Welcome to the 43rd edition of the Centre for Comparative Constitutional Studies newsletter, a guide to news and events at the Centre.

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- Centre members also blog at Opinions on High: blogs.unimelb.edu.au/opinionsonhigh/
- The IACL Blog: iacl-aide-blog.org
We write at the close of 2020 with great pride in what CCCS and its members have achieved over the course of the last six months. While our personal and professional lives have continued to be radically challenged by the COVID-19 public health crisis and all that has come with it – including for universities specifically – we have rallied together to push forward with our many trajectories of public law research. Our community spirit is as strong as ever.

Our signature Tuesday lunchtime ‘Brown Bag’ seminars, converted to Zoom format earlier in the year, have continued to bring us together and indeed to include a wider group of people than is possible when convened on location at the law school. These weekly meetings were the backbone of our community life in the past six months. This makes us all the more indebted to Dinesha Samararatne and Julian Murphy for their enthusiastic and imaginative leadership of the semester 2 series, which totalled 15 seminars across a (characteristically) wide range of national and international public law topics. See the full details of the Brown Bag program on p 20.

Sorting all of this out backstage has been the ever-efficient Connor Foley, who kindly stepped in as our Acting CCCS Administrator following Aftab Hussain’s transfer to another role at the law school. Our professional staff have been very much at the centre of the climate of uncertainty that has surrounded the university throughout 2020, and we feel immensely fortunate that we have continued to be able to work with both Connor and Aftab during such times.

Despite no face-to-face contact with any of us (!), our talented pool of CCCS JD Research Associates have continued to work with individual academic members over the course of the semester, and to again lead the special Member and Alumni Features included in this newsletter. To that end, all thanks to Annie Jiang for her wonderful Member Feature interview with Dinesha Samararatne (who sadly leaves us soon to return to Sri Lanka), and to James Gunn and Nick Felstead for their terrific Alumni Features on Osayd Awada and Peter Morrissey S.C. Head to pp 10-16 to enjoy the fruits of their efforts!

As with semester 1, the COVID-19 pandemic has seen the engagement activities of CCCS members take on a new scale. CCCS Director Kristen Rundle led CCCS’s submissions to, and appearance before the Senate Standing Committee for the Scrutiny of Delegated Legislation inquiry into the exemption of delegated legislation from parliamentary oversight in September, and was also an active media commentator on Victoria’s Hotel Quarantine Inquiry following the publication of her Policy Brief, Reassessing Contracting-out: Lessons from the Victorian Hotel Quarantine Inquiry under the auspices of the Melbourne School of Government’s (MSoG) ‘Governing During Crises’ policy brief series. Full details of the engagement activities of our members can be found in our Member Updates on pp 3-9.

Our events schedule has naturally been lighter than usual this semester – but active nonetheless. On 11 August we co-hosted (with the Tax Group) a webinar, ‘Reforming Tax Sharing in the Federation’ led by Professor Rudolf Mellinghoff (President of the Federal Supreme Finance Court of Germany), and throughout September several CCCS members participated in the ConTransNet-led 2020 Melbourne Forum on Constitution Building in Asia and the Pacific. Over this period, the Laureate Program convened two workshops: On 20-21 August, a virtual workshop was held on ‘Making Constitutions Work Post-war: Insights from Nepal, Myanmar and Sri Lanka’ and on 4–5 November, the Freedom of Speech Symposium brought scholars from law, political science, philosophy and cognate disciplines together to discuss works in progress on freedom of speech.

We have also hosted two book launches to celebrate the achievements of our colleagues. On 4 November we co-hosted (with the Asian Law Centre) a book panel on Bui Ngoc Son’s Constitutional Change in the Contemporary Socialist World, and on 17 November launched The Frontiers of Public Law, co-edited by Jason Varuhas, at an online event that saw commentaries on the book’s themes offered by Justice Michelle Gordon (High Court of Australia), Professor Anne Twomey (Sydney), and our CCCS colleague Kirsty Gover.

Last but not least, a range of CCCS members participated in one of the largest global constitutional law events of 2020: Democracy 2020: Assessing Constitutional Decay, Breakdown and Renewal Worldwide, led by our MSoG colleague Tom Daly and jointly convened with the Laureate Program in Comparative Constitutional Law and the International Association of Constitutional Law. The series featured featuring 58 speakers from 5 continents across 5 days. The theme of the webinar series “Democracy 2020” was designed to allow for focussed reflection on the state of constitutional democracy and its contemporary challenges world-wide. Demonstrating the power of the internet to connect us in time of pandemic, the webinar series was accompanied by a blog dedicated to the Roundtable where many of the papers have now been published.

For further details about this remarkable event, see Tom Daly’s report on p 21. While other events may have been put on hold during this period, the work of our individual academics has continued apace: numerous books and articles are currently in press. Again, see our Member Updates for full details.

Accomplishments among CCCS members have also continued to roll in despite the obstacle course of 2020. Congratulations to former McKenzie Postdoctoral Fellow, Shireen Morris, for her appointment with the law school at Macquarie University. We also congratulate our colleague Professor Tarun Khaitan on his appointment as Vice Dean of the Faculty of Law at Oxford, though we are pleased that he retains an appointment at Melbourne Law School. We hope also to soon share the announcement of a new podcast Constitutional Cafe to be produced in association with...
Adrienne Stone’s Laureate Program in Comparative Constitutional Law. The podcast series will launch in early 2021.

As for 2021… Continuing uncertainty about how best to convene larger scale events like our bi-annual CCCS Constitutional Law Conference causes us – for now at least – to keep plans for its intended 2021 iteration on hold. We will be sure to update our community when we can, as we will also in relation to any other CCCS events. Changes to the law school’s operating environment generated by the COVID-19 crisis will sadly also see Kristen Rundle step down as co-Director of CCCS at the beginning of 2021, so that she can meet other institutional responsibilities. Kristen and Adrienne have so enjoyed stewarding the CCCS ‘mothership’ together these past four years, and are delighted by what they have been able to accomplish as a team. Adrienne is immensely grateful to Kristen for the energy, determination and flair she has brought to her leadership of CCCS.

And so, onwards into 2021 we head: but not before taking a well-earned break at the end of the most irregular of years. We look forward to seeing you all – ideally in person – at the first opportunity.

