

2019 AIAL National Administrative Law Conference

People, Parliament and the Public Interest

Thursday 18 and Friday 19 July 2019

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



Penny Bradfield—Auspic/DPS

The Conference invites discussion and debate on a range of current themes and contemporary challenges in administrative law. It seeks to examine the key roles played by the legislature, courts, tribunals, review bodies and decision-makers in identifying, protecting and upholding associated public and individual interests and focuses on how the application of administrative law principles supports achievement of these outcomes.

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 18 July 2019

12.00pm Registration and arrival tea and coffee

1.00pm Welcome by Gary Humphries AO, AIAL National President

1.15pm Plenary Session 1: Keynote Panel

Facilitator **Graham Neate AM**

Speakers **Allan Anforth**, Barrister and former CEO of ACT Council of Social Services
Gary Humphries AO, Deputy President of the Administrative Appeals Tribunal; AIAL National President

2.00pm Plenary Session 2: National Security and Data Security—monitoring legislation, notifying data breaches and integrating data in the public interest

Speakers **Dr James Renwick CSC SC**, Independent National Security Legislation Monitor
Monitoring Australia's national security and counter-terrorism laws in the 21st century

Amie Grierson, Office of the Australian Information Commissioner
The role of the notifiable data breaches scheme in a changing privacy landscape

3.30pm Afternoon Tea

4.00pm Plenary Session 3: Environment

Speaker **Justice Nicola Pain**, Land & Environment Court of NSW
Administering water policy in the eastern States of Australia—administrative and other challenges

Justice David Mossop, Supreme Court of the ACT
Water Act 2007 (Cth): Lessons from the South Australian Royal Commission

5.00pm Plenary Session 4: National Lecture on Administrative Law

The Hon Justice David Thomas, President of the Administrative Appeals Tribunal
Contemporary Challenges in Merits Review: The AAT in a changing Australia

6.00pm Conference Drinks

7.00pm Conference Dinner (including AIAL trivia and limerick competitions)

Friday 19 July 2019

8.00am Registration and arrival tea and coffee

8.45am Plenary Session 5: Transparency and Accountability—public hearings and public registers

Speakers: **Dr David Solomon AM**, Queensland Integrity Commissioner (2009—2014)
Current mechanisms for the registration of lobbyists

Dr Sarah Moulds, Lecturer, School of Law, UniSA
Committees of influence: the impact of parliamentary committees on law making and rights protection in Australia

Friday 19 July 2019 (continued)

9.45am Concurrent Session 1

Stream 1.1 Brenda Tronson and Jayne Treherne Barristers, Level 22 Chambers, Sydney <i>Whither away? Royal Commission powers after termination</i>	Stream 1.2 Thomas Liu , Barrister, 7th Wentworth Selborne Chambers, Sydney <i>The Participant in the NDIS – a brave new world for administrative law</i>	Stream 1.3 Stream withdrawn	Stream 1.4 Dr John Azzi , Senior Lecturer in Law, Western Sydney University <i>Reconsidering Futuris</i>
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10.45am Morning tea

11.00am Concurrent Session 2

Stream 2.1 Matthew Varley & Tristan Lockwood , Australian Government Solicitor <i>Public interest immunity and judicial review</i>	Stream 2.2 Udara Jayasinghe , Senior Lawyer, Australian Health Practitioner Regulation Agency <i>Regulating in the public interest – a health regulation perspective</i>	Stream 2.3 Dr Grant Hooper , University of Sydney Law School <i>Parliamentary power and the codification of migration decision making: sweeping aside the judiciary or business as usual</i>
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12.00pm Plenary Session 6: Royal Commission into Institutional Responses to Child Sexual Abuse—process and outcomes

Facilitator Robert Orr QC
 Speakers **Dr Cathy Kezelman AM**, President of Blue Knot Foundation
Francis Sullivan, former CEO of the Truth, Justice and Healing Council

