



Newsletter

Issue No. 2 of 2002

edited by Jenny Braid

June 2002

For Your Diary



- **International Law Discussion Group** – July, 5.30pm, Staff Library, Law School, ANU – **Mr Anthony Regan**, State, Society and Governance in Melanesia Project, RSSS, ANU, *Constitution-making in East Timor – lost opportunities?*. Please check date on the CIPL website <http://law.anu.edu.au/cipl/>
- **Report from the United Nations – 24 July, 6pm**, Law Lecture Theatre, Law School, ANU – **Ambassador John Dauth LVO**, Australia's Permanent Representative to the United Nations, New York, *Australia and the United Nations – Letter from New York*
- **Geoffrey Sawer Lecture – 31 July, 6pm**, Ian Wark Theatre, Shine Dome, Acton – The fifth Geoffrey Sawer Lecture, **Judge Navanethem Pillay**, President, International Criminal Tribunal for Rwanda, *The International Criminal Tribunal for Rwanda*
- **International Law Discussion Group** – 1 August, 5.30pm, Moot Court, 3rd Floor, Law School, ANU. **Professor Robert McCorquodale**, Faculty of Law, University of Nottingham, *Terrorists, Transnationals, Torturers: The Privatisation of Human Rights Violations and the Absence of Law*
- **International Criminal Court** – Second Public Seminar – 5 August, 12.30pm – Staff Library, Law School, ANU – **Professor James Crawford**, Whewell Professor of International Law, Fellow of Jesus College, *Challenges facing the new ICC*
- **International Law Discussion Group** – 20 August, 1pm – Staff Library, Law School, ANU – **Professor Geoffrey Lindell**, Professorial Fellow, University of Melbourne, *Breaching Public International Law in Private International Law (Kuwait Airlines Case)*
- **Current Issues Seminar** – 21 August, 5.30pm – Staff Library, Law School, ANU – **Professor Geoffrey Lindell**, Professorial Fellow, University of Melbourne, *Parliamentary Immunity*
- **Current Issues Seminar** – 26 September, Law Lecture Theatre, Law School, ANU, 5.30-7.30pm – Convenors, **Dr Fiona Wheeler** (Faculty of Law, ANU) and **Dr Adrienne Stone** (Law Program, RSSS, ANU) *10th Anniversary of the High Court's 'Free Speech Cases'*
- **7th Annual Public Law Weekend** — 1–2 November – ANU Convenor, **Professor Robin Creyke**. See inserted flyer for conference details
- **Faculty of Law Annual Alumni Dinner 2002** – 2 November, 6.30pm for 7.00pm – Belmore Restaurant, Brassey Hotel, Barton

Centre Events

Report from the United Nations

Ambassador John Dauth LVO

Australia's Permanent Representative to the
United Nations, New York

Wednesday 24 July, 6pm, Law Lecture Theatre, ANU

No-one imagines that the United Nations can aspire to world government. But significant Australian interests are, as always, at stake. The Organisation has had a mixed year and needs to change to be a better vehicle for us to pursue our interests.

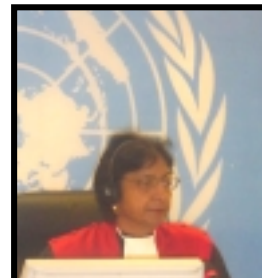
The lecture is free and interested members of the public are invited to attend.

Geoffrey Sawer Lecture 2002

Wednesday 31 July, 6pm

Ian Wark Theatre, Shine Dome, Acton

co-presented by: Department of International Relations, RSPAS, ANU,
and the National Institute for Government and Law, ANU



Judge Navanethem Pillay

Judge Pillay, President of the International Criminal Tribunal for Rwanda, was elected to the Court in 1995 and was reelected in 1998. She will speak on the history and development of the International Criminal Tribunal for Rwanda and assess its significance for the development of international criminal law. The lecture is free and interested members of the public are invited to attend. Please notify the Centre's Administrator of your acceptance.

Australia and the International Criminal Court

Seminar Series

5 August, 12.30pm

In association with the Royal Netherlands Embassy, the Centre is presenting a series of public seminars on the International Criminal Court. The second public seminar on the ICC is by **Professor James Crawford**, who will address 'Challenges facing the new ICC', on 5 August at lunchtime at the Staff Library, Law School.

Professor Crawford is Whewell Professor of International Law, Fellow of Jesus College; Director, Lauterpacht Research Centre for International Law; former Member, International Law Commission; and the United Nations Special Rapporteur on State Responsibility.

The Geoffrey Sawer Lecture on 31 July on the Rwanda Criminal Tribunal will also contribute to the Centre's public discussion of the International Criminal Court (see cover for details)

Discussion groups

Current Issues Seminars

Current Issues Seminars allow in-depth discussion of significant developments in the Centre's fields of interest.

The next seminar will be on:

21 August, 5.30pm, **Professor Geoffrey Lindell**, Professorial Fellow, University of Melbourne. Much of Professor Lindell's career in public law was spent in Canberra, as an officer of the Attorney-General's Department, as a Reader in the Faculty of Law at the ANU, and as an adviser (formal and informal) to many parliamentary and government inquiries and commissions. He will speak on 'Parliamentary Immunity'.

Dinner in honour of Professor Geoffrey Lindell, 21 August 2002

A dinner to mark Geoffrey's retirement will be held in Canberra on Wednesday 21 August 2002, following the talk. Further details will be available shortly, but anyone who would specially like an invitation to the dinner, please contact Cathy Hutton at CIPL on (02) 6125 0454 (or, for other inquiries about the dinner, contact John McMillan on (02) 6125 4662).

On 26 September, **Dr Fiona Wheeler** (Faculty of Law, ANU) and **Dr Adrienne Stone** (Law Program, RSSL, ANU) will convene a seminar on the **10th Anniversary of the High Court's 'Free Speech Cases'**, in the Law Lecture Theatre, Law School, ANU, 5.30-7.30pm.

For more details on this seminar, please contact Fiona Wheeler

Fiona.Wheeler@anu.edu.au

International Law Discussion Group

Tony Regan – July, 5.30pm, Staff Library, ANU – *Constitution-making in East Timor – lost opportunities?* In this seminar Mr Regan will discuss the contributions that choice of constitution-making processes and contents of constitutions can make to conflict resolution and to building legitimate, democratic and accountable state structures. The choices made in East Timor will be discussed in terms of the contributions they have made or may make over the next few years. Please check date on the CIPL website <http://law.anu.edu.au/cipl/>

Robert McCorquodale – 1 August, 5.30pm, Moot Court, 3rd Floor, Law School, ANU – *Terrorists, Transnationals, Torturers: The Privatisation of Human Rights Violations and the Absence of Law*

Geoffrey Lindell – 20 August, 1pm, Staff Library, Law School, ANU – *Breaching Public International Law in Private International Law (Kuwait Airlines Case)*

7th Annual Public Law Weekend

Convenor: Professor Robin Creyke

1-2 November 2002

The Public Law Weekend is an annual conference organised by the Centre, dealing in alternate years with administrative or constitutional law. This is the fourth dealing with administrative law.

The weekend will follow the usual format of a half-day theme seminar on Friday 1 November, this year on the ambit of Executive Power, and an update on Saturday 2 November on recent developments in administrative law. There will be a break with tradition as the Saturday session will also celebrate the 25th anniversary of the *Administrative Decisions (Judicial Review) Act 1977 (Cth)* and the *Ombudsman's Office*, the 20th anniversary of the *Freedom of Information Act 1982 (Cth)* and the first anniversary of the *Privacy (Private Sector) Amendment Act 2001*.

