

Publications by Centre Faculty Members

Becky Batagol

B. Batagol, 'Fomentors of strife? Lawyers and family dispute resolution in Australia', paper presented at the National Alternative Dispute Resolution Advisory Council, Third National ADR Research Forum, La Trobe University, Melbourne, 13-14 July 2007

Melissa Castan

Conference papers

Yarrow D. and Castan M., 'The architecture of agreement-making: legal incentives and impediments to Indigenous resource agreement making in Australia, Canada and the United States', paper presented at the Mining, Petroleum, Oil and Gas Symposium: Indigenous Participation in the Resource and Extraction Industries Conference, Broome, Australia, July 9-10, 2007.

Castan M. and Yarrow D., 'Wadeye: Racial discrimination and the delivery of public services in remote Indigenous communities', seminar presentation, Centre for Australian Indigenous Studies, Monash University, July 25, 2007.

Castan M. and Yarrow D. (with Arnold Bloch Liebler), Policy analysis paper concerning Northern Territory Emergency Response Bills for Reconciliation Australia, August 8, 2007.

Azadeh Dastyari

T. Penovic and A. Dastyari 'Boatloads of incongruity: the evolution of Australia's offshore processing regime' *Australian Journal of Human Rights*, forthcoming

Julie Debeljak

Papers

J. Debeljak 'Charter Mechanisms', presented at *Introduction to Human Rights Seminar*, Judicial College of Victoria, Melbourne, 19 February 2007

J. Debeljak 'Victorian Charter of Human Rights and Responsibilities', presented at *Using Human Rights in Domestic Law and Advocacy*, Human Rights Legal Resource Centre, Melbourne, 14 June 2007

Conference papers

J. Debeljak 'Human Rights Responsibilities of Public Authorities Under the Charter of Rights', presented at *The Law Institute of Victoria Charter of Rights Conference*, Melbourne, 18 May 2007

J. Debeljak 'The Victorian Charter of Human Rights and Responsibilities Act 2006: Exploring the Interpretative Obligation under the Charter', Presented at *Courting Change: Our Evolving Court, Supreme Court of Victoria 2007 Judges' Conference*, Melbourne 9-10 August 2007

J. Debeljak and S. Kneebone 'Regional Responses to Global Trafficking in the Greater Mekong Sub-Region: the cases of Laos PDR and Cambodia' presented at *Restoring the Rule of Law in International Affairs: the 15th Annual Australian New Zealand Society of International Law Conference*, Australian National University, Canberra, 28-30 June 2007

Submission

'Submission to the Consultation Committee for the Proposed Human Rights Act', *Western Australian Consultation Committee for the Proposed Human Rights Act*, 31 August 2007, 1-46

Articles

J. Debeljak 'Parliamentary Sovereignty and Dialogue under the Victorian Charter on Human Rights and Responsibilities: Drawing the Line Between Judicial Interpretation and Judicial Law-Making' (2007) *Monash University Law Review* forthcoming

J. Debeljak 'Mission Impossible: "Possible" Interpretations under the Victorian Charter and Their Impact on Parliamentary Sovereignty and Dialogue' in Marius Smith (ed), *Human Rights 2006: The Year in Review* (Castan Centre for Human Rights Law, Melbourne, 2007) 169-89

Paula Gerber

P. Gerber, 'Following Convention' (2007) May, *Sydney's Child Magazine*, 14.

Sarah Joseph

Book Chapter

S. Joseph 'Trade to Live or Live to Trade: The World Trade Organization, Development, and Poverty', in M. Baderin and R. McCorquodale (eds), *Economic, Social and Cultural Rights in Action* (OUP, 2007), 389-416.

Article

S. Joseph 'United National Human Rights Committee: Recent Cases', (2007) 7 *Human Rights Law Review*, 567-581

Conference Papers

S. Joseph 'Torture and Terrorism' (invited paper), *Law and Liberty in the War on Terror*, Gilbert & Tobin Centre, UNSW, 4 July 2007.

'Democratic Deficit and the World Trade Organisation', *The World Trade Organisation and Human Rights: Interdisciplinary Perspectives*, Monash Prato, 21 June, 2007.

Susan Kneebone

J. Debeljak and S. Kneebone 'Regional Responses to Global Trafficking in the Greater Mekong Sub-Region: the cases of Laos PDR and Cambodia' presented at *Restoring the Rule of Law in International Affairs: the 15th Annual Australian New Zealand Society of International Law Conference*, Australian National University, Canberra, 28-30 June 2007

Refugees and the Rule of Law Workshop, 10-11 August 2007

Joanna Kyriakakis

Conference Papers

J. Kyriakakis 'The Rise of Extraterritorial Jurisdiction to Address the Global Activities of Multinational Corporations: Trends, Resistances and Futures', paper presented at the *Law and Society in the 21st Century International Conference*, Humboldt University, Berlin, 26 July 2007

J. Kyriakakis 'The Complementarity Objection Against the Inclusion of Legal Persons in the Jurisdiction of the International Criminal Court', paper presented at *23rd World IVR Congress of Philosophy of Law and Social Philosophy*, Jagiellonian University, Krakow, 6 August 2007

Bernadette McSherry

B. McSherry and M. Cullen, 'The Criminal Justice Response to Trafficking in Persons: Practical Problems with Enforcement in the Asia-Pacific Region' (2007) 19(3) *Global Change, Peace and Security* 205-220.

