

## 2017 AIAL National Administrative Law Conference

### **Ripples of Affection—Administrative Law and Communities** *Meeting community expectations—ensuring engagement and participation— achieving just and correct outcomes*

Thursday 20 and Friday 21 July 2017

Hotel Realm, 18 National Circuit, Barton, Australian Capital Territory



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Australian administrative law has a broad impact on individuals and communities, affecting and regulating many areas of public and private life. The Conference selects and explores a number of these key areas from a range of perspectives, reflecting the breadth and significance of these issues.

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; and others with an interest in Australian administrative law.

## Thursday 20 July 2017

12.00pm Registration and arrival tea and coffee

1.00pm Welcome

### 1.15pm Plenary Session 1- Keynote Address

**The Hon. Justice John Griffiths**, Federal Court of Australia

### 2.00pm Plenary Session 2 – Health, Ageing and Vulnerable People

**Presenters:** **Emeritus Professor Rosalind Croucher AM**, President, Australian Law Reform Commission: *Reflections from the ALRC's Elder Abuse inquiry*

**Professor John McMillan AO**, Acting NSW Ombudsman: *Role of Ombudsman offices on reportable conduct investigations as an extension of the boundaries of administrative law*

3.15pm Afternoon tea

### 3.45pm Concurrent Session 1

#### Stream 1.1

**Holly Stanley**, Barrister and **Chad Jacobi**, Barrister, Edmund Barton Chambers, Adelaide

Shaping public policy: the function and role of Royal Commissions into social policy and government's participation in them

#### Stream 1.2

**Daniel Goldsworthy**, College of Law and Justice, Victoria Law School, and Company Secretary of FSC Australia

Seeing the forest for the trees: statutory interpretation and the new Forest Stewardship Council (FSC) Australia national standards

#### Stream 1.3

**Peter Sutherland**, Convenor, Legal Aid Clinic, ANU Legal Workshop

Social security overpayments and debt recovery

### 5.00pm Plenary Session 3 – National Lecture on Administrative Law

**Peter Hanks QC**, Barrister, Owen Dixon Chambers West, Melbourne

6.00pm Conference drinks

7.00pm Conference dinner

## Friday 21 July 2017

8.00am Registration and arrival tea and coffee

### 8.45am Plenary Session 4 – Judicial Review Reform

**Presenters:** **Matthew Groves**, Professor of Public Law, La Trobe Law School, La Trobe University: *Judicial review reforms*

**The Hon. Justice Janine Pritchard**, Supreme Court of Western Australia: *Standing requirements in the context of judicial review (prerogative writ) applications*

### 9.45am Plenary Session 5 – Consultation

**Presenters:** **Dr Andrew Edgar**, Associate Professor, Sydney Law School, University of Sydney: *Administrative regulation-making: Contrasting parliamentary and deliberative legitimacy*

**Professor Megan Davis**, Faculty of Law, University of New South Wales: *Consultation with, and obtaining the consent of, Aboriginal communities in relation to laws and government decisions*

10.45am Morning tea

11.00am Concurrent Session 2

Stream 2.1	Stream 2.2	Stream 2.3
<b>Louise Macleod</b> , acting Deputy Ombudsman Commonwealth Ombudsman's Office  Lessons learnt about digital transformation and public administration: Centrelink's online compliance intervention	<b>Adam Sharpe</b> , Barrister, Francis Burt Chambers, Perth  Policy as a mandatory relevant considera- tion: a reflection on <i>Jacob v Save Beelias Wetlands (Inc)</i> (2016) 50 WAR 313	<b>Theresa Baw</b> , Barrister, Frederick Jordan Chambers, Sydney  The irrationality grounds of review: emerging trends and themes

12.00pm Plenary Session 6 – Lawfare

*Presenters:* **Senator the Hon. George Brandis QC**, Commonwealth Attorney-General

**The Hon. Justice Rachel Pepper**, Land and Environment Court of NSW and Chair, Scientific Inquiry into Hydraulic Fracturing in the NT

1.00pm Lunch

1.45pm Concurrent Session 3

Stream 3.1	Stream 3.2	Stream 3.3
<b>Sarah-jane Morris</b> , PhD candidate and sessional lecturer, Faculty of Law, UNSW  From councils to coal mines: the influence of the process of judicial review	<b>David W Marks QC</b> , Barrister, Level 16 Inns of Court, Brisbane  Proceeding in certainty – tax rulings	<b>Udara Jayasinghe</b> , Accredited Specialist, Administrative Law and Senior Lawyer, Australian Health Practitioner Regulation Agency and <b>Diana Newcombe</b> , National Director, Legal Services, Australian Health Practitioner Regulation Agency  Review and re-making decisions in a regulatory context: can public protection and public interest affect finality in administrative action?

