



**GILBERT + TOBIN CENTRE OF PUBLIC LAW**

**ANNUAL REPORT**

**FOR THE YEAR ENDED 31 DECEMBER 2016**

## **Table of Contents**

1.	The Centre	3
2.	Director's Report	3
3.	Centre Committees	10
3.1	Advisory Committee	10
3.2	Steering Committee	11
4.	Staff	12
4.1	Centre Staff	12
4.2	Centre Fellows	14
4.3	Centre Associates	14
4.4	Social Justice Internship Program	14
4.5	Postgraduate Research Students	15
5.	Key Centre Activities	16
5.1	AUSPUBLAW Blog	16
5.2	Research Projects	17
5.3	Events	21
6.	Publications	23
7.	Presentations	29
8.	Media Publications	34
9.	Submissions to Inquiries	37

## **1. THE CENTRE**

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

The Centre's Members, Postgraduate Students and Visitors seek to actively engage with government, the legal profession and broader community through research, teaching, media and consultancy work, and events including conferences, workshops and seminars.

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

As its mission, the Centre is committed to the production of highest quality research as the basis from which we engage with government and the community on public law issues, so as to deepen understanding, inform debate and influence change.

The Centre's strategic plan for 2015-19 identified three key objectives that emphasise scholarship, engagement, influence, education and opportunity:

1. To generate authoritative, international standard research and scholarship on public law issues of major contemporary importance.
2. To engage actively with government, the legal profession, the media, NGOs and the broader community, so as to improve public understanding of issues and exert influence on public law reform.
3. To provide a stimulating and inclusive environment that enables emerging talent to flourish and diverse people to engage with ideas, legal issues and developments, education and reform proposals in the field of public law.

## **2. DIRECTOR'S REPORT: SEAN BRENNAN**

I am pleased to deliver the 2016 Annual Report for the Gilbert + Tobin Centre of Public Law. It was a year of intensive external engagement when the Centre hosted more events than any previous year. This report contains detailed information about the Centre's activities and the publications and presentations of its members, but in this opening Director's report here are the headline items:

- Recent recruitment to the Faculty has strengthened and broadened the Centre.

- The Centre's administrative and managerial relationship with the Faculty is very strong.
- The Centre's financial position is strong.
- A key indicator of health, the number and quality of postgraduate research students actively engaged with the Centre, is positive and has transitioned well from the conclusion of the ARC Laureate Project in 2014.
- The focus on research impact remains very high, with more Centre events this year and individual researchers and teams engaged on a wide variety of external engagement in Australia and overseas.
- The Centre has re-established a strong platform for external engagement with the wider public law teaching community.

### **People**

There are 14 academic members of the Centre with a good range in terms of age and level of appointment: 1 Postdoctoral Fellow, 1 Associate Lecturer, 1 Lecturer, 4 Senior Lecturers, 3 Associate Professors and 4 Professors. The Centre gained three new members during 2016 and farewelled two colleagues who joined other Australian law schools.

Professor Simon Halliday joined the Faculty and the Centre from the University of York in the United Kingdom. Simon's research focuses primarily on the significance of law for public administration, particularly for the front-line delivery of public services. His work is socio-legal, usually includes empirical data collection, and often involves collaboration with other disciplines. Simon has a strong background in working with higher degree research (HDR) students, and during 2016 he joined the supervision team for a number of UNSW Law HDR students.

Dr Grant Hoole returned to the Centre in 2016, having won a two to three year UNSW Vice-Chancellor's Postdoctoral Research Fellowship. Grant was a visitor to the Centre for six months on an Australian Government Endeavour Fellowship in 2012 while undertaking his PhD at the University of Ottawa in Canada. His current research is into institutionalised legal responses to systemic wrongdoing, particularly looking at the way in which inquisitorial processes have been adopted in common law jurisdictions. As well as pursuing his postdoctoral research, Grant quickly integrated back into the Centre, as a contributor to detailed parliamentary submission on a federal integrity body, and as a co-organiser for the Centre's biennial Postgraduate Workshop in Public Law.

Gemma McKinnon also joined the Centre in 2016. She is a UNSW Law graduate and Churchill Fellowship awardee (2012). Gemma teaches Administrative Law and is pursuing a postgraduate research project in housing rights and tenancy law. She is an Associate Lecturer and Aboriginal HDR Fellow in the Faculty and is one of several Centre colleagues who have supported the Indigenous designed and led Regional

Dialogues on constitutional change taking place across 2016-17 through the Referendum Council.

Towards the end of 2016 the Faculty also recruited Lauren Butterly from the Australian National University. She teaches mainly in Administrative Law and Indigenous legal issues and her research interests include both areas and also extend to environmental law and governance. She is also undertaking a PhD at UNSW on Indigenous governance in marine areas. Lauren commenced as a Lecturer in the Faculty and a Centre member in January 2017.

In January 2016 we said farewell to Senior Lecturer Dr Jason Varuhas who originally joined the Faculty on a postdoctoral fellowship and has joined Melbourne Law School. In December 2016 Dr Greg Weeks left to take up a position at the Australian National University, after several years at UNSW and with the Centre, teaching and researching in Administrative Law. We wish both Jason and Greg continuing success in their careers at their new institutions.

### **Relationship to Faculty**

Professor David Dixon's term as Dean of UNSW Law came to an end in June 2016 and he left with the respect, gratitude and affection of his Faculty colleagues, with the law school in a very strong position. David was a great champion for the Centre and a valuable source of support to me and my predecessors as Centre Director. Personally I am very grateful to David for his advice and backing, and for the tireless commitment he showed to our Faculty for nearly a decade as Dean. As at the end of 2016, the Centre's relationship to the senior academic management of the Faculty is as strong as ever. Past Centre Directors and present Centre Members George Williams and Andrew Lynch are respectively Dean and Head of School. Ben Golder is Associate Dean (Education) and Gabrielle Appleby is Director of Research (Impact and Engagement). The Associate Dean (Academic) of the Faculty, Justine Nolan, chairs the Centre's Steering Committee.

### **Financial Position**

The Centre's financial position is strong. In 2016, on behalf of Gilbert + Tobin, managing partner Danny Gilbert renewed the firm's commitment to supporting the work of the Centre for another three years. Sixteen years on from the Centre's inception, the firm's generous support amounts to a very substantial long-term investment in public law scholarship and public engagement at UNSW and we thank Danny and the firm for their continued backing for the Centre's work. My predecessor as Director, Andrew Lynch, carefully managed the Centre's finances to build a modest surplus which has since increased due to one-off factors in the period 2013-16. In line with the recommendation of the periodic Centre Review carried out by the UNSW Centres Secretariat, the Centre is making careful and strategic use of those reserves, allowing some extra support to be allocated in the following areas in 2016:

- additional Centre events targeting either specialist audiences or the general public, at no cost to participants, enabling greater opportunities for external engagement and impact from Centre research

- the creation of a paid position of HDR Joint Editor, available to a PhD student, to help edit and manage the AUSPUBLAW blog that is hosted by the Centre, and some periodic IT support for site maintenance and improvement
- a scheme to provide research assistance towards lodgment of ARC grants by Centre Members.

### **Higher Degree Research Students**

Historically a key to the Centre's success has been the ability to attract emerging public law researchers, offer them an academic community to support their development and opportunities to gain skills and experience, often on the pathway to an academic career. Young and eager researchers bring the Centre energy and new ideas, broadening the base of scholarship within. After 2009, George Williams' ARC Laureate Project created the financial basis for a large team of talented PhD students and postdoctoral fellows. It drew to a close in mid-2014 and one risk the Centre faced was a diminution of numbers and energy in this area. However the Centre has continued to attract new talent and at the end of 2016 there are 11 postgraduate research students associated with the Centre, pursuing a public law topic and usually having one or more Centre members in their supervision team. That is so, even after a year with four completions: we congratulate Jennifer Norberry, Sangeetha Pillai, Jackie Hartley and Grant Hooper on graduating with their PhDs. Amongst the cohort of current HDR students, in 2016, Shipra Chordia was awarded a four month position as a Visiting Researcher at Harvard Law School and Harry Hobbs won a Lionel Murphy Postgraduate Scholarship.

In the last two years we have run a Centre work-in-progress seminar series that, according to feedback from both candidates and supervisors, has brought significant benefits for those who have presented, as well as giving others experience in providing comments and feedback on projects. This year the Centre also staged its fourth biennial Postgraduate Workshop in Public Law, attracting the highest number of submissions yet and featuring presenters from 14 institutions in Australia, the UK and South Africa. We continue to profile current and completed PhD projects in the Centre's bi-annual newsletter.

In 2016 we introduced a paid position for an HDR student to join a new three person team that edits and manages the AUSPUBLAW blog. These new arrangements have helped to put the blog on a sustainable longer-term basis as well as offering some income for 12 months to the selected HDR student and the opportunity to liaise with authors, develop editing skills and commission articles in the field. Two PhD students as well as one of the Centre's recent Social Justice Interns also contributed posts to this national online platform for public law research during 2016.

Sir Anthony Mason made a generous donation during the interim directorship of Professor Rosalind Dixon in 2013-14 that, together with matching funds from the Centre, enabled Ros to establish a Research Award made each semester to a current student pursuing a project in public law.

Taken together, these initiatives and activities support a vibrant HDR student community and enhance the Centre's reputation as a destination of choice for public law postgraduate research.

## **Research Impact: Events, Books and External Engagement**

### ***Events***

In 2016 the Centre hosted or co-hosted a number of major events for both specialist and generalist audiences.

