

Adrienne Stone FASSA FAAL

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CAREER HISTORY

Melbourne Law School, University of Melbourne: Redmond Barry Distinguished Professor 2017; Director of the Centre for Comparative Constitutional Studies 2008; Professor of Law 2007.

Australian National University: Fellow, Research School of Social Sciences, Law Program: 2002 – 2006; 2001 (Senior Lecturer) 1998 – 2000 (Lecturer).

Columbia University School of Law: Associate-in- Law 1995 – 1997.

Mallesons Stephen Jaques, Sydney: Solicitor, 1994 – 1995.

High Court of Australia: Associate to the Hon. Justice M.H. McHugh AC 1993.

VISITING APPOINTMENTS (Selected)

Visiting Professor, Harry Radzyner Law School, Reichman University, Israel, April 2024.

Visiting Professor, Sorbonne Law School (Univ. Paris 1) January 2018

Visiting Professor, Georgetown Law Centre, Georgetown University, Washington D.C., Spring Semester 2011.

HONOURS

Melbourne Laureate Professor 2022

Fellow, Academy of the Social Sciences in Australia (elected 2017)

Redmond Barry Distinguished Professor 2017

Kathleen Fitzpatrick Laureate Fellow (Australian Research Council, 2016-2022).

Honorary Life Member, Australian Association of Constitutional Law (conferred 2019)

Associate Member, International Association of Comparative Law (elected 2011).

Fellow, Australian Academy of Law (elected 2010).

ACADEMIC QUALIFICATIONS:

Year: 2002	Degree: J.S.D.	Columbia University
Year: 1997	Degree: LL.M.	Columbia University
Year: 1992	Degree: LL.B.	University of New South Wales
Year: 1991	Degree: B.A. (Philosophy)	University of New South Wales

PROFESSIONAL ASSOCIATIONS AND ACTIVITIES:

International Association of Constitutional Law: President Emeritus 2022, President 2018 - 2022; First Vice President 2014-2018, Member, Executive Committee 2007-2014.

Australian Association of Constitutional Law: Honorary Life Member 2019, Vice President, 2015-2017; Secretary/Treasurer 2010-13; Council Member 2005 -2009.

EDITORSHIPS

Foundation General Editor, *Comparative Constitutional Studies* (launched 2022)

Editor, *International Association of Constitutional Law Blog*: <https://iacl-aidc-blog.org> (2016-2018)

Editor, *Federal Law Review* 2001-2006

EDITORIAL AND ADVISORY BOARDS

Journals, Reference Works, Book Series

Advisory Board, *Anayasa Hukuku Dergisi* (Review of Constitutional Law, Turkey, <http://anayasader.org/ayhd/>)

Advisory Board, *Australian Feminist Law Journal*

Scientific Board, *Diritto Pubblico Comparato ed Europeo* (<http://www.dpce.it/>)

Distinguished Advisory Board, *Federal Law Review*

Editorial and Advisory Board, *Max Planck Encyclopedia of Comparative Constitutional Law*

Editorial and Advisory Board, *Cambridge Studies in Constitutional Law*

Editorial and Advisory Board, *Public Law Review*

Advisory Board, *Indian Journal of Constitutional and Administrative Law*: <http://ijcal.in/>

Research Centres

Advisory Board, *Centre for Comparative Law*, National Law University, Delhi.

Steering Committee (Ext Member), *Centre for Comparative and Transnational Law*, Chinese University of Hongkong

International Advisory Board, *Centre of Comparative and Public Law*, Hong Kong University 2020-2022

Chair, Advisory Board, *Julius Stone Institute of Jurisprudence*, University of Sydney

PUBLICATIONS

Books, Reference Works, Symposia

P Gerangelos, N Aroney, P Emerton, S Evans, S Murray and A Stone, *Australian Federal Constitutional Law: Cases and Materials* (5th ed, 2022) (4th Ed, 2017)

Tom G Daly, Wojciech Sadurski and Adrienne Stone (eds), 'Symposium: Assessing Constitutional Decay, Breakdown and Renewal Worldwide' (2022) Volume 8 *Constitutional Studies*

Carolyn Evans and Adrienne Stone *Open Minds: Academic Freedom and Freedom of Speech* (Black Inc, La Trobe University Press, 2021) (with Jade Roberts).

Adrienne Stone and Frederick Schauer, *Oxford Handbook on Freedom of Speech* (OUP, 2021)

Rosalind Dixon and Adrienne Stone (eds), *The Invisible Constitution in Comparative Perspective* (CUP, 2018)

Cheryl Saunders and Adrienne Stone, *Oxford Handbook on the Australian Constitution* (OUP, 2018)

Claudia Geiringer, Cheryl Saunders and Adrienne Stone (Eds), 'Symposium: Australasian Constitutional Law', (2016) *International Journal of Constitutional Law*.

Katharine Gelber and Adrienne Stone (eds), *Freedom of Speech and Hate Speech in Australia*, (Federation Press 2007).

Tom Campbell, Jeffrey Goldsworthy and Adrienne Stone (eds), *Protecting Rights without a Bill of Rights* (Ashgate/Dartmouth, 2006).

Tom Campbell, Jeffrey Goldsworthy and Adrienne Stone (eds), *Protecting Human Rights: Institutions and Instruments*, (Oxford University Press, 2003) xxii + 337 pp.