With very best wishes to all of the CCCS community,

Professor Adrienne Stone  Professor Kristen Rundle

Book Launch: ‘The Frontiers of Public Law’ with the Hon. Michelle Gordon AC (High Court of Australia), Professor Jason Varuhas (MLS), Professor Anne Twomey (University of Sydney) and Professor Kirsty Gover (MLS), held 17 November 2020.
Adrienne Stone, Co-Director

Publications:


Presentations:


Panellist, Free Speech at Work: Folau, Banerji and Beyond? Australian National University College of Law, 15 July 2020: https://www.youtube.com/watch?v=OmLab1P3obl

Appointments:

Scientific Board, Diritto Pubblico Comparato ed Europeo.
Advisory Board, Centre for Comparative Law, National Law University, Delhi.

Kristen Rundle, Co-Director

Publications:


Policy Paper:


Presentations:


Media:


Cheryl Saunders AO, Foundation Director

Publications:


Reports and submissions:

‘Institution-building in post-referendum Bougainville’ (with Anna Dziedzic), a report for the National Research Institute of PNG.

Submission to the Independent Review of Administrative Law in the UK (with Professor Kate O’Regan).

Submission to the National Cabinet of COAG Councils and Ministerial Forums.

Engagements:


Presenter, webinar, ‘Lessons from International Experience for the Creation of a New Constitution, Horizontal Think Tank, Chile, 7 October 2020.


Presenter, Pathways to Politics program, Melbourne School of Government, 25 July 2020.

Organiser and commentator, Melbourne Forum webinar

MLM Teaching:
Multi-level government, August 2020.
Law and Public Administration, September 2020.

Centre Members
Farrah Ahmed

Book:

Book Chapter:

Article:

Briefing Note:
On India’s Citizenship regime used in motion tabled in Parliament of New South Wales.

Erika Arban

Blog Posts:


Book Review:

Presentations:

‘City, State: reflecting on cities in (comparative) constitutional law’, Comparative Constitutional Law Roundtable at University of New South Wales, 10 December 2020.

Engagement:

Tom Daly

Appointments:

Articles:


Debate Article:

Book Chapters:

‘Diagnosing Democratic Decay in Non-Paradigm Cases’ in PH Villas Boas Castelo Branco, C Barbosa Gouvêa & B Lamenha (eds), Populismo, Constitucionalismo Populista, Jurisdição Populista e Crise na Democracia [Populism, Populist Constitutionalism, Populist Jurisdiction and Democratic Crisis] (forthcoming).

Book Section Introduction:


Country Report:


Policy Reports:


Blog Posts:

‘Giving Form to a Shapeless Threat: Tarun Khaitan’s Work on Democratic Decay in India’. Forthcoming, Law and Other Things (India). Invited contributor to symposium on Tarun Khaitan’s article ‘Killing the Constitution with a Thousand Cuts’.


Opinion Pieces:

‘As the US elections near, global democracy is at stake’ Pursuit, 15 September 2020: https://pursuit.unimelb.edu.au/articles/as-the-us-elections-near-global-democracy-is-at-stake


Translation:


COVID-DEM:

Launched in April 2020, COVID-DEM charts the impact of the COVID-19 pandemic on democracy worldwide and provides a platform for sharing and developing knowledge. In July 2020 it was made a central part of International IDEA’s Global Monitor of COVID-19’s Impact on Democracy and Human Rights

AfCite Project:

The AfCite Project, co-led by African scholars, aims to construct a ‘map’ of the influence of the Court’s judgments on national judiciaries by gathering citations of its case law, to make this information available online, and to write long-form qualitative analysis of the data collected.

Engagement:


Invited Discussant: CCL Roundtable (above) for Professor Tarun Khaitan’s paper ‘Constitutional Time’, UNSW Law School, 8-11 December 2020.


Invited speaker ‘Trump/Biden 2020: unpacking an election like no other’ Webinar series, University of Melbourne School of Arts, 29 October 2020 and 5 November 2020.


Invited speaker: ‘The Deliberative Wave: Miracle or Mirage?’, Centre for Comparative Constitutional Studies
Alison Duxbury

Book Chapter:

Article:

Beth Gaze

Media:

Tarun Khaitan

Articles:


Pip Nicholson

Book Chapters:
‘Vietnamese Deliberative Authoritarianism’ (with Do Hai Ha) in Chen Weitseng and Fu Hualing (eds) Authoritarian Legality in Asia: Formation, Development and Transition (CUP, 2020) 227 - 256.


Publication:
William Partlett

Book Chapter:

*Expanding Revision Clauses in Democratic Constitutions*, in ‘Redrafting Constitutions in Democratic Regimes: Theoretical and Comparative Perspectives’ (Gabriel Negretto ed.) (Cambridge University Press 2020) 53-77.

Article:


Publication:


Presentation:


Podcast:

Producing a podcast episode on post-Soviet Eurasian constitutionalism (forthcoming).

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Dinesha Samararatne

Presentations:


‘Elections Commission in Sri Lanka’ workshop on Democratic Constitutions and Elections Commissions convened by the Gilbert-Tobin Centre of Public Law, University of New South Wales, 7 December 2020.

‘Public participation in development initiatives within conflict-affected contexts’ at the Virtual Roundtable ‘Reimagining Development: How do Practice-Based Approaches Shape the Localization of Development?’ convened by the Institute for Global Development, University of New South Wales, 3 November 2020.

Resource person for programme on Women and Constitutions for the Shadow Committee on Constitution Building in Palestine (30 September, 7 and 8 October 2020).

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‘Women’s Rights’ at the webinar on ‘COVID-19 Impact on Women-MENA Region focus’ organized by An-Najah University, Palestine (19 August 2020)

Publications:


Blog Posts:

‘Chameleon Constitutions and Sri Lanka’s 20th Amendment’ (to be published)


Articles:


‘What’s in the 19th Amendment for Me?’, Groundviews, 3 August 2020.

Scott Stephenson

Articles:


Lael K. Weis

Publications:


Dale Smith

Article:

‘Unstated Legal Obligations’ in Stefano Bertea (ed), Contemporary Perspectives on Legal Obligation (Routledge, 2020).
An interview with Peter Morrissey S.C.

Peter Morrissey S.C. is a Barrister registered in the State of Victoria. He has appeared as counsel in many serious criminal proceedings throughout Australia, including homicide cases, terror-related charges, narcotics offences, major fraud and ASIC prosecutions. Peter has experience working with various inquests, including as counsel assisting at the Royal Commission into the Protection of Children in the Northern Territory, and has appeared in many administrative law matters, including cases in VCAT, Fair Work Australia, the Supreme Court of Victoria and in various medical tribunals in Victoria and New South Wales. Peter is a member of the Criminal Bar Association of which he was Chairman from 2013-2016, and is a regular contributor to the Bar’s CLE program. His teaching experience includes Constitutional & Administrative Law, Criminal Law and International Criminal Procedure and Human Rights and Criminal Procedure at the University of Melbourne. Peter recently appeared for the family of much-loved Yorta Yorta woman Tanya Day who died in police custody.

