PUBLIC LAW REVIEW

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ARTICLES

The meaning of legislation: Context, purpose and respect for fundamental rights – *The Hon Murray Gleeson AC*

On 29 August 2008, the Hon Murray Gleeson AC retired from the High Court after 10 years as Chief Justice of Australia. One issue that increasingly preoccupied Australian courts and judges during this period was the interpretation of legislation, generally, and with particular reference to the protection of rights. Murray Gleeson's own contribution to the development and application of the principle of legality, in *Plaintiff S157/2002 v Commonwealth* (2003) 211 CLR 476 at 492 and *Al-Kateb v Godwin* (2004) 219 CLR 562 at 577 is likely to leave an enduring mark in Australian law. To commemorate this contribution, the *Public Law Review* here reprints his final speech in Victoria as Chief Justice of Australia, delivered as the Victoria Law Foundation Oration on 31 July 2008. 26

Advocating terrorist acts and Australian censorship law – *David Hume* and *George Williams*

This article examines how Australian law regulates material that advocates terrorist acts. Amendments made in 2007 to the *Classification (Publications, Films and Computer Games) Act 1995* (Cth) direct Commonwealth classification authorities to ban publications which counsel, instruct in or praise terrorism. These amendments are expressed in vague, and potentially overbroad, language, creating a risk they will be construed to require authorities to ban an overly broad range of publications. These amendments are examined in the light of the existing Australian classification law, beginning with an overview of the Australian classification and censorship system. The text of the amendments is then examined, and how the amendments might be understood in the light of the existing jurisprudence. It is found that there is reason to think that the amendments will be read down so as not to overly restrict valuable speech. 37

To the advancement of thy glory?: A constitutional and policy critique of parliamentary prayers – *Gonzalo Villalta Puig* and *Steven Tudor*

Under current standing orders, the House of Representatives and the Senate begin each sitting with a prayer for Parliament and the Lord's Prayer. This practice is common in almost all the other legislatures in Australia (and a number elsewhere). It raises the question of the proper relationship between the state and religion in Australia. Thus, this article first examines the constitutionality of parliamentary prayers only to conclude that the practice is constitutional. The article then proceeds to a policy critique of the desirability of parliamentary prayers. First, the article presents the arguments in favour of

the abolition of parliamentary prayers. Then, the article presents and critiques the arguments in favour of their retention. Finally, the article proposes a secular revision of the relevant standing orders that allows for silent prayer or reflection. 56

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     [1] Hayton D, "Unique Rules for the Unique Institution, The Trust" in Degeling S and Edelman J (eds), *Equity in Commercial Law* (Lawbook Co, Sydney, 2005) p 284.

     [2] Hayton, n 1, p 286.
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     [3] Trindade R and Smith R, "Modernising Australian Merger Analysis" (2007) 35 ABLR 358.

     [4] Trindade and Smith, n 3 at 358-359.
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