

## CURRICULUM VITAE

**DR JAMES STELLIOS**

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## PROFESSIONAL PROFILE

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- 2013 – current**      Barrister, *New South Wales Bar*
- 2016 – current**      Professor, *ANU Law School, Australian National University*
- 2017 – current**      Fellow, *Australian Academy of Law (FAAL)*

## ACADEMIC QUALIFICATIONS

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- 2012**                      Doctor of Philosophy, *Australian National University*
- 1999**                      Master of Laws, *Cornell Law School, USA*
- 1999: Rudolf B Schlesinger Fellowship
  - 1998: Cornell Fellowship
- 1994**                      Bachelor of Laws (Hons), *Australian National University Law School*
- University Medal
  - First Class Honours
- 1990**                      Bachelor of Economics, *Australian National University*

## PREVIOUS APPOINTMENTS

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### Academic appointments

- January 2016 – December 2018**                      Director, Centre for International and Public Law, *ANU Law School, Australian National University*
- September 2017 – February 2018**                      Senior Visiting Fellow, *Melbourne Law School*

<b>December 2013 – December 2014</b>	Acting Director, Centre for International and Public Law, <i>ANU Law School, Australian National University</i>
<b>January 2009 – December 2015</b>	Associate Professor, <i>ANU Law School, Australian National University</i>
<b>October – November 2010</b>	Visiting Professor, <i>Chuo Law School, Japan</i>
<b>January – February 2005</b>	Visiting Professor, <i>Alabama Law School, USA</i>
<b>January 2005 – December 2008</b>	Senior Lecturer, <i>ANU Law School, Australian National University</i>
<b>June 2001 – December 2004</b>	Lecturer, <i>ANU Law School, Australian National University</i>

### Professional appointments

<b>February 2011 – January 2013</b>	Consultant, <i>Sparke Helmore Lawyers</i>
<b>July 2005 – December 2010</b>	Consultant, <i>Clayton Utz Lawyers</i>
<b>July 2000 – July 2001</b>	Counsel Assisting the Solicitor-General, <i>Office of the Solicitor-General of Australia</i>
<b>January 1998 – July 2000</b>	Principal Lawyer, <i>Australian Government Solicitor, Office of Litigation, Civil and Constitutional</i>
<b>January 1997 – January 1998</b>	Senior Legal Research Officer, <i>High Court of Australia</i>
<b>September 1995 – January 1997</b>	Lawyer, <i>Australian Government Solicitor, Office of Litigation, Revenue and Civil</i>

### APPEARANCES AS BARRISTER

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#### High Court of Australia

1. *Vunilagi v The Queen* [2023] HCA 24
2. *Attorney-General (Cth) v Huynh* [2023] HCA 13
3. *Zeph Investments Pte Ltd v Western Australia* [2020, proceedings instituted in High Court but subsequently discontinued]
4. *UD v The Queen* [2020, removed into the High Court; removal subsequently revoked]

5. *Vella v Commissioner of Police* (2019) 269 CLR 219
6. *Masson v Parsons* (2019) 266 CLR 544
7. *Rizeq v Western Australia* (2017) (2017) 262 CLR 1
8. *Alqudsi v The Queen* (2016) 258 CLR 203
9. *North Australian Aboriginal Justice Agency Limited v Northern Territory* (2015) 256 CLR 569
10. *Duncan v New South Wales* (2015) 255 CLR 388
11. *Australian Securities and Investments Commission v Edensor Nominees Pty Ltd* (2001) 204 CLR 559
12. *Cheung v The Queen* (2001) 209 CLR 1
13. *Brownlee v The Queen* (2001) 207 CLR 278
14. *Commonwealth v Yarmirr* (2001) 208 CLR 1
15. *Western Australia v Ward* (2002) 213 CLR 1
16. *ABC v Lenah Game Meats Pty Ltd* (2001) 208 CLR 199
17. *Re JJT; Ex parte Victoria Legal Aid* (1998) 195 CLR 184

#### High Court special leave applications

18. *Vunilagi v The Queen* [2022] HCATrans 113
19. *Jacka v Australian Capital Territory* [2015] HCATrans 81

