

THE UNIVERSITY
OF
NEW SOUTH WALES

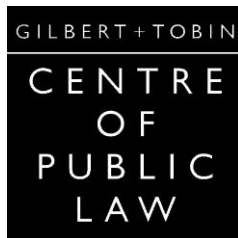


FACULTY OF LAW

GILBERT + TOBIN CENTRE OF PUBLIC LAW

ANNUAL REPORT

FOR THE YEAR ENDED 31 DECEMBER 2007



THE UNIVERSITY
OF
NEW SOUTH WALES



FACULTY OF LAW

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1. DIRECTOR'S REPORT

Relationship of the Centre to UNSW

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

Benefits to UNSW

The Centre provides a focal point for research 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 2007 recorded a surplus of \$112,577.99. Refer to Statement of Financial Performance attached.

Success or failure in meeting research objectives

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

The **Charter of Human Rights Project** (Project Director: Edward Santow) continues to maintain its watching brief on human rights issues in Australia, including through making submissions, presentations and engaging in public debate on legal issues involving terrorism, refugees, prisoners, freedom of expression and freedom of religion. On 1 January 2007 key parts of the Victorian Charter of Human Rights and Responsibilities came into force. This instrument is already affecting decision making by bodies such as Cabinet and deliberations of the Victorian Parliament that affect human rights. The Victorian Charter was the subject of a new book by Centre Director George Williams called *A Charter of Rights for Australia*, published in April 2007. The movement around Australia to enact human rights acts or charters will continue to be examined by the project and a major conference held by the Centre in collaboration with the Centre for Comparative Constitutional Studies at the Melbourne University Law School and RegNet at the Australian National University dealt with these issues of human rights projection at the University of Melbourne in September.

The **Climate Change 'Refugees' and International Law Project** (Project Director: Jane McAdam) is an exciting new Centre project focusing on contemporary concerns about climate change through the lens of human displacement. This issue is one in need of serious legal consideration as between 50 and 250 million people will be forcibly displaced by 2050 as a result of global warming. This project has already attracted significant public interest with the project director appearing in the media on a number of occasions, including presentation of a spoken opinion piece on "Climate Change 'Refugees' and International Law" on ABC Radio National's Perspective program. The project director has also given several public lectures on the subject, both nationally and internationally.

The **Homelessness, Human Rights and the Law Project** (Project Director: Cassandra Goldie) was 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. The landscape of debate in this area has changed dramatically and there has been an increase in the publication of journal articles on the subject. A network of specialist homelessness legal services has developed, preparing submissions and reform proposals in the areas of public space laws, human rights standards associated with eviction laws, voting rights, non-discrimination on the grounds of social status and others. This project has now reached its conclusion and the Centre is grateful for the achievements of the project director in contributing to debate and research in this important area.

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 2007 full bench appeals in the Federal Court have dominated native title litigation. The project director has continued to focus on land rights in the Northern Territory and the recent Commonwealth intervention in Aboriginal communities – one of the most far-reaching uses of law to achieve social and economic objectives to date. The project posted the first round of fact and evaluation sheets looking at issues like the quarantining of social security and the regulation of community stores. The project director continues research in both land rights and native title and is closely following the High Court litigation over fishing licenses in the Northern Territory on Aboriginal Land.

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 emphasised 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. Research on free trade agreements, trade and public health, trade and development and dispute settlement in the WTO continued during 2007 and a successful symposium on WTO law was held which brought together leading Australian and international scholars for lively discussion and debate in the area. The project director has taken up a professorship at the Chinese University of Hong Kong for 5 years which has brought this project to a close.

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. During 2007 the project continued to contribute to public and academic discussions about legal responses to terrorism. A number of submissions have been made to important parliamentary and government reviews about current and proposed anti-terrorist laws and a major symposium on terrorism and the law was held in July 2007 which contributed to debate in this important area. Following the symposium, an edited book featuring contributions from many of the speakers was published by Federation Press. The Project Director delivered several research papers in the United Kingdom in October and met with leading experts on terrorism and human rights in that jurisdiction.

