# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director’s Report</td>
<td>1 - 2</td>
</tr>
<tr>
<td>About the Centre</td>
<td>3</td>
</tr>
<tr>
<td>Centre Members</td>
<td>4-10</td>
</tr>
<tr>
<td>Advisory Board</td>
<td>10</td>
</tr>
<tr>
<td>Visitors to the Centre</td>
<td>11</td>
</tr>
<tr>
<td>CCCS Graduate Research Students</td>
<td>12</td>
</tr>
<tr>
<td>Events</td>
<td>13-22</td>
</tr>
<tr>
<td>Legal Theory Workshop</td>
<td>23-25</td>
</tr>
<tr>
<td>Funded Research Grants</td>
<td>26-27</td>
</tr>
<tr>
<td>Publications</td>
<td>28-30</td>
</tr>
<tr>
<td>Appendix</td>
<td>31-33</td>
</tr>
</tbody>
</table>
Director’s Report

Major Events

The CCCS year began in 2014 with the second in an annual series of expert seminars by foreign judges. The seminar was led by the Hon. Judge Dennis Davis of the High Court of South Africa and we welcomed some of Australia’s finest judges and advocates to a very informative comparative exploration of constitutional law.

Another conference, convened by CCCS member Professor Michael Crommelin, followed on March 26 and 27. That conference, in honour of Sir Zelman Cowan, pursued many of Sir Zelman’s enduring interests including ‘International Relations and the British Commonwealth’, ‘the Media and Freedom of Speech’, ‘Federal Jurisdiction’, ‘Private International Law’ and ‘The Idea of the University’. The conference was closed by a public lecture of the Vice-Chancellor Professor Glyn Davis AO on the latter theme. The proceedings are now published as Volume 38(3) of the Melbourne University Law Review.

New Centre Members

The Centre continued to expand during 2014. Alice Cashen joined us as a research associate working with Professor Simon Evans on his ARC funded project on ‘Executive Power Under the Australian Constitution: Definition, Delimitation and Accountability’. Dr Coel Kirkby joined the Centre as the holder of a prestigious three-year McKenzie Post-Doctoral Fellowship. Dr Kirkby holds a BA (Hons) & LLB (Queen’s), LLM (McGill), PhD (Cambridge), and was an Endeavour Fellow at the University of New South Wales. His McKenzie project will be a comparative study of the colonial legacies shaping indigenous self-government in the modern constitutions of Australia and Canada compared with India and South Africa.

In his role as a McKenzie scholar, he succeeded Dr Lulu Weis who has now been appointed to a lectureship at Melbourne Law School and we are delighted to welcome her permanently to CCCS.

Visitors

In keeping with its comparative mission, the Centre welcomed visitors from all over the world. Professor David Sloss from the University of Santa Clara in California joined us for first semester during which time he introduced us to his work challenging orthodox understandings of the effect of international law on US constitutional thought. Later in the year we welcomed Dr Ridwan Hoque, from the University of Dhaka, as an Endeavour Fellow. This visit was Dr Hoque’s second visit to the Centre and he continued his work on Public Interest Litigation in South-East Asia.

We also enjoyed visits from Professor Javier Couso (Universidad Diego Portales’ School of Law, Chile), Professor Christina Murray (University of Cape Town, South Africa) and Professor Stephen Gardbaum (University of California, Los Angeles (UCLA), United States) all of whom taught in the Melbourne Law Masters program and Professor John Tasioulas (University College London and Professorial Fellow, Melbourne Law School) for the first of a series of regular visits. PhD scholar YuTao Hu from Peking University joined us and we jointly with the Asian Law Centre hosted Dr Bui Ngoc Son, a leading voice on constitutionalism in Vietnam.

CCCS also collaborated with the Asian Law Centre in the hosting of a visit from leading constitutional comparativist Professor Jiunn-rong Yeh from the National University of Taiwan, including a launch of Professor Yeh’s co-authored book Constitutionalism in Asia. We have also enjoyed two opportunities of collaboration with Institute for International Law and the Humanities (IILAH): the launch of Professor Michelle Foster’s book The Law of Refugee Status (2nd edition, CUP) co-authored with Professor James Hathaway and a Roundtable Making Sense of Maloney v R. This event was co-hosted with the ‘Indigenous Peoples in International and Comparative Law’ IILAH Research Programme, and co-directed by Associate Professor Kirsty Gover and Dr Mark McMillan. All these events illustrated the important intersections between comparative public law and other areas of research at Melbourne Law School. We were also pleased to collaborate with the Accountability Round Table on a public lecture given by journalist Michelle Grattan, titled ‘Integrity in Politics: A Media Perspective’.
Congratulations

It is a special pleasure end the Director’s report with congratulations for CCCS members: Professor Cheryl Saunders AO was appointed Laureate Professor Emerita on 12 December 2014; and Associate Professors Michelle Foster and Beth Gaze were appointed as full Professors from January 2015.

We are also looking forward to the addition next year of new academic public lawyers at Melbourne Law School. Dr Scott Stephenson, a graduate of the ANU and Yale Law School, joins CCCS as a Lecturer; Dr William Partlett, currently of the Chinese University of Hong Kong, joins CCCS as a Senior Lecturer as does Dr Kristen Rundle (whose previous appointments include the London School of Economics and the University of New South Wales Law School). We are greatly looking forward to the diverse interests and great talents these new colleagues will bring.

Professor Adrienne Stone
Director, CCCS
About the Centre

The Centre for Comparative Constitutional Studies (CCCS) is one of the Law School’s thirteen specialist research centres and was established in the Faculty of Law in 1987. The CCCS undertakes and promotes research on the constitutional law and government of Australia and of other countries and provides a focal point for scholars and practitioners interested in these areas. The Centre seeks to focus greater attention on Australian constitutional law and government and of other countries whose systems are most relevant to Australia. This is reflected in the Centre’s current objectives which it pursues through its many activities.

The Centre is the current Secretariat for the Australian Association of Constitutional Law (AACL) which was formed in 1998 and is an incorporated, non-profit body funded by membership subscriptions. The Association aims to promote the discipline of constitutional law through interaction, communication, exchange and debate. Key activities include annual national conferences and an annual general meeting, State and Territory seminars, events and information sessions, participation in the International Association of Constitutional Law (IACL), receipt of a quarterly email newsletter and the development and maintenance of a constitutional law website.

Professor Adrienne Stone has been Director of the Centre since 1 July 2008. CCCS members are drawn from the Law School’s faculty. The Centre’s Advisory Board consists of leading Australian and international public lawyers.

Objectives

The objectives of the Centre for Comparative Constitutional Studies are:

- to examine and evaluate the Australian constitutional system and to contribute actively
- to the debate on the Australian system of government,
- to examine and advise on the constitutional and legal framework for relations between levels of government, in theoretical and practical operation,
- to introduce comparative constitutional concepts and knowledge on comparative constitutional principles, institutions and practices into the Australian constitutional debate,
- to develop and promote a sound understanding of the constitutional systems of countries in the neighbouring region, both in underlying theory and practical operation,
- to contribute to the debate on constitutional issues elsewhere in the world in the light of the experience of Australia and the Asia-Pacific region, and
- to provide a public and specialist resource on constitutional and comparative constitutional issues.

The Centre pursues these objectives through its activities: Research, teaching, information exchange, and by providing a resource centre, consultancies and research collaboration.

Activities

The activities of the Centre for Comparative Constitutional Studies include:

- conducting research, both independently and in collaboration with others,
- providing research training, at graduate and undergraduate levels,
- developing and conducting courses,
- hosting and contributing to public seminars and conferences,
- responding to inquiries from the Australian public and media and from individuals and organisations in other countries,
- collecting and disseminating constitutional materials and information,
- maintaining an active visitors’ program,
- fostering and participating in networks within Australia and overseas,
- publishing books, articles, journals and newsletters, and having research results published,
- making submissions to public inquiries, and
- carrying out consultancies.
Professor Adrienne Stone
Director, CCCS

Adrienne Stone became the Director of the Centre for Comparative Constitutional Studies in July 2008. She was appointed to a Chair in Law in 2007. Her research interests lie in constitutional law, comparative constitutional law and constitutional theory. She has published extensively on Australian constitutional law, with a special focus on freedom of political communication, comparative constitutional law of freedom of speech and the legal and institutional questions surrounding bills of rights. Her recent publications include *Structural Judicial Review and the Judicial Role in Constitutional Law*, (2010), *University of Toronto Law Review* (invited symposium); *Comparativism in Constitutional Interpretation* (2009) *New Zealand Law Review* 45; and *Judicial Review without Rights* (2008), 28 *Oxford Journal of Legal Studies* 1-32. She holds a grant from the Australian Research Council for a 4 year project investigating freedom of expression in democratic states.

In 2014 she was elected as First Vice President of the International Association of Constitutional Law. She is also on the Council of the Australian Association of Constitutional Law and is an elected Fellow of the Australian Academy of Law.

Professor Cheryl Saunders AO
Laureate Professor
Personal Chair in Law
Foundation Director of CCCS

Cheryl Saunders is a laureate professor and holds a personal chair in law. She was the foundation Director of the Centre for Comparative Constitutional Studies.

Cheryl Saunders has specialist interests in constitutional law and comparative public law, including federalism and intergovernmental relations and constitutional design and change, on all of which she has written widely. She is presently working on two major projects: an account of the Australian Constitution written from a comparative constitutional perspective and a text on comparative constitutional law.