- Public Law in the Classroom – workshop for teachers (11 February)
- Constitutional Law Conference and Dinner – for judiciary, Bar, private firms, government lawyers, academics, media (12 February)
- The South African Constitution in Global & Critical Perspective – invited workshop (27-28 April)
- Australian Health Policy and Intergovernmental Relations – invited workshop primarily organised by Faculty of Arts & Social Sciences (12 May)
- Australian Constitutional Values – workshop towards an edited book (10 June)
- Public Lecture: Deputy Chief Justice Moseneke (15 June)
- Brandis v Dreyfus: the 2016 Pre-Election Legal Affairs Debate (20 June)
- Postgraduate Workshop in Public Law – 22 selected participants from Australia, UK and South Africa (14-15 July)
- Democracy, Pacifism & Constitutional Change in Japan: Amending Article 9? – symposium with ANJeL (12 August)
- Comparative Constitutional Amendment – invited workshop (15 August)
- UNSW Law Book Forum: Greg Weeks's *Soft Law and Public Authorities*, with Professor Matthew Groves, Professor Robin Creyke, Ms Linda Pearson (24 August)
- UNSW Law Book Forum: Gabrielle Appleby's *The Role of the Solicitor-General*, with Justice Stephen Gageler, Professor Anne Twomey and Dr Yee-Fui Ng (7 September)
- The Inaugural Mason Conversation featuring Sir Anthony Mason (4 October)
- Celebrating 100 Years of the Commonwealth Solicitor-General (24 October)
- Women's Health Rights – public event with AHRC, Rights Nights (7 December)
- Final Courts Roundup – co-hosted with AACL (12 December)
- Comparative Constitutional Law Roundtable (12-13 December)
- Constitutional Recognition of Aboriginal & Torres Strait Islander People: A Voice to Federal Parliament – invited workshop led by Indigenous Law Centre (15 December)

### ***Seminars***

There is another tier of events, involving daytime or early evening seminars organised for predominantly a Centre and Faculty audience. Often the presenter is a visiting academic or judge. Rosalind Dixon in particular has built excellent connections overseas and has secured many international speakers to present at UNSW. In 2016 these Centre seminars

have included presentations by Professor Kent McNeil (Canada), Professor Vicki Jackson (US), Professor Frederick Schauer (US), Professor Bill Buss (US), Justice Kate O'Regan (South Africa), Justice Dennis Davis (South Africa) and Justice Manuel Cepeda (Colombia). The Centre has also run four HDR work-in-progress seminars.

### ***Books***

It was a very productive year for the publication of books by Centre members:

- Andrew Lynch (ed), *Great Australian Dissents* (CUP, 2016)
- Rebecca Ananian-Welsh, Gabrielle Appleby, Andrew Lynch, *The Tim Carmody Affair: Australia's Greatest Judicial Crisis* (NewSouth Books, 2016)
- Gabrielle Appleby, *The Role of the Solicitor-General* (Hart, 2016)
- Melissa Crouch (ed), *Islam and the State in Myanmar* (OUP, 2016)
- Greg Weeks, *Soft Law and Public Authorities* (Hart, 2016)

### ***AUSPUBLAW Blog***

Since June 2015 the Centre has hosted AUSPUBLAW, the Australian Public Law Blog. For its first 12 months it was managed by the Blog Coordinator Gabrielle Appleby, an impressive personal achievement that established AUSPUBLAW as a respected national online platform for timely publication of public law research and comment. In mid-2016 we transitioned to a new three person team (Gabrielle, Paul Kildea and Lynsey Blayden, who was the successful applicant to be the first HDR Joint Editor). In 2016 the blog featured 32 posts and 33 different authors, in addition to monthly public law event updates. As at the end of 2016, the blog has many hundreds of email subscribers and more than 950 followers on Twitter.

### ***Sample areas of research impact and engagement:***

The Centre has always aimed for externally focused research that has a strong impact here and often overseas. More details can be found in section 5 of the Annual Report. Here is a snapshot of examples.

#### ***Strengthening Legal Institutions in Myanmar and wider regional engagement***

Melissa Crouch (with Theunis Roux) organised a Workshop for the Constitutional Tribunal on its Roles and Responsibilities, later reported on Myanmar state television. Melissa will also oversee the grant of five scholarships to law students to undertake internships in Myanmar, following a successful cross-faculty grant application to the New Colombo Plan run by DFAT. Law students will undertake an internship with the International Institute for Democracy and Electoral Assistance, which is establishing a Myanmar Constitution Centre in Yangon to enhance constitutional literacy. Melissa also leads a project with a USD283,000 grant from the Asian Development Bank on 'Strengthening Law, Regulation, and the Legal Profession for a Better Investment Climate in Myanmar'. Melissa has also written online for Australian and regional outlets on current public law controversies in Myanmar and Indonesia in particular and published an edited book on Islam in Myanmar.



### *The Office of Solicitor-General*

In the year Gabrielle Appleby published a book based on her earlier doctoral investigation of the role of Solicitor-General, the office was propelled to the forefront of public controversy and media coverage. Gabrielle contributed media comment and interviews, online opinion and analysis, and written and oral evidence to a Senate inquiry. In addition, she organised and moderated the panel discussion at the Celebrating 100 Years of the Commonwealth Solicitor-General event attended by about 250 people at the Banco Court, and participated in an author-meets-commentator UNSW Book Forum on her new monograph at UNSW.

### *Indigenous Led and Designed Regional Dialogues*

From mid-2016 Sean Brennan, and later, Gabrielle Appleby and Gemma McKinnon, have been closely involved as pro bono legal advisors at the Indigenous Led and Designed Regional Dialogues on constitutional change being held around Australia, under the umbrella of the Referendum Council appointed by Prime Minister Malcolm Turnbull. This builds on sustained scholarship and external engagement in the area of constitutional change, treaties and referendums over many years by a variety of Centre members, also including George Williams, Paul Kildea and Rosalind Dixon.

### *Submissions to Parliamentary and Like Inquiries*

Individuals and teams within the Centre made written submissions and gave oral evidence during 2016 to a variety of inquiries including those into freedom of speech, electoral matters, post-judicial return to legal practice and a National Integrity Commission.

### **Links to Public Law Teaching**

The Centre will host a third consecutive Public Law in the Classroom workshop for teachers of Australian public law on 16 February 2017. This event, again held in partnership with the Public Law and Policy Research Unit at the University of Adelaide, occurs the day before the Centre's annual flagship conference on constitutional law and has consolidated its place in the calendar amongst public law teachers. The 2017 event will feature a dozen presentations and the same number of posters. It will particularly focus on the role of values and theory in teaching public law, the research/teaching nexus, innovative teaching techniques and new educational research. The 2016 event attracted over 60 participants from more than 20 institutions and was very well-received. It featured a plenary session on the politics of teaching public law and a closing session based around the use of a 'critical judgments' approach to teaching led by Rosalind Dixon and Gabrielle Appleby.

Faculty and HDR Members of the Centre contribute strongly to the core and elective teaching strength of UNSW Law. As well as teaching and convening each year in the core in Principles of Public Law, Administrative Law and Federal Constitutional Law, members regularly offer electives in areas such as bills of rights, the High Court of Australia, the rule of law in Asia, electoral law and the law of politics, advanced administrative law, national security law and contemporary constitutional law

## **Conclusion**

In conclusion, I would like to acknowledge Sir Anthony Mason who retired as Chair of the Centre's Advisory Committee after taking on that leadership role at the inception of the Centre in 2001. We were absolutely delighted this year to name a new annual series of public conversations in his honour, and that Sir Anthony accepted the invitation to be the first conversationalist at the inaugural event. It proved a fascinating and enjoyable evening for the large crowd, including many UNSW Law students, that attended. It was an event that we were very happy to share with several generations of the Mason family. Having the series is one fitting way of acknowledging the particular contribution Sir AM has made to the Centre. Apart from the authority he brought as a former Chief Justice of the High Court of Australia and leading public lawyer of his era, Sir Anthony has shown humanity and generosity in the role, providing ideas and suggestions for the Centre, and invaluable personal support and advice to me and my predecessors as Directors of the Centre. He has been particularly generous to the young and emerging scholars in our public law community: through a financial grant awarded each semester to support postgraduate research and intellectually in a variety of other ways, including meeting with students individually, providing feedback about their projects and attending our biennial postgraduate workshop, as well as participating by invitation in a number of our events over the years. I know it has been a thrill for those emerging scholars to find out that Sir Anthony has taken an interest in their work. We thank Sir Anthony for that and for many other generous actions in support of the Centre and its community. I would also like to thank the Honourable Justice Stephen Gageler AC, who stepped down from the Advisory Committee at the end of 2016 after originally joining while still a member of the NSW Bar, and acknowledge his consistent support for the Centre and especially its public events.

Sean Brennan  
Centre Director

## **3. CENTRE COMMITTEES**

### **3.1 Advisory Committee**

The composition of the Advisory Committee in 2016 was as follows:

Sir Anthony Mason AC KBE CBE, Former Chief Justice of the High Court (Chair)  
The Hon Justice John Basten, Court of Appeal Supreme Court of New South Wales  
Associate Professor Sean Brennan, Centre Director  
Emeritus Professor Rosalind Croucher AM, President, Australian Law Reform Commission  
Professor David Dixon, Dean, Faculty of Law, UNSW (to June 2016)  
The Hon Stephen Gageler, High Court of Australia  
Mr Danny Gilbert AM, Managing Partner, Gilbert + Tobin  
The Hon Justice Anna Katzmann, Federal Court of Australia  
The Hon Justice Melissa Perry, Federal Court of Australia

Professor George Williams AO, Dean, Faculty of Law, UNSW (from June 2016)

During 2016 the Advisory Committee held a meeting on 19 December 2016.