2. CHAIR OF MANAGEMENT COMMITTEE'S REPORT

Summary of Centre's achievements

During 2007, Centre staff made important achievements in their areas of research, including submissions to public inquiries, and the publication of books and articles

- The Centre Director was busy with two inquiries: a high level advisory group providing recommendations to Kevin Rudd and Bob McMullan on the reform of Federal/State relations. The Director also chaired an inquiry for the New South Wales Government on options for a new national industrial relations system for Australia;
- Sean Brennan (Indigenous, Rights, Land and Governance Project Director), Edwina MacDonald and Centre Intern Talia Epstein made a submission to the Senate Legal and Constitutional Affairs Committee Inquiry into the Commonwealth International in Northern Territory Aboriginal Communities;
- Ed Santow (Charter of Rights Project Director) was part of a team which made an extremely substantial submission to the Consultative Committee examining the adoption of a Human Rights Act in Western Australia;
- Andrew Lynch (Terrorism and Law Project Director), Edwina MacDonald and George Williams made a submission to the Parliamentary Joint Committee on Intelligence and Security's review of the Listing Provisions of the Criminal Code Act 1995. This review focused exclusively on the mechanisms surrounding the Attorney-General's power to add organisations to the list of banned terrorist groups and a number of arguments for building further safeguards were put forward;
- A number of major publications during the year included one of international significance by Dr Jane McAdam, entitled *Complementary Protection in International Refugee Law*, published by Oxford University Press. Another major publication was *Law and Liberty in the War on Terror*. This book, co-edited by Andrew Lynch, Edwina MacDonald and George Williams brings together 20 chapters reflective of the papers and debates at the Centre's major terrorism symposium held in 2007.

Public Recognition and Profile

The Centre, throughout 2007, 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 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 2007 by the Centre were:

- Charter of Human Rights
- Climate Change 'Refugee' and International Law
- High Court of Australia
- Homelessness, Human Rights and the Law
- Indigenous Rights, Land and Governance
- International Trade and Development
- Public Law Litigation
- Terrorism and the Law
- The Republic

During 2007 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 2007:

- 2007 Constitutional Law Conference and Dinner

On 18 February 2007, the Centre again hosted a major constitutional law conference at the Art Gallery of New South Wales. The conference, the sixth in this series of annual events, gathered together practitioners, judges, scholars and members of the general public to discuss recent events and future trends in Australian constitutional law. The event attracted over 200 people and participants at the conference also enjoyed the dinner that night at New South Wales Parliament House. The speaker was the Hon Justice JD Heydon of the High Court of Australia and the dinner was again followed by a High Court trivia quiz.

- Symposium on Law and Liberty in the War on Terror

The Centre held a major symposium across three days bringing together national and international experts in the field to discuss a range of topics on law and national security. Over the course of the symposium a diverse collection of speakers presented a range of perspectives on the legal framework supporting counter-terrorism. It was a successful

exchange amongst academics, private and government lawyers, police, politicians and the media. A symposium dinner was held at New South Wales Parliament House where Sir Gerard Brennan was the guest speaker.

- Protecting Human Rights Conference

On 25 September 2007 the University of Melbourne hosted the “Protecting Human Rights” conference which involved the collaboration of the Centre for Comparative Constitutional Studies, RegNet at the Australian National University and the Gilbert + Tobin Centre of Public Law. The conference focused on the themes of integration of human rights protection in the law-making process, the role of the courts in interpreting human rights law and moving beyond civil and political rights to protect economic, social and cultural rights.

- Great Legal Debate: Ruddock v Ludwig

On 6 November 2007 the Centre and the Australian Financial Review held the “Great Legal Debate” in the lead up to the Federal Election on 24 November. Held at New South Wales Parliament House, the debate was between the Commonwealth Attorney-General, Philip Ruddock and the Shadow Attorney-General, Senator Joe Ludwig. The debate provided an opportunity to hear both sides’ policies and opinions on some of the key issues facing Australia including a Charter of Rights, the method of appointing judges, Freedom of Information Act reform and funding for the courts and legal aid. There was enormous response to the event and a webcast was made available of the proceedings.

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 2007 were as follows:

Advisory Committee

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

Ms Robin Banks, Public Interest Advocacy Centre

Professor Larissa Behrendt, Jumbunna Indigenous House of Learning, University of Technology, Sydney

Professor James Crawford, Cambridge University

Professor David Dixon, Dean, Faculty of Law, UNSW

Mr Stephen Gageler SC, NSW Bar

Mr Danny Gilbert, Managing Partner, Gilbert + Tobin

Associate Professor Arthur Glass, Faculty of Law, UNSW

Dr Andrew Lynch, Deputy Centre Director

Justice Ronald Sackville, Federal Court of Australia

Mr Michael Sexton SC, Solicitor-General of NSW

Professor George Williams, Centre Director

The Advisory Committee held its third meeting on 24 April 2007. During this meeting the Committee discussed and offered strategic advice on the work of the Centre to date.

