

The Sun Rises in the West

**Perth Conference
October 7-8, 2010**

The Rule of Law together with Property Rights:
Foundations of Western Law and Liberty



- ❖ How Australia gained so much from Western Civilisation.
- ❖ Western Civilisation; Australia's journey to a civil society.
- ❖ Australia's search for national values.
- ❖ Accommodating change without losing values.
- ❖ Hear leading commentators on Western Civilisation.

Presented By:



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**International Trade &
Business Law Review**

The Sun Rises in the West

When Governor Darling sent the then Captain Stirling in 1826 to what would become the Swan River colony and then Western Australia, Captain Stirling was transporting more than simply crew and supplies on HMS *Success*¹ during his exploration voyage. Captain Stirling was bringing with him a system of governance, trade, administration and philosophy which had developed over previous centuries. Those systems continue to be applied today to preserve our many rights, responsibilities and liberties.

When Captain Stirling returned to the banks of the Swan River he established and administered the Swan River settlement for a period from June 1829 until August 1832. The executive responsibilities he held were far broader than a Premier or Governor today. However, Captain Stirling worked within a system that limited his power by convention and rule of law. The laws of the State of Western Australia today have all been built upon by successive colonial administrators and then parliaments.

Despite the significant executive power of Captain Stirling, he would have had to contend with the practical outcomes of the Enlightenment which had the effect of restricting his power. Representative democracy did not develop in Western Australia from what can be described as a benevolent dictator, but due to the expectation and experiences of the new settlers from the British Isles arriving in the early Swan River colony.

Captain Stirling's arrival did not mark an end to the development of Western Civilisation, but rather a new chapter on its long journey. And while the strength of Western Civilisation is its ability to adapt and continuously be enriched, it benefits from a number of foundational concepts around man's place in the universe and his desire to enjoy freedom.

Our approach is not altogether triumphalist as Western Civilisation has had quite a few failings i.e. Plato, Marx, the Inquisition etc., and owes much to the way it has absorbed value from the "East", in the form of Printing, Arabic / Indian, Numerical notation, etc.

¹ HMS *Success* was a 28-gun sixth rate wooden sailing ship of the Royal Navy.

The main aim of this conference series is to continue to spend some time reflecting on Captain Stirling's predecessors, right back to the ancient Greeks and Romans, and then to focus on the challenges for his successors in the state of Western Australia and the Commonwealth of Australia. Is Western Civilisation robust and durable? Or, is it fragile, as is freedom itself?

The Foundations of Western Civilisation Program

Mannkal is proud to sponsor and work with the Institute of Public Affairs with the Foundations of Western Civilisation Program. This program focuses on the essential features of our free society – civil society, liberal democracy, the rule of law, individual rights, and personal responsibility – are the inheritance of centuries of Western Civilisation. The Foundations of Western Civilisation Program seeks to defend and extend Australians' understanding of that inheritance.



A dedicated website gives further particulars <<http://sunrisesinthewest.org>>. While the 2010 *Sun Rises in the West* Conference is jointly run by Mannkal and *International Trade and Business Law Review* we welcome our association with the Institute of Public Affairs. Based on the initial positive feedback that we have received from our supporters and interested citizens, we plan to run a joint program with the Institute of Public Affairs in 2011 and 2012. Our planned program is as follows:

- *The Sun Rises in the West*, Perth - October 7-8, 2010
- Melbourne July / August, 2011

Conference Agenda: October 7, 2010

11.00	Coach departs Hyatt Regency (via Kings park scenic tour)
11.30	River Cruise Boarding, Mends Street Jetty, South Perth
12.00	River Cruise Departs, Mends Street Jetty, South Perth
3.00	River Cruise Returns, Mends Street Jetty, South Perth
3.30	Audio Visual Presentation – <i>Western Australia : Minerals Treasure-Chest to the World by Graeme Rowley, Director - Fortescue Metals Group – Plaza Ballroom - Hyatt</i>
6.00	Cocktail Party, The Bell Tower, Barrack Street, Perth Includes a demonstration of the ringing of the bells.
7.00	Delegates depart for their own dinner arrangements at nearby restaurants.