Attendees were:

Sir Anthony Mason AC KBE CBE, Former Chief Justice of the High Court (Chair)  
The Hon Justice John Basten, Court of Appeal Supreme Court of New South Wales  
Associate Professor Sean Brennan, Centre Director  
Emeritus Professor Rosalind Croucher AM, President, Australian Law Reform Commission  
The Hon Justice Stephen Gageler, High Court of Australia  
Mr Danny Gilbert AM, Managing Partner, Gilbert + Tobin  
The Hon Justice Anna Katzmann, Federal Court of Australia  
The Hon Justice Melissa Perry, Federal Court of Australia  
Professor George Williams AO, Dean, Faculty of Law, UNSW

Sir Anthony Mason retired as Chair of the Advisory Committee with effect from 20 December 2016. The Hon Justice John Basten is the new Chair of the Advisory Committee. The Hon Justice Stephen Gageler also stepped down from the Advisory Committee at the end of the year.

### **3.2 Steering Committee**

In 2016 members of the Steering Committee were as follows:

Professor David Dixon, Dean, Faculty of Law, UNSW (Chair, until June 2016)  
Associate Professor Justine Nolan, UNSW Law, UNSW (Chair, from June 2016)  
Associate Professor Sean Brennan, Centre Director  
Professor Andrea Durbach, UNSW Law, UNSW  
Mr Steven Glass, Gilbert + Tobin  
Professor Peter Saunders, Faculty of Arts and Social Sciences, UNSW  
Associate Professor Claudia Tazreiter, Faculty of Arts and Social Sciences, UNSW

During 2016 the Steering Committee held meetings on 1 September and 24 November 2016.

Attendees at both meetings (unless otherwise noted) were:

Associate Professor Justine Nolan, UNSW Law, UNSW  
Associate Professor Sean Brennan, Centre Director  
Professor Andrea Durbach, Director, Australian Human Rights Centre  
Mr Steven Glass, Gilbert + Tobin  
Professor Peter Saunders, Social Policy Research Centre, UNSW  
Associate Professor Claudia Tazreiter, Faculty of Arts and Social Sciences, UNSW (1 September 2016)

## **4. STAFF**

### **4.1 Centre Staff**

Centre Staff as at 31 December 2016 consisted of the following:

Associate Professor Gabrielle Appleby (Co-Director, Judiciary Project; Blog Co-Ordinator and Joint Editor, AUSPUBLAW)

Email: [g.appleby@unsw.edu.au](mailto:g.appleby@unsw.edu.au)

Phone: (02) 9385 6676

Interests: Public Law, Constitutional Law, Administrative Law, Legal Ethics (Judicial and Government Lawyers).

Associate Professor Sean Brennan, (Centre Director; Director, Indigenous Legal Issues Project)

Email: [s.brennan@unsw.edu.au](mailto:s.brennan@unsw.edu.au)

Phone: (02) 9385 2334

Interests: Public Law, Indigenous Legal Issues, Native Title.

Dr Melissa Crouch (Deputy Director, Comparative Constitutional Law Project)

Email: [melissa.crouch@unsw.edu.au](mailto:melissa.crouch@unsw.edu.au)

Phone: (02) 9385 0737

Interests: Constitutional Law; Administrative Law; Law and Governance; Rule of Law; Islamic law; Law and Religion; Myanmar law; Indonesian law; Law and Society; Comparative Law; Legal Pluralism in Southeast Asia.

Professor Rosalind Dixon (Director, Comparative Constitutional Law Project)

Email: [rosalind.dixon@unsw.edu.au](mailto:rosalind.dixon@unsw.edu.au)

Phone: (02) 9385 6964

Interests: Constitutional Law, Comparative Constitutional Law, Constitutional Design, Constitutional Amendment, Socio-Economic Rights, Law and Gender.

Dr Ben Golder (Co-Director, Public Law and Legal Theory Project)

Email: [b.golder@unsw.edu.au](mailto:b.golder@unsw.edu.au)

Phone: (02) 9385 1843

Interests: Legal and Social Theory (particularly critical, feminist and post-structuralist approaches to law), Legal Philosophy, Criminal Law and Public Law (particularly critical approaches to counter-terrorist law and capital punishment).

Professor Simon Halliday

Email: [s.halliday@unsw.edu.au](mailto:s.halliday@unsw.edu.au)

Phone: (02) 9385 2255

Interests: Administrative Justice, Administrative Law.

Dr Grant Hoole (UNSW Vice-Chancellor's Postdoctoral Research Fellow)

Email:

Phone: (02) 9385 6871

Interests: Public Law, Commissions of Inquiry and Accountability Institutions, Canadian and Comparative Constitutional Law, Separation of Powers, The Judiciary, Legal Process Theory, Legal Ethics.

Dr Paul Kildea (Director, Referendums Project; Joint Editor, AUSPUBLAW)

Email: p.kildea@unsw.edu.au

Phone: 902) 9385 9655

Interests: Public Law, the Process of Constitutional Reform, Political Participation, Deliberative Democracy, Federalism.

Professor Andrew Lynch (Co-Director, Judiciary Project)

Email: a.lynch@unsw.edu.au

Phone: (02) 9385 9654

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

Ms Belinda McDonald (Administrator)

Email: gtcentre@unsw.edu.au

Phone: (02) 9385 2257

Dr Nicola McGarrity (Director, Terrorism and Law Project)

Email: n.mcgarrity@unsw.edu.au

Phone: (02) 9385 3445

Interests: Constitutional Law, Legal Responses to Terrorism, Human Rights, Constitutional Reform.

Ms Gemma McKinnon

Email: g.mckinnon@unsw.edu.au

Phone: (02) 9385 8857

Interests: Administrative Law, Constitutional Law, Housing and Tenancy

Dr Daniel McLoughlin (Co-Director, Public Law and Legal Theory Project)

Email: Daniel.McLoughlin@unsw.edu.au

Phone: (02) 9385 7621

Interests: Legal Theory, Sovereignty, Politics and Theory of Human Rights.

Dr Jason Varuhas (until January 2016)

Dr Greg Weeks (until December 2016)

Professor George Williams (Foundation Director)

Email: george.williams@unsw.edu.au

Interests: Constitutional Law, Human Rights, High Court of Australia, Electoral Law, Federalism and Anti-Terror Law.

## **4.2 Centre Fellows**

During 2014 the Centre welcomed three professionals as Centre Fellows, an initiative to broaden the Centre's academic community. They are: David Hume, Brendan Lim and Joanna Davidson, all Sydney barristers who work predominantly outside the university and who share our interest in top-quality public law scholarship and external engagement. The Centre values their professional skills, expertise and experience, knowing that, for us, they enhance and enrich our activities and events. We welcome them in maintaining their scholarly interests in the law, through engagement with the Centre community on a regular and ongoing basis.

## **4.3 Centre Associates**

Tony Blackshield AO, Adjunct Professor, LLM Syd

Dominique Dalla-Pozza, Lecturer, ANU College of Law, BA (Hons) LLB (Hons) Syd  
PhD UNSW

Arthur Glass, Senior Visiting Fellow, BA LLB PhD Syd

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

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

Devika Hovell, Associate Professor, Department of Law, London School of Economics,  
BA LLB (Hons) UWA, LLM NYU, DPhil Oxon

Jill Hunter, Professor, BA LLB UNSW, PhD Lond

Jane McAdam, Professor, BA (Hons) Syd, LLB (Hons) Syd, DPhil Oxon

Garth Nettheim, Emeritus Professor, LLB Syd, AM Tufts

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

Alex Reilly, Professor, University of Adelaide, BA (Juris) LLB (Hons) Adel, GDLP SA,  
LLM British Columbia

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

Svetlana Tyulkina, LLB (Hons) LLM CEU, MLitt Monash, PhD CEU

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

## **4.4 Social Justice Internship Program**

The Centre continues to take part in the Social Justice Internship Program, an elective course designed to give later year undergraduate and Juris Doctor students experience in various aspects of social justice advocacy. The students working with the Centre during 2016 were Brigid McManus (Semester 1, 2016) and Andrew Roberts (Semester 2, 2016).

#### 4.5 Postgraduate Research Students

The following postgraduate students were affiliated with and supported by the Centre during 2016:

Lynsey Blayden (HDR Joint Editor, AUSPUBLAW blog)

Supervised by Andrew Lynch and Simon Halliday

Topic: The Separation of Judicial Power and the Unreasonableness Ground of Judicial Review in Australia

Shipra Chordia

Supervised by Andrew Lynch and George Williams

Topic: Developing the Doctrine of Proportionality within the Australian Constitutional Context

Genna Churches

Supervised by George Williams and Gabrielle Appleby

Topic: The Effect of Metadata Retention on Public Law Principles and Human Rights in Australia

Jason Donnelly

Supervised by Greg Weeks, Daniel Joyce and Andrew Lynch

Topic: Reshaping Separation of Powers in Australia – The Non-Justiciable Nature of the National Interest

Jackie Hartley

Supervised by Sean Brennan, Megan Davis and Theunis Roux

Topic: Free, Prior and Informed Consent and the Rights of Indigenous Peoples to Lands, Territories and Resources

Janet Hill

Supervised by Daniel McLoughlin and Ben Golder

Topic: Neoliberalism's Assent and the Parallel Rise of Human Rights: Correlation, Causation or Coincidence?