The conference dinner on Friday night will be at The Lobby Restaurant with a guest speaker.

All those who have attended previous Public Law Weekends will be sent a brochure at the end of August.

A flyer advertising the draft program is an insert in this newsletter.

For further information:

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Director's Letter

Welcome to our second newsletter for 2002. You will be able to see that the Centre has been very busy this year with a range of events across the international and public law spectrum. It has been great to see so many friends of the Centre at these functions.

In the second half of this year, the Centre is planning two seminar series: one on aspects of the International Criminal Court and its operation and the other on issues relating to the debate over whether the ACT should adopt a Bill of Rights. Keep an eye on our web site <http://law.anu.edu.au/cipl/> for details

As always, we are keen to hear from you about ideas for future activities, or any feedback on what we are up to.

Hilary Charlesworth

Recent Centre Events

CIPL International Law Weekend



ANZSIL Annual Conference

'New Challenges and New States: What Role for International Law?'

Convenors: Andrew Byrnes, CIPL; Rebecca Irwin, AGs;
Kevin Riordan, NZDF; Shirley Scott, UNSW

The 10th ANZSIL annual conference was held on Friday, Saturday and Sunday, 14 to 16 June, at University House, ANU. Over 125 people attended the conference which had as a highlight the Friday dedicated to presentations on East Timor. The East Timor program considered matters of: governance; peacekeeping and civil law; and property and resources.

Another conference highlight was the presentation by **Kevin Rudd MP** at the Friday evening reception. He spoke on 'The Howard Government's Policy of Disengagement from the Multilateral System'.



Aderito Soares



Kevin Rudd MP

The Centre's members, **Andrew Byrnes, J-P Fonteyne, Hilary Charlesworth, Penelope Mathew** and **Ann Kent** were participants in the conference. Andrew chaired the organising committee, Hilary and Pene presented papers and J-P and Ann chaired panels. Below are details of the speakers and the papers they presented.

Friday 14 June

East Timor Day



Panel 1: Governance

Speakers

Mr Aderito de Jesus Soares

(Lawyer and former Member, East Timor Constitutional Assembly)

'The Development of the Constitution of East Timor: An East Timorese Perspective'

Dr Andrew Ladley

(Chief of Staff, Office of Deputy Prime Minister, New Zealand (on leave, Faculty of Law, Victoria University, Wellington) formerly Legal Adviser, UNAMET and UNTAET)

'All necessary measures' and justice questions over the last months of 1999 in East Timor'

Dr Annemarie Devereux

(Public Interest Advocacy Centre)

'UN Territorial Administrations, Human Rights and Self-Determination: Friends or Foes'

Ms Janelle Saffin MLC

(Member of the Legislative Council Parliament of New South Wales)

The Hon Mr Justice John Dowd

(Supreme Court of New South Wales)

'UNTAET Regulation One: The Development of East Timor's Judicial System'

Ms Susan Harris

(Australian Council for Overseas Aid)

'Bounded Choices, Which Model of Post-Conflict Resolution will best Deliver Justice and Reconciliation for East Timorese Women?'

Mr Jonathan Morrow

(UNTAET)

'The Development of the Constitution of East Timor: A UN Perspective' Chair

Mr Roland Rich

(Centre for Democratic Institutions, Research School of Social Sciences, Australian National University)

Panel 2: Peacekeeping / Criminal Law

Speakers

Lieut Col Larry Maybee

(HQ Joint Forces New Zealand)

'International Law Issues Raised by the Death and Injury to Peacekeepers during Peace Operations'

Col Kevin Riordan

(HQ New Zealand Defence Force)

'Peacekeeping Operations in East Timor: A New Zealand Defence Force Perspective'

Mr John Scott-Murphy

(Caritas Australia)

'Practical Human Rights: The Perspective of a Development Agency in East Timor'

Chair

Dr Jean-Pierre Fonteyne

(Faculty of Law, Australian National University)

Panel 3: Property & Resources

Speakers

Ms Julie Atwell

(Attorney-General's Department)

'East Timor and the Timor Gap Treaty: Coming to Terms with the Past'

Dr Greg French

(Department of Foreign Affairs and Trade)

'The 2002 Timor Sea Treaty'

Mr Daniel Fitzpatrick

(paper presented by Dr Peter Radan)

(Faculty of Law, Australian National University)

'Restitution, Refugees and Housing Rights: International Property Norms in Post-Conflict East Timor'

Chair

Professor Gillian Triggs

(Faculty of Law, University of Melbourne)

Panel 4: Review

Speakers

Professor Hilary Charlesworth

(Centre for International and Public Law Australian National University)

Professor Ivan Shearer AM RFD

(Faculty of Law, University of Sydney)

Major General Michael G Smith AO (Rtd)

(Australian Defence Force Academy)

Chair

Ms Treasa Dunworth
(Faculty of Law, University of Auckland)

Saturday 15 June

Panel 5A: International Criminal Law

Speakers

Dr Kent Anderson
(Faculty of Law, Australian National University)
'An Asian Pinochet - Not Likely: The Unfulfilled International Law Promise in Japan's Treatment of Former Peruvian President Alberto Fujimori'

Mr Nigel Davidson
(Attorney-General's Department)
'Will the New International Criminal Court be Equipped to Prosecute Sex and Gender Crimes?'

Ms Jennifer Mora
(School of Law, University of Tasmania)
'The International Criminal Court and the States Parties: One Aspect of their Respective Roles'

Chair

Mr Mark Jennings
(Office of International Law, Attorney-General's Department)

Panel 5B: International & Domestic Law Interface

Speakers

Ms Jelita Gardner-Rush
(Chambers of the Chief Justice of New South Wales)
'A Legitimate Influence: The Judicial Treatment of International Law in the Yarmirr Case'

Mr Daniel Lovric
(Office of Parliamentary Counsel)
'WTO Dispute Resolution and Domestic Legislation: International Law vs The Parliament?'

Dr Peter Radan
(Division of Law, Macquarie University)
'To Partition or Not to Partition? International and Constitutional Law Perspectives on the Territorial Space of an Independent Quebec'

Chair

Ms Rebecca Irwin
(Office of International Law, Attorney-General's Department)

Panel 6: Tampa Affair

Speakers

Mr David Bennett QC
(Solicitor-General, Attorney General's Department)
'The Tampa Litigation'

Dr Pene Mathew
(Faculty of Law, Australian National University)
'Refugee Law Issues'

Lieutenant Commander Cameron Moore RAN
(Department of Defence)
'Law of the Sea Issues'

Dr Michael White QC
(Centre for Maritime Law, University of Queensland)
'Maritime Law Issues'

Chair

Professor Stuart Kaye
(Faculty of Law, University of Wollongong)

Panel 7A: International Environmental Law

Speakers

Mr Gavin Goh and Ms Rhonda Piggott
(Department of Foreign Affairs and Trade)
'The Precautionary Principle and its Implications in WTO Law'

Mr Joshua Brien
(Attorney-General's Department)
'Hot Pursuit and the Australian Fishing Zone'

Associate Professor Gregory Rose
(Faculty of Law, University of Wollongong)
'Environmental Treaty Compliance Systems: Challenges for Australia'

Chair

Ms Prue Taylor
(Department of Planning, University of Auckland)

Panel 7B: International Human Rights

Speakers

Mr Michael Curtotti
(Australian Baha'i Community)
'Human Rights, Citizenship, Freedom of Movement and Democracy in International Law'