Tom Campbell and Adrienne Stone (eds), *Law and Democracy*, (Dartmouth, 2002) xxv + 546 pp.

Adrienne Stone and George Williams (eds), *The High Court at the Crossroads: Essays in Constitutional Law*, (Federation Press, 2000) xxii + 242 pp.

Publications in Scholarly Journals

Positive and Negative Constitutionalism and the Limits of Universalism: Review Essay, (2021) 41 *Oxford Journal of Legal Studies*, (with L.K. Weis) pp 1249-1271

The Meaning of Academic Freedom: The Significance of *Ridd v James Cook University* (2021) 43 *Sydney Law Review* 241 – 258.

'Freedom of Expression under the Australian Constitution' (2020) 7 *Journal of Constitutional Justice*, (Constitutional Research Institute of the Constitutional Court of Korea) pp. 111-145.

'Proportionality and its Alternatives' (2020) 48 *Federal Law Review* 123

'Abortion Protests and the Limits of Freedom of Political Communication', (2018) 40 *Sydney Law Review* 395 (with Shireen Morris):

Unconstitutional Constitutional Amendments: Between Contradiction and Necessity', (2018) 12 *Vienna Journal on International Constitutional Law* 357-368 Invited Symposium

'Viewpoint Discrimination, Hate Speech Laws and the Double-Sided Nature of Freedom of Speech' (2017) 32 *Constitutional Commentary* 687-96. (Invited Symposium)

'Putting Political Constitutionalism in its Place: A Reply' (2016) *International Journal of Constitutional Law* 198 -203 (Invited Contribution).

'Australasian Constitutionalism' (2016) 14 *International Journal of Constitutional Law* (with Claudia Geiringer and Cheryl Saunders) 54 -59.

'The Small Brown Bird: Values, Aspirations and the Australian Constitution' (2016) 14 *International Journal of Constitutional Law* (with Elisa Arcioni) 60-79.

The Ironic Aftermath of *Eatock v Bolt*', (2015) 38 *Melbourne University Law Review* 926-43 (Invited Symposium).

'Review Essay: Constitutional Orthodoxy in Australia and the United Kingdom: The Deepening Divide' (2015) 38 *Melbourne University Law Review* 836 -57.

'Insult and Emotion, Calumny and Invective': Twenty Years of Freedom of Political Communication (2011) 30 *University of Queensland Law Journal* 79-97 (Invited Symposium).

Structural Judicial Review and the Judicial Role in Constitutional Law, (2010) 60 *University of Toronto Law Journal* 109 (Invited Symposium).

Comparativism in Constitutional Interpretation, [2009] *New Zealand Law Review* 45.

Tom Campbell's Proposal for a Democratic Bill of Rights, (2009) 34 *Australian Journal of Legal Philosophy* 272-82 (Invited Symposium).

Judicial Review without Rights, (2008) 28 *Oxford Journal of Legal Studies* 1-32.

Free Speech and Insult in the High Court of Australia, (2006) 4 *International Journal of Constitutional Law* 677-688 (with Simon Evans).

- Defamation of Public Officials: North American Contrasts, (2005) 50 *New York Law School Law Review*, 101-124 (Invited Symposium).
- The Limits of Constitutional Text and Structure Revisited, (2005) 28 *University of New South Wales Law Journal* 842 - 851.
- Australia's Constitutional Rights and the Problem of Interpretive Disagreement (2005) 27 *Sydney Law Review* 29 - 48.
- Justice Gaudron and Constitutional Rights, (2004) *Public Law Review* 297-304.
- The Constitutionalisation of the Common Law, (with Graeme Hill), (2004) 25 *Adelaide Law Review* 67-102.
- The Common Law and the Constitution: A Reply, (2002) 26 *Melbourne University Law Review* 646-65.
- Disagreement and an Australian Bill of Rights: Review Essay: Jeremy Waldron, Law and Disagreement, (2002) 26 *Melbourne University Law Review* 478-97.
- Rights, Personal Rights and Freedoms: The Nature of the Freedom of Political Communication (2001) 25 *Melbourne University Law Review* 374
- Choice of Law Rules and the Application of the Constitution to the Common Law, (2001) *Public Law Review* 9-12.
- Freedom of Speech and Defamation in the Common Law World, (with George Williams) (2000) 26 *Monash University Law Review* 362-378. Reproduced in Eric Barendt *Freedom of the Press* (Ashgate, 2009).
- The Means and Ends of Constitutional Reticence, (2000) 25 *Australian Journal of Legal Philosophy* 157-166.
- The Limits of Constitutional Text and Structure (1999) 23 *Melbourne University Law Review* 668 - 708.
- Freedom of Political Communication, the Constitution, and the Common Law (1998) 26 *Federal Law Review* 219 -257.
- Incomplete Theorizing in the High Court, Review Essay: Cass R. Sunstein, Legal Reasoning and Political Conflict, (1998) 26 *Federal Law Review* 195.
- Public Interest and the Power of the Feminist Critique of Law School (1997) 5 *American University Journal of Gender and the Law* 525.
- Lange, Levy and the Direction of Freedom of Communication in Australia, (1998) 21 *University of New South Wales Law Journal* 117.
- Corporations and the Privilege against Self-Incrimination; *Environment Protection Authority v Caltex*, (1994) 17 *University of New South Wales Law Journal* 628.

