

The Australian Institute of Administrative Law VIC Chapter

Invite you to a Presentation

Through the looking glass: new rights, interpretation and drafting models

Speakers: John Basten AO KC, Tony McAvoy SC and Emrys Nekvapil SC

Chair: Natalie Plumstead

Synopsis

The rules of interpretation for the protection of distinct cultural rights and human rights are shifting. The uncertainty is causing a reconsideration of the limits of the rights protected by statutory dialogue models and leading to varying developments in the preservation of fundamental rights at common law. This environment poses challenges to the drafting models and conventions used to draft legislation that is clear and certain in its operation.

The panel will explore the topic by considering:

- Is there a shifting relationship between constitutional environments and judicial rights interpretation?
- What are the models required to protect human rights in legislation and deliver law making that is clear and certain in its operation?
- How are the apparent changes in the interpretative methods adopted by courts in response an expanding range of distinct cultural rights and human rights obligations impacting on legislative drafting?

Biography

The Hon John Basten AO KC was a barrister at Frederick Jordan Chambers for over 20 years before his appointment to the New South Wales Supreme Court as a Judge of Appeal in 2005. At the Bar he had an extensive practice in administrative law matters, appearing in a number of significant cases in the High Court. While on the bench he delivered judgments in many administrative law cases. He is currently an Honorary Professor at UNSW Sydney, Faculty of Law and Justice, and will be a co-author on the 8th edition of Aronson et al, *Judicial Review and Government Liability*.

Tony McAvoy SC is a Wirldi man from Central Queensland and Australia's first First Nations' Senior Counsel, appointed in 2015. He was called to the bar in Sydney in 2000 and has since developed a practice in native title, land rights, treaty, truth telling, inquests, inquiries, human rights, environmental law, and criminal law. Tony has served as Acting Northern Territory Treaty Commissioner, Commissioner of the NSW Independent Planning Commission, Co-Senior Counsel assisting the Don Dale Royal Commission in the NT in 2016/2017, the Yoorrook Justice Commission in Victoria from 2021 to 2025 and as a Commissioner on the Australian Law Reform Commission from 2024-2026 reviewing the Native Title Act. He is a mentor, and advocate committed to justice and self-determination for First Nations. He is the Chairperson of the Wangan and Jagalingou Traditional Owners Corporation and a director on the board of the Council of First Nations.

Emrys Nekvapil SC is a barrister at Koiki Mabo Chambers (Melbourne) and Mindil Chambers (Darwin) and the President of the Public Law Bar Association. He has a keen interest in the role of statutory and common law rights in statutory interpretation.

Natalie Plumstead is the principal at Natalie Plumstead Legal Consulting Pty Ltd. She has extensive experience as a legislative drafter and is Council Member of the Commonwealth Association of Legislative Counsel.

Date: Thursday 12 November 2026
Venue: Online
Time: 5.30 pm (AEDT)
Cost: Free

Please book via the Humanitix link below

[AIAL VIC Chapter: Through the looking glass: new rights, interpretation and drafting models](#)

Note: Except in WA, CPD points apply.

WA Practitioners attending should note that this event is not covered by the AIAL WA Chapter's QA provide accreditation and CPD points will not be accredited by AIAL.

Inquiries can be directed to the AIAL Secretariat on 02 6290 1505 or at aial@commercemgt.com.au