Conference Agenda: October 8, 2010

Location: Hyatt Regency, Perth

8.00	Conference Registration/Coffee and Tea
8.30	Official Opening
8.45	Conference Welcome: Ron Manners, Mannkal Economic Education Foundation Chairman
9.00	First Session: Moral Foundations of Western Civilisation
10.30	Morning tea
11.00	Second Session: Free Trade and Importance of Property Rights
12.30	Networking Lunch
1.45	Third Session: Threats to Liberty
3.15	Afternoon Tea
3.45	Fourth Session: The Future
5.30	Cocktail drinks
7.00	Gala Dinner: The Englishness of Modernity

Official Opening:

Prof. Barry Marshall, AC, FRS, FAA



Prof. Barry James Marshall, is an Australian physician, **Nobel Prize laureate** in Physiology or Medicine, and Professor of Clinical Microbiology at the University of Western Australia. He is well-known for proving that the bacterium *Helicobacter pylori* is the cause of most peptic ulcers, reversing decades of medical doctrine which held that ulcers were caused by stress, spicy foods, and too much acid.

First Session: Moral Foundations of Western Civilisation

The achievements of Western Civilisation are increasingly being questioned. Furthermore, the use and abuse of this term by both its supporters and opponents has confused both scholarly and political debates leading to a shallow discussion on what is a very important topic.

At the start of this conference, it is appropriate to reflect on the moral foundations of Western Civilisation and consider the basis for the rule of law and property rights. These moral foundations will help illustrate the relationship between the Western culture of liberty and the ideal of government under the law. By looking at the moral foundations of Western Civilisation, the defence and promotion of the rule of law and property rights can be formulated. This session will explore the various influences on what we know today as the rule of law and property rights. It will be shown that despite being regarded as a given by the vast majority of the population, these moral foundations were never a certainty and struggled against both the currents of history and various forms of tyranny to arrive as they have today.



Chair: John Roskam, Executive Director, Institute of Public Affairs

John Roskam has been the Executive Director of the free market think tank the Institute of Public Affairs since 2004. Before joining the IPA he taught political theory at the University of Melbourne. He was previously the Executive Director of The Menzies Research Centre in Canberra, has been a senior adviser and chief of staff to federal and state education minister, and was the manager of government and corporate affairs for a global mining company.



First Speaker: Dr. Augusto Zimmermann, Assoc. Dean for Research, Murdoch Law School

“The Law of Liberty: Natural Law Thinking and the Origins of Western Constitutionalism “

Dr Zimmermann is an internationally known legal scholar who holds a LL.B (Hons.) and a LL.M. ‘cum laude’ from the Pontifical Catholic University of Rio de Janeiro (PUC-Rio), and a Ph.D. from Monash University (Victoria, Australia). He currently teaches law at Murdoch University (Western Australia), where he is currently the Law School’s Associate Dean for Research. Dr Zimmermann, who is also a Vice-President of the Australian Society of Legal Philosophy, has been regularly invited to speak at conferences and seminars in Australia and overseas, and mentioned in news media such as BBC, The Boston Globe, The Washington Times, and The West Australian. He has been included, together with only a few Australian academics and policymakers, in the prestigious ‘Policy Experts’ - the Heritage Foundation’s directory for the best public policy experts in both the United States and foreign countries.



Second Speaker: Dr. Barbara Kolm, Secretary General, Hayek Institute, Austria

“Moral foundations of Western Civilisation”

Barbara Kolm began her career in her family’s firm, which she left in 1994 as head of administration and acquisition to become an assistant professor at the department of tourism and service economics at the University of Innsbruck. She wrote her Ph. D in labour market economics. After starting a business consultancy firm she accepted an invitation to join the F.A. v. Hayek Institute in 2000 and expanded the Institute’s activities extensively by restructuring and placing a greater emphasis on marketing.