Harry Hobbs

Supervised by Megan Davis and George Williams

Topic: Beyond the Referendum on Constitutional Recognition - Including Indigenous Peoples in the Processes of Settler State Government

Grant Hooper

Supervised by Mark Aronson, Arthur Glass and Rosalind Dixon

Topic: Through the *Migration Act* Looking Glass: Can Natural Justice be Extinguished by a Legislative Code: Towards the Waterfall of Invalidity

Gemma McKinnon

Supervised by Megan Davis, Simon Halliday and Greg Weeks

Topic: Can a Right to Housing Protect Tenants in NSW?: A Human Rights and Administrative Law Analysis

Sarah-jane Morris

Supervised by Mark Aronson and Greg Weeks

Topic: Finality Principles in Administrative Law Proceedings

Jennifer Norberry

Supervised by Andrew Lynch and George Williams

Topic: Law and National Security Crises - Contemporary Australian Experience

Soula Papadopoulos

Supervised by Andrew Lynch and George Williams

Topic: Co-operative Federalism is Not a Constitutional Term

Jemimah Roberts

Supervised by Rosalind Dixon and Gabrielle Appleby

Topic: Constitutional Interpretation in the High Court: Revisiting Genealogical, Genetic and Functional Comparison

Shreeya Smith

Supervised by Gabrielle Appleby and Rosalind Dixon

Topic: Constitutional Limits on the Exercise of Non-Statutory Executive Power

## **5. KEY CENTRE ACTIVITIES**

### **5.1 AUSPUBLAW Blog**

AUSPUBLAW, the Australian Public Law Blog, continues as a collaborative blogging project hosted by the Centre and bringing readers expert commentary and analysis on recent cases and legislative change as well as updates on the latest research and scholarship in Australian public law. AUSPUBLAW posts contributions from leading public law experts – including academics and practitioners – from across Australia. It seeks to promote greater engagement with public law issues and a national platform for informed debate about current issues in public law. In addition, the blog publishes a monthly events roundup detailing upcoming public law lectures and conferences across Australia. The blog was managed and co-ordinated by Gabrielle Appleby for its first year and then in June 2016, it transitioned to a joint editorial team involving Gabrielle, Paul Kildea and Lynsey Blayden. In 2016 the blog featured 32 posts and 33 different authors, in addition to monthly public law event updates. As at the end of 2016, the blog has many hundreds of email subscribers and more than 950 followers on Twitter.



## 5.2 Research Projects

The **Comparative Constitutional Law Project** (Project Director: Rosalind Dixon and Deputy Director: Melissa Crouch), established in 2013, aims to contribute to increased interest in and knowledge about comparative constitutional developments among constitutional scholars, and particularly, lawyers and legal policy-makers in Australia.

Rosalind Dixon staged a number of major comparative law events through 2016. At the end of April she co-organised an international workshop on *The South African Constitution in Global & Critical Perspective Workshop*. She also organised associated seminars featuring Kate O'Regan (former Justice of the South African Constitutional Court) and Manuel Cepeda (former judge of the Colombian Constitutional Court) on judicial supervision of social change.

Later, in June, Rosalind organised a conference with leading Australian constitutional scholars on Australian constitutional values. This workshop intended to result in an edited collection, started from the premise that values-based arguments are a common part of comparative constitutional argument and practice, but to date have had a limited explicit role in shaping Australian constitutional argument. In August Ros hosted a workshop on recent informal changes to the 'Pacific Clause' (Art 9) of the Japanese Constitution, and the implications of this for both comparative constitutional law and international relations and security (with ANJeL). On 15 August, the Project hosted a companion event on comparative constitutional change, featuring presenters from Brazil, Singapore, New Zealand and Australia.

On 12-13 December, the Project held its annual comparative Constitutional Law Roundtable and Final Courts Roundup. This year, the Final Courts event was specifically focused on constitutional developments in the US, after the election of President Trump, was co-hosted by the US studies Centre at the University of Sydney as well as our longstanding partner the ACL. In addition, the CCP Project welcomed a number of distinguished international visitors for special seminars, including James Weinstein (ASU) on 'Hate Speech Bans, Democracy & Political Legitimacy', Professor Vicki Jackson (Harvard Law School) on 'Proportionality and Equality', and Professor Fred Schauer (University of Virginia) on 'A Slightly Skeptical Examination of the Marketplace of Constitutional Ideas'.

Melissa Crouch continued her work in region, making several visits to Myanmar and speaking at a wide range of national and international forums (Singapore, Korea, Canberra, Melbourne) on the legal reform process in Myanmar and the challenges that minorities face in particular. In May, Melissa and former UNSW PhD student, Fritz Siregar were successful with a grant from ANU to conduct an empirical study of the administrative courts in Indonesia. In November, Melissa (with Theunis Roux) organised a Workshop for the Constitutional Tribunal on its Roles and Responsibilities, later reported on Myanmar state television. Melissa will also oversee the grant of five scholarships to law students to undertake internships in Myanmar, following a successful cross-faculty grant application to the New Colombo Plan run by DFAT. Law students

will undertake an internship with the International Institute for Democracy and Electoral Assistance, which is establishing the Myanmar Constitution Centre in Yangon to enhance constitutional literacy. Melissa provided advice on curriculum design and produced curriculum on the processes and principles of constitutional design, to assist in establishing the Centre. Melissa also leads a project with a USD283,000 grant from the Asian Development Bank on ‘Strengthening Law, Regulation, and the Legal Profession for a Better Investment Climate in Myanmar’. Melissa has also written online for Australian and regional outlets on current public law controversies in Myanmar and Indonesia in particular and published an edited book on Islam in Myanmar.

The **Indigenous Legal Issues Project** (Project Director: Sean Brennan) is focused on the way in which judicial decision-making, legislation and government policy can support and facilitate the economic and political empowerment of Australia’s first peoples.

Discussions of Indigenous ‘recognition’ during 2016 took a turn in the direction of participation by Australia’s First Peoples. As a result of pressure from Aboriginal leaders, the Abbott government relented in 2015 on the question of government support for Indigenous-designed and led gatherings, to discuss constitutional change. The government-appointed Referendum Council, established in December 2015 and constituted by a mix of Indigenous and non-Indigenous members, largely turned over the next stage to consultations amongst Aboriginal and Torres Strait Islander people, although the Council will also host online discussions for the entire community through a new digital platform. The three leadership meetings held by Aboriginal and Torres Strait Islander delegates in mid-2016 to discuss ideas for structural and symbolic change and the consultation process were followed by a series of regional dialogues from late 2016. The discussions took place amid renewed interest in the question of a treaty or treaties between governments and first peoples, particularly after the Victorian State government initiated a community engagement process on Aboriginal self-determination and empowerment.

Project Director Sean Brennan was fortunate to be invited as an independent legal adviser to attend two of the mid-year leadership meetings held in Broome and Melbourne, drawing on research and engagement work through the Centre that has been going on since 2002. Gabrielle Appleby and Gemma McKinnon joined Sean in providing on location legal support as the Regional Dialogues got underway towards the end of 2016 with a trial in Melbourne and the first of the 12 dialogues in Hobart. Other Centre colleagues have also continued to make significant public contributions. Gabrielle Appleby wrote about design challenges for constitutionalising a new Indigenous advisory body in the *Australian Indigenous Law Review* (AILR). George Williams also wrote in the AILR about the Indigenous advisory body proposal, as well as other pieces on federal and State constitutional recognition, including a submission to the Tasmanian Department of Premier and Cabinet. Paul Kildea wrote on the interplay of the treaty and constitutional recognition debates in *The Conversation* and PhD student Harry Hobbs argued in *The Guardian* that greater public respect for Aboriginal decision-making is necessary whether the context is allowing tourists to climb Uluru, tackling socio-economic challenges or changing the Constitution.

The **Judiciary Project** (Co-Project Directors: Gabrielle Appleby and Andrew Lynch) is concerned with the constitutional and operational aspects of the Australian court system and its judges. The Directors of the Project commenced a number of major new joint projects in 2016. Working with Rebecca Ananian-Welsh (University of Queensland), Gabrielle and Andrew released a book called *The Tim Carmody Affair: Australia's Greatest Judicial Crisis*, published by NewSouth Publishing. For the first time, the book traced the full story of the appointment, brief tenure and ultimate resignation of Tim Carmody as Chief Justice of Queensland. Working with the University of Adelaide and Macquarie University, in March Gabrielle and Andrew commenced a survey of Australian judicial officers to identify the nature and extent of the different challenges that face the institutional integrity of the Australian judiciary and how reforms might be designed to address them. All courts in Australia – at federal, state and territory level – have been approached to take part in the first exploratory study of its kind in Australia. It will provide an important data-set from which future research into the Australian judiciary can be targeted. The Project Directors were also part of a research team commissioned by the Judicial Conference of Australia to complete a substantial research project in relation to acting/temporary/part-time/reserve judges. The research considered the various issues involved in such appointments.

During the second half of the year, both the co-directors had edited books published. *Great Australian Dissents*, edited by Professor Andrew Lynch and published by Cambridge University Press, was the result of a workshop of the same title that was convened by the Centre in 2015. Over 17 chapters and 21 authors this publication put under the spotlight the whole question of why judges dissent, what value this has and what makes some dissents memorable when so many are forgotten. Associate Professor Gabrielle Appleby and Professor Rosalind Dixon launched an innovative study published in November with Federation Press and titled *The Critical Judgments Project: Re-reading Monis v The Queen*. The book provides a new perspective on the growing critical 're-reading' movement.

On other fronts, Gabrielle and Dr Alysia Blackham (University of Melbourne) made a submission to the Standing Committee on the Model Code of Professional Conduct Federation of Law Societies of Canada in September. The Committee is conducting an inquiry into post-judicial return to practice. The submission drew on the research and conclusions from the paper its authors presented to the International Legal Ethics Conference VII in New York in July, *The Shadow of the Court: Ethics for Former Judges*. This was one of two papers Gabrielle presented at the event. Andrew also presented two papers at the New York conference which was staged by Fordham Law School.

The **Public Law and Legal Theory Project** (Project Co-Directors: Ben Golder and Daniel McLoughlin) examines many of the foundational concerns of the Centre (public law, sovereignty, democracy, human rights and counter-terrorism) through the lens of contemporary political theory, legal philosophy and critical legal theory.

The **Referendums Project** (Project Director: Paul Kildea) was created to explore the holding of referendums in Australia. Referendums have long been important to the work of the Centre in areas like federalism and Indigenous legal issues, but have not themselves been the subject of direct attention. Although both major political parties remained committed to the idea of holding a referendum on the constitutional recognition of Aboriginal and Torres Islander peoples, no concrete timetable were proposed and agreement on a specific model remained elusive. In *The Conversation*, Paul considered the implications of the delay politicians had shown in pressing forward on the issue. The most significant development during 2016 was a meeting of the Referendum Council, the body appointed by the Prime Minister to lead national consultations and promote community engagement on this issue.

