**Australian Institute of Administrative Law**

**Report to Annual General Meeting**

**on 11 November 2020**

2020 has been a very difficult year for many Australians, in particular as a result of bushfires and the COVID 19 pandemic. Whilst not anywhere near the significance of the personal effects of these disasters, the pandemic has also provided some challenges for the Australian Institute of Administrative Law (AIAL). However we have managed to undertake a range of activities during the last year, and this report outlines these.

**AIAL Forum**

Issue 96 of the *AIAL Forum* was published in September 2019, issue 97 in December 2019, and issues 98 and 99 were published in the first half of 2020. A highlight of the year for the Institute was the publication of the 100th edition of the Forum in November 2020. This was not only a bumper edition, but contained a wide range of articles by some of Australia’s leading administrative law experts on key current issues in administrative law. The *Forum* has played a very important role in the discussion of administrative law issues in Australia, and we think that this edition is an appropriate tribute to this role and its centenary.

The Editorial Board continued to be made up of Professor Robin Creyke as chair, Dr Geoff Airo-Farulla, Tara McNeilly and Peter Woulfe. Kirsten McNeill was the excellent editor, and publication is arranged by Sue Hart of Commerce Management Services, our secretariat.

**2020 AIAL National Administrative Law Conference**

There was significant planning done for the 2020 AIAL National Administrative Law Conference which was to be held in Melbourne on 16-17 July, 2020 by the Victorian Chapter. An excellent programme was developed by the Melbourne conference committee, led by Emma Turner, but unfortunately the conference had to be postponed because of the COVID 19 pandemic. It is planned to hold the 2021 conference in Melbourne, if this becomes possible.

# Seminars and webinars

Since the last AGM in November 2019, a number of seminars were planned for 2020. The Western Australian chapter was able to hold a seminar on ‘What’s new in the Mental Health Tribunal’ with Karen Whitney on 18 February. But the COVID 19 pandemic prevented most of the planned traditional seminar programme for 2020 proceeding. However AIAL has responded to this by moving to a significant webinar programme, which has been very popular and can be viewed by members and others across Australia.

The National Executive have held a number of webinars, organised by Jaala Hinchcliffe:

‘Key principles in administrative law: Some recent cases’ with Professor Peta Spender of ANU on bias (*CNY17 v Minister for Immigration and Border Protection* [2019] HCA 50), Geoffrey McCarthy of ACAT on merits review (*Frugtniet v ASIC* [2019] HCA 16), Alice Kingsland of AGS on the relevance of climate change to development approvals (*Gloucester Resources Limited v Minister for Planning* [2019] NSWLEC 7), and Cain Sibley of Clayton Utz on materiality in judicial review (*Hossain v Minister for Immigration and Border Protection* [2018] HCA 34 and *Minister for Immigration and Border Protection v SZMTA* [2019] HCA 3, chaired by Robert Orr, was held on 15 July 2020.

‘Review of decisions made by intelligence officials’ with Jake Blight, Deputy Inspector-General of Intelligence Services, chaired by Jaala Hinchcliffe, was held on 5 August 2020.

‘Parliamentary privilege – a view from the Australian House of Representatives’ presented by Peter Banson, Secretary to the Committee of Privileges and Members’ Interests, and chaired by Claressa Surtees, Clerk of the House, was held on 23 September 2020.

‘Mechanical cognition, determinism and individual justice: New challenges for administrative law from AI’ with Dr Will Bateman of ANU, chaired by Paul Pfitzner, Senior Assistant Commonwealth Ombudsman, was held on 13 October 2020.

Before this annual general meeting Dennis Cowdroy QC will speak on Integrity Commissions.

The Queensland chapter has also run (or will shortly run) a number of webinars, including various seminars organised by David Marks QC:

* ‘*Snell* – Managing repeat business in the AAT’ with David Marks QC and Travis O’Brien, barrister, chaired by Deputy President Bernard McCabe, on 12 May 2020.

‘The administrative continuum’ with Matthew Paterson of Minter Ellison, chaired by Justice John Logan, on 26 May 2020.

‘Unreasonableness’ with Amelia Wheatley QC and Ben McGlade, barrister, chaired by Justice Andrew Greenwood, on 9 June 2020.

‘Queensland Human Rights Act’ with Scott McDougall, Queensland Human Rights Commissioner, chaired by Narelle Bedford, Bond University, on 8 September 2020.

