

## 2016 AIAL National Administrative Law Conference

### **Administrative Law – Making a Difference**

#### ***Improving public administration and providing administrative justice***

Thursday 21 & Friday 22 July 2016

Royal International Convention Centre, The Brisbane Showgrounds

Brisbane, Queensland



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The conference theme invites challenges to the assumption that administrative law actually makes a difference – for agencies, for individuals, and for the wider community.

It raises a wide variety of matters for consideration, including: what we know about administrative law's normative and practical impact, and our evidence base; whether administrative law actually provides accessible mechanisms for justice and improves the quality of decision-making; and whether some administrative law mechanisms are more effective than others.

The conference will be relevant to government decision-makers; those affected by decisions, and their advisers; members of review bodies; tribunals and courts; policy developers; public lawyers; academics; indeed everyone with an interest in administrative decision-making in Australia.

## Thursday 21 July 2016

12.00pm Registration and arrival tea and coffee

1.00pm Welcome—**Justice David Thomas**, President, Queensland Civil and Administrative Tribunal

### 1.15pm Plenary Session 1: Perspective from the Inspector-General of Taxation

*Presenters:* **Ali Noroozi**, Inspector-General of Taxation

*Making a difference: The role of the Inspector – General of Taxation*

*Commentator:* **Teresa Dyson**, Chair, Business Law Section of the Law Council of Australia, and Past Chair, Board of Taxation

### 2.15pm Concurrent Session 1

Stream 1.1	Stream 1.2	Stream 1.3	Stream 1.4
<b>Michelle Howard</b> , Member, QLD Civil and Administrative Tribunal and <b>Joanne Browne</b> , Member, QLD Civil and Administrative Tribunal  Meeting legislative challenges to affording natural justice to all parties in merits review proceedings	<b>Mike Wait</b> , Executive Solicitor, SA Crown Solicitor's Office  Judicial review of government contracts—do administrative law principles make a difference to the exercise of common law capacities?	<b>Grant Hooper</b> , PhD Candidate, Sessional Lecturer, Faculty of Law, UNSW  Judicial Review and Proportionality: Making a far-reaching difference to Administrative Law in Australia or a Misplaced and Injudicious Search for Administrative Justice?	<b>Matthew Groves</b> , Professor, Law Faculty, Monash University  What is the purpose of fairness?

3.15pm Afternoon tea

### 3.45pm Concurrent Session 2

Stream 2.1	Stream 2.2	Stream 2.3	Stream 2.4
<b>Anina Johnson</b> , Deputy President, NSW Mental Health Review Tribunal  Being locked in here is driving me mad—The value of procedural fairness in Mental Health Review Tribunal hearings	<b>Gim Del Villar</b> , Barrister, QLD Bar and <b>Felicity Nagorcka</b> , Senior Principal Lawyer, Crown Law, QLD  Statutory powers and constitutionally protected freedoms	<b>Chris Wheeler</b> , Deputy NSW Ombudsman  Judicial review of administrative action: An administrative decision-maker's perspective	<b>Jonathan Horton QC</b> , Barrister, NSW and QLD Bar and <b>Ben McGlade</b> , Barrister, QLD Bar  Heavy-handed decisions: keeping proportion?

**5.00pm Plenary Session 2: National Lecture on Administrative Law**  
**The Honourable Chief Justice Catherine Holmes**, Supreme Court QLD  
Chair: **The Honourable Alan Wilson**

6.00pm Conference Drinks

7.00pm Conference Dinner

## Friday 22 July 2016

8.00am Registration and arrival tea and coffee

### 9.00am Plenary Session 3 — Keynote Address: Perspective from the Federal Court

*Presenter:* **The Honourable Justice Andrew Greenwood**, Federal Court of Australia

*Commentator:* **Stephen Keim SC**, Barrister, QLD Bar

## 10.00am Concurrent Session 3

Stream 3.1	Stream 3.2	Stream 3.3	Stream 3.4
<b>Katie Miller</b> , Innovation Counsel, Victorian Government Solicitor's Office  The application of administrative law principles to technology-assisted decision-making	<b>Sarah Wright</b> , PhD Candidate, Sessional Lecturer, University of Wollongong  Holding Regulators to Account in New South Wales Pollution Law: The Limits of Administrative Law	<b>Dr John Azzi</b> , Senior Lecturer, University of Western Sydney  “Administrative” or “public law” estoppel as an available and appropriate remedy to tackle practical injustice in the private tax ruling regime	<b>Dr Niamh Kinchin</b> , Lecturer, School of Law, University of Wollongong  The intersectionality of domestic administrative justice and global accountability: UNHCR and Australian refugee status determination