Peter Morrissey was interviewed by Nicholas Felstead, JD Research Associate at the Centre for Comparative Constitutional Studies.

Could you please tell us about how you became associated with the Centre for Comparative Constitutional Studies?

I was taught Advanced Constitutional Law by Cheryl Saunders in 1990 and it was a wonderful class filled with eccentricities — Cheryl enjoyed teaching, it was a very infectious atmosphere. I then started working for the Constitutional Centenary Foundation, editing Intergovernmental News around the ministerial councils. There, I worked with both Cheryl and John Finemore. The CCF was a ‘chaotic’ but very fruitful endeavour.

In the 1990s, there was a greater level of cooperation between academy and government, who assisted us with open heart — for example with Intergovernmental News. Today, Ministers and party machines are outcome-driven, and more attuned to the wavelength of lobbyists, less so the academy. Then, the same apparatus did not stand in the way of our work. It is interesting, in this light, seeing how the US election has played out. The Democrats took up science-driven positions, less so the academy. Then, the same approach, keen to impress and display very high courtroom standards. I think the joy of being able to play the game at the highest levels brings out the best in the Australians.

Chief Justice Allsop recently commented that criminal law is the ‘epitome of public power’. You have developed an incredibly interesting practice at the Bar, engaging in both criminal and public law matters at all levels of the judicial system. How much has the course and shape of your practice been by design?

Joyful mixture of both design and good fortune, so too a mixture of public and criminal law. Through my work with Cheryl and Greg Craven, I developed a great love for public law; my work with young offenders — before my life in the law — instilled an appreciation and understanding of criminal law.

I have always sought to link the two fields, and have done a lot of high-level criminal litigation where the public law aspects have been relevant. Many criminal barristers seem to disappear within the world of criminal law — Crimes Act, Evidence Act, Bail Act, Criminal Procedure Act — and can’t find time to consider the public law influence. Public law has always been a consistent theme in my life and I believe that public law should always be part of criminal law.

Across your areas of practice, what has been the most rewarding case you have run, and why?

It is hard to give a single answer. The battle is rewarding. Working in criminal law is working in a wonderful drama itself; it is constantly entertaining and always engaging. At times it is a mongrel sporting contest, and an intellectual, public law bout at others. For all its issues, it is a wonderful system that almost always produces the right result.

One case that sticks in the mind is The Prosecutor v Sefer Halilovic, the first acquittal in the ICTY. Working on the international stage was an incredible experience and I was able to see just how comparatively talented my fellow Australian lawyers are. They are hard-working, keen to impress and display very high courtroom standards. I think the joy of being able to play the game at the highest levels brings out the best in the Australians.

I was honoured to represent accused in big trials. Robert Farquharson’s trials broke my heart, but a jury acquitted Tony Mokbel of murder despite a tidal wave of bad publicity against him. These trials are demanding, and it is sustaining to remember the role you are being asked to play on the community’s behalf — to defend the Accused when the state’s agencies seek to have him or her convicted and imprisoned for life.

Beyond advocating for the case-by-case development of law, how important are the voices of barristers and solicitors (compared with, for example, legal academics) in shaping law reform?

An interesting question. The voice of the legal profession can be very patchy. Lawyers are great on some social issues, for example the strong and sensible approach to the same-sex marriage debate and the ongoing battle to do away with sexism, homophobia and racism in the law. This is not to say we are perfect, but barristers have been good at fighting those battles. However, barristers can also be insular and avoid engaging in broader law reform issues. We scarcely engage with the press and government and when we do, we do it poorly. Our professional bodies are appropriately cautious, but as individuals we fear grandstanding and we keep too quiet.
Barristers often feel disempowered. This is partly due to our duties of confidentiality to clients and our duty to the court. More generally, there is intense pressure on courts and counsel to perform in an inherently (but increasingly) hostile environment. The general demise in reasonable political debate is also causing fractures at the Bar. We could work to repair that using the boring, middle of the road discourse discussed earlier.

**What piece of advice has stuck with you most throughout your career, and what advice do you give to students and young lawyers?**

The best advice I ever heard is ‘Read the Act’. It’s so easy, it has the answers, it is a cure for headache and always gives you something useful to do when confused!

Otherwise, noting that advice is less good than examples, two comments. First, you need to do what you are engaged in and not worry about the money. At 24, a few thousand dollars may be a significant variance in salary. When you reach your 50s, if you are doing what you love and are good at it, you will be fine financially. You should also avoid trying to race up a ladder — go to the adventure that attracts you. This requires discipline, but it is worthwhile to escape the drama and bullying that comes with the rat race.

Second, you must never lose sight of your relationships with the people you love. It sounds clichéd, but law can be all-consuming. It drives anxiety. Others pay the price. Even when flying high in battle, some level of humility must be maintained about where you fit in the cosmos, so that you don’t forget those you love.

**There has been some commentary surrounding the new appointments to the High Court — Justices Steward and Gleeson — and their relative lack of criminal and constitutional law experience. As someone at the coalface, what are your views on the issue?**

Nobody should fear judges with no criminal or constitutional law background. Often the best criminal judges come to the courts without any background in the field. As always, it is up to counsel to get the debate squarely into the Court; no High Court judge will fail, if given a proper run at the case.
An interview with Dr Osayd Awawda

Osayd is a Ph.D recipient from the Melbourne Law School, having graduated in November 2019 under the supervision of Laureate Professor Emeritus Cheryl Saunders AO and Professor Simon Evans. Osayd is currently an Assistant Professor at the College of Law and Political Science, Hebron University.

Osayd was interviewed by James Dunn, JD Research Associate with the Centre for Comparative Constitutional Studies.

How did you become associated with the CCCS, and how has it shaped your current work?

While writing my thesis, my principal supervisor, the one-of-a-kind Professor Cheryl Saunders introduced me to the CCCS team, and after several conversations with them, I became interested in the work they do. After attending a Brown Bag seminar for the first time, which was about a topic related to Australian constitutional law, I thought the comparative research they did just compared Australian with non-Australian legal systems. However, following some other seminars and events held by the CCCS, I realised that is not limited to that sort of comparative work; rather, it is truly global.

Being associated with the CCCS has assisted me in becoming more rigorous in the way I approach legal ideas, and more aware of the common characters of constitutional scholarship world-wide. These two skills are vital as they help scholars from underrepresented jurisdictions to clearly present their work to the rest of the world.