#### Full Court of the Federal Court

20. *National Road Transport Association Ltd v Road Safety Remuneration Tribunal* [2016] FCAFC 56
21. *Fair Work Ombudsman v Valuair Limited (No 2)* [2014] FCA 759
22. *Yanner v Minister, Aboriginal & Torres Strait Islander Affairs* [2001] FCA 36

#### ACT Court of Appeal

23. *Vunilagi v The Queen* [2021] ACTCA 12
24. *Australian Capital Territory v Lewis* [2016] ACTCA 34

25. *Jacka v Australian Capital Territory* [2014] ACTCA 49

### ACT Supreme Court

26. *Lewis v Australian Capital Territory (No 2)* [2015] ACTSC 343

27. *Lewis v Australian Capital Territory* [2015] ACTSC 167

### NSW Court of Criminal Appeal

28. *Phan v The Queen* [2018] NSWCCA 225

### NSW Supreme Court

29. *Schneider v Brydon LCM* [2012] NSWSC 964

## RESEARCH PUBLICATIONS

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– h-index: 12 | i10-index: 16

### Books and edited collections

1. *Zines and Stellios's The High Court and the Constitution* (The Federation Press, 7<sup>th</sup> ed, 2022)
2. *Judicial Federalism: History, Theory, Doctrine and Practice* (The Federation Press, 2021) (with Gabrielle Appleby, Anna Olijnyk and John Williams)
3. *Hanks Australian Constitutional Law: Materials and Commentary* (LexisNexis, 11<sup>th</sup> ed, 2021) (with Will Bateman, Dan Meagher and Amelia Simpson)
4. *Current Issues in Australian Constitutional Law: Tributes to Professor Leslie Zines* (The Federation Press, 2020) (ed, with John Griffiths)
5. *The Federal Judicature: Chapter III of the Constitution* (LexisNexis, 2<sup>nd</sup> ed, 2020)
6. *The Federal Court's Contribution to Australian Law: Past, Present and Future* (The Federation Press, 2018) (ed, with Pauline Ridge)
7. *Encounters with Constitutional Interpretation and Legal Education: Essays in Honour of Michael Coper* (The Federation Press, 2018) (ed)
8. *The Tasmanian Dam Case 30 Years On: An Enduring Legacy* (The Federation Press, 2017) (ed, with Michael Coper and Heather Roberts)
9. *Hanks Australian Constitutional Law* (LexisNexis, 10<sup>th</sup> ed, 2016) (with Dan Meagher, Amelia Simpson and Fiona Wheeler)

10. *Zines's The High Court and the Constitution* (The Federation Press, 6<sup>th</sup> ed, 2015)
11. *The Constitution of the Commonwealth of Australia – History, Principle and Interpretation* (CUP, 2015) (with N Aroney, P Gerangelos and S Murray)
12. *Hanks Australian Constitutional Law* (LexisNexis, 9<sup>th</sup> ed, 2013) (with Jennifer Clarke and Patrick Keyzer)
13. *The Federal Judicature: Chapter III of the Constitution* (LexisNexis, 2010)
14. *Hanks Australian Constitutional Law* (LexisNexis, 8<sup>th</sup> ed, 2009) (with Jennifer Clarke and Patrick Keyzer)
15. *Harris – Cases and Materials on International Law: An Australian Supplement* (2003) (with JP Fonteyne and Anne McNaughton)