10.45am Morning tea

## 11.15am Concurrent Session 4

Stream 4.1	Stream 4.2	Stream 4.3
<b>Matilda Alexander</b> , Lecturer, Griffith University, and Senior Conciliator, Anti-Discrimination Commission, QLD  The importance of administrative law to the fair and just operation of prisons	<b>Stephen Colditz</b> , Barrister, QLD Bar  Interim relief in review applications: practical aspects of applications to stay decisions under review	<b>Sophie Li</b> , NSW Government  Public Interest Advocacy in the Australian Competition Tribunal

## 12.00pm Plenary Session 4: Perspectives from the Administrative Appeals Tribunal

*Presenters:* **Bernard McCabe**, Deputy President, Administrative Appeals Tribunal

**Madeline Brennan QC**, Barrister, QLD Bar

*Perspectives on efficiency and economy in Tribunal Decision-making: the Tribunal's and the Applicant's perspectives*

1.00pm Lunch

## 2.00pm Concurrent Session 5

Stream 5.1	Stream 5.2	Stream 5.3
<b>Narelle Bedford</b> , Assistant Professor, Bond University and <b>Darren O'Donovan</b> , Senior Lecturer, La Trobe University  Interpretation Discretion: Administrative Decision-Making in the 'age of statutes'	<b>Bill Lane</b> , External Consultant, Clayton Utz (QLD); Adjunct Professor, QUT and <b>Eleanor Dickens</b> , Special Counsel, Clayton Utz  Striking the right balance: FOI and the contemporary world of government practice	<b>Simon Young</b> , Professor, University of Southern Queensland, University of Western Australia (Adjunct)  The Rule against Bias: Ongoing Evolution and Practical Conundrums

3.00pm Afternoon Tea

## 3.15pm Plenary Session 5: Perspectives from the Ombudsmen

*Presenters:* **Richard Glenn**, Deputy Ombudsman, Office of the Commonwealth Ombudsman

*Improving public administration through oversight*

**Phil Clarke**, Queensland Ombudsman

*Good, Bad or Indifferent: reflections on the effectiveness of an Ombudsman's Office*

*Commentator:* To be advised

4.15pm Closing comments

4.30pm Conference close

## Displays at the conference

Do you have an administrative law program or activity that would be appropriate for a display at the Conference? The Institute welcomes displays from government agencies, tribunals, academic institutions, publishers and law firms. For more information, contact the AIAL Secretariat on 02 6290 1505 or email [aial@commercemgt.com.au](mailto:aial@commercemgt.com.au).

## Conference venue and transport information

The Royal International Convention Centre is 1.6kms from the CBD and is located at the Brisbane Showgrounds which is bordered by Bowen Bridge Road, O'Connell Terrace, St Paul's Terrace and Gregory Terrace at Bowen Hills. Royal International Convention Centre is just 15 minutes from Brisbane's Domestic and International Airports, and is in easy reach of the Gold and Sunshine Coasts.



Car parking is available at the Brisbane Showgrounds for a fee of \$13 per day (payable by cash or EFTPOS upon entry) at various locations. Signage will direct patrons to available car parking facilities. Depending on the event, the car park entry and exit is either via O'Connell Terrace or Gregory Terrace and where possible the venue will endeavour to provide parking in the closest area to the event.

### Trains

Bowen Hills and Fortitude Valley railway stations are less than a ten minute walk from the Royal ICC. For further information phone TransLink on 13 12 30, or visit TransLink <http://translink.com.au/>

### Buses

Buses access the surrounding streets regularly. For further information phone TransLink on 13 12 30, or visit TransLink <http://translink.com.au/>

## Accommodation information

Delegates attending the conference can stay at the Rydges Fortitude Valley. To make a reservation, please contact reservations on 07 3188 3000 and quote the AIAL National Administrative Law Conference Code: #29201

- Rydges Fortitude Valley  
<http://www.rydges.com/accommodation/brisbane-qld/fortitude-valley-brisbane/welcome/>
- BreakFree Fortitude Valley  
Reservations: 132 007; <http://www.breakfree.com.au/fortitude-valley/>
- Terrace On Gregory Apartments  
Phone: 07 3252 4743; <http://www.terraceongregory.com.au/>
- Mantra Richmond Hotel  
Reservations: 131 517 (AU); <http://www.mantra.com.au/queensland/brisbane-and-surrounds/brisbane/accommodation/hotels/mantra-richmont-hotel/>
- Best Western Plus Gregory Terrace Brisbane  
Phone: 07 3832 1769 ; <https://www.bestwestern.com.au/brisbane/hotels/best-western-plus-gregory-terrace/>
- Alpha Mosaic Hotel and Apartments  
Phone: 07 3332 8888 ; <http://www.alphamosaichotelbrisbane.com.au/>

