

**NICHOLAS ARONEY**  
PROFESSOR OF CONSTITUTIONAL LAW  
Centre for Public, International and Comparative Law  
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Papers: <http://ssrn.com/author=89918>

## **I. ACADEMIC QUALIFICATIONS**

Mollie Holman Doctoral Medal, Monash University, 2002  
Doctor of Philosophy, Monash University, 2001  
Master of Laws (Research), University of Queensland, 1994  
Bachelor of Laws (Hons), University of Queensland, 1992  
Bachelor of Arts (Political Science), University of New South Wales, 1989

## **II. EMPLOYMENT**

Professor of Constitutional Law, University of Queensland, 2010-  
Associate Dean (Research), T.C. Beirne School of Law, University of Queensland, 2010-2011  
Reader in Law, T.C. Beirne School of Law, University of Queensland, 2007-2009  
Senior Lecturer, T.C. Beirne School of Law, University of Queensland, 2001-2006  
Lecturer, T.C. Beirne School of Law, University of Queensland, 1998-2000  
Associate Lecturer, T.C. Beirne School of Law, University of Queensland, 1995-1997

## **III. FELLOWSHIPS AND ASSOCIATIONS**

Fellow, Academy of the Social Sciences in Australia, 2023-  
Fellow, Australian Academy of Law, 2022-  
Affiliated Faculty, Center for the Study of Law and Religion, Emory University Law School, 2019-  
Australian Research Council Future Fellowship, 2011-2015  
Member, Board of Advisors, Public Law Review, 2015-  
Research Fellow, Emmanuel College, University of Queensland, 2009-  
Convenor, Queensland Chapter, Australian Association of Constitutional Law, 2008-  
Member, Governing Board, Australian Association of Constitutional Law, 2008-2013  
Member, Australian Association of Constitutional Law, 2008-  
Member, Australian Society of Legal Philosophy, 2008-  
Fellow, Centre for Public, International and Comparative Law, University of Queensland, 2003-  
Solicitor, Supreme Court of Queensland and High Court of Australia, 1993-

Secretary, Australian Society of Legal Philosophy, 1995-1997

Member, Queensland Law Society, 1993-1998

#### **IV. VISITING POSITIONS**

Visiting Professor, School of Law, University of Padua, Italy, 2023

Distinguished Professorial Fellow, The Scots College, Sydney, 2019

Visiting Fellow, Institute of Advanced Study, Durham University, 2017

Visiting Professor, Institut Michel Villey, Faculty of Law, University of Paris II (Pantheon-Assas), 2017

Visiting Fellow, Programme for the Foundations of Law and Constitutional Government, Faculty of Law, Oxford University, 2016

MacCormick Fellow, Europa Institute, School of Law, Edinburgh University, 2012

Visiting Fellow, Institute of European and Comparative Law, Faculty of Law, Oxford University, 2012

Visitor, Centre for European Legal Studies, Faculty of Law, Cambridge University, 2012

Visiting Professor, School of Law, Murdoch University, 2008

Visiting Scholar, Law School, University of Notre Dame, Indiana, 2006

Parsons Visitor, Sydney Law School, University of Sydney, 2006

Senior Visiting Fellow, Emory Law School, Emory University, 2005

Visiting Senior Lecturer, School of Law, Tilburg University, 2004

#### **V. MAJOR GRANTS**

1. Australian Research Council Future Fellowship (2011-2015): *Reconceiving Australian federalism: fundamental values, comparative models and constitutional interpretation* (A\$879,187).
2. Australian Research Council Discovery Grant (2012-2014): *A Federation of cultures? Innovative approaches to multicultural accommodation* (A\$181,500) (with Patrick Parkinson).
3. Austrian Science Fund Grant (Austria) (2019-2021): *Comparative Fiscal Federalism* (€378,577) (led by Stefan Griller, University of Salzburg).
4. Slatter Family Trust (2019-2020): *Freedom of Speech: Does Australian Law Comply with its International Obligations?* (A\$105,245) (with Paul Taylor).
5. Australian Research Council Discovery Grant (2022-2024): *Constituent Power in Federal Systems* (A\$414,0500) (with George Duke and Stephen Tierney).
6. Australian Research Council Linkage Infrastructure, Equipment and Facilities Grant (2023-2025): *Digitising the Drafting of the Australian Constitution* (A\$319,046) (with Murray Wesson, Sarah Murray, et al).

#### **VI. PUBLICATIONS**

##### **A. Books**

1. *Federal Constitutionalism: Comparison, Explanation, Interpretation* (Cambridge University Press, under contract).

2. *Tres ensayos sobre derecho, religión y condición humana*, translated by Maria Bernal-Pulido (University Externado de Colombia Press, forthcoming 2024).
3. *Winterton's Australian Federal Constitutional Law: Commentary & Materials*, 5th ed (Sydney: Thomson Reuters, 2022) (with Sarah Murray, Peter Gerangelos, Adrienne Stone, Patrick Emerton and Joel Harrison).
4. *Winterton's Australian Federal Constitutional Law: Commentary & Materials*, 4th ed (Sydney: Thomson Reuters, 2017) (with Peter Gerangelos, Simon Evans, Patrick Emerton, Sarah Murray and Adrienne Stone).
5. *The Constitution of the Commonwealth of Australia: History, Principle and Interpretation* (Melbourne: Cambridge University Press, 2015) (with Peter Gerangelos, Sarah Murray and James Stellios).
6. *Australian Federal Constitutional Law: Commentary & Materials*, 3rd ed (Sydney: Thomson Reuters, 2013) (with Peter Gerangelos, HP Lee, Simon Evans, Sarah Murray and Patrick Emerton).
7. *The Constitution of a Federal Commonwealth: The Making and Meaning of the Australian Constitution* (Cambridge: Cambridge University Press, 2009).
8. *Freedom of Speech in the Constitution* (Sydney: Centre for Independent Studies, 1998).

#### **B. Edited books**

1. *Constituent Power in the Making, Amending and Interpretation of Federal Constitutions* (with Stephen Tierney, projected)
2. *Christianity and Constitutionalism* (Oxford: Oxford University Press, 2022) (with Ian Leigh).
3. *The Routledge Handbook of Subnational Constitutions and Constitutionalism* (London: Routledge, 2021) (with Patricia Popelier and Giacomo Delledonne).
4. *Courts in Federal Countries: Unitarists or Federalists?* (Toronto: University of Toronto Press, 2017) (with John Kincaid).
5. *The Future of Australian Federalism: Comparative and Interdisciplinary Perspectives* (Cambridge: Cambridge University Press, 2012) (with Thomas John and Gabrielle Appleby).
6. *Shari'a in the West* (Oxford: Oxford University Press, 2010) (with Rex Ahdar).
7. *Restraining Elective Dictatorship: The Upper House Solution?* (Perth: University of Western Australia Press, 2008) (with Scott Prasser and John Nethercote).

#### **C. Book chapters**

1. 'Law and Politics in Federations', in Erin Delaney (ed), *Law & Politics of Federalism* (Edward Elgar, forthcoming 2024).
2. 'Federal vs unitary constituent power' in Peter Niesen, Markus Patberg and Lucia Rubinelli (eds), *Oxford Handbook of Constituent Power* (Oxford: Oxford University Press, forthcoming 2024).
3. 'Federalism and Democracy', in Glenn Patmore (eds), *Research Handbook on Law and Democracy* (Edward Elgar, forthcoming 2023).
4. 'Economics, Law, Education, and Religion—Contributions to the Composition of a Good Society' in Michael Welker, John Witte, Piet Naudè and Stephen Pickard (eds), *The Impact of Political Economy on Character Formation, Ethical Education, and the Communication of Values in Late Modern Pluralistic Societies* (Evangelische Verlagsanstalt, 2023).