The most significant development during the latter part of 2016 was the demise of the Turnbull government's proposed plebiscite on same-sex marriage. In September, the government introduced the Plebiscite (Same-Sex Marriage) Bill into the federal parliament, with the intention of holding a vote in February 2017. Among other things, the Bill set a plebiscite question ('Should the law be changed to allow same-sex couples to marry?') and authorised public funding of Yes and No campaign committees up to \$7.5 million each. The Bill passed the House of Representatives but was defeated in the Senate by four votes. Among the arguments presented against the plebiscite were its non-binding nature, its cost, and the risk that the campaign would provide a platform for the dissemination of homophobic and other harmful messages.

Centre members provided expert commentary on the plebiscite proposal over many months. George Williams published an analysis of the Plebiscite Bill in the *Sydney Morning Herald*, and Paul Kildea published a detailed study of the constitutional and regulatory aspects of plebiscites in the *Public Law Review*, including specific analysis of the proposed vote on same-sex marriage. Paul also presented conference and seminar papers on the plebiscite to audiences in the UK and Ireland and published a post on the AUSPUBLAW blog on reforming Australia's referendum process.

The Centre also published a set of plebiscite 'FAQs'. These were written by student intern, Brigid McManus in mid-2016, and appear on the Centre website. This resource includes answers to common questions such as 'What is a plebiscite?', 'Could same-sex marriage be introduced without a plebiscite?' and 'What are the positions of the major parties?'.

The **Terrorism and Law Project** (Project Director: Nicola McGarrity-White) aims to build upon the work of the Terrorism and the Law Project (2004-2010) and the ARC Laureate Project entitled 'Anti-Terror Laws and the Democratic Challenge' (2009 to 2014). The project was in temporary abeyance during a period of maternity leave for Nicola. A joint submission was made in October to the Parliamentary Joint Committee on Intelligence and Security 'Inquiry into the Criminal Code Amendment (High Risk Terrorist Offenders) Bill 2016', and another in June to the Independent National Security Legislation Monitor 'Inquiry into ASIO Questioning and Detention Powers'.

### 5.3 Events

The Centre held a number of successful events during 2016. A complete list appears above in the Centre Director's report and fuller descriptions of the events can be found on the Centre website or in the periodic newsletters and e-bulletins:

- 2016 Public Law in the Classroom Workshop

On 11 February 2016, the Centre in partnership with the Public Law and Policy Research Unit, University of Adelaide, hosted the second 'Public Law in the Classroom' workshop. Following the success of the first workshop in 2015, the event attracted more than 60 public law teachers from law schools across Australia.

- 2016 Constitutional Law Conference and Dinner

On 12 February, the Centre again hosted its annual constitutional law conference at the Art Gallery of New South Wales. The conference, the fifteenth in this series, gathered together practitioners, judges, scholars and members of the general public to discuss recent events and future trends in Australian constitutional law. Participants were updated on recent important developments in the High Court, Federal Court and States and gained an understanding of the issues that will emerge in the future. Participants at the conference also enjoyed the dinner that night at New South Wales Parliament House. The guest speaker at the dinner was Justin Gleeson SC, Solicitor-General of the Commonwealth.

- Public Lecture by Deputy Chief Justice Dikgang Moseneke

The Centre was proud to co-host a Public Lecture on 15 June by the Honourable Dikgang Moseneke, the recently retired Deputy Chief Justice of the Republic of South Africa. Moseneke spoke on 'The Balance Between Robust Constitutionalism and the Democratic Process' reflecting on the centrality of a democratic ideal to the anti-apartheid movement: the notion that all people, irrespective of ethnicity, should be vested with an equal right to vote for a representative and accountable national government. The event was held in the Federal Court in Sydney and was co-hosted by UNSW Law and the Rule of Law Institute of Australia.

- *Brandis v Dreyfus*: The 2016 Pre-Election Legal Affairs Debate

In the run-up to the 2016 federal election, the Pre-Election Legal Affairs Debate, held on 20 June, featured the Attorney-General, Senator the Hon George Brandis QC, and the Shadow-Attorney-General, the Hon Mark Dreyfus QC MP. The debate explored the policies of the Coalition and the Australian Labor Party as they affect the Australian legal system and legal profession. Questions were put to the speakers by a panel consisting of Fiona McLeod SC (President-elect, Law Council of Australia), journalist Chris Merritt of *The Australian* and Associate Professor Anna Cody from the community legal sector (Kingsford Legal Centre at UNSW).

- 2016 Postgraduate Workshop in Public Law

On 14 and 15 July the Centre hosted its 4th biennial Postgraduate Workshop in Public Law. As in previous years, the workshop provided postgraduate researchers with the opportunity to share their work, offer each other constructive feedback and ideas, and form new collegial relationships to carry into their future careers. The workshop was distinguished by an unprecedented number of applications to participate, making for a very competitive selection process. In total, 22 students delivered presentations, representing 14 different institutions in Australia, South Africa and the United Kingdom.

- UNSW Book Forum: Greg Week's *Soft Law and Public Authorities: Remedies and Reform* (Hart, 2016)

This UNSW Law Book Forum, held on 24 August and co-hosted by the Centre, started with a brief launch of two books by Keith Mason AC QC. The first of these books was *Soft Law and Public Authorities*, the book under discussion at the Forum, and the second was *Legitimate Expectations in the Common Law World* (Hart Publishing), edited by Matthew Groves and Greg Weeks. The Book Forum involved presentations by the author Greg Weeks and commentary by Matthew Groves, Robin Creyke and Linda Pearson. It was chaired by Emeritus Professor Mark Aronson.

- UNSW Book Forum: Gabrielle Appleby's *The Role of the Solicitor-General: Negotiating Law, Politics and the Public Interest* (Hart, 2016)

On 7 September a panel of three gathered to discuss Gabrielle Appleby's book *The Role of the Solicitor-General*, featuring Justice Stephen Gageler, Professor Anne Twomey and Dr Yee-Fui Ng, as well as a presentation from the author. The event was chaired by Andrew Lynch.

- The Mason Conversation

The Inaugural Mason Conversation, held on 4 October, featured a dialogue between Sir Anthony Mason, Professor George Williams and members of a large public audience, including many UNSW Law students. Sir Anthony discussed present trends and future challenges for Australian law and government. The Mason Conversation series will become a regular event in the Centre's calendar featuring a major public figure in conversation about contemporary and historical issues of public law significance, with an on stage host and with the public audience. It is named in honour of Sir Anthony and his outstanding generosity and contribution over decades to the University of New South Wales, and in particular to UNSW Law and the Gilbert + Tobin Centre of Public Law community.

- Celebrating 100 Years of the Commonwealth Solicitor-General

On 24 October, around 250 people gathered in the Banco Court of the New South Wales Supreme Court at an event hosted by the Gilbert + Tobin Centre of Public Law and the Australian Association of Constitutional Law (NSW Chapter), to celebrate 100 years since the introduction of the first Commonwealth Solicitor-General. At the event commemorating 100 years of the Solicitor-General, the audience heard former officeholders explain the importance of the role, the importance of independence in fulfilling the role, and the importance of good working relationships between the Solicitor-General and the government. The event, which was organised by Gabrielle Appleby, featured a presentation by Sir Anthony Mason and a panel consisting of the Hon Robert Ellicott QC, Dr Gavan Griffith AO QC, Dr David Bennett AC QC and the Hon Justice Stephen Gageler.

- Women's Right Night

On 7 December Rights Nights in collaboration with the Australian Human Rights Centre and the Gilbert + Tobin Centre of Public Law, based at UNSW Law, held a seminar to explore the right to health against the backdrop of women's access to health information, to resources and to health services in Australia.

- Final Courts Roundup

In a special election year departure from the normal format, the Final Courts Roundup, held on 12 December, focused on future directions for the US Supreme Court in the wake of Donald Trump's victory over Hillary Clinton in the 2016 Presidential election. The Gilbert + Tobin Centre of Public Law and the Australian Association of Constitutional Law were joined this year by the US Studies Centre at the University of Sydney in co-hosting the event.

- Comparative Constitutional Law Roundtable

Following on from the Final Courts Roundup, the Centre hosted an academic roundtable on comparative constitutional law, held on 12-13 December. This roundtable featured work-in-progress of a number of international academics and prompted discussion on a range of topics in comparative constitutionalism.

