

# Publications, Papers & Members

## Publications

Castan, M. "The High Court, Human Rights and the New Jurisprudence of Denial" in T.Davis (ed), *Human Rights 2003: The Year in Review*, Castan Centre 2004.

Davis, T. "Introduction: The Year in Review" in T.Davis (ed), *Human Rights 2003: The Year in Review*, Castan Centre 2004.

Emerton, P. "ASIO powers: a veil of secrecy", *Alternative Law Journal*, 29 (1), February 2004.

Joseph, S. "Human Rights Committee: Recent Cases", (2004) 4 *Human Rights Law Review* 109-124.

Kinley, D. "Corporate Social Responsibility and International Human Rights Law" in R Mullerat (ed) *Corporate Social Responsibility*, Kluwer/International Bar Association, 2004.

Kinley, D. 2004: "Corporate Social Responsibility, International Human Rights Law and Economic Development: A New Architecture for Human Rights Responsibilities" in Marika Vicziany (ed) *Cultures and Technologies in Asia - The Paradigm Shifts*, Monash Asia Institute Press, 2004.

Kneebone, S. "Bouncing the Ball between the Courts and the Legislature: What is the Score on Refugee Issues?" in T.Davis (ed), *Human Rights 2003: The Year in Review*, Castan Centre 2004.

Kneebone, S. 'Refugees, Citizenship and Nationality: What is the Basis of Protection?' (2004) 10 (1) *Australian Journal for Human Rights* 33.

McSherry, B. "Third Party Access to Shared Electronic Mental Health Records: Ethical Issues" (2004) 11(1) *Psychiatry, Psychology and Law* 53-62.

McSherry, B. & Naylor, B. *Australian Criminal Laws: Critical Perspectives*, Sydney: Oxford University Press, 2004.

## Papers

Castan, M. "NTRB Lawyers Professional Development Project", *AIATSIS/ATSIC Native Title Conference*, 4 June 2004.

Debeljak, J. Submission to the Commonwealth Senate Legal and Constitutional Legislation Committee Inquiry into Amendments to the Marriage Act 1961 and the Family Law Act 1975', July 2004.

Emerton, P. Submission to Senate Legal and Constitutional Legislation Committee Inquiry into the Provisions of the Anti-Terrorism Bill (No 2) 2004.

Emerton, P. Submission to Senate Legal and Constitutional Legislation Committee Inquiry into the Provisions of the Anti-Terrorism Bill 2004.

Emerton, P. Submission to Senate Legal and Constitutional Legislation Committee Inquiry into the Provisions of the Surveillance Devices Bill 2004

Emerton, P. Submission to Senate Legal and Constitutional Legislation Committee Inquiry into the provisions of the National Security Information (Criminal Proceedings) Bill 2004 and the National Security Information (Criminal Proceedings) (Consequential Amendments) Bill 2004.

Joseph, S. "Freedom of Expression", *Australia's First Bill of Rights: A Forum on the National Implications of the ACT Human Rights Act 2004*, Canberra, 1 July 2004.

Joseph, S. "Australia's Anti-Terrorism Legislation: Compliance with the Constitution and International Human Rights Law", Mallesons Stephen Jacques, Human Rights Law Group, 28 April 2004.

Joseph, S. "The Battle for the Alien Tort Claims Act: *Sosa v Alvarez-Machain* in the US Supreme Court", *Australia and New Zealand Society of International Law (ANZSIL) Annual Conference*, Canberra, 19 June 2004.

Kinley, D. & Davis, T. *Human Rights Implications of Privatization and Private Sector Development Activities for World Bank Operations*. World Bank discussion Paper, February 2004.

Kinley, D. "Law, Lawyers and Corporate Social Responsibility", *Monash Institute for the Study of Global Movements Conference on Business and CSR*, Melbourne, May 2004.

Kinley, D. "The Global Economy and Human Rights: Institutions, Intersections and Inconsistencies", *International Society of Business, Economics and Ethics Third World Congress*, University of Melbourne, 14-17 July 2004.

Kneebone, S. "Australia's treatment of refugees post-Tampa", Insitute for the Study of International Migration, Georgetown University, Washington, 9 June 2004.

McSherry, B. "Risk Assessment by Mental Health Professionals and the Prevention of Future Violent Behaviour", Trends and Issues Paper, Australian Institute of Criminology July 2004, pp 1-6.