Other positions presently held by Cheryl Saunders include President of the International Association of Centres for Federal Studies, member of the advisory board of International IDEA and member of the Program Committee of the Forum of Federations. She is an editor of the Public Law Review, a member of the advisory board of I.CON and a member of the editorial boards of a range of Australian and international journals, including *Publius*, *Jus Politicum* and the Constitutional Court Review, South Africa. She has held visiting positions at the universities of Oxford, Cambridge, Paris II, Indiana (Bloomington), Hong Kong, Copenhagen, Fribourg, Capetown and Auckland and has an honorary doctorate from the University of Cordoba, Argentina. She is President Emeritus of the International Association of Constitutional Law and a former President of the Administrative Review Council of Australia. In 2010, she will teach courses at Georgetown University on comparative constitutional law and constitution building.

In addition to her research and teaching activities, Cheryl Saunders is active in public debate on constitutional matters in Australia and internationally. From 1991, as deputy chair of the Australian Constitutional Centenary Foundation, she was closely involved in its pioneering work to encourage public understanding of the Constitution. She has had some involvement in aspects of constitutional design in other countries, including Fiji, South Africa, Zimbabwe, Sri Lanka, East Timor, Bhutan, Iraq and Nepal.

In 1994, Cheryl Saunders was made an officer of the Order of Australia, for services to the law and to public administration. She was awarded a Centenary Medal in 2003, and is a Chevalier de la Légion d’Honneur. She is also a Fellow of the Academy of Social Sciences in Australia and a Foundation Fellow of the Australian Academy of law.
Professor Carolyn Evans
Dean, Melbourne Law School
Harrison Moore Professor of Law

Carolyn Evans is the Dean of Melbourne Law School. Her teaching and research are in the areas of constitutional law, human rights and religious freedom. Carolyn has degrees in Arts and Law from Melbourne University and a doctorate from Oxford University where she studied as a Rhodes Scholar and where she held a stipendiary lectureship for two years before returning to Melbourne in 2000. She also qualified to practice law and is a barrister and solicitor of the Supreme Court of Victoria. In 2010, Carolyn was awarded a Fulbright Senior Scholarship to allow her to travel as a Visiting Fellow at American and Emory Universities to examine questions of comparative religious freedom.

Carolyn is the author of Religious Freedom under the European Court of Human Rights (OUP 2001) and co-author of Australian Bills of Rights: The Law of the Victorian Charter and the ACT Human Rights Act (LexisNexis 2008). She is co-editor of Religion and International Law (1999, Kluwer); Mixed Blessings: Laws, Religions and Women’s Rights in the Asia-Pacific Region (2006 Martinus Nijhoff) and Law and Religion in Historical and Theoretical Perspective (CUP 2008). She is an internationally recognised expert on religious freedom and the relationship between law and religion and has spoken on these topics in the United States, United Kingdom, Russia, China, Greece, Vietnam, India, Hong Kong, Switzerland, Malaysia, Nepal and Australia.

From 2007-2010 she is undertaking a joint ARC Discovery Project with Beth Gaze on the topic of religious freedom and non-discrimination that explores religious exemptions to non-discrimination laws and the relationship between religious freedom and equality. She also researches on the area of domestic protection of human rights, particularly the role of parliament in the protection of human rights and Commonwealth Bills of Rights and held a grant on this topic with Professor Simon Evans. Papers from both grants can be found on the website of the Centre for Comparative Constitutional Studies.

Professor Simon Evans
Pro Vice- Chancellor (International)

Simon Evans was Deputy Dean of Melbourne Law School from July 2007 to July 2010. His research and teaching are focused in the field of comparative public law. In late 2009 he was awarded an ARC Discovery Project grant to carry out research on the executive branch of government. He recently completed a major project with colleague Professor Carolyn Evans investigating the capacity of parliaments to protect human rights and the effectiveness of the Commonwealth model of human rights protection. He has also worked on the implementation of the Victorian Charter of Human Rights. Other interests include constitutional property rights, accountability of executive government and constitutional theory. He was Australasian Recent Developments Correspondent for I.CON (the International Journal of Constitutional Law) from its establishment. He was Director of the Centre for Comparative Constitutional Studies from 2005 to 2007 and Director of Teaching from 2004 to 2006. He was a national finalist in the Australian Awards for University Teaching in 2005 and a Universitas 21 Teaching Fellow in 2006-7.

His latest working papers can be downloaded from SSRN.

Professor Pip Nicholson

Pip Nicholson joined the Asian Law Centre in 1997 and was a Senior Fellow of the Faculty from 1998. She joined the Faculty permanently as a lecturer in 2002, becoming a senior lecturer in 2004 and Director of Teaching in 2006-2007. A graduate in Law and Arts from the University of Melbourne with a Masters in Public Policy from the Australian National University and doctorate form the Law School University of Melbourne, Pip teaches on the Vietnamese legal system in both the LLB and Law Masters of the Melbourne Law School and teaches on Vietnamese law to a consortium of American law-schools.

Pip’s doctoral research focused on the Vietnamese court system between 1945 and 1976, in the
course of an analysis of the extent to which the Vietnamese legal system mirrored or diverged from its Soviet parent.

Pip is interested in the challenges of cross-cultural legal research and legal reform – particularly within Asia. She has recently completed research on corruption within the Vietnamese court system, the reforms to the Vietnamese court system commenced in 2002 and the take-up of labour law reforms in Vietnam. In 2005, she co-edited with John Gillespie, *Socialism and Legal Change: The Dynamics of Vietnamese and Chinese Reform*. Her most recent publication is *Borrowing Court Systems: the Experience of Socialist Vietnam* (Martinus Nijhoff, 2007). Her current research explores local Vietnamese mediation, drugs prosecutions within Vietnam and the utility of legal culture in the study of the transforming legal systems within Asia. Pip currently consults on changes in transitional legal systems, with particular focus on Vietnam.

**Professor Michael Crommelin AO**

Zelman Cowen Professor of Law

Michael Crommelin was Dean of the Law School from 1989 to 2007. He holds a BA and LLB (Hons) from the University of Queensland and an LLM and PhD from the University of British Columbia. Michael has held visiting appointments at a number of universities, including the University of Oslo, the University of British Columbia, the University of Calgary, and Georgetown University.

In addition, Michael has served as President of AMPLA (the Australian Mineral and Petroleum Law Association) and as a member of the Council of the Section on Energy and Resources Law of the International Bar Association. He has published extensively in the fields of energy and resources law, constitutional law and comparative law.

In 2009, Michael was made an officer of the Order of Australia for service to the law and to legal education, particularly as a tertiary educator and through the development of mining and petroleum law in Australia.

**Professor Michelle Foster**

Michelle Foster is a Senior Lecturer and Director of the International Refugee Law Research Programme in the Institute for International Law and the Humanities. Her teaching and research interests are in the areas of public law, international refugee law, and international human rights law.

Michelle graduated with a BComm (Hons) and LLB from the University of New South Wales in 1996 and then worked as Research Director for the Hon AM Gleeson AC (then Chief Justice of NSW) in 1997. From 1997-2000 Michelle was the Legal Research Officer for the Solicitor-General and Crown Advocate of NSW, and also tutored part-time in Industrial Law at the University of New South Wales. From 2000-2004 Michelle completed an LLM and SJD at the University of Michigan, where she was a Michigan Grotius Fellow and won a number of awards including the William W. Bishop Jr. Award for study in international law, a Certificate of Merit for first place in Comparative Human Rights law, and a Community of Scholars Graduate Student Fellowship. Michelle was awarded the SJD degree in 2004 for her thesis entitled *Refuge From Deprivation: Forced Migration and Economic and Social Rights in International Law*. While at Michigan she co-authored a number of papers with James C. Hathaway on various aspects of the 1951 Refugee Convention, and participated in the 2001 and 2004 Michigan Colloquiums on Challenges in International Refugee Law as student and rapporteur respectively. She also worked as an intern at the Advice for Individual Rights in Europe (AIRE) Centre in London and conducted seminars in Dubrovnik, Croatia on cultural relativity and international law for the University of Zagreb.


**Professor Jeremy Gans**

Jeremy Gans is an Associate Professor in Melbourne Law School, where he researches and teaches across all aspects of the criminal justice system. He holds higher degrees in both law and criminology. In 2007, he was appointed as the Human Rights Adviser to the Victorian Parliament’s Scrutiny of Acts and Regulations Committee.

His early research focused on fact-finding in sexual assault trials, the subject of his doctoral thesis and a number of published articles, and criminal investigation, especially the technique of DNA identification. He is the co-author of an evidence law text and a forthcoming human rights text, and is currently working on a criminal law treatise. He has contributed to public debate on criminal justice in a number of forums. He publishes a running commentary on Victoria’s Charter of Human Rights and Responsibilities at charterblog.wordpress.com.

---

**Professor Beth Gaze**

Beth Gaze's interests are in anti-discrimination and equality law, feminist legal thought, and administrative law including tribunals. Current funded research projects include a study of the enforcement process under Australian federal anti-discrimination law, and the need for substantive updating of Australian anti-discrimination laws. Beth is also a member of the Victorian Mental Health Review Board, and has been a member of the Social Security Appeals Tribunal. She contributes to the teaching of law to medical students, and has experience in University equity and human research ethics areas. Before she became a legal academic she was a computer programmer.

Beth is involved in two research projects funded by ARC Discovery Grants. With Belinda Fehlberg she is continuing a project originally devised by Associate Professor Phillip Swain “Coherent, independent and user-friendly? Participant perceptions of social security administrative review processes in Australia and Britain”, which is running from 2005 to 2008. With Carolyn Evans she is engaged in a project on “Non-discrimination laws and religious freedom: current conflicts nad future directions” running from 2007-2009.