## **6. PUBLICATIONS**

### **Joint Publications**

Rebecca Ananian-Welsh, Gabrielle Appleby and Andrew Lynch, *The Tim Carmody Affair - Australia's Greatest Judicial Crisis*, NewSouth Publishing, Sydney, 2016;

Rebecca Ananian-Welsh and George Williams, 'State Judges as Lieutenant Governors' in R Ananian-Welsh and J Crowe (eds), *Judicial Independence in Australia: Contemporary Challenges* (Federation Press, 2016), 194;

Gabrielle Appleby and Rosalind Dixon (eds) *The Critical Judgments Project: Re-reading Monis v The Queen* (Federation Press, 2016);

Gabrielle Appleby and Rosalind Dixon, 'Critical Thinking in Constitutional Law and *Monis v The Queen*' in Gabrielle Appleby and Rosalind Dixon (eds) *The Critical Judgments Project: Re-reading Monis v The Queen* (Federation Press, 2016) 1;

Gabrielle Appleby and Joanna Howe, 'Scrutinising Parliament's Scrutiny of Delegated Legislative Power' (2015) 15 *Oxford University Commonwealth Law Journal* 3;

Gabrielle Appleby and Suzanne Le Mire, 'The Australian Judiciary: Resistant to Reform?' in Adam Dodek and Richard Devlin (eds), *Regulating Judges: Challenges, Controversies and Choices* (Edward Elgar, 2016) 35;

Gabrielle Appleby, Alexander Reilly and Sean Brennan, 'Foreword: Special Issue on Teaching Public Law' (2015) 25 *Legal Education Review* 295;

Gabrielle Appleby and Heather Roberts, 'Law and Literature' in Gabrielle Appleby and Rosalind Dixon (eds) *The Critical Judgments Project: Re-reading Monis v The Queen* (Federation Press, 2016) 28;

Gabrielle Appleby and Heather Roberts, 'He who would not be muzzled: Justice Heydon's Last Dissent in *Monis v The Queen* (2013)' in Andrew Lynch (ed) *Great Australian Dissents* (Cambridge University Press, 2016) 335;

Gabrielle Appleby and Adam Webster, 'Cycling and the Law' (2016) 39(1) *University of New South Wales Law Journal* 129;

Alysia Blackham and George Williams, 'Social Media and the Judiciary: A Challenge to Judicial Independence?' in R Ananian-Welsh and J Crowe (eds), *Judicial Independence in Australia: Contemporary Challenges* (Federation Press, 2016) 223;

Alysia Blackham and George Williams, 'Craig Thomson and the Limits of Parliamentary Accountability for Misconduct' on *AUSPUBLAW* (21 June 2016);

AJ Brown and Paul Kildea, 'The Referendum That Wasn't: Constitutional Recognition of Local Government and the Australian Federal Reform Dilemma' (2016) 44(1) *Federal Law Review* 143;

Simon Butt, Melissa Crouch and Rosalind Dixon, 'The First Decade of Indonesia's Constitutional Court' (2016) 16(2) *Australian Journal of Asian Law*, 1;



Shipra Chordia and Andrew Lynch, 'Constitutional Incongruence: Explaining the Failure of the Council of the Australian Federation' (2015) 43 *Federal Law Review* 339;

David Cowan, Caroline Hunter and Simon Halliday, 'Homelessness Internal Reviews: the Long View', invited submission to the blog of the UK Administrative Justice Institute, 9 May 2016;

Melissa Crouch and Tom Ginsburg, 'Between Endurance and Change in Southeast Asia: The Military and Constitutional Reform in Myanmar and Thailand', in *Annual Review of Constitution Building* (IDEA, 2016);

Rosalind Dixon and Adrienne Stone, 'Constitutional Amendment and Political Constitutionalism: A Philosophical and Comparative Reflection' in David Dyzenhaus and Malcolm Thorburn (eds), *Philosophical Foundations of Constitutional Law* (Oxford University Press, 2016);

Rosalind Dixon and David Landau, 'Competitive Democracy and the Constitutional Minimum Core' in Tom Ginsburg & Aziz Huq (eds) *Assessing Constitutional Performance* (Cambridge University Press, 2016) 268;

Rosalind Dixon and Melissa Voigt, 'Comparative Constitutional Law and the *Kable* Doctrine' in Rebecca Ananian-Welsh and Jonathan Crowe (eds) *Judicial Independence in Australia: Contemporary Challenges, Future Directions* (Federation Press, 2016);

Rosalind Dixon and Adrienne Stone, 'Constitutional Amendment and Political Constitutionalism: A Philosophical and Comparative Reflection' in David Dyzenhaus & Malcolm Thorburn (eds) *Philosophical Foundations of Constitutional Law* (Oxford University Press, 2016);

Matthew Groves and Greg Weeks, 'The Legitimacy of Expectations About Fairness: Can Process and Substance be Untangled?' in John Bell et al (eds), *Public Law Adjudication in Common Law Systems: Process and Substance* (Hart Publishing, 2016) 165;

Keiran Hardy and George Williams, 'Australian Legal Responses to Foreign Fighters' (2016) 40 *Criminal Law Journal* 196;

Keiran Hardy and George Williams, 'Special Intelligence Operations and Freedom of the Press' (2016) 41 *Alternative Law Journal* 160;

Keiran Hardy and George Williams, 'Executive Oversight of Intelligence Agencies In Australia' in ZK Goldman and SJ Rascoff (eds), *Global Intelligence Oversight: Governing Security in the Twenty-First Century* (Oxford University Press, 2016), 315;

Keiran Hardy and George Williams, 'Executive Oversight of Intelligence Agencies in Australia' in *Lawfare* (11 May 2016);

Harry Hobbs and George Williams, 'The Australian Senate's Reformed Electoral System is a Major Improvement', *UCL Constitution Unit Blog* (29 March 2016);

Caroline Hunter, Joanne Bretherton, Simon Halliday and Sarah Johnsen, 'Legal Compliance in Street-Level Bureaucracy: A Study of UK Housing Officers' (2016) 38(1) *Law & Policy* 81;

Paul Kildea and Rodney Smith, 'The Challenge of Informed Voting at Constitutional Referendums' (2016) 39(1) *University of New South Wales Law Journal* 368;

Andrew Lynch and George Williams, 'The High Court on Constitutional Law: The 2015 Statistics' (2016) 39 *University of New South Wales Law Journal* 1161;

Daniel Reynolds and George Williams, 'The First Four Years of Australia's Parliamentary Scrutiny Regime for Human Rights', *UK Constitutional Law Blog* (6 April 2016);

Daniel Reynolds and George Williams, 'The First Four Years of Australia's Parliamentary Scrutiny Regime for Human Rights' *on AUSPUBLAW* (7 April 2016).

Daniel Reynolds and George Williams, 'Petitioning the Australian Parliament: Reviving a Dying Democratic Tradition' (2016) 31 *Australasian Parliamentary Review* 60;

Daniel Reynolds and George Williams, 'A Human Rights Act For Queensland? Lessons from Recent Australian Experience' (2016) 41 *Alternative Law Journal* 81;

Daniel Reynolds and George Williams, 'Australian Democracy Could be Improved by Breathing New Life into an Ancient Tradition' *on AUSPUBLAW* (10 November 2016);

Daniel Reynolds and George Williams, 'The Operation and Impact of Australia's Parliamentary Scrutiny Regime for Human Rights' (2015) 41 *Monash University Law Review* 469;

Anna Rienstra and George Williams, 'Creating New States from Australia's Existing States' *Australian Public Law Blog* (19 September 2016);

Alexander Williams and George Williams, 'The British Bill of Rights Debate: Lessons from Australia' (2016) *Public Law* 471;

George Williams and twelve others, 'Consensus Statement on the Reform of the Tasmanian Constitution' (2016) 35 *University of Tasmania Law Review* i-vi.

### **Gabrielle Appleby**

'Reform of the Attorney General: Comparing Britain and Australia' (2016) *Public Law* 573;

*The Role of the Solicitor-General: Negotiating Law, Politics and the Public Interest* (Hart Publishing, 2016);

‘Institutional Costs of Judicial Independence’ in Rebecca Ananian-Welsh and Jonathan Crowe (eds), *Judicial Independence in Australia: Contemporary Challenges, Future Directions* (Federation Press, 2016).

### **Sean Brennan**

‘Constitutional Amendment and the Issue of Trust’ in Simon Young, Jennifer Nielsen and Jeremy Patrick (eds), *Constitutional Recognition of Australia's First Peoples: Theories and Comparative Perspectives* (Federation Press, 2016).

‘Certainty, Co-existence and the Legacy of *Mabo*: Justice North in the Miriwung-Gajerrong Native Title Case (2000)’ in Andrew Lynch (ed), *Great Australian Dissents* (Cambridge University Press, 2016).

### **Shipra Chordia**

‘Proportionality and *McCloy v New South Wales*: close but not quite?’ on AUSPUBLAW (1 March 2016) <<https://auspublaw.org/2016/3/proportionality-and-mccloy/>>.

### **Melissa Crouch**

‘Legislating Reform? Law and Conflict in Myanmar’ in Nick Cheesman and Nich Farrelly (eds), *Conflict in Myanmar: War, Politics, Religion* (Singapore Institute for Southeast Asia Studies, 2016);

‘Constitutionalism, Islam and the Practise of Religious Deference: The Case of the Indonesian Constitutional Court’ (2016) 16(2) *Australian Journal of Asian Law* 1;

‘Promiscuity, Polygyny and the Power of Revenge: The Past and Future of Burmese Buddhist Law in Myanmar’ (2016) 3(1) *Asian Journal of Law and Society* 85;

*Module on Principles and Processes of Constitution-making*, prepared for workshops run by the International Institute for Democracy & Electoral Assistance (IDEA), May 2016, Yangon, 1-48;

*Curriculum Guidelines on Constitutional Design for MyConstitution Centre*, International Institute for Democracy and Electoral Assistance (IDEA), Yangon, 1-16.

### **Rosalind Dixon**

‘Constitutional Carve-Outs’ (2016) 36 *Oxford Journal of Legal Studies* 1;

‘The Future of Constitutional Comparison: A Colloquy on Ran Hirschl’s Comparative Matters: Toward a Realistic Comparative Constitutional Studies?’ (2016) 64 *American Journal of Comparative Law* 193;

‘An Australian (Partial) Bill of Rights’ (2016) 14(1) *International Journal of Constitutional Law* 80;

‘The Functional Constitution: Re-Reading the 2014 High Court Term’ (2015) 43 *Federal Law Review* 455;

‘Constitutional Drafting & Distrust’ (2015) 13(4) *International Journal of Constitutional Law* 819.

### **Harry Hobbs**

‘Towards a Principled Justification for the Mixed Composition of Hybrid International Criminal Tribunals’ (2016) *Leiden Journal of International Law* 1.

### **David Hume**

‘Plaintiff M68 – offshore processing and the limits of Chapter III’ on AUSPUBLAW (26 February 2016).

