



**11th Austin Asche
Oration in Law
and Governance**

**Executive discretion in a time of
COVID-19 – promoting, protecting
and fulfilling human rights in the
contemporary public health context**

Emeritus Professor Rosalind Croucher

AM FRSA FACLM (Hon) FAAL TEP

President of the Australian Human Rights Commission

PUBLIC ORATION – DARWIN

Thursday 17 November 2022

5.00pm to 7.00pm

Grand Ballroom, Hilton Darwin
32 Mitchell Street, Darwin

Attend in person or online

RSVP - cdu.edu.au/events T: 08 8946 6554

This event may count as MCLE/CPD points.



Abstract

Responses to the COVID-19 pandemic have required very quick action by governments. But those responses have also involved significant limitations on people's rights and freedoms, especially freedom of movement, and implemented through executive power often with limited parliamentary involvement. These have been imposed through decision-making processes that involve significant delegations of power.

A foundational principle of our democratic structure is the sovereignty of Parliament – but different layers of scrutiny have applied

to the emergency measures often without human rights compatibility analysis. This is not just of concern in relation to COVID measures, but more generally, posing serious challenges to Parliament's constitutionally recognised law-making role.

This oration explores the democratic challenges of emergency decision-making and the lessons that may be learned to ensure the rule of law is respected. It considers how human rights principles can inform decision-making especially in times of crisis.



Emeritus Professor Rosalind Croucher

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Emeritus Professor Rosalind Croucher commenced a seven-year term as President of the Australian Human Rights Commission on 30 July 2017.

Prior to joining the Commission, Rosalind was President of the Australian Law Reform Commission (2009–2017) and Commissioner (2006–2009), where she led a number of significant law reform inquiries. She has lectured and published extensively, principally in the fields of equity, trusts, property, inheritance, legal history and increasingly in public policy.

In 2011 she was recognised as one of the 40 'inspirational alumni' of UNSW, where she gained her PhD. In 2014 Professor Croucher was acknowledged for her contributions to public policy as one of Australia's '100 Women of Influence' in the Australian Financial Review and Westpac awards; and for her 'outstanding contribution to the legal profession' was awarded the Australian Women Lawyer's award. In 2015 she was made a Member of the Order of Australia (AM) for 'significant service to the law as an academic, to legal reform and education, to professional development, and to the arts'; and in 2016 Macquarie University conferred on her the title of Emeritus Professor.