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

**Report on Behalf of the National Executive Committee
for the period November 2013 to November 2014**

13 November 2014

Introduction

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

At the outset, I would like to thank our guest speaker, Ms Barbara Deegan, former Commissioner at the Fair Work Australia Commission, for her fascinating and candid insights into the consideration of practical issues of natural justice in the Fair Work Commission. I would also like to extend our gratitude once again this year to Clayton Utz, for making this delightful venue, and associated emoluments of their hospitality, available to us for this evening's meeting.

As it has done consistently 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 and our State chapters 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 that reinvigorates our efforts to do what we do with a view to the achievement of the Institute's enduring goals.

National Executive Committee

Not quite a year ago, our National Executive Committee was elected at the Annual General Meeting, with Linda Crebbin as Vice President, Peter Sutherland as Treasurer and me as President. We bade farewell to our long-serving Secretary, Meghann Everett, and welcomed her successor Amanda Lister. Other elected members of the Committee include Robert Orr, Professor Robin Creyke, Professor John McMillan, John Carroll, Claressa Surtees, Alison Playford, Michael Will, Cain Sibley and Tara McNeilly.

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 2014

Moving to the West following a very successful conference in Canberra in 2013, the National Administrative Law Conference for 2014 was held at the University of Western Australia on the 24th and 25th of July. The theme of the conference was 'Innovations in Administrative Law and Decision-Making', and we were fortunate to have Justice Michael Barker of the Federal Court welcome us, and the Commonwealth Race Discrimination Commissioner, Dr Tim Sutphommasane, open the proceedings with a thought-provoking and timely address on Administrative Decision-Making under Parts II and IIA of the *Racial Discrimination Act 1975*.

In five plenary sessions we canvassed a broad range of contemporary topics including Fundamental Issues in Administrative Law, Current and Competing Issues in Freedom of Information and Privacy, Developments and Issues in Judicial and Merits Review, concluding with the ever-popular exchange on Future Directions for Australian Administrative Law.

Eight concurrent sessions threw a range of matters into critical, sometimes controversial relief, with erudite and articulate lawyers, public officials and academics from around the country challenging us with ideas informed and shaped by their unique experiences of and with administrative law.

Again this year, a highlight of the conference was the National Lecture on Administrative Law, delivered on this occasion by the Honourable Wayne Martin AC, Chief Justice of Western Australia, whose pithy commentary and observations, along with those of many others presenting papers at the conference, can 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 the Western Australia conference organising committee—Richard Hooker, Jean Shaw and Adam Sharpe, for their able planning, management and execution of this year's conference, and those indefatigable members of the National Executive who provided constant support and assistance from afar and *in situ*. Thanks go too to our Secretariat, Commerce Management Services, whose administrative and logistical contributions enabled things to move efficiently and seamlessly from start to finish.

I am pleased remind you that next year's conference will be held here, in Canberra, on the 23rd and 24th of July at the QT Hotel. Our conference organising committee consists of Robert Orr, Linda Crebbin, Tara McNeilly, John McMillan and Claressa Surtees. And I am especially pleased to be able to say that the Chief Justice of the High Court of Australia, the Honourable Robert French AC has accepted our invitation to deliver the 2015 National Lecture.

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 Geoff Airo-Farulla. We 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 73, 74, 75 and 76 having come out in 2013-14.

ACT Seminars

AIAL seminars provide practitioners, students and others with 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 an evening seminar, *In conversation with the Chief Justice*, presented by her Honour the Chief Justice of the Supreme Court of the ACT, Helen Murrell, immediately preceding our AGM on 22 November 2013, and four excellent lunchtime seminars on

- *the High Court's decision in PVYW v Comcare* [2013] HCA (30 October 2013), presented by Mr Leo Gray, Barrister William Dean Chambers and Mr Tom Howe QC, Chief Counsel, Dispute Resolution, AGS Counsel for Comcare, on 9 December, 2013;
- *Royal Commissions—their place in Australian government and policy*, presented by Dr Scott Prasser, on 14 May 2014;
- *Indigenous Recognition in the Constitution*, presented by Professor Megan Davis and Henry Burmester AO QC on 1 July 2014 (jointly sponsored by AACL and AIAL; and
- *Administrative law challenges and the NDIS*, presented by Jill Toohey, Senior Member Administrative Appeals Tribunal and David Fintan, Corporate Counsel National Disability Insurance Agency, on 14 October 2014.

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 2014 on 9 April 2014 and in the morning before the opening of the 2014 National Conference on 24 July.

