

PUBLIC LAW REVIEW

Volume 24, Number 3

September 2013

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- House of Representatives retains its control over Money Bills despite minority government** – *Robert McClelland* 161

ARTICLES

- Habeas Corpus in New Zealand: Procedure and Constitution** – *Richard Berkeley*
- If it is true that the law needs a body in order to be in force, and if one can speak in this sense of “law’s desire to have a body”, democracy responds to this desire by compelling the law to assume the care of this body. (Agamben G, *Homo Sacer: Sovereign Power and Bare Life* (Stanford University Press, 1998) pp 124-125) 166
- What future for Australia’s control order regime?** – *Lisa Burton and George Williams*
- Control orders restrict the liberty of an individual in order to protect the community from future terrorist acts. Australia introduced control orders following the example of the United Kingdom, the first and only other nation to enact such measures. Yet in 2011 the UK abolished its control order regime and replaced it with a more targeted system of Terrorism Prevention and Investigation Measures (TPIMs). In light of these reforms, what future is there for the Australian control order regime? This article compares the design and use of the Australian regime with the UK regime on which it was based, and the new system of TPIMs. The authors question whether there was, or is now, any adequate justification for the Australian regime. 182
- Judicial review of public consultation processes: A safeguard against tokenism?** – *Andrew Edgar*
- Concerns are commonly expressed that public consultation processes are administered in a tokenistic manner. This article examines Australian judicial review cases for whether the courts can adequately deal with such concerns. It does so by examining the scope of judicial review for the different elements of public consultation processes. Its primary findings are that Australian courts have relatively broad scope of review with regard to enforcing public notice requirements but relatively narrow scope of review with regard to supervising an administrator’s consideration of submissions lodged by members of the public. It is then argued that the limitations in relation to supervising an administrator’s consideration of submissions restrict courts from providing an effective safeguard against tokenistic consultation practices. 209
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