## 2016 AIAL National Administrative Law Conference 21 - 22 July 2016

Australian Institute of Administrative Law Inc (ABN:97 054 164 064)

## Delegate Details:

Name: \_\_\_\_\_

Organisation: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## Registration Fees:

- ☐ \$780.00 AIAL members (includes GST)
- ☐ \$880.00 non members (includes GST)
- ☐ \$685.00 Group bookings (each for 3 or more from the same organisation) (includes GST)
- ☐ \$450.00 Community groups and full-time academics (includes GST)

## Please indicate which concurrent sessions you will be attending

Thursday 21 July	And	Friday 22 July	And	And
<input type="checkbox"/> Stream 1.1 OR	<input type="checkbox"/> Stream 2.1 OR	<input type="checkbox"/> Stream 3.1 OR	<input type="checkbox"/> Stream 4.1 OR	<input type="checkbox"/> Stream 5.1 OR
<input type="checkbox"/> Stream 1.2 OR	<input type="checkbox"/> Stream 2.2 OR	<input type="checkbox"/> Stream 3.2 OR	<input type="checkbox"/> Stream 4.2 OR	<input type="checkbox"/> Stream 5.2 OR
<input type="checkbox"/> Stream 1.3 OR	<input type="checkbox"/> Stream 2.3 OR	<input type="checkbox"/> Stream 3.3 OR	<input type="checkbox"/> Stream 4.3	<input type="checkbox"/> Stream 5.3
<input type="checkbox"/> Stream 1.4	<input type="checkbox"/> Stream 2.4	<input type="checkbox"/> Stream 3.4		

## Payment Details:

☐ Please find enclosed **cheque** payable to the Australian Institute of Administrative Law☐ Please debit my **credit card** as follows: ☐ Visa ☐ MastercardCard Number:               

Expiry Date: \_\_\_\_/\_\_\_\_

Amount authorised: \$\_\_\_\_\_

Name &amp; phone number of signatory: \_\_\_\_\_

Signature: \_\_\_\_\_

☐ **EFT:** Payment of \$\_\_\_\_\_ has been made by direct deposit to: (reference: your initial and family name)

Bank: St George

A/c Name: AIAL

BSB: 112908

A/c No: 040024525

Please indicate below if you will be attending the **Social functions** (included in the registration fee for conference delegates):Conference Drinks and Dinner: ☐ Yes ☐ No

The 2016 AIAL National Lecture is open to the public. Delegates are welcome to bring additional guests to the Conference Drinks and Dinner at a cost of \$120.00 per head.

Number of additional guests attending the Conference Drinks and Dinner: \_\_\_\_\_

Additional guest names : \_\_\_\_\_

Dietary requirements: \_\_\_\_\_

## How to Register

To register, complete the registration form and payment details and return by **14 July 2016 to:**

Mail: Australian Institute of Administrative Law  
PO Box 83  
DEAKIN WEST ACT 2600

Fax: 02 6290 1580

Email: [aial@commercemgt.com.au](mailto:aial@commercemgt.com.au)

Delegates will be sent an email confirming their registration details.

Please note: Conference papers which are available will be sent by email following the Conference. Some papers will be published in the *AIAL Forum* at a later date.

**CLE/CPD points** are available if this educational activity is relevant to your immediate or long term needs in relation to your professional development and practise of the law. Please contact your local Law Society for further details.

## Terms and Conditions

1. "AIAL Members" are current financial members of the AIAL.
2. All prices are stated in Australian dollars (\$AUD) and include GST. Payments must be made in Australian dollars.
3. Cancellations must be submitted in writing to [aial@commercemgt.com.au](mailto:aial@commercemgt.com.au) prior to COB Wednesday 13 July 2016 and will incur an administrative fee of \$55.00 (incl. GST). No refunds will be provided after 14 July 2016.
4. AIAL reserves the right to amend any part of the Conference program. If amendments are made to the program, an updated copy of the Conference program will be available on the AIAL website at [www.aial.org.au](http://www.aial.org.au).