

Publications and Other Activities by Centre Faculty Members

MELISSA CASTAN

Book

With Sarah Joseph "Federal Constitutional Law, A Contemporary View" (2014)

Articles

"[Achieving universal birth registration for Indigenous Australians: recommendations from the Victorian Law Reform Commission](#)" (2014) v 8(14) Indigenous Law Bulletin 11 – 14.

"[Law Reform - or law deform?](#)" (2013) v 38(4) Dec Alternative Law Journal 208.

Conference Papers

"Law graduates in the age of disruptive technologies", Melissa de Zwart (University of Adelaide) and Melissa Castan (Monash University) Friday 11 July 2014 ALTA, Bond University, Qld.

"A feminist reimagining of legal professional culture" Melissa Castan (Monash University) and Kate Galloway (James Cook University) Saturday 12 July 2014 ALTA, Bond University, Qld.

"The Case for a transformative feminist curriculum in Legal Education" Friday 3 October 2014, AWE Conference, Brisbane, Qld.

Grants

With Moira Peterson, Management of Documentary Evidence of Sexual Abuse Project - Royal Commission into Institutional Responses to Child Sexual Abuse Nov 2014 - June 2015

Blogs

"[Is the Australian government scared of children?](#)" 25 April 2014 Castan Centre Blog

"[Freeing the RDA 'Free Speech' submissions](#)" 26 June 2014, Castan Centre Blog

AZADEH DASTYARI

Article

Azadeh Dastyari, "Book Review: The Liberty of Non-citizens: Indefinite Detention in Commonwealth Countries, Rayner Thwaites" (2014) 21 *Australian Journal of Administrative Law* 230.

Conference Papers

'US Migrant Interdiction Program and the Legacy of *Sale* in the United States' Paper presented at The Globalization of High Seas Interdiction: *Sale's* Legacy and Beyond, Yale Law School, United States (8 March 2014).

Submissions

Provided evidence before the Senate Legal and Constitutional Affairs References Committee, 'Inquiry into the incident at the Manus Island Detention Centre from 16 February to 18 February 2014', Parliament House, Canberra, 13 June 2014.

Submission to the 'Legal and Constitutional Affairs References Committee Inquiry into the incident at the Manus Island Detention Centre from 16 February to 18 February 2014' (Prepared by Dr Azadeh Dastyari and Dr Tania Penovic).

Submission to the Australian Human Rights Commission National Inquiry into Children in Immigration Detention (Prepared by Dr Azadeh Dastyari, Dr Maria O'Sullivan and Dr Tania Penovic).

Media

'[Handing over Tamils to the State they Fleed Breaks International Law](#)' *The Conversation* (4 July 2014).

'[Deterring and Denying Asylum Seekers in Australia](#)' *CNN* (20 June 2014).

'[Asylum Seekers: We Can't Ignore Our International Law Obligations](#)' *The Conversation* (30 April 2014).

'[Why Refugees Need Legal Aid](#)' *New Matilda* (4 April 2014).

'[YLS Sale Symposium: Immigration Detention and Status Determinations in Guantánamo Bay, Cuba](#)' *Opinio Juris* (12 March 2014).

'[Explainer: the legal implications of 'tow-backs](#)' *The Conversation* (20 January 2014).

Interviews

'Australia's international obligations' Interview with Jeff Sparrow, *Hullabaloo, 3RRR* Radio (9 July 2014).

'Analysis of Australian Immigration Policy Compared to Other Countries' Interview with Tracy Holmes, *ABC NewsRadio Drive* (8 July 2014).

'Turned Back and Left to Die.' Interview with *The Daily*, 2SER Radio (7 July 2014).

'Australia's Offshore Processing Centre in PNG' Interview with Stan Grant, *Sky News Television* 17 February 2014.

'60th anniversary of Australia acceding to the Refugee Convention in 1954': Interview with *SBS radio* (22 January 2014).

'Tow backs': Interview with *4ZZZ FM Radio*, Brisbane (22 January 2014).