Management Committee

Professor Andrew Byrnes, Associate Dean (Research), Faculty of Law, UNSW (Chair)

Associate Professor Andrea Durbach, Faculty of Law, UNSW

Dr Andrew Lynch, Deputy Centre Director

Mr Richard Pascoe, Gilbert + Tobin

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 18 May 2007. 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 is an integral part of the Faculty of Law, which provides considerable support in the form of office space, computer resources and a part-time administrator. The Centre's Project Directors are academic staff employed by the Faculty and several other Faculty members 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, electoral law and terrorism law. In these and other areas, the Centre is involved in research and contemporary public debates of political and legal significance. It acts as a change agent through the excellence of its research, the highly visible platform it provides for key participants and its constructive community leadership in debate and opinion formation.

Research

The Centre has established itself as a leading research institution in the field of public law in Australia and in the region. We are continuing to develop an international profile for our research work.

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 under the ARC Discovery Grant for the “Terrorism and Law” Project enabled the Centre to employ a full-time research associate over 2007.

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

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

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

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

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

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

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

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

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

Postgraduate Students

The following postgraduate students were supported by the Centre during 2007:

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

During 2007 Dan Meagher (PhD) and Katie Nesbitt (LLM) graduated from the program. Dan's topic was "The Why and How of Race Hate Speech Regulation in Australia" and Katie's work was entitled "Detention of Terror Suspects in Australia and the United States".

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 2007 were Ya'el Frisch (Semester I, 2007) and Talia Epstein (Semester II, 2007).

Centre Staff as at 31 December 2007 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.

Andrew Lynch (Deputy Director, Director, Terrorism and the Law Project)

Email: a.lynch@unsw.edu.au

Phone: (02) 93852210

Interests:

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

Jane McAdam (Director, Climate Change ‘Refugees’ and International Law)

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

Ed Santow (Director, Charter of Rights Project)

Email: e.santow@unsw.edu.au

Phone: (02) 9385 9656

Interests:

Human Rights, Administrative Law and Constitutional Law.

George Williams (Centre Director)

Email: 9385 2259

Phone: (02) 9385 2259

Interests:

Constitutional Law, Human Rights and Electoral Law.

6. PUBLICATIONS

Publications for the year ending 2007 are set out below.

George Williams

Books

A Charter of Rights for Australia (UNSW Press, 2007), 1-96.

Work Choices: What the High Court Said (Federation Press, 2007), 1-190 (with Andrew Stewart).

Law and Liberty in the War on Terror (Federation Press, 2007), 1-252 (edited with Andrew Lynch and Edwina MacDonald).

Articles

‘Combating Terrorism: Australia’s *Criminal Code* since September 11, 2001’ (2007) 16 *Griffith Law Review* 27-54 (with Edwina MacDonald).

‘The Constitutional Validity of Declarations of Incompatibility in Australian Charters of Rights’ (2007) 12 *Deakin Law Review* 1- 39 (Dominique Dalla-Pozza).

‘Banned Books and Seditious Speech: Anti-Terrorism Laws and Other Threats to Academic Freedom’ (2007) 12 *Australia & New Zealand Journal of Law & Education* 29-46 (with Edwina MacDonald).

‘Response to Satire – or Sedition: The Threat to National Insecurity’ (2007) 11 *Platform* 50 (with Edwina MacDonald).

‘The Promise of Regional Governance for Aboriginal and Torres Strait Islander Communities’ (2007) 1 *Ngiya: Talk the Law* 126-166 (with Alex Reilly, Larissa Behrendt, Ruth McCausland and Mark McMillan).

‘The High Court on Constitutional Law: The 2006 Statistics’ (2007) 30 *University of New South Wales Law Journal* 188-203 (with Andrew Lynch).

‘The High Court of Australia: Some Statistics’ (2007) 16 *The Commonwealth Lawyer* 30 (with Andrew Lynch).

‘Victoria’s New Charter: Human Rights and the Community’ (2007) 43 *Just Policy* 6-10.

‘When Laws Fail us’, *Uniken*, Issue 41, May/June 2007, 7.