Book Chapters and Contributions to Reference Works

- Precedents and Case-Based Reasoning in the Case-Law of The High Court of Australia (with Selena Bateman) in Monika Florczak-Wątor (ed) *Precedents and Case-Based Reasoning – A Comparative Study* (Routledge, 2022,)
- Freedom of Expression and the Constitutional Canon in S. Choudhry, M. Hailbronner & M. Kumm, eds., *Global Canons in an Age of Uncertainty: Debating Foundational Texts of Constitutional Democracy and Human Rights* (Oxford University Press, forthcoming).
- 'Proportionality and its Alternatives' in John Griffiths and James Stellios (eds) *Current Issues in Constitutional Law: Essays in Honor of Leslie Zines* (2020) (also published in (2020) 48 *Federal Law Review* 123).
- 'COVID 19 and Constitutional Law' in José M. Serna, Helle Krunke and Iris Duy Nguyen (eds) *Covid 19 and Constitutional Law* (with Selena Bateman): <https://archivos.juridicas.unam.mx/www/bjv/libros/13/6310/29.pdf>
- Introduction in the *Oxford Handbook of Freedom of Speech*, (2021) (with Frederick Schauer).
- Freedom of Expression, *Max Planck Encyclopedia of Comparative Constitutional Law* (2021)
- 'Freedom of Expression' in the *Oxford Handbook of Constitutional Law in Asia*, (forthcoming, 2021) (Lau, Law and Schwartz (eds)).
- Constitutional Change in Australia: The Paradox of the 'Frozen Continent', Routledge Handbook of Comparative Constitutional Change (Xenophon Contiades & Alkmene Fotiadou, eds., 2020) (with Elisa Arcioni)
- 'Expression', 'Judicial Reasoning' and 'Introduction' in the *Oxford Handbook of the Australian Constitution*, (2018)

- ‘*New York Times v. Sullivan*’ in the *Max Planck Encyclopedia of Comparative Constitutional Law* (2017)
- ‘Constitutions, Gender and Freedom of Expression’ in *Research Handbook on Gender and Constitutions*, Helen Irving (ed)(2017) (with Katharine Gelber)
- ‘Michael Coper and the Enduring Appeal of *Cole v Whitfield*’ in *Encounters with Constitutional Interpretation and Legal Education: Essays in Honour of Michael Coper* (Fed Press, 2018)
- Invisible Constitution in Comparative Perspective (with Rosalind Dixon) in Rosalind Dixon and Adrienne Stone, *The Invisible Constitution* (Cambridge University Press, 2018)
- ‘The Canadian Constitutional Law of Freedom of Expression’, in R. Albert and D. Cameron (eds) *Canada in the World: Comparative Perspectives on the Canadian Constitution* (Cambridge University Press, 2017).
- Constitutional Reasoning in the High Court of Australia (with Cheryl Saunders) in Andras Jakab et. al., *Constitutional Reasoning* (Cambridge University Press, 2017).
- Justice Dawson’s Steadfast Defence of Freedom of Political Communication in *Langer* (with Kristen Walker QC) in Andrew Lynch (eds), *Great Australian Dissents* (Cambridge University Press 2016)
- Constitutional Amendment, (with Rosalind Dixon) in David Dyzenhaus (eds) *Philosophical Foundations of Constitutionalism* (OUP 2016).
- ‘The Constitutional Law of Freedom of Expression in Asia’ (with Rishad Chowdry and Martin Clark) *Research Handbook on Asian Constitutional Law*, Rosalind Dixon, Tom Ginsburg, eds., (2013).
- Reference to Foreign Precedents by the Australian High Court: A Matter of Method (with Cheryl Saunders) in Groppi and Pontherreau (eds) *The Use of Foreign Precedents by Constitutional Judges* (Hart 2013).
- ‘The Comparative Constitutional Law of Freedom of Expression’ *Research Handbook on Comparative Constitutional Law*, Rosalind Dixon, Tom Ginsburg, eds., (2011) (anthologized in Vicki C. Jackson and Mila Versteeg, (eds), *Comparative Constitutional Law* (2021).
- Reflections on the Life of Julius Stone, in *Julius Stone: A Study in Influence* (Federation Press, 2010).
- How to Think about the Problem of Hate Speech in Katharine Gelber and Adrienne Stone (eds), *Freedom of Speech and Hate Speech in Australia*, Federation Press 2007.
- Australia’s Constitutional Rights and the Problem of Interpretive Disagreement, in Tom Campbell, Jeffrey Goldsworthy and Adrienne Stone (eds), *Protecting Rights without a Bill of Rights* (Ashgate/Dartmouth, 2006) (also published as 27 Sydney Law Review 29-48).
- Introduction, in Tom Campbell, Jeffrey Goldsworthy, Adrienne Stone (eds), *Human Rights: Institutions and Instruments*, (Oxford University Press, 2003).
- Bringing Law and Democracy Together (with Tom Campbell), Introduction to Tom Campbell and Adrienne Stone (eds), *Law and Democracy*, (Dartmouth, 2002).
- The Australian Free Speech Experiment and Scepticism about the Human Rights Act in Tom Campbell, Keith Ewing and Adam Tomkins (eds) *Sceptical Essays on Human Rights* (Oxford University Press, 2001) 392-409.
- “Constitutional Interpretation”; “The Freedom of Political Communication”; “Implied Constitutional Rights., The Oxford Companion to the High Court of Australia (Oxford University Press, 2001).
- The Freedom of Political Communication since Lange, in A. Stone and G. Williams (eds.), *The High Court at the Crossroads: Essays in Constitutional Law*, (Federation Press, 2000) 1 - 17.
- Women, Law School and Student Commitment to the Public Interest, in J. Cooper and L. Trubek (eds), *Educating for Social Justice: Social Values and Legal Education* (Dartmouth Publications, 1997) 56-68, in part reproducing 5 *American University Journal of Gender and the Law* 525.