B. McSherry, A plenary presentation 'Mental Health and Human Rights', *Public Health and Human Rights Conference*, Prato, Italy, 7-9 June 2007.

Maria O'Sullivan

M. O'Sullivan 'Failure to Exercise Discretion or Perform Duties' in *Australian*

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Administrative Law : Fundamentals, Principles and Doctrines (Cambridge University Press, 2007) pp 253-264.

M. O'Sullivan 'Temporary Protection in Australia and the UK Compared' *Refugees and the Rule of Law Roundtable 11* August 2007

Tania Penovic

Papers

T. Penovic 'Mental harm as an instrument of public policy' delivered at Monash University and Kings College London conference *Public Health and Human Rights*, 7-10 June 2007, Prato, Italy.

T. Penovic 'Seeking asylum in Australia, the path to refuge' delivered at the 'Unpacking the Suitcase' conference sponsored by VicHealth and the South Eastern Migrant Resource Centre, 12 July 2007.

Article

T. Penovic and A. Dastyari 'Boatloads of incongruity: the evolution of Australia's offshore processing regime' *Australian Journal of Human Rights*, forthcoming

Book Review

Book review of E. Guild and J. van Selm (eds) *International Migration and Security: Opportunities and Challenges*, in *Law in Context* (London - New York: Routledge, 2005), forthcoming

David Yarrow

McNeil K. and Yarrow D., 'Has Constitutional Recognition of Aboriginal Rights Adversely Affected Their Definition?', paper presented at *The Constitution Act, 1982 and Canada's Continuing Constitutional Evolution* conference, Saskatchewan Institute of Public Policy, Regina, Canada, May 23-25, 2007.

Yarrow D., 'Native title jurisprudence and the Indigenous social imagery', paper presented at the *AIATSIS 2007 Native Title Conference*, Cairns, Australia, June 6-8, 2007.

Yarrow D. and Castan M., 'The architecture of agreement-making: legal incentives and impediments to Indigenous resource agreement making in Australia, Canada and the United States', paper presented at the *Mining, Petroleum, Oil and Gas Symposium: Indigenous Participation in the Resource and Extraction Industries Conference*, Broome, Australia, July 9-10, 2007.

Castan M. and Yarrow D., 'Wadeye: Racial discrimination and the delivery of public services in remote Indigenous communities', seminar presentation, *Centre for Australian Indigenous Studies*, Monash University, July 25, 2007.

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About Our Directors

Professor Sarah Joseph (Director):

Sarah is on sabbatical at Cambridge University. She is still Director of the Centre during this period.

Melissa Castan (Deputy Director):

Melissa is continuing her work on professional development in Native Title Representative Bodies.

Dr Julie Debeljak (Deputy Director):

Julie is currently focussing on her ARC Linkage Grant on 'Australia's Response to Trafficking in Persons' in the spare moments between dealing with her new child.

Paula Gerber (Deputy Director):

Paula is nervously awaiting the marking of her PhD. Recently she has devised the Castan Centre mooted competition.

Professor Susan Kneebone (Deputy Director):

Susan is teaching citizenship and migration law at undergraduate level and forced migration and human rights at postgraduate level.

Adam McBeth (Deputy Director):

Adam has received his PhD. He is teaching International Human Rights Law and not doing anything remotely related to work at nights and on weekends for the first time in years. He is also conducting human rights training for the Department of Foreign Affairs and Trade.

Castan Centre Advisory Board

Professor Philip Alston, New York University School of Law.

Professor Virginia Dandan, Chair, UN Committee on Economic, Social and Cultural Rights.

Mr Patrick Dodson, Lingiari Foundation
The Hon Elizabeth Evatt AC, International Commission of Jurists.

Professor Claudio Grossman, Dean, Washington College of Law, The American University.

The Hon Judge Felicity Hampel, County Court of Victoria.

Professor Christof Heyns, Professor of Human Rights Law, Univ. of Pretoria, South Africa.

The Hon Justice Michael Kirby AC CMG, High Court of Australia.

Professor Ivan Shearer, UN Human Rights Committee.

His Excellence, Judge C.G. Weeramantry, International Court of Justice

Law Faculty Centre Members

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