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**Annual General Meeting  
of the Australian Institute of Administrative Law**

**Report on Behalf of the National Executive Committee  
for the period November 2012 to November 2013**

**27 November 2013**

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## **Introduction**

Good evening and welcome all of you to the Annual General Meeting of the Australian Institute of Administrative Law.

At the outset, I would like to thank the Chief Justice for her interesting, cogent and candid remarks. I would also like to extend our gratitude to Clayton Utz, for making these very salubrious facilities available to us for this evening's meeting.

As it has done since it was established in 1989, the Institute continues to play an important and valuable role in promoting knowledge of and interest in Australian Commonwealth, State and Territory administrative law; providing a forum for the exchange of information and opinions on all aspects of administrative law and administrative practices; and advancing the related and subsidiary objectives set out in our Rules.

This we do through our publication, the *AIAL Forum*, the annual Administrative Law Conference, the National Lecture series and the many seminars, addresses and presentations we host, organise and sponsor throughout the year.

Beyond the important constitutional purposes served by this AGM, it also marks, at once, the end and the beginning of the annual cycle of commitment, which impels us to do what we do with a view to the achievement of the Institute's enduring goals.

## **National Executive Committee**

Just over a year ago, your National Executive Committee was elected at the Annual General Meeting, with Linda Crebbin as Vice President, Peter Sutherland as Treasurer, Meghann Everett as Secretary and Jonathan Aleck as President. Other elected members of the Committee include Robert Orr, Professor Robin Creyke, Professor John McMillan, John Carroll, Claressa Surtees, Alison Playford, Michael Will and Cain Sibley.

Throughout the year, the Committee met regularly on the second Wednesday of each month, except during the period immediately following the Christmas holiday. Minutes were kept of all meetings and are available for members to review. Once again, especial thanks go to our Vice President, and General President of the ACT Civil and Administrative Tribunal, Linda Crebbin, for generously making the Tribunal's offices and facilities available for these meetings.

## National Administrative Law Conference 2013

Returning to Canberra following a very successful event in Adelaide in 2012, the National Administrative Law Conference for 2013 was held at the Hotel Realm on the 18<sup>th</sup> and 19<sup>th</sup> of July. The theme of this year's conference was 'Administrative Law in an Interconnected World', and we were fortunate to have Professor Loren Sossin, Dean of the Osgoode Hall Law School at York University open the proceedings with a thought-provoking address exploring fascinating aspects of that topic.

Five plenary sessions canvassed broader issues dealing with the technological transformation as well as the internationalisation of administrative law. More specific discussions focussed our attention on innovative systems and devices designed to enhance the delivery of administrative justice, and to improve access to administrative justice systems for an ever wider range of stakeholders populating increasingly interconnected communities.

Eight concurrent sessions threw a range of related matters into critical, sometimes controversial relief, with erudite and articulate lawyers, public officials, academics and academicians from Australia, Canada and the United Kingdom challenging us with ideas informed and shaped by their unique experiences of and with administrative law in an interconnected world.

The Honourable Justice Duncan Kerr, President of the Administrative Appeals Tribunal illuminated the inexorable bearing of whence on whither in his closing address on 'future directions in administrative law', joined on that virtual journey by the Commonwealth Ombudsman, Colin Neave, and ACT Human Rights and Discrimination Commissioner, Dr Helen Watchirs.

A highlight of this year's conference was, of course, the National Lecture on Administrative Law, delivered on this occasion by the Right Honourable Dame Sian Elias, Chief Justice of New Zealand, whose enlightening remarks, along with those of many others presenting papers at the conference, can and will be found in the current and forthcoming issues of the *AIAL Forum*.

I would like to take this opportunity to again thank all of the speakers at the Conference for their excellent presentations and the stimulating discussions they generated, on the floor and in the margins of the event alike. I would also like also to thank our able and indefatigable conference organising committee, which included Robert Orr, Robin Creyke, Linda Crebbin and John McMillan. Thanks go too to our Secretariat, Commerce Management Services, whose administrative and logistical contributions enabled things to move efficiently, effectively and seamlessly from start to finish.

I am pleased remind you that next year's conference will be held in Perth, hosted by the Institute's Western Australian chapter on the 24<sup>th</sup> and 25<sup>th</sup> of July at the University of Western Australia Club. The theme of the 2014 conference will be 'Innovations in Administrative Law'.

