



PUBLIC INTEREST LITIGATION IN AUSTRALIA - A COMPARATIVE PERSPECTIVE

Thursday, August 8, 2019
La Trobe University
Plenty Rd, Bundoora Victoria, 2086



GRATA FUND

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Australian Human Rights Institute

We acknowledge the Wurundjeri people who are traditional owners of this land. We pay our respects to the tens of thousands of years of stories and community life that has thrived in the Kulin Nation and to the Elders past, present and emerging. Always was and always will be Aboriginal land.





PROGRAM

WELCOME REMARKS

9:00-9:10AM

Professor David Wishart, Acting Head of School, La Trobe University
Penelope Andrews, New York Law School, Visiting Professor, La Trobe University

KEYNOTE ADDRESS

9:10-9:55AM

Professor Scott Cummings, Robert Henigson Professor of Legal Ethics, UCLA School of Law

PANEL 1

PUBLIC INTEREST LITIGATION: OBJECTIVES AND ASPIRATIONS

10:00-11:15AM

Chair: The Hon Marcia Neave, AO, former judge, Victoria Court of Appeal

- Jen Robinson, Barrister, Doughty St Chambers, London, *Public Interest Litigation – A Global Perspective on the Benefit of Comparative Learning*
- Stephen Nkosi, University of Johannesburg, *The history of public interest law in South Africa: How ‘Lawfare’ conquered Apartheid*
- Isabelle Reinecke and Lou Dargan, Grata Fund and Andrea Durbach, Australian Human Rights Institute, UNSW Law, *Enabling Democracy: The Role of Public Interest Litigation in Sustaining and Preserving the Separation Of Powers*
- Catherine Smith, University of Denver School of Law, *A Comparative View of Climate Change Litigation and the Relevance of “Intergenerational Equity” in Australia and the United States*

MORNING TEA 11:15AM-11:35AM



CONCURRENT PANELS

11:35-12:50PM



PANEL 2

PUBLIC INTEREST LITIGATION: A MEANS TO EQUALITY

Chair: Judge David Parsons (retired), Visiting Professor, La Trobe University

- Dominique Allen, Monash University, *Public Interest Litigation and Australia's Anti-Discrimination Law – Unrealised Potential?*
- Tamar Hopkins, University of New South Wales, *Litigation to Stem Racial Profiling: Haile-Michael & Ors v Konstantinidis & Ors*
- Dan Kelly, Australian Lawyers for Remote Aboriginal Rights, *The Right to Housing in Remote Aboriginal Communities*
- Atiba R. Ellis, Marquette University Law School, *Disenfranchisement in Comparative Perspective: Australia and the United States*

PANEL 3

PUBLIC INTEREST LITIGATION AND PROTECTING HUMAN RIGHTS

Chair: Dr Lola Akin Ojelabi, La Trobe University School of Law

- George Newhouse, National Justice Project, *Using Strategic Litigation in the Fight for Human Rights*
- George Barrie, University of Johannesburg Faculty of Law, *Mabo (No 2) (Australia); Richtersveld (South Africa) and the Endorois case (Kenya): A Comparative Perspective Regarding Indigenous Land Rights*
- Anna Dawson, Public Interest Advocacy Centre, *The Role of the Common Law In Protecting the Right To Privacy*
- Kate Ogg, ANU School of Law, *A State of Exception or a State of Exceptionality? A Comparative Examination of Protection Elsewhere Litigation*
- Hugh de Kresten, Human Rights Law Centre, *It's time for an Australian Charter of Human Rights and Responsibilities*
- David Watts and Laura Griffin, La Trobe University School of Law, *The Law of Information Security in Australia: Exploring avenues of liability for data breaches*

LUNCH 12:50-1:20PM

LUNCH CONVERSATION 1:20-2:35PM

PROMOTING SYNERGY BETWEEN THE LEGAL ACADEMY AND PRACTISING BAR

Moderator: Andrea Durbach, Australian Human Rights Institute, UNSW Law

- Ron Merkel QC, Owen Dixon Chambers, Melbourne
- Blake Morant, Former Dean and Robert Kramer Research Professor of Law, The George Washington University Law School
- Kim Rubenstein, ANU School of Law
- Peter Cashman, 3 Wentworth Chambers, Sydney

PANEL 4

PUBLIC INTEREST LITIGATION: CHALLENGES AND OPPORTUNITIES

2:35-3:50PM

Chair: Penelope Andrews, New York Law School, Visiting Professor, La Trobe University

- Shaun Bergover, Rhodes University Faculty of Law, *Courts' Discretion In Relation to Costs in Public Interest Litigation*
- Rawan Arraf, Australian Centre for International Justice, *Universal Jurisdiction Litigation in Australia: Opportunities, Impact and Challenges*
- Josh Gibson, Australian Human Rights Institute, *Public Interest Litigation and Legal Advocacy: The Role of the Amicus Curiae*
- Patrick Keyzer, La Trobe Law School and Professor HW Perry Jr, University of Texas at Austin, *Developments in Amici Jurisprudence in Australia and the USA*
- Narelle Bedford and Lisa J. Bonin, Bond University, *A Leg to Stand on: The Role of Public Interest Standing in Facilitating Access To Justice on Matters of Public Importance In Canada And Australia*

AFTERNOON TEA 3:50-4:05PM

PANEL 5

PUBLIC INTEREST LITIGATION: ASSESSING IMPACT

4:05-5:20PM

Chair: Isabelle Reinecke, Grata Fund

- Suzette Malveaux, University of Colorado, *Assessing the Impact of Class Action Litigation*
- Hollie Kerwin, Victoria Legal Aid, *When Judgment Begins Anew: Translating public interest litigation wins to everyday change*
- Kris Gledhill, Auckland University of Technology Law School, *A Critical Analysis of Strategic Litigation, especially in relation to Criminal Law*
- Dr. Julia Dehm, La Trobe University School of Law, *Climate Change Litigation: Gloucester Resources Limited v Minister for Planning*
- Matthew Turner, Legal Aid New South Wales, *Using Class Actions to Achieve Systemic Outcomes for Consumers (Or how to stop the Defendant from settling)*
- Michelle Cohen, Public Interest Advocacy Centre, *Public Interest Litigation: looking beyond the Big Test Case*

CLOSING REMARKS

PUBLIC INTEREST LITIGATION: CHALLENGES AND OPPORTUNITIES

5:20-5:30PM

Isabelle Reinecke, Grata Fund

Penelope Andrews, New York Law School



There is no charge for registration. If you are interested in attending, please RSVP to Xia Gordon at xia.gordon@nyls.edu by July 25, 2019. Space is limited and attendees will be chosen on a "first come first served" basis.

Location and transport information available at:
www.latrobe.edu.au/melbourne/location