**Australian Institute of Administrative Law**

**Report to Annual General Meeting**

**10 November 2022**

At the AGM on 24 November last year, I commented that the Covid 19 pandemic had caused a challenging year for the Institute. I commented that in many ways the pandemic transformed the way the Institute carries on its activities, but that it remained in a sound position, operatively and financially.

Over the past 12 months, the impact of the pandemic eased but, as I will discuss later, the transformation in the way the Institute conducts its activities has been consolidated and for the better. The Institute’s operations during the past 12 months have increased and its finances have recovered considerably, as the Treasurer will detail in his report.

I begin by commenting on the transformation.

At the 2020 AGM, members of the NEC were appointed from NSW, Victoria, Queensland and South Australia and, a little later, from the WA Chapter. At the 2021 AGM, members of the NEC were appointed from all the Chapters, including two each from NSW and Queensland.

Nominations for appointment to the NEC, as an agenda item on tonight’s AGM, have again been received from members representing all the Chapters. In particular, nominations for the positions of president, and vice- president (of which there can be two) have been received from members of the Victorian Chapter, the NSW Chapter and the Queensland Chapter, respectively. Assuming those nominating will be declared duly elected later this evening, this represents a significant diversification in the way the NEC will be managed.

It is also a healthy development. Especially in organisations of this kind, managerial batons should be handed on in the interests of implementing fresh ideas and responding to change. I encourage the members of the NEC who will (I presume) be duly elected this evening to these new roles to embrace this opportunity.

At last year’s AGM, I commented that the change to a national structure at the NEC level raised many questions about how the Institute should function in relation to the State Chapters. In particular, I asked what should be the ongoing role of the National Council, having regard to interstate membership of the NEC and that the NEC meets monthly? Consistent with the responses from the State chapters, an agenda item for tonight’s AGM is to move a special resolution to amend the Institute’s Rules so as to recast the National Council’s functions to a policy advisory function and to permit the Council to meet as required, rather than requiring it to meet at least once every financial year.

I turn now to the activities of the Institute over the past 12 months.

**AIAL Forum**

The AIAL Forum continues as a highly regarded publication for dissemination of scholarly works concerning current developments in administrative law. The Editorial Board continued to be made up of Professor Robin Creyke AO as chair, Dr Geoff Airo-Farulla, Tara McNeilly and Peter Woulfe. Kirsten McNeill continued her role as our excellent editor. Publication is arranged by Sue Hart of Commerce Management Services, the Institute’s secretariat, who has continued to deliver excellent service.

Per the NEC’s earlier determination, the Institute moved from four publications of *AIAL Forum* to three, over a 12 month period. Since the last AGM, the Institute published *AIAL Forum 103* in December last year, *AIAL Forum 104* in May this year and *AIAL Forum 105* in September this year. *Forum 105* includes various papers from the 2022 AIAL National Administrative Law Conference. Upcoming issues will include further papers from that conference.

**2022 AIAL National Administrative Law Conference**

A very successful 2022 conference was held on 21-22 July at the Hotel Realm in Canberra. The theme of the conference was *Administrative law in unprecedented times*.

The conference was, on any view, a great success. After much thought, the NEC made a decision to conduct the conference as an in-person conference only. The costs of conducting a hybrid in person/webinar conference were much greater than conducting an in-person conference only. Also, we were concerned that an opportunity simply to watch the presentations online risked reducing the numbers of those who attended in person and diminishing “the experience” of the conference for those attending in person. There was also a shared view that after so much isolation, people wanted again to meet.

I think our decision was vindicated. The conference was fully booked, with over 250 registrants. All the presentations were well attended, as was the dinner, and the Institute made a profit from the conference which restored its finances to close to pre-Covid levels.

An excellent range of speakers from across the country presented at the conference. Without exception, the presenters put a great deal of time and care into the preparation of their presentations, which was acknowledged and appreciated by the audience. Notwithstanding it being an in-person conference, the program included Justice Susan Kenny of the Federal Court who (for health reasons) gave the opening address by video link from Melbourne and Caroline Edwards, a former Associate Secretary of the Commonwealth Department of Health who presented from New York on the Commonwealth’s response to the Covid epidemic. Of note is that both speakers were able to interact with the audience and answer questions in real-time.

It was, in all, great to be able to hold an in-person conference again, to see many familiar faces and to meet a lot of new conference participants. We hope the success of the conference will prompt participants to attend our future conferences.

On behalf of the NEC, many thanks to the organising committee in Canberra and the AIAL Secretariat for their efforts in arranging such an interesting and well-attended event.

I conclude this topic by mentioning that the 2023 national conference will be held in Adelaide. It is scheduled to occur on 27 and 28 July 2023. I encourage your attendance.

**2022 AIAL National Lecture Series**

This year, the National Executive made a decision to arrange a series of three National Lectures, rather than a single lecture.

The first was presented by Justice Stephen Gageler AC on 1 June 2022 on the topic: *Administrative law within the common law tradition*. This lecture was delivered in the Banco Court of the NSW Supreme Court in a hybrid format, with attendees joining in person in Sydney or online.

The second lecture was presented by Emerita Professor Robin Creyke AO on 21 July 2022 on the topic: *The future of administrative law: Tribunals*. This lecture was given at this year’s administrative law conference and repeated in the form of a webinar on 2 November 2022. Over 150 people from around the country attended that webinar.