### Refereed articles and book chapters

1. 'COVID-19: The Constitution and the Individual' in John Griffiths and James Stellios (eds), *Current Issues in Australian Constitutional Law: Vol 2* (The Federation Press, 2023, forthcoming)
2. 'Constitutional Characterisation: Embedding Value Judgements about the Relationship between the Legislature and the Judiciary' (2021) 45(1) *Melbourne University Law Review* 277-322
3. 'Commentary on Chapter 1' [a commentary on a book chapter by the Hon Chief Justice Allsop AO, 'Constitutional Framework for the Establishment of an Australian International Commercial Tribunal'] in John Griffiths and James Stellios (eds), *Current Issues in Australian Constitutional Law: Tributes to Professor Leslie Zines* (The Federation Press, 2020) 25-32
4. 'Military Justice and the Constitution' in Robin Creyke, Dale Stephens and Peter Sutherland (eds), *Military Law in Australia* (The Federation Press, 2019) 54-68
5. 'The Federal Court and Constitutional Law' in Pauline Ridge and James Stellios (eds), *The Federal Court's Contribution to Australian Law: Past, Present and Future* (The Federation Press, 2018) 103-138 (with Justice John Griffiths)
6. 'Choice of Law in Federal Jurisdiction after *Rizeq v Western Australia*' (2018) 46 *Australian Bar Review* 187-203
7. 'Federal Jurisdiction' in Cheryl Saunders and Adrienne Stone (eds), *The Oxford Handbook on the Australian Constitution* (OUP, 2018) 879-901
8. 'Rights in the Australian Federation' (2018) 20 *European Journal of Law Reform* 258-268 (with Nicholas Aroney)
9. 'Liberty as a Constitutional Value: The Difficulty of Differing Conceptions of "The Relationship of the Individual to the State"' in Rosalind Dixon (ed), *Australian Constitutional Values* (2018) 177-194

10. 'The Masking of Judicial Power Values: Historical Analogies and Double Function Provisions' (2017) 28 *Public Law Review* 138-157
11. '*Marbury v Madison*: Constitutional Limitations and Statutory Discretions' (2016) 42 *Australian Bar Review* 324-349
12. 'Australian Constitutionalism and the UK-Style Dialogue Model of Human Rights Protection', in J Bell and M L Paris (ed), *Rights-Based Constitutional Review: Constitutional Courts in a Changing Landscape* (Elgar, 2016) 148-179
13. 'The Centralisation of Judicial Power within the Australian Federal System' (2014) 42 *Federal Law Review* 357-388
14. '*Kable*, Preventative Detention and the Dilemmas of Chapter III' (2014) 88 *Australian Law Journal* 52-70
15. 'Chapter III of the Constitution, Federal Jurisdiction and Dialogue Models of Human Rights' (2012) 26 *Melbourne University Law Review* 1-40 (with Will Bateman)
16. 'A New Federal Scheme for the Protection of Human Rights' (2012) 69 *AIAL Forum* 13 (with Michael Palfrey)
17. 'Exploring the Purposes of Section 75(v) of the Constitution' (2011) 34 *University of NSW Law Journal* 70-92
18. 'Reconceiving the Separation of Judicial Power' (2011) 22 *Public Law Review* 113-137
19. 'The Jury System in Australia' (2011) 44 *Comparative Law Review* 35 (Japanese translation)
20. 'State/Territory Human Rights Legislation in a Federal Judicial System' (2008) 19 *Public Law Review* 52-77
21. 'Using Federalism to Protect Political Communication: Implications from Federal Representative Government' (2007) 31 *Melbourne University Law Review* 239-265
22. 'Sedition, Security and Human Rights: "Unbalanced" Law Reform in the War on Terror' (2006) 30 *Melbourne University Law Review* 923 (with Simon Bronitt)
23. 'Regulating Telecommunications Interception and Access in the Twenty-First Century: Technological Evolution or Legal Revolution?' (2006) 24 *Prometheus* 413 (with Simon Bronitt)
24. 'Regulating Telecommunications Interception and Access: a Seachange in Surveillance Laws', in Katina Michael and MG Michael (eds) *The Social Implications of Information Security Measures on Citizens and Business* (2006) (with Simon Bronitt)
25. 'Federal Dimensions to the ACT *Human Rights Act*' (2005) 47 *AIAL Forum* 33
26. 'The Constitutional Jury: "A Bulwark of Liberty"?' (2005) 27 *Sydney Law Review* 113-171

27. 'Choice of Law and the Australian Constitution: Locating the Debate' (2005) 33 *Federal Law Review* 1-55
28. 'Copyright and Freedom of Political Communication in Australia', in Griffiths and Suthersanen (eds), *Copyright and Free Speech* (OUP, 2005) (with Robert Burrell) 257-286
29. 'The High Court's Recent Encounters with Section 80 Juries' (2005) 29 *Criminal Law Journal* 139
30. 'Telecommunications Interception: Recent Trends and Regulatory Prospects in Australia' (2005) 29 *Telecommunications Policy* 875 (with Simon Bronitt)
31. 'Fair Dealing and Freedom of Expression in the United Kingdom' (2003) 14 *Australian Intellectual Property Journal* 45 (with Robert Burrell)