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Third Speaker: Alejandro (Alex) Chafuen, President, Atlas Economic Research Foundation
“Never Underestimate the Consequences of Private Philanthropy”

Alex served as President and CEO of Atlas Economic Research Foundation, Washington D.C., from 1991-2009, and was elected to its Board in 2009. He is also the president and founder of the Hispanic American Center of Economic Research and is the author of *Faith and Liberty*. He serves on the boards of the Chase Foundation, the Acton Institute, and the Fraser Institute. A graduate of the Argentina Catholic University, he was Associate Professor at the Argentine Catholic University, University of Buenos Aires, and The Hispanic American University, CA. He recently became a Trustee for Grove City College, PA.

Second Session: Free Trade and the Importance of Property Rights

Many public intellectuals talk about the benefits of free trade and the importance of property rights. Why is this so and what does this actually mean? The swift Keynesian response by many governments to the so-called Global Financial Crisis (GFC) unwound a number of the advances achieved in creating free and unregulated markets. Rather than protest, large sections of the voting public simply accepted this erosion of private enterprise and embraced the new status quo of bigger and more intrusive government, especially when money was put directly in their pockets. From a historical perspective, the GFC is not as tumultuous or epoch making as some may suggest. What if a truly, major crisis occurred? Would we fight to ensure free trade and property rights were preserved? How can arguments be made to do so when government is able to quickly fill the void where civil society and charities previously inhabited?

It is now time to revisit the basis of modern property rights and consider the remarkable innovation that has allowed many millions to create and accumulate wealth. Property rights and free trade are not a monopoly of Western Civilisation. However, Western Civilisation provided a unique laboratory in which property rights developed and were applied in new and novel ways. This session will map the evolution of property rights, free trade and traditional Western values. The prospects of further innovations of property rights and trading options will also be covered.



Chair: Professor Arnold A. Depickere, Pro-Vice-Chancellor, Murdoch University, Singapore

Professor Arnold Depickere is the Executive Dean of the Division of Arts at Murdoch University. Before his appointment as Executive Dean of the Division of Arts in 2004, Professor Depickere had excelled at a number of roles at Murdoch University over a five-year term including Head of the School of Information Technology and Director of Offshore Projects for the Division.

He has extensive international experience working in both the education and IT sectors and he has worked and consulted for a series of global corporations such as BIS Honeywell Consortium Kuala Lumpur, Corrocoat Malaysia SDN BHD and Brunei Shell Petroleum. He is an expert in the field of information systems.



First Speaker: Professor Peter Gillies, Department of Business Law, Macquarie University
“Free trade and the importance of intellectual property rights.”

Peter Gillies is a Professor of Law at Macquarie University, Sydney. He is the author of numerous books and papers in the fields of international trade law, arbitration, trade practices law, commercial law, environmental taxation, criminal law and evidence.



Second Speaker: Professor Sinclair Davidson, School of Economics, Finance & Marketing RMIT University, Melbourne
“The limits of property and freedom.”

Sinclair Davidson is Professor in the School of Economics, Finance and Marketing at RMIT and a Senior Fellow at the Institute of Public Affairs. He has written extensively on taxation policy in Australia and is a regular contributor to public debate. His opinion pieces have been published in *The Age*, *The Australian*, *Australian Financial Review*, *Sydney Morning Herald*, and *Wall Street Journal Asia*. Sinclair has also published in academic journals such as the *European Journal of Political Economy*, *Review of Political Economy*, *Journal of Economic Behaviour and Organization* and the *Cato Journal*.

Third Session: Threats to Liberty

The pursuit of liberty as well as its defence has historically been fleeting, difficult and often punishable by death. Liberty today is no more secure than an empire or company can be permanent. The remarkable success of the spread of liberty and its tolerance for a variety of different beliefs, religions and individual freedoms, has allowed groups which don't embrace it to prosper. With the parallel emergence of debate over a bill of rights which somehow suggest that our rich, Westminster system has been unable to protect individuals, there seems a very significant disconnect between ideals and practice.

Over the past decade or so, there has been successful lobbying from sections of academia and legal profession to embrace alternative systems of law. Aside from the fact that many of these alternate systems of law do not value Western individual liberties and norms; by accepting these legal systems next to our existing Courts and legal framework, we run the risk of diminishing it to merely one amongst many. This strikes at the heart of our Western inheritance. How do we as a society deal with the dangers of anti-Western ideologies and preserve our individual rights and liberties? If components of alternate forms of legal frameworks are better, should we not imitate or adapt them and apply them to everyone? Is it ever appropriate to exclusively apply a select set of laws to a particular group based on skin colour or religion, even if this is done with the best intentions? This session will look at some of the threats to liberty and the reasons why such threats have emerged at this point in time.