---

**Associate Professor Alison Duxbury**

Alison Duxbury’s main areas of research are international institutional law, human rights law and international humanitarian law. She is currently undertaking research on the role of human rights and democracy in determining states’ participation in international organisations. Alison is a member of the Australian Red Cross International Humanitarian Law Committee (Victorian Division), the Asia Pacific Centre for Military Law, and the International Advisory Commission of the Commonwealth Human Rights Initiative based in Delhi. She is currently convenor of the University’s Human Rights Forum.

---

**Associate Professor Kirsty Gover**

Kirsty Gover joined the Law Faculty in 2009 as a Senior Lecturer and is affiliated to both the Centre for Comparative Constitutional Studies and the Institute for International Law and the Humanities. Her research and publications address the law, policy and political theory of indigenous land claims and self-governance. She has a particular interest in tribal constitutionalism. Her most recent work examines the ways in which recognised tribes govern membership, by reference to the criteria used in tribal constitutions.

Dr Gover received her BA/LLB, from the University of Canterbury, New Zealand, and her LLM from Columbia University, United States. She was a Columbia University School of Law Human Rights Fellow and James Kent Scholar, and was the first full-time Institute Fellow at NYU Law School’s Institute for International Law and Justice (IIIJ). She received her doctorate from NYU Law School, where she was a Graduate Institute Scholar of the IIIJ, and a New Zealand Top Achiever Doctoral Fellow. Dr Gover was a Senior Advisor and then consultant to the New Zealand government on international and domestic policy on indigenous peoples, and taught in this field at the...
Canterbury Law School. She represented the New Zealand government at intergovernmental drafting sessions of the U.N. Declaration on the Rights of Indigenous Peoples.

She is currently working on a book project, based on her thesis, entitled Constitutionalizing Tribalism: States, Tribes and Membership Governance in Australia, Canada, New Zealand and the United States. Other work addresses the friction between tribal and settler state laws on the status of adopted children, and the participation of indigenous communities in international trade and investment dispute resolution fora. Her article ‘Genealogy as Continuity: Explaining the Growing Tribal Preference for Descent Rules’ (American Indian Law Review, 33-1, 2009) looks at changes in the way United States tribes have determined membership since the 1930s, with an emphasis on the increased tribal use of blood quantum rules.

**Associate Professor Joo-Cheong Tham**

Joo-Cheong Tham is a Senior Lecturer at the Law Faculty and has taught at the law schools of Victoria University and La Trobe University. His key research areas are the regulation of non-standard work and political finance law. He has also undertaken considerable research into counter-terrorism laws. He has published over 25 book chapters and refereed articles. His research has also been published in print and online media with Joo-Cheong having written more than 30 opinion pieces. He has also given evidence to parliamentary inquiries into terrorism laws and political finance law.

He is currently working on two separate areas. The first concerns the challenges of temporary migrant work to labour regulation, a project he is undertaking with Dr Iain Campbell, Centre for Applied Social Research, RMIT University. In the area of political finance, Joo-Cheong's book, Money and Politics: The Democracy We Can't Afford was published by UNSW Press in 2010. He is also currently editing two books, both of which will be published in 2011: one to be published by Routledge is devoted to international perspectives on political finance while the other, which has the working title, 'Electoral Regulation and Prospects for Australian Democracy,' will be published by Melbourne University Press. Together with Associate Professor Graeme Orr, University of Queensland and Professor Brian Costar, he is leading an Australian Research Council project, Dollars and Democracy: The Dynamics of Australian Political Finance and its Regulation (2010-2013).

Joo-Cheong graduated with a LLB (Hons) from the University of Melbourne in 1998 and completed an LLM in 2003 with the same university. He was granted a doctorate of laws by the University of Melbourne on the basis of his thesis that examined the legal precariousness of casual employment. In 2007-2008, he was a British Academy Visiting Fellow at the Law School, King's College, University of London. He was also the Rydon Fellow for Australian Politics and History at the Menzies Centre for Australian Studies, King's College, University of London in 2008.

**Associate Professor Kristen Walker**

Kristen Walker is an Associate Professor at the University of Melbourne. Prior to joining the Law Faculty, she completed her articles with Arthur Robinson and Hedderwicks in Melbourne and also served as Associate to Sir Anthony Mason, then Chief Justice of Australia. Kristen teaches Constitutional Law and Law and Sexuality in the LLB program and, in the Melbourne Law Masters, Principles of Public and International Law. She has also taught international human rights law and legal ethics at Columbia Law School in New York.

Kristen's research interests are in constitutional law, law and sexuality, and international law, particularly human rights and refugee law. Kristen also practices at the Victorian Bar, where she specialises in constitutional law.
Margaret Young joined CCCS when she commenced as Senior Lecturer at MLS in 2009. She was previously the William Charnley Research Fellow in Public International Law at Pembroke College and the Lauterpacht Centre for International Law, University of Cambridge, where she also lectured in Cambridge’s LLM course on WTO law. She has a PhD and LLM from the University of Cambridge and a BA/LLB (Hons) from Melbourne, and is a former associate to the Chief Justice of the Federal Court of Australia. Dr Young teaches international and public law classes in the Melbourne JD, LLB and MLM. Her monograph, Trading Fish, Saving Fish: The Interaction between Regimes in International Law, will be published by Cambridge University Press in early 2011. It examines the relationship between international trade law, environmental law and the law of the sea in efforts to achieve fisheries sustainability. Dr Young is currently editing Regime Interaction in International Law: Facing Fragmentation, which will be published by Cambridge University Press in 2011, and which was based on the successful conference she organized at the Lauterpacht Centre for International Law, Cambridge, in June 2009.

Dr. Weis joined CCCS in July 2010 as a McKenzie Post-Doctoral Fellow. She holds a PhD and JD from Stanford University from the Department of Philosophy and Law School. She completed her dissertation, “Public Purpose, Common Good: Constitutional Property in the Democratic State,” while a fellow at the Stanford Humanities Center during the 2009-10 academic year. Her research interests lie at the intersection of constitutional legal theory, democratic political theory, and property law.

Glenn Patmore studied law at Monash University, Australia and Queens University, Canada. He has been admitted to practice as a Barrister and Solicitor of the Supreme Court of Victoria. Glenn was a senior Tutor in Law at Monash University and currently works as a Senior Lecturer in Law at the University of Melbourne. He has taught Torts, Constitutional and Administrative Law and an optional course on Australian democracy and the law entitled: Rethinking Australian Democracy: History, Politics and the Law. He is presently researching and writing in the fields of democratic theory and practice, constitutional law, republicanism, industrial law and human rights law.

Ms Paula O’Brien

Paula graduated from Melbourne Law School with a first class honours degree in law and in arts in 1998. She was awarded a full Commonwealth Scholarship to undertake her Master of Laws degree at the University of Cambridge in 2008. She graduated from Cambridge Jesus with a class I degree, specialising in international law. She is currently undertaking her PhD at Melbourne Law School.

After graduating with her LLB, Paula completed her articles and worked as a lawyer at Minter Ellison Melbourne until 2003. Her practice was principally in the area of administrative law. She advised public sector agencies on the regulation of health professionals. From 2003 – 2007, Paula was the Executive Director of the Public Interest Law Clearing House (PILCH) in Victoria, a community
legal centre which engages in case work, advocacy and education to advance the public interest, in particular the position of marginalised and disadvantaged members of the community. For her work at PILCH, she was awarded the Women Lawyers ‘Rising Star’ Award in 2007.

Paula’s current research is in the area of public health law. Her doctoral thesis is on the domestic and international legal regulation of the global alcohol industry. Her other area of health law expertise relates to health workers and she had researched and published on questions related to the global shortage of health workers. She has looked closely at the international regulatory environment in which the shortages occur. Paula is also involved in an inter-disciplinary project on social justice and temporary migrant work, where the major case study is the Victorian nursing sector. This is, in part, an empirical project involving interviews with experts in the Victorian nursing industry, as well as nurses on 457 visas: see http://www.socialjustice.unimelb.edu.au/Research/migrantwork3.html. Paula’s part in the project relates to the law regulating the international recruitment and registration of health workers.

Ms Anna Dziedzic
Research Fellow (Comparative Constitutional Law)

Anna Dziedzic is a Research Fellow at the Centre for Comparative Constitutional Studies. She is working with Laureate Professor Cheryl Saunders on an Australian Research Council Discovery Project entitled ‘Meeting the Challenges of Constitutional Comparison.’

Anna holds an MA in Human Rights from University College London and first class honours degrees in Arts and Law from the Australian National University. Prior to joining Melbourne Law School she worked at the Australian Law Reform Commission, the Department of the Prime Minister and Cabinet, and as an Associate at the Federal Court. She is also a volunteer legal analyst at the Samoa Law Reform Commission and has undertaken consultancy work for a Fijian Women’s Rights NGO.

Jean Goh
Centre Administrator

Jean Goh joined Melbourne Law School in February 2012 and currently holds two positions within the organisation. She is the Centre Administrator for the Centre for Comparative Constitutional Studies and the Network Administrator for the Electoral Regulation Research Network. Since joining the University of Melbourne in 2009, she has held various roles within the University. Jean hails from Kuala Lumpur, Malaysia and relocated to Melbourne at the end of 2004 to further her studies. She is multi-lingual and graduated from RMIT in 2007. Through her current roles within the Law School, Jean hopes to further develop her skills in communications and events management within an internationally recognised organisation.