### Invited comments, casenotes and book reviews

32. '*Minister for Home Affairs v Benbrika* [2021] HCA 4' on AUSPUBLAW (14 April 2021)
33. 'The Rule of Law and the Australian Constitution, by Lisa Burton Crawford' (2018) 25 *Australian Journal of Administrative Law* 199
34. 'Commentary on Dixon: Conceptions of Judicial Review' (2015) 43 *Federal Law Review* 511
35. 'Commentary on "State Jurisdictional Residue: What Remains to a State Court when its Chapter III Functions are Exhausted?" By Professor Helen Irving' (2014) 42 *Federal Law Review* 143
36. 'The Intercourse Limb of Section 92 and the High Court's decision in *APLA Ltd v Legal Services Commissioner (NSW)*' (2006) 17 *Public Law Review* 1
37. '*Brownlee v The Queen: Method in the Madness*' (2001) 29 *Federal Law Review* 319
38. 'International Law and Australian Federalism' (1997) 25 *International Journal of Legal Information* 247

### Other published papers

39. 'The Dismantling of the Australian Military Court: *Lane v Morrison*' (2010) 2 *Australian Centre for Military Law and Justice Newsletter*
40. 'The Right to Sexual Privacy in Australia' (2005) 17 *LegalDate* 10
41. 'Section 80 of the Constitution' (2003) 15 *LegalDate* 3

## NOTABLE GRANTS AND ACADEMIC AWARDS

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### Research grants

- 2023: Chief Instigator, ARC Linkage Infrastructure, Equipment and Facilities Grant: Digitising the Drafting of the Australian Constitution (with Murray Wesson, John Williams, Anne Twomey, Nicholas Aroney, Ann Genovese, Like Beck, Benjamin Saunders, Rosalind Dixon and Nicholas Cole): \$319,046, LE230100159
- 2014: Chief Instigator, ARC Discovery Project: *Law, Order and Federalism* (with John Williams and Gabrielle Appleby): \$328,000, DP 140101218

### Research awards and recognition

- 2022: Shortlisted: Australian Legal Research Awards, Article (General) Award:
  - ‘Constitutional Characterisation: Embedding Value Judgements about the Relationship between the Legislature and the Judiciary’ (2021) 45(1) *Melbourne University Law Review* 277-322
- 2018: Winner: The Saunders Prize for Excellence in Scholarship in Constitutional Law (for most outstanding research and scholarship in constitutional law in Australia):
  - ‘The Masking of Judicial Power Values: Historical Analogies and Double Function Provisions’ (2017) 28 *Public Law Review* 138
- 2015: Winner: Zines Prize for Excellence in Legal Research (for most outstanding article published in the *Federal Law Review* in 2014)
  - ‘The Centralisation of Judicial Power within the Australian Federal System’ (2014) 42 *Federal Law Review* 357

### Select graduate and undergraduate awards

- 1999: Rudolf B Schlesinger Fellowship, *Cornell Law School*
- 1998: Cornell Fellowship, *Cornell Law School*
- 1994: University Medal in Law, *Australian National University*

## CITATION OF RESEARCH BY COURTS

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### High Court of Australia

1. *SDCV v Director-General of Security* [2022] HCA 32, [174], [189], [197], [212] (*The Federal Judicature: Chapter III of the Constitution*)