**Chair: Senior Canon, Frank Sheehan, St. George's Cathedral, Perth, W.A.
Chaplain, Director of the Centre for Ethics, Christ Church Grammar School
Claremont WA 6010**

During the 1990's he was a broadcaster with Radio National and a television producer with ABC television. He is a regular guest on ABC Local Radio's *Sunday Night* program. He is also heard on Graham Maybury's *Nightline* on 6PR. Canon

Sheehan facilitates many public discussions of significant social questions through the Centre for Ethics. The most recent of these was with the writer Ayaan Hirsi Ali author of *Infidel* and *Nomad*.



First Speaker: The Reverend Dr. Mark Durie

"Sleepwalking into Sharia: Hate Speech Laws and Islamic Blasphemy Strictures"

Dr Mark Durie is a theologian, human rights activist and pastor of an Anglican church. He has published many articles and books on the language and culture of the Acehnese, Christian-Muslim relations and religious freedom. A graduate of the Australian National University and the Australian College of Theology, he has held visiting appointments at the University of

Leiden, MIT, UCLA and Stanford, and was elected a Fellow of the Australian Academy of the Humanities in 1992.



Second Speaker: Associate Professor Greg Melleuish, School of History and Politics, University of Wollongong

"Can the West avoid the fate of Rome?"

Greg Melleuish was awarded a Master of Arts from the University of Sydney for a thesis on the intellectual history of colonial New South Wales, and a doctorate from Macquarie University for his study of the tradition of cultural liberalism in Australia.

Before becoming an academic he was an administrative trainee with the Commonwealth Public Service and also worked for the Australian Gaslight Company. He has taught European history at the University of Melbourne, Australian Studies at the University of Queensland, and now teaches Australian politics, political theory and European and world history in the School of History and Politics at the University of Wollongong.



Third Speaker: Dr Jerry Jordan

***"Currency debasement Erodes Personal Liberty"
(How the "unlegislated tax of inflation" misdirects resources and makes us poorer and causes more people to become dependent on government.)***

Jerry Jordan served as a Member of Ronald Reagan's Council of Economic Advisors before becoming President of the Federal Reserve Bank of Cleveland. Before and between these official posts he was chief economist of two commercial banks and professor and Dean at the University of New Mexico. He is a member of the Mont Pelerin Society and was appointed by President Reagan to serve on the US Gold Commission in 1981-82. He earned his Ph.D. in economics at UCLA.

Fourth Session: The Future of Western Civilisation

It is worthwhile considering Edmund Burke's reflection on the tension between conservative and progressive impulses: "A state without some means of change is without the means of its conservation." Accordingly, an idealised fixation on a mythical golden era of Western Civilisation and chauvinistic treatment of other cultures and traditions is counter to many of the fundamental tenets of Western Civilisation.

Understanding the positive attributes of Western Civilisation and continuing to adapt and refine governance systems and modes of interaction is critical. What can the past tell us about the future and what aspects of our inheritance do we need to refine, readapt and review? Can we incorporate the very best of other cultures without sowing the seeds of our own destruction? Will a unique and successful "Australian model" emerge? This session explores the choices ahead of us and the extent to which millennia of cultural history and achievement can be drawn upon for future challenges.



Chair: Elena Douglas, Convenor, Religion and Globalisation, University of Western Australia

Elena has a deep interest in public policy, community development, philanthropy and social enterprise. She has a track record of creating and leading new initiatives in a range of for-profit and third sector settings and is an advocate of increasing the role of the community benefit sector. From 2002-2007 Elena was the founding CEO of Advance Global Australians headquartered in New York.