### **Paul Kildea**

‘The Constitutional and Regulatory Dimensions of Plebiscites in Australia’ (2016) 27 *Public Law Review* 290;

‘Achieving Fairness in the Allocation of Public Funding in Referendum Campaigns’ (2016) 37(1) *Adelaide Law Review* 13;

‘Setting the ground rules for the same-sex marriage plebiscite’ on AUSPUBLAW (27 April 2016).

### **Andrew Lynch**

*Great Australian Dissents* (ed), Cambridge University Press, 2016;

‘Introduction – What Makes a Dissent Great?’ in Andrew Lynch (ed), *Great Australian Dissents* (Cambridge University Press, 2016) 1;

‘Unrequited but Still Great – The Dissent of Justices Dixon and Evatt in *R v Federal Court of Bankruptcy; Ex parte Lowenstein* (1938)’ in Andrew Lynch (ed), *Great Australian Dissents* (Cambridge University Press, 2016) 39;

‘Keep Your Distance: Independence, Individualism and Decision-Making on Multi-Member Courts’ in Rebecca Ananian-Welsh and Jonathan Crowe (eds), *Judicial*

*Independence in Australia – Contemporary Challenges, Future Directions* (The Federation Press, 2016) 156.

### **Greg Weeks**

*Soft Law and Public Authorities: Remedies and Reform* (Hart Publishing, 2016).

### **George Williams**

“‘Lone, Vehement and incredulous’”: Chief Justice Latham in the *Communist Party Case*’ in A Lynch (ed), *Great Australian Dissents* (Cambridge University Press, 2016), 97;

‘Bryan Pape and his Legacy to the Law’, *Upholding the Australian Constitution* (The Samuel Griffith Society, 2016), Vol 26, 207;

‘The Solution? Stronger Legal Protections and Greater Political Will’ (2016) *Law Society of NSW* 32;

‘The High Court, the Constitution and Human Rights’ in S Rajkhowa and S Deka (eds), *Comparative Public Law* (EBH Publishers (India), 2016), 333;

‘Should the Australian Constitution Establish an Indigenous Advisory Body?’ (2015) 18 *Australian Indigenous Law Review* 111;

‘The High Court, the Constitution and Human Rights’ (2015) 21 *Australian Journal of Human Rights* 1;

‘The UK Human Rights Act Debate’, *Law Society of NSW Journal* (April 2016) 22;

‘The Danger of Our Laws’, *Law Society of NSW Journal* (March 2016) 31;

‘Recognising Aboriginal and Torres Strait Islander Peoples in the *Constitution*’ (2015) 34 *University of Tasmania Law Review* 114.

## **7. PRESENTATIONS**

### **Joint Presentations**

Gabrielle Appleby and Alysia Blackham, ‘The Shadow of the Court: Ethics for Former Judges’, *International Legal Ethics Conference VII*, Fordham Law School, New York, 14-16 July 2016;

Gabrielle Appleby and Suzanne Le Mire, ‘Ethical Guidance and Counselling in a Modern Judiciary’, *International Legal Ethics Conference VII*, Fordham Law School, New York, 14-16 July 2016;

Gabrielle Appleby and Anna Olijnyk, *Constitutional Deliberation in the Legislative Process*, Australasian Study of Parliament Group Annual Conference (September 2016);

Gabrielle Appleby and Anna Olijnyk, 'Constitutional dimensions of law reform', *The National Law Reform Conference*, ANU, 14 April 2016;

Mark Bruerton and Paul Kildea, 'Practitioners' Opinions on Barriers to Federal Reform', *Sir Samuel Griffith Conference: A People's Federation for the 21<sup>st</sup> Century*, Brisbane, 17 June 2016;

Rosalind Dixon and David Landau, 'Tiering Constitutional Amendment', University of Chicago *Constitutional Law workshop* (3 October 2016);

Rosalind Dixon and Tom Ginsburg, 'Constitutions as Political Insurance', *Northwestern/UNSW Conference on Comparative Judicial Review* (7-8 October 2016);

Simon Halliday, Caroline Hunter, David Cowan and Abi Dymond, 'Reconsidering Mandatory Reconsideration', *Initial Decision-Making, Internal Review and Administrative Justice Conference*, University of Manchester, UK, 11 May 2016;

Paul Kildea and Andrew Lynch, 'Intergovernmental Relations and Health Policy', *The Politics of Australian Health Policy Workshop*, Faculty of Arts and Social Sciences and Gilbert + Tobin Centre of Public Law, UNSW, 12 May 2016.

### **Gabrielle Appleby**

*Government Lawyers*, Lunchtime Seminar at University of Tasmania, 17 November 2016;

UNSW Book Forum: *The Role of the Solicitor-General: Negotiating Law, Politics and the Public Interest*, 7 September 2016;

'ICAC – Theory and Practice', *Australasian Study of Parliament Group Seminar*, 21 June 2016;

'Walking the tightrope: Balancing the role of advisor and advocate as a government lawyer', *Victorian Government Solicitor Seminar Series*, 21 March 2016;

'The Solicitor-General as Constitutional Adviser', 2016 Gilbert + Tobin Centre of Public Law *Constitutional Law Conference*, Sydney, 12 February 2016.

## **Melissa Crouch**

Speaker and Co-Organiser, *Workshop on the Role and Function of Constitutional Courts in Comparative Perspective*, with the Constitutional Tribunal of Myanmar, Naypyidaw, 25-26 Nov 2016;

Speaker and Co-Organiser, *Workshop on Building Constitutionalism*, Australia-Myanmar Constitutional democracy Project, Yangon, 22-23 Nov 2016;

Book Launch: *Islam and the State in Myanmar*, National University of Singapore, 3 November 2016;

Roundtable on Regional Cooperation for Refugee Protection in the Asia-Pacific, Kaldor Centre for International Refugee Law, 12-13 September 2016;

'The Rise in Religious Intolerance in Contemporary Indonesia', S.Rajaratnam School of International Studies (RSIS), Jakarta, 24-26 August 2016;

UNSW Roadshow, University of Indonesia, LIPI, and UGM, Yogyakarta and Jakarta, 1-6 August 2016;

'Publishing Strategically for Early Career Researchers', Sydney Southeast Asia Centre, University of Sydney, 30 July 2016;

'The Politics of Governance in Myanmar', *Politics in Action: Democratic Updates from Southeast Asia*, Sydney Southeast Asia Centre, University of Sydney, 29 July 2016;

Roundtable on Political Islam and International Law, Melbourne Law School, University of Melbourne, 28 July 2016;

'How to Study Conflict in Times of Crisis', *Roundtable*, Asia Research Institute, Singapore, 28 June 2016;

'Forced Migration and Regional Cooperation Southeast Asia: Policymakers' Perceptions, Strategies and Constraints', *Closed Roundtable for Policymakers and Academics* Deakin University, 10 June 2016;

'The Opportunities for Legal Research on Myanmar and the Importance of Online Resources', *AsianLII Myanmar/Burma Law Database Launch*, Austlii, UNSW Law. 24 May 2016;

'Myanmar Under the NLD', Myanmar Research Centre and the Lowy Institute for International Policy, Canberra, 30 March 2016;

‘How Authoritarian Law Constrains Politics in Myanmar’, *New Authoritarianism in Asia*, Friedrich-Ebert-Stiftung and Asian Political and International Studies Association, Ewha Womans University, Seoul, South Korea, 3-5 March 2016;

Australian Human Rights Commission, *Invite-only Roundtable on Alternatives to Third Country Resettlement*, Sydney, 17 March 2016;

‘Understanding Religious Diversity in Myanmar’, *Rethinking Muslim Communities in Southeast Asia*, S.Rajaratnam School of International Studies, Singapore, 24 February 2016;

Workshop on Researching Statelessness in the Asia-Pacific, University of Melbourne, Kaldor Centre for International Refugee Law and United Nations High Commissioner for Refugees, 27-29 January 2016.

### **Rosalind Dixon**

‘Responsive Judicial Review’, Presentation of Work in Progress at Comparative Constitutional Law Roundtable, Montpelier, Virginia, 30 September, 1 October 2016;

‘Constitutional Implications in Australia’, *IACL Roundtable on the Invisible Constitution*, Melbourne Law School, 2-3 May 2016;

‘Responsive Judicial Review’, *Legal Processes and Human Rights Workshop*, Macquarie University Research Centre for Agency, Values and Ethics, 26 April 2016;

‘Responsive Judicial Review & Constitutional Dialogue’, *Conference on Constitutional Dialogue* Princeton University (via video-link), 26 April 2016.

### **Paul Kildea**

‘Improving Referendum Regulation’, *The Regulation of the EU Referendum seminar*, UCL Constitution Unit, London, 25 October 2016;

‘The Use and Abuse of Direct Democracy: Australia’s Plebiscite on Same-Sex Marriage’, *Political Studies Association of Ireland Annual Conference*, Belfast, 9 October 2016;

‘Australia’s Plebiscite on Same-Sex Marriage: Uncharted Territory in the Use and Regulation of Direct Democracy’, *Constitutional Law Discussion Group*, Edinburgh Law School, University of Edinburgh, 27 September 2016.

### **Andrew Lynch**

‘Integrity in Judicial Ethics and Regulation: The Challenges of Judicial Incapacity’, *International Legal Ethics Conference VII*, Fordham Law School, New York, 14-16 July 2016;



‘With the Support of the Profession’: The Role and Responsibilities of Lawyers’ Professional Associations in Judicial Appointments’, *International Legal Ethics Conference VII*, Fordham Law School, New York, 14-16 July 2016;

‘A Decade of the United Kingdom’s Judicial Appointments Commission – What Lessons are there for Australia?’, *Supreme and Federal Court Judges Conference*, Brisbane, 25 January 2016.