Constitutional courts have been a focus of your work. What advantages and disadvantages do you see in having a specialised constitutional court, as Palestine does, rather than a generalist apex court like the High Court of Australia?

Palestine has been ruled by an authoritarian regime since 2007, and it was in 2016 that the President established a specialised constitutional court, depriving the High Court of its jurisdiction to hear constitutional cases. The High Court sits either as a Court of Cassation or as a High Court of Justice. As the former, it reviews objections submitted against how appellate courts have applied the law, and it sits as the latter to review objections against administrative decisions.

Hence, for Palestine, as a country ruled by an authoritarian regime, a specialised constitutional court has almost no advantages for the people, while its disadvantages are abundant. For example, the President single-handedly decided whom to appoint to that court, without going through the independent process used to appoint High Court judges. Also, he amended the Law of the Constitutional Court in a way that limited its jurisdiction, without causing much discontent, compared to what would have happened had he changed the law that governs the High Court. Some scholars argue that specialised constitutional courts can perform effective tasks to uphold the constitution; I believe that this is far away from being applicable to the case of Palestine, because of the harsh measures the regime takes against its dissidents.

Established in 2016, the Constitutional Court of Palestine is a relatively young institution. What is your sense of its contribution so far to Palestinian state-building?

Hopeless. Many judgments of the Court lead to this answer. One of the first judgments that the court has pronounced gave the President de facto unlimited power to issue decrees-by-law, a legislative instrument in the Palestinian system that allows the President to issue decrees that are at the same level as a statute in states of necessity. The Court did not affirm the constitutional criterion that must be met when issuing such decrees-by-law: namely, that they be issued for the sole purpose of facing an imminent and immense danger. Thus, since the suspension of the Parliament in 2007 by an unconstitutional decree-by-law, the President has become the sole legislature in Palestine, and the Court has cloaked him with the façade of legitimacy that he sought.

The despair was deepened in 2018, when the Court issued a poorly-argued interpretive order dissolving the Parliament, which was in suspension since 2007, and (beyond its competence) advising the President to hold presidential and parliamentary elections in the middle of 2019. Two years after the judgment, there is still no Parliament. All of this is not surprising if you keep in mind that all the Court’s judges were in fact single-handedly appointed by the President.

You have written about the Palestinian Constitutional Court’s review of the State of Emergency. Much of the life of the Constitutional Court has occurred during a state of emergency. States of emergency are a common situation across the world at the moment. Based on your work, what insights can you offer on the role of courts in emergencies?

Courts’ role in such a state depends on multiple factors, including but not limited to: how accessible is the Court? How robust and firm are the articles that govern the state of emergency in the constitution? How difficult is it for the Court’s judges to be removed if the executive is displeased with what they decide regarding the state of emergency? If the Court is accessible, the articles are clear and immune to manipulative interpretation, and judges may not be easily removed by the regime, then expect such a court to be vocal and at the front of defending human rights and uphold constitutional principles, with almost certain retaliation from the regime against its judges to various degrees. On the other hand, if the judges are pawns of the executive and the articles of the constitution are vague and fragile, then expect the Court to be a tool of legitimation for the regime’s actions in such a state.

This sharp dichotomy is largely due to two features of constitutional courts: the irreversibility of their judgments — which are final
the sense that it is not possible to change their effects through legislative avenues — and the fact that their lawmaking discretion in the adjudication process is wider compared to other courts. Both features raise the risk of executive interference to impinge on the constitutional judicial process, seeking to prevent rulings that run counter to the regime's interests.

A lot of comparative constitutional work in Australia focuses on the United States and the United Kingdom or other Commonwealth countries. What might Australian constitutional lawyers be missing by not doing comparative work over a broader range of jurisdictions?

As a proudly Muslim, Arab scholar, the first examples of a current 'broader range of jurisdictions' that come to my mind are not very pleasing to study, since the vast majority of Muslim, and hence Arab, countries are under authoritarian rule. This is a disheartening realization. However, this is not to say that I have lost hope in Muslim and Arab nations becoming free of authoritarianism and submission to the age-old colonisers one day, but I am quite sure that ‘Oriental’ jurisdictions (primarily Muslim countries) are facing a different challenge compared to that faced by the ‘Occidental’ ones (primarily secular western countries), which makes it hard, yet not impossible, to do comparative work over both jurisdictions.

The Orient is still theocentric, and God's Law is often at the heart of the debate between the ruler and the people, whether explicitly or not. On the other hand, the Occident, particularly following the French 'Enlightenment' has decided largely to shun religion away from the arena of governance. Seeking a source of authority other than 'the Divine', they opted for the quantitative measure called 'majority', which has never been and will never be a criterion for what is 'right'.

For this reason, I am convinced that while people of the Oriental jurisdictions seek a jubilant reunion with the Divine Law, the Occident seeks to travel further away from the 'dark ages' of the 'Ecclesia' as it can be seen with the issues of gender and sexuality, for instance.
An interview with Dr Dinesha Samararatne

Dinesha Samararatne is a Postdoctoral Fellow in the ARC Laureate Program in Comparative Constitutional Law. Her recent research work has been in relation to public participation in constitution-making, judicial enforcement of economic and social rights, judicial interpretation of fundamental rights, the influence of Indian public law in the development of public law in Sri Lanka and access to justice. Dinesha previously taught Administrative Law, Constitutional Law and Human Rights Law at the University of Colombo. Dinesha is a LLB graduate from the University of Colombo and an Attorney-at-Law. She read for her Master's degree as a Fulbright Scholar at Harvard Law School, MA, USA and she completed her doctoral studies at the University of Colombo. Dinesha has previously been affiliated with the Centre on Comparative Constitutional Law as a Kathleen Fitzpatrick Visiting Fellow (April – May 2018).

Dinesha was interviewed by Annie Jiang, JD Research Associate with the Centre for Comparative Constitutional Studies.

This is your second time joining CCCS as a Fellow. How has your involvement with CCCS influenced your academic work?

My first association with CCCS was April–May 2018 when I spent several weeks at MLS as a Kathleen Fitzpatrick Visiting Fellow in the Laureate Program of Comparative Constitutional Law under Professor Adrienne Stone. My experiences far exceeded my expectations. During that time, I was introduced to CCCS as well as to the Constitution Transformation Network (CTN). When I had an opportunity to consider returning for a longer spell as a Postdoctoral Fellow, I had no doubt that CCCS would be an ideal professional home for me. 2018 was also my first visit to Melbourne and I fell in love with the city very quickly. It's hard not to!