5. 'Local Governance in Australia: An Overview and Strategic Directions' in Andrew Podger, Hon S. Chan, Tsai-tsu Su and John Wanna (eds), *Dilemmas in Public Management in Greater China and Australia: Rising Tensions but Common Challenges* (ANU E-Press, 2023) (with Bligh Grant).
6. 'Local Government in Australia: Constitutionally Subordinate, but Vibrant and Fundamental' in Matteo Nicolini and Alice Valdesalici (eds), *Local Governance in Federal Systems: Comparative and Alternative Approaches to the Traditional Paradigm* (Brill–Martinus Nijhoff Publishers, 2023) 101-137 (with Bligh Grant).
7. 'Pluralised Constituent Power in Two Nominal Federations: Ethiopia and Iraq', in Félix Mathieu, Alain-G. Gagnon and Dave Guéntte (eds), *Comparative Federalism: A Pluralist Approach* (Montreal: Centre d'analyse politique – Constitution et fédéralisme, forthcoming 2023) (with Terefe Gebreyesus and Twana Hassan).
8. 'Christianity and Sovereignty', in Rafael Domingo and John Witte (eds), *Oxford Handbook on Christianity and Law* (Oxford University Press, forthcoming 2023).
9. 'Christianity and Constitutional Law', in Rafael Domingo and John Witte (eds), *Oxford Handbook on Christianity and Law* (Oxford University Press, forthcoming 2023).
10. 'Federalism and Representation', in James Gardner (ed), *Comparative Election Law* (Edward Elgar, 2022) (with Lauren Causer).
11. 'Introduction', in Aroney & Leigh (eds), *Christianity and Constitutionalism* (Oxford: Oxford University Press, 2022) (with Ian Leigh).
12. 'Federalism: A Legal, Political and Religious Archaeology', in Aroney & Leigh (eds), *Christianity and Constitutionalism* (Oxford: Oxford University Press, 2022).
13. 'The Australian federal response to the COVID-19 crisis: Momentary success or enduring reform?', in Nico Steytler (ed), *Confronting the COVID-19 pandemic: Federal systems a boon or bane?* (Routledge, 2021) (with Michael Boyce).
14. 'Subnational constitutionalism: Defining subnational constitutions and self-constituent capacity', in Popelier, Aroney & Delledonne (eds), *The Routledge Handbook of Subnational Constitutions and Constitutional Law* (Routledge, 2021) (with Patricia Popelier and Giacomo Delledonne).
15. 'Conclusion: Nine hypotheses to explain variation in subnational constitutional autonomy', in Popelier, Aroney & Delledonne (eds), *The Routledge Handbook of Subnational Constitutions and Constitutional Law* (Routledge, 2021) (with Patricia Popelier and Giacomo Delledonne).
16. 'Subnational Constitutionalism in Australia: State autonomy in a uninational federation', in Popelier, Aroney & Delledonne (eds), *The Routledge Handbook of Subnational Constitutions and Constitutional Law* (Routledge, 2021).
17. 'The Social Ontology of Human Dignity', in Angus Menuge and Barry Bussey (eds), *The Conceptual Foundations of Human Dignity* (Anthem Press, 2021).
18. 'Johannes Althusius's Cosmopolitan Defence of Local Politics', in Lee Ward (ed), *Cosmopolitanism and its Discontents* (Lexington, 2021) (with Simon Kennedy).
19. 'Australia's Federal Framework: Constitutional Fundamentals, Federal Institutions, and Intergovernmental Balance', in Jenny Lewis and Anne Tiernan (eds), *The Oxford Handbook of Australian Politics* (Oxford University Press, 2020).
20. 'Christianity, Sovereignty and Global Law', in Rafael Domingo and John Witte (eds), *Christianity and Global Law* (Routledge, 2020).
21. 'Federalism and the Courts: A Research Agenda', in John Kincaid (ed), *A Research Agenda for Federalism Studies* (Edward Elgar, 2019).

22. 'Natural Law and Federalism', in Jon Crowe and Constance Lee (eds), *Research Handbook on Natural Law Theory* (Edward Elgar, 2019).
23. 'Our Common Lives', in Damien Freeman & Catherine Renshaw (eds), *Nonsense on Stilts: Rescuing Human Rights in Australia* (Kapunda Press, 2019).
24. 'Freedom of Religion', in Matthew Groves, Janina Boughey & Dan Meagher (eds), *The Legal Protection of Rights in Australia* (Bloomsbury, 2019) (with Benjamin Saunders).
25. 'Originalism and Explanatory Power: Text, Structure and the Interpretation of Constitutions', in Lisa Burton Crawford, Patrick Emerton and Dale Smith (ed), *Law under a Democratic Constitution: Essays in Honour of Jeffrey Goldsworthy* (Oxford: Hart Publishing, 2019).
26. 'The Justification of Judicial Review: Text, Structure, History and Principle', in Rosalind Dixon (ed), *Australian Constitutional Values* (Oxford: Hart Publishing, 2018).
27. 'Federalism: Design', in Cheryl Saunders and Adrienne Stone (eds), *Oxford Handbook of the Australian Constitution* (Oxford University Press, 2018).
28. 'Territorial Politics and the Federal Frame in Australia', in Eve Hepburn and Klaus Detterbeck (eds), *Handbook of Territorial Politics* (Edward Elgar, 2018) (with Campbell Sharman).
29. 'The Shari'a in the Western Landscape', in Ayn Sajoo (ed), *The Shari'a: History, Ethics and Law* (I.B. Taurus Publishers, 2018) (with Rex Ahdar).
30. 'Constitutional Fundamentals', in Augusto Zimmermann (ed), *A Commitment to Excellence: Essays in Honour of Emeritus Professor Gabriel Moens* (Brisbane: Connor Court, 2018).
31. 'Reforming Australian Federalism: The White Paper Process in Comparative Perspective', in Mark Bruerton, Robyn Hollander and Ron Levy (eds), *A People's Federation* (Federation Press, 2017).
32. 'The Federal Condition', in Amnon Lev (ed), *The Federal Idea: Between Governance and Political Life* (Hart Publishing, 2017).
33. 'Religious Freedom under the Victorian Charter of Rights', in Colin Campbell and Matthew Groves (eds), *Australian Charters of Rights a Decade On* (Federation Press, 2017) (with Paul Babie and Joel Harrison).
34. 'Types of Federalism', in Rainer Grote, Rüdiger Wolfrum and Frauke Lachenmann (eds), *Max Planck Encyclopedia of Comparative Constitutional Law* (Oxford: Oxford University Press, 2017).
35. 'Introduction: Courts in Federal Countries' in John Kincaid and Nicholas Aroney (eds), *Courts in Federal Systems* (University of Toronto Press, 2017).
36. 'The High Court of Australia: Textual Unitarism vs Structural Federalism' in John Kincaid and Nicholas Aroney (eds), *Courts in Federal Systems* (University of Toronto Press, 2017).
37. 'Comparative Observations and Conclusions' in John Kincaid and Nicholas Aroney (eds), *Courts in Federal Systems* (University of Toronto Press, 2017).
38. 'Devolutionary Federalism Within a Westminster-derived Context', in Aileen McHarg, Tom Mullen, Alan Page and Neil Walker, (eds), *The Scottish Independence Referendum: Constitutional and Political Implications* (Oxford University Press, 2016).
39. 'Federalism – A Selected Comparison', in Shaun Star (ed), *Australia and India: A Comparative Overview of the Law and Legal Practice* (New Delhi: University Law Publishing, 2016) (with Khagesh Gautam).
40. 'Law and Convention', in Brian Galligan and Scott Brenton (eds), *Constitutional Conventions in Westminster Systems: Controversies, Changes and Challenges* (Cambridge University Press, 2015).

