## PUBLIC LAW WEEKEND PROGRAM

### THURSDAY 1 OCTOBER 2015

<table>
<thead>
<tr>
<th>Time</th>
<th>Session 1: Stream A</th>
<th>Session 1: Stream B</th>
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<tbody>
<tr>
<td>10–11.30 am</td>
<td>OPENING PLENARY</td>
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<td>DELIBERATING THE DISMISSAL – 40 YEARS ON</td>
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<td></td>
<td>Welcome and Introductions</td>
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<td></td>
<td><strong>Kim Rubenstein</strong> and <strong>Ron Levy</strong>, The Australian National University</td>
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<td></td>
<td><strong>Michelle Grattan</strong>, Chief Political Correspondent with <em>The Conversation</em>, Professorial Fellow at University of Canberra</td>
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<td><strong>Brendan Lim</strong>, University of New South Wales and the NSW Bar</td>
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<td><strong>Gareth Evans AC QC</strong>, Chancellor, The Australian National University</td>
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<td>11.45–1.15 pm</td>
<td><strong>SESSION 1 – STREAM A</strong></td>
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<td>Legislative deliberation and rights</td>
<td>Constitutional rights</td>
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<td><strong>Gabrielle Appleby</strong>, University of New South Wales and <strong>Anna Olijnyk</strong>, University of Adelaide</td>
<td><strong>Murray Wesson</strong>, University of Western Australia</td>
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<td></td>
<td>&gt; Rights deliberation through judicial independence</td>
<td>&gt; Deliberating the implied freedom of political communication</td>
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<td><strong>Maartje de Visser</strong>, Singapore Management University</td>
<td><strong>Glenn Patmore</strong>, University of Melbourne</td>
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<td>&gt; Look who’s talking: the construction of constitutional norms during the legislative process</td>
<td>&gt; Deliberating, protest and the implied freedom of political communication can the implied freedom make a difference to popular deliberation?</td>
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<td><strong>Shawn Rajanayagam</strong>, Minter Ellison</td>
<td><strong>Eric Ghosh</strong>, University of New England</td>
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<td>&gt; The 2014 anti-terror reforms, the HRPS act and legislative rights deliberation</td>
<td>&gt; Deliberative democracy, legislation and constitutional rights: a proposal for a human rights citizens’ council</td>
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<td>1.15–2 pm</td>
<td>Lunch</td>
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<td>2–3.30 pm</td>
<td><strong>SESSION 2 – STREAM A</strong></td>
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<td>Federalism</td>
<td>Theoretical Perspectives 1</td>
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<td><strong>Robyn Hollander</strong> and <strong>Haig Patapan</strong>, Griffith University</td>
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<td>&gt; Moral federalism: deliberation and moral innovation in US federalism</td>
<td><strong>Theunis Roux</strong>, University of New South Wales</td>
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<td><strong>Nicholas Aroney</strong>, University of Queensland</td>
<td>&gt; A sociological response to Waldron on judicial review</td>
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<td>&gt; Federalism and subsidiarity: reform of the Australian federation</td>
<td><strong>David Williams</strong> and <strong>Sally Raudon</strong>, University of Auckland</td>
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<td><strong>Jacob Deem</strong> and <strong>AJ Brown</strong>, Griffith University</td>
<td>&gt; The role of the Crown in Australian constitutional deliberations</td>
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<td>&gt; 2015 Australian constitutional values survey</td>
<td><strong>John Dryzek</strong>, University of Canberra, Centre for Deliberative Democracy and Global Governance</td>
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SESSION 3 – STREAM A

Indigenous constitutional recognition

Discussant: Justice Peter Gray

Asmi Wood, The Australian National University
> Constitutional recognition of Australia’s first peoples

Sean Brennan, University of New South Wales
> Constitutional recognition of Indigenous Australians

John Birrel, Columbia University
> The recognise campaign and constitutional relationships between Indigenous Peoples and the state

SESSION 3 – STREAM B

Contemporary issues

Discussant: Amelia Simpson, The Australian National University

Mitchell Landrigan, University of Technology Sydney
> Marriage equality and conscience voting

Shay Keinan, The Australian National University
> Involving diasporas and Israel’s constitutional deliberations

Rosemary Tran, The Australian National University
> Australia’s trade agreements and the constitution

SESSION 1 – STREAM A

Constitutional Reform

Discussant: Graeme Orr, University of Queensland

Paul Kildea, University of New South Wales and Rodney Smith, University of Sydney
> The challenge of informed voting in constitutional referendums

Sarah Sorial, University of Wollongong
> Constitution reform and the problem of deliberation

Gay Morgan, University of Waikato
> Constitutional custody is key to deliberation and to the appearance of deliberation reasons to keep the custody of the constitution directly with the people

Raul Sanchez Urribarri, La Trobe University, Angelica Bernal, Amherst University and Martin Mendoza-Botelho, Eastern Connecticut
> Populist constitutionalism in Latin America

SESSION 1 – STREAM B

Theoretical Perspectives 2

Discussant: Selen Ercan, University of Canberra, Centre for Deliberative Democracy and Global Governance

John Parkinson, Griffith University
> Ideas of constitutions and deliberative democracy and how they interact

Joel Colon-Rios, Victoria University of Wellington
> Unconstitutional constitutional amendments and fundamental constitutional change

Ron Levy, The Australian National University
> Deliberative constitutionalism

6.30 – 7.15 pm

BOOK LAUNCH

The Constitution of the Commonwealth of Australia
by Nicholas Aroney, Peter Gerangelos, Sarah Murray and James Stellios
Speaker: Chief Justice Robert French, High Court of Australia

7.15 – 9.30 pm

Dinner

FRIDAY 2 OCTOBER 2015
### SESSION 2 – STREAM A

**Courts and executive**

*Discussant: Lauren Butterly,*
*The Australian National University*

- **Andrew Edgar**, University of Sydney
  > Deliberation-enhancing judicial review of regulatory decision-making: constitutional constraints and remedial flexibility

- **Jocelyn Stacey**, University of British Columbia
  > A deliberative justification of judicial deference to administrative interpretations of constitutional rights?

- **Jonathan Crowe**, University of Queensland
  > The role of snap judgments in constitutional deliberation

- **Raul Sanchez Urribarri**, La Trobe University
  > Populist constitutionalism in Latin America

### SESSION 2 – STREAM B

**National security**

*Discussant: Andrew Lynch,*
*University of New South Wales*

- **Laura Grenfell**, University of Adelaide
  > How does parliamentary/political rights review work in Australia?: a case study of anti-bikie and anti-terrorism legislation

- **Dominique Dalla-Pozza**, The Australian National University
  > Refining the Australian counter-terrorism legislative framework: how deliberative has Parliament been able to be (and why does it matter)?

- **Fergal Davis**, University of New South Wales
  > The PJCHR and the counter-terrorism legislation amendment (foreign fighters) bill 2014 – a case study

### 11.15 am – 1 pm

### 1 – 2.30 pm

**CLOSING PLENARY (LUNCH)**

**Constitutional reform then and now**

*Discussants: Mark Dreyfus QC MP and Kim Rubenstein, The Australian National University*

- **Hon Justice Stephen Gageler**, High Court of Australia

- **Frank Brennan**, Australian Catholic University
  > Indigenous recognition

- **Megan Davis**, University of New South Wales
  > Legislative deliberation on constitutional design