

# Publications and Papers by Centre Members 2005-06

## Jonathan Clough

J. Clough, 'Not-so-Innocents Abroad: Corporate Criminal Liability for Human Rights Abuses' (2005) 11 *Australian Journal of Human Rights* 1.

## Melissa Castan

D. Yarrow and M. Castan, Submission to the Wadeye community (NT) on Human Rights Implications arising out of the Taylor Report 2005. (Dec 2005)

D. Yarrow and M. Castan, Report on "Self Determination and a Charter of Rights in Victoria" for Victorian Aboriginal Legal Service (Feb 2006)

M. Castan, "Memory and Mabo: Advancing Aboriginal Justice" in "New under the Sun: Perspectives on Jewish Life in Australia" to be published by Black Inc.

## Sarah Joseph

### Grants

Don Chipp Foundation grant, 'Bills of Rights in an Age of Terror', Sarah Joseph, Dr Julie Debeljak, Patrick Emerton, and Ibrahim Abraham, \$5000

### Articles

A. McBeth and S. Joseph, 'Same Word, Different Language: Corporate Perceptions of Human Rights Responsibilities', (2006) 11 *Australian Journal of Human Rights* 95-127

S. Joseph, 'Rendering Terrorists and the Convention against Torture', (2005) 5 *Human Rights Law Review*, 339-346

S. Joseph, 'Rights to Housing, Discrimination and the Roma in Slovakia', (2005) 5 *Human Rights Law Review*, 347-349

### Book

S. Joseph and M. Castan, *Federal Constitutional Law: A Contemporary View* (Law Book Co. Sydney, 2006, 2nd ed, 533 + xxxiii pages)

### Papers

S. Joseph, 'Development, Poverty, Business, and Human Rights', Castan Centre Conference: Human Rights

Year in Review, Southbank, Melbourne, 2 December 2005

S. Joseph, 'Throwing out the Rulebook: Australia, its Allies and International Law', Australian Green Party, Melbourne, 4 November 2005

S. Joseph, Constitutional Rights, presentation at 'Advocacy, Democracy and Protecting Human Rights: An Australian Context', Swinburne University of Technology Community Seminar, Hawthorn Town Hall, 8 September 2005.

S. Joseph, 'Transnational Human Rights Litigation and Multinational Corporations', School of Oriental and African Studies, School of Law, University of London, 6 March 2006

S. Joseph, 'Multinational Corporations and Human Rights', University of Nottingham, School of Law, 16 March 2006

S. Joseph, 'Trade to Live or Live to Trade: the WTO and Human Rights', Lancaster University, Law School, 22 March 2006.

S. Joseph, 'Appraisal of the ICCPR: 40 years After', University of the West of England (Bristol), Faculty of Law, 29 March 2006.

## Paula Gerber

P. Gerber, "Burning Down the House to Roast the Pig: The High Court Retains Advocates' Immunity" (2005) 28 (3) *UNSWJL* 646.

## Tania Penovic

### Publications

T. Penovic, 'Undermining Australia's International Standing: the failure to extend human rights protections to indigenous peoples affected by Australian mining companies' ventures abroad' Vol 11, No 1 *Australian Journal of Human Rights* (October 2005), 71-118

T. Penovic and A. Sifris, 'Like a Bird in a Cage: Children's voices and challenges to Australia's immigration detention regime' *International Journal of Equity and Innovation in Early Childhood*, November 2005.

### Papers

T. Penovic, 'Racism and the non-citizen child', paper delivered for the Centre for Equity and Innovation in Early Childhood and the Victorian Multicultural Commission, University of Melbourne, 9 November 2005.

## David Lindsay

D. Lindsay, 'An Exploration of the Conceptual Basis of Privacy and the Implications for the Future of Australian Privacy Law' (2005) 29 *Melbourne University Law Review* 179-217.

D. Lindsay, 'The Relationship between General Law Protection of Privacy and Information Privacy Laws' in Abdul Raman Saad (ed) *Personal Data & Privacy Protection* (2005) 1-42.

## Bernadette McSherry

### Papers

B. McSherry, "Mental Health and Human Rights: The Australian Experience", *International Academy of Law and Mental Health*, Paris, 5 July 2005.

B. McSherry, "Terrorism Related Offences in Australia: Their Use and Implications for Australian Domestic Law", *Australian and New Zealand College of Forensic Psychiatry Conference*, Gold Coast, 13 August 2005.

B. McSherry, "The Investigation, Detention and Prosecution of Suspected Terrorists: Goodbye to the Right to Liberty?", *Australian and New Zealand Association of Psychiatry, Psychology and Law*, Victorian Branch, Queenscliff, 27 August 2005.

