



Australasian Study
of Parliament Group

Annual Conference 2023 Freedom of Speech, Debate and Information

Conference Information
Final Circular
September 2023



Perth

27 – 29 September 2023



Hosted by the Parliament of Western Australia



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ASPG President's Foreword

Registrations for the 2023 ASPG Conference have closed and it is pleasing to note that more than 120 people from across Australia, New Zealand, the UK, Canada, and the Cook Islands have registered to attend.

The finalised Conference programme is included in this Circular and comprises a broad and engaging array of topics canvassing the Conference theme of *Freedom of Speech, Debate and Information* from a range of perspectives. It is also pleasing to note, following the handing down by the High Court this week of its decision in *Crime and Corruption Commission v Carne*, that two of the Conference papers will reference this important parliamentary privilege case. The Conference programme now also lists the facilitators who will introduce the presenters and oversee the general discussions following presentations.

The ASPG is very grateful to presenters for taking the time to put together speeches and PowerPoints and is also extremely grateful to the keynote speakers, Professor Arif Ahmed OBE and Hon Robert French AC, and special guest speaker Professor Nadine Strossen, for supporting the ASPG Conference through their presentations—in Professor Ahmed's case remoting in at 2.00 am London time.

Dr Isla Macphail
ASPG President



Keynote Speakers



DR ARIF AHMED MBE, Professor of Philosophy, Fellow of Gonville and Caius College, University of Cambridge, will open the Conference live from London. Professor Ahmed studied mathematics at the University of Oxford and Philosophy at Sussex and Cambridge Universities. His philosophical outlook is individualistic, atheistic and empiricist and his work applies this approach to questions in metaphysics, the theory of rational choice and the philosophy of religion. Professor Ahmed has campaigned for many years in defence of free speech and academic freedom. In recognition of this work he was awarded an MBE in 2021 and the Trustees' Award by Index on Censorship. In 2022 Professor Ahmed was appointed a Commissioner to the Board of the UK Equality and Human Rights Commission, and in June 2023 he was appointed as the inaugural Director for Freedom of Speech and Academic Freedom at the UK Office for Students following the passage of the UK *Higher Education (Freedom of Speech) Act 2023*.



HON ROBERT FRENCH AC, will open the second day of the Conference. Robert French served as Chief Justice of Australia from 1 September 2008 until 29 January 2017. He is a graduate of the University of Western Australia in science and law. Mr French served as a Judge of the Federal Court of Australia from November 1986 until his appointment as Chief Justice of the High Court. Since his retirement as Chief Justice, Mr French has been appointed as a Non-Permanent Justice of the Hong Kong Court of Final Appeal (May 2017), as an International Judge of the Singapore International Commercial Court (January 2018), and as a Judge of the Court of Appeal of the Dubai International Financial Centre (June 2019). From December 2018 to March 2019 Mr French conducted an independent review of freedom of speech in Australian Higher Education providers. Mr French was elected as Chancellor of the University of Western Australia in December 2017.



Special Guest Speaker



NADINE STROSSEN, New York Law School Professor Emerita and past national President of the American Civil Liberties Union (ACLU) from 1991 to 2008, will present a special address live from Los Angeles. Professor Strossen is a Senior Fellow with FIRE (the Foundation for Individual Rights and Expression) and a leading expert and frequent speaker/media commentator on constitutional law and civil liberties, who has testified before Congress on multiple occasions. She serves on the advisory boards of the ACLU, Academic Freedom Alliance, Heterodox Academy, and National Coalition Against Censorship. The *National Law Journal* has named Professor Strossen one of America's '100 Most Influential Lawyers'. She is the author of *HATE: Why We Should Resist It With Free Speech, Not Censorship* (2018) and *Free Speech: What Everyone Needs to Know* (forthcoming October 2023). In 2023 the National Coalition Against Censorship selected Professor Strossen for its Lifetime Achievement Award for Free Speech.



Conference Presenters & Panellists

Name	Position
Professor James Allan	Garrick Professor of Law, University of Queensland
Frances Arguelles	Principal Council Officer, NSW Legislative Council
Professor Arif Ahmed MBE	Professor of Philosophy, University of Cambridge Commissioner, UK Equality and Human Rights Commission Director for Freedom of Speech and Academic Freedom, UK Office for Students
Professor Martin Drum	Professor, Politics and International Relations Executive Dean – Arts, Sciences, Business and Law, University of Notre Dame Australia
Cecilia Edwards	Hansard Editor, New Zealand Parliament PhD candidate, Te Herenga Waka – Victoria University of Wellington
Charles Feldman	President, Canadian Study of Parliament Group
Catherine Fletcher	Information Commissioner for Western Australia Commissioner, ex officio, State Records Commission
Hon Robert French AC	Chancellor of the University of Western Australia Former Chief Justice of the High Court of Australia
David Gibson	Chair, GRAI – GLBTI Rights in Ageing Inc Former Member of the Queensland Parliament and Minister for Police and Community Safety
Ben Harvey	Chief Reporter, Seven West Media (WA) Producer/Presenter: <i>Up Late with Ben Harvey</i>
Shane Hilton	Parliamentary Officer, SA House of Assembly
Dr Colin Huntly	Barrister and Member of the Administrative Appeals Tribunal Sessional Academic, Professional Legal Training, Curtin University
Liam Laurence Smyth	Clerk of Legislation, UK House of Commons