First Speaker: Hon. Christian Porter, Member for Bateman, Legislative Assembly, Attorney General, Minister for Corrective Services, Western Australia

"Utopianism, public policy and modern criminal justice"

As one of the youngest members of the WA Parliament, Christian Porter entered into politics in February 2008. As the State's first law officer, Christian has experience in both the public and private practice of law. Christian worked as a legal adviser to the Federal Justice Minister in 2001, before joining the Office of the Director of Public Prosecutions for Western Australia in 2002, where he was promoted to the position of Senior State Prosecutor. Prior to his election, Christian was also a senior lecturer at the Law School at the UWA teaching in criminal law, evidence and forensic advocacy.



Second Speaker: Mr James Bennett, author of *The Third Anglosphere Century: The English-Speaking World in an Era of Transition*.

"Our future; our choice."

James C. Bennett has written for such publications as The Wall Street Journal, Reason, National Post, Orbis, National Interest, and National Review Online; has contributed to three books on technology and society; wrote a weekly column, "The Anglosphere Beat," for United Press International for three years; and is an Adjunct Fellow of the Hudson Institute. Since 1986, he has been a founding director of the non-profit Foresight Institute, which deals with education and research on nanotechnology, and the related Institute for Molecular Manufacturing.

Gala Dinner: How Western Civilisation Prospered and Became Global

Why is it that we cherish the ideals of democracy developed in a corner of the Mediterranean over two millennia ago? How is it that an obscure language spoken by a few wandering tribes in medieval England is now spoken by over 1.8-billion people and is an official language in over 50 countries? What has linked Athens to Alexandria, Rome, Florence, Wittenberg, London and Washington?

As we consider these questions in 2010, the significant influence of Western Civilisation — now predominantly, although not exclusively, residing in Anglosphere nations — has allowed the original concepts and customs to become adopted and adapted by millions of people worldwide. The success of Western Civilisation and its derivatives is obvious by looking at a world map, not only in territorial terms, but the language the maps are written and the reference points on it such as Greenwich Mean Time.

What are the attributes and advantages of Western Civilisation which led it to become prosperous and global? Was this a conscious decision by strategists, or did it emerge organically? Was there a magic formula, or simply an evolutionary process? Will this model be able to withstand the significant expansion of non-Western practices and systems expected to emerge throughout the 21st Century?



Moderator

Professor Gabriël A. Moens, JD, LL.M., PhD, GCEd, MBA, FCI Arb

Professor Gabriël A. Moens is Dean & Professor of Law at Murdoch University School of Law. He is an award-winning teacher of law (including as the co-winner of the 1999 Australian Award for University Teaching in law and legal studies) and noted author, with an extensive publications record, including as co-author of *The Constitution of the Commonwealth of Australia Annotated*, 7th ed., 2007 and *International Trade and Business: Law, Policy and Ethics*, 2nd ed., 2006. He teaches and researches in various areas, including constitutional law, banking law, European Union law, international commercial law, international arbitration law, comparative law, international business law and human rights law.

Professor Moens has taught at a number of universities internationally (including The University of Queensland, Brigham Young University, Loyola University New Orleans, University of Gent, Belgium and The University of Notre Dame Australia). He is a Membre Titulaire of the International Academy of Comparative Law in Paris, and a Fellow (FCI Arb) and Chartered Arbitrator of the Chartered Institute of Arbitrators. He also serves as a Fellow and Deputy Secretary-General of the Australian Centre for International Commercial Arbitration (ACICA) and Director, The College of Law Western Australia.



Keynote Speaker

Emeritus Professor Claudio Veliz, Emeritus Professor of History at Boston University, and Emeritus Professor of Sociology at La Trobe University

“The Englishness of Modernity”

Emeritus Professor Claudio Véliz is a historian, sociologist and author from Chile who has held numerous academic posts in various institutions of higher learning. He completed a Bachelor of Science degree at the University of Florida and subsequently completed a Ph.D. in Economic History at the London School of Economics with a dissertation on “Arthur Young and the English Landed Interest”. Véliz has written extensively on the achievements of countries that started out as colonies of the British Empire. In his book, *The Gothic Fox*, Véliz points to factors such as the Spanish counter-reformation traditions and culture as an inhibitor of social innovation and economic development in Latin America in contrast to the successful development of British North America.

