

2024 AIAL National Administrative Law Conference

Difficult conversations—values and administrative law

Thursday 18 and Friday 19 July 2024

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



Ethos, Tom Bass, 1961. Ethos was the first work of art commissioned for a public place in Canberra, and stands outside the ACT Legislative Assembly.

Are values fundamental to administrative law, and if so, which values, and how do, or should, these influence modern administrative law? This Conference seeks to explore these issues from a range of perspectives. Values in the public service, the effectiveness of whistleblowing mechanisms and the proper management of outsourcing will be discussed, and updates will be provided on recent significant High Court decisions and legislative developments relating to various aspects of administrative law. The Conference will also look to the future, inviting consideration about giving effect to these principles in protecting national security, using automation and implementing inquiry recommendations.

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.

Bookings: <https://www.trybooking.com/CRSPB>

Thursday 18 July 2024

12.00pm Registration and arrival tea and coffee

1.00pm **Welcome and opening address**
Welcome by Perry Wood, President, AIAL

Welcome to Country

1.10pm **Opening address by the Hon Justice Jeremy Kirk**, Court of Appeal, Supreme Court of New South Wales

Judicial review of integrity bodies

1.30pm Plenary Session 1: Values in the public service

Speakers **Dr Rachel Bacon**, Deputy Australian Public Service Commissioner

The Hon Paul Brereton AM RFD SC, Commissioner, National Anti-Corruption Commission

2.30pm Plenary Session 2: Whistleblowing

Speakers **Kieran Pender**, Human Rights Law Centre and Australian National University

Professor AJ Brown, Griffith University

The Hon Alan Wilson KC, former Queensland Supreme Court Justice and QCAT President

3.30pm **Afternoon Tea**

4.00pm Plenary Session 3: From AAT to ART

Speakers **Sara Samios** and **Joanna Virtue**, Administrative Review Taskforce, Commonwealth Attorney-General's Department

Peter Woulfe, Australian Capital Territory Bar

5.00pm Plenary Session 4: National Lecture on Administrative Law

Speaker **Emeritus Professor Rosalind Croucher AM**, President, Australian Human Rights Commission

6.00pm **Conference Drinks**

7.00pm **Conference Dinner and Administrative Law Trivia Quiz**

Friday 19 July 2024

8:15am Registration and arrival tea and coffee

8:45am **Plenary Session 5: Recent administrative law decisions in the High Court : *Davis, Benbrika, NZYQ*, and more**

Speakers **Professor James Stellios**, Australian National University
Andrew Buckland, Chief General Counsel, Australian Government Solicitor
Emeritus Professor Peta Spender, Australian National University

9:45am **Concurrent Session 1**

Stream 1.1	Stream 1.2	Stream 1.3
Roger Traves KC , Queensland Bar <i>Apprehended bias in administrative decision making</i>	Jasmin Douglas and Catherine Saunders , Proximity <i>Trauma informed administrative law practice: A preventative approach</i>	Jamie Blaker , Victorian Bar <i>Constitutional liberty</i>

10:30am **Morning Tea**

11:00am **Concurrent Session 2**

Stream 2.1	Stream 2.2	Stream 2.3
Mark Robinson SC , New South Wales Bar <i>The law of standing – A revisit is needed</i>	Marina Georgiou , Western Australian Bar <i>Unlawful imprisonment in youth detention centres</i>	Dr Scarlet Wilcock and Professor Kimberlee Weatherall , University of Sydney <i>Automation across the NSW State and local governments</i>

11:45am **Plenary Session 6: Outsourcing**

Speakers **Associate Professor Janina Boughey**, University of New South Wales
Patrick Collins, Special Counsel, Maddocks
Andrew Tongue PSM

Chair **Dr Lynsey Blayden**, University of Sydney

12:45pm **Lunch**

Friday 19 July 2024 (continued)

1.45pm Concurrent Session 3

Stream 3.1 Exercising executive power

Dane Luo, BCL candidate, University of Oxford

The principle of legality in practice: Lessons for Australia from the United Kingdom

Ariella Gordon, PhD candidate, University of Cambridge

Disguised legislation in the United Kingdom and Australia

Stream 3.2 Automated decisions

Kristian Hollins, PhD Candidate, Australian National University

Fundamental values in the age of automated decision-making

Dr Samuel White and **Jesse Brookson**, Adelaide University

Can an algorithm be an 'officer of the Commonwealth'?

Stream 3.3 Values and government institutions

Adam Sharpe, Western Australian Bar

Government legal advice, from torture memos to Robodebt

Dr Juliet Lucy, Presidential Member, ACT Civil and Administrative Tribunal

Valuing and values in administrative law institutions

2:45pm Plenary Session 7: The future

Speakers **Professor Lisa Burton Crawford**, University of New South Wales

Rethinking executive power in a complex world

Dominique Hogan-Doran SC, New South Wales Bar

Implementing royal commission recommendations

Jake Blight, Independent National Security Legislation Monitor

National security

4:00pm Closing comments

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

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:

- Hotel Realm, 18 National Circuit, Barton
Phone: 02 6163 1888; www.hotelrealm.com.au
- The Burbury Hotel & Apartments, 1 Burbury Close, Barton (behind Hotel Realm)
Phone: 02 6163 1888; www.burburyhotel.com.au
- The Little National Hotel, 21 National Circuit, Barton (across road from Hotel Realm)
Phone 02 6163 1888; www.littlenationalhotel.com.au
- The Brassey Hotel, Belmore Gardens & Macquarie Street, Barton (behind Hotel Realm)
Phone: 02 6163 1888; www.brassey.com.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

How to Register

Register online via TryBooking link below:

<https://www.trybooking.com/CRSPB>

Registration deadline: **COB 11 July 2024**

Registration Fees:

Note: *Conference dinner is included in the registration fee for delegates to this Conference with the exception of the concession and student registration fee and single day tickets.*

Member	\$880.00
Non-Member	\$990.00
Group (3 or more) Member	\$800.00
Group (3 or more) Non-member	\$900.00
Community & Academic	\$600.00
Student & Concession	\$ 80.00 (Dinner not included)
Single Day Ticket Member	\$450.00 (Dinner not included)
Single Day Ticket Non-member	\$550.00 (Dinner not included)
Conference Dinner only	\$150.00

Delegates will receive confirmation of their registration and payment.

Please note: Conference papers which are available can be sent by email following the Conference on request. 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 points allocation for each session.

Inquiries: All inquiries should be directed to:

AIAL National Secretariat: aial@commercemgt.com.au. Phone: (02) 6290 1505.

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 Thursday 11 July 2024 and may incur an administrative fee of 10% of your registration fee (incl. GST). No refunds will be provided after COB Thursday 11 July 2024.
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.