Submissions and Advice to Government and the NGO Community (Selected)

- Australia’s distinctive COVID-19 Response: Australian National Report to the World Congress of Comparative Law, (with Joshua Forrest)

- Crommelin M., Rundle K., Saunders C., Supplementary Submission to the Senate Scrutiny of Delegated Legislation Committee Inquiry into the Exemption of Delegated Legislation From Parliamentary Oversight, 10 September 2020: https://law.unimelb.edu.au/__data/assets/pdf_file/0020/3540521/CCCS-Delegated-Legislation-Supplementary-Submission-10-Sept-2020.pdf
- Crommelin M., Rundle K., Saunders C., Stone A., Bateman, S., Submission to The Senate Scrutiny of Delegated Legislation Committee Inquiry into The Exemption of Delegated Legislation from Parliamentary Oversight, 25 June 2020: https://law.unimelb.edu.au/__data/assets/pdf_file/0008/3423734/Senate-Scrutiny-of-Delegated-Legislation-Committee-CCCS-Submission-25-June-2020.pdf
- Crommelin M., Rundle K., Saunders C., Stone A., Bateman, S., Submission to The Senate Select Committee on COVID-19, 28 May 2020: https://law.unimelb.edu.au/__data/assets/pdf_file/0007/2938651/CCCS-Supplementary-Submission-to-Joint-Select-Committee-5-October.pdf
- Gover K., Morris S., Rundle K., Saunders C., Stone A., *Constitutional Recognition of Indigenous Peoples*, a submission to the Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander People, 15 June 2018: https://law.unimelb.edu.au/__data/assets/pdf_file/0005/2801462/CCCS-Submission-to-Joint-Select-Committee-15-June-2018.pdf; and *Further Submission* to the Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander People, 21 September 2018; and https://law.unimelb.edu.au/__data/assets/pdf_file/0008/2899016/Further-Submission-to-JSC-FINAL-21-September.pdf
- Stone A., Kirkby C., Saunders, A., Quinn-Watson, J., *Freedom of Speech in Australia* a submission to the Parliamentary Joint Committee on Human rights Regarding s 18C of the *Racial Discrimination Act* 1975 http://law.unimelb.edu.au/__data/assets/pdf_file/0005/2248619/2016.dec.23.CCCS-Submission-copy.pdf February 2017
- Citizenship and Foreign Fighters* a submission to the Parliamentary Joint Committee on Intelligence and Security regarding the Inquiry into the Australian Citizenship Amendment (Allegiance to Australia) Bill 2015. [http://www.aph.gov.au/Parliamentary Business/Committees/Joint/Intelligence and Security/Citizenship Bill/Submissions](http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Intelligence_and_Security/Citizenship_Bill/Submissions)
- Human Rights Charter*: A submission to the Victorian government's Review of the Charter of Human Rights and Responsibilities Act 2006 (Vic). Available to view on the Department of Justice & Regulation Victoria website: <https://myviews.justice.vic.gov.au/2015-review-of-the-charter-of-human-rights/documents>
- Saunders, C., and Stone, A., *Marriage Equality Plebiscite*: Submission to the Legal and Constitutional Affairs References Committee on the Inquiry into the matter of a popular vote, in the form of a plebiscite or referendum, on the matter of marriage in Australia: [http://www.aph.gov.au/Parliamentary Business/Committees/Senate/Legal and Constitutional Affairs/Marriage Plebiscite/Submissions](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Marriage_Plebiscite/Submissions)
- Stone, A., *Freedom of Speech*: A submission on freedom of speech to the Australian Law Reform Commission's Inquiry into Traditional Rights and Freedoms http://www.alrc.gov.au/sites/default/files/subs/58.org_centre_for_comparative_constitutional_studies_cccs_submission.pdf
- Centre for Comparative Constitutional Studies, *Constitutional Recognition of Indigenous Peoples*: A submission the Expert Panel on the Recognition of Indigenous and Torres Strait Islander People, November 2012.
- Saunders C., and Stone A., *Removal of Judges*: Advice to the Asian Human Rights Commission on International Standards Relating to the Removal of Judges: <http://www.humanrights.asia/resources/pdf/removal-of-judges/view> December 2012.