1.00pm Lunch

1.45pm Concurrent Session 3

Stream 3.1 Laura Paulus , General Counsel, Office of the National Rail Safety Regulator <i>How to make a national regulator (out of State based law) - lessons on authority, accountability and general existence</i>	Stream 3.2 Professor Simon Young , University of Southern Queensland, School of Law & Justice; University of Western Australia Law School (Adjunct) <i>The 'Blue-Sky effect': a repatriation of judicial review grounds?</i>	Stream 3.3 Amy Elton , PhD Candidate, University of Newcastle <i>Administrative justice and the Immigration Assessment Authority</i>
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2.45pm Plenary Session 7: The Convergence of Individual and Public Interests—applicants and complainants

Speakers **Linda Pearson**, Principal Member, NSW Civil and Administrative Tribunal
Tribunals and the public interest
Jaala Hinchliffe, Deputy Commonwealth Ombudsman
Reasonable likelihood in practice
Karen Toohey, ACT Discrimination, Health, Disability and Community Services Commissioner

4.00pm Closing comments

4.15pm 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

Conference Venue and Transport Information

Hotel Realm is located at 18 National Circuit, Barton, just outside the Parliamentary Triangle. It is approximately seven 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.



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

Accommodation is available at the Hotel Realm and its associated properties (The Burbury, The Little National Hotel, The Brassey). 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 a flat 15% off the best available rate of the day across any of Hotel Realm's properties.

Below is a list of accommodation options in Barton:

- The Burbury Hotel & Apartments, 1 Burbury Close, Barton (behind Hotel Realm)
Phone: 02 6171 4005; www.burburyhotel.com.au
- The Little National Hotel, 21 National Circuit, Barton (across road from Hotel Realm)
Phone 02 6188 3200; www.littlenationalhotel.com.au
- The Brassey of Canberra, Belmore Gardens & Macquarie Street, Barton (behind Hotel Realm)
Phone: 02 6273 3766; www.brassey.net.au
- Hotel Kurrajong, 8 National Circuit, Barton
Phone: 02 6234 4444; www.hotelkurrajong.com.au
- Rydges Capital Hill, 17 Canberra Avenue, Forrest
Phone: 02 6295 3144; www.rydges.com

2019 AIAL National Administrative Law Conference 18—19 July 2019

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

NOTE: Registrations can be made online via Sticky Tickets - <https://www.stickytickets.com.au/87040> or by completing and returning this form.

Delegate Details:

Name: _____

Organisation: _____

Postal Address: _____

Phone: _____ Email: _____

Registration Fees: (please tick as appropriate). **Note:** Conference dinner is included in the registration fee for delegates to this Conference with the exception of the concession & full time student registration fee.

- ☐ \$820 AIAL members (includes GST)
- ☐ \$920 Non members (includes GST)
- ☐ \$740 Group bookings (each for 3 or more from the same organisation) (includes GST)
- ☐ \$490 Community groups and full-time academics (includes GST)
- ☐ \$ 60 Concession and full time students (ID required) (includes GST) (*dinner not included*)

Please indicate which concurrent sessions you will be attending on Friday 19 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 1.4	<input type="checkbox"/> Stream 2.3	<input type="checkbox"/> Stream 3.3

Social Functions: I will attend the conference drinks and dinner (18 July) ☐ Yes ☐ No

The **2019 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: _____

Payment Details (if not registering via Sticky Tickets):

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

Card Number:

Expiry Date: _____ / _____ CVV _____ Amount authorised: \$ _____

Name & 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

How to Register

Register online via the Sticky Tickets link below, or complete the Registration Form and payment details and return to the AIAL Secretariat.

Registration deadline: **Wednesday 10 July 2019.**

Online: Sticky Tickets <https://www.stickytickets.com.au/87040>

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

Email: aial@commercemgt.com.au

Fax: 02 6290 1580

Delegates will receive confirmation of their registration and payment.

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 practice 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.

Inquiries: All inquiries should be directed to:

AIAL National Secretariat

Phone: 02 6290 1505

Email: aial@commercemgt.com.au

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 prior to COB Monday 15 July 2019 and may incur an administrative fee of \$60.00 (includes GST). No refunds will be provided after Tuesday 16 July 2019.
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.