McSherry, B. "HealthConnect: Ethical Issues", Seminar, Faculty of Law, University of Tasmania, 15th March 2004.

McSherry, B. "Ethical Issues in the HealthConnect System", Presentation, Symposium on Shared Electronic Health Records, Deakin University, Toorak Campus, 23 April 2004.

McSherry, B. "Electronic Mental Health Records: Ethical, Legal and Administrative Issues Concerning Consent to Disclosure", Paper delivered at the 4th Annual International Association of Forensic Mental Health Services Conference, Stockholm, 7 June 2004.

McSherry, B. "Indefinite and Preventive Detention Legislation: The High Court's Cautious Approach" Plenary Address, 24th Annual Congress, Australian and New Zealand Association of Psychiatry, Psychology and Law, Port Douglas, 17th July 2004.

Penovic, T. "The separation of powers, Lim and Australia's 'voluntary' detention of children", *Children in Immigration Detention: The Policy, The Practice and the Prognosis Conference*, Melbourne, 2 April 2004.



## Centre Directors & Staff

**Prof David Kinley (Director):** Will be taking up a Professorial Chair at the University of Sydney Law School as of March 2005. Is currently on a Fulbright Senior Scholar Award at the Washington College of Law.

**Dr Sarah Joseph (Associate Director):** Recently authored the forthcoming *Corporations and Transnational Human Rights Litigation* (Hart Publishing).

**Julie Debeljak (Associate Director):** Was awarded her PhD in Law in July 2004. Is Team Leader on the Centre's upcoming human rights training of Indonesian public officials under AusAID's IASTP III program. completed teaching of the graduate International Humanitarian

Law course; teaching AusAID officials on Human Rights reform in 2004.

**Melissa Castan (Centre Associate):** Has coordinated Monash University's involvement with the newly established Native Title professional lawyer training program, run in conjunction with UNSW.

**Dr Tom Davis (Project Manager):** Co-teaching *Law & Good Governance Reform* module for AusAID staff, and teaching *Politics of Development* undergraduate course for the Monash Politics Department.

## Law Faculty Centre Members

**Yet Bryant:** Teaches and researches in International Law and International Environmental Law. Also teaches Legal Process and Civil Procedure.

**Jonathon Clough:** Teaches and researches in Criminal Law, especially as it relates to electronic crime.

**Associate Prof Beth Gaze:** Recently interviewed on Radio National Law Report regarding discrimination and heroin addiction, Member of Selection Panel for human rights medal, St Michaels Uniting Church, Collins St.

**John Howe:** Recently awarded his PhD in Law; researches and teaches in Labour Law, Corporate Governance, Regulation and Public Accountability.

**Associate Prof Susan Kneebone:** Researching refugee law and human rights.

**Oyiela Litaba:** Coordinating the Monash Postgraduate Diploma in Legal Practice.

**Associate Prof Bernadette McSherry:** Researching legal issues relating to bioethics, psychiatry & psychology, with a focus on Criminal Law.

**Kwame Mfodwo:** Teaches Contracts, Legal Process and Environmental Law.

**Dr Bronwyn Naylor** Researches and teaches in Criminal & Administrative Law, gender issues and privatisation.

**Dr Pam O'Connor:** Teaches and researches in Native Title and Administrative Law.

**Tania Penovic:** Convened 'Children in Immigration Detention' conference in April; recently been on sabbatical at Oxford University.

**Jenny Schultz:** Research interests in Property, International Trade Law and International Organisations.

**Dr Eric Wilson:** Researching and teaching in Public International and Environmental Law.

## Advisory Board

**Professor Philip Alston,** New York University School of Law.

**Professor Virginia Dandan,** Chair United Nations Committee on Economic, Social and Cultural Rights.

**The Hon Elizabeth Evatt AC,** Member; World Bank Administrative Tribunal.

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

**Ms Felicity Hampel QC,** Commissioner, Victorian Law Reform Commission.

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

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

**Senator Aden Ridgeway,** Deputy Leader, Australian Democrats.

**Professor Ivan Shearer,** Member, UN Human Rights Committee.

**His Excellency Judge C.G. Weeramantry,** Judge ad hoc of the International Court of Justice.