At the last meeting of the National Council, we considered:

- the Treasurer's report;
- general matters related to the imminent 2014 Conference and early plans for the 2015 National Conference;
- reports on the activities of State chapters;
- the expansion of the National Executive with two new members joining our ranks;
- the utility of revising the existing Chapter By-Laws;

- an update on the *AIAL Forum*; and
- further development of the AIAL website; and

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.

During this period, the ever vibrant **South Australian chapter** held 5 seminars, including:

- A presentation in February by Tara McNeilly of the Australian Government Solicitor (AGS) on **reforms to the *Privacy Act 1988***. This was the Chapter's first seminar to use AGS's teleconferencing facilities and it was also a trial of that system for AGS. I understand things went very well—and in keeping with the themes of both our 2013 and 2014 National Conference, we share South Australia's satisfaction with the AIAL's contribution to this *innovative interconnection*.
- In March, Douglas Moreno, the Brazilian Legislative Attorney, spoke on **recent changes to administrative law in Brazil**.
- In April, Justice Leeming of the New South Wales Court of Appeal presented a very well-received paper on **South Australia v O'Shea and judicial review of vice-regal decisions**.
- In May, Steve Brady, of the South Australian government's then newly established Fines Enforcement and Recovery Unit presented a paper on the Unit's operations.
- In July, the Honourable John Rau, Deputy Premier of South Australia, spoke about the State's administrative law reform agenda including ICAC, SACAT, Whistleblower protection and other developments.
- Once again this year, Christmas drinks will be hosted by the Chapter on 27 November 2014, with a presentation by Anthony Crocker of Jeffcott Chambers on a topic associated with **Sporting Tribunals**.

The **Victorian chapter** hosted four events:

- In February, the Honourable Justice Greg Garde AO RFD, President of Victorian Civil and Administrative Tribunal, spoke on ***Alternative Dispute Resolution: Can it Work for Administrative Law?***
- In June, A panel chaired by Rachel Walsh, Chair of the Chapter, and including Richard Niall QC, Julie Grainger of the Victorian Civil and Administrative Tribunal and Grant Lester, Consultant Psychiatrist with the Victorian Institute of Forensic Mental Health, discussed ***Querulous Applicants, Complainants and Litigants — How to Manage Them and their Impact on the Administrative Process***.

- In August, Nicholas Green QC, spoke about *The Supervisory Jurisdiction of Australian Courts Over Decisions of Domestic Tribunals*.
- In October, Victorian Racing Integrity Commissioner, Mr Sal Perna, moved his audience alliteratively *From Murders to Mail; Mobiles to Mounting Yards*.
- Later this month (27th November), Mr Tim Wilson, the Victorian Human Rights Commissioner will address an evening gathering.

The Western Australian chapter hosted a lunch-time "Sandwich Seminar" in May at Legal Aid Western Australia entitled *It's his job, not mine! The roles of solicitor and counsel in S v State Administrative Tribunal of Western Australia [No 2] [2012] WASC 306*, which was presented by Glenn Cridland and Greg Boland.

- In the wake of the very successful National Administrative Law Conference, another 'Sandwich Seminar' was held in August (28), at which Magistrate Vicki Stewart spoke about *The New START (Specialist Treatment And Referral Team) Court of Western Australia*.
- A Twilight Seminar was held in October, at which the redoubtable Stephen Argument spoke about the importance of *Ensuring Standards in the Quality of Legislation*.

Regrettably, no seminars were held in Queensland or Tasmania this year, and we await final advice on the events sponsored by the New South Wales Chapter in 2014.

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 again this year at just under 500.

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 not unhappily, that, even with a small anticipated consolidated loss, we remain in a secure financial position.

Home Page

Cain Sibley and Robert Orr, in consultation with interested others, are actively pursuing efforts to modernise the AIAL home page, and we hope to have some exciting and viable options to consider very soon.

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 with them in the coming year.

Conclusion

As my second and final term as President comes to an end, I conclude my remarks this evening reflecting on what has again been an active, full and rewarding year for the National Executive, for the Institute and for all of our members. For me—as for you too, I hope—it has been a gratifying year as well.

Working every day, as so many of us do, with the practical realities of administrative law, I am constantly reminded of the enduring importance of the principles that govern these vital social and political activities, and the need to ensure we remain faithful to their objects and purposes. In few areas does the link between theory and practice reveal itself so tellingly, and I, for one, am grateful for the Institute's tangible contribution to the discipline to which I try, and try to encourage others, to be true.

What we have accomplished would simply not have been achievable without the selfless dedication and commitment of a number of people, all of whom have demanding 'day jobs', and I would like to thank my colleagues on the National Executive. I thank again, too, Commerce Management Services for all they have done and continue to do for us.

And to all of you, here this evening, in person and in spirit, my heartfelt thanks for your support, and all the best for the holidays and the year ahead.

Jonathan Aleck
President