41. 'The Gibbs Court', in Rosalind Dixon and George Williams (eds), *The High Court, the Constitution and Australian Politics* (Cambridge University Press, 2015).
42. 'Subsidiarity in the Writings of Aristotle and Aquinas', in Michelle Evans and Augusto Zimmerman (eds), *Global Perspectives on Subsidiarity* (Berlin: Springer, 2014).
  - Republished in *The Justice of Taxation and Protection of Human Rights* (Taiwan: New Sharing Publisher, 2016).
43. 'Legal Transplants in the Australian Legal System', in Nicola Lupo and Lucia Scaffardi (eds), *Comparative Law in Legislative Drafting* (The Hague: Eleven International Publishing, 2014) (with Carla Bassu and Carolyn Popp).
44. 'Federalism and Diversity in Australia', in *A Federation for the 21st Century* (Committee for Economic Development of Australia, 2014).
45. 'The Constitutional First Principles of Royal Commissions', in Scott Prasser and Helen Tracey (eds), *Royal Commissions & Public Inquiries* (Sydney: Connor Court, 2014).
46. 'Australian Federalism: Past, Present and Future Tense', in Gabrielle Appleby, Nicholas Aroney and Thomas John (eds.), *The Future of Australian Federalism: Comparative and Interdisciplinary Perspectives* (Cambridge: Cambridge University Press, 2012) (chapter written with Gabrielle Appleby and Thomas John).
47. 'Federal Diversity in Australia – A Counter Narrative', in Gabrielle Appleby, Nicholas Aroney and Thomas John (eds.), *The Future of Australian Federalism: Comparative and Interdisciplinary Perspectives* (Cambridge: Cambridge University Press, 2012) (chapter written with Scott Prasser and Alison Taylor).
48. 'Towards Fundamental Change of the Australian Federal System: Popular Ratification of the State Constitutions', in Paul Kildea, Andrew Lynch and George Williams (eds.), *Tomorrow's Federation: Reforming Australian Government* (Federation Press, Sydney 2012).
49. '*Bund, Bundesstaat and Staatenbund*: The German Element in Australian Federalism', in Jürgen Bröhmer (ed), *Sixty years Deutsches Grundgesetz* (Berlin: Peter Lang, 2011).
50. 'The Topography of Shari'a in the Western Political Landscape', in Rex Ahdar and Nicholas Aroney (eds.), *Shari'a in the West* (Oxford: Oxford University Press, 2010) (chapter written with Rex Ahdar).
51. 'Australia', in Luis Moreno and César Colino (eds.), *Diversity and Unity in Federal Countries* (Montreal: McGill-Queens University Press, 2010).
52. 'Finnis on Liberty', in Gabriel Moens and Suri Ratnapala (eds.), *The Jurisprudence of Liberty* (Sydney: LexisNexis, 2010) (chapter written with Bradley Miller).
53. 'The People of Queensland and their Constitution', in Michael White and Aladin Rahemtula (eds.), *Queensland's Constitution: Past, Present and Future* (Brisbane: Supreme Court of Queensland Library, 2010).
54. 'The Implied Rights Revolution: Balancing Means and Ends?', in H.P. Lee and Peter Gerangelos (eds), *Constitutional Advancement in a Frozen Continent: Essays in Honour of George Winterton* (Federation Press, Sydney, 2009).
55. 'Before federalism? Thomas Aquinas, Jean Quidort and Nicolas Cusanus', in Ann Ward and Lee Ward (eds.), *The Ashgate Research Companion on Federalism* (Ashgate Press, London, 2009).
56. 'Unity and Diversity in Federal Australia', in Rupak Chattopadhyay and Abigail Ostien Karos (eds.), *Dialogues on Diversity and Unity in Federal Countries* (McGill-Queen's University Press, Montreal, 2008).

57. 'Upper Houses and the Problem of Elective Dictatorship', in Nicholas Aroney, Scott Prasser and John Nethercote (eds.), *Restraining Elective Dictatorship: The Upper House Solution?* (University of Western Australia Press, Perth, 2008) (chapter written with Scott Prasser and John Nethercote).
58. 'Bicameralism and Representations of Democracy', in Nicholas Aroney, Scott Prasser and John Nethercote (eds.), *Restraining Elective Dictatorship: The Upper House Solution?* (University of Western Australia Press, Perth, 2008).
59. 'The Idea of a Federal Commonwealth' in John Stone (ed.), *Upholding the Australian Constitution*, Volume 20, (Samuel Griffith Society, Sydney, 2008).
60. 'Upper Houses, Democracy and Executive Accountability', in Janine Philbey (ed), *The Politics of Democracy in South Australia* (South Australian State Electoral Office, Adelaide, 2008).
61. 'Thomas McCawley v The King' in George Winterton (ed.), *State Constitutional Landmarks*, (Federation Press, Sydney, 2006).
62. 'Federal Constitutionalism/European Constitutionalism in Comparative Perspective' in Gert-Jan Leenknecht (ed.), *Getuigend Staatsrecht: Liber Amicorum A. K. Koekkoek* (Wolf Legal Publishing, Tilburg, 2005)
  - Republished as 'Federal Constitutionalism/European Constitutionalism in Comparative Perspective', *European Essay No. 45*, The Federal Trust, London, March 2009.
63. 'Althusius at the Antipodes: The *Politica* and Australian Federalism' in Frederick Carney, Heinz Schilling and Dieter Wyduckel (eds.), *Jurisprudenz, Politische Theorie und Politische Theologie* (Duncker & Humblot, Berlin, 2004).
64. 'Fiscal Competition', in Raoul Blindenbacher and Arnold Koller (eds.), *International Conference on Federalism: Federalism in a Changing World—Learning from Each Other* (McGill-Queen's University Press, Montreal, 2003).
65. 'The Griffith Doctrine: Orthodoxy and Heresy' in Michael White and Aladin Rahemtula (eds.), *Queensland Judges on the High Court* (Supreme Court of Queensland Library, Brisbane, 2003).
66. 'Queensland' in Herbert M Kritzer (ed.), *Legal Systems of the World: A Political, Social and Cultural Encyclopedia*, (ABC-CLIO, Santa Barbara CA, 2002).
67. 'The Ghost in the Machine: Exorcising *Engineers*' in John Stone (ed), *Upholding the Australian Constitution*, Volume 14, (Samuel Griffith Society, Sydney, 2002).
68. 'Sir Samuel Griffith's Vision of Australian Federalism' in Michael White and Aladin Rahemtula (eds.), *Sir Samuel Walker Griffith: The Law and the Constitution* (Thomson Law Book Co, Sydney, 2002).
69. 'Implied Constitutional Rights: Implications and Inferences' in Tony Blackshield, Michael Coper and George Williams (eds.), *The Oxford Companion to the High Court of Australia* (Oxford University Press, Sydney, 2001).
70. 'The Freedom of Political Communication since *Lange*: Commentary' in Adrienne Stone and George Williams (eds.), *The High Court in Transition: Essays in Constitutional Law* (Federation Press, Sydney, 2000).
71. 'Federal Representation and the Framers of the Australian Constitution', in Gabriel A Moens (ed.), *Constitutional and International Law Perspectives: Achievements and Challenges* (University of Queensland Press, Brisbane, 2000).
72. 'Federal Judicial Structure', Subtitle 19.5, Chapter 8, *The Laws of Australia* (Law Book Company, Sydney, 1999), Cheryl Saunders (ed).

73. 'Federal Distribution of Judicial Power', Subtitle 19.5, Chapter 7, *The Laws of Australia* (Law Book Company, Sydney, 1998), Cheryl Saunders (ed).
74. 'Australian Federalism', in Greg Fraser (ed), *Democracy Down Under: Understanding Our Constitution* (PCV, Melbourne, 1997).

#### **D. Refereed journal articles**

1. 'A Theory of Plural Constituent Power for Federal Systems' (2024) *Global Constitutionalism* 1-21 (forthcoming) (with George Duke and Stephen Tierney).
2. 'Building Tolerance into Hate Speech Laws: State and Territory Anti-vilification Legislation Reviewed Against International Law Standards' (2023) 42 *University of Queensland Law Journal* 317 (with Paul Taylor).
3. 'Federal Exceptionalism and Constituent Power' (2023) 21 *International Journal of Constitutional Law* 1-7 (with Erin Delaney and Stephen Tierney).
4. 'Cherry Picking Human Rights' (2023) 2 *Australian Journal of Law and Religion* 95.
5. 'Le fédéralisme australien et la pandémie de Covid-19: l'Australie, pays toujours chanceux?', (2023) 133 *Revue française de droit constitutionnel* 213-226 (with Michael Boyce, translated by Florence Faberon).
6. 'The Rights and Wrongs of 18C: An International Perspective on the Racial Hatred Provisions of the Racial Discrimination Act 1975' (2022) 29 *Australian International Law Journal* 85 (with Paul Taylor).
7. 'Federal charities law and the taxation power: Three constitutional problems' (2022) 51(1) *Federal Law Review* 78.
8. 'Coping with Covid: How Did Covid-19 Management Measures Affect Fiscal Federal Relations?' (2021) 253 *Jahrbuch für öffentliche Finanzen* 117-156 (Research Group for Comparative Fiscal Federalism).
9. 'Civil Government and the Nations' (2021) 36(2) *Journal of Law and Religion* 383-392.
10. 'The Rise and Fall of Human Dignity' (2021) 46 *BYU Law Review* 1211-1243.
11. 'Three key issues arising out of the *Engineers Case*: A reply' (2021) 95 *Australian Law Journal* 25-35.
12. 'What Remains of the *Engineers Case*? A Centenary Appraisal' (2020) 94 *Australian Law Journal* 684-698.
13. 'Law, Education and Religion – Pathways to the Good Society?' (2020) 252 *St Marks Review* 19.
14. '*Spence v Queensland* and the Federal Balance: How Many Swallows Make a Summer?' (2020) 31 *Public Law Review* 33-45.
15. 'Associational Freedom, Anti-Discrimination Law and the New Multiculturalism' (2019) 44 *Australasian Journal of Legal Philosophy* 1-29 (with Patrick Parkinson).
16. 'The politics of freedom of religion in Australia: Can international human rights standards point the way forward?' (2019) 47 *University of Western Australia Law Journal* 43 (with Paul Taylor).
17. 'Can Australian law better protect freedom of religion?' (2019) 93(9) *Australian Law Journal* 708.
18. 'The Formation and Amendment of Federal Constitutions in a Westminster Context' (2018) 16(1) *International Journal of Constitutional Law* 17.
19. 'Rights in the Australian federation' (2018) 20 *European Journal of Law Reform* 258 (with James Stellios).



