529

*Interests:*

Public international law (particularly terrorism, international criminal law, humanitarian law, use of force, human rights, refugee law, United Nations law, electoral law), Criminal law.

George Williams (Centre Director and Director, Charter of Human Rights Project)

Email: 9385 2259

Phone: (02) 9385 2259

*Interests:*

Constitutional law, human rights and electoral law.

## 6. PUBLICATIONS

Publications for the year ending 2006 are set out below.

### **George Williams**

#### *Books*

*What Price Security? Taking Stock of Australia's Anti-Terror Laws* (UNSW Press, 2006) 1-95 (with Andrew Lynch).

*No Country is an Island: Australia and International Law* (UNSW Press, 2006), 1-175 (with Hilary Charlesworth, Madelaine Chiam, Devika Hovell) (highly commended by the Human Rights and Equal Opportunity Commission for its 2006 Human Rights Non-Fiction Award).

*Australian Constitutional Law and Theory: Commentary and Materials* (Federation

Press, 4th ed 2006), 1-1474; (Federation Press, 4th abridged ed 2006) (both with Tony Blackshield).

### *Articles*

‘Who’s Listening? Intercepting the Telephone Calls, Emails and SMS’s of Innocent People’ (2006) 31 *Alternative Law Journal* 211-215 (with David Hume).

‘Australia’s Legal Response to Terrorism: Where will it End?’ (2006) 27 *Arena Journal* 7-15.

‘The High Court on Constitutional Law: The 2005 Statistics’ (2006) 29 *University of New South Wales Law Journal* 182-197 (with Andrew Lynch).

‘Balancing National Security and Human Rights: Assessing the Legal Response of Common Law Nations to the Threat of Terrorism’ (2006) 8 *Journal of Comparative Policy Analysis: Research and Practice* 43-62 (with Ben Golder).

‘Victoria’s Charter of Human Rights and Responsibilities: Lessons for the National Debate’ (2006) 46 *Papers on Parliament* 81-95.

‘Don’t Mention The War: Academic Freedom in the Age of Terror’, *Uniken*, Issue 38, October 2006 8 (with Edwina MacDonald).

### *Electronic*

‘US Tinge to our History’ *On Line Opinion* <<http://www.onlineopinion.com.au/view.asp?article=5309>> at 29 December 2006.

‘Expensive Way to Run a Country’ *On Line Opinion* <<http://www.onlineopinion.com.au/view.asp?article=5273>> at 15 December 2006.

‘Canberra Unlimited?’ Evatt Foundation <<http://evatt.org.au/news/440.html>> at 9 December 2006.

‘Terrorism Law and an Australian Bill of Rights’ *Jurist* <<http://jurist.law.pitt.edu/forumy/2006/12/terrorism-law-and-australian-bill-of.php>> (6 December 2006).

‘What Price Security?’ *Human Rights Law Resource Bulletin* (Human Rights Law Resource Centre E-Bulletin, No 8, December 2006), 11-12 (with Andrew Lynch).

‘Goodbye to States’ Rights’ *On Line Opinion* <<http://www.onlineopinion.com.au/view.asp?article=5159>> at 16 November 2006.

‘Senate Scrutiny More Necessary Than Ever’ *Australian Policy Online* <[http://www.apo.org.au/webboard/results.shtml?filename\\_num=102534](http://www.apo.org.au/webboard/results.shtml?filename_num=102534)> at 2 October 2006 (with Daniel Tynan).

‘War on Terror Threatens Solutions to Terrorism’ *On Line Opinion*  
 <<http://www.onlineopinion.com.au/view.asp?article=4961>> at 2 October 2006 (with Edwina MacDonald).

‘Beazley would do well to Move Forward on IR laws’ *On Line Opinion*  
 <<http://www.onlineopinion.com.au/view.asp?article=4924>> at 19 September 2006.

‘Separation of Powers may be under Threat’ *On Line Opinion*  
 <<http://www.onlineopinion.com.au/view.asp?article=4872>> at 4 September 2006 (with Edwina MacDonald).

