

PROPOSED ZOMBIE APOCALYPSE LAW REFORMS

- 1) *'The implications of this during a zombie outbreak are that since the existence of a communicable disease is one of the exceptional categories identified in Lim, the state would be able to detain persons who were alleged to be infected without having to prove that they actually were infected, without the person having the right to contest the reasonableness of their detention before the courts and with the detention potentially continuing ad infinitum.'*¹

A non-derogable right to personal liberty needs to be included in the Constitution.

- 2) *'To ensure a full High Court bench, it is suggested that in the event of an 'emergency', where the Governor General in Council is not able to immediately appoint a replacement, a reserve commission is activated for the longest serving State or Territory Chief Justice. The termination of this commission would not require the operation of s72 of the Constitution and would be triggered by the normal appointment of a successor to the High Court.'*²

A succession mechanism convention be implemented, in the event that High Court justices cannot be appointed in a timely manner.

- 3) *'In the event of a zombie apocalypse wiping out the Federal Parliament, it would seem we need to expand the scope of the NATCATDISPLAN to become an Unnatural National Catastrophic Disaster Plan (UNNATCATDISPLAN) ... The UNNATCATDISPLAN would allow the Federal Government to appoint state or regional coordinators, whose role is to co-ordinate the use of Federal assets (such as those shown within Table 1: Key Capabilities of Australian Government agencies in relation the Zombie Apocalypse) within the revised State or Territory Emergency Management Plan.'*³

Consideration be given to amending the existing NATCATDISPLAN to cover a failure of the Federal Executive Government.

- 4) *'The refugee definition provided for by the Convention contains a number of obstacles for those seeking protection for reasons either unforeseen or not prioritised by the 1951*

¹ Bede Harris, 'Constitutional Implications of a Zombie Outbreak' (2016) 14(1) *Canberra Law Review*.

² Rob MacLean, 'Unnatural Disasters: Emergency Management in a Time of Zombies' (2016) 14(1) *Canberra Law Review*.

³ Rob MacLean, 'Unnatural Disasters: Emergency Management in a Time of Zombies' (2016) 14(1) *Canberra Law Review*.

*drafters, including those people that would be displaced by the effects of the zombie apocalypse.*⁴

The definition of ‘refugee’ in the 1951 Refugee Convention relating to the Status of Refugees and the 1967 Protocol, be expanded to cover reasons foreseeable in the twenty first century.

- 5) *‘If someone was to lose capacity and control due to the fact they had turned into a zombie, and yet rights are extended to them, the Public Trustee could be extended to the zombies so that their final wishes are protected and society cannot take advantage of the vulnerable.’*⁵

The role of the Public Trustee be expanded to accommodate a wider range of human states, consistent with the loss of legal capacity.

- 6) *‘Expanding the Patents Act to allow immediate licencing of patents during a national emergency or other circumstances of extreme urgency, or in cases of public non-commercial use.’*⁶

An immediate right for emergency use (and corresponding remuneration) needs to be incorporated in the *Patents Act*.

- 7) *‘Addition of clauses in the Patents Act regarding fair payment in acquiring a patent during times of emergency would be essential in preventing issues of ambiguity.’*⁷

A provision for the calculation for remuneration in emergencies needs to be incorporated in the *Patents Act*.

⁴ Isabella Heilikmann, ‘Escaping the Sea of Zombies: Lessons learned from Climate Change Refugees’ (2016) 14(1) *Canberra Law Review*.

⁵ Erina Fletcher, ‘To What Extent Should We Extend Human Rights to Zombies’ (2016) 14(1) *Canberra Law Review*.

⁶ Benjamin Duff, ‘Protecting the Infected. Government Acquisition of Patents during the Zombie Apocalypse’ (2016) 14(1) *Canberra Law Review*.

⁷ Benjamin Duff, ‘Protecting the Infected. Government Acquisition of Patents during the Zombie Apocalypse’ (2016) 14(1) *Canberra Law Review*.