2.45pm Plenary Session 7: Cyberspace

*Presenters:* **David Vaile**, Co-convenor, Cyberspace Law and Policy Community, University of New South Wales:  
*Treating the data future as real: cognitive challenges for young people in apprehending future  
consequences and potential lifelong privacy and personal information security threats—examples  
including non-revocability identification and genetic analyses*

**Katie Miller**, Executive Director, Legal Practice, Victoria Legal Aid: *Connecting the dots: A case study of the  
influence of digital communities on the administrative law response to Centrelink's robodebt*

**David Fricker**, Director-General, National Archives of Australia

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

Hotel Realm is located at 18 National Circuit, Barton, just outside the Parliamentary Triangle. It is approximately 7 minutes drive from the City Centre and Canberra Airport is only 10kms away.

There is a limited amount of paid parking under the Hotel Realm. Conference delegates are entitled to a discounted day rate which can be obtained by presenting your parking ticket at the hotel reception desk prior to departure. Access to the car park is via Burbury Close directly off either Bourke Street or Sydney Avenue.

For more information about the Hotel Realm, visit [www.hotelrealm.com.au](http://www.hotelrealm.com.au).



There are a number of bus stops close to the hotel. For route and timetable details see <https://www.transport.act.gov.au/>

## Accommodation Information

A limited number of rooms have been secured at the Hotel Realm. To make a reservation and to access the special conference rate, please contact reservations on 02 6163 1888 and mention **'EVENT'** in order to gain flat 15% off the best available rate of the day across any of Hotel Realm's five properties.

Below is a list of alternative accommodation options:

- The Burbury Hotel & Apartments, 1 Burbury Close, Barton (behind Hotel Realm)  
Phone: 02 6171 4005; [www.burburyhotel.com.au](http://www.burburyhotel.com.au)
- The Little National Hotel, 21 National Circuit, Barton  
Phone 02 6188 3200; [www.littlenationalhotel.com.au](http://www.littlenationalhotel.com.au)
- The Brassey of Canberra, Belmore Gardens & Macquarie Street, Barton  
Phone: 02 6273 3766; [www.brassey.net.au](http://www.brassey.net.au).
- Rydges Capital Hill, Cnr National Circuit & Canberra Avenue, Barton  
Phone: 02 6295 3144; [www.rydges.com](http://www.rydges.com)

## 2017 AIAL National Administrative Law Conference 20 - 21 July 2017

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

## Delegate Details:

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

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

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

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

## Registration Fees:

- ☐ \$810 AIAL members (includes GST)
- ☐ \$910 Non members (includes GST)
- ☐ \$715 Group bookings (each for 3 or more from the same organisation) (includes GST)
- ☐ \$480 Community groups and full-time academics (includes GST)
- ☐ \$120 Students (dinner not included) (includes GST)

## Please indicate which concurrent sessions you will be attending

Thursday 20 July	Friday 21 July	Friday 21 July
<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 1.2: OR	<input type="checkbox"/> Stream 2.2: OR	<input type="checkbox"/> Stream 3.2: OR
<input type="checkbox"/> Stream 1.3	<input type="checkbox"/> Stream 2.3	<input type="checkbox"/> Stream 3.3:

## 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 GeorgeA/c Name: AIALBSB: 112908A/c No: 040024525Please indicate below if you will be attending the **Social functions** (included in the registration fee for conference delegates except those registered at the student rate):Conference Drinks and Dinner: ☐ Yes ☐ No

The 2017 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 \$125.00 per head:

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

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

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

Please provide registrations by close of business on 12 July 2017

## How to Register

To register, complete the registration form and payment details and return by **12 July 2017 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.

WA practitioners should contact the AIAL WA Chapter Secretary for details of the WA CPD point allocation for each session.

## 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 Tuesday 11 July 2017 and will incur an administrative fee of \$55.00 (incl. GST). No refunds will be provided after 12 July 2017.
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).