‘Separation of Powers may be under Threat’ *Australian Policy Online*  
 <[http://www.apo.org.au/webboard/results.shtml?filename\\_num=99708](http://www.apo.org.au/webboard/results.shtml?filename_num=99708)> at 30 August 2006 (with Edwina MacDonald).

‘Getting a Bill of Rights into the National Conversation’ *On Line Opinion*  
 <<http://www.onlineopinion.com.au/view.asp?article=4837>> at 25 August 2006.

‘Seen but not Heard’ *On Line Opinion*  
 <<http://www.onlineopinion.com.au/view.asp?article=4757>> at 4 August 2006.

‘Guest Blog: The Government has got it Wrong’  
 <[http://www.getup.org.au/blog\\_comments.asp?blog\\_post\\_id=92](http://www.getup.org.au/blog_comments.asp?blog_post_id=92)> *GetUp!* at 2 August 2006

‘Not as Free as We Like to Think’ *Australian Policy Online*  
 <[http://www.apo.org.au/webboard/results.shtml?filename\\_num=93853](http://www.apo.org.au/webboard/results.shtml?filename_num=93853)> at 1 August 2006.

‘Diminished Democracy’ *On Line Opinion*  
 <<http://www.onlineopinion.com.au/view.asp?article=4625>> at 6 July 2006.

‘Speak up in Defence of Free Speech’ *On Line Opinion*  
 <<http://www.onlineopinion.com.au/view.asp?article=4545>> at 21 June 2006.

‘Knee-jerk Law Making’ *On Line Opinion*  
 <<http://www.onlineopinion.com.au/view.asp?article=4537>> at 5 June 2006.

‘At Last, Seditious may be Consigned To History’ *Australian Policy Online*  
 <[http://www.apo.org.au/webboard/results.shtml?filename\\_num=80505](http://www.apo.org.au/webboard/results.shtml?filename_num=80505)> at 31 May 2006.

‘Human Rights, Parliamentary-Style’ *Evatt Foundation*  
 <<http://evatt.org.au/news/390.html>> at 19 May 2006.

‘An Opportunity for the People to Speak’ *On Line Opinion*  
 <<http://www.onlineopinion.com.au/view.asp?article=4308>> at 4 April 2006.

‘Someone Else Might be Listening’ *On Line Opinion*  
 <<http://www.onlineopinion.com.au/view.asp?article=4317>> at 29 March 2006 (with David Hume).

'Heading into Chartered Waters' *Australian Policy Online* <[http://www.apo.org.au/webboard/results.shtml?filename\\_num=70692](http://www.apo.org.au/webboard/results.shtml?filename_num=70692)> at 23 March 2006.

'Federal System Needs New Deal' *On Line Opinion* <<http://www.onlineopinion.com.au/view.asp?article=4221>> at 6 March 2006.

### *General Media*

'Fix-it Later Legislation no way to Govern' *The Australian* (28 December 2006).

'Reform a National Priority' *Courier Mail* (25 December 2006).

'US Tinge to our History' *Herald Sun* (15 December 2006).

'If you sat a Citizenship Test, would you Pass?' *Adelaide Advertiser* (13 December 2006).

'True Blue Quiz for All' *Hobart Mercury* (14 December 2006).

'A Test all Aussies Should Pass Too' *Daily Telegraph* (13 December 2006).

'See if You're True-Blue Enough to Pass Test' *Canberra Times* (13 December 2006).

'Confidence Vote to Fix Federation' *Australian Financial Review* (11 December 2006).

'Expensive Way to Run a Country' *The Australian* (8 December 2006).

'Court Tilts Federal Balance' *Hobart Mercury* (16 November 2006).

'States on Back Foot' *Courier Mail* (16 November 2006).

'Federal Power now has Further Reach' *Daily Telegraph* (15 November 2006).

'Beware Future Federal Power Grab' *Adelaide Advertiser* (15 November 2006).