The third 2022 AIAL National Lecture will be presented by Professor John McMillan AO on integrity in public office. It is hoped that the lecture will be given before the end of this year. If not, it will be held as soon as possible in 2023.

# Seminars and webinars

Since the last AGM in November 2021, many seminars and webinars have been held on a broad range of topics. Some of the seminars have been held in person, and some in a hybrid format.

In addition to its seminars, the AIAL’s webinar programme has been very popular. They have been viewed by members and non-members of the Institute across Australia.

The substantial contribution made by State Chapters to the program is noteworthy.

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

* 15 June 2022: *Administration in an emergency: Lessons learned from the past two years* – presented by Annette O’Callaghan, NSW Parliamentary Counsel and Samantha Lee, Redfern Legal Centre.
* 6 September 2022, jointly with the Environment and Planning Law Association NSW: *The interaction of policy and law in environmental governance* – presented by Justice Brian Preston, Chief Judge of the Land and Environment Court of NSW, Justice Robert Beech-Jones, Chief Judge at Common Law of the Supreme Court of NSW, and Dr Elizabeth Fisher, Professor of Environmental Law, Corpus Christi College, Oxford University.

The following seminars and webinars were organised by the Queensland chapter:

* 10 May 2022: *Objectivity in tribunal decision-making* – presented by Deputy President Bernard McCabe, Administrative Appeals Tribunal.
* 23 July 2022: *HR Act and Proportionality* – presented by Stephen Keim SC, Barrister and Minter Ellison representatives.
* 6 September 2022: *Environmental litigation* – presented by Stephen Keim SC, Barrister.

The following seminar was organised by the South Australian chapter:

* 25 February 2022, jointly with the Australian Association of Constitutional Law: *Legislating with integrity? The Challenge of Delegated Legislation* – presented by Dr Lorne Neudorf, Associate Professor, Adelaide Law School.

Tthe following webinar was organised by the National Executive:

* 28 April 2022: *Jurisdictional Error and Materiality – Is it the Retreat from Moscow?* – presented by Philip Walker SC.

And finally, tonight, Emeritus Professor Dennis Pearce gave the Michael Will Address entitled: *Context context context: The key to selling statutory interpretation.*

Planning work is underway for various seminars and webinars to be held in the first half of 2023.

# AIAL project grants

In accordance with its longstanding practice, the Institute has provided financial support for the mooting competition conducted by the Administrative Appeals Tribunal and to Austlii to support its invaluable website to access legislation and case law throughout Australia.

**AIAL website**

The AIAL website has moved from an Adobe platform, which is no longer supported, to a Wordpress platform. The website is now hosted by Sydney based Cornerstone Web Solutions. WebAware provides ongoing back-end support to the website. WebAware has also set up a video capability which provides an avenue for the dissemination of webinar recordings. The website seems to be working well and is at: aial.org.au. The AIAL twitter account remains active in advertising seminars and other AIAL events and is at:  AIAL@AIALpubliclaw.

Richard Hart and Sue Hart from the Institute’s secretariat have assisted greatly with management of the website, together with Robert Orr.

We hope that over the next year our IT support providers we will have helped us develop a new 'theme' for the website, which will customise the appearance of the site, including its layout, typography, and other design elements. We also hope to add to the content on the site, including scanned versions of the predecessor to *AIAL Forum*, the AIAL Newsletter, and other material.

# Officeholders

The 2021-22 NEC comprised Geoffrey McCarthy as president, Claressa Surtees and Perry Wood as vice-presidents, Tara McNeilly as secretary, Gary Humphries as treasurer, and Professor Robin Creyke, Paul d’Assumpcao, Arran Gerrard, Justice Rachel Pepper, Katie Malyon, Matthew Paterson, Robert Orr and Samuel White as officers.

In the Victorian Chapter, Emma Turner and later Maria O’Sullivan served as president, Jeffrey Barnes as secretary and Perry Wood treasurer.

In the NSW Chapter, Justice John Basten served as president, Justice Rachel Pepper, as secretary and Andrew, Carter as treasurer.

In the South Australia Chapter, Michael Wait SC served as president, Dami Sheldon as secretary and Dale Mazzachi as treasurer.

In the Western Australia Chapter, Julian Misso and later Marina Georgiou served as president, Adan Visram as secretary and Sean Mullins as treasurer.

In the Queensland Chapter, Narelle Bedford served as president, Matthew Paterson as secretary and Ben Cramer as treasurer.

I thank all of these officers in the State Chapters for their valuable work.

I also thank the members of the NEC for their valuable contribution. I record in particular my thanks for the significant efforts of Claressa Surtees who has served as a member of the NEC over many years, but who has chosen this year not to renominate for personal and work reasons.

Conversely, I am very pleased that all other members of the NEC have offered to continue as members of the NEC. It is a comment on the health of the Institute.

I also record my particular thanks to Gary Humphries AO, Robert Orr QC and the Institute’s secretary, Tara McNeilly, who provided me with invaluable guidance and support throughout my two-year term as President.

**Secretariat**

Finally, I must record that Commerce Management Services, led by Sue Hart with significant practical IT support from Robert Hart, continued as Secretariat for the Institute. The NEC has very much appreciated their dedication to the task, their goodwill, their availability and their considerable support in arranging and supporting the Institute’s 2022 conference and its webinar programme.

**Geoffrey McCarthy**

**President**

**10 November 2022**