

Dr. Maria O'Sullivan  
Associate Professor, Faculty of Law  
Monash University  
Email: Maria.osullivan@monash.edu  
Office: Rm 445 Faculty of Law



## Qualifications

## Research output

### **Automated decision-making and human rights: the right to an effective remedy**

O'Sullivan, M., 2021, *The Automated State: Implications, Challenges and Opportunities for Public Law*. Boughey, J. & Miller, K. (eds.). 1st ed. Alexandria NSW: Federation Press, p. 70-88 19 p.

### **Revitalising public law in a technological era: rights, transparency and administrative justice**

Ng, Y-F., O'Sullivan, M., Paterson, M. & Witzleb, N., Sep 2020, In: *University of New South Wales Law Journal*. 43, 3, p. 1041-1077 37 p.

### **Deliberation and automation - when is a decision a "decision"?**

Ng, Y-F. & O'Sullivan, M., 2019, In: *Australian Journal of Administrative Law*. 26, 1, p. 21-34 14 p.

### **Protecting vulnerable refugees: procedural fairness in the Australian fast track regime**

McDonald, E. & O'Sullivan, M., 27 Sep 2018, In: *University of New South Wales Law Journal*. 41, 3, p. 1003-1043 41 p.

### **Private rights, protest and place in *Brown v Tasmania***

Emerton, P. & O'Sullivan, M., 2018, In: *Monash University Law Review*. 44, 2, p. 458-490 33 p.

### **Access to refugee protection: Key concepts and contemporary challenges**

O'Sullivan, M. J. & Stevens, D., 2017, *States, the law and access to refugee protection*. 1st ed. Hart Publishing, p. 3-28 26 p. (Studies in International Law; no. 65).

### **Interdiction and screening of asylum seekers at sea: Implications for asylum justice**

O'Sullivan, M. J., 2017, *States, the law and access to refugee protection*. 1st ed. Hart Publishing, p. 93-112 20 p. (Studies in International Law; no. 65).

### **States, the Law and Access to Refugee Protection: Concluding Reflections**

Stevens, D. & O'Sullivan, M. J., 2017, *States, the law and access to refugee protection*. 1st ed. p. 297-304 8 p. (Studies in International Law; no. 65).

### **Not for export: The failure of Australia's extraterritorial processing regime in Papua New Guinea and the decision of the PNG supreme court in Namah (2016)**

Dastyari, A. & O'Sullivan, M. J., 2016, In: *Monash University Law Review*. 42, 2, p. 308-338 31 p.

### **The ethics of resettlement: Australia and the Asia-Pacific Region**

O'Sullivan, M. J., 2016, In: *The International Journal of Human Rights*. 20, 2, p. 241 - 263 23 p.

### **The sanctity of asylum: The legality of church sanctuary in Australia**

O'Sullivan, M. J., 2016, In: *Alternative Law Journal*. 40, 4, p. 254-258 5 p.

### **Rethinking asylum seeker detention at sea: the power to detain asylum seekers at sea under the Maritime Powers Act 2013 (CTH)**

Emerton, P. C. & O'Sullivan, M. J., 2015, In: University of New South Wales Law Journal. 38, 2, p. 695 - 737 43 p.

**Identifying asylum seekers as potential refugees: transfers and 'acquired rights' under the Refugee Convention**

O'Sullivan, M. J., 2014, *Refugee Protection and the Role of the Law: Conflicting Identities*. Kneebone, S., Stevens, D. & Baldassar, L. (eds.). 1st ed. Oxon UK: Routledge, p. 122-148 27 p.

**Minister for Immigration and Border Protection v SZSCA: should asylum seekers modify their conduct to avoid persecution?**

O'Sullivan, M. J., 2014, In: The Sydney Law Review. 36, 3, p. 541 - 556 16 p.

**The 'Best Interests' of asylum-seeker children: Who's guarding the guardian?**

O'Sullivan, M., 1 Jun 2013, In: Alternative Law Journal. 38, 4, p. 224-228 5 p.