CCCS, in combination with the Laureate Program and CTN, forms a unique and remarkable academic space. The comparative experiences and insights that are available here are unparalleled. The CCCS community maintains rigorous academic standards alongside a strong sense of collegiality. Discussions of draft papers, reading groups and workshops are opportunities for constructive discussion and feedback, and underscore the collective dimension to scholarly pursuits. CCCS has been a place where I can pursue my academic interests with a high level of support and encouragement from colleagues. The academic rigour I’ve experienced here has inspired me to be more exacting in my work.

During my time at MLS, I have also taken on new responsibilities as a co-editor of the IACL Blog and a member of the Indian Law Review editorial board. My formation at CCCS has enabled me to take on these roles with confidence, and provided me with a wonderful community of colleagues that I can consult and draw from.

What drew you to post-conflict constitution building as an area of research?

This interest is almost entirely due to my life experiences in Sri Lanka. I was not directly impacted by the internal armed conflict in Sri Lanka, but it was an ever-present political reality and cause for anxiety in my life. The war ended with the military defeat of the LTTE in 2009, but the political issues that gave rise to the conflict remain unresolved. The post-war issues relating to human rights protection and governance further complicate an already complex situation. My interest in constitution building as a means of addressing some of these issues was therefore almost inevitable.

In defining the scope of my research interest I have been influenced by my broader research, teaching and consultancy experiences in public law in Sri Lanka which involve, among other things, field-based research on human rights issues and the study of the judiciary in their adjudication of public law disputes. In working on human rights issues, I have had the opportunity to meet with different communities in Sri Lanka. I found the gap between lived experiences and the black letter of the law to be confronting. I realised the disadvantages of narrow specialisations within law and developed an appreciation for a broader perspective of law, that is to say, a perspective that is not limited by narrow specialisations (for instance, within public law or limited to public law). I further realised the value of observing and interpreting law through the perspectives that other disciplines, such as sociology, have to offer.

Sri Lanka's experiences, while unique, resonate with similar experiences in the region.

Since 2018, I have been a member of the Melbourne Forum, a network of scholars and practitioners in constitutional law in the Asia-Pacific region convened by CTN and International IDEA. The deliberations at the Forum annual meetings have given me rich insights into post-conflict constitution building from a regional perspective as well. As a result of these diverse experiences, I have approached post-conflict constitution building with eclectic interests, including public participation in constitution making, the intersection between transitional justice and constitution building, women's rights and increasingly the perspective of the study of institutions, including fourth branch institutions. I explore some of these questions in the article I published in the Asian Journal of Comparative Law this year. I explored them more fully and from a regional perspective in the virtual workshop that I convened in August this year titled ‘Making Constitutions Work Post-War: Insights from Nepal, Myanmar and Sri Lanka’. The aim of the workshop was to consider whether the category of ‘post-war’ is analytically useful in constitution making specifically, as well as in the implementation of constitutions more generally. Eight draft papers that responded to this theme were debated
and discussed over four sessions on the two days: three on Nepal, two on Sri Lanka, one on Myanmar and two on all three case-studies. The Indian Law Review will publish a Special Issue with these papers.

You’re known for your research on women including women with disabilities in post-war Sri Lanka. How important is it to bring a constitutional perspective to addressing the rights of women?

This interest also grew out of lived experiences. Gender justice (conflict related and more generally) has been a cross-cutting theme in my work due to the gender injustices that I have encountered. Over the years, I have studied gender justice as a human rights issue and more recently, I have been able to draw on these experiences to produce research that provides insight into gender justice from the perspective of public law. My research has explored women in the legal profession, the study of women with disabilities in war-affected contexts and the study of gender justice through adjudication.

My work on women with disabilities was developed in collaboration over a period of six years with Associate Professor Karen Soldatic, a sociologist now at the University of Western Sydney. We were able to make a distinct contribution to the field and engage stakeholders such as the Sectoral Oversight Committee on Gender of the Eighth Parliament of Sri Lanka. We also co-authored an article, published by Disability & Society in 2015, that has travelled well.

In 2016, Professor Neloufer de Mel, a cultural studies specialist at the University of Colombo and I co-authored an article titled ‘The Law’s Gender: Entanglements and Recursions — Three Stories from Sri Lanka’ in On_Culture: The Open Journal for the Study of Culture which examines the discriminatory and recursive impact of the triangular relationship between the state, law and culture in Sri Lanka. I have also recently published an article in the Journal of Law and Society where I examined the experiences of some pioneering women in Sri Lanka’s legal profession to explore barriers that women experience in the profession.

Finally, I have written a chapter, ‘Reframing Feminist Imperatives in Adjudication through a Reading of Sri Lankan Jurisprudence’, in a forthcoming book titled Women and the Judiciary in the Asia-Pacific and edited by Associate Professor Melissa Crouch. In it, I examine the barriers to the realisation of gender justice presented by the exercise of judicial discretion in public law adjudication (constitutional and criminal).

Working on these different issues has given me insights into the broader legal, political and social context within which women’s issues play out and into the need for institutions and policies that give effect to constitutional guarantees, but also into the challenges of inclusion in constitution building. I am now able to locate constitutional issues within this broader scheme in a meaningful way. Drawing from this research, I have engaged with the question of women and constitution-building through two separate projects at CTN. In 2019, I was part of a team that ran a programme for women from the ASEAN region and in 2020, together with Dr Anna Dziedzic, I ran a programme for the Women’s Shadow Committee on constitution building. Anna and I co-authored a brief on Women and Constitutions in Action as a follow up to the programme in 2019 and we are currently preparing another brief as a follow up to the programme in Palestine, which will be translated into Arabic.

How valuable do you find collaborations with other scholars when doing the work of comparative constitutional law?

I take the view that academic work is done best in community and that comparative research is done best in collaboration — whether in terms of joint authorship, by reading draft papers of colleagues or contributing constructively at workshops. This is another reason why I think CCCS is the sweet spot on earth for this type of academic work! Meaningful collaboration requires an academic culture which values excellence, encourages a range of reasoned views and supports the well-being of its members. I appreciate and have benefited from the non-hierarchical nature of the academic community at Melbourne. It has encouraged me to develop and cultivate my voice.