Ms Amanda Gorely

(Department of Foreign Affairs and Trade)
'Initiatives to Reform UN Treaty Bodies'

Mr Mark Nolan
(Faculty of Law, Australian National University)

'Discrimination between Women: Access to Assisted Reproductive Technologies in Australia During 2000-2001'

Chair

Ms Kate Eastman
(Wentworth Chambers, Sydney)

Panel 8: The Year of International Law in Review

Speakers

Mr Bill Campbell
(Office of International Law, Attorney-General's Department)
'An Australian Perspective'

Mr Julian Ludbrook
(New Zealand Ministry of Foreign Affairs and Trade)
'A New Zealand Perspective'

Mr Richard Rowe
(International Organisations & Legal Division, Department of Foreign Affairs and Trade)

'Key Developments: Year of International Law in Review'

Chair

Dr Ann Kent
(Faculty of Law, Australian National University)

Sunday 16 June

Panel 9: 11 September: International and National Responses

Speakers

Mr Kevin Boreham
(Australian National University)
'Terrorism and the Right of Self-defence'

Mr Alex Conte
(School of Law, University of Canterbury)
'International Law and Terrorism: A New Zealand Perspective'

Ms Treasa Dunworth
(Faculty of Law, University of Auckland)
'New Zealand's Legislative Response to the Events of 11 September'

Ms Sue McIntosh
(Attorney-General's Department)
'Australia's Legislative Response to 11 September'

Chair

Ms Robin Warner
(International Crime Branch, Criminal Justice Division, Attorney-General's Department)

Panel 10: International Law Post 11 September: Cracks in the Wall or New Beginnings?

Speakers

The Rt Hon Justice Sir Kenneth Keith
(Court of Appeal of New Zealand)

Lieut Col Mike Kelly
(Military Law Centre, Australian Defence Force Academy)

Dr Shirley Scott
(School of Politics and International Relations, University of New South Wales)

Ms Shelley Wright
(Faculty of Law, University of Sydney)

Chair

Associate Professor Donald R Rothwell
(Faculty of Law, University of Sydney)

The ANZSIL proceedings will be published in hard copy form and posted on the ANZSIL website <http://law.anu.edu.au/anzsil/> later in the year.

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Public Fora

The Saving of the Governor-General: The Law and Politics of the Hollingworth Affair

18 April

The controversy over the Governor-General gave rise to many topical and enduring questions about the constitutional and political position of the Governor-General and the community's expectations of the holder of the office. This forum was held at the Law School, ANU, by constitutional scholars, **Leighton McDonald**, **John McMillan**, **James Stellios** and **Adrienne Stone** (Law Program, RSSL, ANU). An audio version of this forum is available on <http://law.anu.edu.au/cipl/>



Leighton McDonald, Andrew Byrnes (Chair), John McMillan, Adrienne Stone and James Stellios

The Legacy of Mabo: A Ten Year Assessment

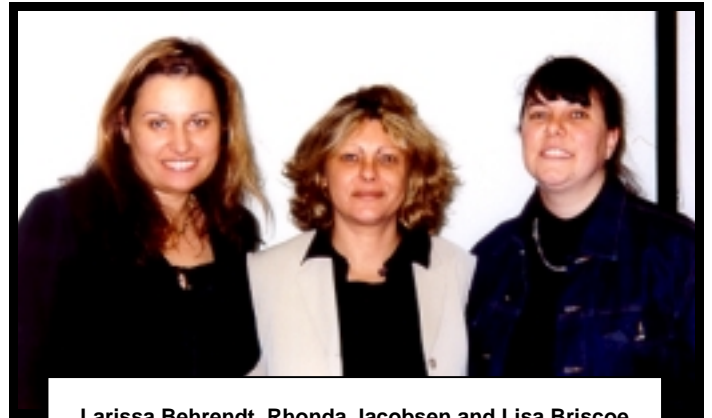
6 June

This public forum, chaired by **Jennifer Clarke**, was held at the Law School, ANU, to mark the tenth anniversary of the landmark decision of *Mabo v Queensland (No 2)* which was handed down by the High Court of Australia on 3 June 1992. The case recognised native title as part of the Australian common law and made important statements on the significance of international law in Australian Law. The case also prompted controversy about the role of the judiciary in dealing with political and social issues.

The presenters at the forum were: **Professor Larissa Behrendt** (Professor of Law and Indigenous Studies, Director of Jumbunna Indigenous House of Learning, University of Technology, Sydney, and Visiting Scholar, ANU), **Ms Lisa Briscoe** (Graduate student and researcher) and **Ms Rhonda Jacobsen** (NSW Aboriginal Land Council).

Professor Behrendt presented 'An Overview of *Mabo* and its National and International Significance', Ms Jacobsen spoke on 'The Complexities of Land Rights/Native Title Litigation in New South Wales' and Ms Briscoe spoke on 'The Significance of *Mabo* from the Perspective of the Indigenous Community'.

This collection of papers will be published by the Centre in its Occasional Papers series and will be available at <http://law.anu.edu.au/cipl/>

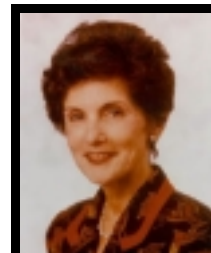


Larissa Behrendt, Rhonda Jacobsen and Lisa Briscoe

The USA and the UN: Is There a Future?

20 June

Dr Rita Hauser, an international jurist, distinguished public servant and President of the Hauser Foundation in New York, gave a presentation at the Law School, ANU, on Thursday 20 June 2002. In her lecture, Dr Hauser explored the complex relationship between the world's only superpower, the United States, and the United Nations. The relationship has oscillated between apparent US unilateralism and US interest in international coalition building. Dr Hauser asked what the historical and political context of the US/UN relationship is and what is its future? This public forum was jointly sponsored by the National Institute for Government and Law, ANU.

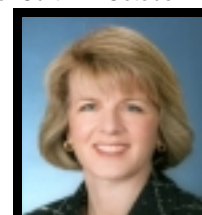


Dr Rita Hauser

Australia and the International Criminal Court

25 June

The first seminar in this series was held on Tuesday 25 June at the Law School. These seminars are presented in association with the Royal Netherlands Embassy. The speaker, **Julie Bishop MP**, discussed the Joint Standing Committee on Treaties' consultations and the consequences of Australia's ratification of the ICC Statute. Ms Bishop is the Chair of the JSCOT. She was elected to Federal Parliament for the seat of Curtin in October 1998.



Julie Bishop MP

International Law Discussion Group

Hilary Charlesworth – 'Sex, Gender and 11 September', 23 April

Hilary Charlesworth's talk argued that using the concepts of sex and gender could shed a different light on the events of 11 September and their aftermath. Questions of sex raised the issues of the invisibility of women in the terrorist actions and the responses to them. Questions of gender raised issues about what was seen as the appropriate form of leadership. Taking sex and gender seriously in the analysis of major tragedies allows us to see the limited way that we read and react to them.

Wayne Morgan – 'Queering International Law', 14 May

Wayne Morgan's seminar 'Queering International Law' addressed questions of theory and human rights. International Law, and human rights law in particular, continues to be dominated by a positivist, pragmatic approach. This approach assumes the importance (and rationality) of law in advancing social change. Using gay and lesbian rights as an example, Wayne Morgan criticised the positivist ideal of law and analysed international law as a process of identity construction mired in hierarchy and exclusion. Discussion following the seminar revolved around the usefulness of postmodern theory in legal analysis.