A Defence of Scholactivism, VerfBlog, 2022/8/22, <https://verfassungsblog.de/a-defence-of-scholactivism>

'The High Court's defence of Academic Freedom in *Ridd v JCU*' on AUPUBLAW (17 November 2021) <https://auspublaw.org/2021/11/the-high-courts-defence-of-academic-freedom-in-ridd-v-jcu> (with Joshua Forrest)

'Proportionality and the Boundaries of Borrowing' in 'I-CONnect Symposium on "Constitutional Boundaries": <http://www.iconnectblog.com/2018/04/i-connect-symposium-on-constitutional-boundaries-proportionality-and-the-boundaries-of-borrowing/> (24 April 2018)

Recognising Indigenous Australians in the Commonwealth Constitution, <https://blog-iacl-aidc.org/new-blog/2018/5/27/comment-recognising-indigenous-australians-in-the-commonwealth-constitution> (with Andrew Currie) (18 June 2015)

'Public Servants, Social Media and the Constitution' on AUPUBLAW (5 September 2017) <<https://auspublaw.org/2017/09/public-servants-social-media-and-the-constitution/>> (with Gary Hansell)

'The High Court Strikes Down a Campaign Finance Law (Again): *Unions NSW v New South Wales*' on Opinions on High (14 May 2014) <http://blogs.unimelb.edu.au/opinionsonhigh/2014/05/14/stone-unions-nsw>

'Free Speech Balanced on a Knife's Edge: *Monis v The Queen*; *Droudin v The Queen*' on Opinions on High (26 April 2013) <<http://blogs.unimelb.edu.au/opinionsonhigh/2013/04/26/stone-monis/>>

'Freedom to Preach in Rundle Mall: Attorney-General (SA) v Corporation of the City of Adelaide ('Corneloup's Case')' on Opinions on High (14 October 2013) <http://blogs.unimelb.edu.au/opinionsonhigh/2013/10/14/stone-corneloup>

Virtual Roundtable Participation: Judicial Power – Past, Present and Future: A Comment on Professor Finnis for Policy Exchange's Judicial Power Project: <http://judicialpowerproject.org.uk/judicial-power-past-present-and-future-a-comment-on-professor-finnis/> Reposted as Adrienne Stone, 'A Comment on Professor Finnis's Praise of Australia's High Court' on Opinions on High (16 November 2015) <http://blogs.unimelb.edu.au/opinionsonhigh/2015/11/16/stone-finnis>

Publications for a General Audience and Media Appearances (Selected)

Interview, the Law Report, ABC Radio National, 'Climate Science Dismissal Case sparks Academic Freedom debate', 19 October 2021: <https://www.abc.net.au/radionational/programs/lawreport/unfair-dismissal-clive-palmer-wa-laws/13592872>

Op Ed: *Academic freedom recognised but sacked scientist fails in bid to be reinstated* 14 October 2021, The Age, The Sydney Morning Herald: <https://www.theage.com.au/national/academic-freedom-recognised-but-sacked-scientist-fails-in-bid-to-be-reinstated-20211013-p58zms.html>

Interview, the Saturday Paper, Peter Ridd's High Court Cases <https://www.thesaturdaypaper.com.au/news/politics/2021/06/26/peter-ridds-high-court-case/162462960011946#mtr>

Eavesdrop on Experts Podcast: 'What does our Constitution Say about Freedom of Speech?' <https://pursuit.unimelb.edu.au/podcasts/what-does-our-constitution-say-about-freedom-of-speech> 17 March 2021; <https://player.whooshkaa.com/episode?id=801782>

'Jurisprudence and Justice', Panellist, Conversation preceding the Australian Premier of *Scalia/Ginsburg*, Royal Botanical Gardens, 7 February 2021: <https://www.wheelercentre.com/events/across-the-aisle-scalia-ginsburg>

How far should courts push societies to change? *The Minefield*, ABC Radio National, 23 September 2020 <https://www.abc.net.au/radionational/programs/theminefield/should-the-law-drive-social-change/12691774>

Germes and Justice Part 3: Democracy and Emergency Powers, ABC Radio National Big Ideas <https://www.abc.net.au/radionational/programs/bigideas/germes-and-justice-democracy-&-emergency-powers/12344468>

Interview, The Wire, Anti-Social Media: Extremism in the Online World, 25 July, 1 August 2019
<http://thewire.org.au/story/anti-social-media-extremism-in-the-online-world-part-3/> ;
<http://thewire.org.au/story/anti-social-media-extremism-in-the-online-world-part-4/>

Interview, Crikey, He thinks We Doth Protest too Much; 13 December 2019: https://www.crikey.com.au/2019/12/13/climate-change-protest/?ft=dTBGOGRuNSsvbWJNa0lnV2tPV2xPZz09&utm_campaign=FreeTrialConfirmation&utm_medium=FreeTrialConfirmation&utm_source=newsletter&utm_content=success

Interview, Time Higher Education Supplement: Academic Freedom: Justified Privilege or Overreach of Expertise, July 28. 2018
<https://www.timeshighereducation.com/news/academic-freedom-justified-privilege-or-overreach-expertise>

It's Complicated: Academic Freedom and Freedom of Speech in Universities: Pursuit (with Jade Roberts):
<https://pursuit.unimelb.edu.au/articles/it-s-complicated-academic-freedom-and-freedom-of-speech>

Interview, Abortion Protesting Cases in the High Court, ABC Radio, Hobart, 9 October 2018.