Conference Presenters & Panellists

Name	Position
Neil Laurie	Clerk of the Parliament, Queensland Parliament
Dr Colleen Lewis	Honorary Professor, Australian Studies Institute, Australian National University
Shane Love MLA	Leader of The Nationals WA Leader of the Opposition WA
Kate Mihaljek	A/Director, NSW Legislative Council
Patrick O'Brien	Senior Committee Manager, Legislative Council of Victoria
Vanessa O'Loan	Director – Corporate and Protocol, Parliament of New South Wales
Caroline Spencer	Auditor General for Western Australia Commissioner, ex officio, State Records Commission
Thomas Spencer	PhD candidate in Constitutional Law, University of Southern Queensland
Professor Nadine Strossen	New York Law School Professor Emerita Past national President of the American Civil Liberties Union Senior Fellow with the Foundation for Individual Rights and Expression
Ophelia Tynan	Inquiry Secretary, Australian House of Representatives
David Wilson	Clerk of the House of Representatives, New Zealand Parliament



Conference Facilitators

Name	Position
Pauline Cullen	Committee Secretary, Australian House of Representatives
Sam Hastings	Clerk of the Legislative Council, Parliament of Western Australia
Dr Vaughn Koops	Deputy Clerk of the Legislative Assembly, Parliament of Victoria
Professor Colleen Lewis	Honorary Professor, Australian Studies Institute, Australian National University
Dr Isla Macphail	President, Australasian Study of Parliament Group Clerk Assistant (Committees), WA Legislative Assembly
Scott Nalder	Deputy Clerk of the Legislative Assembly, Parliament of Western Australia
Professor John Phillimore	Executive Director, John Curtin Institute of Public Policy Interim Director, National Centre for Student Equity in Higher Education
Kirsten Robinson	Clerk of the Legislative Assembly, Parliament of Western Australia



Conference Program

Wednesday 27 September	
12.00 pm – 3.00 pm	Early Registration Forrest Foyer, Parliament House Optional building and art tours of Parliament House Leaving from the Forrest Foyer at: <ul style="list-style-type: none">• 12.00 pm• 1.00 pm• 2.00 pm
1.00 pm – 2.30 pm	Optional walking tour to King's Park (aka the 'Sergeant's Saunter') Leaving from the Forrest Foyer to visit the Botanic Garden, Water Garden and Treetop 'Federation Walkway' in nearby King's Park. Tour will return to Parliament House.
1.00 pm – 2.30 pm	ASPG Executive Meeting Legislative Assembly Chamber <i>This meeting is for ASPG Executive members and ASPG Chapter representatives only.</i>
2.45 pm – 3.45 pm	ASPG AGM Legislative Assembly Chamber <i>This meeting is open to all ASPG members. You are most welcome to attend!</i>
5.30 pm – 7.00 pm	Welcome Cocktail Reception Government House 13 St Georges Terrace, Perth



Conference Program

Thursday 28 September	
8.30 am – 9.00 am	Registration Forrest Foyer, Parliament House Coffee, tea and pastries Edith Cowan Foyer
9.00 am – 9.20 am	Opening Formalities* <ul style="list-style-type: none">• Cr Barry Winmar <i>Welcome to Country</i>• Hon Michelle Roberts MLA – Speaker of the Legislative Assembly <i>Welcome to Conference</i>• Dr Isla Macphail – ASPG President <i>Welcome on Behalf of the ASPG</i>
9.20 am – 10.30 am	Session 1 – Keynote Speech (Live from London) Professor Arif Ahmed MBE <i>Arguing for Free Speech in the 21st Century</i> Facilitator: Dr Isla Macphail
10.30 am – 10.50 am	Morning Tea Parliament House Courtyard
10.50 am – 12.40 pm	Session 2 – Freedom of Speech: Article 9 and the Overton Window <ul style="list-style-type: none">• Thomas Spencer <i>Article 9 of the Bill of Rights: An Historical, Practical and Philosophical Primer</i>• Dr Colin Huntly <i>Reception Issues: Check Your Regional Settings</i>• David Gibson <i>Queering Up the Debate: Freedom of Speech Seen Through an LGBTI Lens</i>• Professor James Allan <i>Who Will Guard the Free Speech Guardians?</i> Facilitator: Scott Nalder
12.40 pm – 1.20 pm	Lunch Parliament House Courtyard

*All conference proceedings will be hosted in the Members' Dining Room.