'Goodbye to States' Rights' *The Age* (15 November 2006).

'Ruling Beefs up Federal Muscle at Expense of States' *Canberra Times* (15 November 2006).

'Smart Money is on PM's Choice' *Herald Sun* (14 November 2006).

'High Noon for IR' *Courier Mail* (14 November 2006).

'IR Now Boils down to a Battle of Political Wills' *Canberra Times* (14 November 2006).

'Harder to Keep Government Honest' *Australian Financial Review* (2 October 2006) (with Daniel Tynan).

‘Fear of the Law on Terror’ *The Australian* (20 September 2006) (with Edwina MacDonald).

‘Running the Risk of a Raft of Over-reactions’ *The Australian* (4 September 2006).

‘High Court must Settle Terror Law Dispute’ *Adelaide Advertiser* (1 September 2006).

‘This Plodding Monster Faces its Own Day of Judgement’ *Sydney Morning Herald* (30 August 2006) (with Edwina MacDonald).

‘Separation of Powers may be under Threat’ *The Age* (30 August 2006) (with Edwina MacDonald).

‘Negotiating a Fair Go for Workers’ *Courier Mail* (28 August 2006).

‘Beazley would do well to Move Forward on IR laws’ *The Age* (25 August 2006).

‘The Parliamentary Fix is in and Needs Repair’ *Daily Telegraph* (22 August 2006).

‘Fix Pollie Terms at Four Years’ *Herald Sun* (22 August 2006).

‘Parliament Term Changes Need Input From Public’ *Canberra Times* (22 August 2006).

‘Time to Serve the People’ *Courier Mail* (22 August 2006).

‘Enshrining Freedoms’ *Hobart Mercury* (3 August 2006).

‘Seen but not Heard’ *Sydney Morning Herald* (29 July 2006).

‘The Charter you Wanted’ *Herald Sun* (26 July 2006).

‘Fix the System Making us Pay High Taxes’ *Daily Telegraph* (24 July 2006).

‘Fragile Freedom’ *The Age* (8 July 2006).

‘Challenge to Change’ *Courier Mail* (5 July 2006).

‘There’s no Denying the Old Buggy has Lost a Wheel’ *Sydney Morning Herald* (5 July 2006).

‘Federal System Needs More than a Quick Fix’ *The Age* (5 July 2006).

‘It’s Time: To Reform the Powers that Be’ *Adelaide Advertiser* (4 July 2006).

‘No Country is an Island’ *Australian Financial Review* (30 June 2006) (with Madelaine Chiam).

‘Electoral Changes Going Backwards’ *Sydney Morning Herald* (23 June 2006).



- ‘Reform Rolling in the Wrong Direction’ *Courier Mail* (21 June 2006).
- ‘New Laws Undermine Democracy’ *Hobart Mercury* (14 June 2006).
- ‘Shrinking Democracy’ *The Age* (13 June 2006).
- ‘No Laughs in this Terrible Gag’ *Courier Mail* (2 June 2006).
- ‘Sedition Law Needs Surgery’ *Hobart Mercury* (31 May 2006).
- ‘At last, Sedition may be Consigned to History’ *The Age* (30 May 2006).
- ‘Speak up in Defence of Free Speech’ *Sydney Morning Herald* (30 May 2006).
- ‘Finances and Federalism’ *Perspective*, ABC Radio National (5 May 2006)  
<<http://www.abc.net.au/rn/talks/perspective/stories/s1631731.htm>>.
- ‘Human Rights Charter will Save Time and Money’ *Daily Telegraph* (13 April 2006).
- ‘Time to Reassess Our Terror Laws’ *Canberra Times* (8 April 2006).
- ‘More Than Ever, Watch What You Say’ *Sydney Morning Herald* (3 April 2006) (with David Hume).
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## **Sean Brennan**

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## **Ben Golder**

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## **Devika Hovell**

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## **Andrew Lynch**

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## **Edwina MacDonald**

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### **Bryan Mercurio**

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## **PRESENTATIONS**

### **George Williams**

‘The “New” Corporations Law’, Evatt Foundation Sunset Seminar, 7 December 2006.

