



2019 Australia-ASEAN Women in Constitution-Building Capacity Development Program

25-29 November 2019

Room 609, Melbourne Law School, Australia

PROGRAM

The 2019 Australia-ASEAN Women in Constitution-Building Capacity Development Program is supported by the Australian Government through the Australia-ASEAN Council of the Department of Foreign Affairs and Trade. In 2019, the Program will involve bring together eight women participants from four ASEAN countries (Indonesia, Myanmar, the Philippines and Thailand), who have interests and expertise in constitution building, broadly understood. The week-long program is hosted by the Constitution Transformation Network (ConTransNet) of the Centre for Comparative Constitutional Studies at Melbourne Law School.

The purposes of the program include:

- To provide a forum for a focused exchange of views, insights and experiences on a range of current pressing issues in constitution building, understood to include implementing and operating evolving constitutional arrangements over time;
- To enable participants to draw on the comparative constitutional knowledge and experience of ConTransNet, on questions relevant to them;
- To give ConTransNet greater insight into how challenges for constitution building manifest themselves in selected ASEAN countries and of the ways in which they might be met;
- To introduce participants to the ways in which challenges for constitutional government manifest themselves and are managed in Australia;
- To explore the challenges and opportunities for women in constitution building.
- To lay the foundations for a support network for women in constitution building in Asia and the Pacific.

A schedule for the five days of the workshop is attached, identifying themes, session topics, issues and presenters. The daily themes are:

- Monday: Constitutional development and change
- Tuesday: Representative democracy
- Wednesday: Courts and rights
- Thursday: Multi-level government
- Friday: Emerging issues and the ways forward

Each day is divided into four sessions. Most are held at Melbourne Law School. Some are off-campus, in the Parliament and the Supreme Court. Sessions will be led by members of the staff of Melbourne Law School and the School of Government and external presenters with particular knowledge and experience in their fields.

A discussion sheet for each of the themes will be distributed before the workshop, identifying questions for consideration and discussion. Participants are welcome to identify particular questions within each of the themes that are relevant to them and which they would like to ensure are included.

Each day will end with an opportunity for participants to reflect on progress with the workshop so far and possible additions to the schedule that might be useful in future sessions.

| Day 1: Monday, 25 November 2019 | | |
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| Constitutional Development and Change | | |
| 9.00 am | Welcome | Dr Andrew Godwin, Associate Dean, Melbourne Law School |
| 9.10am | Introductions | Participants and MLS Summer School team |
| 10.00 am | Aims, objectives & overview of agenda | Cheryl Saunders, CTN Co-Convenor |
| 10.15am | Questions / comments | Participants |
| 10.30AM – 11.00 AM: Coffee/Tea Break | | |
| GROUP PHOTO | | |
| 11.00am – 12.30pm | Session 1 – Setting the scene: Sharing Constitutional Understandings <ul style="list-style-type: none"> • When and why does sharing of constitutional understanding matter? • What are the impediments, if any, to sharing constitutional understandings? How do we overcome them? • How does context, including culture, impact - in terms of process and in terms of substance? • Do women face any particular challenges? | Cheryl Saunders, CTN Co-Convenor |
| 12.30 – 1.30 PM: Lunch | | |
| 1.30pm – 3.00pm | Session 2 – Constitutions and local ownership <ul style="list-style-type: none"> • What does national ownership mean? • Why does national ownership matter? • Challenges in building ownership including managing external assistance • Are ownership and implementation linked? | Cheryl Saunders, CTN Co-Convenor Dinesha Samararatne, CTN Co-Convenor & CCCS Laureate |
| 3.00 – 3.30 PM: Coffee/Tea Break | | |
| 3.30pm – 5.00pm | Session 3 – Inclusion and participation <ul style="list-style-type: none"> • Do inclusion and participation always matter? • What are the challenges of making public participation meaningful? • What is the impact of systems of government on inclusion and participation? | Dinesha Samararatne, CTN Co-Convenor |
| 5.00pm – 5.15pm | Reflections | |
| SUMMER SCHOOL DINNER SPONSORED BY MELBOURNE LAW SCHOOL | | |
| 7pm to 10pm | | |
| Guest speaker: Justice Michelle Gordon, High Court of Australia | | |

