



THE UNIVERSITY
of ADELAIDE

Public Law & Policy Research Unit

Public Law and Policy Research Unit

ANNUAL REPORT 2015

1. History

Public law has long been a research strength in the Adelaide Law School. Public law scholars have made a significant contribution to the school's consecutive ERA rankings of 4 in 2010 and 2012. In recent years, the School has appointed a number of outstanding young scholars in the area of public law. These scholars are already contributing to growing the School's public law research. In 2012, a research cluster known as the Public Law Research Community was established to support and expand public law research within the Law School and across other disciplines. In 2014, a successful application was made to the Faculty to create the Public Law and Policy Research Unit. (PLPRU).

2. Management structure

Director: Associate Professor Alexander Reilly

Deputy Director: Dr Judith Bannister (From July 2016, Dr Rebecca LaForgia will share the role of Deputy Director with Judith)

Advisory Board:

Honourable Cathy Branson QC, Adjunct Professor, University of Adelaide

Honourable John Doyle AC QC,

Professor Rosalind Croucher AM, Australian Law Reform Commission

Dr Lawrence McNamara, Bingham Centre for the Rule of Law, UK.

Professor Andrew Lynch, Faculty of Law, UNSW.

Professor Hilary Charlesworth, Faculty of Law, ANU,

Professor Hal Bruff, Harold Hastings Professor of Law, University of Colorado

Professor Megan Davis, UNSW.

Professor Deborah Turnbull, University of Adelaide.

Professor John Williams, University of Adelaide.

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3. Members and Affiliates

PLPRU has over 20 active academic members from the School of Law, the School of History and Politics, the School of Humanities, and research partners from the Schools of Geography and School of Anthropology.

From the Law School: Judith Bannister; Peter Burdon; Joanna Howe; Laura Grenfell; Anne Hewitt; Cornelia Koch; Rebecca La Forgia; Paul Leadbeter; Rosemary Owens; Alexander Reilly; Matthew Stubbs; Kellie Toole; John Williams; David Wright, Anna Olijnyk, Adam Webster.

From the School of History and Politics: Professor Lisa Hill and Dr Tiziana Torresi.

From the School of Humanities: Professor Amanda Nettelbeck.

From Anthropology: Associate Professor Andrew Rosser.

From Geography: Dr Helen Feist.

In addition to our members, there are close associations and established research networks between PLPRU and the Australian Centre for Population and Migration Research, the Faye Gale Centre for Research on Gender, and within the law school, the Research Unit for the Study of Society, Law and Religion.

4. Visitors in 2015

In 2015, the Unit hosted six visiting scholars who presented seminars and spoke to the members of the Unit.

- Professor Melissa Hart, University of Colorado Law School
- Associate Professor Ann Genovese, Faculty of Law, University of Melbourne, Victoria
- Khylee Quince, Law School, University of Auckland
- Professor Peter Radan, Macquarie Law School, NSW
- Professor Paul Brand, All Souls College, Oxford
- Associate Professor Lyndsay Campbell, University of Calgary Law Faculty

5. Activities in 2015

A. Workshops and seminars

1. December 2015, 'Legal Reform and Innovation', 34th Annual Conference of the Australian and New Zealand Law and History Society

2. September 2015: ‘Accommodating Rights? Religion, Speech and Equality in Australia’: a symposium to discuss aspects of the ALRC’s Freedoms Inquiry, co-hosted with the Australian Law Reform Commission and the Research Unit for the Study of Society, Law and Religion.
3. August 2015, Peter Radan, ‘Law, Politics and the *Attorney-General: Gouriet v Union of Post Office Workers in Context*’
4. April 2015: Ann Genovese, ‘The Court as Archive: Institutional Histories and Public Responsibilities’
5. March 2015: the Director of the Unit, Alex Reilly, was invited to participate in a Roundtable on *Citizenship and the Constitution* in Parliament House, Canberra, with members of the Social Policy and Legal Affairs Committee.
6. February 2015, Melissa Hart, ‘Ethical Advice for Judges: American and Australian Perspectives’
7. February 2015, PLPRU co-hosted a Public Law Teachers workshop with Gilbert and Tobin Centre of Public Law, UNSW. 70 attendees from Australia and New Zealand. The workshop produced an edited collection of the *Legal Education Review*.