‘Charter of Rights Needed’ *Official Spin: Censorship and Control of the Australian Press*, 2007 Australian Press Freedom Report, Media, Entertainment & Arts Alliance, 5.

‘Expensive Way to Run a Country’ *Australian Options*, Autumn 2007, No 48, 30-31.

‘The State of Human Rights’, *Right Now*, March 2007, Issue 1, 5-6.

‘Lessons from Victoria’s Charter of Human Rights and Responsibilities’ (2007) 45(1) *Law Society Journal* 68-72.

‘The Victorian *Charter of Human Rights and Responsibilities*: Origins and Scope’ (2007) 30 *Melbourne University Law Review* 880-905.

Electronic

‘Fix-it Later Legislation no Way to Govern’ *Australian Policy Online*, 3 January 2007 (with Andrew Lynch).

‘A Wide Gap between Law and Justice’ *On Line Opinion*, 10 January 2007.

‘Fix-it Later Legislation no Way to Govern’ *On Line Opinion*, 17 January 2007 (with Andrew Lynch).

‘No Excuse for not Bringing Hicks Home’ *On Line Opinion*, 8 March 2007 (with Edwina MacDonald).

‘Federation Needs a Fix’ *On Line Opinion*, 27 March 2007.

‘Hicks Sees a New Dawn’ *On Line Opinion*, 29 March 2007 (with Edwina MacDonald).

‘Federalism, in the Long Run’ *Evatt Foundation*, 26 April 2007.

‘Labor’s Bid to Create a National Industrial Law’ *Crikey*, 26 April 2007.

‘Work Choices: How far does it go?’ *Australian Policy Online 2*, 3 May 2007.

‘Terrorism Proposal Extension of Censorship Laws’ *On Line Opinion*, 7 June 2007.

‘Discerning Judge of Character’ *Australian Policy Online*, 10 July 2007.

‘A Solution Trickling Away’ *On Line Opinion*, 30 July 2007.

‘Dodgy Outcome Demands Review’ *On Line Opinion*, 3 August 2007.

‘Reforming and Modernising our Government’ *On Line Opinion*, 13 August 2007.

‘Human Rights Finally Take Centre Stage’ *On Line Opinion*, 24 December 2007.

General Media

‘Justice for All has Become Justice for Some’ *The Age* (3 January 2007).

‘Law and Disorder’ *Hobart Mercury* (4 January 2007).

‘We Should have a say on who Judges us’ *Daily Telegraph* (24 January 2007).

‘Australia’s Anti-terror Laws’ *Perspective*, ABC Radio National (28 February 2007).

‘Five years of Legal Shame’ *Courier Mail* (5 March 2007) (with Edwina MacDonald).

‘No Excuse for not Bringing Hicks Home’ *The Age* (5 March 2007) (with Edwina MacDonald).

‘How to Avoid Making Hicks a Martyr’ *Daily Telegraph* (6 March 2007).

‘End the Hicks Hypocrisy’ *Hobart Mercury* (6 March 2007).

‘Move Hicks out of the Election Limelight’ *Canberra Times* (6 March 2007).

‘Censorship: Meaningless, Counterproductive’ *Australian Financial Review* (9 March 2007) (with Edwina MacDonald).

‘So Much Government, So Little Done’ *Sydney Morning Herald* (13 March 2007).

‘Dated System Rips us Off’ *Hobart Mercury* (14 March 2007).

