

**Issue 17 of the Court of Conscience Address - Michael Crouch Innovation
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1. Ladies and Gentlemen, distinguished guests, scholars, and advocates for justice, it is with immense honour and profound responsibility that we gather here today to launch Issue 17 of the Court of Conscience Journal, a seminal edition dedicated to exploring the intricate tapestry of the rule of law in the 21st century and its profound impact on human rights across our interconnected globe.
2. At its core, the rule of law in Australia is anchored in the idea that no individual, regardless of position or power, is above the law. It is a concept deeply embedded in our legal and political institutions, shaping the way justice is administered and ensuring that the freedoms and rights of individuals are protected under a fair and transparent legal framework.
3. In recent years, Australia has faced challenges that have tested the robustness of its commitment to the rule of law. Issues such as indigenous rights, immigration, and counter-terrorism measures have sparked debate about how laws balance individual rights with collective security. These debates are crucial for a healthy democracy, allowing for the continual reassessment and strengthening of our legal frameworks.
4. Moreover, Australia's approach to international law and its human rights obligations has been a subject of intense scrutiny and discussion. As a global citizen, Australia has the responsibility to align its domestic laws with international human rights standards, demonstrating its commitment to the rule of law not just within its borders but also in the international arena.
5. The High Court of Australia's ruling in the case of *NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs & Anor* marks a significant milestone in the context of the rule of law and human rights in Australia. This landmark decision declared Australia's system of indefinite immigration detention unlawful, overturning nearly two decades of practice.
6. The court's orders indicated that holding a person in immigration detention when there is no real prospect of their removal from Australia in the foreseeable

future is unconstitutional. This ruling essentially brings an end to the system of indefinite immigration detention that had been in place since the *Al-Kateb v Godwin* case in 2004, where indefinite detention was deemed lawful.

7. The decision's immediate impact is profound, with up to 92 people, who had languished in immigration detention often for years without any foreseeable release, now entitled to be freed.
8. The ruling is seen as a victory for human rights, particularly the right to liberty, as it addresses the significant physical, mental, and social burdens placed on thousands of people, most of whom sought protection in Australia as refugees. The Australian Human Rights Commission, along with various community and civil society organisations, had long campaigned against the consequences of the *Al-Kateb* ruling, emphasising the harsh impact it had on many individuals and families. This decision by the High Court is hailed as historic for human rights and social justice in Australia.
9. The significance of this ruling lies in its reinforcement of the rule of law and the protection of fundamental human rights. It underscores the principle that the law must be clear, known, and applied equally, ensuring that even those who have committed crimes and served their sentences are not subject to further punishment through administrative measures like indefinite detention. This aligns with the constitutional limits that govern detention practices.
10. The ruling also highlights the importance of judicial oversight in safeguarding individual liberties and preventing the arbitrary exercise of power by the state. Overall, this decision represents a critical step in upholding the rule of law and protecting human rights in Australia, particularly for vulnerable populations such as refugees and asylum seekers.
11. In an era where the very foundations of justice and equity are constantly challenged and reshaped, this issue serves as a critical beacon, shedding light on how the enactment, or at times, the diminishment of the rule of law shapes societies, influences governance, and impacts the lives of individuals in every corner of our world.
12. As we unveil Issue 17 of the Court of Conscience Journal, we find ourselves at

a critical juncture in history. The 21st century has brought unprecedented challenges and opportunities. We are witnesses to a global landscape that is simultaneously shrinking due to technological advancements and expanding in its complexity of legal, social, and ethical dilemmas.

13. This issue of the Journal bravely navigates these turbulent waters, offering invaluable insights into how the rule of law serves as both a pillar and a barometer of human rights globally.
14. Each article in this edition is not just a scholarly piece; it's a narrative, a collection of real-world implications of law, and a reflection of the human condition. The authors have meticulously examined cases where the rule of law has been a shield for the oppressed and instances where its erosion has led to the trampling of basic human dignities.
15. Through their rigorous analysis and diverse perspectives, they illuminate the pathways through which legal frameworks can either empower or inhibit human progress.
16. This issue also casts a spotlight on the dynamic interplay between national sovereignty and international law. It delves into how global institutions and treaties influence local legal systems and vice versa. These discussions are crucial in understanding the globalised nature of the rule of law and its impact on human rights, which knows no borders.
17. Furthermore, the Journal serves as a platform for critical debate on emerging challenges like digital rights, environmental justice, and the implications of artificial intelligence on legal systems. It recognises that the rule of law in the 21st century is not static; it is continually being reshaped by technological advancements and societal shifts.
18. In essence, Issue 17 of the Court of Conscience Journal is more than an academic publication; it is a clarion call for vigilance and action. It urges lawyers, policymakers, academics, and citizens alike to engage actively in the discourse and practice of law, ensuring that it remains a force for protecting and advancing human rights.

19. As you immerse yourselves in the rich content of this issue, let it be a reminder of our shared responsibility to uphold the rule of law. Let it inspire you to contribute, in whatever capacity you can, to the ongoing struggle for justice and human dignity. Together, let us ensure that the rule of law continues to be the cornerstone of a fair, just, and humane society.
20. Thank you for being part of this momentous occasion. Your engagement and insights are invaluable to the continuing relevance and impact of the Court of Conscience Journal.

Dr J. D. Donnelly

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