## *AIAL Forum*

The Institute's useful, informative and highly regarded publication, the *AIAL Forum*, goes from strength to strength under Elizabeth Drynan's capable editorship and the diligent



oversight of the editorial committee, which includes John Carroll, Robin Creyke Alison Playford and, from earlier this year, Geoff Airo-Farulla. We all continue to benefit from Katherine Cook's summaries of recent developments in administrative law, which are now a regular feature of every edition. We will again meet our objective of producing four issues each financial year, with Numbers 71, 72, 73 and 74 all having come out since the last AGM.

## ACT Seminars

AIAL seminars provide practitioners, students and others around the country having general and particular interests in administrative law with many convenient opportunities to learn more about important contemporary events and affairs germane to our field. In the ACT, we were fortunate in the past year to have enjoyed:

- a presentation by the European Ombudsman, Nikoforos Diamandouros, on the role and functions of his office (immediately preceding the 2012 AGM in November);
- a stimulating discussion with two members of the Administrative Review Council, the Australian Information Commissioner, our own John McMillan, and the Secretary of the Attorney General's Department, Roger Wilkins, revolving around the then just-released ARC report on *Federal Judicial Review in Australia* (4 December);
- insightful perspectives of the General President of the ACT Civil and Administrative Tribunal, our own Linda Crebbin, and the President of the AAT, the Honourable Justice Duncan Kerr, who carved out, for our benefit, sections of the philosophies of their respective Tribunals' existence (1 May 2013);
- a consideration of privacy law reform presented by the Australian Privacy Commissioner, Timothy Pilgrim and National Executive member, John Carroll; and
- in cooperation the with ANU College of Law's Centre for International and Public Law, a seminar we hosted with Professor Mitsuaki Usui, from Meiji University in Tokyo, on Administrative Justice in Japan (2 October).

## National Council

The National Council of the AIAL is made up of the Executive Committee and two representatives from each State and Territory Chapter of the Institute. The Council considers and broadly determines the policy of the Institute. It met twice in 2013, telephonically on 13 February 2013, and in the morning before the opening of the 2013 National Conference on 18 July 2013.

At the Council's last meeting in July, we considered:

- the Treasurer's report;
- general matters related to the imminent 2013 Conference and early plans for the 2014 National Conference;
- reports on the activities of State chapters;
- an update on the *AIAL Forum*;
- further development of the AIAL website; and

- options for contemporising chapter by-laws (to be discussed further at the National Council teleconference in February 2014).

## State Activities

I have already summarised the seminars and other events held under the auspices of the National Executive in the ACT over the year to date. As reported since the last National Council meeting in July 2013—

the vibrant **South Australian chapter** held 5 lunchtime seminars over the year, two of which were jointly organised with the South Australian Branch of the Australian Association of Constitutional Law. Presentations included:

- A talk by the SA Energy and Water Ombudsman, (7 March)
- Two joint presentations in May related to the “Street Preachers” case: *Attorney-General for South Australia v Adelaide City Council & Ors* [2013] HCA 3;
- Perspectives on the vicissitudes of the Freedom of Information Act by the first member of the Australian Greens to be elected to the South Australian Parliament (in June);
- a panel discussion on ‘Elected member conflict of interest under the Local Government Act 1999’ (in July); and
- a seminar on ‘Police, prosecutors and claims of public interest immunity’ (in October).

I understand that at Christmas Drinks tomorrow (28 November), the SA Chapter will be hosting a presentation by Stephen Argument on the ‘Importance of Legislative Drafters’ at the offices of the Australian Government Solicitor in Adelaide.

The **Victorian** chapter hosted four events:

- The Honourable Justice Duncan Kerr, judge of the Federal Court and President of the AAT, gave an after-dinner address following the Chapter’s AGM (28 November).
- The Commonwealth Ombudsman and President of the Administrative Review Council, Colin Neave, spoke on ‘Expanding the ADJR Act’ (18 February).
- Stephen O’Byrne, a member of the Independent Broad-based Anti-corruption Commission, spoke on the ‘Pivotal Role’ of the Commission in ‘Strengthening the Integrity of the Victorian Public Sector’ (in July).
- The Honourable Peter Heerey, Chair of the Australian Election Commission, spoke about ‘Elections Law’ (in August).