I have had the privilege of working collaboratively with several of my colleagues at CCCS, at the Laureate Program, at CTN and at the IACL Blog. A review of Revolutionary Constitutions by Bruce Ackerman that I co-authored with Dr Erika Arban and Professor Eleonora Bottini was published by the Modern Law Review this year. I am also a co-editor of Constitutional Resilience Beyond Courts: Views from South Asia, alongside Professor Tarun Khaitan and Assistant Professor Swati Jhaveri to be published by Hart. This year I have also worked with Associate Professor William Partlett on a paper examining the national and the transnational in constitutional discourse drawing from Russia and Sri Lanka. Erika and I are about to complete another book review essay.

Finally, Dr Asanga Welikala, Assistant Professor Tom Daly and I are convening a workshop on Democratic Consolidation and Constitutional Endurance: Comparing Uneven Pathways of Constitutional Development in Asia and Africa in 2021. I’m excited about this particular workshop because it will bring emerging scholars from the ‘Global South’ in conversation with more established scholars to look at the question of constitutional change, resilience and democratic decay from the perspective of several understudied jurisdictions. Working collaboratively with my colleagues at CCCS and with colleagues that I have been introduced to through CCCS, such as Professor Melissa Crouch from the University of New South Wales, has been one of the highlights of my Fellowship and I look forward to continuing these partnerships and establishing new ones too.

More generally, how might we effectively apply comparative constitutional methodology when engaging in constitution building and reform?

I have been drawn to this question time and time again in my research in the last two years. In asking this question, I have gone beyond considerations that relate to constitution building and reform. In retrospect, it seems to me that my different research interests have enabled me to approach this question from

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various angles. The discussions in the Laureate Program reading groups were a wonderful opportunity to reflect on this question collectively. I guess the challenge here is to use methodologies that allow us to understand each jurisdiction in context. In other words, how do we allow each jurisdiction to speak for itself? This is particularly challenging when studying jurisdictions that are outside the ‘canon’ as it were.

I suspect that the adoption of inter-disciplinary methods is one way in which we could respond to this challenge. I have used my collaborative experiences to experiment in this area. I am currently working on a paper on Sri Lanka’s Election Commission for which I am conducting interviews with key actors. My aim is to develop an ethnographical account of the Election Commission in order to expand our understanding of how this institution works within its milieu.

I have also grappled with the following question: How do we develop research in a way that enables us to be comparative in the global sense, accounting for the diversity in the field? I am currently working on a book chapter where I consider this in depth as a scholar from — and interested in — the ‘Global South.’ In this piece, I consider the significance of the ‘Global South’ as a category in the field of comparative constitutional law and revisit some of the methodological problems arising out of the ‘informal canon’ in the field. I suggest that it is time to bring together the critical approaches in comparative constitutional law under the umbrella of ‘Decolonising Approaches in Constitutional Law’ or DACL. I am still in the early stages of developing this argument, but the point I want to make is that decolonising the field, in terms of shifting the Eurocentric focus, in substance as well as in methodology, is beneficial not only for a better understanding of the Global South, but also for the field as a whole. The issues at stake are also questions of epistemic and cognitive justice.

Numerous subjects offered in the MLM are specifically designated for Government Law. Some of these are established favourites and are offered annually or biannually. These include, for example, Regulatory Policy and Practice (Yeung), Statutes in the 21st Century (Gordon), Freedom of Speech (Stone) and Royal Commissions and Public Inquiries (Nichols). The subject Hot Topics in Public Law (Varuhas and Saunders) will be offered for the first time in 2021.

Most subjects are taken intensively over a five-day period. Subjects may be taken singly or towards a Diploma, a Specialist Masters degree, or the LLM. Any one potentially interested in the program is welcome and encouraged to discuss subject selection with the Directors of Studies, Cheryl Saunders or Jason Varuhas.

Subjects may be packaged in various ways, depending on interest. The following are only two examples.

Students seeking an advanced grounding in Australian public law might choose from (amongst others):

- Constitutional Rights and Freedoms (Stone, Kenny)
- Regulatory Policy and Practice (Yeung)
- Royal Commissions and Public Inquiries (Nichols)
- Statutes in the 21st Century (Gordon)
- Human Rights in Australia (Evans, Pound)
- Private Law and Government (Varuhas, Saunders)

Students with an interest in public law with comparative dimensions might choose from (amongst others):

- Hot Topics in Public Law (Varuhas, Saunders)
- Comparative Human Rights Law (Porat)
- Comparative Indigenous Rights (Borrows)
- Constitutions in Global Perspective (Stone, Saunders)
- Law and Public Administration (Varuhas)

Join us if you can and be part of the vibrant public law life centred around the CCCS!
Our recent activities

The fifth Melbourne Forum on Constitution Building in Asia and the Pacific – the first to be run online – was held in September, hosted by CTN and International IDEA. The theme of the Forum was “Representation in Democracies During Emergencies” with a particular focus on the current COVID-19 pandemic. The Forum comprised four webinars hosted on consecutive Thursdays in September. The Forum brought together practitioners and scholars from across Asia and the Pacific to discuss a range of issues in the context of the pandemic. The webinars looked at the different use of emergency powers, law-making and accountability, multi-level governance, and the role of inter-governmental and independent institutions in COVID-19 responses. Videos of each webinar can be viewed via the links above.

In July, Assoc. Prof. Tom Daly participated in a webinar on ‘COVID-19 and Impacts on Constitutional Democracy’. Tom was joined by Justice Gilmar Mendes of the Supreme Court of Brazil and Prof. Aline Osório, Secretary-General of the Superior Election Court for a wide-ranging online discussion on how the pandemic has affected constitutional democracy.

In July/August, Prof. Cheryl Saunders made a number of inputs to the Australian Royal Commission into National Natural Disasters Arrangements. On 31 July, Prof Saunders participated in a preliminary witness conference. She was then called by the Commission on 6 August to make oral submissions. A transcript of Prof Saunders inputs can be downloaded from the Royal Commission’s hearing’s page.

In September and October, CTN partnered with Palestinian Centre for Constitutional Studies (CCS) at an-Najah National University to facilitate a number of seminars in support of Palestine’s constitutional processes. Prof. Cheryl Saunders and Assoc. Prof. Tom Daly led two seminars for seven judges from the Palestinian Constitutional Court. The first seminar discussed comparative approaches to judicial interpretation, and the second seminar looked at the court’s role in human rights protections. The discussion was very engaging, with judges sharing their own experiences and reflections on the topic. Subsequently, Dr Dinesha Samararatne and Dr Anna Dziedzic led a series of three training workshops on ‘Gender and Constitution-Making in Palestine’, designed to strengthen the capacities of approximately 50 civil society stakeholders involved in the ongoing Palestinian constitution-drafting process.