- ‘Federation Needs a Fix’ *The Age* (21 March 2007).
- ‘Federal System Past its Use-by Date’ *Courier Mail* (21 March 2007).
- ‘Heinous Crime Evolved into a Sick Heroism’ *Daily Telegraph* (28 March 2007) (with Edwina MacDonald).
- ‘Hicks Sees a New Dawn’ *Herald Sun* (28 March 2007) (with Edwina MacDonald).
- ‘Setback to Terror War’ *Courier Mail* (28 March 2007) (with Edwina MacDonald).
- ‘Australian Freedom goes on Trial’ *Sydney Morning Herald* (31 March 2007).
- ‘Lessons from an Injustice’ *The Age* (31 March 2007).
- ‘Hicks Gag Surprises’ *Courier Mail* (4 April 2007).
- ‘Righting the Wrongs in Perilous Times’ *Lawyers Weekly*, Issue 333, 13 April 2007, 36-37.
- ‘Why Youngsters will Lose their Right to Vote’ *Daily Telegraph* (27 April 2007).
- ‘Dilemma of too much Choice’ *The Australian* (28 April 2007).
- ‘Fear Factor’ *Geelong Advertiser* (2 May 2007).
- ‘Sensible to Enshrine Freedoms we Hold so Dear’ *West Australian* (5 May 2007).
- ‘Missing Out on a Vote’ *Herald Sun* (24 May 2007).
- ‘Terrorism Proposal is a Clumsy Extension of Censorship Laws’ *Sydney Morning Herald* (4 June 2007).
- ‘Watching What we Read’ *Hobart Mercury* (7 June 2007).
- ‘Throwing the book at terror’ *Courier Mail* (25 June 2007).
- ‘Discerning Judge of Character’ *The Australian* (7 July 2007).
- ‘Both Sides Looking for a Case that Holds Water’ *Sydney Morning Herald* (26 July 2007).
- ‘A Solution Trickling Away’ *The Age* (26 July 2007).
- ‘Court Action Leaves Murray up the River’ *Adelaide Advertiser* (27 July 2007).
- ‘Dodgy Outcome Demands Review’ *The Australian* (1 August 2007).
- ‘Vision is Needed to Drive Reforms’ *The Australian* (3 August 2007).

‘A Charter of Rights’ *Perspective*, ABC Radio National (23 August 2007).

‘Free Speech Needs Protection, But Bill of Rights is not Enough’ *The Australian* (31 August 2007).

‘Human Rights Finally Take Centre Stage’ *The Australian* (31 August 2007).

‘The Forum: 30th Anniversary of Star Wars’ *The Australian* (3 November 2007).

Sean Brennan

Articles

‘Economic Development and Land Council Power: Modernising the Land Rights Act or Same Old Same Old?’ (2006) 10 *Australian Indigenous Law Reporter* 1.

‘Dramatic Changes to Land Rights Law’, *The Australia Institute Newsletter*, No 49, December 2006, 9.

General Media

‘Indigenous Australians: the Preamble is a Start, But Only a Start’, *Online Opinion* (15 October 2007).

Andrew Lynch

Books

Law and Liberty in the War on Terror (Federation Press, 2007), 1-252 (edited with Edwina MacDonald and George Williams).

Book Chapters

‘Achieving Security, Respecting Rights and Maintaining the Rule of Law’ in A Lynch, E MacDonald and G Williams (eds), *Law & Liberty in the War on Terror*, Federation Press, Sydney, 2007.

Articles

‘The High Court on Constitutional Law: The 2006 Statistics’ (2007) 30 *University of New South Wales Law Journal* 188-203 (with George Williams).

‘The High Court of Australia: Some Statistics’ (2007) 16 *The Commonwealth Lawyer* 30 (with George Williams).

‘The Constitution and Legislative Responsibility’ (2007) 18 *Public Law Review* 158.

‘The Intelligence of a Future Day’: The Vindication of Constitutional Dissent in the High Court of Australia – 1981-2003’ (2007) 29 *Sydney Law Review* 195.

‘The Constitutional Validity of Terrorism Orders of Control and Preventative Detention’ (2007) 10 *Flinders Journal of Law Reform* 105 (with Alex Reilly).

‘The Once and Future Court? A Review of Jason L Pierce, *Inside the Mason Court Revolution*’ (2007) 35 *Federal Law Review* 145.

‘Legislating with Urgency – The Enactment of the *Anti-Terrorism Act [No 1] 2005*’ (2006) 31 *Melbourne University Law Review* 747.

‘Should Australia’s Muslim Communities really be concerned about Anti-Terrorism Laws?’ (2007) 16(2) *Human Rights Defender* 7.

‘Maximising the Drama: ‘Jihad Jack’, the Court of Appeal and the Australian Media’ (2006) 27 *Adelaide Law Review* 311.

General Media

‘Jack Thomas and Control Orders’ *Perspective*, ABC Radio National (27 February 2007).

‘Guilt in the Minor League’ *The Age* (28 March 2007).

‘Little Comfort in Guilty Plea’ *Sydney Morning Herald* (28 March 2007).

‘Legislate for safety, not persecution’ *The Courier-Mail* (3 July 2007).

‘Was Haneef’s phone card any more than an indiscretion?’ *The Age* (16 July 2007).

‘Sacrificing rights puts us at risk’ *The Australian* (24 July 2007).