B. Submissions to public inquiries

Under the PLPRU name, members regularly contribute to parliamentary and government inquiries, through submissions, and the provision of oral evidence. PLPRU submissions are well represented in final reports. In 2015, PLPRU made the following submissions:

1. August 2015: Submission to the Senate Legal and Constitutional Affairs Committee inquiry into the matter of a popular vote, in the form of a plebiscite or referendum, on the matter of marriage in Australia (Dr Adam Webster, with support from Alex Reilly and Rosemary Owens)
2. August 2015: Submission to the Joint Standing Committee on Migration inquiry into the Seasonal Worker Programme (Joanna Howe and Alex Reilly)
3. July 2015: Submission to the Nuclear Fuel Cycle Royal Commission, (John Podgorelec, Legal Counsel, International Human Right Law with contributions from Peter Burdon and Alex Wawryk).
4. May 2015: Submission to the House of Representatives Standing Committee on the Environment Inquiry into the Register of Environmental Organisations (Peter Burdon, Anna Olijnyk, Alex Reilly, and Sylvia Villios)
5. The impact of Australia's temporary work visa programs on the Australian Labour market and on the temporary work visa holders (Joanna Howe and Alex Reilly)
6. April 2015: Submission to the Senate Legal and Constitutional Affairs Committee inquiry into the Migration Amendment (Maintaining the Good Order of Immigration Detention Facilities) Bill 2015 (Alex Reilly, with the assistance of law students Sofia Kette, Karolinka Dawidziak-Pacek, Callum Disario and Peter Makestas).
7. March 2015: Submission in response to the ALRC’s interim report into Rights and Freedoms in Commonwealth laws (Alex Reilly Rosemary Owens, Andrew Stewart, Dr Judith Bannister, Cornelia Koch and Dr Anna Olijnyk.)

8. February 2015: Submission to the ALRC inquiry into Traditional Rights and Freedoms – Encroachment of Commonwealth Laws (Alex Reilly, with input from Rosemary Owens, Andrew Stewart, Judith Bannister, Cornelia Koch and Anna Olijnyk).
9. February 2015: Response to the Department of Immigration and Border Protection Discussion Paper, “Off Shore Refugee and Humanitarian Visas: Creating a Simpler Framework” (Alex Reilly and Ms Libby Hogarth, Director of Australian Migration Options).
10. January 2015: Response to the Proposal Paper: Simplification of the skilled migration and temporary activity visa programmes – December 2014 (Joanna Howe and Alex Reilly).
11. January 2015: Submission to the Legal and Constitutional Affairs Committee inquiry into the Independent National Security Legislation Monitor (Improved Oversight and Resourcing) Bill 2014 (Alex Reilly, Gabrielle Appleby, Adam Webster and Laura Grenfell).
12. October 2014: Submission to the Joint Select Committee on Constitutional Recognition for Aboriginal and Torres Strait Islander Peoples (Matthew Stubbs , Gabrielle Appleby, Rebecca LaForgia, Alex Reilly)

C. Blog

The Unit has an active blog, the Public Law Blog. It posts updates on the activities of members. The Unit is regularly contacted by the media based on these posts.

6. The future

The Unit has made a successful start as a hub for research activity in the area of public law. However, we do not believe the Unit has reached its full potential. In 2016, we are keen to expand the activities and the connections of the Unit.

We have a strong relationship with the Gilbert and Tobin Centre for Public Law UNSW.

We wish to enhance our connection with researchers in other universities and research organisations linked to the work of PLPRU. These include:

- Centre for Comparative Constitutional Studies, University of Melbourne
- Institute for International Law and the Humanities, University of Melbourne;
- Andrew & Renata Kaldor Centre for International Refugee Law, UNSW
- Centre for International and Public Law, ANU
- SA Government
- Local Government Association (SA)
- Adelaide City Council
- Refugee Advocacy Service of South Australia

We also wish to consolidate our links with academics in international institutions including International law schools - Colorado Law School; Faculty of Law, University of British Columbia.

Other activities we wish to enhance from 2016:

- a. **Creating research partnerships with government, industry and peer universities, domestic and international:** The Public Law Law and Policy Research Unit has already established close relationships with:
- government organisations (for example, it has been engaged to conduct research into corruption by the Local Government Association (SA), we are currently in discussions with the LGA about applying for an ARC linkage grant to continue this research in 2016),
 - parliamentary organisations (for example, its submissions to the Senate Committee on Legal and Constitutional Affairs have always been well received and it now regularly receives invitations to comment on matters before the Committee), and
 - peer universities (for example, it has established strong connections through grant applications and visiting scholar programs with the UNSW Gilbert & Tobin Centre, the ANU's Centre for Public and International Law, Sydney Law School's Constitutional Reform Unit, and the Colorado Law School).
- b. **Attracting international research leaders:** we would like to invite research leaders across the world to come to the University and assist us in our research endeavours. Already PLPRU has hosted a number of national and international scholars.
- c. **Attracting more and higher quality PhD students:** Better advertising the activities and achievements of PLPRU will assist in attracting prospective PhD students wishing to study in public law and policy.
- d. **Civic Engagement:** Engagement between the academy and the public in the areas of public law and policy is pivotal. Already, we have established a strong media presence, regularly contributing to public debates on constitutional reform, migration and refugee law and policy, corruption, whistleblowing, electoral reform and environmental law issues.