| Day 2: Tuesday, 26 November 2019 | | |
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| Representative Democracy | | |
| 9.00am – 10.30am | Session 4 – Representative Democracy <ul style="list-style-type: none"> • How representative are members of legislatures? • What are the challenges for diversity in representative government? • How effective are legislatures in holding government to account? • What particular challenges do women face in engaging in representative democracy? | Cheryl Saunders, CTN Co-Convenor Dinesha Samararatne, CTN Co-Convenor |
| 10.30AM – 11.00 AM: Coffee/Tea Break | | |
| 11.00am - 12.30pm | Session 5 – Checks and Balances in Representative Democracy <ul style="list-style-type: none"> • Independent commissions • Civil service/public service • Second legislative chambers • Other? | Cheryl Saunders, CTN Co-Convenor Dinesha Samararatne, CTN Co-Convenor |
| 1.00 PM - 2.00 PM | | |
| Lunch at Victorian Parliament House, including Hon Fiona Patten MLC and Hon Mary Wooldridge MLC | | |
| 2.00pm – 2.45pm | Session 6 – Discussion with Hon Jill Hennessy, Victorian Attorney General <ul style="list-style-type: none"> • Protecting and promoting the rule of law in practice • Followed by tour of the Victorian Parliament | Hon Jill Hennessy, Victorian Attorney General |
| 3.00pm – 4.00pm | Session 7 – Rule of law in contexts <ul style="list-style-type: none"> • What does the rule of law involve? • What are its principal challenges? | All participants |
| 4.00pm – 5.00pm | Session 8 – Tour of Victorian Parliament | All participants |
| 5.00pm – 5.15pm | Reflections | |

| Day 3: Wednesday, 27 November 2019 | | |
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| Courts and Rights | | |
| 9.00 am – 10.30 am | Session 9 – Design, function and operation of courts <ul style="list-style-type: none"> • What role can and should courts play in constitutional systems? • How is judicial independence best protected? • What appointment mechanisms are on offer? What are their effects? • What are the principal impediments to access to justice? How can they be overcome? | Cheryl Saunders, CTN Co-Convenor Anna Dziedzic, CTN Co-Convenor Tom Daly, CTN Co-Convenor |
| 10.30AM – 11.00 AM: Coffee/Tea Break | | |
| 11.00am - 12.00pm | Session 10a – Tour of the Victorian Supreme Court | All participants |
| 12.00pm – 1.00pm | Session 10b – A discussion about delivering justice in a state supreme court | Justice Melinda Richards, Supreme Court of Victoria |
| 1.00 – 2.00 PM: Lunch | | |
| 2.00pm – 3.00pm | Session 11 – Rights in Constitution-Building: Freedom of Expression and Freedom of Religion as case-studies <ul style="list-style-type: none"> • What issues arise in protecting rights in constitutional systems? • How does this apply in relation to freedom of expression? • How does this apply to the freedom of religion? | Adrienne Stone (TBC), Director of Centre for Comparative Constitutional Law, MLS Tarun Khaitan, Assoc. Prof, MLS (TBC) |
| 3.00 – 3.30 PM: Coffee/Tea Break | | |
| 3.30pm – 4.45pm | Session 12 – The role of civil society in rights protection <ul style="list-style-type: none"> • How can civil society be active in protecting rights? • The Australian Human Rights Law Centre (AHRLC) as a case-study • The AHRLC and strategic litigation – how are cases run? On what topics? Impacts? Lessons learned? | Hugh De Kretser, head of AHRLC |
| 4.45pm – 5.00pm | Reflections | |
| (INFORMAL EVENING WITH CONTRANSNET TEAM) VICTORIA MARKET “HAWKERS NIGHT FESTIVAL” 6pm to 8pm | | |