‘Selective Centralism no answer to Federal Problems’ *The Sydney Morning Herald* (3 August 2007) (with Talia Epstein).

‘Kirby’s Thomas case dissent stands in good historical company’ *The Australian* (10 August 2007).

‘A Triumph for the law’ *The Age* (22 August 2007).

‘If I were Attorney-General’ *Human Rights Law Resource Bulletin* (November 2007).

Jane McAdam

Articles

Justin Hogan-Doran, Jane McAdam, Tim Stephens and Brett Williams, ‘Cases involving Questions of Public International Law’ (2006) 26 *Australian Year Book of International Law* 237 with Justin Hogan-Doran, Tim Stephens and Brett Williams).

Complementary Protection in International Refugee Law (Oxford University Press, 2007).

The Refugee in International Law (3rd edn, Oxford University Press, 2007) (with GS Goodwin Gill).

‘The Qualification Directive: An Overview’ in K Zwaan (ed) *The Qualification Directive: Central Themes, Problem Issues, and Implementation in Selected Member States* (Wolf Legal Publishers, 2007).

‘International Refugee Law’, *Manual*, UNSW Diplomacy Training Program for the Asia-Pacific Region (2007).

‘Regionalizing International Refugee Law in the European Union: Democratic Revision or Revisionist Democracy?’ (2007) 38 *Victoria University of Wellington Law Review* 255.

‘Climate-Induced Displacement’, Australian Refugee Rights Alliance discussion paper for UNHCR Executive Committee Meeting in Geneva (September 2007)’.

‘Review: *International Migration Law: Developing Paradigms and Key Challenges*, by R Cholewinski, R Perruchoud and E MacDonald (eds)’ (2007) 19 *International Journal of Refugee Law* 593.

‘Review: *European Asylum Law and International Law*, by H Battjes’ (2007) 19 *International Journal of Refugee Law* 593.

General Media

‘Climate Change Refugees and International Law’, *Perspective* (17 September 2007).

Ed Santow

Articles

‘Privative Clause and the Limits of the Law’ in M Groves and HP Lee (eds), *Australian Administrative Law: Fundamentals, Principles and Doctrines*, Cambridge University Press, Sydney, 2007 (with Mary Crock).

‘Review: *What Price Security: Taking Stock of Australia’s Anti-Terror Laws* by Lynch and Williams’ (2007) 89 *Reform* 82.

‘Review: *The Rights of Refugees under International Law* by Hathaway’ (2007) 89 *Reform* 86.

PRESENTATIONS

George Williams

‘Rebuilding Australian Federalism: Labor’s Challenge on Water and Climate Change to Industrial Relations after WorkChoices’, ALP Central Branch, Sydney, 26 February 2007.

‘Magnificent or Defective? Protecting Human Rights in Australia’, Politics in the Pub, Canberra, 27 February 2007.

‘A Human Rights Act for Australia’, Cross-party Parliamentary Briefing on the Proposed New Matilda Human Rights Bill, Parliament House, Canberra, 28 February 2007.

‘Justice for David Hicks?’, Public Forum, Goulburn, 1 March 2007.

‘Banned Books and Seditious Speech: Anti-Terrorism Laws and Other Challenges to our University Community’, NTEU Annual General Meeting, UNSW, 15 March 2007.

‘Academic Freedom and the War on Terror’, Public Forum, University of Sydney Anti-War Action Group, 20 March 2007.

‘What is the Role of the State in Setting Moral Standards & Boundaries?’ *Food for Thought: Democracy Series*, In Conversation with Marcus Strom, Sydney Mechanics’ School of Arts, 21 March 2007.

‘Criminal Law a Century On – Control Orders – Sword or Shield?’ *35th Australian Legal Convention*, Sydney, 24 March 2007.

‘Launch of the NSW Charter Group’ NSW Parliament House, 16 April 2007.

‘What Price Security? Human Rights, Anti-Terror Laws and the Trial of David Hicks’, Forum, Parramatta, 18 April 2007.

‘What Price Security? A Perspective on Five Years of Australian Anti-Terror Law’, Deakin Law Oration, Deakin Law School, Melbourne, 30 April 2007.

‘A Charter of Rights for the Northern Territory’ *2007 Charles Darwin Symposia – Securing Territorians Rights: Statehood and a Bill of Rights?*, Charles Darwin University, Darwin, 10 May 2007.