**Territorial protection: cessation of refugee status and internal flight alternative compared**

O'Sullivan, M. J., 2013, *The Ashgate Research Companion to Migration Law, Theory and Policy*. Juss, S. S. (ed.). 1st ed. UK: Ashgate Publishing Limited, p. 209-232 24 p.

**Acting the part: can non-state entities provide protection under international refugee law?**

O'Sullivan, M., 2012, In: International Journal of Refugee Law. 24, 1, p. 85 - 110 26 p.

**Article 1 C 1951 Convention**

Kneebone, S. & O'Sullivan, M., 2011, *The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol: A Commentary*. Zimmermann, A., Dorschner, J. & Machts, F. (eds.). 1st ed. New York City USA: Oxford University Press, p. 481 - 535 55 p.

**Submission to Inquiry into the Agreement Between Australia and Malaysia on the Transfer of Asylum Seekers to Malaysia**

Kneebone, S., O'Sullivan, M. & Penovic, T., 2011, Clayton Melb Australia: Monash University Publishing. 22 p.

**Human security and the protection of refugees in Africa**

O'Sullivan, M. J., 2010, *Protecting Human Security in Africa*. Abass, A. (ed.). 1 ed. Oxford, UK: Oxford University Press, p. 155 - 175 21 p.

**The harmonisation of refugee law in the European Union - implications for international law**

O'Sullivan, M., 2010, p. 1 - 14. 14 p.

**The Intersection between the international, the regional and the domestic: Seeking asylum in the UK**

O'Sullivan, M. J., 2009, *Refugees, Asylum Seekers and The Rule of Law: Comparative Perspectives*. Kneebone, S. (ed.). 1 ed. Cambridge UK: Cambridge University Press, p. 228 - 280 53 p.

**Withdrawing protection under article 1C(5) of the 1951 convention: Lessons from Australia**

O'Sullivan, M. J., 2008, In: International Journal of Refugee Law. 20, 4, p. 586 - 610 25 p.

**Failure to exercise discretion or perform duties**

O'Sullivan, M. J., 2007, *Australian administrative law - Fundamentals, principles and doctrines*. Groves, M. & Lee, H. P. (eds.). 1 ed. Port Melbourne, Victoria: Cambridge University Press, p. 253 - 264 11 p.

**Before the High Court: Minister for Immigration and Multicultural and Indigenous Affairs v QAAH: cessation of refugee status**

O'Sullivan, M. J., 2006, In: The Sydney Law Review. 28, 2, p. 359 - 371 13 p.

**'Past' violations under international human rights law: the Indigenous stolen generation in Australia**

O'Sullivan, M. J., 2005, In: Netherlands Quarterly of Human Rights. 23, 2, p. 243 - 272 30 p.

## Activities

### **Castan Centre Human Rights Law Conference 2022**

Melissa Castan (Organiser), Ronli Sifris (Organiser) & Maria O'Sullivan (Organiser)  
22 Jul 2022

### **Castan Centre Submission to Victorian Parliament's Inquiry into Covid-19**

Maria O'Sullivan (Contributor), Kevin Bell AM QC (Contributor), Karin Frode (Contributor), Andrea Jones (Contributor) & Celeste Rebbechi (Contributor)  
7 Aug 2020

### **Castan Centre Submission to the Select Committee on COVID-19**

Heli Askola (Contributor), Kevin Bell AM QC (Contributor), Maria O'Sullivan (Contributor), Moira Paterson (Contributor) & Normann Witzleb (Contributor)  
2 Jun 2020

### **Castan Centre Submission to the Human Rights Commission Discussion Paper on Human Rights and Technology**

Maria O'Sullivan (Fellow), Yee-Fui Ng (Contributor), Normann Witzleb (Contributor), Karin Frode (Contributor), Andrea Jones (Contributor) & Estelle Wallingford (Contributor)  
25 Jan 2020

### **Parliamentary Submission to the Repeal of Medevac Inquiry**

Maria O'Sullivan (Fellow)  
1 Aug 2019 → 27 Aug 2019

### **GLOBAL NEGOTIATIONS ON REFUGEE RIGHTS: ISOLATIONISM AND THE DEVELOPMENT OF LEGAL NORMS**

Maria O'Sullivan (Organiser)  
11 Jun 2019

### **Monash Law Students Society, 'Social Justice seminar on Refugee Policy', March 2018**

Maria O'Sullivan (Contributor)  
2018 → ...