‘Banned Books and Seditious Speech: Anti-Terror Laws and Other Challenges to Academic Freedom’, National Tertiary Education Union, University of Technology Sydney, Sydney, 28 November 2006 (with Edwina MacDonald).

‘Making the Media Work for You’, UNSW Faculty of Law Seminar, 27 November 2006.

*What Price Security?* Panel Discussion, gleebooks Events Upstairs@49, Sydney, 23 November 2006 (with Andrew Lynch).

‘A Tasmanian Bill of Rights? The Tasmanian Law Reform Institute’s Public Consultation’, Forum, Hobart, 21 November 2006.

‘Victoria’s Charter of Human Rights and Responsibilities: Lessons for NSW and the National Debate’, NSW Council for Civil Liberties, President’s Lunch, NSW Parliament House, 17 November 2006.

‘Victoria’s Charter of Human Rights and Responsibilities’, Public Forum, Strathfield, 16 November 2006.

‘All under Control? Recent Issues in Australia’s Legal Response to Terrorism’, Human Rights and Equal Opportunity Commission, Sydney, 13 November 2006.

‘What Price Security? A Perspective on Five Years of Australian Anti-Terror Law’, UNSW Alumni Association’s 2006 Brain Food Lecture, UNSW, Sydney, 25 October 2006.

‘Combating Terrorism: Australia’s Criminal Code Since September 11’, 10th International Criminal Law Congress, Perth, 19 October 2006 (Edwina MacDonald).

‘The Road to a West Australian Charter of Rights: Lessons from the Victorian Charter of Human Rights and Responsibilities’, Human Rights Committee of the Law Society of Western Australia, Perth, 18 October 2006.

‘Charters of Human Rights and New Terror Laws: Where is Our Legal System Headed?’, Australian Lawyers Alliance Conference, Sanctuary Cove, Queensland, 14 October 2006.

‘What could a Charter of Rights and Responsibilities mean for NSW?’, Public Forum, Petersham Town Hall, 9 October 2006.

‘What can we Learn from the New Victorian Charter of Human Rights and Responsibilities?’, presentation to the heads of equal opportunity jurisdictions in Australasia, Sydney, 6 October 2006.

‘Changing the Way Government Works: A Charter of Human Rights’, *A Fairer NSW: Bold Solutions and Real Results*, NCOSS Annual Conference, Sydney, 25 September 2006.

‘Threats to Academic Freedom’, 2006 National Tertiary Education Union national council meeting, Melbourne, 21 September 2006 (with Edwina MacDonald).

‘Anticipating the Outcome of the High Court IR Challenge’, CPA Australia’s 9th Annual The Changing Business of Workplace Relations Conference, Sydney, 18 September 2006.

‘Torture and the Need for a Charter of Human Rights’, George Munster Forum, Australian Centre for Independent Journalism, UTS Sydney, 14 September 2006.

‘Australia’s First State Bill of Rights: Implications for National ALP Policy on Rights through to the Republic’, ALP Social Policy Caucus Committee, Canberra, 12 September 2006.

‘A Charter of Human Rights’, Policy Forum, Hunters Hill Town Hall, 11 September 2006.

‘A Bill of Rights in an Age of Fear’ Castan Centre for Human Rights Law, Monash University Faculty of Law, 25 August 2006.

‘The Constitutional Framework’, *Industrial Relations Forum: Fair Go from Here?*, Sydney, 24 August 2006.

‘A Bill of Rights?’, Public Debate, Brisbane, 11 August 2006.

‘The Road to a Tasmanian Charter of Rights: Lessons from the Victorian Charter of Human Rights and Responsibilities’, International Commission of Jurists / Australian Fabian Society, 3 August 2006.