20. 'The Rule of Law, Religious Authority, and Oaths of Office' (2018) 6 *Journal of Law, Religion and State* 195.
21. 'On Judicial Rascals and Self-Appointed Monarchs: The Rise of Judicial Power in Australia' (2018) 36 *University of Queensland Law Journal* 221 (with Benjamin Saunders).
22. 'Individual, community and state: Thoughts on Jane Norton, *Freedom of Religious Organizations*' (2017) 42 *Australian Journal of Legal Philosophy* 270.
23. 'Faith in Public Office: The Meaning, Persistence and Importance of Oaths' (2017) *Ethics: Contemporary Perspectives* 4-20.
24. 'Charities are the New Constitutional Law Frontier' (2017) 41(2) *Melbourne University Law Review* 446 (with Matthew Turnour).
25. 'Religious Authority in Public Spaces: The Challenge of Jurisdictional Pluralism' (2017) 7(1) *Solidarity: The Journal of Catholic Social Teaching and Secular Ethics* (Article 1).
  - Republished in special 10<sup>th</sup> anniversary edition (2021) *Solidarity: The Journal of Catholic Social Teaching and Secular Ethics*.
26. '*R (Miller) v Secretary of State for Exiting the European Union*: Three Competing Syllogisms' (2017) 80 *Modern Law Review* 726.
27. 'Constituent Power and the Constituent States: Towards a Theory of the Amendment of Federal Constitutions' (2017) 17 *Jus Politicum: Revue de droit politique* 5.
28. 'Endemic Revolution Revisited: HLA Hart, Custom and the Constitution of the Fiji Islands' (2017) 1 *LAWASIA Journal* 61-88 (with Jennifer Corrin).
29. 'Federalism and Subsidiarity: Principles and Processes in the Reform of the Australian Federation' (2016) 44 *Federal Law Review* 1.
30. 'The Federal Condition: Towards a Normative Theory' (2016) 61 *American Journal of Jurisprudence* 1.
31. 'Protesting the Anti-protest Laws: Will a Constitutional Challenge Succeed?' (2016) 31(3) *Australian Environment Review* 67 (with Lorraine Finlay).
32. 'Reserved Matters, Legislative Purpose and the Referendum on Scottish Independence' [2014] *Public Law (UK)* 422.
33. 'A Power "Singular and Eccentric" – Royal Commissions and Executive Power after *Williams*' (2014) *Public Law Review* 99.
34. 'Freedom of Religion as an Associational Right' (2014) 33(1) *University of Queensland Law Journal* 153.
35. 'The territory of marriage: Constitutional law, marriage law and family policy in the ACT same sex marriage case' (2014) 28 *Australian Journal of Family Law* 160 (with Patrick Parkinson).
36. 'The High Court on Constitutional Law: The 2012 Term – Explanatory Power and the Modalities of Constitutional Reasoning' (2013) 36 (3) *University of New South Wales Law Journal* 863.
37. 'Endemic Revolution: HLA Hart, Custom and the Constitution of the Fiji Islands' [2013] *Journal of Legal Pluralism and Unofficial Law* 26 (with Jennifer Corrin).
38. 'Explanatory Power, Theory Formation and Constitutional Interpretation: Some Preliminaries' (2013) 38 *Australian Journal of Legal Philosophy* 1.
39. 'Divine Law, Religious Ethics, Secular Reason' (2013) 14 *Political Theology* 670.
40. 'A Federal Constitution for the United Kingdom? Constitution-making within a Westminster-derived context' (2013) 5 *Jus Politicum: Revue de droit politique* 161.

41. "'Una società di società": Why Australia is a Federation' (2012) 24 *Giornale di Storia Costituzionale* 23 (University of Macerata, Italy).
42. 'The Accommodation of the Shari'a within Western Legal Systems' (2012) 13(2) *Rutgers Journal of Law and Religion* 387 (with Rex Ahdar).
43. 'A House Divided: Does MMP Make an Upper House Unnecessary for New Zealand?' [2012] 3 *New Zealand Law Review* 403 (with Steve Thomas).
44. 'Subsidiarity: European Lessons for Australia's Federal Balance' (2011) 39(2) *Federal Law Review* 213.
45. 'Towards the "Best Explanation" of the Constitution: Text, Structure, History and Principle in the Implied Rights Cases' (2011) 30(1) *University of Queensland Law Journal* 145.
46. 'New Zealand, Australasia and Federation' (2011) 16 *Canterbury Law Review* 31.
47. 'The Influence of German State-Theory on the Design of the Australian Constitution' (2010) 59 *International and Comparative Law Quarterly* 669.
48. 'Real Constitutional Reform after Fitzgerald: Still Waiting for Godot' (2009) 18(3) *Griffith Law Review* 596 (with Scott Prasser).
49. 'Reinvigorating Australian Federalism' [2009] *Supreme Court History Program Yearbook* 75.
50. 'Democracy, Community and Federalism in Electoral Apportionment Cases: The United States, Canada and Australia in Comparative Perspective' (2008) 58(4) *University of Toronto Law Journal* 421.
51. 'Constitutional Choices in the *Work Choices* Case, or What Exactly is Wrong with the Reserved Powers Doctrine?' (2008) 32(1) *Melbourne University Law Review* 1.
52. 'An Uncommon Court: How the High Court of Australia has undermined Australian Federalism' (2008) 30 *Sydney Law Review* 245 (with James Allan).
53. 'Julius Stone and the End of Sociological Jurisprudence: Articulating the Reasons for Decision in Political Communication Cases' (2008) 31(1) *University of New South Wales Law Journal* 107.
54. 'Reasonable Disagreement, Democracy and the Judicial Safeguards of Federalism' (2008) 27 *University of Queensland Law Journal* 129.
55. 'Four Reasons for an Upper House: Representative Democracy, Public Debate, Legislative Outputs and Executive Accountability' (2008) 29(2) *Adelaide Law Review* 205.
56. 'Subsidiarity, Federalism and the Best Constitution: Thomas Aquinas on City, Province and Empire' (2007) 26 *Law and Philosophy* 161.
  - Republished in Jonathan Davies and David Imbroscio (eds.), *Urban Politics, Volume One: Traditions and Transitions* (London: Sage, 2010).
  - Republished in Richard Brooks and James Murphy, *Aquinas and Modern Law* (Ashgate Press, 2013).
57. 'Comparative Law in Australian Constitutional Jurisprudence' (2007) 26(2) *University of Queensland Law Journal* 317.
58. 'An Upper House for Queensland—An Idea Whose Time has Come', Discussion Paper 1/07 (February 2007) *Democratic Audit of Australia* (with Scott Prasser).
59. 'Formation, Representation and Amendment in Federal Constitutions' (2006) 54(1) *American Journal of Comparative Law* 277.
  - Republished in John Kincaid (ed.), *Federalism – Volume II: Alternative Models, Constitutional Foundations, and Institutional Features of Federal Governance* (London: Sage, 2011).