In October, Prof. Saunders provided expert comparative analysis in support of Chile’s referendum to decide on whether and how the country would undertake a new constitution-making process. She participated as an expert panellist in a webinar for Chilens titled “Lessons from International Experiences: A Roadmap for a New Constitution”, which was organised only a couple of weeks in advance of the referendum vote. Following the vote, Cheryl’s comparative insights on the next steps of the process were captured in an interview with a local newspaper, El Mecurio.

Our recent publications

In July, Prof. Cheryl Saunders published a policy brief titled, “A New Federalism: The Role and Future of the National Cabinet”. The Brief was part of the Melbourne School of Government’s (MSOG) new “Governing During Crises” research series, developed in response to Australia’s recent bushfires and the COVID19 pandemic. The Brief explores the effectiveness of the recently created National Cabinet’s handling of the COVID19 crisis, examining how Australia’s federal system was able to mount an effective and coordinated response to the pandemic through this new inter-governmental arrangement. Cheryl also published a complementary article in Pursuit, which queried the use of the National Cabinet as an effective state-federal negotiation and agreement-making forum.

Prof. Cheryl Saunders also published an article in August with Prof. Michael Crommelin in the Public Law Review titled, “Engineers and Constitution-Building”. The article re-examines the Engineers case through the lens of constitution-building and explores its continuing relevance for 21st century Australia.

Assoc. Prof. Tom Daly published two Policy Briefs as part of the MSOG “Governing During Crises” research series. Tom’s first policy brief was titled “Securing Democracy: Australia’s Pandemic Response in Global Context” which focused on how the pandemic has affected the democratic system and assessing how the government’s response complies with democratic standards. This was followed by a second brief on “Prioritising Parliament: Roadmaps to Reviving Australia’s Parliaments” which discussed the political resistance to the re-opening of several Australian Parliaments, whose sittings were sidelined as part of the pandemic response.

In August, Assoc. Prof. Will Partlett published a paper titled, “Russia’s 2020 Constitutional Amendments: A Comparative Perspective” as a University of Melbourne Legal Studies Research Paper. The article provides a comparative analysis of the 2020 amendments to the Russian Constitution. Comparatively, the amendments follow the recent ‘populist’ trend toward state-building grounded on constitutional centralism, anti-institutionalism, and protectionism. For modern Russia, William argues that the reforms further entrenched a problematic socialist legacy and are likely to undermine the creation of an effective, stable, and strong Russian state.

Website: http://law.unimelb.edu.au/constitutional-transformations
Twitter: @ConTransNet
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The Laureate Program in Comparative Constitutional Law focuses on balancing diversity and social cohesion in democratic constitutions, a critical problem that becomes increasingly urgent as nations grapple with the challenges of highly diverse multicultural societies. The Laureate Program is funded by the Australian Research Council annually from 2016 – 2021.

Our Team

Under the auspices of the Laureate Program, a diverse group of researchers have been assembled to pursue these questions. The program is led by Professor Adrienne Stone who directs the program. Professor Stone’s work on freedom of speech, judicial reasoning, constitutional institutions and comparative method provide a framework for the project. Post-doctoral Fellows Dr Erika Arban and Dr Dinesha Samararatne round out the senior research team, along with Associate Professor Stijn Smet, as Senior Research Associate. Dr Arban's work on federalism has a special focus on issues raised by socio-economic difference and Dr Samararatne’s focuses on constitution-making in post-war contexts. Over the last year, the team has been assisted by Shawn Rajanayagam, Joshua Quinn-Watson and Stephanie Brenker as Research Associates. The Program is managed by Gabrielle Dalsasso.

Laureate Program Events

Due to COVID-19 we have either postponed or moved our planned events from face to face meetings to virtual events. Although this change brought a new set of challenges, one of the silver linings was the opportunity to connect with many more friends and colleagues across the globe.

In August, a reading group was convened via Zoom to explore Vicki Jackson’s, Constitutional Engagement in a Transnational Era (OUP 2010). On 20-21 August, a virtual workshop was held on ‘Making Constitutions Work Post-war: Insights from Nepal, Myanmar and Sri Lanka’. In October, a reading group was convened that focused on Constituent Power and the Law by Joel Colon-Rios (Oxford 2020). On 22 October, the Laureate Program co-sponsored a book talk for Ran Hirschl’s City, State, Constitutionalism and the Megacity (OUP 2020).

On 4–5 November, the Freedom of Speech Symposium brought scholars from law, political science, philosophy and cognate disciplines together to discuss works in progress on freedom of speech. Most recently, the Laureate Program co-sponsored the IACL Global Roundtable Series. Assessing Constitutional Decay, Breakdown and Renewal Worldwide, comprising 9 webinars over 18 – 26 November. Speakers’ blog posts, interviews and recordings are all available at: https://www.iacl-democracy-2020.org/.

Kathleen Fitzpatrick Visiting Fellows

The Kathleen Fitzpatrick Visiting Fellowships supports female, early career researchers through the Kathleen Fitzpatrick Fellowship Scheme, and is funded by the Australian Research Council annually from 2016 – 2021. Each year, the Fellowship brings outstanding female researchers to join the Laureate Program, for up to two months to progress their research, and make valuable connection with other academic scholars. Unfortunately we had to postpone this year’s cohort and hope to see them in Melbourne sometime in 2021.
Convenors: Julian Murphy and Dr Dinesha Samararatne

4 August 2020, Tuesday
‘Parliamentary Scrutiny of Delegated Legislation’, Deputy Dean and Associate Professor Lorne Neudorf (Adelaide Law School)

11 August 2020, Tuesday
‘Palace Letters Case’, Professor Anne Twomey (Sydney Law School)

18 August 2020, Tuesday
‘Constitutional Characterisation’, Professor James Stellios (Australian National University)

25 August 2020, Tuesday
‘The Deliberative Wave: Miracle or Mirage?’, Laureate Professor Emeritus Cheryl Saunders AO and Associate Professor Tom Daly (Melbourne Law School).