Four Fundamental Principles for Upholding Freedom of Speech on Campus: <https://theconversation.com/four-fundamental-principles-for-upholding-freedom-of-speech-on-campus-104690> republished in The Age 16 October 2018, Universities Should Tolerate Offensive Ideas: <https://www.theage.com.au/national/universities-should-tolerate-offensive-ideas-20181015-p509pb.html>

Interview, ABC Radio National, Counterpoint: October 18 2018:
<https://www.abc.net.au/radionational/programs/counterpoint/freedom-of-speech-on-campus/10432642>

Policy Shop Podcast, *Academic Freedom and Freedom of Speech* in Universities: <https://pursuit.unimelb.edu.au/podcasts/academic-freedom-amp-free-speech-in-universities>

'The Fifth Estate: High Court' Conversation with Sally Warhaft and John Hewson:
<https://www.wheelercentre.com/broadcasts/the-fifth-estate-high-court>, The Wheeler Centre, 26 September 2016

Do we have Trump to thank for a renewal of democratic virtues? The Minefield, ABC Radio National, 24 May 2017:
<http://www.abc.net.au/radionational/programs/theminefield/do-we-have-trump-to-thank-for-a-renewal-of-democratic-virtues/8550726>

'Just Words' Podcast, 2SER, first broadcast 27 February 2017: <https://player.whooshkaa.com/episode?id=96060>

'Persons of Interest', Interview, Radio South Africa Classic FM, May 2015

'Anti Protest Laws Pass Tasmanian Lower House' Interview, ABC News Digital on 27 June: 2014,
<http://www.abc.net.au/news/2014-06-27/anti-protest-laws-pass-tasmania27s-lower-house/5554064>

'Tasmanian to Narrow Anti-Protest Law', Interview, The Guardian, 28 October 2014
<http://www.theguardian.com/politics/2014/oct/28/tasmania-to-narrow-anti-protest-laws-to-target-anti-forestry-and-mining-activists>

How Packer and Crown are Gaming Politics, The Saturday Paper 13 September 2014.
<http://www.thesaturdaypaper.com.au/news/politics/2014/09/13/how-packer-and-crown-are-gaming-politics/1410530400bbaa6cb4-1fcd-493a-abcf#.VG7ssb5RlF>

What are the limits to free speech? Interview SBS Radio, February 28, 2013

'High Court Divided on Freedom of Speech' Interview, The Law Report, ABC Radio National 5 March 2013

Interview on *Monis v The Queen*, PM Program (ABC Radio National) 27 February 2013

Interview on *Eatock v Bolt*, The 7.30 Report, 28 September 2011.

'Indigenous Recognition and the Constitution', Life Matters ABC Radio National, 10 October 2011.

The Racial Discrimination Act: *Eatock v. Bolt*, Interview, The Law Report, ABC Radio National, 4 October 2011.

Interview, The Australian Newspaper, 'Race Call Appealing to Hansonite Fringe' 8 August 2011.

Holocaust denier Fredrick Toben: free speech martyr or racist monster? Interview, The Law Report, ABC Radio National 19 May 2009.

Free Speech in Public Places, Interview, *The Law Report*, ABC Radio 20 July 2004.

LECTURES AND CONFERENCE CONTRIBUTIONS

Public Lectures, Plenaries and Keynotes

UNESCO Chair in Human Rights, Democracy and Peace Annual Lecture, Nablus University, Palestine (date tbc 2023).

Sir Frank Kitto Lecture, University of New England, 12 July 2022: 'Academic Freedom and Democracy'.

The High Court Lecture, High Court of Australia, 9 November 2022, 'More Than a Rule Book: Identity and the Australian Constitution',

Keynote Address, *Equality and Political Participation: The Permissive and the Prescriptive Constitution*, Australian National University, Public Law and Inequality, 16 February 2022.

Public Lecture: *Academic Freedom and Democracy*, Centre for Agency, Values and Ethics, Macquarie University, 7 March 2021.

Keynote Address, 'Universities, Academic Freedom and Democracy' at 'Perspectives on Academic Freedom', Scholars at Risk Australia Section Launch, August 2019.

Closing Keynote Address: IACL- AIDC Inaugural Junior Scholars Forum, 6 July 2021: Why Universities Need Democracy and Democracies Need Universities.

Korea University Distinguished Lecture, 'Freedom of Speech in the Digital Age', Korea University, Seoul, 5 December 2019.

Fay Gale Lectures (Academy of Social Sciences in Australia) 'The Two University Freedoms; Academic Freedom and Freedom of Speech', 30 August 2019 (Adelaide) 10 September 2019 (Melbourne).

Maurice Byers Lecture 'Proportionality', New South Wales Bar Association, December 5, 2018.

17th Geoffrey Sawer Lecture, 'The Dangers of Excessive Legalism', Australian National University, July 21 2012.

Inaugural Lecture, Melbourne Law School, 'Constitutional Comparativism or Judicial Activism?' November 26, 2008.

Heritage Lecture, *Interpreting Rights in a Globalised World*, Auckland Law School, July 23, 2008.

International Conferences, Lectures and Seminars (Selected)

'Constitutional Scholars, Scholarly Integrity and Democracy', Symposium for Constitutional Court Review, University of Johannesburg, South Africa. 1-2 December 2022.

Semi-Plenary, Asian Constitutional Law Forum, *Free Speech in Asia*, Institute of Law, Academia Sinica, 13 May 2021.

Panellist, Academic Freedom: Under Threat or Over Protected?, University College London, London/online – 26 May 2022: <https://mediacentral.ucl.ac.uk/Play/85378> and reported on here: <https://www.timeshighereducation.com/news/case-academic-freedom-incomprehensible-most-ignatieff>

'Office of Scientific Integrity Symposium on 'Scientific Integrity and Academic Speech in the Public Sphere Paris and online, 9 June 2022

Semi-Plenary, Asian Constitutional Law Forum, *Free Speech in Asia*, Institute of Law, Academia Sinica, 13 May 2021.