Ann Kent – 'Why States Comply' – 26 June

Dr Ann Kent presented a stimulating talk for the International Law Discussion Group. She critiqued international law and international relations theories on why states comply with international norms, principles and rules. She concluded that there was no single theory in either discipline which could adequately explain state compliance. On the other hand, she argued that, if understood as partial, and often complementary, explanations, these theories could together throw some light on the sources of the compliance, and non-compliance, of both authoritarian and liberal states.

Public Lecture Series and Centre Members

The Faculty of Law Alumni in association with the National Institute for Government and Law at the ANU presented a series of public lectures. Professors **Andrew Byrnes**, **John McMillan** and **Phillipa Weeks**, gave inaugural lectures to mark their appointments. Professor **John McMillan's** address on 5 March was titled: 'Twenty Years of Open Government: What Have We Learnt?'. Professor **Phillipa Weeks** presented 'Fairness at Work' on 20 May, and Professor **Andrew Byrnes**, on 30 May, presented, 'Apocalyptic Visions and the Law: The Legacy of September 11'. Revised and expanded versions of John McMillan's and Andrew Byrnes' addresses will be published soon in the Centre's Law and Policy Paper Series.



Phillipa Weeks, Andrew Byrnes, Anne McNaughton and Penelope Mathew

Centre publications

Law and Policy Paper Series

The next two papers for 2002 will be published shortly:

Paper 20: Twenty Years of Open Government: What Have We Learnt? by **Professor John McMillan**, Alumni Chair in Administrative Law, Faculty of Law, ANU

Paper 21: Apocalyptic Visions and the Law: The Legacy of September 11 by **Professor Andrew Byrnes**, Faculty of Law, ANU

Subscription enquiries for the Law and Policy Papers series:

The Federation Press

tel: 02 9552 2200 fax: 02 9552 1681

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Australian Year Book of International Law Vol 21

The Awfulness of Lawfulness: Some Reflections on the Tension between International and Domestic Law *Sam Blay and Ryszard Piotrowicz*

International Law and the Use of Force by States Revisited *Ian Brownlie*

The Place of Customary International Law in Australian Law: Unfinished Business
Henry Burmester and Susan Reye

The Exception of Non-performance: Links between the Law of Treaties and the Law of State Responsibility *James Crawford and Simon Olleson*

Teoh and Visions of International Law *Gavan Griffith and Carolyn Evans*

Constitutions, Constitutionalism and the Effective Implementation of the International Standards of Human Rights *Patricia Hyndman*

International Legal Relations between Australia and Taiwan: Behind the Façade
Ivan Shearer

The Great Powers, Sovereign Equality and the Making of the United Nations Charter *Gerry Simpson*

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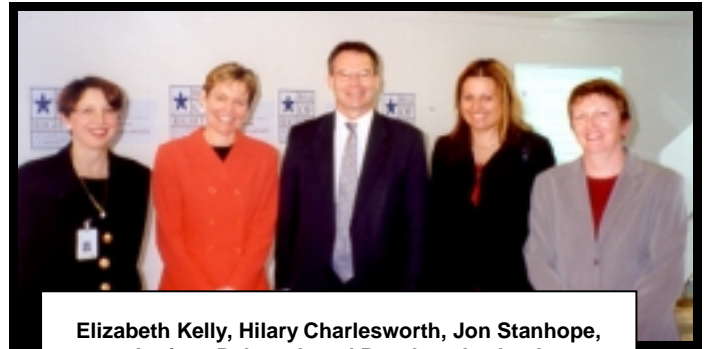


Jo.Bushby@anu.edu.au

A Bill of Rights for the ACT?

Jon Stanhope MLA, Chief Minister of the ACT has appointed a Committee to investigate whether the ACT should adopt a Bill of Rights. The Committee is chaired by CIPL Director, **Hilary Charlesworth**. Members are **Professor Larissa Behrendt**, Professor of Law and Indigenous Studies at the University of Technology in Sydney, and a visiting scholar at the ANU; **Ms Penelope Layland**, journalist and poet, and past Associate Editor of the *Canberra Times*; and **Ms Elizabeth Kelly**, Executive Director of the Policy and Regulatory Division, Department of Justice and Community Safety, ACT.

The Committee has released an Issues Paper and has called for submissions by 30 September. It is also conducting a series of community consultations. For more information and copies of the Issues Paper, visit the website <http://www.act.gov.au/rights/index.html>



Elizabeth Kelly, Hilary Charlesworth, Jon Stanhope, Larissa Behrendt and Penelope Layland

News from Centre members

Tom Sherman reports on a visit to the Woomera Detention Centre

I visited Woomera Detention Centre on 7 and 8 March 2002 at the invitation of Jeremy Moore, an Adelaide-based lawyer, who, with a number of other volunteers, provides legal services to detainees. I was inside the Centre for about 12 hours over the two-day period, interviewing detainees who were appealing adverse decisions on refugee status. I was also able to talk to a number of persons who represented the various groups of detainees about the conditions at Woomera, as well as being able to observe at least some of the conditions myself.

It is important to appreciate that the following comments are only a 'snap shot' view of the Centre. Much may have changed since I was there. For example, I understand that a considerable number of detainees have now been processed and are no longer at the Centre. Also Woomera has a limited life. A new purpose-built detention centre is in the final stages of construction at Port Augusta and, when it is completed, the Woomera detainees will be transferred there and Woomera will be closed.

At the time of my visit there were about 500 detainees (including about 80 children) at the Centre, the great bulk of whom were boat people. Of this total, there were about 200 from Afghanistan, 180 from Iraq, 110 from Iran, five from Palestine, three from Turkey and two from Vietnam.

Woomera is about six hours drive north-north-west from Adelaide on a route through Port Pirie and Port Augusta. The Centre itself is about two kilometres outside the township of Woomera.

The Centre is surrounded by high security fences with razor wire at the top. Within the Centre there are several compounds where the detainees are housed, for example, all single men were in the one compound. Movement between compounds is controlled by guards. In each compound there are a number of huts called 'dongas'. The huts have a door at each end with a corridor running down the middle. On both sides of the corridor there are spaces consisting of two double



HAVE YOUR SAY

You are invited to help decide whether the ACT should have a Bill of Rights

To have your say attend one of the public meetings, or make a submission in writing to the ACT Consultative Committee.

Public meetings with members of the Committee will be held

7.30 – 9.30 pm at:

- Tues 18 June** **Tuggeranong:** Community Centre Hall, 240 Cowlshaw St.
- Mon 1 July:** **Gungahlin:** Community Centre, Ernest Cavanagh Street.
- Wed 31 July:** **Phillip:** Olympus Room, The Hellenic Club, Matilda Street.
- Tues 13 August:** **Belconnen:** Ground Floor, Churches Centre, Benjamin Way.
- Tues 27 August:** **Griffith:** Community Room, Griffith Public Library, 25 Blaxland Crescent.
- Tues 10 September:** **Acton:** ANU Arts Centre, Childers Street.

An Issues Paper with more information is available at ACT Government Shopfronts, and on our website <http://www.act.gov.au/rights> Written submissions can be sent to: Locked Bag 2002, CIVIC SQUARE, 2608 or rights@act.gov.au or by fax to 02-62070538.

Submissions close 30 September 2002

bunks with about .75m between the bunks. These spaces are separated by curtains.

Outside the huts, shade was at a premium as was seating and ground cover. I only saw one properly constructed sun shelter although there were a number of shelters constructed by the detainees with blankets and sheets. I could see only one small set of playground equipment for children but it was on hard dirt and no one seemed to be using the facility.