‘Harmony Lost: Why Multicultural Australia Needs a Human Rights Act in the Era of Anti-Terror’ Forum on Race Discrimination and Security Responses to Terrorism, Amnesty Australia New South Wales Human Rights and Security Network, Sydney, 16 May 2007.

‘Free Speech and the Legislative Framework’, Big Ideas with Griffith Review – Freedom of Expression, Art Gallery of New South Wales, Sydney, 21 May 2007.

‘An Australian Charter of Rights: Lessons from the Victorian Charter of Human Rights and Responsibilities’, Faculty Seminar, UTS Faculty of Law, Sydney, 22 May 2007.

‘Censorship, Free Speech and Australian Law: Where are we Heading?’ Centre for Cultural History, Macquarie University, Sydney, 25 May 2007.

‘A Charter of Rights for Australia’, Human Rights Forum, Social Justice Committee, Sydney University Law Society, 29 May 2007.

‘Banned Books and Seditious Speech: Anti-Terrorism Laws and Other Challenges to our University Community’, University of Sydney NTEU, 30 May 2007.

‘The Races Power and the 1967 Referendum’, *National Forum on the ‘67 Referendum: 40 Years On – Where to Now?*, UNSW Indigenous Law Centre, 20 July 2007.

‘Why is the NSW Government against a Bill of Rights?’, Australian Fabians, Sydney, 25 July 2007.

‘An Australian Charter of Rights? Lessons from the Victorian Charter of Human Rights and Responsibilities’, Gilbert + Tobin Lawyers, 22 August 2007.

‘Writing Policy: A Rights Policy Dialogue’, *Melbourne Writers’ Festival*, 25 August 2007.

‘A Bill of Rights: Democratic Development or Judicial Power Grab?’ Public Debate, Australian Institute of Administrative Law, Adelaide, 30 August 2007.

‘Scandals, Embarrassments and Political Mistakes’, *Writing History Festival*, NSW Writers’ Centre, 22 September 2007.

‘Australian Human Rights Acts: The Current State of Play’ *2007 Protecting Human Rights Conference*, University of Melbourne, 25 September 2007.

‘Human Rights and Australian Identity in the Age of Terror’, Amnesty International Australia, University of New South Wales, 3 October 2007.

‘Litigation Workshop’, *Working for a Fair, Just & Democratic Society in the 21st Century*, Public Interest Advocacy Centre Conference, Sydney, 19 October 2007.

‘What does the Charter Mean for Ministerial Advisers?’, Parliament House, Melbourne, 4 December 2007.

‘Parliamentary Protection and Promotion of Human Rights – What does the Charter Mean for MPs?’, Parliament House, Melbourne, 4 December 2007.

Sean Brennan

‘The State of Play in Acquisition of Property: *Theophanous v The Commonwealth*’, Gilbert + Tobin Centre of Public Law Constitutional Law Conference, Sydney, 16 February 2007.

‘Recent Developments in Native Title Case Law: Continuity, Connection and the Group’, Human Rights and Equal Opportunity Commission Legal Bulletin Seminar, Sydney, 4 June 2007.

‘Indigenous Affairs and the Commonwealth Intervention in the Northern Territory’, Warrane College, UNSW, Sydney, 8 October 2007.

Andrew Lynch

‘Incapacity not Misbehaviour: Illness, Independence and Judicial Removal’ Staff Seminar, University of Tasmania, Hobart, 1 May 2007.

‘The Use of History by Lawyers in Debating Responses to Terrorism’, Inaugural Research Network for a Secure Australia Terrorism History Conference, Canberra, 13 June 2007.

‘Securing Our Freedoms’ Panel Discussion, Amnesty International, University of Adelaide, 31 July 2007.

‘Perspectives on Federalism’, *National Industrial Relations Conference*, Queensland Department of Employment and Industrial Relations, 11 September 2007.

‘International Influences on Australian Anti-Terrorism Law’, School of Law, Leeds University, United Kingdom, 2 October 2007.

‘Some Observations on Australian Anti-Terrorism Law and Civil Liberties’, Department of Law, University of Durham, United Kingdom, 3 October 2007.

‘Comparative Counter-Terrorism: what can we learn? Extraordinary Rendition, Intercept Evidence and ‘Setting Aside’ Rights’, *Human Rights and Counter-Terrorism: Reframing the Debate*, Centre for the Study of Human Rights, London School of Economics, United Kingdom, 5 October 2007.