60. 'Law, Politics and Constitutionalism in McCawley's case' (2006) 30(3) *Melbourne University Law Review* 605.
61. 'Justice McHugh, Representative Government and the Elimination of Balancing' (2006) 28 *Sydney Law Review* 505.
62. 'The Constitutional (In)Validity of Religious Vilification Laws: Implications for their Interpretation' (2006) 34 *Federal Law Review* 287.
63. 'Lost in Translation: From Political Communication to Legal Communication?' (2005) 28(3) *University of New South Wales Law Journal* 833.
64. 'Law, Revolution and Religion: Harold Berman's Interpretation of the English Revolution' (2005) 8(2) *Journal of Markets and Morality* 355.
65. 'Towards a General Theory of the Formation and Amendment of Federal Constitutions: A Comparative Study' (2003) 89(2) *Archiv für Rechts- und Sozialphilosophie* 88.
66. 'Another Constitution for Australia: The Bede Harris Proposal' (2003) 5(3) *Constitutional Law and Policy Review* 51.
67. 'Fundamental Law and Constitutional Rights in India and Australia' (2003) 29 *Indian Socio-Legal Journal* 89.
68. 'A Commonwealth of commonwealths: Late nineteenth century conceptions of federalism and their impact on Australian federation, 1890-1901' (2002) 23(3) *The Journal of Legal History* 253.
69. 'Imagining a Federal Commonwealth: Australian conceptions of federalism, 1890-1901' (2002) 30(2) *Federal Law Review* 265.
70. 'Mueller on European federation: A reply from the perspective of Australian federalism' (2000) 105 *Public Choice* 255.
71. 'The Constitutional Demise of the Cross-Vesting Scheme' (1999) 7 *Insolvency Law Journal* 116.
72. 'The Quebec Secession Reference' (1999) 1(4) *Constitutional Law and Policy Review* 74.
73. 'A Public Choice: Federalism and the Prospects of a Republican Preamble' (1999) 21 *University of Queensland Law Journal* 205.
74. 'Text, common law and constitutional implications: A reply to Chesterman' (1999) 4 *Media and Arts Law Review* 293.
75. 'Taking Liberty Seriously' (1998) 43 *American Journal of Jurisprudence* 205.
76. 'The Structure of Constitutional Revolutions: Are the *Lange*, *Levy* and *Kruger* Decisions a Return to Normal Science?' (1998) 21(3) *University of New South Wales Law Journal* 645.
77. 'The Gestative Propensity of Constitutional Implications' (1997) 13(1) *Policy: A Journal of Public Policy and Ideas* 26.
78. 'Representative Democracy Eclipsed? The *Langer*, *Muldowney* and *McGinty* Decisions' (1996) 19(1) *University of Queensland Law Journal* 75.
79. 'A Seductive Plausibility: Freedom of Speech in the Constitution' (1995) 18(2) *University of Queensland Law Journal* 249.

#### **E. Short articles**

1. 'God and Religion in the Australian Constitution, *International Center for Law and Religion Studies Blog*, 30 November 2020.
2. 'Australia's problem with religious discrimination', *ABC Religion and Ethics*, 10 August 2020.

3. 'New research shows religious discrimination is on the rise around the world, including in Australia', *The Conversation*, 6 August 2020.
4. 'Spence v Queensland: A Turning Point in the High Court's Approach to Federalism?', *AUSPUBLAW*, 15 October 2019 (with Daniel Whitmore).
5. 'Faith in Public Office: The Meaning, Persistence and Importance of Oaths', *ABC Religion and Ethics*, 23 November 2015.
6. 'Bicameralism: an antipodean perspective', *Verfassungsblog: On Matters Constitutional*, 28 October 2014 (with William Isdale).
7. 'Federal Models for a U.K. Constitution?', *UK Constitutional Law Group Blog*, 22 Mar 2012.
8. 'A Tale of Two Houses: Does MMP mean New Zealand doesn't need an upper house?', *Maxim Institute Guest Paper*, June 2011.
9. 'Restraining Executive Government Dominance – Are Upper Houses the Answer?' (April-June 2009) *Public Administration Today* 72 (with Scott Prasser and John Nethercote).
10. 'Building the foundation for an upper house', *Lawyers Weekly*, March 2009.
11. 'Checks in the power plays', *The Canberra Times*, 3 February 2009, republished *On Line Opinion*, 11 February 2009 (with Scott Prasser and John Nethercote).
12. 'Winner takes all: Politicians with power', *On Line Opinion*, 8 March 2007 (with Scott Prasser).
13. 'Balancing the Power: Queensland needs an Upper House', *Courier Mail*, 9 April 2006, republished *On Line Opinion*, 20 April 2006 (with Scott Prasser).
14. 'An Upper House for Queensland?', *The Brisbane Line*, 30 March 2006, republished *On Line Opinion*, 11 April 2006 (with Scott Prasser).

#### **F. Government Reports**

1. *Religious Freedom Review: Report of the Expert Panel* (Canberra, Report to the Prime Minister, 2018) (with Philip Ruddock, Annabelle Bennett, Rosalind Croucher, Frank Brennan).
2. *Review of the Crime and Misconduct Act and Related Matters: Report of the Independent Advisory Panel* (Brisbane, Parliament of Queensland, 2013) (with Ian Callinan QC).

#### **G. Inquiry Submissions**

1. Submission to the Parliamentary Joint Committee on Human Rights, *Inquiry into Australia's Human Rights Framework*, 13 October 2023 (with Prof Richard Ekins and Dr Benjamin Saunders).
2. Submission to Legal Affairs and Community Safety Committee, Parliament of Queensland, *Criminal Code (Serious Vilification and Hate Crimes) Amendment Bill 2023*, 1 May 2023 (with Dr Paul Taylor).
3. Submission to the *Joint Select Committee on the Aboriginal and Torres Strait Islander Voice Referendum*, 21 April 2023 (with Prof Peter Gerangelos).
4. Submission to the *Commission of Inquiry into specific matters relating to the Crime and Corruption Commission*, 7 April 2022.
5. Submission to Senate Legal and Constitutional Affairs Legislation Committee, Parliament of Australia, *Religious Discrimination Bill and other related bills*, 7 January 2022.
6. Submission to Joint Committee on Human Rights, Parliament of Australia, *Religious Discrimination Bill and other related bills*, 21 December 2021.

7. Submission to Senate Legal and Constitutional Affairs Legislation Committee, Parliament of Australia, *Proposal for an Act to alter the Constitution to expressly protect freedom of expression, including freedom of the press*, 13 August 2021 (with Prof Patrick Parkinson and Dr Paul Taylor).
8. Submission to Legal Affairs and Community Safety Committee, Parliament of Queensland, *Inquiry into Serious Vilification and Hate Crimes*, 9 July 2021 (with Dr Paul Taylor).
9. Submission to Legal Affairs and Community Safety Committee, Parliament of Queensland, *Human Rights Bill 2018*, 26 November 2018 (with Prof Richard Ekins).
10. Submission to Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee, Parliament of Queensland, *Termination of Pregnancy Bill 2018*, 5 September 2018 (with Dr Paul Harpur and Dr Luke McLindon, persons with disabilities issues).
11. Submission to Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee, Parliament of Queensland, *Termination of Pregnancy Bill 2018*, 5 September 2018 (freedom of political communication issues).
12. Submission to the Senate Select Committee, *Exposure Draft of the Marriage Amendment (Same-Sex Marriage)*, 20 January 2017.
13. Submission to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee, Parliament of Queensland, *Health (Abortion Law Reform) Amendment Bill 2016*, 6 October 2016.
14. Submission to the Legal Affairs and Community Safety Committee, Parliament of Queensland, *Inquiry into a possible Human Rights Act for Queensland*, 18 April 2016 (with Richard Ekins).
15. Submission to the Senate Legal and Constitutional Affairs Committee, *Exposure Draft, Human Rights and Anti-Discrimination Bill 2012*, January 2013 (with Patrick Parkinson).
16. Submission to the Attorney-General of the Commonwealth of Australia, *Consolidation of Commonwealth Anti-Discrimination Laws*, January 2012 (with Patrick Parkinson).
17. Submission to the Queensland Government, *Integrity and Accountability in Queensland*, September 2009 (with Scott Prasser).
18. Submission to the Australian Human Rights Commission, *National Human Rights Consultation*, June 2009.
19. Submission to the Law, Justice and Safety Committee, Parliament of Queensland, *A preamble for the Constitution of Queensland*, March 2009.

#### **H. Dissertations**

1. *The Federal Commonwealth of Australia: A Study in the Formation of its Constitution*, PhD Thesis, School of Law, Monash University (2001).
2. *Freedom of Speech in the Constitution: Legal Reasoning, Constitutional Implications and the Role of the Judiciary*, LLM Thesis, School of Law, The University of Queensland (1994).

#### **I. Book reviews**

1. Review of John Manning Ward, *The State and the People: Australian Federation and Nation-making, 1870-1901* (edited by D.M. Schreuder and B.H. Fletcher with R. Hutchison, The Federation Press, Sydney, 2001) in [2002] *Proctor* 32.
2. Review of Haig Patapan, *Judging Democracy: The New Politics of the High Court of Australia* (Cambridge University Press, 2000) in [Autumn 2001] *Policy: A Journal of Public Policy and Ideas* 53.

3. Review of George Winterton, H.P. Lee, Arthur Glass and James Thomson, *Australian Federal Constitutional Law: Commentaries and Materials* (LBC Information Services, Sydney, 1999) in (2000) 23(2) *University of New South Wales Law Journal* 380.
4. Review of Helen Irving, *To Constitute a Nation: A Cultural History of Australia's Constitution* (Cambridge University Press, 1997) in [March 1999] *Proctor* 38.
5. Review of Cheryl Saunders, *It's your Constitution: Governing Australia Today* (Federation Press, 1998) in (1998) 6(2) *Australian Law Librarian* 134.