2. *BHP Group Limited v Impiombato* [2022] HCA 33, [49] (*The Federal Judicature: Chapter III of the Constitution*)
3. *Garlett v Western Australia* [2022] HCA 30, [127], [174] ('Liberty as a Constitutional Value'); [182], [199] (*The Federal Judicature: Chapter III of the Constitution*)
4. *Alexander v Minister for Home Affairs* [2022] HCA 19, [189] ('Constitutional Characterisation')
5. *Palmer v Western Australia* [2021] HCA 5, [67], [127], [231] ('*Marbury v Madison*: Constitutional Limitations and Statutory Discretions')
6. *Minister for Home Affairs v Benbrika* [2021] HCA 4, [135], [140] (*The Federal Judicature: Chapter III of the Constitution*); [136] ('Liberty as a Constitutional Value'); [147] ('Reconceiving the Separation of Judicial Power') and ('The Masking of Judicial Power Values').
7. *Private R v Cowen* [2020] HCA 31, [121] (*The Federal Judicature: Chapter III of the Constitution*)
8. *Masson v Parsons* [2019] HCA 21, [68] ('Choice of Law in Federal Jurisdiction after *Rizeq v Western Australia*')
9. *Spence v Queensland* [2019] HCA 15, [350] (*Zines's High Court and the Constitution*)
10. *Brown v Tasmania* [2017] HCA 43, [322], [414] (*Zines's High Court and the Constitution*)
11. *Graham v Minister for Immigration and Border Protection* [2017] HCA 33, [104] ('Exploring the Purposes of Section 75(v) of the *Constitution*')
12. *Palmer v Ayres* (2017) 259 CLR 478, [33] (*Zines's High Court and the Constitution*)
13. *CGU Insurance Limited v Blakeley* (2016) 259 CLR 339, [25] (*The Federal Judicature: Chapter III of the Constitution*)
14. *Assistant Commissioner Michael James Condon v Pompano Pty Ltd* (2013) 252 CLR 38, [19] ('Reconceiving the Separation of Judicial Power')
15. *Plaintiff S10-2011 v Minister for Immigration and Citizenship* (2012) 264 CLR 636, [68] (*The Federal Judicature: Chapter III of the Constitution*)
16. *South Australia v Totani* (2010) 242 CLR 1, [220] (*The Federal Judicature: Chapter III of the Constitution*)
17. *Momcilovic v The Queen* (2011) 245 CLR 1, [598] (*The Federal Judicature: Chapter III of the Constitution*)

### New Zealand Supreme Court

18. *Attorney-General v Taylor* [2018] NZSC 104, [62] ('Chapter III of the *Constitution*, Federal Jurisdiction and Dialogue Charters of Human Rights')

### New South Wales Court of Appeal

19. *Wojciechowska v Secretary, Department of Communities and Justice* [2023] NSWCA 191, [46] (*Zines's High Court and the Constitution*)
20. *Landrey v Director of Public Prosecutions (NSW)* [2022] NSWCA 211, [50] (*Zines's High Court and the Constitution*)
21. *Huynh v Attorney General (NSW)* [2021] NSWCA 297 (*The Federal Judicature: Chapter III of the Constitution*)
22. *Searle v Commonwealth* [2019] NSWCA 127, [70] (*Zines's High Court and the Constitution*)

### New South Wales Court of Criminal Appeal

23. *The Queen v Ronen* [2004] NSWCCA 176, [75] (*'Brownlee v The Queen: Method in the Madness'*)

### New South Wales Supreme Court

24. *Dariusz Koper v Zurich Insurance PLC* [2021] NSWSC 1587 (*The Federal Judicature: Chapter III of the Constitution*)
25. *R v Wilkie, R v Burroughs, R v Mainprize* [2005] NSWSC 794, [19] (*'Brownlee v The Queen: Method in the Madness'*)

### Victorian Court of Appeal

26. *Rich v The Queen* [2014] VSCA 126, 303 (*'Kable, Preventative Detention and the Dilemmas of Chapter III'*)

### Federal Court

27. *Australian National Imams Council Limited v Australian Communications and Media Authority* [2022] FCA 913, [105] (*The Federal Judicature: Chapter III of the Constitution*)
28. *Australian Information Commissioner v Elstone Pty Limited* [2018] FCA 463, [28] (*The Federal Judicature: Chapter III of the Constitution*)
29. *Broadbent v Medical Board of Queensland* [2011] FCA 980, [103] (*The Federal Judicature: Chapter III of the Constitution*)

### Family Court

30. *Manesh v Manesh* [2020] FamCA 792, [10] (*'Choice of Law and the Australian Constitution'*)