In addition to their Christmas drinks in December last year, the **Western Australian chapter** held a lunch-time seminar in May, providing ‘an update on government accountability’ presented by Chris Field, the WA Ombudsman, and Professor Simon Young of the University of Western Australia

More recently, the WA chapter co-hosted a twilight Seminar with the Murdoch University Faculty of Law on ‘Current Issues in Administrative Law Affecting Asylum Seekers’,

presented by Vanessa Moss, Member of the MRT and RRT, Sue Hoffman, former Independent Merits Reviewer/Protection Assessor and WA chapter chair, Richard Hooker of Francis Burt Chambers (on 14 November).

Christmas drinks will be held again in Perth this year, and three seminars on topics yet to be determined are being planned in the lead up to the National Conference (in July).

In June, the **New South Wales chapter** hosted a dinner for current and former committee members to honour the appointment of Justice Beazley, the chapter's chair, as President of the New South Wales Court of Appeal.

The following month, fresh from his presentation at the opening plenary session of our National Conference in Canberra, Professor Lorne Sossin, Dean of Osgoode Hall Law School at York University in Toronto, conducted a seminar on 'The Boundaries of Judicial Review and Justiciability: Comparing Perspectives from Australia and Canada', with commentary by the Honourable Justice Alan Robertson of the Federal Court, which was co-hosted by the New South Wales chapter, the Constitutional and Administrative Law Section of the NSW Bar Association and the Australian Association of Constitutional law. The seminar was held in the Banco Court of the Supreme Court, attracting a large audience (including a significant number of senior judges).

In August, the New South Wales chapter hosted a seminar presented by the Honourable Justice Duncan Kerr entitled 'Keeping the AAT from becoming a Court', with commentary provided by the Honourable Bob Ellicott QC.

If things went according to plan, the NSW chapter would have held their AGM yesterday (26 November 2013).

## Membership

Indicative of the real and continuing value the Institute offers to the broad community of interest we serve, even in these lean times, membership figures remain steady at about 500—a figure on which, with your help and support, we will work to improve in the coming year.

## Finances

Our Treasurer, Peter Sutherland, will be reporting to you on the Institute's financial situation in more detail momentarily. At this point, however, let me say only, and happily, that, once again, we enjoy a comfortable, if modest, surplus, with rather more cash on hand as at 30 June 2013 than we had at the same time in 2012.

## Home Page

Cain Sibley, in consultation with interested others, is actively pursuing efforts to modernise the AIAL home page, and we hope to have some options to consider at our National Executive meeting in February 2014.



## AIAL Secretariat

Commerce Management Services continues to provide consistent and effective administrative support to the Institute and the National Executive, on a day-to-day basis, with an especially important contribution in the context of the National Conference. I thank Sue, Ursula, Elizabeth and their assistants for the excellent work they have done, and look forward to working closely with them in the coming year.

## Conclusion

As my predecessor, Robert Orr, said at the conclusion of his remarks at last year's AGM—and as our predecessors have accurately observed in their remarks at the conclusion of many AGMs—this year, like those that have gone before, has been an active, full and rewarding one for the National Executive, for the Institute and for our members.

For me, as for you too, I hope, it has been a gratifying year as well. But I hasten to add that what we have seen and accomplished would simply have been unachievable without the selfless dedication and commitment of a number of people, all of whom have demanding 'day jobs'.

In closing, then, I would like to thank all of my colleagues on the National Executive, including particularly our Treasurer, Peter Sutherland and our Vice President, Linda Crebbin. I thank again, too, Commerce Management Services for all they have done and continue to do for us.

Finally, and although I regret she cannot be here with us tonight, I want to personally thank our outgoing Secretary, Mehgann Everett, for whose attention to so many details, and unfailing ability to bring so many things to my timely attention, I am and remain deeply grateful.

Doing all this, including minuting most of our meetings over the past year remotely, from Darwin, Meghann has also contributed much to what we hope one day will be the resurrection of a viable Northern Territory chapter.

Thank you, Meghann; and, once again, my thanks to all of you.

Jonathan Aleck  
President