### **Progressive Law Network, 'Australian Refugee Policy', Monash University, March 2018**

Maria O'Sullivan (Contributor)  
2018 → ...

### **Responding to Refugees and Irregular Migration in Australia and the EU**

Azadeh Dastyari (Organiser) & Maria Josephine O'Sullivan (Organiser)  
1 Dec 2017

### **Inquiry into the Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017**

Heli Askola (Contributor) & Maria O'Sullivan (Contributor)  
19 Jul 2017

### **Submission to Senate Legal and Constitutional Affairs Committee, Inquiry into the Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017**

Maria O'Sullivan (Contributor) & Heli Askola (Contributor)  
19 Jul 2017

### **'Breaking down Borders and Encouraging Protection: Resettlement and Reallocation – A Case Study from Europe', Law and Society Association Annual Meeting, Mexico City, 2017**

Maria O'Sullivan (Speaker)

20 Jun 2017 → 23 Jun 2017

**Law of Protest Roundtable 2017**

Azadeh Dastyari (Organiser), Maria Josephine O'Sullivan (Organiser) & Douglas James Adrian Guilfoyle (Organiser)  
2 Jun 2017

**David FitzGerald**

Maria O'Sullivan (Host)  
4 Apr 2017

**Progressive Law Network, 'Careers in Public Interest', 2017**

Maria O'Sullivan (Organiser)  
2017 → ...

**Dastyari, A., O'Sullivan, M. J., & Penovic, T. (2016). Submission to the Senate Legal and Constitutional Affairs Committee Inquiry into the Migration Legislation Amendment (Regional Processing Cohort) Bill 2016 [Provisions]. Castan Centre for Human Rights Law, Monash University.**

Azadeh Dastyari (Contributor), Maria O'Sullivan (Contributor) & Tania Penovic (Contributor)  
14 Nov 2016

**'Interdiction, Offshore processing and refugee rights: The Australian Example', Connecticut Journal of International Law Symposium: The Global Refugee Crisis, University of Connecticut, USA, 2016**

Maria O'Sullivan (Invited speaker)  
2016 → ...

**French Lawyers Association, 'Australian-European Refugee Panel', presentation on panel with Julian Burnside QC, October 2016**

Maria O'Sullivan (Contributor)  
2016 → ...

**Hellenic Australian Lawyers Refugee Symposium, 'Australian Refugee Policy', Town Hall, Melbourne September 2016, panel discussion with Julian Burnside QC and Kon Karapanagiotidis, Asylum Seeker Resource Centre (ASRC).**

Maria O'Sullivan (Contributor)  
2016 → ...

**Participation in Roundtable on Alternatives to Third Country Processing, Expert Consultation Process for Road Map Publication, Australian Human Rights Commission, March 2016 (Event)**

Maria O'Sullivan (Member)  
2016 → ...

**Submission to the Thematic Report on Human Rights and Biodiversity**

Katie O'Bryan (Contributor) & Maria O'Sullivan (Contributor)  
2016

**'Implications of the Asylum Caseload Act for Refugee Claims' Law Council of Australia Immigration Law Conference, Melbourne, 2016 (\*invited speaker)**

Maria O'Sullivan (Invited speaker)  
2016 → ...

**'The response of the traditional 'resettlement' countries of Australia, Canada and the USA in offering resettlement places to Syrian refugees', Roundtable on International Responses to the Syrian Refugee Crisis, Law and Society Association Annual Meeting, New Orleans, USA, 2016**

Maria O'Sullivan (Speaker)  
2016 → ...