### ACT Supreme Court

31. *Lewis v Chief Executive Department of Justice and Community Safety and Sentence Administration Board of the Australian Capital Territory* [2013] ACTSC 198, [308] (*The Federal Judicature: Chapter III of the Constitution*)

### Administrative Appeals Tribunal

32. *SQHG and Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs (Migration)* [2022] AATA 2810, [157] (*'Marbury v Madison: Constitutional Limitations and Statutory Discretions'*)

### ACT Civil and Administrative Tribunal

33. *Law Society of the Act & Treasury Directorate and NRMA Insurance (Appeal)* [2013] ACAT 36 (*'Chapter III of the Constitution, Federal Jurisdiction and Dialogue Charters of Human Rights'*)

### Fair Work Commission

34. *Maritime Union of Australia, The v Bechtel Construction (Australia) Pty Ltd* [2013] FWC 2039, [19] (*The Federal Judicature: Chapter III of the Constitution*)

## TEACHING INTERESTS AND RECOGNITION

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- Constitutional law, comparative constitutional law, conflict of laws, administrative law, courts and judicial power, federal jurisdiction, civil litigation, international trade law
- Nominated for teaching awards in 2008 (Festival of Teaching Award), 2010 (Vice-Chancellor's Award and College Education Award), 2012 (College Education Award), 2014 (College Education Award), 2015 (College Education Award), 2021 (College Excellence in Teaching Award).
- Nominated for the ANU's Last Lecture in 2008, 2013, 2014 and 2015.

## SELECT CONFERENCE AND SEMINAR PAPERS AND COMMENTARIES

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1. 'Federal Representative Government: A Normative Theory of Judicial Review', Centre for Comparative Constitutional Studies Constitutional Law Conference, Melbourne Law School, 21 July 2023
2. 'COVID-19: The Constitution and the Individual', paper presented at the Second Leslie Zines Symposium, ANU Law School, 10 December 2022
3. 'How Goes Australia? Federation (Constitutionally) After the Pandemic?', Panel Discussant, Australian Bar Association Conference, Re-emerge 2020: 29 April 2022

4. 'The Constitution and Border Closures', paper presented at Marbury Chambers, 27 March 2022
5. 'The High Court on Constitutional Law: The 2021 Term Marking out the Limits of Judicial Review', keynote speech delivered at the 2022 Constitutional Law Conference hosted by the Gilbert + Tobin Centre for Public Law, UNSW, 11 February 2022
6. 'Constitutional Characterisation', Seminar Series, Melbourne Law School, 18 August 2020
7. Panellist, 'Citizenship: Don't Take it for Granted', AGS Constitutional Law Forum 2019, 29 November 2019
8. Commentator on paper delivered by Chief Justice James Allsop, 'Constitutional framework for the establishment of an Australian International Commercial Tribunal', Symposium in Honour of Professor Leslie Zines: Key Issues in Australian Federal Constitutional Law, 7 September 2019, ANU
9. Commentator on 'Facts in Constitutional Adjudication', Facts in Public Law Adjudication Workshop, 15 August 2019, Melbourne Law School
10. Commentator at book launch, 'The Rule of Law and the Australian Constitution', by Lisa Burton Crawford, UNSW Law School, 29 October 2018
11. 'The Federal Court and Constitutional Law' (with Justice John Griffiths), paper presented at Australian Academy of Law seminar, 16 March 2018
12. *Rizeq* commentary presented at Australian Association of Constitutional Law Seminar, Sydney, 21 November 2017
13. *Gaynor* commentary presented at 'The boundaries of administrative law: Some recent cases', seminar presented by the Australian Institute of Administrative Law and Centre for International and Public Law, 25 October 2017
14. 'The Federal Court and Constitutional Law' (with Justice John Griffiths), paper presented at 40<sup>th</sup> Anniversary of the Federal Court of Australia Conference, 8 September 2017
15. 'Chapter III, The Separation of Power and the Decision in *Momcilovic*: A Reflection on the "French Court"', paper delivered at the 2017 CCCS Constitutional Law Conference, Melbourne Law School, 21 July 2017
16. 'Statutory Language and the Constitution: Current Issues', paper presented to the Office of Parliamentary Counsel, 26 May 2017
17. 'Issues arising from police activity during election time', paper presented to the Electoral Regulation Research Network, 6 April 2017
18. Professor Jack Richardson Memorial Oration 2016: '*Marbury v Madison* and Statutory Discretions', 8 September 2016
19. 'The Effect of Freedom of Political Communication on Discretionary Decision-Making', *Symposium of Free Speech*, Melbourne Law School, 23 June 2016