Advisory Board

- Ian Cunliffe
- Dr Stephen Donagheu QC
- Dr Gavan Griffith AO QC
- Peter Hanks QC
- Wendy Harris SC
- Justice Chris Maxwell, President, Court of Appeal
- Justice Debbie Mortimer, Federal Court of Australia
- Mark Moshinsky QC
- Justice Stephen McLeish
- Professor Brian Opeskin
- Jason Pizer QC
- Justice Richard Tracey, Federal Court of Australia

Biographical information on the members of the Advisory Board is set out in the Appendix to this Report.
VISITORS TO THE CENTRE

Ms YuTao Hu
PhD Candidate, Peking University, China (8 October 2013 to 2014)
YuTao's research interests lie in comparative constitutional law, fiscal federalism and power separation. A PhD candidate from Peking University, is working with scholars from the Centre of Comparative Constitutional Studies (CCCS) on research into her PhD dissertation on the fiscal federalism in Australia.

Professor David Sloss
Director, Center for Global Law and Policy, Santa Clara University School of Law, United States of America
(2 January 2014 to 30 June 2014)
David Sloss is a Professor of Law at Santa Clara University School of Law, where he served as the Director of the Center for Global Law and Policy. He is the editor of The Role of Domestic Courts in Treaty Enforcement: A Comparative Study (Cambridge Univ. Press, 2009), and co-editor of International Law in the U.S. Supreme Court: Continuity and Change (Cambridge Univ. Press, 2011). The American Society of International Law awarded a Certificate of Merit for the latter book “for high technical craftsmanship and utility to practicing lawyers and scholars.” Professor Sloss has published numerous articles on the history of U.S. foreign affairs law and the judicial enforcement of treaties in domestic courts. He is a member of the American Law Institute (ALI) and is working on the ALI project to draft the Restatement (Fourth) of U.S. Foreign Relations Law. He received his B.A. from Hampshire College, his M.P.P. from Harvard University and his J.D. from Stanford Law School. Before he was a law professor, Sloss spent nine years in the U.S. government, where he worked on East-West arms control negotiations and nuclear proliferation issues. While visiting at Melbourne Law School, he is working on a book examining the influence of international human rights law on the evolution of U.S. constitutional law.

Mr Raphael Oidtmann
(30 May 2014 to 12 June 2014)
Raphael is a postgraduate student from the University of Mannheim, Germany. He received his master’s degree in political science, economics and public law from the University of Mainz, Germany and is an alumnus of the Hague Academy of International Law. Currently, he is completing a joint postgraduate program at the universities of Mannheim and Adelaide, leading to the academic degree of a Master of Comparative Law (M.C.L.). His research interests lie in the fields of general international law, human rights, comparative constitutionalism and international criminal law. After staying at the Centre of Comparative Constitutional Studies, he plans to commence an interdisciplinary doctoral dissertation at the intersection of international law and political science.

Mr Jonathan Sellam
(6-31 August 2014)
Jonathan is currently a PhD candidate and a teaching assistant in constitutional law, at the University of Paris II Panthéon-Assas (France). His research focuses on the link between written and unwritten constitutional law in the former dominions especially Australia, Canada and New Zealand subject of his doctoral thesis. These dimensions of constitutional law regarding the former dominions have so far remained vastly unnoticed in continental countries. They seem to him to be of a special importance for two reasons. Firstly, they are crucial to our understanding of the link between written and unwritten law, and would constitute a point of contact between French legal theory and Anglo-Saxon jurisprudence. Secondly, he believes that they can constitute a contribution in its own right to the study of these three countries. This analysis will ultimately bring out dimensions of the constitutional theory which have not yet been properly studied in France. Jonathan's suggestion is that this will also help us to find a way out of some of the dead ends which legal theorists have backed themselves into. Furthermore, Jonathan's Ph.D. will constitute the first comparison, on constitutional matters, of these three former dominions of any length to be written in French.

Associate Professor Ridwanul Hoque
Department of Law, University of Dhaka, Bangladesh (1 October 2014 to 31 March 2015)
Dr Ridwanul Hoque is Associate Professor of Law at the University of Dhaka, and formerly taught in the Department of Law at the University of Chittagong in Bangladesh. Dr. Hoque was a Commonwealth Scholar at the University of London's School of Oriental and African Studies (SOAS) where he studied for his Ph.D. in Comparative Public Law. He studied Law at the University of Chittagong for his LL.B. Honours and LL.M., and went to Cambridge where he studied for an LL.M. in International Commercial Law. He was a Fulbright Visiting Scholar at Cornell Law School.
(October 2013 to June 2014), and was a Visiting Scholar at the CCCS, Melbourne Law School, in 2013 (March - June). Dr. Hoque has published in British, American, Singaporean, Indian, Pakistani and Bangladeshi law journals. He is the author of a book titled Judicial Activism in Bangladesh: A Golden Mean Approach (2011).

## CCCS Graduate Research Students

<table>
<thead>
<tr>
<th>Student</th>
<th>Supervisor(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elizabeth Southwood</td>
<td>Professor Adrienne Stone</td>
</tr>
<tr>
<td>Dylan Lino</td>
<td>Professor Adrienne Stone</td>
</tr>
<tr>
<td>John Simpkins</td>
<td>Professor Adrienne Stone &amp; Professor Cheryl Saunders AO</td>
</tr>
<tr>
<td>Tsegaye Ararssa</td>
<td>Professor Cheryl Saunders AO &amp; Professor Michael Crommelin AO</td>
</tr>
<tr>
<td>Brian Opeskin</td>
<td>Professor Cheryl Saunders AO</td>
</tr>
<tr>
<td>Stewart Fenwick</td>
<td>Professor Carolyn Evans</td>
</tr>
<tr>
<td>Nurhafilah Musa</td>
<td>Professor Carolyn Evans</td>
</tr>
<tr>
<td>Leilani Elliott</td>
<td>Professor Carolyn Evans</td>
</tr>
<tr>
<td>My Anh Tran</td>
<td>Professor Simon Evans</td>
</tr>
<tr>
<td>Nimmith Men</td>
<td>Professor Pip Nicholson</td>
</tr>
<tr>
<td>Sally Low</td>
<td>Professor Pip Nicholson</td>
</tr>
<tr>
<td>Hai Ha Do</td>
<td>Professor Pip Nicholson</td>
</tr>
<tr>
<td>Joseph Kikonyogo</td>
<td>Professor Pip Nicholson</td>
</tr>
<tr>
<td>Samantha Hinderling</td>
<td>Professor Pip Nicholson</td>
</tr>
<tr>
<td>Hailegabriel Feyissa</td>
<td>Professor Pip Nicholson</td>
</tr>
<tr>
<td>Lan Phuong Pham</td>
<td>Professor Pip Nicholson</td>
</tr>
<tr>
<td>Vu Thu Trang</td>
<td>Professor Pip Nicholson</td>
</tr>
<tr>
<td>George Kailis</td>
<td>Professor Michael Crommelin AO &amp; Associate Professor Kirsty Gover</td>
</tr>
<tr>
<td>Alice Ashbolt</td>
<td>Professor Michael Crommelin AO</td>
</tr>
<tr>
<td>Anthony Mihalopoulos</td>
<td>Professor Beth Gaze</td>
</tr>
<tr>
<td>Tayechalem Moges</td>
<td>Professor Beth Gaze</td>
</tr>
<tr>
<td>Apsari Dewi</td>
<td>Professor Jeremy Gans</td>
</tr>
<tr>
<td>Daniel Hochstrasser</td>
<td>Professor Jeremy Gans</td>
</tr>
<tr>
<td>Andrew Newman</td>
<td>Associate Professor Joo-Cheong Tham</td>
</tr>
<tr>
<td>Monique Cormier</td>
<td>Associate Professor Alison Duxbury</td>
</tr>
<tr>
<td>Sasha Radin</td>
<td>Associate Professor Alison Duxbury</td>
</tr>
<tr>
<td>James Munro</td>
<td>Associate Professor Margaret</td>
</tr>
<tr>
<td>Joshua Paine</td>
<td>Associate Professor Margaret</td>
</tr>
<tr>
<td>Elizabeth Macpherson</td>
<td>Associate Professor Kirsty Gover</td>
</tr>
<tr>
<td>Robin Robinson</td>
<td>Associate Professor Kirsty Gover</td>
</tr>
<tr>
<td>Darren Parker</td>
<td>Associate Professor Kirsty Gover</td>
</tr>
<tr>
<td>Martin Clark</td>
<td>Associate Professor Kirsty Gover</td>
</tr>
<tr>
<td>Jan Mihal</td>
<td>Dr Dale Smith</td>
</tr>
</tbody>
</table>

www.law.unimelb.edu.au/cccs

CCCS Annual Report 2014 12
Events

CCCS Expert Seminar

CCCS Expert Seminar on South African Constitutional Law for Australian Lawyers
Friday 21 February 2014, 9am-5.30pm

An expert seminar on the topic South African Constitutional Law for Australian Lawyers was hosted by the Centre for comparative constitutional Studies. This seminar is a sequel to the very successful seminar on United States Constitutional Law held in February 2013 and followed a similar format.

The South African Constitution has been an admired and influential model for modern constitutions. For Australian lawyers the approach of the South African Courts to the principle of proportionality and to the relationship between the common law and the Constitution are among the many points of intersection and influence. The seminar provided Australian lawyers with a grounding in fundamental principles of South African constitutional law and familiarity with the case law in selected key areas that are of the most relevance to Australia. The seminar was designed to be of particular interest to practicing lawyers and judges, though some academics were be involved as well.