The detainees outside the huts were just sitting on the ground. There seemed to be no activity except for a couple of children playing with an old battered soccer ball. Some of the detainees had commenced a hunger strike on the Wednesday prior to my arrival. By the time of my arrival on the Friday they had been without food for two days. I was able to observe the hunger strike. Some of the strikers were lying on mattresses under temporary sun shelters, others were lying in shallow graves dug in the ground.

One inevitably relies on comparative experience when evaluating conditions at the Centre and perhaps the most comparable experience is prison. The following evaluation is based on this comparison while accepting that detainees have never been convicted of any crime.

First, inmates of a prison are sentenced to prison for a specified period and they know that, with good behaviour, they can get reductions from the sentence. This enables them to look to the future with some certainty and plan accordingly. Detainees have no idea how long they will be in detention. Some people I interviewed had been in detention for over two years.

Second, inmates of a prison get feed-back from the authorities on their prospects for early release and know when they can make application for early release. The most common complaint I received from detainees was that they received no feedback on the substance and timing of the refugee determination process. Even where detainees have received protection status they have to remain in detention for security clearances. They get no feedback on the progress of those clearances.

Third, prisoners receive a wide range of social and other support services while in prison. For example, they receive visits from family and friends, they have proper on-site medical facilities, they get regular religious services and counselling, they have educational opportunities up to university level, they have libraries, and they are provided with live entertainment from time to time. Detainees at Woomera rarely receive visitors, the on-site medical facility is rudimentary, and there are some visits from religious ministers based at Woomera, but they are Christian where the great bulk of detainees are Muslim. Further there is no program of education at the centre. There is some schooling for children under 12 but even that is totally inadequate. There is no library and only a handful of books seem to be in circulation.

Indeed the main source of books and toys for the children seems to be what few things that Jeremy Moore and his colleagues brought in with them on their visits.

Fourth, my experiences of the Centre security staff were mixed. While interviews were going on, one member of the staff was inordinately officious towards the legal team. I saw one group of guards leaving the Centre who seemed to be prime candidates for a motorcycle gang, which made me wonder whether there was any personality testing of guard applicants during recruitment. On the other hand, I saw a female guard perform a singular act of kindness towards a family of detainees.

Fifth, prisoners have at least some privacy and personal space when in their cells. Detainees have no privacy in the dongas and this seems to be a particular problem for families with children. Personal space seems to be non-existent in the dongas.

These comments have tended to concentrate on the physical conditions I was able to observe and learn from interviews. I have done this because not many people have the opportunity to go inside an Australian detention centre. I have not commented on the legal processes associated with refugee applications. There is already a substantial and growing body of scholarship on that subject.

Tom Sherman AO

Jennifer Clarke's research visit on Native American issues

I visited the United States in April-May 2002 at the invitation of the US State Department. The international visitor study tour which focused on the needs of native Americans commenced with briefings by federal agencies, Congressional bodies, the Indian Health Service and pan-Indian lobby groups in Washington DC. I then visited the Harvard Program for Native Americans in Boston, before flying to Madison, Wisconsin, to visit the Ho-Chunk nation in the state's north.

My visit to the Ho-Chunk included discussions with the tribal government's Social Services Department and judiciary on issues as diverse as Indian gaming, responses to substance abuse (a problem similar to Australia's) and the extent of tribal jurisdiction. The Ho-Chunk is a relatively successful gaming tribe, earning income for individual members over and above the amounts of casino-generated funds which federal statute requires gaming tribes to invest in basic health and other citizenship programs. It has therefore had to take some interesting decisions about its own membership and the conditions it imposes on young members before they are paid their share.

I then flew to Arizona, visiting tribal governments and University of Arizona experts in Tucson and Phoenix. The politics of Indian gaming were also being played out in Arizona, where casino licences (which federal statute insists be negotiated with the states) are due for renewal. Arizona seeks an increased share of this gaming revenue;

tribes jockey to vary the formula which allows each reservation (no matter how small or large) one casino but denies a share of gaming revenue to those which have none. In a state with citizen-initiated referenda and the US's fastest-growing population, tribes consider putting their version of preferred gaming arrangements to the people to avoid the Governor. This was quite an eye-opener for an Australian!

In Arizona, I also visited the (non-gaming) Navajo Nation in the state's north-east to discuss governance issues, including the implementation of federal programs and courts administration. Although there is some impetus from within the Navajo Nation to introduce uniquely Navajo ways of decision-making, particularly in the courts, much tribal governance continues to occur in a manner dictated by external (usually federal) funding agencies or general models of US political institutions. Even strong tribal governments like this one seem to have focused on establishing their authority (after a history of having been dominated by the Bureau of Indian Affairs) rather than their uniqueness. In other parts of the US, some Indians stated quite clearly that they had learned from experience that US governments would not accept governance experiments based on cultural norms incompatible with American political culture.

Before returning to Australia, I flew to Anchorage, Alaska, to discuss land title and resource issues with experts and Alaska native organisations. Alaskan 'Indian title' issues were 'settled' by the Nixon administration on a corporate model in the 1970s, resulting in high levels of involvement in the state's economy by successful 'native' corporations, but also some unique problems, including the alienation of members from the corporations' management. Alaska differs from the 'lower 48' because of its dependence on two income sources: a finite supply of oil and federal government support. These factors may contribute to what seemed to me to be a much more polarised political climate about 'native' rights than that found on the US mainland. Indeed, one of the surprising features of the 'lower 48' was the openness of tribal governments, and their preparedness to discuss their business with an Australian stranger!



Jennifer Clarke

Ann Kent's Beijing impressions

In May, I combined a Harvard Alumni Conference in Beijing on Globalisation and Asia with some final fieldwork on my project on China and international organisations. In the process, I caught up with the

enormous changes that had occurred in Beijing since my last visit a decade ago.

The change hit me first at Beijing Airport, remembered as a tiny building the size of the early Canberra airport, now like any vast international airport. Perhaps, though, that was to be expected. What I didn't expect was, in place of the orderly queues of old-fashioned grey cars and blue-grey coated drivers of the past, the gaggle of taxidrivars crowding at the customs exit to exploit the new market system, nab unsuspecting tourists and whisk them off to their hotels at earthshattering cost. 'I'll take the old one', shouted one in guttural Beijing dialect, 'you can take the young one'. But the nice middle-aged(!) foreign lady with the sweet expression (me), swept past with a scornful, 'wo bu shi laotou'er!' (I'm not old!), and the gaggle fell back in confusion, embarrassed to have been understood. As an old China hand, I knew my way around! I joined the official taxi queue. My turn finally came, and as the driver got out to take my bag, a nearby driver shouted to him in mirth, 'you got the old one, after all!'

The joke was on me, and the long drive into town was filled with great conversation, reminiscences of Beijing over the last 30 years, and lots of laughs. The narrow road into town lined by poplars was gone, transformed into a super highway, the peaceful villages had been replaced by soaring buildings of steel and concrete stretching for miles (Hong Kong universalised), super highways and fly-overs criss-crossed each other, and I had to crane my head to recognise the remnants of old, familiar landmarks. How had all this happened in only 10 years? But I arrived in town in great good humour. The driver even undercharged me, because, he said, he had enjoyed the laugh. Everything had changed in Beijing, but not the things that really mattered.