20. 'Individual Liberty: The Difficulty of Differing Conceptions of "The Relationship of the Individual to the State"', *Australian Constitutional Law Roundtable*, UNSW Law School, 10 June 2016
21. 'Federal Jurisdiction', *Oxford Handbook of the Australian Constitution Conference*, Melbourne Law School, 18 March 2016
22. Federalism Panel: Discussant, *Public Law Weekend*, Australian National University, 1 October 2015
23. 'The Implied Freedom of Political Communication: The Continuing Uncertainties of the Second Limb of the *Lange* Test', *Australian Association of Constitutional Law*, 8 September 2015
24. 'The Normalisation of Judicial Power', paper delivered at *Judicial Independence in Australia Conference*, University of Queensland, 10 July 2015
25. 'Current Developments in Constitutional Law', paper delivered at the Annual Conference of the Federal Court, 19 March 2015
26. Commentator: *Judicial Innovation and Ch III*, Public Law and Policy Research Unit, University of Adelaide, 12 December 2014
27. 'The Second Limb of *Lange*', paper delivered at the University of Melbourne Law School, 14 October 2014
28. 'The Centralisation of Judicial Power within the Australian Federal System', paper presented at the *AGD Constitutional Law Symposium*, Canberra, 15 April 2014
29. 'Engineering Constitutional Law: The DNA of Constitutional Interpretation', paper delivered at the *AGS Constitutional Law Forum*, 22 November 2013
30. 'Australian Constitutionalism and the UK-Style Dialogue Model of Human Rights Protection', paper delivered at the *Society of Legal Scholars Annual Seminar*, 2 July 2013, Dublin
31. Commentator on Paper Presented by Prof Helen Irving, *AACL Seminar*, Sydney, 6 February 2013
32. Commentator on Paper Presented by Stephen McLeish SC, 'The Nationalisation of the State Court System', *Recent Developments in Constitutional Law Conference*, Melbourne Law School, 21 July 2012
33. 'Looking over the Horizon: Administrative Law Issues Ahead', Sparke Helmore Seminar, March 2012
34. Seminar on *Momcilovic v The Queen*, Monash Law School, October 2011
35. *Momcilovic* Constitutional Issues, *Public Law Weekend*, ANU College of Law, September 2011

36. 'The Jury System in Australia', paper presented at Chuo University, 1 October 2010
37. Services and Public Procurement Panel, *2009 Fulbright Symposium, US-Australia Free Trade Agreement*, 24 August 2009
38. 'Administrative Law in Review 2006', paper presented at Clayton Utz Seminar, February 2007
39. 'The Intercourse Limb of Section 92 and the High Court's decision in APLA Ltd v Legal Services Commissioner', *Public Law Weekend*, November 2005
40. 'Section 80 of the Constitution: A Bulwark of Liberty?', *Public Law Weekend*, November 2003

### SUBMISSIONS TO GOVERNMENT AND LAW REFORM BODIES

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1. Expert Reader, 'Without Fear or Favour: Judicial Impartiality and the Law on Bias' [2022] Australian Law Reform Commission 138
2. Invited to speak with the Australian Law Reform Commission in relation to its Inquiry into Judicial Impartiality (2021).
3. Submission to the Human Rights Consultation on constitutional rights, 15 June 2009 (with Amelia Simpson). The submission was referred to in the final report (*National Human Rights Consultation Report* (2009)).
4. Submission to the Human Rights Consultation on the constitutional obstacles presented for declarations of incompatibility, 15 June 2009. The submission was referred to in the final report (*National Human Rights Consultation Report* (2009)).
5. Research quoted in *For Your Information: Australian Privacy Law and Practice* [2008] ALRC 108 (Australian Law Reform Commission).
6. Submission to Senate Legal and Constitutional Legislation Committee Inquiry into Telecommunications (Interception and Access) Amendment Bill 2007, 1 August 2007 (with Simon Bronitt). The submission was quoted in the report by the Standing Committee on Legal and Constitutional Affairs.
7. Advice to the Victorian Law Reform Commission on surveillance in public places, May 2007 (with Simon Bronitt).
8. Submission to Minister Brough on constitutional issues regarding the Northern Territory emergency legislation, August 2007 (with Jennifer Clark, Amelia Simpson and Fiona Wheeler).
9. Submission to the Australian Law Reform Commission, Privacy Inquiry, 27 February 2007 (with Simon Bronitt and Kevin Leong). The submission was referred to in the ALRC's *Discussion Paper*, 'Review of Australian Privacy Law', DP 72.