The presenter was The Hon. Dennis Davis of the High Court of South Africa. Judge Davis is one of South Africa’s best known jurists. He is a judge of the High Court of South Africa, President of the Competition Appeal Court and an Honorary Professor of Law at the University of Cape Town. He is also a noted constitutional expert having been a Technical Advisor to the Constitutional Assembly where the negotiations for South Africa’s interim and final constitutions were formulated and concluded. He continues to teach constitutional law at the University of Cape Town and has been a visiting professor at the Harvard and Georgetown Law Schools and a senior fellow at Melbourne Law School. Judge Davis is lively presenter who hosted an award winning current affairs TV programme ‘Future Imperfect’ between 1993-1998.
CCCS Seminar Series

CCCS Seminar: The Impact of Judicial Enforcement of Socio-Economic Rights: Looking Beyond Emblematic Cases
Thursday 27 February 2014, 1-2pm

Ever since Holmes & Sunstein (1999) contributed to undermine the traditional separation between civil and political rights and those of a social and economic nature by demonstrating that the former set of rights also demands public expenditures in order to be effectively protected, there has been a global move demanding judicial enforcement of socio-economic rights, particularly in the developing world. In this presentation, Professor Couso provided evidence that suggests that judicial enforcement of such fundamental rights has proven to be remarkably ineffective, a fact that has been hidden by the focus of jurists on emblematic judicial decisions, instead of broader socio-economic evidence.

Javier Couso is Professor of Law and Director of the Constitutional Law Program at U. Diego Portales (Chile). A member of the Executive Committee of the International Association of Constitutional Law (IACL), he has been a Visiting Professor at the U. of Leiden (2013); the U. of Melbourne (2014 & 2012); Bocconi University (2012) and the U. of Wisconsin-Madison (2006-2007). He specializes in Comparative Public Law and Sociology of Law. His publications include The Constitutional Law of Chile (Kluwer Law International, 2011) and Cultures of Legality: Judicialization and Political Activism in Latin America (Cambridge University Press, 2010).

CCCS Seminar: How Human Rights Transformed the U.S. Constitution
Thursday 13 March 2014, 1-2pm

Most experts agree that international human rights law has had little impact on the evolution of constitutional law in the United States. In this seminar, Professor Sloss explained why the experts are wrong. In fact, international human rights norms had a profound impact on the development of constitutional law in the United States between about 1945 and 1970.

Drawing on work that forms part of a book-in-progress, Professor Sloss focussed on Fujii v. California, in which a Japanese national filed suit to challenge the validity of a California law that barred Japanese nationals from owning real property in California. In 1950, an intermediate appellate court in California held that the Alien Land Law was invalid because it conflicted with the human rights provisions of the U.N. Charter. The decision sparked a huge political controversy. On appeal, the California Supreme Court agreed that the Alien Land Law was invalid, but based its decision on the Equal Protection Clause of the U.S. Constitution.

In effect, the court incorporated the U.N. Charter’s anti – discrimination principle into the Equal Protection Clause. In brief, the Fujii story explained how modern international human rights law transformed the U.S. Constitution.

David Sloss is a Professor of Law at Santa Clara University School of Law, where he served as the Director of the Center for Global Law and Policy. He is the editor of The Role of Domestic Courts in Treaty Enforcement: A Comparative Study (Cambridge Univ. Press, 2009), and co-editor of International Law in the U.S. Supreme Court: Continuity and Change (Cambridge Univ. Press, 2011). The American Society of International Law awarded a Certificate of Merit for the latter book “for high technical craftsmanship and utility to practicing lawyers and scholars.” Professor Sloss has published numerous articles on the history of U.S. foreign affairs law and the judicial enforcement of treaties in domestic courts. He is a member of the American Law Institute (ALI) and is working on the ALI project to draft the Restatement (Fourth) of U.S. Foreign Relations Law. He received his B.A. from Hampshire College, his M.P.P. from Harvard University and his J.D. from Stanford Law School. Before he was a law professor, Sloss spent
nine years in the U.S. government, where he worked on East-West arms control negotiations and nuclear proliferation issues. While visiting at Melbourne Law School, he is working on a book examining the influence of international human rights law on the evolution of U.S. constitutional law.

**CCCS Judges and the Academy Seminar Series: Judging What Are Reasonable Limits on Rights: Proportionality and Its Alternatives**

*Friday 28 March 2014, 3-6.30pm
*Invitation only event

Presented by:

**Professor Adrienne Stone** (Centre for Comparative Constitutional Studies, Melbourne Law School)

**The Hon. Justice Marcia Neave AO** (Court of Appeal, Supreme Court of Victoria)

Chaired by: Professor Gerry Simpson (Melbourne Law School)

**CELRL, CCCS & ERRN Seminar: Unions NSW and Its Implications for Campaign Finance Regulation**

*Tuesday 29 April 2014, 1-2pm
*Co-hosted with the Centre for Employment and Labour Relations Law & Electoral Regulation Research Network

In *Unions of NSW v NSW* [2013] HCA 58, the High Court found two sections of the *Election Funding, Expenditure and Disclosures Act 1981* (NSW) invalid for impermissibly burdening the freedom of political communication implied by the Australian Constitution. In doing so, the Court affirmed its acceptance of 'anti-corruption' as a legitimate object of electoral reform but found these laws invalid as having no relation to such an object.

In this seminar, the speakers explored the significance of the case for constitutional law, election law and law reform.

**Adrienne Stone** researches in the areas of constitutional law and constitutional theory. She has published extensively on freedom of expression, the legal and institutional questions surrounding bills of rights and on judicial method in constitutional cases. She currently holds an Australian Research Council Discovery Grant for a four year project entitled “Freedom of Expression in Democratic States”. Adrienne is the Director of the Centre for Comparative Constitutional Studies at Melbourne Law School.

**Joo-Cheong Tham** is a leading expert on the regulation of campaign finance in Australia. His book, *Money and Politics*
(2010) is the authoritative account of such regulation. His publications in this area also include two co-edited books and articles in leading law and political science journals. He has deep expertise of New South Wales campaign finance laws, having written three reports on these laws for the New South Wales Electoral Commission. His work in this area is interdisciplinary and has involved major collaborations with leading political scientists (including leading a major ARC project).

**ALC & CCCS Seminar: Consulting for Reform: State Responses to Constitutional Reform Proposals in Vietnam**

*Wednesday 28 May 2014, 5.30-6.45pm*

On 4 February 2013, former Minister of Justice, Nguyen Dinh Loc, presented a petition signed by ‘72 senior scholars from different majors’ to the Constitutional Amendment Committee, calling for fundamental and broad-ranging changes to Vietnam’s constitution. Now referred to as Petition 72, the changes proposed include: free and democratic elections and curtailing the current constitutional mandate of the Communist Party of Vietnam. Concurrently it called to reorient the Constitution in a number of ways, including constitutional recognition of human rights and the right to private ownership of land, amongst others.

While debate about constitutional and legislative reform is not uncommon, in the life of independent Vietnam there has not been such a public and orchestrated call for change conducted both in Vietnamese and English. Significantly, the suggested changes come almost entirely from the elite, both in terms of being highly educated and holding prior office within the Party-State, although the prospects of changes to land law and reduction of the Party’s exclusive leadership role are not likely.
This seminar discussed why this activism has been initiated and how the Party-State responded to it.

Dr Bui Ngoc Son has recently completed a doctorate at Hong Kong University focusing on Vietnamese constitutionalism. He has published several articles in established international peer review journals in English. Dr Bui is one of a handful of leading Vietnamese scholars who has openly engaged with comparative and international discussions about socialist constitutional reform, including through blogs following the constitutional amendment consultation process.

A new generation Vietnamese scholar, with experience as a visiting researcher at Harvard Law School and as a constitutional change 'Blogger', he is eminently suited to lead the research and discussion of Vietnamese constitutional change. Dr Bui Ngoc Son is currently Vietnam's pre-eminent constitutional law scholar.

CCCS Seminar: Sri Lanka: The Challenge of Constitutional Reform in Post-War Reconciliation
Tuesday 24 June 2014, 1-2pm

Constitutional reform is one of the challenges with which Sri Lanka now needs to grapple in moving from a post-war to a post-conflict situation. It is a necessary, although by no means sufficient, condition for reconciliation and durable peace. It could also assist to address the growing democratic deficit in governance, of which the culture of impunity and the near collapse of the rule of law, institutionalised militarisation and growing religious intolerance are key and dangerous features. Whilst the government has promised a political settlement of the ethnic conflict to complement the military defeat of the LTTE, there has been no movement on this front. Most importantly, provisions of the Constitution in respect of the devolution of power have yet to be implemented in any of the 9 provinces in the country. Is Sri Lanka willing to create a constitutional architecture which reflects the pluralism inherent in its peoples and a political culture that sustains it? In this seminar, Dr Saravanamuttu discussed these issues.

Dr. Paikiasothy Saravanamuttu is the founder Executive Director of the Centre for Policy Alternatives, (CPA). He has presented papers on governance and peace in Sri Lanka at a number of international conferences and is widely quoted in the international and local media.

In 2010, he was awarded the inaugural Citizens Peace Award by the National Peace Council of Sri Lanka, and in 2011, he was invited by the German Government to be a Member of the International Jury to choose an universally recognized human rights logo. In September 2013, he was invited by President Obama to attend his “High Level Event On Civil Society”, in New York.