The Harvard conference was equally a mix of impressions. Old friends and new colleagues, new Harvard President (Lawrence H. Summers), former teachers, new themes and ideas, new, critical views from Chinese scholars, a new humility from the foreign scholars. Free market doctrinaires jostled with cultural revivalists, both Chinese and foreign. The world of globalisation was covered, ranging from papers on 'China's Role in 21st Century Asia'; 'International Cooperation on Education'; 'Education in a Global Economy'; 'Shrinking the Globe through Technology'; 'Globalisation and Native Cultures' (Tu Weiming); 'Professionalism in an Era of Globalisation' (William Alford); 'Air Quality in China and the Rest of Asia' (Michael McElroy); 'China after WTO' (Dwight Perkins and Fan Gang); to 'Economic Development and Health Care Financing for Asia's Rural Poor' (William Hsiao). Outside the sumptuous, five-star Kerry Centre Hotel revolved the life of everyday China. Construction sites blotted out the sun. Traffic hummed, and the grey air hung limp. At night, after a glittering cocktail party and a pre-conference dinner, I retired to my palatial room on the sixteenth



floor. Suddenly there was a crash, and muffled shouts. Rain hit the window-panes. I opened the curtains, and a thin strip of lightning jagged across the sky, tipping the lighted top of the construction site opposite. The lightning flashed again, revealing dim figures moving through the dark lower floors. On the top floor, still open to the skies, welding began. Light flew out like giant sparklers, and the figures clustering around it were tiny specks above me. Again the lightning snaked through the sky, making one long line with the welding fire. I waited endless, agonising minutes for the stop-work whistle. The rain became one continuous sheet. The whistle blew.

Conference participants noticed that the work on the site continued every day, 24 hours a day. The red Chinese banner festooning the construction read: 'Money cannot replace life' ('Jinqian bu neng daiti shengming'). One speaker at the conference made a passing reference to the workers outside, to the fact that most of them were migrant labourers from the countryside earning a pittance, and the Harvard alumni, some of them leading Asian investors and financiers of the China boom, shifted uneasily in their seats.

Business cards exchanged, promises to meet again repeated, back on the Beijing streets I marvelled at the modernity and polish. I admired the fashions, the amazing hairdos, the tiny skirts, the make-up and jewelry, the expensive cars caught in traffic jams. I noted the absence of the huge photos of Marx and Lenin in Tiananmen Square, listened to the funky music in the streets and averted my eyes from the ubiquitous billboards, the Gucci shops and the mock-Chinese architecture of McDonald's. I remarked the new outspokenness of Chinese scholars and officials. I exulted in the hundreds of new, scholarly Chinese books on law, international relations and international law in the bookstores and the huge numbers of people thronging to buy books. I discovered the amazing variety, in comparison to the past, of Chinese television and admired the depth of their critical documentaries. I still found the old China in the lanes, when I bumped into a group of card players leaning forward on cane stools, or old people (the real *laotou'er!*) doing taiqi. On the other side of Beijing, past more square miles of faceless, towering buildings, I rediscovered the peace of the Ming Tombs. But I never again wondered how it was that Beijing had changed so much in only 10 years.



Dr Ann Kent

Book Review

Tony Blackshield, Michael Coper & George Williams (eds)
The Oxford Companion to the High Court of Australia

OUP \$150hb, 804pp, 0 19 554022 0



This review first appeared in the May issue of
Australian Book Review

A Magnificent Companion

Hugh Dillon

The birth of the High Court of Australia in 1903 was difficult. Although the Constitution gave the Commonwealth Parliament power to establish a Federal appellate and constitutional court, many legislators were remarkably reluctant to see what Alfred Deakin, the first Commonwealth Attorney-General, called the 'keystone of the Federal arch' lowered into place. The passage of time has made it difficult for us to comprehend the deep-set provincialism that pervaded Australia in 1901. It took one of the greatest speeches ever given in the Commonwealth Parliament, Deakin's second reading speech on the *Judiciary Bill* in 1902, to galvanise just sufficient support to establish the new court.

The High Court sat for the first time on 6 October 1903. It was greeted by many lawyers with little enthusiasm. Chief Justice Samuel Way of South Australia said that it was 'no more wanted than a fifth wheel on a coach', and Chief Justice Darley of New South Wales was convinced that appeals to it would be 'few and far between'. Things had changed by the end of the century. A Justice told me once that he started work in the Commonwealth car at seven a.m. and didn't finish until about eleven p.m.

The High Court is like a pair of lungs in the body politic, essential but inconspicuous, except when placed under pressure. Yet its modest calls on our attention belie its significance. Sir Harry Gibbs, in a speech at the launch of the Oxford Companion, drew attention to the extraordinary and paradoxical nature of constitutional courts such as the US Supreme Court and the Australian High Court:

Although its duty is to uphold democratic institutions it is itself undemocratic. We take for granted the power of an unelected court to invalidate laws passed by a elected legislature ... It seems natural to us to accept as correct the justification which [US Chief Justice] Marshall gave, which was that the Court had to apply the law and the Constitution was the supreme law, but in the early days of the United States this view was not universally held and even in Australia some doubts have been expressed as to its correctness.

Given Australia's open and argumentative political culture, the Court's occasionally dramatic but always interesting history, its longevity and

its critical place in our polity, it seems strange that the literature on the High Court is relatively thin, and largely confined to legal journals. Until now, there has been no comprehensive study made of the Court's history, decisions, judges (or, as they are idiosyncratically known, 'Justices'), procedure and culture. As recently as 2000, a researcher bemoaned this lacuna, but presciently remarked that the ANU's 'High Court' project, which has produced this magnificent new Oxford Companion, would be 'a big step towards changing this situation'.

It is hard to find superlatives sufficiently bold to describe such a tour de force. Let me start with a description of the book itself. It is jacketed in immaculate black with a gold lettering, bringing to mind not the robes of judges and barristers but a jewellery box. It is 804 pages long, weighs 4.5 kilograms, and contains 435 entries totalling about 650,000 words of densely packed information. Described this way, it sounds like the QE2, viewed up close, it is just as impressive. Except in the USA, it may have no serious rivals in its class. Justice Michael McHugh thinks that the Companion exceeds the splendid achievement of *The Oxford Companion to the Supreme Court of the United States of America*, and I would take his word for it.

The book was the brainchild of Michael Coper, Professor of Law at the ANU, who, in 1994, convened a group to develop what came to be known as 'the ANU High Court project'. He was extraordinarily well qualified to take on such a project, being not only an academic expert in constitutional law, but having appeared as a barrister in the Court in a number of major cases. In 1996, Coper, joined by Professor George Williams, met Peter Rose (now Editor of *ABR*) at Oxford University Press. A list of key topics was developed from suggestions proffered by over sixty people. A sample of these topics demonstrates the fertility of the minds leading the project. As well as entries on the leading cases, doctrines and practices of the Court, we find, amongst others, entries on 'Appointments That Might Have Been'; 'Humour'; 'Background of the Justices'; 'Personal Relations' [between the Justices]; 'Popular Images of the Court'; 'Dissenting Judgements'; 'Jurimetrics'; 'Sex'; 'Metaphor'; and '*The Castle*'.

The editors are three of the best constitutional scholars in Australia: Coper, Williams and Tony Blackshield. They have gathered a brilliant team of 222 other contributors. While, as one would expect, the largest single group of authors consists of law academics, the editors have imaginatively widened the net beyond the law schools. Unsurprisingly, a number of current and ex-High Court Justices are present on the roll, as are eighteen judges, four current or ex-Solicitors-General, forty-odd practising lawyers (including some with extensive High Court practices) and one Director of Public Prosecutions. But the inclusion of historians, biographers, three journalists, two Jesuits, a poet, an ex-prime minister and one of the scriptwriters of *The Castle* (Rob Sitch) delivers this

project from the danger of suffocating under its own weight. The editors got the 'vibe' just right.