10. Submission to Victorian Human Rights Consultative Committee, October 2005.
11. Advice to the Victorian Law Reform Commission on workplace privacy, September 2003 (with Amelia Simpson). The advice formed the basis of the *Options Paper* published by the VLRC on 'Workplace Privacy' in 2004, and was referred to in the *Final Report* published in 2005.
12. Research quoted in *Keeping Secrets: The Protection of Classified and Security Sensitive Information* [2004] ALRC 98 (Australian Law Reform Commission).
13. *Protecting Classified and Security Sensitive Information* [2004] ALRCDP 67 (Australian Law Reform Commission).
14. Submission to Senate Legal and Constitutional Legislation Committee Inquiry into the Australian Human Rights Commission Legislation Bill 2003, 23 April 2003 (with Don Anton, Peter Bailey, Andrew Byrnes, Hilary Charlesworth, Mick Dodson, Pene Mathew, Wayne Morgan and Anne McNaughton).

## NEWSPAPER ARTICLES AND PRACTITIONER NEWSLETTER PUBLICATIONS

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1. 'High Court deals a further blow to Commonwealth spending programs', *Sparke Helmore Government Matters*, 23 June 2014
2. 'A New Federal Scheme for the Protection of Human Rights', *Sparke Helmore Government Matters*, March 2012 (with Michael Palfrey)
3. 'School Chaplains Raise Constitutional Eyebrows', *Sparke Helmore Government Matters*, March 2012
4. 'The establishment of the Military Court of Australia', *Clayton Utz Government Insights*, 6 August 2010
5. 'Judicial review of refusals to make act of grace payments: When is it possible?', *Clayton Utz Government Insights*, 12 April 2010 (with Michael Palfrey)
6. 'The demise of state privative clauses: *Kirk v Industrial Court of New South Wales*', *Clayton Utz Government Insights*, 12 April 2010
7. 'Changes in government procurement policies in response to the global economic crisis', *Clayton Utz Government Insights*, 19 October 2009
8. '*Pape* and government spending - no cause for alarm', *Clayton Utz Government Insights*, 19 October 2009 (with John Carroll)
9. 'Informants and statutory requirements of disclosure', *Clayton Utz Government Insights*, 15 July 2009
10. 'Statutory protection of rights: lessons from the common law', *Clayton Utz Government Insights*, 1 April 2009 (with John Carroll)

11. 'Parliamentary committee recommends whistleblower legislation', *Clayton Utz Government Insights*, 1 April (with Michael Palfrey)
  12. 'Can a State or Territory tribunal hear a dispute involving the Commonwealth?', *Clayton Utz Government Insights*, 15 December 2008
  13. 'Be alert but not alarmed: misfeasance in public office', *Clayton Utz Government Insights*, 15 December 2008 (with John Carroll)
  14. 'FYI - FOI case notes', *Information Law Insights*, 29 October 2008 (with Avinesh Chand)
  15. 'Tricky ACT tribunal times ahead', *Canberra Times Public Sector Informant*, 1 October 2008
  16. 'Riding the Wave of Human Rights', *Clayton Utz Government Insights*, 6 May 2008
  17. 'Informants and Procedural Fairness: the High Court's decision in VEAL', *Clayton Utz Government Insights*, 3 March 2006
  18. 'The Judiciary and the Public Purse', *Canberra Times Public Sector Informant*, 1 December 2005
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