He is also a founder director of the Sri Lanka Chapter of Transparency International and a founding co-convenor of the Centre for Monitoring Election Violence (CMEV), which has monitored all the major elections in Sri Lanka since 1997. In 2004 he was an Eisenhower Fellow (2004). Currently, he is Chairperson of the Eisenhower Fellows, Sri Lanka, member of the Board of the Berghof Foundation, the South Asia Transparency Advisory Group and a Member of the Gratiaen Trust.

ALC/ CCCS Seminar: Marching to Civil Constitutionalism with Flowers: Has the Sunflower Movement in Taiwan Changed the Landscape of Constitutionalism and its Significance to Hong Kong and the Chinese Mainland
Tuesday 9 September 2014, 1-2pm

Taiwanese students occupied the Congress for weeks in March 2014 over the legislative fast-track approval of a servicetrade agreement with China. Recently, there is also a call to occupy the Central in Hong Kong over the controversial rules for choosing the Administrator of the special region. Some have hailed mass movement, or civil
disobedience, of this sort as the triumph of civil society, while some have lamented it as the death of the maturing democracy and the end of the rule of law.

In this seminar, Professor Jiunn-rong Yeh looked into this issue from the prospects of representative democracy and the changing landscape of constitutionalism. He argued that the Sunflower Movement has demonstrated a model of marching towards civic constitutionalism, in that civil groups compete with their representative agents and the Court in shaping and defining the constitutional order.

The underlying issue of the Sunflower Movement is their increasing engagement across the Taiwan Strait and what the long term holds for the younger generations. The transformation of constitutionalism, in light of the Sunflower Movement, bears tremendous significance for Hong Kong, Chinese Mainland and beyond.

Professor Jiunn-rong Yeh holds a distinguished University Chair at National Taiwan University, where he specialises in Environmental Law, Constitutional Law and Administrative Law. Professor Yeh has published in English and Chinese in leading journals and published collections, including both the Routledge and Oxford Handbooks of Comparative Constitutional Law. Professor Yeh has held invited positions in leading international law schools including Columbia, Toronto, Harvard and leading Chinese schools in Beijing, Shanghai and Hong Kong. Professor Yeh has had considerable practical experience in government, as Minister without Portfolio (2002–2004); Executive Director of the National Council for Sustainable Development (2002–2006) and the Council for Organic Reform; and Secretary-General of the National Assembly that approved the constitutional revision proposals by Legislative Yuan (2005). He has received the Award of Excellence in Research from the National Science Council.


Thursday 18 September 2014, 5.30-7.30pm

The revelations by former NSA and CIA contractor Edward Snowden have brought into public attention the methods and scope of electronic mass surveillance by the United States and other states. While some technology experts and even lawyers have drawn the conclusion that the right to privacy is ‘dead’, or that there cannot be any legitimate expectation of e-privacy anymore, others insist on upholding the status of the right to privacy as a universal human right, possibly with an inviolable core or at least subject to an analytically rigorous test of permissible limitations. The UN General Assembly has adopted a resolution on the right to privacy in the digital age and the matter is being further debated in UN circles, including with a view towards new normative instruments or mechanisms. In his lecture, Professor Martin Scheinin looked into these developments and presented the ongoing work of his collaborative research project SURVEILLE (Surveillance: Ethical Issues, Legal Limitations, and Efficiency), funded by the European Union. One central dimension of SURVEILLE relates to a multidisciplinary methodology of ‘scoring’ surveillance technologies on the basis of their efficiency in delivering better security, the degree of privacy intrusion caused, and ethical issues that arise.

Martin Scheinin is Professor of International Law and Human Rights at the European University Institute, Florence. He served as the first United Nations Special Rapporteur on the Protection and Promotion of Human Rights and Fundamental Freedoms while Countering Terrorism (2005–2011) and was prior to that a member of the Human Rights Committee (1997-2004). Currently he heads a collaborative multidisciplinary research project on the ethics, legal limitations and efficiency of surveillance technologies, called SURVEILLE and funded by the EU Commission (2012-2015).
CCCS Seminar: The Implied Freedom of Political Communication: The Continuing Uncertainties of the Second Limb of the Lange Test

Tuesday 7 October 2014, 1-2pm

Associate Professor James Stellios considered a series of recent High Court cases dealing with the implied freedom of political communication.

The presentation highlighted a range of continuing uncertainties in relation to the application of the second limb of the Lange test. Although the Lange test is considered to be settled, there remain important differences of approach to the scope of the inquiry that must be undertaken.

Dr James Stellios holds the position of Associate Professor at the ANU College of Law. His primary research interest is constitutional law, and he has published widely in that field. He is also a barrister at the NSW Bar and has appeared as junior counsel in a number of constitutional cases. Prior to joining the ANU in 2001, he spent a number of years in legal practice working for the Australian Government Solicitor and the Commonwealth Attorney-General’s Department, including a period as Counsel Assisting the Solicitor-General of the Commonwealth.

CCCS Seminar: Constitutional Non-Redundancy

Wednesday 15 October 2014, -2pm

Constitutions worldwide are becoming increasingly long and more detailed. Yet there are clear potential costs, as well as benefits, to specificity from the perspective of drafters. The paper investigated one of these costs – the potential for specific constitutional language to create redundancy in respect of more general constitutional language. Courts, the article suggested, have three broad ways of responding to the potential for redundancy of this kind: they can treat specific constitutional language as having purely evidentiary force; they can identify some special procedural function served by specific constitutional language; or they can treat specific language as controlling the meaning of both particular ‘local’ constitutional issues and related, more general constitutional provisions. This latter approach in particular also often involved a significant distortion in ‘global’ constitutional meaning from the perspective of drafters: provisions that are intended to clarify the scope of a particular norm, or exceptions to it, may end up directly undermining, or distorting, the intended scope of more general constitutional provisions. This form of global interpretive ‘externality’, the article suggests, is also
frequently an over-looked downside or cost to efforts at greater constitutional codification. The article called for greater caution by drafters in following the current trend toward constitutional codification, or more serious consideration of the merits of an older style of “framework-style” approach to constitutional drafting. The article made these arguments by reference to detailed constitutional case-studies from India, South Africa and Australia involving affirmative action; and Canada, India and Australia involving federal legislative power.

**Rosalind Dixon** is a Professor of Law, at the University of New South Wales, Faculty of Law, having recently served as an Assistant Professor at the University of Chicago Law School. She earned her BA and LLB from the University of New South Wales, and was an associate to the Chief Justice of Australia, the Hon. Murray Gleeson AC, before attending Harvard Law School, where she obtained an LLM and SJD. Her work focuses on comparative constitutional law and constitutional design, theories of constitutional dialogue and amendment, socio-economic rights and constitutional law and gender, and has been published in leading journals in Canada, the US, the UK and Australia, including Osgoode Hall Law Journal, Cornell Law Review, the University of Pennsylvania Journal of Constitutional Law, The International Journal of Constitutional Law and the Sydney Law Review. She is co-editor, with Tom Ginsburg, of a leading handbook on comparative constitutional law, *Comparative Constitutional Law* (Edward Elgar, 2011), and a new related volume *Comparative Constitutional Law in Asia* (Edward Elgar, 2014).

**Public Lecture**

**Accountability Round Table & CCCS Public Lecture: Integrity in Politics: A Media Perspective**

*Tuesday 18 November 2014*

**Michelle Grattan** is one of Australia’s most respected and awarded political journalists. She has been a member of the Canberra parliamentary press gallery for more than 40 years, during which time she has covered all the most significant stories in Australian politics.

In this lecture, Michelle commented on integrity in politics. Of unquestioned integrity in her own profession, she has observed more examples of integrity, or lack of it, over the years than most people in Canberra. This lecture was an opportunity for an insight not to be missed.

**Symposia/ Round Table**

**CCCS Book Symposium: The New Commonwealth Model of Constitutionalism: Theory and Practice**

*Thursday 29 May 2014, 5.15-6.45pm*

In this book, Stephen Gardbaum argued that recent bills of rights in Canada, New Zealand, the United Kingdom and Australia are a ‘new Commonwealth model of constitutionalism’ that promises both an alternative to the conventional dichotomy of legislative versus judicial supremacy and innovative techniques for protecting rights. The book analysed the novelty and normative appeal of this model as a third general model of constitutionalism before presenting
individual and comparative assessments of the operational stability, distinctness and success of its different versions in the various jurisdictions.

In this symposium Professors Carolyn Evans, Rosalind Dixon and Dr Lael Weis offered commentaries on the book and Professor Gardbaum responded.

About the author:
**Stephen Gardbaum** is the MacArthur Foundation Professor of International Justice and Human Rights at UCLA School of Law. He was a 2012-13 Fellow at New York University's Straus Institute for the Advanced Study of Law and Justice and the 2011-12 Guggenheim Fellow in constitutional studies. Apart from *The New Commonwealth Model of Constitutionalism*, other recent work includes a series of articles on the comparative structure of constitutional rights, which have just been collected and published as a book by the European Research Center of Comparative Law. His scholarship has been cited by the US and Canadian Supreme Courts and widely translated.

**ALC & CCCS (Invitation Only) Round Table: Asia: Globalisation, Regionalism and Researching Public Law**

*Wednesday 27 August 2014*

*Co-hosted with the Asian Law Centre*

Participants: Professor Cheryl Saunders, Professor Jiunn-rong Yeh, Professor Simon Evans, Professor Sarah Biddulph, Professor Adrienne Stone, Professor Michael Crommelin and Professor Pip Nicholson

In this invitation only round table, Melbourne Law School scholars together with Professor Yeh discussed issues in relation to globalisation, regionalism and researching in Public Law in Asia.
ILLAH/ CCCS Round Table: Making Sense of *Maloney v R* (2013)

Friday 31 October 2014

Participants: Associate Professor Beth Gaze, Dr Ann Genovese, Associate Professor Kirsty Gover, Dr Coel Kirkby, Dr Mark McMillan, Paula O’Brien, Professor Adrienne Stone, Associate Professor Maureen Tehan and Dr Lael Weis.