B. McSherry, "Sex, Drugs and Evil Souls: Is Preventive Detention Justifiable?", *Inaugural Lecture, Louis Waller Chair*, Monash University, Melbourne 18 August 2005.

B. McSherry, "Providing Mental Health Services and Psychiatric Care to Immigration Detainees: What the Law Requires", *Seeking Asylum in Australia Conference*, Monash University, 27 November 2005.

## Joanna Kyriakakis

J. Kyriakakis, 'Freeport in West Papua: Bringing Corporations to Account for

# Publications and Papers by Centre Members 2005-06

International Human Rights Abuses under Australian Criminal and Tort Law' (2005) 31(1) Monash University Law Review 95 – 119.

## Susan Kneebone

### Papers:

S. Kneebone, 'The Pacific Plan: Practices, Processes and Outcomes' paper presented to Workshop on The Right to Seek and Enjoy Asylum? The Pacific, Mediterranean and Caribbean Plans Compared, Prato, Italy, September 2005

S. Kneebone, 'The Legal and Ethical Implications of Extraterritorial processing of Asylum Seekers: The Safe Third Country Concept', paper presented to conference on Moving On: Forced Migration and Human Rights, Faculty of Law, Sydney University, November 2005

S. Kneebone, 'The Legal and Ethical Implications of Extraterritorial processing of Asylum Seekers: Europe Follows Australia', paper presented to conference on Seeking Asylum in Australia 1995-2005: Experiences and Policies, School of Historical Studies; Monash University, Caulfield, November 2005

### Grants

#### ARC Discovery Grant

Professor S. Kneebone, Awarded \$75,000 in 2005 for 'The Asylum Seeker in the Legal System: A Comparative and Theoretical Study'.

#### ARC Linkage Grant

2005: Successful application by Professor S. Kneebone, Professor B McSherry, and Dr J Debeljak, 'Australia's Response to Trafficking in Women: Towards A Model For the Regulation of Forced Migration in the Asia-Pacific Region'. The Participating Organisations for this project include the Commonwealth Attorney-General, HREOC and World Vision.

## Julie Debeljak

### Submissions

J. Debeljak, 'How Best to Protect and Promote Human Rights in Victoria',

submitted to the Human Rights Consultative Committee of the Victorian Government, August 2005, 1-27.

### Papers

J. Debeljak, 'The Proposal for an Australian Bill of Rights', presented at the Australian Lawyers Alliance National Conference, Cairns, 20-22 October 2005

J. Debeljak, 'Academic Roundtable Consultation', Participant, organised by the Human Rights Consultative Committee of the Victorian Government, formed to consult and report on 'How Best to Protect and Promote Human Rights in Victoria', 24 August 2005

J. Debeljak, 'An Australian Bill of Rights', presented at the /Greens Forum/, Melbourne, 4 February 2005

### Grants

Don Chipp Foundation Small Grant, to pursue research project entitled 'Bills of Rights in the Age of Terror', with Dr Julie Debeljak, Professor Sarah Joseph, Patrick Emerton, and Abraham Ibrahim, October 2005

ARC Linkage Grant, Dr Julie Debeljak, Professor Bernadette McSherry and Associate Professor Kneebone, entitled 'Australia's Response to Trafficking in Women: A Model for the Regulation of Forced Migration in the Asia-Pacific Region?', applied April 2005 and awarded in November 2005 for 2006-2008

## Centre Directors

**Professor Sarah Joseph (Director):** Sarah is currently a Visiting Fellow at the Lauterpacht Centre for International Law at Cambridge University until July 2006. While there, she is working on an ARC grant on the WTO and human rights.

**Melissa Castan (Associate Director):** Melissa is currently Acting Director of the Castan Centre until July 2006.

**Dr Julie Debeljak (Associate Director):** Julie is teaching international human rights law at Monash's European campus in Prato, Italy. She has recently finished leading another successful training course with Indonesian government officials.

**Paula Gerber (Associate Director):** Paula is completing her PhD and will teach the new postgraduate subject on Children and Human Rights during the Winter semester.

## Law Faculty Centre Members

Dr Yet Bryant  
Jonathan Clough  
Patrick Emerton  
Associate Prof Susan Kneebone  
David Lindsay  
Oyiela Litaba  
Adam McBeth  
Prof Bernadette McSherry  
Kwame Mfodwo  
Dr Bronwyn Naylor  
Dr Pam O'Connor  
Maria O'Sullivan  
Tania Penovic  
Jenny Schultz  
Adiva Sifris  
Dr Eric Wilson  
David Yarrow

## Faculty Graduate Members

Nicole Bieske  
Susannah Jacobson  
Joanna Kyriakakis  
Helen Potts  
Natalie Bugalski  
Augusto Zimmerman