JULIE DEBELJAK

Books

Bronwyn Naylor, Julie Debeljak and Anita Mackay, 'Foreword' in Bronwyn Naylor, Julie Debeljak and Anita Mackay, (eds), *Human Rights in Closed Environment* (Federation Press, Law in Context, 2014)

Julie Debeljak, 'The Impact of Charter Jurisprudence on Human Rights in Prisons' [2014] 2 *Judicial College of Victoria Online Journal* 153-165

Bronwyn Naylor, Julie Debeljak and Anita Mackay (eds), *Human Rights in Closed Environment* (Federation Press, Law in Context, 2014)

Conference papers

'[The Impact of Charter jurisprudence on Human Rights in Closed Environments](#)' (Presented at *Human Rights in Victoria under the Charter: The Development of Human Rights Law in Victoria*, Co-convened by the Supreme Court of Victoria, Faculty of Law Monash University, the Judicial College of Victoria, and the Victorian Law Foundation, Melbourne, 7-8 August 2014

Grant

Australian Research Council Linkage Infrastructure Equipment and Facilities Grant, entitled *The International Law Library on WorldLII: New content and facilities for the leading repository and citator for international law*, 2014-15.

The Grant is awarded with lead Chief Investigators Profs Andrew Mowbray and Graeme Greenleaf, and 17 fellow Chief Investigators. The administering organisation is University of Technology, Sydney, and the nine Partner

Organisations are UoM, UNSW, UoS, UWA, Bond, UWS, UoQ, ANU, and Monash. The Grant is worth just over \$650,000, with \$284,000 contribution from the ARC

Other

Moderator, "'Not My Life': Film Screening and Panel Discussion on Human Trafficking, Slavery and Slavery-like practices", Law Institute of Victoria, Melbourne, 30 October 2013

PAULA GERBER

Articles

Gerber Paula 'Living a life of crime: The ongoing criminalisation of Homosexuality within the Commonwealth' (2014) 39(2) *Alternative Law Journal* 78.

Gerber, Paula & Gory, Joel 'The UN Human Rights Committee and LGBT Rights: What is it doing? What could it be doing?' (2014) 14 *Human Rights Law Review* .

Book Chapter

Gerber, Paula 'Human Rights Education in Schools' in Transparency International (ed) *Global Corruption Report: Education* (2013) Routledge, Oxford, 337-340.

Submissions

Submission to the Senate Legal and Constitutional Affairs Legislation Committee Inquiry into the *Recognition of Foreign Marriages Bill 2014* (July 2014)

Media

'[Should Australia legally recognise same-sex marriages validly performed overseas?](#)' *Online Opinion*, 24 July 2014

'[Commonwealth Games: Is it time to stop playing?](#)' *Guardian Australia*, 22 July 2014,

'[Ian Thorpe came out, but not in Australia – a wise decision](#)' *The Conversation*, 14 July 2014,

'[Why the Pacific islands are no gay paradise](#)' *Gay Star News*, 12 May 2014,

'[Children's complaints to the UN could embarrass Canberra, but should be heard](#)' (with Melissa Castan) *The Age*, 21 April 2014

SBS Radio, '[Campaign for G20 action on child labour](#)' 11 April 2014,

'[Should the west be held accountable for gay persecution?](#)' *The Conversation*, 8 April 2014,

'[LGBTI Rights and the UN - where to from here?](#)' *International Service for Human Rights Monitor*, 25 February 2014

'[We should act on Uganda's oppression of gays](#)' *ABC Drum*, 18 February 2014,

'[Does Israel's interrogation of Palestinian boys violate human rights?](#)' *The Conversation*, 11 February 2014

'[Children and human rights abuses: coming to an international stage?](#)' *The Conversation*, 30 January 2014

'[What can Australia learn about birth registration from other countries?](#)' (with Amalia Fawcett) *Plan International*, 2 December 2013

Blog

'[Is the criminalisation of homosexuality in the Commonwealth a relic of the British Empire?](#)' *The Castan Centre for Human Rights Law Blog*, 20 November 2013,

STEPHEN GRAY

Book

Thalia Anthony, Penny Crofts, Thomas Crofts, Stephen Gray, Arlie Loughnan, Bronwyn Naylor, Waller & Williams Criminal Law, Text and Cases, 12th edition, Lexis Nexis Butterworths, Sydney, 2013 (1031 pages).

Article

Stephen Gray and Andre Dao, '[Imprisoned for shirts, sex and a Mont Blanc pen: the corruption case of Singapore legal academic Tey Tsun Hang](#)', (2014) 15(1) *Australian Journal of Asian Law*, 1-18.