Roundtable Discussion "Open Minds. Academic freedom and freedom of speech " (2021), Centre de Recherche sur les Droits Fondamentaux et les Evolution du Droit, Université de Caen Normandie, Faculty of Law, 10 December 2021.

Book Discussion of *Open Minds: Academic Freedom and Freedom of Speech*; Research Colloquium: Reflective Conversations on Excellent Research, University College Cork, 18 December 2021.

Global Law Schools' Summit (Virtual) on "The Present and Future of Global Legal Studies" O.P. Jindal Global Law School, Delhi, India, Panellist: The culture of constitutionalism: The globalization of constitutional law, 2

December

2021:

https://www.youtube.com/watch?v=R8BGppXopDE&list=PL_7V_ZbBe0vrr3XcjoTsw0OCCd8ynRYyI&index=18

Keynote Speech, The International Conference on Comparative Legal Review and the Protection of Gender Equality', (co-hosted by IPES.Org and the IACL-AIDC) 4 March 2021

Online Book Talk: Hate Speech in Japan, Institutum Iurisprudentiae, Academia Sinica Taiwan 1 October 2021.

Academic Freedom, Equality & and the 'Free Speech Champion for Universities', Faculty of Law; Bonavero Institute of Human Rights; Melbourne Law School; University of Oxford; Harvard Law School; Faculty of Law, 15 June 2021: <https://www.law.ox.ac.uk/events/academic-freedom-equality-and-free-speech-champion-universities>

Book Panel, Hélène Landemore, *Open Democracy*, ICON-S Live: https://www.youtube.com/results?search_query=icon+s+helene+landemore

'Academic Freedom, Constitutionalism and Democracy', IACL Roundtable Democracy 2020, 18 November 2020: <https://www.iacldemocracy-2020.org/programme>

Panellist, Book Talk: City, State: Constitutionalism and the Mega City (Ran Hirschl): <https://blog-iacl-aidc.org/announcements/2020/10/16/book-talk-city-state-constitutionalism-and-the-megacity>, 22 October 2020.

Panellist, Trans-Tasman Reflections on COVID-19 and Public Law, AACL/ICON-S Seminar, 28 August.

'Political Protest and the Pandemic', for *Human Rights Protection under Pandemic Prevention and Control: The Principle of Proportionality*, Human Rights Center, Renmin University of China (HRC), 20 June, 2020 <http://www.humanrights.cn/html/zt2020/6/>

Freedom of Speech: Comparative Perspectives, Constitution Research Institute, Constitutional Court of Korea, 6 December*

'Freedom of Speech in the Digital Age': at *Ibero-American Congress of Constitutional*, Buenos Aires, 22 May 2019.*

'Taking Structure Seriously: Freedom of Speech as a Transformative Right', at *A Passion for Civil Liberties: Building on the Legacy of Norman Dorsen*; Cardozo Law School, New York City, 30 March 2019.

Workshop Chair, *Xth World Congress of Constitutional Law*, Workshop 8 'Freedom of Speech under Stress'; Workshop 26 'Constitutional Reasoning', Seoul, 18-22 June 2018

'The Double-Sided Nature of Freedom of Expression', Conference, Sorbonne Law School (Univ. Paris 1) January 24, 2018*

'Fiscal Federalism Between Autonomy and Solidarity' at 'Federalism and Decentralization in the C21', UNAM, Mexico City, November 9-10, 2017*

Freedom of Speech and Civility at "Exclusion or Co-prosperity?: Constitutional and Philosophical Foundations of Public Spheres" at Yonsei University Seoul, 27 April 2017*

Constitutional Law of Freedom of Expression in Canada, at 'Canada in the World: The Canadian Constitution in Comparative Perspective' Yale University, New Haven, USA, May 12, 2016*

Separation of Powers in Old Constitutions at 'Separation of Powers in the Global South', University of Johannesburg, Johannesburg South Africa, May 29, 2015.*

Chair, Workshop on the Citizen and the State in the Digital Age, World Congress of Constitutional Law, Oslo, June 16-20, 2014.*

Constitutional Reasoning in the High Court of Australia at CONREASON, 7 February 2013, Hungarian Academy of Sciences, Budapest, 7 February 2013.*

Georgetown University Law Centre, Faculty Workshop, April 15, 2011 'The Imperfect Freedom of Expression, also presented at

Chicago Law School, International and Comparative Law Workshop, May 5, 2011; and

American University, Faculty Workshop, April 1, 2011.*

'Freedom of Speech', Comparative Constitutional Law Handbook Author's Conference, Hong Kong, December 2011.*

Social Security and the Australian Constitution, IACL Roundtable, Xi'an China, 25 October, 2011.*

The Judicial Role in Constitutional Law, Glasgow, Scotland, 26 June 2009, 'Structural Judicial Review and the Judicial Role in Constitutional Law'.*

Rethinking the Boundaries of Constitutional Law, International Association of Constitutional Law, World Congress, Athens, Greece, June 2007, 'Balancing and Proportionality: A Distinctive Ethic?' (with Simon Evans).