Sir Anthony Mason correctly identified a problem with Companions when he said that they 'present a close-up of the trees without ever aspiring to a panorama of the forest'. While encyclopedias and Companions do tend to suffer from diffusion and lack of narrative spine, here, however, the editors have solved the problem with an artfully constructed, almost invisible framework, which, once seen, enables us to obtain a panoramic view of the Court bit by bit and from a number of vantage points.

A Companion has one great advantage over a general encyclopedia, namely, that it has one subject. Thus the strengths of an encyclopedia – width of field and variety of viewpoints – are brought to bear on a complex subject, and perspectives that might otherwise be excluded were a different format applied to the problem of exposition are gained on that subject. The editors of this book might therefore be thought of as literary Cubists.

The book is structured around themes: the history of the Court; biographies of the judges; relations between the court and the community (including the politicians); social and jurisprudential issues; the development of the substantive law by the Court; and the culture of the Court. Each essay is a small miracle of compression and expertise, and some are stamped with literary distinction. Here is an almost complete legal education in one book.

At the same time, it is possible to enjoy the benefits of narrative history without losing the pleasure of exploring this Aladdin's Cave of legal learning from A to Z. A series of articles, starting with 'The Griffith Court' and proceeding through each Chief Justice's period in office, enables us to follow the Court's development over the last ninety-nine years. Explorations from these chronological base camps into the lives of individual judges, notable cases, and social and legal issues (beautifully cross-referenced in the text) enable us to gain deeper insights into the work of the Court at any given stage and as a whole.

If it is true that the 'proper study of Mankind is Man', I suspect that most readers will start with the biographies of the Justices, notable litigants, distinguished advocates and others who have dramatised the Court's history. One of the virtues of the book is that it is an 'unauthorised' project. While some High Court judges have contributed articles, this was not an in-house or fan club production. Most of the forty-two appointments to the High Court have been high-calibre lawyers, but the record shows that a number did not perform well. The Companion has the intellectual honesty to say so.

We are told, for example, that Frank Gavan Duffy (Chief Justice 1931-35) 'spent the first part of his new office [as Chief Justice] enjoying the

prestige and the second part manoeuvring for personal and family advantage'. George Rich (Justice 1913-50) is said to have been 'inclined to be indolent', and Hayden Starke (Justice 1920-50) was undoubtedly the most difficult person ever to sit on the High Court. His relations with other judges were so bad that on one occasion, in a letter to a friend, he referred to them as 'worms, not men'. The article on Chief Justice Owen Dixon's diaries, which he maintained for thirty years, provides frank insights into the lives and manners of the High Court in mid-century.

The other group of articles that I expect will attract particularly close attention from the general reader deals with sociological and political themes and questions. How has the High Court dealt with issues of race, masculinity, feminism, community values, sex, public opinion, rights, freedoms, discrimination and other ideologically divisive matters? How has it dealt with criticism, and what impact have criticism, public opinion and political philosophy had on the Court? What economic impact has the High Court had, and how has economic theory affected its decisions? Here the editing is particularly refined, like good film direction. The entries are gratifyingly taut and precise.

Chief Justice Gleeson, in a thoughtful address at the Companion's launch, remarked that he was struck by 'the gulf that exists between the view of legal institutions and of the Court from within the universities, and the view from within the practising legal profession'. He did not identify which entries had provoked this observation, but it seems to me that the differences in views may be particularly acute in relation to those issues in which are embedded many value judgments. Gleeson suggested that there may be a need for bridge-building. This might be so, but the Chief Justice would probably concede that it is also beneficial for the High Court and other legal institutions to be scrutinised by a 'loyal Opposition' in the universities, provided that the discourse is civilised (as it is in the Companion).

An entry entitled 'Background of Justices' apparently formed a small burr under the High Court's saddle. The authors (Eddy Neumann and Francesca Dominello) contend that the Justices are overwhelmingly from upper-middle-class backgrounds and imply, despite a disclaimer, a linkage between class, appointments to the High Court and conservative judicial tendencies. At the launch, Gleeson and Gibbs both responded to the argument, Gibbs, perhaps begging the question, calling for appointment based on merit alone, while Gleeson pointedly remarked that none of the parents of the current Justices were lawyers or had attended university.

Piquant as it may be, class analysis is a weak analytical tool in this context. It does not explain, for example, the liberalism of William Deane, the conservatism of Michael McHugh, or why Dixon and Evatt, both of whom had deprived childhoods, were poles apart as judges.

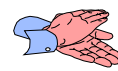
Perhaps more interesting are Blackshield's jurimetrical or statistical analyses of High Court voting patterns in cases, and investigations of the ideological conflicts underlying particular cases or the value judgments made by judges.

The particular strength of the Companion is that it has produced as much first-class broad interpretative and reflective writing (such as Russell Hogg on the Chamberlain case and criminal procedure, Frank Brennan on race, and Jack Waterford on criticism) as fine, black-letter legal analysis (such as J.D. Heydon on evidence law, Michael Coper on s.92 of the Constitution, and George Williams on judicial review).

There is much to savour in this magnificent addition to our national scholarly literature. The editors, writers, researchers and publishers deserve every acclamation. This essential work should grace every self-respecting Australian library.



Professor Michael Coper



Congratulations

The Centre is delighted to note the appointment of **Robin Creyke** as the newest Professor of the Law Faculty.

After graduating in law from the University of Western Australia (picking up along the way the prizes for the best final and penultimate year results) Robin came to Canberra in 1969 bent upon a diplomatic career in the Department of Trade and Industry. She instead turned back to academia, joining the Law Faculty as a full-time lecturer in 1987, having earlier been a tutor for many years. Her administrative law expertise has been rich and diverse – she is presently a member of the Administrative Review Council, a member of the ACT Independent Competition and Regulatory Commission, Vice-President of the Australian Institute of Administrative Law, and Special Counsel to Phillips Fox. She is formerly a member of the Social Security Appeals Tribunal and a member of the Nursing Homes Review Panel. Robin has been the organiser of a large number of administrative law conferences, and publisher of many studies, articles and books, including co-authorship of *Veterans' Entitlements Law*.

In the Faculty Robin is the Director of Teaching and Learning, and was Acting Director of CIPL for a period in 1999. We look forward to Robin's inaugural professorial lecture, probably early in 2003. She has a diversity of topics to choose from!



Professor Robin Creyke

Another CIPL member, **Fiona Wheeler**, is to be congratulated on her appointment as Reader in the Faculty of Law. The appointment recognised Fiona's high standing as a constitutional law scholar, particularly in the area of the separation of powers and judicial power. Fiona's work has been cited with approval by the High Court and has had a major impact on scholarship. The appointment also acknowledged the significant role Fiona plays as Sub-Dean in the Faculty. The appointment will be welcomed by all Fiona's colleagues.



Dr Fiona Wheeler

Congratulations to Simon Bronitt and Visiting Fellow **Benoit Dupont** who have been awarded an International Research Linkage grant by the Canadian Department of Foreign Affairs grant of \$C 8,000 with colleagues from the University of Montreal. This money will be used to organise a research seminar in Canada later this year on undercover police investigations. Participants will include ANU and University of Montreal scholars from a range of disciplines (mainly law and criminology).