Book review

Nicholas Clements, 'The Black War: Fear, Sex and Resistance in Tasmania', (2014) 39(2) *Alternative Law Journal* 202-3.

Conference paper

Stephen Gray, 'Catspaw for a body-snatcher?: the criminal law and nineteenth-century treatment of Aboriginal human remains', paper presented at Sydney Institute of Criminology Criminal Law workshop, University of Sydney, 14 February 2014

SARAH JOSEPH

Book

Federal Constitutional Law: A Contemporary View (Thomson Reuters, Sydney, 2014, 4th edition), 626 pages, co-author with Melissa Castan

Articles

"[The Fiasco of FIFA](#)", (2014) *Alternative Law Journal*, Volume 39, no. 3 (November 2014)

"[Arts boycotts: the Controversy over the Nineteenth Biennale of Sydney](#)", *Manifesta 18* (November 2014)

Conference Papers

4 July 2014, "Tintin and the right of self determination", ANZSIL conference, ANU, Canberra

Seminars

28 March 2014, "Australia's Freedom Debate", University of Tasmania

Submission

Submission on the Migration Amendment (Protection and Other Measures) Bill 2014 to the Senate Legal and Constitutional Affairs Committee, July 2014

Media

[Interview in the Zone](#), *The Age*, 24 November 2014

"[Freedom: the Government's Inconsistent Approach](#)", *The Age*, 8 April 2014

"[The Biennale Boycott Blues](#)", *The Conversation*, 22 March, 2014

DR JOANNA KYRIAKAKIS

Book Review

'Rene Provost and Payam Akhavan: *Confronting Genocide*' (2014) *Criminal Law and Philosophy* 1-8 (13 April 2014)

Blog

'[2014 Castan Human Rights Report: Corporations Now Less Accountable](#)' Castan Centre for Human Rights Law Blog, 30 April 2014

'[Too Big to Be Sued? US Supreme Court Further Limits Corporate](#)

Human Rights Litigation, *Castan Centre for Human Rights Law Blog*, 3 February 2014.

Other

'Business and Conflict: Is there a Role for International Criminal Law', hosted by the Australian Red Cross, NSW Law Week 2014, Marquee Lawyers, Sydney, 15 May 2014.

ADAM MCBETH

Book Chapter

A McBeth, 'What do Human Rights Require of the Global Economy?', in D Reidy & C Holder (eds), *Human Rights: The Hard Questions*, (2013, Cambridge University Press, UK)

A McBeth, 'The Shift Towards Emerging Economy Financing of Development Projects: Implications for Human Rights Standards', in R Maguire & B Lewis (eds), *Shifting Global Powers: Challenges and Opportunities for International Law*, (2013, Routledge, UK)

Conference Papers

A McBeth, 'All Care, No Responsibility: The Current State of Extraterritorial Human Rights Obligations', Australian and New Zealand Society of International Law Conference, Australian National University, Canberra, July 2014

A McBeth, 'There Ain't No Votes in Aid: A Human Rights Critique of the "New Aid Paradigm"', *Castan Centre Annual Conference*, Melbourne, July 2014

Submission

Liberty Victoria / Civil Liberties Councils of Australia, Submission to Parliamentary Joint Committee on Intelligence and Security on Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014, October 2014 (contributing author)

BRONWYN NAYLOR

Books

Co-editor (with Julie Debeljak and Anita Mackay) *Protecting Human Rights in Closed Environments Law in Context*, Federation Press 2014

Co-editor (with T. Anthony, P. Crofts, T. Crofts, S. Gray and A. Loughnan) *Waller and Williams Criminal Law Text and Cases* (12th edition, 2013) Lexis Nexis.

Articles

'Australia's growing prisons crisis', The 2014 Castan Human Rights Report

Book Chapters

'Human Rights and Respect in Prisons: the Prisoners' Perspective' in *Protecting Human Rights in Closed Environments Law in Context*, Federation Press (2014)

'Human Rights and People with Disabilities in Closed Environments' (with P. Fravley) in *Protecting Human Rights in Closed Environments Law in Context*, Federation Press (2014)

'Gender, Offending and Mental Disorder' in P. Taylor, K. Corteen and S. Morley (Eds) *A Companion to Criminal Justice, Mental Health and Risk* (Bristol, UK: The Policy Press, Oct 2014).