Constitutional Interpretation, University of Western Ontario, London, Ontario, October 2006, *Judicial Review without Rights*.*

Supranational Political Community: Substance? Conditions? Pitfalls? University of Victoria, Faculty of Law, Victoria, Canada, October, 2005*

Defamation and Privacy Discussion Forum, New York Law School, New York December 3-4, 2004.*

Freedom of Speech in the United States and Canada: The Revealing Case of Defamation and Public Officials, First Amendment Forum, Brandeis Law School jointly with Vanderbilt Law School and Washington and Lee Law School, November 2002, (Louisville, Kentucky), *Children, the Internet and Freedom of Speech*.*

The Australian Free Speech Experiment, Sceptical Approaches to Entrenched Human Rights: September 2000 (Kings College, London):.*

Australia (Selected)

Academic Freedom, Universities and Democracy: 2022 ASSA Symposium, Melbourne, 28 November 2021

CCCS Global Public Law Seminar Series: *Australian Capital Television v Commonwealth*: 30 Years of the Implied Freedom of Political Communication, 12 September 2022

'Academic Freedom and Democracy', Australian Association of University Professors, 11 August 2022, online.

Political Communication, Politics and Personal Moral Choices. CCCS Conference 2019, Melbourne Law School, 26 July 2019 and Federal Court Judge's Conference, Melbourne 28 November 2019.*+

'Proportionality and its Alternatives', the *Zines Symposium*, Australian National University, 8 August 2019*

Current Legal Issues Seminar, 'Who is Afraid of Proportionality?', Supreme Court of Queensland, August 9, 2018.*

'Unconstitutional Constitutional Amendments: Between Contradiction and Necessity', University of Queensland Research Seminar, August 10, 2018*.

CCCS Constitutional Law Conference 2017, Melbourne Law School, 21 July 2017, 'Proportionality after McCloy'.* +

The Racial Discrimination Act @40, 19-20 February 2015, Human Rights Commission, Sydney, 'Reflections on Freedom of Speech in the Wake of *Eaton v Bolt*'.*

Conference in Honour of Sir Zelman Cowan, 27 March 2014, Melbourne Law School, 'Insult, Protest and Money: Recent issues in Freedom of Speech'.*

Supreme Court Judges Conference, Western Australia, 24 August 2014 "Freedom of Political Communication".*

Gilbert and Tobin Centre for Public Law Constitutional Law Conference, 14 February 2014: The High Court on Constitutional Law: The 2013 Year.*

Political Responses to Judicial Review, University of Sydney, US Studies Centre/ Australian Studies Centre University of Texas, 17-18 May 2010, *Judicial Supremacy, Judicial Deference and Dialogue in the Three Spheres of the Constitution*.*

International and Comparative Perspectives on Constitutional Law, Melbourne Law School, University of Melbourne, 27 November 2009: '*Australian Anti-Comparativism: A Critique*'.*

Law and Liberty in an Age of Terror, University of New South Wales Faculty of Law, 5 July 2007, *Constitutional Perspectives on the New Sedition Laws*.*

The End of Human Rights, Australian National University, 11 April 2006, *Freedom of Speech, Equality and Multiculturalism*.*

Sex, Gender and Rights, University of Sydney, Julius Stone Institute of Jurisprudence Conference, 4 August 2005, *The Surprising Relevance of Sex, Gender and Rights to Australian Constitutional Law*.*

National Human Rights Consultation, Public Hearings, Parliament House Canberra, July 2009, 'The Great Debate'*

House of Representatives, Legal and Constitutional Affairs Committee, Machinery of Referenda Inquiry, 12 October 2009, Roundtable.*

Sydney University, Parsons Visitor Seminar Series, 27 October 2005, *Equality, Multiculturalism and Constitutional Conceptions of Freedom of Expression*.*

* By invitation

GRANTS

Balancing Diversity and Social Cohesion in Democratic Constitutions (Australian Laureate Fellowships) awarded Australian Research Council 2016-2021.

Freedom and Inclusion in the University (Discovery Project) awarded by the Australian Research Council 2017-2019.

Freedom of Expression in Democratic States: A New Theoretical Direction (Discovery Projects) awarded by the Australian Research Council 2008-2012

'Legislative, Judicial and Popular Participation in the Protection of Human Rights in Australia', (Large Grant) awarded by the Australian Research Council 2001-2003 (with Tom Campbell and Jeffrey Goldsworthy) (\$138,400)

PhD Completions:

Elisa Arcioni, 'The People under the Australian Constitution' 2011 (as external supervisor, University of Sydney).

Elizabeth Southwood, 'Keeping the Courts Judicial: Chapter III of the Constitution and the Creation/Determination Distinction' 2014.

Dylan Lino 'Constitutional Recognition of Australia's Indigenous Peoples: Law, History, Politics' 2016.

Anna Dziedzic, 'The Use of Foreign Judges in the Pacific' 2019.

Anjalee de Silva, 'Addressing the Gender Gap in Anti Vilification Law' 2021.

Current PhD supervisions

Elizabeth Hicks, 'German Formalism and Australian Legalism'.

Toerien Van Wyk, 'South Africa's Freedom of Information Law in Comparative Perspective'.

Darshan Datar, 'The Concept of 'Religion' in Comparative Constitutional Law'.

Julian Murphy, 'Constitutional Values and Statutory Interpretation'.

Phoebe Galbally, 'Participatory Democracy and Freedom of Expression in a Digital Age'.