Vote of Thanks

Ron Manners, Chairman, Mannkal Economic Education Foundation

Conference Overview

Mannkal is sponsoring an annual, international conference based in Western Australia which focuses on Australia's inheritance, derived from what is known as Western Civilisation. For the inaugural 2010 conference Mannkal has partnered with Professor Gabriël A. Moens, Dean of Law, Murdoch Law School; Dr. Augusto Zimmermann, Lecturer, Murdoch Law School; and the *International Trade and Business Law Review* to examine the unique traditions born in the West of individual liberty and government under the Rule of Law. This inaugural conference is sub-titled: *Governance and Commercial Structures: Foundations of Western Law and Liberty*

The 2010 Conference

The theme of the 2010 conference is: *Governance and Commercial Structures: Foundations of Western Law and Liberty*.

The ideals of Western Civilisation are strangely embattled on our college campuses. Because its rigorous study has been displaced by the viewpoints of neo-Marxism, post-modernism, political correctness and multiculturalism, we rarely observe any genuine debate in our universities on the great contributions of Western Civilisation for the advancement of individual liberty, constitutionalism, the rule of law, and free markets. Indeed, trade is one of the main factors that helped mould and develop Western Civilisation. Since the 1960s, however, conceptions of Western Civilisation have been criticised and demoted by the elites of Western societies.

The 2010 conference aspires to make a contribution to the understanding of Western Civilisation and its legal, social, political, and economic traditions. It aims to raise awareness about issues which might threaten our individual rights and freedoms, and indeed our very way of life in countries like Australia. The themes to be discussed at this major international conference are challenging, innovative and, above all, extremely relevant. They cover legal, cultural, educational, economic, and socio-political issues, involving the active participation of leading International & Australian experts in their fields, thus making this proposed conference a truly unique experience in Australia.

Conference Management Committee

Conference Chairmen:

Ron Manners, Chairman - Mannkal Economic Education Foundation and Professor Gabriël A. Moens, Dean of Law, Murdoch Law School (and editor of *International Trade and Business Law Review*)

Conference Deputy Chairmen:

Andrew Pickford, Mannkal Fellow and Dr. Augusto Zimmermann, Lecturer, Murdoch Law School

Conference Organisers

Mannkal Economic Education Foundation

Chairman: Ron Manners

Board Members: John Corser and John Hyde

Western Australia was settled by pioneers with deeply entrenched beliefs in political freedom. To maintain that freedom in the new colony, our pioneers established important institutions - courts, universities, parliaments, churches, a free press and other public and private organisations which they believed were necessary to preserve their way of life. The freedom of average citizens to pursue their own ambitions has been dramatically curtailed - primarily through the inordinate growth of government regulation and taxation.

The collapse of the Soviet Union saw socialism as an economic doctrine completely discredited. However, its various social permutations and its central planning devotees are still in existence and are active within many of Australia's educational institutions - including those in Western Australia. Because national prosperity and other forms of well-being are driven and sustained only by the resourcefulness and creative energies of its citizens, it is essential for Australia's future that these traditions of freedom are rediscovered and re-established.

The Mannkal Foundation employs its resources to assist in the rediscovery and refurbishment of the traditions which form the basis of national prosperity and personal freedom. Or, as Nobel Laureate, F.A. Hayek said, "We must make the building of a free society once more an intellectual adventure, a deed of courage."

International Trade and Business Law Review

Editor Gabriël A. Moens (Dean and Professor of Law, Murdoch Law School)

The *International Trade and Business Law Review* is edited at Murdoch Law School, Western Australia. The *Review* publishes leading articles, case notes and comments, as well as book reviews dealing with international trade and business law, arbitration law and comparative law. The *Review* also devotes a section to the Willem C. Vis International Commercial Arbitration Moot. It provides the legal and business communities with information reflecting recent developments in international commercial arbitration, trade and business. The *Review* contributes in a scholarly way to the discussion of these developments while being informative and of practical relevance to business people. The *Review* is supervised by an international editorial board consisting of leading international trade law practitioners and academics from the European Union, the United States, Asia and Australia. It is published by Murdoch University.

A special edition of *International Trade and Business Law Review* containing selected papers from the conference will be published and distributed to conference attendees.