‘Who Best Protects Rights: Legislatures or the Courts? Implications for the Bill of Rights Debate: The Case for a Role for the Judiciary’, *Legislatures and the Protection of Human Rights*, University of Melbourne, 21 July 2006.

‘Victoria’s Charter of Human Rights and Responsibilities: Lessons for the National Debate’, Senate Occasional Lecture, Parliament House, Canberra, 7 July 2006.

‘In a Democracy like Australia there is no Need for a Bill of Rights: The No Case’, Charles Sturt University, Orange, Free Speech Central West, 25 June 2006.

‘The Victorian Charter of Human Rights and Responsibilities’, Australian Bills of Rights: The ACT and Beyond, Canberra, 21 June 2006.

‘A Charter of Human Rights and Responsibilities for NSW?’, NSW Parliament House, 8 June 2006.

‘IR Laws and the Constitution’, IR Workshop, University of Melbourne Law School, 2 June 2006.

‘Talking to the Media’, Sydney Law School Seminar, 1 June 2006.

‘The State of the Word’, Sydney Writers’ Festival, 28 May 2005.

‘Victoria’s Charter of Human Rights and its Applicability to NSW’, Public Forum, Blue Mountains, 27 May 2005.

‘The Victorian and ACT Experience’, NSW Charter of Rights Support Group Meeting, Public Interest Advocacy Centre, Sydney, 15 May 2006.

‘Security or Democracy – Trade Off or Essential Partners?’, Future Summit 2006, Brisbane Convention and Exhibition Centre, 12 May 2006.

‘Victoria’s Charter of Human Rights and its Federal Applicability’ ALP National Policy Committee Forum, Melbourne, 30 April 2006.

‘The Current Attack on Industrial and Civil Liberties’ Evatt Foundation Sunset Seminar, 14 March 2006.

‘Why do we Need a Bill of Rights?’, Politics in the Pub, 10 March 2006.

‘Comment on “What’s Wrong about Bills of Rights?”’, Australian Association of Constitutional Law / New South Wales Bar Twilight Seminar, 9 March 2006.

‘The Road to a Queensland Bill of Rights: Lessons from the Victorian Charter of Human Rights and Responsibilities’, International Commission of Jurists, Brisbane, 6 March 2006.

‘Will Australia’s New IR Laws Survive Constitutional Challenge?’, Centre for Governance and Public Policy Seminar Series, Department of Politics and Public Policy, Griffith University, Queensland, 6 March 2006.

‘A Charter of Rights for Victoria?’, Australian Fabian Society, Melbourne, 15 February 2006.

‘What Does a Bill of Rights Mean for Victoria’s Public Service?’, Phillips Fox, Melbourne, 15 February 2006.

### **Cassandra Goldie**

‘Housing as a Human Right’, Presentation at the State Tenant Advocacy Conference, 15 June 2006, Perth, Western Australia.

‘Justiciability of Economic, Social and Cultural Rights: National, Regional and International Experiences’ Presentation at OHCHR Colloquium & Workshop for Judges and Lawyers on the Justiciability of Economic, Social and Cultural Rights in the Pacific, 1-3 June 2006, Suva, Fiji.

### **Andrew Lynch**

‘Terrorism, the Law and Human Rights’, Law & Society HSC Legal Studies Study Day, Sydney, 23 November 2006.

*What Price Security?* Panel Discussion, gleebooks Events Upstairs@49, Sydney, 23 November 2006 (with George Williams).

‘Recent Cases on the Constitutional Separation of Judicial Power – Will Terrorism Control Orders Survive the High Court?’, Gilbert + Tobin Lawyers, Sydney, 17 October 2006.

‘Constitutional Issues arising from the Mental Health of Judges’, *Tristan Jepson Memorial Symposium: Mental Health and the Legal Profession*, Grace Hotel, Sydney, 8 September 2006.

‘How the Anti-Terrorism Laws Affect You’, UNSW Law Student’s Society Schools Education Day, UNSW, Sydney, 15 June 2006.