### **George Williams**

‘Transnational Challenges to the Rule of Law’ The Dickson Poon School of Law, King’s College London, 17 November 2016;

‘The Limits of Administrative Law’, *Administrative Justice Workshop*, University of Cape Town, South Africa, 17 October 2016;

‘Administrative Justice in the Constitutional Era’, *Symposium to Honour Hugh Corder*, University of Cape Town, South Africa, 15 October 2016;

‘Gender Equality among Barristers before the High Court’, Women Lawyers Association of the ACT, Canberra, 11 October 2016;

‘Petitioning the Australian Parliament’ *Australian Study of Parliament Group Annual Conference*, Parliament House, Adelaide, 6 October 2016;

‘Does Australia Have a Human Rights Problem?’ *Legal Aid NSW Civil Law Conference*, Sydney, 22 July 2016;

‘Scrutiny of Primary Legislation Principles and Challenges: Where are We Now and Where are We Headed?’ *Australia-New Zealand Scrutiny of Legislation Conference*, Parliament House, Perth, 12 July 2016;

‘How Effective is the Federal Parliament’s New Scrutiny Regime for Human Rights?’ *Australia-New Zealand Scrutiny of Legislation Conference*, Parliament House, Perth, 12 July 2016;

‘When Courts and Tribunals Use Social Media – The Potential Benefits and Risks’, *A Symposium: Challenges of Social Media for Courts and Tribunals*, Judicial Conference of Australia and Australasian Institute of Judicial Administration, Melbourne, 26 May 2016;

‘An Ideal Constitution?’, *The Tasmanian Constitution: A Symposium*, Faculty of Law, University of Tasmania, 22 February 2016;

‘Does Australia Have a Human Rights Problem?’, *Twilight Seminar*, Faculty of Law, Bond University, 17 February 2016;

‘Developing your Research Career’, *Seminar*, Faculty of Law, Bond University, 17 February 2016.

## **8. MEDIA PUBLICATIONS**

### **Joint Media**

Gabrielle Appleby and Grant Hoole, ‘What should a federal ICAC look like? The hypothetical long arm’, *The Mandarin* (29 April 2016);

Gabrielle Appleby and Adam Webster, ‘Getting bike laws right means balancing rights of cyclists and motorists’, *The Conversation* (29 February 2016).

### **Gabrielle Appleby**

‘Restoring the Independence of the Solicitor-General’, *Inside Story* (17 November 2016);

‘Role of Solicitor-General has been damaged and the government must work to fix it’, *The Conversation* (25 October 2016);

‘George Brandis is playing politics with good government’, *Sydney Morning Herald* (17 October 2016);

‘Standoff between Brandis and solicitor-general threatens the rule of law’, *The Conversation*, (6 October 2016);

‘FactCheck Q&A: would the Constitution need to be changed to ban political donations from unions?’, *The Conversation* (19 September 2016);

‘FactCheck Q&A: who is responsible for going to war in the Westminster system?’, *The Conversation* (15 July 2016);

‘The Political Imperative for a Legal War’, *Inside Story* (13 July 2016);

‘A Fragile Relationship’, *Inside Story* (10 June 2016);

‘Election Explainer: when does the government enter caretaker period and what does it mean?’, *The Conversation* (11 May 2016).

### **Melissa Crouch**

‘Blasphemy charges against Ahok a win for Islamists in Indonesia’, *East Asian Forum* (17 November 2016);

‘Reigning in Emergency Powers in Myanmar’, *East Asia Forum* (3 November 2016);

‘Jokowi’s Islamist Challenge: Curbing Terrorism and Religious Intolerance’, *The Guardian* (31 August 2016);

‘The Constitutional Implications of Myanmar Peace Process’, *ConstitutionNet* (26 July 2016);

‘What now for Myanmar’, *Sydney Morning Herald* (2 April 2016);

‘A Moral Hazard, Indonesia at a Flash Point over Gay Rights’, *Sydney Morning Herald* (20 February 2016);

‘Dawn of a Democratic Era or Dialogue with Dictators: The New Leaders of Myanmar’, *ConstitutionNet* (12 February 2016);

‘Indonesia: Persecution disguised as Fighting Terrorism’, *Sydney Morning Herald* (28 January 2016).

### **Rosalind Dixon**

‘Replacing Justice Scalia: Lessons for Australia?’, *Australian Financial Review* (16 February 2016).

### **Paul Kildea**

‘Referendums, informed voting and the trouble with a “truth commission”’, *Democratic Audit UK* (28 November 2016);

‘Improving the conduct of referendums: There are better options than a “truth commission”’, *The Constitution Unit Blog* (15 November 2016);

‘With a vote delayed, where does this leave constitutional recognition of Indigenous Australians?’, *The Conversation* (10 August 2016);

‘Treaty debate will only strengthen recognition process’, *The Conversation* (23 June 2016);

‘Turnbull’s plan to fix the federation is bold – but can he deliver?’, *The Conversation* (31 March 2016).

### **George Williams**

‘Challenges Shaping up to be a Major Headache for Beleaguered Prime Minister’, *Sydney Morning Herald* (7 November 2016);

‘Brandis’ Future Far From Certain after Public Stoush’, *The Age* (26 October 2016);

‘Future of Brandis Muddied by Dysfunction’, *Canberra Times* (26 October 2016);

‘A Worrying Pattern of Dysfunctional Relationships has Left Brandis Floundering’, *Sydney Morning Herald* (26 October 2016);

‘The Plebiscite Has Left Another Victim Waiting’, *Sydney Morning Herald* (17 October 2016);

‘Canberra Needs Its Own Anti-Corruption Watchdog’, *The Age* (3 October 2016);

‘A Uniform Code of Conduct Will Hold Politicians and the Public Service Accountable for their Breaches’, *Sydney Morning Herald* (3 October 2016);

‘Single Anti-Corruption Body Key to Holding Politicians and Public Service Accountable’, *Sydney Morning Herald* (3 October 2016);

‘Same-Sex Marriage Bill May Hit a High Court Hitch’, *Sydney Morning Herald* (19 September 2016);

‘Dastyari the Canary in Coal Mine for Donations Reform’, *Sydney Morning Herald* (5 September 2016);

‘Petition not Just a Piece of Paper but Powerful Force’, *Sydney Morning Herald* (22 August 2016);

‘Indigenous People Need Constitutional Respect and a Treaty’, *Sydney Morning Herald* (8 August 2016);

‘Long Walk to Altar for Same-Sex Marriage Plebiscite’, *Sydney Morning Herald* (25 July 2016);

‘Why a Hung Parliament Remains a Real Possibility’, *The Age* (27 June 2016);

‘Call of the Kingmaker if No One Wins the Election’, *Sydney Morning Herald* (27 June 2016);

‘What if There is No Winner?’, *Canberra Times* (27 June 2016);

‘NSW Lags Behind in Fixing the Real Problem with Abortion Law’, *Sydney Morning Herald* (13 June 2016).

‘The Soft Corruption at the Heart of our Political System’, *Sydney Morning Herald* (30 May 2016);

‘Why the Major Parties Can’t Ignore the Greens’, *Sydney Morning Herald* (16 May 2016);

‘The Court Case that Could Derail Turnbull’s Election Plans’, *Sydney Morning Herald* (2 May 2016);

‘Stripping of Citizenship a Loss in More Ways Than One’, *Sydney Morning Herald* (18 April 2016);

‘We Should be Told How Our High Court Judges are Chosen’, *Sydney Morning Herald* (4 April 2016);

‘Australia’s Problem with Innocent Until Proven Guilty’, *Sydney Morning Herald* (16 March 2016);

‘Senate Voting Below the Line Needs to be Reformed as Well’, *Sydney Morning Herald* (29 February 2016);

‘Teens Aged 16 and 17 Should Vote in Marriage Equality Plebiscite’, *Sydney Morning Herald* (22 February 2016);

‘Not a Good Day for M68 or Any Other Asylum Seeker for that Matter’, *Sydney Morning Herald* (4 February 2016).

## **9. SUBMISSIONS TO INQUIRIES**

### **Joint Submissions**

Rebecca Ananian-Welsh, Nicola McGarrity, Tamara Tulich and George Williams, Submission to Parliamentary Joint Committee on Intelligence and Security ‘Inquiry into the Criminal Code Amendment (High Risk Terrorist Offenders) Bill 2016’ (12 October 2016);

Gabrielle Appleby, Rosalind Dixon, Gemma McKinnon and Sean Brennan, Submission to the Parliamentary Joint Committee on Human Rights on Freedom of Speech in Australia Inquiry (21 December 2016);

Gabrielle Appleby and Alysia Blackham, Submission to the Standing Committee on the Model Code of Professional Conduct Federation of Law Societies of Canada, on their ‘Post-Judicial Return to Practice Discussion Paper’ (6 September 2016);

Gabrielle Appleby, Sean Brennan, Shipra Chordia and Grant Hoole, Submission to the Senate Select Committee Inquiry on the Establishment of a National Integrity Commission (20 April 2016);

Nicola McGarrity-White and George Williams, Submission to Independent National Security Legislation Monitor 'Inquiry into ASIO Questioning and Detention Powers' (24 June 2016);

Daniel Reynolds and George Williams, Submission to Parliament of Queensland Legal Affairs and Community Safety Committee 'Human Rights Inquiry' (11 March 2016).

### **Gabrielle Appleby**

Submission to the Senate Legal and Constitutional Affairs Reference Committee on the Nature and scope of the consultations prior to the making of the Legal Services Amendment (Solicitor-General Opinions) Direction 2016 (3 October 2016).

### **George Williams**

Submission to Joint Standing Committee on Electoral Matters 'Inquiry into the 2016 Federal Election' (13 October 2016);

Submission to Tasmanian Department of Premier and Cabinet on 'Constitutional Recognition of Tasmanian Aboriginal People' (8 June 2016);

Submission to Joint Standing Committee on Electoral Matters 'Inquiry into the Commonwealth Electoral Amendment Bill 2016' (26 February 2016).