'Prisoner/Patient: Prisons as Mental Health Institutions' in Eoin Carroll and Kevin Walker (eds) *Reimagining Imprisonment in Europe* (The Liffey Press, Dublin 2014) pp195-216.

Commissioned Reports

Women Exiting Prison In Victoria: A Post-Release Study 2011-2013 (with Rosemary Sheehan, Catherine Flynn

and Chris Trotter) for Department of Justice (Vic) 2013, 37pp.

Conference papers

Official Response Mechanisms: a Critique of the Public Inquiry Model in Ireland, the UK and Australia' Anne-Marie McAlinden (Queen's University Belfast) and Bronwyn Naylor (Monash University Australia) Workshop on Sexual abuse in the church and other institutional settings, International Institute for the Sociology of Law Onati Spain, 10 April 2014

'Parental physical punishment of children: necessary discipline or human rights violation?' Monash Prato Public Lecture 6 May 2014.

'Children as victims of justice: children of offenders at their parents' arrest, bail and sentencing' Australian and New Zealand Society of Criminology Conference, Sydney, October 2014 - Bronwyn Naylor, Catherine Flynn and Paula Fernandez Arias

'Family Violence and Defences to Homicide' International Criminal Law Congress 8-12 October 2014

Submissions

Submission to the Department of Justice's *Defensive Homicide: Proposals for Legislative Reform - Consultation Paper* (2013) (with Debbie Kirkwood, Mandy McKenzie and Libby Eltringham (Domestic Violence Resource Centre Victoria); Danielle Tyson (Department of Criminology, School of Political & Social Inquiry, Monash University), Dr Chris Atmore (Federation of Community Legal Centres); and Sarah Capper (Victorian Women's Trust).

Grants

Monash-Warwick Alliance Seed Fund: 'Access to Justice: A Comparative Analysis of cuts to the civil and criminal Legal-Aid systems in England, Wales and Victoria' (with Dr Asher Flynn, Prof Arie Freiberg and Prof Jude McCulloch (Monash) and Prof Jacqueline Hodgson (Warwick) A\$13,398.00 (Monash) and £7,165.00 (Warwick)

Legal Services Board (Victoria) (with Dr Deborah Kirkwood, Dr Danielle Tyson and Mandy McKenzie) 'Improving Legal Responses to Domestic Homicides: A study of Homicides in Victoria 2005-2014' (\$140,000)

Media

'Criminal law and restorative justice', The World From Below, Channel 31, 17 October 2014

MARIA O'SULLIVAN

Article

'Before the High Court: Minister for Immigration and Border Protection v SZSCA: Should Asylum Seekers Modify their Conduct to Avoid Persecution?' (2014) 36(3) *Sydney Law Review* 541-556

Book Chapter

'Identifying Asylum-Seekers as Potential Refugees: Transfers and 'Acquired Rights' under the Refugee Convention' in S. Kneebone et al (eds), *Refugee Protection and the Role of Law: Conflicting Identities* (Routledge, 2014)

Conference Papers

'UNHCR as Amicus Curiae before the European Court of Justice', *Access to Asylum: Current Challenges and Future Directions*, Monash Prato Centre, May 2014

'The Ethics of Burden-Sharing through Resettlement: Australia in the Asia-Pacific Region' Workshop

on *Comparative regional protection frameworks for refugees: Norms and norm entrepreneurs*, *Refugee Law Initiative*, University of London, November 2013 (*invited speaker)

Submission

Submission to the Commonwealth Human Rights Commission Inquiry into Children in Detention (co-authored with Azadeh Dastyari and Tania Penovic), 2014

Media

'Explainer: Does Cambodia refugee deal comply with the convention?', *The Conversation*, 30 September 2014

'Preventing asylum seekers' return to harm through the High Court', *The Conversation*, 8 July 2014.

'Who is most in need? The moral and legal issues arising from refugee protection in Australia' *Law Matters*, Feature article - Expert Commentary, December 2013, 6-7.