‘Harmony and Diversity: Unanimity and Dissent on the High Court’, Staff Seminar, University of Tasmania, 10 May 2006.

‘Legislating with Urgency’, Ensuring Accountability – Terrorist Challenges and State Responses in a Free Society Workshop, Australian National University, Canberra, 20-21 April 2006.

### **Edwina MacDonald**



‘Banned Books and Seditious Speech: Anti-Terror Laws and Other Challenges to Academic Freedom’, National Tertiary Education Union, University of Technology Sydney, Sydney, 28 November 2006 (with George Williams).

‘Combating Terrorism: Australia’s Criminal Code Since September 11’, 10th International Criminal Law Congress, Perth, 19 October 2006 (George Williams).

‘Threats to Academic Freedom’, 2006 National Tertiary Education Union national council meeting, Melbourne, 21 September 2006 (with George Williams).

### **Bryan Mercurio**

‘China’s Trade and Investment Regime: Potential Gains and Problems with an Australia-China Free Trade Agreement’ presentation at Continuing Legal Education seminar on China: The New Legal Scene; Opportunities and Risks, Sydney, 15 November 2006.

‘Exports and Developing Countries: their role in economic and social development’ presentation at the Ingram Colloquium on International Law and Development, The University of New South Wales, Sydney, 20 October 2006.

‘The Australia-United States Free Trade Agreement: Effects on the Information and Communication Technology (ICT) Industries in Australia’ presentation to the Korean Computer Program Deliberation and Mediation Committee, held at the Baker & McKenzie Cyberspace Law and Policy Centre, Sydney, 24 August 2006.

‘Biomedical Patents and the Third World’ presentation at the Unlocking IP Conference, held at the Australian Graduate School of Management, Sydney, 10 July 2006.

‘Dispute Settlement in the WTO: Critical Issues’ presentation at the law offices of Clayton Utz, Sydney, 7 July 2006.

### **Ben Saul**

‘Terrorism and International Law’, Seminar, Royal University of Phnom Penh, 15 December 2006.

‘Access to Justice’ Panellist, Offshore Processing of Asylum Seekers Conference, UTS Law School, Sydney, 25 November 2006.

‘International Law and Bills of Rights’, Law and Society HSC Legal Studies Day, Sydney, 23 November 2006.

‘Defining Terrorism in International Law’, Institute of Juridical Investigation, National Autonomous University of Mexico, Mexico City, 9 November 2006.

‘Terrorism and Academic Freedom’, Roundtable on Anti-Terrorism Law and Academic Research, College of Asia and the Pacific, Australian National University, 23 October 2006.

‘Is There An Asian International Law?’, UNSW Law School (International Law and Policy Group), International Meeting for International Law Scholars in Asia, 21 October 2006.

‘Regional Legal Responses to Terrorism in the Asia-Pacific’, Regionalising International Criminal Law Conference, University of Canterbury, Christchurch, 18-20 August 2006.

‘Torture, Terrorism and the Law: Lessons for Democracies’, Australian Red Cross (Queensland), Professional Development Session, Brisbane, 12 July 2006.

‘Preventive Detention and Terrorism’, International Society for the Reform of Criminal Law Conference, Brisbane, 3 July 2006.

‘Regional Security Co-operation in the Asia-Pacific Region: from Terrorism to Human Security’, Australia New Zealand Society of International Law Conference, 29 June – 1 July 2006.

‘Regional Legal Responses to Terrorism: ASEAN, SAARC and Beyond’, Asian Law Institute, 3<sup>rd</sup> Annual Conference, Shanghai, 25-26 May 2006.

Guest Lecture on Refugee Children, postgraduate Children and the Law, UNSW Law School, 18 May 2006.

‘Australia’s Anti-Terrorism Law and Human Rights’, Amnesty International Forum, Parramatta Town Hall, 10 May 2006.

Moderator, ‘Speaking of Rights and Liberties in an Age of Terrorism: An Evening in Conversation with Professor Conor Gearty and Professor Hilary Charlesworth’, NSW Parliament House Theatre, 3 May 2006.