#### **J. Public Lectures**

1. 'Freedom of religion in a multicultural society', Queensland Faith Communities Council Interfaith Dinner, 30 March 2022.
2. 'Law, education and religion: Pathways to the good society?', Scots College Clark Lecture, Sydney Opera House, 31 October 2019.
3. 'Between Union and Devolution: The Structure of the British Parliament as a Problem of Process', Trevelyan College, Durham University, 24 October 2017.
4. 'The Brexit Case: Three Competing Syllogisms', Current Constitutional Controversies (colloquium series), Federal Court of Australia, Brisbane, 20 April 2017.
5. 'The Brexit Case: A Constitutional Analysis in Comparative Perspective', L'Institut Michel Villey, Faculté de Droit, Université Panthéon-Assas (Paris II), 27 January 2017.
6. 'What should we do with the States? Commentary', Current Legal Issues 2015 Seminar Series, The Banco Court, Supreme Court of Queensland, Queen Elizabeth II Courts of Law Complex, Brisbane, 21 May 2015.
7. 'American Federalism in Comparative Perspective: A View from the Antipodes', Constitutional Conversation (public lecture), Stanford Law School, 27 January 2015.
8. 'Thinking Clearly About Federalism: What, When, How and Why?', Centre for the Study of Science, Religion and Society, Emmanuel College, University of Queensland, 6 September 2013.
9. 'A Tale of Two Houses'. Maxim Institute public lecture presented at Auckland Law School and Victoria University of Wellington, 14 and 15 April 2011.
10. 'Australian Constitutional Law'. Public lecture presented at Lafayette College, Easton, Pennsylvania, 23 March 2010.
11. 'Reinvigorating Australian Federalism', Banco Court, Law Courts Complex, Brisbane, 4 November 2009.
12. 'Realism's End: Articulating the Reasons for Decision in Political Communication Cases'. Public lecture presented at Victoria University of Wellington Faculty of Law, 6 June 2007.
13. 'Freedom of Speech in Australia, in Comparative Perspective'. NEH Faculty Lecture, University of Notre Dame Law School, South Bend, Indiana, July 2003.

#### **K. Conference presentations**

1. 'The High Court's Federalism Jurisprudence: A Small Revival?', *Future of Australia's Federal Democracy Conference*, Centre for Comparative Constitutional Studies, Melbourne Law School, 20 July 2022.
2. 'The Explanatory Power of Federalism Theories: A Review of Stephen Tierney's *The Federal Contract*', *Global Public Law Seminar*, Centre for Comparative Constitutional Studies, Melbourne Law School, 6 June 2022.

3. 'Political Theology on the Fringes of Justiciability', *The Fringes of Justiciability: A Symposium in Honour of Ian Leigh*, Durham University School of Law, 13 May 2022.
4. 'Law, education and religion: The political economy of modern liberal democracies', *The impact of the political economy on character formation, ethical education and the communication of values in late modern pluralistic societies*, Forschungszentrum Internationale und Interdisziplinäre Theologie, Universität Heidelberg, 2-3 May 2022.
5. 'Law and Politics in Federations', *Law & Politics of Federalism Conference*, Montpelier, Virginia, Northwestern University School of Law, 30 April 2022.
6. 'The hedgehog, the fox and the Australian federation: Decision-making rules in a public health crisis', *Reflections on Australian Federalism in the Time of COVID*, Australian Academy of Law and Australian Association of Constitutional Law (WA), 31 March 2022.
7. 'Subnational Constitutional Autonomy: Comparative Hypotheses', *ConState Conference: Subnational Constitutionalism, Federalism and State Rights*, Universidade Catolica de Pernambuco, 17 November 2021.
8. 'Constituent Power in Federal Systems', *Federalism in Contemporary Public Law: Comparative Federalism*, Moscow State University, Faculty of Law, 11 November 2021.
9. 'Law and Politics in Federations', *Law & Politics of Federalism Conference*, Northwestern University School of Law, 15-17 October 2021.
10. 'COVID and Australian Federalism', *Conference: Combating the COVID-19 pandemic: Federalism a boon or bane?*, International Association of Centers for Federal Studies, 15-16 October 2020.
11. 'God and Religion in the Australian Constitution', *International Center for Law and Religion Studies*, Brigham Young University, 8 December 2020.
12. 'Fiscal Federalism in Australia', *EU Fiscal Federalism Workshop*, University of Salzburg, 30 September – 1 October 2020 (with Alan Fenna and Neil Warren).
13. 'COVID - Federal Dynamics in Australia', Research Group on Plurinational Societies, Law Faculty, McGill University, 21 May 2020.
14. 'Religious Discrimination and Religious Freedom', *Freedom for Faith Conference*, NSW Parliament House, 4 September 2019.
15. 'The Social Ontology of Human Dignity', *IVR World Congress of Philosophy of Law and Social Philosophy*, Lucerne, Switzerland, 8 July 2019.
16. 'Can Australian law better protect freedom of religion?', *Religious Freedom after Ruddock Conference*, School of Law, University of Queensland, 6 April 2019.
17. 'The Prospects of Australian Federalism', *Samuel Griffith Society Annual Conference*, 3-5 August 2018.
18. 'The Frontiers of Australian Federalism', *Public Law Conference*, Melbourne Law School, 11-13 July 2018.
19. 'Natural Law and Federalism: Between Complex and Simple Space', *Australasian Society of Legal Philosophy Annual Conference*, Bond University, Gold Coast, 6-8 July 2018.
20. 'Between Union and Devolution: The Structure of the British Parliament as a Problem of Process', *10<sup>th</sup> World Congress of the International Association of Constitutional Law*, SungKyunKwan University, Seoul, South Korea, 18-22 June 2018.
21. 'Originalism and Explanatory Power', *Festschrift for Professor Jeffrey Goldsworthy*, Monash Law School, Melbourne, 17-18 July 2017.

22. 'The Problem of Judicial Review Revisited', *Constitutional Theory Scholars' Workshop*, Centre for Comparative Constitutional Studies, Melbourne Law School, 20 July 2017.
23. 'Individual, Community and State: Thoughts on Jane Norton, *Freedom of Religious Organizations*', *Annual Conference of the Australasian Society of Legal Philosophy*, University of Auckland, 14-16 July 2017.
24. 'Religious Freedom: The Good, the Bad and the Ugly', Australasian Christian Legal Convention, Brisbane, 29-30 September 2016.
25. "'As Much Judged as Judging": Oaths and Political Power', *Religious Liberty and the Varieties of Diversity*, University of Notre Dame Australia School of Law, Sydney, 18-19 August 2016.
26. 'The Rule of Law, Religious Authority and Oaths of Office', *Australian Society of Legal Philosophy Conference*, Melbourne Law School, 22-24 July 2016.
27. 'Reforming Australian Federalism: The White Paper Process in Comparative Perspective', *A People's Federation for the 21st Century: A National Conference on Reform of Australia's Federal Democracy*, Griffith University, Southbank, Brisbane, 16-17 June 2016.
28. 'Federalism and Australian Constitutional Values', Australian Constitutional Values Workshop, University of New South Wales, 10 June 2016.
29. 'Talking Past Each Other': Religious Freedom, Secular Neutrality and Multicultural Accommodation under the Victorian Charter of Human Rights and Responsibilities', *Multiculturalism and Accommodation of Religious Difference: A Colloquium*, University of Otago School of Law, Queenstown, New Zealand, 3 February 2016.
30. 'The Amendment of Federal Constitutions', *Thinking about federalism(s) beyond the U.S. experience*, Yale Law School, October 29-30, 2015.
31. 'Federalism and subsidiarity: Reform of the Australian federation', *Public Law Weekend*, ANU Centre for International and Public Law, October 1-2, 2015.
32. 'Oaths and Public Office', Faith in Public Office Conference, Emmanuel College, University of Queensland, 3 September 2015.
33. 'Contemporary Issues in Freedom of Religion', Australasian Religious Press Association Annual Conference, 29 August 2015.
34. 'Panel discussion: religion, charity and equality', Australian Charity Law Association Annual Conference, Brisbane, 27 August 2015.
35. 'Commentary: Professor Helen Irving, Outsourcing the Law: History and the Disciplinary Limits of Constitutional Reasoning', *Constitutional History Workshop*, Gilbert + Tobin Centre for Public Law (UNSW), 25 June 2015.
36. 'Federalism and Subsidiarity: Principles and Processes in the Reform of the Australian Federation', Commonwealth Attorney-General's Department Constitutional Law Symposium, Canberra, 1 May 2015.
37. 'A Federal anti-Corruption body?', Panel Discussion, 2015 Constitutional Law Conference, Gilbert & Tobin Centre of Public Law, Art Gallery of New South Wales, 13 February 2015.
38. 'Freedom of Religion as an Associational Right: Two approaches in Australian law', Oxford Journal of Law and Religion Summer Academy, University of Oxford, 23 June 2014.
39. 'The Federal Condition: Towards a Normative Theory', International Congress of Constitutional Law, University of Norway, 19 June 2014.
40. 'The Federal Condition: Towards a Normative Theory', Invited Speakers in Constitutional Theory Seminar, Faculty of Law, University of Oxford, 12 June 2014.