Conference Program

Thursday 28 September	
1.20 pm – 2.45 pm	<p>Session 3 – Freedom of Speech and Exclusive Cognisance</p> <ul style="list-style-type: none">• Ophelia Tynan <i>Unparliamentary Language: Self-regulated Freedom of Speech</i>• Frances Arguelles and Kate Mihaljek <i>The Role of the NSW Legislative Council Privileges Committee in Disciplining Members for Alleged Abuse of the Privilege of Freedom of Speech and Debates – A Comparative Study and Look into the Future</i>• Cecilia Edwards <i>Curating the Record of Free Speech in Parliament</i> <p>Facilitator: Dr Vaughn Koops</p>
2.45 pm – 3.05 pm	<p>Afternoon Tea Parliament House Courtyard</p>
3.05 pm – 4.30 pm	<p>Session 4 – Freedom of Speech: International Perspectives</p> <p>Jurisdiction Reports</p> <ul style="list-style-type: none">• Liam Laurence Smyth (UK)• Charles Feldman (Canada)• David Wilson (New Zealand) <p>Panel Members</p> <ul style="list-style-type: none">• Professor James Allan• Dr Colleen Lewis <p>Facilitator: Kirsten Robinson</p>
6.00 pm – 10.00 pm	<p>Conference Dinner Sunset drinks & canapés from 6.00 pm; dinner from 7.00 pm.</p> <p>C Restaurant in the Sky (revolving restaurant) Level 33, St Martin's Centre 44 St Georges Terrace, Perth</p>



Conference Program

Friday 29 September	
9.00 am – 9.30 am	Coffee, tea and pastries Edith Cowan Foyer
9.30 am – 10.30 am	Session 5 – Keynote Speech Hon Robert French AC <i>Your Freedom Ends Where My Nose Begins – But What if the Nose Moves</i> Facilitator: Sam Hastings
10.30 am – 10.50 am	Morning Tea Parliament House Courtyard
10.50 am – 11:15 am	Special Guest Speaker (Live from Los Angeles) Professor Nadine Strossen <i>Free Speech: Why it Matters</i> Interviewer: Dr Isla Macphail
11.20 am – 12.50 pm	Session 6 – Freedom of Information <ul style="list-style-type: none">• Catherine Fletcher <i>Access to Government Information for Government Accountability – The Past, Present and Future</i>• Caroline Spencer <i>Role of the Auditor General Office in Promoting Government Transparency</i>• Shane Love MLA <i>The Opposition has its Say; the Government has its Way – Ensuring Effective Opposition Through Access to Debate and Information</i> Facilitator: Professor John Phillipmore
12.50 pm – 1.40 pm	Lunch Parliament House Courtyard



Conference Program

Friday 29 September	
1.40 pm – 3.10 pm	<p>Session 7 – Freedom of Information</p> <ul style="list-style-type: none">• Neil Laurie <i>Mount Erebus to Ann Street – Forty Years of Judicial Supervision of Ad Hoc and Permanent Commissions of Inquiry and the Intersection with Parliamentary Privilege and Doctrines of Mutual Respect</i>• Vanessa O'Loan <i>The Inability of Committees to Compel Witnesses to Attend or Give Evidence Will Ultimately Undermine the Committee System</i>• Shane Hilton <i>A Voice for South Australia: The Journey So Far</i> <p>Facilitator: Professor Colleen Lewis</p>
3.10 pm – 3.30 pm	<p>Afternoon Tea Parliament House Courtyard</p>
3.30 pm – 5.00 pm	<p>Session 8 – Freedom of the Press</p> <ul style="list-style-type: none">• Professor Martin Drum <i>Freedom of the Press and its Limits: The Right to Speak Out and the Responsibility to Inform</i>• Patrick O'Brien <i>Writing Wrongs: Should We Give the Free Press a Free Pass?</i>• Ben Harvey <i>Code of Silence: How Bikie Death Threats and Corporate Lawsuits Are Throttling Free Speech</i> <p>Facilitator: Pauline Cullen</p>
5.00 pm – 5.15 pm	<p>Conference Wrap</p> <ul style="list-style-type: none">• Hon Alanna Clohesy MLC – President of the Legislative Council• Dr Isla Macphail – ASPG President
5.15 pm – 6.15 pm	<p>Presiding Officers' Farewell Drinks Parliament House Courtyard</p>