Staff and members' conference papers, addresses, media

Recent media contributions by CIPL members are available at the CIPL website <<http://law.anu.edu.au/CIPL>>

Peter Bailey

'Kirby deserves an apology: professor', *The Canberra Times*, 14 March
Chaired, inaugural public meeting, South Coast Branch of Rural Australians for Refugees, Bateman's Bay, 4 June

Andrew Byrnes

Professorial address: 'Apocalyptic Visions and the Law: The Legacy of September 11', Faculty of Law's 'Inaugural and Valedictory Lecture Series', 30 May

Attended, External Forum on Gender and Development of the Asian Development Bank in Manila, 5-7 June

Joined, Editorial Board, *Australian Year Book of International Law* as joint editor with Hilary Charlesworth

Gave media interviews about Australia and the International Criminal Court to:

- ABC Lateline, 12 June
- ABC Radio, PM, 12 June
- Skynews (debate with Bronwyn Bishop MP), 12 June
- ABC 7.30 Report, 18 June
- ABC Radio 702 Drive Program, 18 June

Presenter and creator, international law trivia quiz, Australian and New Zealand Society of International Law Conference dinner, Saturday 15 June

Andrew Byrnes and Hilary Charlesworth

'Action Urged on [ICC] Statute', *The Canberra Times*, 22 May

Hilary Charlesworth

Discussion, *Writing in Rights: Australia and the Protection of Human Rights*, Late Night Live, Radio National, 13 March

Panel Member, ABC Television Compass Good Friday Special: 'A Just War', Sydney, 29 March

'Globalisation and human rights', World Association of the Alumni of the Sacre Coeur, Sydney, 16 April

'Sex, Gender and 11 September', International Law Discussion Group, ANU, 23 April

'Maybe Human Rights are Not So Well Protected', *The Canberra Times*, 29 April

'International Law and Australian Law', Sir Ninian Stephen Lecture, University of Newcastle, 10 May

Interview on the International Criminal Court, ABC Radio, Adelaide, 9 June

Book launch, Kim Rubenstein, *Australian Citizenship Law in Context* (Law Book Co, 2002), Australian Women's Constitutional Convention, 11 June

'Perspectives on East Timor', Australian and New Zealand Society of International Law 10th Annual Conference, ANU, 14 June

Interviewed on the International Criminal Court, 'The World Today', ABC TV, 20 June

Skynews (debate on an Australian Bill of Rights) 27 June

'The International Criminal Court and the Anti-Landmines Campaign', ANU, 3 July

Talks on the ACT Bill of Rights:

- Woden Rotary Club, 3 April
- ACT Legal Aid Law Week Conference, 17 May
- Australian Women's Constitutional Convention, 13 June
- ACT Council of Social Services, 17 June
- Australian Bill of Rights Conference, UNSW, 21 June
- University of the Third Age, Canberra, 24 June

Robin Creyke

'The Impact of Judicial Review on Tribunals – Recent Developments' presented at the AIJA Annual Tribunals Conference, Melbourne, 7 June

Don Greig

'International Community: Rhetoric or Reality', International Law Discussion Group, 25 March

Ann Kent

'Why States Comply', International Law Discussion Group, ANU, 26 June

Leighton McDonald

'The Constitutional Crisis that Wasn't', The Saving of the Governor-General: The Law and Politics of the Hollingworth Affair, Current Issues Seminar, ANU, 18 April

John McMillan

'The Foundations and Limitations of Judicial Review – Commentary', 2002 Constitutional Law Conference, Centre for Public Law of the University of NSW, Sydney, 15 February, (available at [www.gtcentre.unsw.edu.au/John McMillan Paper.doc](http://www.gtcentre.unsw.edu.au/John_McMillan_Paper.doc))

'Recent Developments in Administrative Law – 2001', Australian Institute of Administrative Law seminar, Melbourne, 19 February

'Good Decision-Making for Government: Fact Finding', presentation to public service seminar, Melbourne, 26 March

'Trends and Emerging Issues in Judicial Review', Australian Corporate Lawyers' Association Conference, Canberra, 27 March

The Saving of the Governor-General: The Law and Politics of the Hollingworth Affair, Current Issues Seminar, ANU, 18 April

'The Courts vs The People: Have the Judges Gone too Far?', Sixth Colloquium of the Judicial Conference of Australia Inc, Launceston, 26-28 April, (available at <http://www.jca.asn.au/mcmillan.pdf>)

'Better decision-making in whose eyes?', Feature article: public service informant, *The Canberra Times*, 4 May

'Should the ACT Adopt a Bill of Rights', participant for the 'No' case in a debate in Law Week, Canberra, 17 May

'Better Decision-Making – In Whose Eyes?', Institute of Public Administrative seminar on 'Improving Government Decision Making', Canberra, 31 May, (<http://law.anu.edu.au/cipl/Mcmillan406.pdf>)

Discussant, 'Federal Court Ruckus', Radio National Breakfast, 5 June

'Immigration Law and the Courts', Fourteenth Conference of the Samuel Griffith Society, Sydney 14-16 June

'Panel Forum on Asylum Seekers', member of a panel at the Curtin (ACT) branch of the Australian Labor Party, Canberra, 17 June

'Two Decades of Open Government', Commonwealth FOI Practitioners' Forum, Canberra, 28 June

Wayne Morgan (with Adrienne Stone)

'Fear, hatred spread by stereotypes', *The Canberra Times*, 15 March

'Queering International Law', International Law Discussion Group, ANU, 14 May

James Stellios

'Three Public Figures in Crises', The Saving of the Governor-General: The Law and Politics of the Hollingworth Affair, Current Issues Seminar, ANU, 18 April

'Reflections on experiences at the law school and legal practice', Faculty Awards Ceremony, Law School, ANU, 23 April

Phillipa Weeks

Professorial address: 'Fairness at Work', Faculty of Law's 'Inaugural and Valedictory Lecture Series', 20 May

Staff and members' publications

Please contact CIPL members directly for further information on their publications

Hilary Charlesworth

'International Law: A Discipline of Crisis' (2002) 65 *Modern Law Review* 377-392

'Author! Author! A Response to David Kennedy' (2002) 15 *Harvard Human Rights Law Journal* 127-132

Robin Creyke

R Creyke and P Keyzer (eds), *The Brennan Legacy: blowing the winds of legal orthodoxy* (The Federation Press, 2002)

'Sir Gerard Brennan's Extra-Curial Writings' in R Creyke and P Keyzer (eds), *The Brennan Legacy: blowing the winds of legal orthodoxy* (The Federation Press, 2002)

'Tribunals: Divergence and Loss' (2001) 29 *Federal Law Review* 403-425

'Tribunals and Access to Justice' (2002) 2 *Queensland University of Technology Law Journal* 67-85

Robin Creyke and John McMillan

R Creyke and J McMillan (eds), *Administrative Law – the Essentials* (AIAL, 2002)

R Creyke and J McMillan, 'Essentialism in a Changing World' in R Creyke and J McMillan (eds), *Administrative Law – the Essentials* (AIAL, 2002)

Don Greig

"International Community", "Interdependence" and all that ... Rhetorical Correctness?, G Kreijen (ed), *State, Sovereignty and International Governance: in honour of Judge Pieter Kooijmans of the International Court of Justice* (OUP, 2002) 851-1013

Leighton McDonald

Reviews Editor, (2002) 27 *Australian Journal of Legal Philosophy* 137-210

John McMillan

'Parliament and Administrative Law' in G Lindell and B Bennett (eds), *Parliament – The Vision in Hindsight* (The Federation Press, Sydney, 2001)

'The Justiciability of the Government's Tampa Actions' (2002) 13 *Public Law Review* 89-93

'Controlling Immigration Litigation – A Legislative Challenge' (2002) 10 *People and Places*

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