41. 'Federal representative democracy in Australia: British, American and Swiss', I-CON Symposium: Constitutionalism in Australia and New Zealand, Melbourne Law School, 13-14 December 2013.
42. 'Drivers and Dilemmas – The Federation in 2013', Sir Samuel Griffith Legacy Series Discussion Forum: An Australian Federation for the 21st Century, Queensland Parliament, 20 November 2013.
43. 'The Gibbs Court', The High Court, the Constitution and Australian Politics Workshop, University of New South Wales, 7-8 November 2013.
44. 'The Federal Condition: Towards a Normative Theory', The Art of Federation Conference, Centre for International Law and Justice, University of Copenhagen, 10-11 October 2013.
45. 'Freedom of Religion as an Associational Right', After Williams Colloquium, University of Southern Queensland, 4 October 2013.
46. 'What Does Queensland's Integrity Framework Look Like Now and How Do We Want It to Look in the Future?', Open Government Policy Forum, Legislative Council Chamber, Parliament of Queensland, 13 August 2013.
47. 'Remarks on the Report of the Independent Review Panel', Forum on the Review of the Crime and Misconduct Act, Queensland University of Technology, 22 July 2013.
48. 'Royal Commissions after *Williams*', Roundtable on Royal Commissions and Public Inquiries: Australian and International Trends and Issues, Public Policy Institute, Australian Catholic University, ACT Assembly Building, Canberra, 23 April 2013.
49. 'The scope and limits of religious freedom under the Australian Constitution: Freedom of Religion as an Associational Right', The Scope and Limits of Religious Freedom Conference, Sydney Law School, 15 March 2013.
50. 'The High Court on Constitutional Law: The 2012 Term – Explanatory Power and Constitutional Interpretation', Constitutional Law Conference, Gilbert & Tobin Centre of Public Law, UNSW Law School, Art Gallery of NSW, 15 February 2013.
51. 'Constitutional Conventions: A Lawyer's View'. Paper presented at Academy of the Social Sciences Workshop on Australian Constitutional Conventions in Comparative Perspective, Melbourne University, 29-30 November 2012.
52. 'Federalism, Limited Government and its Rationales'. Paper presented at Conference on Limited Government and the Political Constitution, Auckland University, 9 August 2012.
53. 'The High Court of Australia and Federalism'. Paper presented at Courts in Federal Countries International Workshop, Forum of Federations and Quebec Government, 29-28 March 2012.
54. 'Divine law, religious ethics, secular reason'. Paper presented at Colloquium on Biblical Law, Cambridge University, 19-20 March 2012.
55. 'Religious Reasons in Public Discourse'. Paper presented at the International Religious Liberty Association, 13th Meeting of Experts, Sydney Law School, 22-24 August 2011.
56. 'Endemic Revolution: HLA Hart, Custom and the Constitution of the Fiji Islands'. Paper presented at the *Annual National Conference of the Australian Society of Legal Philosophy*, University of Queensland, 29-31 July 2011.
57. 'The Accommodation of Shari'a within the Legal Systems of the West: Complexities, Controversies and Unanswered Questions'. Paper presented at the *Law and Religion: Legal Regulation of Religious Groups* conference, Melbourne Law School, 15-16 July 2011.

58. 'The Role of the States in the Process of Constitutional Reform: Popular Ratification of the State Constitutions'. Paper presented at *Mechanisms of Federal Reform Roundtable*, University of New South Wales, 24-25 March 2011.
59. 'The Views of the Framers of the Australian Constitution Regarding Oppositions'. Paper presented at *Her Majesty's Loyal Opposition Roundtable*, Australian Catholic University, Canberra, 21-23 February 2011 (with Ben Saunders).
60. 'Reflections on Subsidiarity: European Lessons for Australia's Federal Balance?' Paper presented at *Reappraising the Judicial Role: European and Australian Comparative Perspectives* conference held at the Centre for European Studies, Australian National University, 14 February 2011.
61. 'The Accommodation of Religious Law within Western Legal Systems'. Paper presented at *History and Present: Relationship and Dialogue between Christianity and Islam* conference held at Shanghai Normal University, China, 17-21 November 2010.
62. 'New Zealand and the Australian Federation Debates'. Paper presented at the *Trans-Tasman Law and Legal Practice Conference*, School of Law, University of Canterbury, New Zealand, 27-28 August 2010.
63. 'Religious Reasons in Political Discourse'. Paper presented at the *Religion in the Public Square Colloquium*, Assembly Hall, Presbyterian Church of Victoria, Melbourne, 22-24 July 2010.
64. 'Explanatory Power in Constitutional Interpretation'. Paper presented at the *Annual National Conference of the Australian Society of Legal Philosophy*, Melbourne Law School, 4-5 June 2010.
65. 'Explanatory Power in Constitutional Interpretation'. Paper presented at the *Constitutional Theory Colloquium*, Melbourne Law School, November 2009.
66. 'The People of Queensland and their Constitution'. Paper presented at *Queensland's Constitution at 150: Origins and Evolution* conference, Queensland Legislative Council Chamber, 29 May 2009.
67. 'The "Federal" Element of the Australian Commonwealth – Issues and Developments'. Paper presented at the conference *60 years Deutsches Grundgesetz — The German Constitution turns 60*, University House, Australian National University, Canberra, 22-23 May 2009.
68. 'The New Hope Case: Equality and Freedom: A Delicate Balance: The Case of Australia'. Paper written for the *Church-State Relations and Religious Liberty: Comparative Perspectives* conference, University of Notre Dame, Indiana, 22-23 September 2008.
69. 'The Idea of a Federal Commonwealth'. Paper presented to the *Twentieth Conference of The Samuel Griffith Society*, Sydney, 14-16 June 2008.
70. 'National and supranational federalism—What exactly is the difference, and what are the implications?'. Paper presented to the *Future of Federalism* conference, Brisbane, 10-12 July 2008.
71. 'Unity and Diversity in Federal Countries: The Case of Australia'. Paper presented at the *Forum of Federations International Workshop on Unity and Diversity in Federal Countries*, Brussels, Belgium, 9-10 June 2008.
72. 'Unity and Diversity in Federal Countries: The Case of Switzerland: Commentary'. Paper presented at the *Forum of Federations International Workshop on Unity and Diversity in Federal Countries*, Brussels, Belgium, 9-10 June 2008.
73. 'Democracy, Community and Federalism in Electoral Apportionment Cases: The United States, Canada and Australia in Comparative Perspective'. Paper presented at the *Public Law Weekend Conference*, Australian National University, 9-10 November 2007.