| Day 4: Thursday, 28 November 2019 Multi-level Government | | |
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| 9.00 am – 10.30 am | Session 13 – Designing multi-level democracy <ul style="list-style-type: none"> • What is multi-level government? • In what circumstances is multi-government used? • What are the challenges in designing and implementing multi-level government? • Are there particular challenges where multi-level government is asymmetric? | Cheryl Saunders, CTN Co-Convenor |
| 10.30AM – 11.00 AM: Coffee/Tea Break | | |
| 11.00am – 12.30 pm | Session 14 – Intergovernmental relations <ul style="list-style-type: none"> • What is the role of inter-governmental relations in multi-level government? • What challenges arise? • To what extent should the centre supervise sub-national units? • How can inter-governmental relations manage political tensions, including in relation to secession? | Cheryl Saunders, CTN Co-Convenor |
| 12.30 – 2.00 PM: Lunchtime discussion with Dr Kristen Walker, Solicitor General of Victoria (TBC) | | |
| 2.00 pm – 3.00 pm | Session 15 – Financial arrangements in multi-level government systems <ul style="list-style-type: none"> • What principles guide the division of tax powers in multi-level government? • What principles guide mechanisms for revenue redistribution? • What issues are presented for accountability by the financial arrangements in multi-level systems? | Michael Crommelin, MLS |
| 3.00 – 3.30 PM: Coffee/Tea Break | | |
| 3.30pm – 5.00pm | Session 16 – Managing natural resources in multi-level government systems <ul style="list-style-type: none"> • In a multi-level government, what are the options for managing and exploiting natural resources? • How are revenues from natural resource extraction split? • What are the pros and cons of different approaches? | Michael Crommelin, MLS |
| 5.00pm – 5.30pm | Video-taping and interviews of participants for social media and promotional materials | Carl Nilsson-Polias, MLS Communications Director |
| (OPTIONAL EVENING EVENT) PATHWAYS TO POLITICS FOR WOMEN – ALUMNI GATHERING 6pm to 9pm Hosted by the Trawalla Foundation & Melbourne School of Government | | |

| Day 5: Friday, 29 November 2019 | | |
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| Constitution-Building and Implementation: Ways Forward | | |
| 9.00 am – 10.30 am | Session 17 – What are the implications of globalization for constitution-building? <ul style="list-style-type: none"> • What is the impact of international law on constitution -building? • How, if at all, does membership of ASEAN affect constitution building? • How does foreign aid and donor assistance affect constitution-building? • Should constitutions provide processes for international investment? • Opportunities and challenges of information technology | Cheryl Saunders, CTN Co-Convenor Dinesha Samararatne, CTN Co-Convenor |
| 10.30AM – 11.00 AM: Coffee/Tea Break | | |
| 11.00am - 12.30pm | Session 18 – Women’s rights, gender equality and constitution-building <ul style="list-style-type: none"> • Current challenges in the advancement of women’s rights • Significance of gender equality in constitution-building processes • Incorporation of gender-equality in substantive constitution-building and implementation | Dinesha Samararatne, CTN Co-Convenor Anna Dziedzic, CTN Co-Convenor |
| 12.30 – 1.30 PM: Lunch | | |
| 1.30 pm – 3.00 pm | Session 19 – Emergence of new forms of people power <ul style="list-style-type: none"> • What is the relationship between enhancing participation ('people power') and leadership? • Who are the people and who do leaders represent? • How women and other marginalised groups be more actively involved and included? | Tom Daly, CTN Co-Convenor Jayani Nadarajalingam, CTN Co-Convenor |
| 3.00 – 3.30 PM: Coffee/Tea Break | | |
| 3.30pm – 5.00pm | Session 20a – Ways forward <ul style="list-style-type: none"> • Insights from the week • What should go into the CTN Policy Brief? • Building a network of women in constitution-building • What else needs to be done? | Cheryl Saunders, CTN Co-Convenor Dinesha Samararatne, CTN Co-Convenor |
| 5.00pm – 5.30pm | Session 20b – Feedback and Wrap up | All participants |
| FAREWELL RECEPTION 5.30pm to 7.00pm Hosted by the Melbourne School of Government | | |