1 September 2020, Tuesday
‘Academic Freedom and the Ridd Case’, Professor Adrienne Stone (Melbourne Law School)

8 September 2020, Tuesday
‘Administrative Relationships in 2020’, Professor Kristen Rundle (Melbourne Law School) and Ian Cunliffe (Ian Cunliffe Legal)

15 September 2020, Tuesday
‘Public Law Perspectives on Citizenship and Statelessness in India’, Professor Farrah Ahmed (Melbourne Law School), Dr Adil Hasan Khan (McKenzie Fellow), Mr Balu Nair (Melbourne Law School), Professor Jeff Redding (Melbourne Law School) and Ms Saika Sabir (Jindal Global University)

22 September 2020, Tuesday
‘Is there a Right of Return to Australia?’, Professor Kim Rubenstein (University of Canberra)

29 September 2020, Tuesday
‘Liberal Constitutionalism at the Zero Lower Bound’, Dr Will Bateman (Australian National University)

13 October 2020, Tuesday
‘Referendums in Australia and New Zealand’, Professor Janet McLean (University of Auckland), Dr Paul Kildea (University of New South Wales) and Dr Shireen Morris (Macquarie University)

20 October 2020, Tuesday
‘City, State: reflecting on cities in (comparative) constitutional law’, Dr Eriba Arban (Melbourne Law School)

27 October 2020, Tuesday
‘Are Political ‘Attacks’ on the Judiciary Ever Justifiable? The Relationship between Unfair Criticism and Public Accountability’, Dr Scott Stephenson (Melbourne Law School)

10 November 2020, Tuesday
‘Deliberative Rights Theory: A Framework’, Associate Professor Ron Levy (Australian National University), Associate Professor Vanessa MacDonnell (University of Ottawa) and Dr Scott Stephenson (Melbourne School of Government)

17 November 2020, Tuesday
‘Causal processes, by-products and constitutional action’, Dr Jayani Nadarajalingam (Melbourne School of Government)

24 November 2020, Tuesday
‘Constitutions and Party System Change in Africa’, Dr Zim Nwokora (Deakin University)

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Democracy 2020 Virtual Global Roundtable

A range of Centre members were involved in the organisation of one of the biggest global constitutional law events of the year: the International Association of Constitutional Law (IACL) Virtual Global Roundtable held on 18-26 November, ‘Democracy 2020: Assessing Constitutional Decay, Breakdown and Renewal Worldwide’. Featuring 58 speakers from 5 continents across 5 days, the event’s aim was to bring together a group of leading and emerging experts, to engage in a global ‘stock-taking’ exercise, aiming to map the health and trajectory of key democracies world-wide, pin-point gaps in analysis, and divine what broader lessons may be learned from multiple contexts and experiences.

CCCS Involvement

The event was co-organised by CCCS member Associate Professor Tom Daly and Professor Wojciech Sadurski (University of Sydney) and co-sponsored by the Laureate Program in Comparative Constitutional Law and MSoG. The Laureate Program, funded by the Australian Research Council (ARC), is led by Centre Director Professor Adrienne Stone, who is also President of the IACL. Current and former CCCS members were involved as speakers (Professor Stone and Dr Shireen Morris), webinar chairs (Dr Erika Arban and Professor Cheryl Saunders), and through the event partnership with the IACL Blog (run by Dr Arban, Dr Dinesha Samararatne and Toerien van Wyk). Laureate Program Manager Gabrielle Dalsasso and Centre member Joshua Snukal were part of the central event organisation team, alongside Astari Kusumawardani from MSoG. Other current and former CCCS members such as Dr Anna Dziedzic and Julian Murphy provided valuable additional assistance in providing feedback on draft programs and addressing logistics.

Inter-related Webinars

Due to the pandemic, what was initially envisaged as a 2-day event was re-imagined as a series of 9 inter-connected webinars across 2 weeks, devoted to an array of themes including global and regional overviews of constitutional democracy, challenges from algorithmic governance to voter suppression, understudied countries, key actors (e.g. courts, parliaments), and possible remedies and renewal of our democratic system. You can view the complete list of Webinars on the Global Roundtable programme.

Multimedia Model and Outputs

The Roundtable was organised as an innovative multimedia event, with a variety of outputs and activities beyond the webinars themselves, published before, during, and after the event. These include a dedicated event website, 5 speaker interviews provided as videos on the event website, 46 blog posts published online, which will be issued as an ebook shortly, re-publication of some blog posts in major media outlets (e.g. Scroll.In in India) and 9 webinar recordings to be uploaded shortly in edited form.

Audience

The event drew in a very large global audience including 574 registered participants from universities, international organisations (e.g. UN, Democracy Reporting International), and governments worldwide; 7,500 website visitors and 16,000 page-views (indicating that many website visitors explored multiple sections of the website). Attendees at the Roundtable came from 54 states and territories.

A Global and Diverse Event

Although the event was organised on the basis of a call for papers, every effort was made to ensure a diverse and inclusive event: 25 of 58 speakers (43%) and 4 of 8 chairs were female; 5 of 9 webinars had gender parity (Webinars 1, 6 and 9) or female-majority (Webinars 3 and 8). Early career researchers were well represented: 17 of 58 speakers (29%) were early career scholars (i.e. doctoral or post-doctoral researchers) and early career scholars were included as equal speakers within each webinar. The Roundtable featured speakers from, and analysis of, at least 30 countries and territories: Australia, Belarus, Brazil, Cameroon, Canada, Chile, China, France, Hungary, India, Indonesia, Israel, Kenya, Latvia, Lithuania, Malaysia, Malawi, Malta, Nepal, Nigeria, North Macedonia, Palestine, Philippines, Poland, Slovakia, South Africa, Sri Lanka, Turkey, UK, USA and Zimbabwe.

Linguistic diversity

The IACL’s bilingual nature as an organisation was reflected in French-language versions of website information and program, and simultaneous interpretation at webinars featuring French speakers.

Queries

Queries about the event can be sent to Tom Daly at thomas.daly@unimelb.edu.au. Both Tom and Wojciech are very grateful to every CCCS member who helped to make this such a successful and worthwhil event.
CCCS members are active researchers and teachers across a broad range of public law issues. Many are available to give presentations or to consult on public law projects, particularly contributing a comparative perspective to domestic issues. They are also interested in discussing potential projects with prospective research students.

Co-Directors
Professor Adrienne Stone
Professor Kristen Rundle

Research Centre Members
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Professor Farrah Ahmed
Professor Michael Crommelin AO
Professor Alison Duxbury
Professor Michelle Foster
Professor Jeremy Gans
Professor Beth Gaze
Professor Kirsty Gover
Professor Tarun Khaitan
Professor Pip Nicholson
Professor Joo-Cheong Tham
Professor Jason Varuhas
Professor Margaret Young
Associate Professor Tom Daly
Associate Professor William Pattlett
Associate Professor Glenn Patmore
Associate Professor Dale Smith
Dr Paula O’Brien
Dr Julian Sempill
Dr Scott Stephenson
Dr Lael ‘Lulu’ Weis

Post-doctoral Research Fellows
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Dr Dinesha Samararatne

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To learn more about us go to www.law.unimelb.edu.au/cccs

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