

Publications and Papers by Centre Members in 2005

Publications

S. Joseph, 'Human Rights Committee: Recent Cases (2005) 5 *Human Rights Law Review*, 105-116.

S. Joseph, 'Human Rights Committee: Recent Jurisprudence (2004) 4 *Human Rights Law Review*, 277-294.

D Lindsay, 'an Exploration of the Conceptual Basis of privacy and the Implications for the Future of Australian Privacy Law' (2005) 29(1) *MULR* 131-178.

M. O'Sullivan, "Past" Violations under International Human Rights Law: The Indigenous 'Stolen Generation' in Australia' 23(2) 2005 *Netherlands Quarterly of Human Rights* 243-72.

B. McSherry, "Indefinite and Preventive Detention Legislation: From Caution to an Open Door" (2005) 29(2) *Criminal Law Journal* 94-110.

B. McSherry and S. Bronitt, *Principles of Criminal Law* 2nd edition (Sydney: Thomson LBC, 2005)

Media

S. Joseph and M. Smith, 'Defending the Indefensible: Torture is Inhuman, Illegal and Futile', Opinion piece, *The Age*, 18 May 2005

Papers

S. Joseph, 'Multinational Corporations, Development, and Human Rights', *International Conference on Human Rights and Development: Approaches to Reform of Governance in Asia*, School of Law, City University of Hong Kong, Hong Kong, 9 May 2005

S. Joseph, Commentator on Leslie Zines' 'The Scope of Inherent Executive Power', Roundtable on Inherent Executive Power, University of Melbourne, 15 July 2005

S. Joseph, 'The UN Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises

with Regard to Human Rights', *Amnesty International Lawyer's Group*, Slater & Gordon, 21 April 2005.

M. O'Sullivan, "Protecting the Rights of Child Asylum Seekers - Case study: Australia", paper presented at the 4th *World Congress on Family Law and Children's Rights*, Cape Town, South Africa, March 2005.

B. McSherry and J. Kyriakakis, Submission to the Senate Legal and Constitutional Legislation Committee regarding the *Inquiry into the Criminal Code Amendment (Trafficking in Persons Offences) Bill 2004*, February 2005.

S. Joseph and J. Kyriakakis, Submission to the United Nations For Human Rights, regarding the *Inquiry into the Revised Draft Guidelines on an Expanded Core Document and Treaty-Specific Targeted Reports and Harmonized Guidelines on Reporting Under the International Human Rights Treaties*, March 2005.

J. Kyriakakis, 'International Corporate Criminal Liability through a Human Rights Lens' presented at the *Australian and New Zealand Society of International Law Post-Graduate Student Workshop*, Canberra, 15 June 2005.

J. Debeljak, Submission to the Human Rights Consultation Commission on *How Best to Protect and Promote Human Rights in Victoria*, August 2005.

S. Kneebone and E. Howell, Submission to the Senate Legal and Constitutional References Committee regarding the *Inquiry into the Administration and Operation of the Migration Act 1958*, July 2005.

M. Castan, 'Native Title and Mabo: An insiders insight', *National Native Title Tribunal*.

M Castan 'Teaching Indigenous Legal Issues' *Adelaide University*, 22 August 2005.

M. Castan 'International Standards' *Indigenous Australian Human Rights*, Aboriginal Advancement League, August 2005.

Native Title Report Completed, Internships Established at Indigenous Bodies

Melissa Castan, Associate Director of the Castan Centre, and Honorary Research Fellow Richard Potok, from the University of New South Wales, have completed a report examining Native Title law and practice.

The Report evaluates the challenges Native Title Representative Body (NTRB) lawyers face while representing the interests of native title claimants. The Report also sets out appropriate strategies for developing training and professional development programs.

Research for the Report involved comprehensive consultations with legal and managerial staff of NTRBs, as well as other professionals who work or otherwise deal with NTRB lawyers. Substantial background research was also undertaken.

The research project has the involvement and support of NTRBs across the country, Aboriginal Torres Strait Islander Services, the National Native Title Tribunal, the Federal Court of Australia, the Australian National University, the University of New South Wales, law firms Chalk and Fitzgerald, Arnold Bloch Leibler and Gilbert + Tobin, as well as several philanthropic foundations.

As a result of the research and feedback gained during the project, student internships have been established to increase student participation and awareness of career opportunities in native title. Students spend six weeks at an NTRB or a policy think tank such as the Cape York Institute for Policy and Leadership. Students undertake a range of tasks including research and preparation of witness evidence. Feedback from the program has been overwhelmingly positive. Melissa and Richard were assisted by Monique Sweetland, who provided tireless research work.

The Report is available at:

www.law.monash.edu.au/castancentre/