In this round table, Melbourne Law School scholars discussed the significance and the consequences of *Maloney v R* for indigenous-settler relations and social justice in Australia.

In June 2013, the High Court decided that alcohol restrictions imposed by the Queensland government on the aboriginal community of Bwgcolman (Palm Island) did not breach the *Racial Discrimination Act*, because they were “special measures” designed to “secure the adequate advancement” of a racial group. *Maloney v R* (2013) is a landmark case of almost unprecedented controversy, touching on many of the most difficult and politically volatile aspects of the relationship between Australian governments and indigenous peoples.

The case reignites longstanding debates about the meaning of equality and non-discrimination in Australian laws targeting indigenous peoples, the tension between public responsibility and paternalism in indigenous affairs, the status and powers of aboriginal institutions in the face of governmental unilateralism, the relation between individual claims and community self-determination in indigenous politics, and the relevance of Australia’s international human rights obligations in litigation about indigenous policy.
Legal Theory Workshop

The Legal Theory Workshop series meets regularly to discuss unpublished works-in-progress on a variety of theoretical and normative issues in the law.

Guests presenters for Semester one 2014 includes:

11 March 2014
Professor Frederick Schauer (Virginia), “How General Must Jurisprudence Be?”
Commentator: Dr Dale Smith (Melbourne)

21 March 2014
Professor David Sloss (Santa Clara), “Polymorphous Public Law Litigation: The Forgotten History of Nineteenth Century Public Law Litigation”
Commentator: Professor Michelle Foster (Melbourne)

28 March 2014
Professor Richard Revesz (NYU), “Rethinking Health-Based Environmental Standards” (with M. Livermore)
Commentator: Professor Lee Godden (Melbourne)

9 April 2014
Dr Kristen Rundle (UNSW), “Legal subjects and juridical persons: Developing “bottom-up” jurisprudence through Fuller and Arendt”
Commentator: Dr Patrick Emerton (Monash)

16 May 2014
Professor Kal Raustiala (UCLA), “How Can Brands Flourish in the Knockoff Kingdom? What China Tells Us About the Bad – And Good – Effects of Luxury Goods Counterfeiting”
Commentator: Professor Sarah Biddulph (Melbourne)

23 May 2014
Dr Arie Rosen (Auckland), “Statutory Interpretation and Political Theory”
Commentator: Professor Jeffrey Goldsworthy (Monash)

29 May 2014
Professor Adrienne Stone (Melbourne) and Professor Rosalind Dixon (UNSW), “Philosophical Foundations of Constitutional Amendment”
Commentator: Ms Anna Dziedzic (Melbourne)

Guests presenters for Semester two 2014 includes:

1 August 2014
Professor Jeff McMahan (Rutgers), “Proportionality in Defence”
Commentator: Group Captain Ian Henderson AM (Asia Pacific Centre for Military Law)

8 August 2014
Professor Nathaniel Persily (Stanford), “The Stronger Parties as a Solution to Polarization”
Commentator: Professor Donald Critchlow (Arizona State) and Associate Professor Timothy Lynch (Melbourne - Political Science)

The Legal Theory Workshop series meets regularly to discuss unpublished works-in-progress on a variety of theoretical and normative issues in the law.

Guests presenters for Semester one 2014 includes:

**11 March 2014**
Professor Frederick Schauer (Virginia), “How General Must Jurisprudence Be?”
Commentator: Dr Dale Smith (Melbourne)

**21 March 2014**
Professor David Sloss (Santa Clara), "Polymorphous Public Law Litigation: The Forgotten History of Nineteenth Century Public Law Litigation"
Commentator: Professor Michelle Foster (Melbourne)

**28 March 2014**
Professor Richard Revesz (NYU), “Rethinking Health-Based Environmental Standards” (with M. Livermore)
Commentator: Professor Lee Godden (Melbourne)

**9 April 2014**
Dr Kristen Rundle (UNSW), “Legal subjects and juridical persons: Developing “bottom-up” jurisprudence through Fuller and Arendt”
Commentator: Dr Patrick Emerton (Monash)

**16 May 2014**
Professor Kal Raustiala (UCLA), “How Can Brands Flourish in the Knockoff Kingdom? What China Tells Us About the Bad – And Good – Effects of Luxury Goods Counterfeiting”
Commentator: Professor Sarah Biddulph (Melbourne)

**23 May 2014**
Dr Arie Rosen (Auckland), “Statutory Interpretation and Political Theory”
Commentator: Professor Jeffrey Goldsworthy (Monash)

**29 May 2014**
Professor Adrienne Stone (Melbourne) and Professor Rosalind Dixon (UNSW), “Philosophical Foundations of Constitutional Amendment”
Commentator: Ms Anna Dziedzic (Melbourne)

Guests presenters for Semester two 2014 includes:

**1 August 2014**
Professor Jeff McMahan (Rutgers), “Proportionality in Defence”
Commentator: Group Captain Ian Henderson AM (Asia Pacific Centre for Military Law)
8 August 2014
Professor Nathaniel Persily (Stanford), “The Stronger Parties as a Solution to Polarization”
Commentator: Professor Donald Critchlow (Arizona State) and Associate Professor Timothy Lynch (Melbourne - Political Science)

22 August 2014
Professor Jeremy Gans (Melbourne), “Current Experiments in Australian Constitutional Criminal Law”
Commentator: Associate Professor Arlie Loughnan (Sydney)

26 September 2014
Professor Julian Savulescu (Oxford), “Ethics and Law of Voluntary Palliated Starvation”
Commentator: Dr Daniel Halliday (Melbourne - Philosophy)

10 October 2014
Dr Zim Nwokora (Melbourne), “Dynamic Designs in Constitutional Engineering”
Commentator: Professor Cheryl Saunders (Melbourne)

24 October 2014
Commentator: Associate Professor Matthew Harding (Melbourne)
Funded Research Grants

Australian Research Council (ARC)

Discovery Projects in 2014

Joo-Cheong Tham, Iain Campbell and Judy Fudge (2013-2015)

Precariousness in Law and Labour Markets: The Case of Temporary Migrant Workers

Funding: $245,000

This project examines the situation of temporary migrant workers in Australia, focusing on the nature and extent of their precariousness both in law and in labour market practice. It offers a major contribution to current research and policy debates on the implications of temporary migrant labour.


‘How can the Australian Family Law System Respond to Islamic Dispute Resolution Processes so as to Best Support Muslim Women?’

Funding: $329,900

The University of Melbourne

Melbourne Interdisciplinary Seed Funding from 2014


How are Low Protection Workers Regulated? A Pilot Study in Australia and Indonesia

Funding: $40,000

This project is a preliminary investigation of the norms and rules that govern workers who lie outside the scope of labour standards laws (in either a legal or practical sense). Such workers generally receive lower levels of protection in respect of their remuneration, working time and leave entitlements than those covered by labour laws. They also have limited or no access to dispute resolution and enforcement processes that assist those covered by formal work law. There are many low protection workers in developed countries such as Australia and in developing countries, like Indonesia, low protection workers vastly outnumber those covered by labour laws.

Melbourne School of Government (Research Cluster Grant) from 2014

Miranda Stewart, Brian Galligan, Scott Brenton, John Freebairn, Hielke Buddelmeyer, Cheryl Saunders, Michael Crommelin, Anne Tiernan, Jenny Menzies, Robyn Hollander, Justin Hanney, Philip O’Meara and David Burns (2013-2015)

Renewing Australian Federalism

Funding: $146,000

This research cluster Renewing Australian Federalism takes up the challenge and opportunity to improve fiscal sustainability, democracy and innovation in Australia’s federation in particular by strengthening the States. In Australia’s federation, major policy areas are shared by the Commonwealth and States. The Commonwealth, through monopolising income taxation and using ‘tied grants’ has become a major player in State policy areas such as health and education. Australia’s significant Vertical Fiscal Imbalance (VFI) has enabled strong national development but has produced a lop-sided system in which the Commonwealth is inclined to over-reach and centralise in ways that may be dysfunctional. Prime Minister-elect Tony Abbott has called for a White Paper on Federal State Relations. We will contribute to this policy process to end neglect of Australia’s federal infrastructure, recently described as an ‘unavoidable avenue to success of any Australian vision.’
Melbourne School of Government Incubator Grant

**Joo-Cheong Tham, Zim Nwokora and Nicholas Reece (Social and Political Sciences) (2014-2015)**

*The Problems of Campaign Finance Regulation*

Funding: $24,774

---

**Dyason Fellowship**

**Michelle Foster** (2014-2015)

*Statelessness in International Refugee Law*

Funding: $5,000

---

**Melbourne Law School-Asia Research Collaboration**

**Pip Nicholson, Tim Lindsey and Anup Surendranath (National Law University, Delhi) (2015)**

*Comparing death penalty law and practice: India*

Funding: $9,995

---

**Melbourne Law School-National University of Singapore Law Research Partnership**

**Kirsty Gover and Dr Nicole Roughan (NUS) (2015-2016)**

*Philosophical Foundations of Indigenous Law: Scoping Workshop*

Funding: $19,511

---

**Melbourne Law School-Oxford Research Partnership**

**Michelle Foster and Cathryn Costello (Oxford) (2015-2016)**

*The New Dynamics of International Refugee Law*

Funding: $17,442 and £9,995

---

**New South Wales Electoral Commission and Victorian Electoral Commission**

**Electoral Regulation Research Network**

**Joo-Cheong Tham** (2015-2018)

Funding: $150,000
Publications

Authorised Research Book


Book Chapters


Foster, M, ‘Why We Are Not There Yet: The Particular Challenge of ‘Particular Social Group’’ in E Arbel, C Dauvergne and J Millbank (eds), *Gender in Refugee Law: From the Margins to the Centre*, Routledge, United Kingdom (2014), 17-45