74. 'Realism's End: Articulating the Reasons for Decision in Political Communication Cases'. Paper presented at the *Julius Stone Centenary Conference*, Faculty of Law, University of Sydney, 5-7 July 2007.
75. 'Constitutional Choices in the *Work Choices Case*'. Paper presented at the *Supreme Court of Queensland Judges' Seminar*, Customs House, Brisbane, 24 May 2007.
76. 'Three Reasons for an Upper House: Democracy, Legislative Outputs and Executive Accountability'. Paper presented at *The Politics of Democracy in South Australia Conference*, Adelaide, 8-9 March 2007.
77. 'Democracy, Community and Representation'. Paper presented at the *Twentieth World Congress of the International Political Science Association*, Fukuoka, Japan, July 2006.
78. 'Bicameralism and Representations of Democracy'. Paper presented at the *Improving Government Accountability in Queensland Conference*, Centre for Public, International and Comparative Law, TC Beirne School of Law, Brisbane, Australia, 21 April 2006.
79. 'The Constitutional (In)Validity of Religious Vilification Laws: Implications for their Interpretation'. Paper presented at the *Religious Tolerance Laws Conference*, Melbourne, 3 December 2005.
80. 'Justice McHugh on Representative Government'. Paper presented at the *Public Law Weekend Conference*, National Library of Australia, Canberra, 11-12 November, 2005.
81. 'Old Law, Best Constitution: City, Province, and Empire in Thomas Aquinas'. Paper presented to the *Tradition of Natural Law Conference*, Calvin College, Grand Rapids, Michigan, May 2004.
82. 'Althusius at the Antipodes: The *Politica* and Australian Federalism'. Paper presented to the *Symposium to Commemorate the 400th Anniversary of the Publication of Johannes Althusius's *Politica Methodice Digesta**, Johannes Althusius Gesellschaft, Herborn, Germany, June 2003.
83. 'Constitutional challenges to tort reform: Restrictions on legal advertising and the constitutional freedom of political communication'. Paper presented to the *National Conference of the Australian Plaintiff Lawyers Association*, 16-19 October 2003, Hyatt Regency, Coolum, 17 October 2003.
84. 'The Ghost in the Machine: Exorcising *Engineers*'. Paper presented to the *Fourteenth Conference of The Samuel Griffith Society*, Sydney, 14-16 June 2002.
85. 'Towards a General Theory of the Formation and Amendment of Federal Constitutions: A Comparative Study'. Paper delivered to the *Twentieth World Congress of the International Association for Philosophy of Law and Social Philosophy*, Amsterdam, 2001.
86. 'The Freedom of Political Communication since *Lange*: Commentary'. Paper presented to *Public Law Weekend Conference*, Australian National University, November 1999.
87. 'Locke, Althusius and the Theoretical Grounds of the Modern Federal State'. Paper presented to *Political Thought after Liberalism Conference*, Calvin College, Grand Rapids, Michigan, 27-29 June, 1999.
88. 'Federal Representation and the Republic', *Republic and the States Conference*, Heritage Hotel, Brisbane, 11 June 1998.
89. 'Federalism and the Executive in a Republic'. Paper presented to *Constitutional Centenary Foundation*, Brisbane Town Hall, 17 November, 1997; also presented to the *Queensland Law Society*, Law Society House, 24 November, 1997.
90. 'Towards a Jurisprudence of Constitutional Implications: Legal Positivism and Jusnaturalism in the Shadow of Liberal Constitutionalism'. Paper presented to the *Annual National Conference of the Australian Society of Legal Philosophy*, June, 1996.

## L. Seminar papers

1. 'Constituent Power in Federal Constitutions: Theory, Comparison and Case Selection',
2. 'Freedom of Association in Australia', *Societās Workshop: The Purpose and Potential of Freedom of Association*, University College Cork, Ireland, 27 June 2023.
3. 'Plural Constituent Power in Federal and Multi-jurisdictional Systems', Istituto di Diritto, Politica e Sviluppo, Scuola superiore Sant'Anna, Pisa, 14 June 2023.
4. 'Constituent Power in Federal Constitutions: Theory, Comparison and Case Selection', Institute for Comparative Federalism, EURAC Research, Bolzano, 7 June 2023.
5. 'Constituent power all the way down', School of Law, University of Padua, 30 May 2023; School of Law, University of Verona, 1 June 2023.
6. 'Freedom of Association in Australia', *Societās Workshop: Mapping the Legal Landscape of Freedom of Association*, University College Cork, Ireland, 31 March 2023.
7. 'Republican Models for Australia: Problems and Prospects', School of Law, University of Queensland, 10 September 2020.
8. 'Law, education and religion: Pathways to the good society?', Christian Legal Society, Brisbane, 6 August 2020.
9. 'The Rise and Fall of Human Dignity', Human Dignity Symposium, University of Padua, Italy, 4 August 2020; ICON-S Panel on Social Trust and Social Groups, University College Cork, Ireland, 9 July 2020 (webinar).
10. 'Federalism, Intergovernmental Arrangements and the COVID Crisis in Australia', Research Group on Plurinational Societies, Law Faculty, McGill University, 22 May 2020 (webinar).
11. 'Sovereignty and Global Law', Programme for the Foundations of Law and Constitutional Government, Faculty of Law, Oxford University, 24 July 2019.
12. 'Comparing New World and Old World Federations: Problems and Possibilities', Institute for Studies on Comparative Federalism, EURAC Research Institute, Bolzano, Italy, 16 July 2019.
13. '*Spence v Queensland*: Federalism revived?' (Commentary), Australian Association of Constitutional Law Seminar, Inns of Court, Brisbane, 20 June 2019.
14. 'The Brexit Case: An Outsider/Insider Perspective', Programme for the Foundations of Law and Constitutional Government, Faculty of Law, Oxford University, 7 February 2017.
15. 'American Federalism in Comparative Perspective – A View from the Antipodes', Faculty Seminar Paper, George Mason University School of Law, 20 January 2015.
16. 'Integrative and Devolutionary Federal Systems', Faculty Seminar Paper, 15 January 2015, Queens University School of Law.
17. 'Integrative and Devolutionary Federal Systems', Faculty Seminar Paper, 12 January 2015, Department of Political Science, University of British Columbia.
18. 'Freedom of Religion as an Associational Right under the Australian Constitution – with U.S. Comparisons', Faculty Seminar Paper, 15 December 2014, Pepperdine University School of Law.
19. 'Federal Constitutionalism in Australia – American Influences', Faculty Seminar Paper, 5 December 2014, University of San Diego School of Law.
20. 'On devolution, federalism and the referendum'. McCormick Fellow Seminar Paper, Edinburgh Law School, 30 April 2012. Also presented at Bristol Law School, 16 May 2012.
21. 'What federalism can *learn from* the EU'. Faculty seminar paper presented at University of Leeds Law School, 15 April 2012 and at University of Macerata Law School, 19 June 2012.

22. 'Explanatory Power and Constitutional Interpretation'. Paper presented at Faculty Seminars at University of Notre Dame, University of Toronto, University of Western Ontario, University of Baltimore, January-February 2010.
23. 'Intellectual Influences on Australian Federalism'. Paper presented at Faculty Seminars at University of Montreal, University of Toronto, January-February 2010.
24. 'Comparative Law in Australian Constitutional Jurisprudence'. Paper presented at a Faculty Seminar, University of Notre Dame, Indiana, June 2009.
25. 'The Peoples of Queensland and their Constitution: *McCawley's Case*, the Constitutional Review Commission and the Constitution of 2001'. Faculty Seminar Paper presented at Law School, University of Southern Queensland, 23 April 2009.
26. 'The Conventional Case For a Bicameral Parliament: The Case of New Zealand'. Faculty Seminar Paper presented at University of Auckland Faculty of Law, 7 April 2009.
27. 'Comparative Law in Australian Constitutional Jurisprudence'. Faculty Seminar Paper presented at University of Auckland Faculty of Law, 24 April 2008.
28. 'Constitutional Choices in the *Work Choices Case*'. Faculty Seminar Paper presented at Sydney Law School, 24 May 2007.
29. 'Realism's End: Articulating the Reasons for Decision in Political Communication Cases'. Faculty Seminar Paper presented at University of Auckland Faculty of Law, 5 June 2007.
30. 'Federalism and the Problem of Comparative Constitutional Law'. Faculty Seminar Paper presented at the University of Notre Dame Law School, Indiana, 17 April 2006.
31. 'Law, Politics and Constitutionalism in *McCawley's Case*'. Faculty Seminar Paper presented at T.C. Beirne School of Law, The University of Queensland, 15 July 2005.
32. 'The Constitution of the Peoples of Europe'. Faculty Seminar Paper presented at T.C. Beirne School of Law, University of Queensland, 22 October 2004.
33. 'The EU from an Australian Perspective'. Faculty Seminar Paper presented at School of Law, Tilburg University, Tilburg, The Netherlands, April 2004.
34. 'The Role of Theory in Postgraduate Research'. Paper presented at the *Advanced Legal Research Methodology Program*, School of Law, University of Queensland, September, 2001.
35. 'The Legal Context of American, Australian and Canadian Federalism: A Comparative Perspective'. Paper presented at the *Creating the Federal Republic Seminar*, Supreme Court Historical Society, Washington DC, June, 2000.
36. 'The Colonial Origins of American Federalism'. Faculty Seminar Paper presented at the Law Schools of Emory University (Atlanta, Georgia), University of Alabama (Tuscaloosa, Alabama), University of Iowa (Iowa City, Iowa) and at The Centre for the Study of Federalism, Temple University (Philadelphia, Pennsylvania), June-July 1999.
37. 'Federal Representation and the Republic'. Faculty Seminar Paper presented at T.C. Beirne School of Law, University of Queensland, 1998.

#### **M. Editorial**

1. Editor, T.C. Beirne School of Law Legal Studies Research Paper Series, 2007-2010
2. Co-Editor, *University of Queensland Law Journal*, 2003-2005
3. Co-Editor, *International Trade and Business Law Annual*, 1996-1998