Interview: 'International Access to Asylum - The Syrian Crisis', Between the Lines Program, Channelnews Asia (Television), 14 October 2014

Other

Amnesty International CBD Chapter, Presentation: Australian refugee law and policy, May 2014

Crossing Borders, Lecture on Refugee Law (for medical students from Monash Medical Centre), April 2014

TANIA PENOVIC

PhD thesis

To deter, distance and dehumanise: mandatory immigration detention and offshore processing of asylum seekers under Australian law.

Conference papers

'Queue jumpers' and the deviant 'other', paper delivered on 15 November 2014 at 'Australia and its others: Fear and politics in a multicultural nation', RMIT University, 15 November 2014

Outsourcing protection: Australia's bilateral arrangements for asylum seeker transfer in the Asia Pacific, presented at a public forum sponsored by the Croatian Centre for Peace Studies and the Ivo Pilar Institute of Social Sciences, entitled 'The politics of asylum law in Australia and the European Union' held at Bogdan Ogrizović Library, Zagreb, Croatia.

Offshore and Outsourced: shifting responsibility for the management of asylum seekers, presented at 'Access to Asylum: Current Challenges and Future Directions', Monash University Prato Centre, 29 May 2014.

Reflections on teaching, drawing on Pushkin presented at the 2014 Civil Justice Research and Teaching Conference, University of Tasmania Faculty of Law, 18 February 2014

Expert commentary

'Neglect, Abuse and Detention at Sea' in Down Under all Over 2014 39(3) *Alternative Law Journal* 194-5

'As if we were at war' in Down Under all Over (2014) 39:1 *Alternative Law Journal* 54-55.

'Parliamentary Contortions following the High Court's Malaysian Declaration Decision' (2013) 20 *Australian Journal of Administrative Law* 109-112.

Refereed journal article

'Privatised immigration detention services: challenges and opportunities for implementing human rights (2014

30(2) *Law in Context Human Rights in Closed Environments* edited by Bronwyn Naylor, Julie Debeljak and Anita Macakay

Submissions

Submission to the Legal and Constitutional Affairs References Committee on the Inquiry into the incident at the Manus Island Detention Centre from 16 February to 18 February 2014, May 2014 (with Azadeh Dastyari).

Submission to Australian Human Rights Commission National Enquiry into Children in Immigration Detention, April 2014 (with Azadeh Dastyari and Maria O'Sullivan)

Evidence presented to Senate Legal and Constitutional Affairs Committee on the Migration Amendment (Regaining Control over Australia's Protection Obligations) Bill 2013, 14 February 2014

Submission to the Senate Legal and Constitutional Affairs Committee on the Migration Amendment (Regaining Control over Australia's Protection Obligations) Bill 2013, January 2014 (with Professor Susan Kneebone, Dr Azadeh Dastyari, Adam Fletcher and Dr Maria O'Sullivan).

Book review

Review: The Ashgate Research Companion to Migration Law, Theory and Policy, Satvinder Juss (ed), (Ashgate 2013) 22(4) *Asian and Pacific Migration Journal* 2014, 579-583.

RONLI SIFRIS

Book

Reproductive Freedom, Torture and International Human Rights: Challenging the Masculinisation of Torture (Routledge, 2014)

Article

'Threats to Victoria's Abortion Laws' (2014) 39(2) *Alternative Law Journal* 142.

Conference Papers

In Conversation with Kim Rubenstein, Professor and Director of the Centre for International and Public Law at the Australian National University's College of Law (Canberra, August 2014) (*Gender and the International Prohibition of Torture*)

Castan Centre for Human Rights Law's annual conference (Melbourne, July 2014) (*Reproductive Rights: Recent Developments*)

La Trobe University, Faculty of Law (Melbourne, May 2014) (*Reproductive Freedom, Torture and International Human Rights*)

Monash University, Health Technoscience and the Human Body: Socio-Legal Perspectives (Melbourne, February 2014) (*Women's Reproductive Rights*)

Media

Interviewed by Right Now Radio about recent developments in reproductive rights (25 July 2014).

Blog

'Tasmania Decriminalises Abortion' *On Line Opinion*, 5 December 2013.

'Tasmania Decriminalises Abortion' *Castan Centre for Human Rights Law*, 29 November 2013.

'Tasmania Decriminalises Abortion' *New Matilda*, 25 November 2013.

Other

'Reproductive Rights in Australia' State of Human Rights (Castan Centre for Human Rights Law, April 2014)