Gover, K, ‘Inter-Indigenous Recognition and the Cultural Production of Indigeneity in the Western Settler States’ in A Eisenberg, J Webber, G Coulthard and A Boisselle (eds), *Recognition versus Self-Determination: Dilemmas of Emancipatory Politics*, University of British Columbia Press, Canada (2014), 201-224


Patmore, G, ‘The Right to Participate: Revisiting Roach and Rowe’ in G Patmore and K Rubenstein (eds), *Law and


Saunders, C, 'Judicial Engagement' in R Dixon and T Ginsburg (eds), Conference on Comparative Constitutional Law in Asia, Edward Elgar Publishing Ltd, United Kingdom (2014), 80-101


Edited Books


Journal Articles Refereed


Weis, L, 'Constitutional Amendment Rules and Interpretive Fidelity to Democracy' (2014) 38 Melbourne University Law Review
Law Review 240-280


Other Journal Articles


Gans, J, ‘The DNA, the Handshake and the Digeridoo: Fitzgerald v The Queen’ (2014) Opinions on High


Smith, D, ‘Can Reckless Abuse of Authority Amount to Rape? Gillard v The Queen’ (2014) June Opinions On High


Weis, L, ‘The High Court Upholds the Forfeiture of a Drug Offender’s Castle: Attorney-General (NT) v Emmerson’ (2014) May Opinions On High

Revised Book


Referenced Works


Young, M, Fragmentation, Oxford Bibliographies, (2014) Oxford University Press, United Kingdom
APPENDIX

Advisory Board Profiles

Ian Cunliffe

Ian Cunliffe has had a long career as a solicitor in private practice and a senior federal public servant. He has been a partner of some of Australia’s largest legal partnerships, and also practised under his own name. Earlier, Ian was successively head of the Legal Section of the Department of Prime Minister and Cabinet, Secretary and Director of Research of the Australian Law Reform Commission and chief executive of the Australian Constitutional Commission. At the beginning of his career, Ian was Associate to Sir Cyril Walsh at the High Court of Australia. He holds degrees in Arts and Law from the Australian National University. His constitutional interests focus on the role of the Constitution as a brake on government and as a guarantor of freedom of interference by government. He was the unsuccessful litigant (3:4) in the implied rights case *Cunliffe v. The Commonwealth* (1994) 182 CLR 272.

Dr Stephen Donaghue QC

Stephen is a Victorian barrister whose practice areas include constitutional and administrative law. In addition to winning the Supreme Court Prize as a law student at the University of Melbourne, Stephen also holds a doctorate from Oxford, where he studied after receiving a Menzies Memorial Scholarship in Law and a Commonwealth Scholarship. He practised with Minter Ellison in both Melbourne and London offices, and was Associate to Justice Hayne of the High Court of Australia. He is the author of *Royal Commissions and Permanent Commissions of Inquiry* (Butterworths 2001) and of numerous articles in leading journals in the public and commercial law fields.

Dr Gavan Griffith AO QC

Gavan Griffith AO, QC., was Solicitor-General of Australia from 1984 to 1997 and practices as counsel and as an international arbitrator from chambers in Melbourne and at Essex Court Chambers, London.

Peter Hanks QC

Peter Hanks practices predominantly in public law; administrative law and constitutional law. He appears regularly for Commonwealth and State government agencies, and against those agencies, in the Federal Court, High Court, State and Territory Supreme Courts, Commonwealth AAT and VCAT. He has published several books on constitutional law and administrative law. He is a consultant to Butterworths’ ‘High Court and Federal Court Practice’.

Wendy Harris SC

Wendy Harris is a Melbourne barrister, specialising in constitutional and commercial law, with a particular interest in free expression. She has been involved in a number of leading constitutional cases, including *Theophanous v Herald & Weekly Times; Kruger v Commonwealth; Kartinyeri v Commonwealth* and *Grain Pool of WA v Commonwealth*. She has an active public law practice, and has spoken and written in national and international fora on free expression and other constitutional issues.

Justice Chris Maxwell

Justice Maxwell is currently the President of the Victorian Court of Appeal. As a barrister his interests lie in the field of public law – administrative law, constitutional law, FOI and related areas such as taxation and customs. He has appeared in a number of constitutional and other cases in the High Court, dealing with issues ranging from environmental law and copyright to taxation and industrial law. Chris has had a range of experience with boards and Commissions of Inquiry as: Counsel assisting the Mental Health Review Board in the Garry David case (1990); Junior Counsel for the State Bank of Victoria in the Tricontinental Royal Commission (1990-92); Counsel assisting the Judicial Inquiry into the Australian Secret Intelligence Service (1994-5). He has also had a variety of commercial experience, including as junior counsel for the State of Victoria in its negligence action against the former auditors of Tricontinental.
Justice Debbie Mortimer

Justice Mortimer was appointed to the Federal Court in July 2013, based in Melbourne. Prior to her appointment, she was a member of the Victorian Bar and was appointed Senior Counsel in 2003. She remains a Senior Fellow at Melbourne Law School and a member of the Advisory Board of the Centre for Comparative Constitutional Studies.

Justice Mortimer’s practice was principally in public law, together with anti discrimination and extradition law, and in all areas she acted for both applicants and respondents, and for and against government, in state and federal jurisdictions including in the High Court.

Justice Mortimer has had a substantial public interest practice, particularly in migration law, environmental law and anti-discrimination law, and was involved in many ground-breaking cases over the last 20 years. She has received a number of awards in respect of this work, including the 2011 Law Council of Australia President’s Medal, the Victorian Bar’s Pro Bono Perpetual Trophy and the Australian Human Rights Commission Law Award.

Mark Moshinsky QC

Mark Moshinsky practices mainly in Commercial Law, Conflict of Laws, Constitutional Law, Administrative Law and Taxation. Mark studied law at the University of Melbourne 1984-1988 and was awarded the Supreme Court Prize 1988. He completed a Bachelor of Civil Law with First Class Honours at Oxford University as a Rhodes Scholar.

Justice Stephen McLeish

Stephen McLeish was appointed Solicitor General for Victoria in April 2011. He was formerly Associate to Chief Justice Sir Anthony Mason (High Court of Australia) and a Solicitor with Arthur Robinson & Hedderwicks. He completed a Master of Laws Degree at Harvard in 1991 concentrating on Constitutional Law and Jurisprudence and has published articles on Public and Corporate Law.

Professor Brian Opeskin

Brian Opeskin is the Professor of Legal Governance at Macquarie Law School, Sydney. Prior to joining Macquarie University, he held positions as Head of the Law School at the University of the South Pacific in Vanuatu (2006-2008); Commissioner and then Deputy President of the Australian Law Reform Commission (2000-2006); academic at Sydney University Law School (1989-2000) where he was Associate Professor and Associate Dean for Postgraduate Studies; and as Associate to Justice Mason at the High Court of Australia (1985-1986). He undertook his undergraduate degrees in economics and law at the University of New South Wales and then pursued postgraduate study at Oxford University on a Shell Australia scholarship. Brian researches and teaches in the broad field of public law, and has written widely on constitutional law; courts, judges and jurisdiction; international law; and conflict of laws. While at the Australian Law Reform Commission, he was Commissioner in charge of five public inquiries, including inquiries into federal judicial power, the protection of human genetic information, gene patenting and human health, sentencing of federal offenders, and sedition laws.

Jason Pizer QC

Admitted to the Victorian Bar in 1999, Jason’s areas of practise include Administrative Law (Judicial Review) and Administrative Law (Merits Review). From May 1994 until April 1995, prior to completing his articles at Mallesons Stephen Jaques, Jason worked as an associate to Sir Anthony Mason, the then Chief Justice of the High Court. Jason is currently the co-editor of Kyrou and Pizer, Victorian Administrative Law, the author of the chapter entitled ‘Applications to the Victorian Civil and Administrative Tribunal’ in the Lawyers Practice Manual, and has published articles in numerous journals on various areas of the law, including the Victorian Civil and Administrative Tribunal, freedom of information, company law, intellectual property law, torts law and equity.

Justice Richard R S Tracey

Justice Tracey was appointed to the Federal Court of Australia in July 2006. A former student and senior lecturer at the University of Melbourne, Richard Tracey was Queen’s Counsel in Victoria, Tasmania and New South Wales. His civil practice concentrated on administrative law and industrial law. He also had a long and distinguished military practise
including as Judge Advocate and Reviewing Judge Advocate (Defence Force Magistrate). Since 2007 he has been the Judge Advocate General of the Australian Defence Force. He is also President of the Defence Force Discipline Appeal Tribunal.

He was a member of various Commonwealth tribunals and was senior counsel assisting the Royal Commission into the Building and Construction Industry.

To join our mailing list and receive notice of CCCS events and publications, please send an email to:

tlaw-cccs@unimelb.edu.au

www.law.unimelb.edu.au/cccs