‘Never Negotiate with Terrorists? Amnesties, Pardons and Immunities for Terrorism’, Ensuring Accountability – Terrorist Challenges and State Responses in a Free Society Workshop, Australian National University, Canberra, 21 April 2006.

Guest Lecture on Refugee Law, Department of Social Policy, University of Sydney, 11 April 2006.

Guest Lecture on Refugee Law, postgraduate Human Rights Law, UNSW Law School, 10 April 2006.

‘Migration, Terrorism and Globalisation’, St Paul’s College Globalisation Conference, 8 April 2006.

‘The Torture Debate: International Law and The Age of Terrorism’, Australian Red Cross International Humanitarian Law Lecture Series, NSW Law Week, Sydney, 28 March 2006.

‘Australian Anti-Terrorism Laws and Human Rights: Legislating for Insecurity?’, Seminar at St Paul’s College, Sydney University, 8 March 2006.

Seminar on sedition laws for the Australian Law Reform Commission, Sydney, 10 February 2006.

NSW Law Society (Young Lawyers), Continuing Legal Education (CLE) Seminar on the Anti-Terrorism Act (No 2) 2005, Sydney, 8 February 2006.

‘Terrorism and Human Rights’, Guest Lecture for the Centre for Peace and Conflict Studies Summer School, University of Sydney, 21 January 2006.

## **SUBMISSIONS**

### **Joint Submissions**

Sean Brennan and Indigenous Law Centre, Submission to Senate Legal and Constitutional Affairs References Committee Inquiry into Stolen Wages (5 October 2006).

Andrew Lynch, Edwina MacDonald and George Williams, Submission to the Parliamentary Joint Committee on Intelligence and Security on Review of Security and Counter Terrorism Legislation (6 July 2006).

Andrew Lynch and David Hume, Submission made to Human Rights and Equal Opportunity Commission’s National Inquiry, “Same-Sex: Same Entitlements” (5 June 2006).

Ben Saul, George Williams and David Hume, Opinion for the Media Arts and Entertainment Alliance and the Walkleys Foundation on the impact of Australia’s anti-terrorism laws on journalists, writers, film-makers and creative artists (May 2006).

Andrew Lynch, Ben Saul and George Williams, Submission to the UN Commission on Human Rights, Special Rapporteur on Terrorism’s Study on Australia’s anti-terrorism laws (13 March 2006).

David Hume and George Williams, Submission to Senate Legal and Constitutional Legislation Committee: Inquiry into Telecommunications (Interception) Amendment Bill 2006’ (10 March 2006).

Andrew Lynch, Ben Saul and George Williams, Submission to the International Commission of Jurists, Eminent Jurists Panel on Terrorism and Human Rights (10 March 2006).

Andrew Lynch and George Williams, Submission to Security Legislation Review Committee, Attorney-General’s Department on security legislation (1 February 2006).

### **George Williams**

Submission to Senate Finance and Public Administration Legislation Committee Inquiry into the *Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2005* (28 February 2006).

**Sean Brennan**

Submission to the Senate Community Affairs Committee on amendments to the Aboriginal Land Rights Act in the Northern Territory (31 July 2006).

**Cassandra Goldie**

Submission to United Nations Special Rapporteur on Adequate Housing's Official Investigation into Australia's compliance with its international obligation to progressively realise the human right to adequate housing (28 September 2006).

**Ben Saul**

Submission to the Tasmanian Law Reform Institute on a Tasmanian Charter of Human Rights (13 October 2006).

Submission to New Matilda's Human Rights Committee on their Australian Human Rights Bill (7 July 2006).

Submission to the Australian Reform Commission's Review of Seditious Laws (6 July 2006).

Submission to Refugee Review Tribunal's Draft Guidelines on Credibility Assessment (2 June 2006).

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Submission to the UK Independent Reviewer of Terrorism Legislation, 'Definition of Terrorism in UK Law' (19 May 2006).

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