‘The operation of the co-regulatory system in responding to complaints and notifications about registered health practitioners in Queensland’ with Andrew Brown, Queensland Health Ombudsman, chaired by David Marks QC, on 8 October 2020.

‘Your Privacy Commissioner’ with Philip Green, Queensland Privacy Commissioner, chaired by Stephen Keim SC, on 12 November 2020.

The following webinar was organised by the South Australia chapter:

* ‘Committees of influence: the role of parliamentary committees in holding the executive to account and scrutinising legislation’ with Dr Sarah Moulds, University of Adelaide, chaired by Carren Walker, Assistant Parliamentary Counsel SA, on 13 October 2020.

The following webinars were organised by the New South Wales chapter:

* ‘Fairness in virtual courtrooms,’ organised jointly with the Gilbert and Tobin Centre of Public Law at UNSW, with Dr Lisa Burton Crawford of UNSW, Justice Robert Beech-Jones of the NSW Supreme Court, Dr Anna Olijnyk, University of Adelaide, Dr Joe McIntyre, University of SA, Kieran Pender, ANU and IBA, and Stephen McDonald, SA Bar and University of Adelaide, on 14 August 2020.
* ‘Environmental markets: Can economics regulate the environment’ with Felicity Rourke, President, Environmental and Planning Law Association NSW, Professor

Cameron Holley, UNSW, Michelle Frolich, Eco Logical Australia, Alice Lam, Chalk and Behrendt, and Justice Rachel Pepper, Land and Environment Court NSW, on 5 November 2020, jointly organised with the Environment and Planning Law Association NSW.

There have also been two podcasts prepared in this period and put on the website, involving interviews with Professor Robin Creyke by Robert Orr, and Professor John McMillan by Margaret Tregurtha.

**AIAL Project grants**

In May 2019 the Executive Committee sought applications for grants for projects relating to administrative law in the ACT. Funding of $5,000 was made to Canberra Community Law (CCL) for a research project relating to a larger piece of work on homelessness and social security in Australia. This research culminated in the report *Homeward bound: Social security and homelessness* which was a collaboration between the National Social Security Rights Network and CCL. The report makes recommendations for how the social security and public housing systems could be improved to prevent homelessness (see (2020) 98 *AIAL Forum* 118).

**AIAL website**

Robert Orr, Cain Sibley, Peter Sutherland, Callum Herbert, Margaret Tregurtha and the AIAL Secretariat have continued to work on the development of the website and on the rebranding project, in consultation with GrowthOps (formerly Voodoo). It is necessary to transition the website to a new platform – Wordpress – due to the decommissioning of the current Adobe platform. GrowthOps has been engaged to undertake this work.

The AIAL Twitter account remains active – AIAL@AIALpubliclaw.

**Office holders**

The 2019-20 national executive committee comprised Gary Humphries as president, Geoffrey McCarthy as vice-president, Claressa Surtees as vice-president, Tara McNeilly as secretary, Peter Sutherland as treasurer, and members Jane Anderson, Professor Robin Creyke, Callum Herbert, Jaala Hinchcliffe, Robert Orr, Cain Sibley, Margaret Tregurtha, Alistair Twigg and Dr Greg Weeks.

In the Victorian chapter, Emma Turner was president, Jeffrey Barnes, secretary, and Maria O’Sullivan, treasurer.

In the NSW chapter, Justice John Basten was president, Justice Rachel Pepper, secretary, and Andrew Carter, treasurer.

In South Australia, Michael Wait SC was president, Dami Sheldon, secretary, and Dale Mazzachi, treasurer.

In Western Australia, John Misso was president, Rebecca Heath, secretary, and Sean Mullins, treasurer.

In Queensland, Dr Geoff Airo-Farulla was president, James Howard, secretary and Michelle Howard, treasurer. A new chapter committee was elected at an AGM held on 8 September 2020 comprising Narelle Bedford as president, David Marks as treasurer and Matthew Paterson as secretary.

I thank all these officers for their work.

**Secretariat**

The secretariat for the AIAL is Commerce Management Services, led by Sue Hart. The Institute thanks Sue and her team for their work over the last year, in particular for arranging and supporting our webinar programme.

**Gary Humphries AO,**

**President,**

**11 November 2020**