‘Australia’s Anti-Terrorism Laws - Where They Stand and What’s Next?’ Occasional Seminar, Judicial Commission of New South Wales and the District Court Education Committee, Sydney, 29 November 2007.

Jane McAdam

‘Extra-Convention Refugees: Complementary Protection under Human Rights Law’, Refugee Health Research Centre Seminar Series, La Trobe University, 18 April 2007.

‘Climate Change “Refugees” and International Law: On or Off the World Map?’, Australian Human Rights Centre symposium ‘Securing the Environment: The Challenge of Protecting Human Rights in a Changing Climate’ 2 May 2007.

‘Climate-Induced Displacement and International Law’ UNSW Faculty of Law Staff Seminar, 23 May 2007.

‘Climate Change “Refugees”’, HSC Legal Studies Student Conference, NSW Parliament House 25 May 2007.

‘Climate-Induced Displacement and International Law’, UNSW Law Students’ Society 29 May 2007.

‘Human Rights Treaties’, *Understanding International Law and Human Rights*, Amnesty International Australia NSW Human Rights and Security Network Lecture Series, 1 August 2007

‘Climate Change ‘Refugees’ and International Law’ Scientia Scholars and Mentors, UNSW, 7 August 2007.

‘Climate Change ‘Refugees’’, NSW Teachers’ Legal Studies Student Conference, NSW Parliament House, 24 August 2007.

‘Climate Change ‘Refugees’ and International Law: On or Off the Map?’, Jesuit Refugee Service, Sydney, 19 September 2007.

Closing Ceremony, *China Model United Nations Conference*, Heilongjiang University, Harbin, China, 14 October 2007.

Climate Change Seminar (with the Hon Murray Wilcox QC), *NSW Bar Association*, 24 October 2007.

Closing Address, ‘The United Nations, Climate Change and Human Rights’, *Sydney University Model United Nations Conference*, 25 November 2007.

‘Climate-Induced Displacement and the Challenges for Protection’, *An Unsettled Future? Forced Migration and Refugee Studies in the 21st Century*, Refugee Studies Centre, University of Oxford, 7–8 December 2007.

SUBMISSIONS

Joint Submissions

Andrew Lynch, Edwina MacDonald and George Williams, Submission made to the Parliamentary Joint Committee on Intelligence and Security on ‘Review of the Listing Provisions of the Criminal Code Act 1995’ (9 February 2007).

Andrew Lynch, Edwina MacDonald and George Williams, Submission made to the Parliamentary Joint Committee on Intelligence and Security, ‘Review of the Power to Proscribe Organisations as Terrorist Organisations’ (April 2007).

Andrew Lynch, Edwina MacDonald and George Williams, Submission made to the Attorney-General’s Department ‘Review of Proposals to Amend the National Classification Scheme to Include Material that Advocates Terrorist Acts’ (25 May 2007).

Andrew Lynch, Edwina MacDonald and George Williams, Submission made to NSW Ombudsman on ‘Review of Parts 2A and 3 of the Terrorism (Police Powers) Act 2002’ (13 June 2007).

Andrew Lynch, Edwina MacDonald and George Williams, Submission made to Senate Legal and Constitutional Legislation Committee ‘Inquiry into the Classification (Publications, Films and Computer Games) Amendment (Terrorist Material) Bill 2007’ (10 July 2007).

Sean Brennan and Talia Epstein, Submission on compulsory acquisition of Aboriginal property rights for Senate Legal and Constitutional Committee Inquiry into Commonwealth intervention in Aboriginal communities in the Northern Territory (9 August 2007).

Sean Brennan, Talia Epstein and Edwina MacDonald, Supplementary Submission to Senate Legal and Constitutional Committee Inquiry into Commonwealth intervention in Aboriginal communities in the Northern Territory (10 August 2007).

Edward Santow (with International Human Rights Lawyers Working Group), Submission to the Consultation Committee for a Proposed Western Australian Human Rights Act (31 August 2007).

George Williams

Submission made to the Senate Legal and Constitutional Legislation Committee 'Inquiry into the Australian Citizenship Amendment (Citizenship Testing) Bill 2007' (27 June 2007).

Submission made to Senate Environment, Communications, Information Technology and the Arts Committee 'Inquiry into the National Greenhouse and Energy Reporting Bill 2007' (24 August 2007).

