



**Australian Institute of  
Administrative Law**

## **2011 NATIONAL ADMINISTRATIVE LAW CONFERENCE**

# **Democracy, participation and administrative law**

**THURSDAY 21 & FRIDAY 22 JULY, 2011**

**HOTEL REALM  
18 NATIONAL CIRCUIT, BARTON  
CANBERRA, ACT, AUSTRALIA**

The 21<sup>st</sup> National Administrative Law Conference will explore the links between representative democracy, participation and administrative law, and consider significant recent developments in Australian administrative law.

The Conference will involve a mixture of practical sessions, and more reflective thought-provoking presentations.

The Conference will be relevant to government decision-makers, their advisers, and those affected by their decisions, review bodies, policy developers and public lawyers, as well as academics and others with an interest in Australian administrative law.

Attendance at the whole of the Conference will attract 10 points under the ACT mandatory continuing professional development scheme for lawyers.

## Thursday 21 July 2011

- 12.00pm Registration and arrival tea and coffee
- 1.00pm Welcome—Robert Orr QC, President, AIAL
- 1.15pm **Plenary Session 1 Opening Address**  
Debbie Mortimer SC, Melbourne Chambers, Melbourne
- 2.00pm **Plenary Session 2: Elections and administrative law**  
Dr Graeme Orr, University of Queensland  
Paul Pirani, Chief Legal Officer, Australian Electoral Commission
- 3.15pm Afternoon tea
- 3.45pm **Concurrent Sessions 1**
- Stream 1.1: **Electronic records**  
*Corporatisation and electronic records: on a collision course with administrative justice?* Sven Bluemmel, Western Australian Information Commissioner  
*The use of electronic devices in elections under German electoral law:* Professor Jurgen Brohmer, University of New England
- Stream 1.2: **State initiatives**  
*QCAT hybrid conferencing processes: ADR and case management:* The Hon Justice Alan Wilson, President, Queensland Civil and Administrative Tribunal  
*Have you heard from South Australia? How the absence of a general merits review tribunal in SA both measures and impedes public engagement and participation in administrative decision-making:* Dr Susannah Sage Jacobson, Flinders University
- Stream 1.3: **Judicial review**  
*Judicial review of Commonwealth environmental decisions:* Dr Andrew Edgar, University of Sydney  
*The role of 'jurisdictional error' in State administrative law after Kirk v Industrial Court of NSW:* Benjamin O'Donnell, New South Wales Bar
- Stream 1.4: **Freedom of information**  
*Commonwealth FOI:* Dr James Popple, Australian Freedom of Information Commissioner  
*Extending FOI to the private sector—accountability strikes back or a bridge too far?:* Avinesh Chand, Clayton Utz
- 5.00pm **Plenary Session 3 AIAL National Lecture**  
The Hon Patrick Keane, Chief Justice of the Federal Court of Australia
- 6.00pm Conference Drinks  
Venue: Melbourne Room, Hotel Realm
- 7.00pm Conference Dinner and Administrative Law Trivia Quiz  
Venue: National Ballroom, Hotel Realm

## Friday 22 July 2011

- 8.00am Arrival tea and coffee
- 9.00am **Plenary Session 4: The role of independent policy bodies**  
Gary Banks AO, Chair of the Productivity Commission  
Colin Neave AM, President, Administrative Review Council
- 10.15am Morning tea
- 10.45am **Concurrent Sessions 2**
- Stream 2.1: **Participation**  
*The administrative state and participatory decision making: empirical insights from the new environmental governance:* Dr Cameron Holley, Macquarie University
- Stream 2.2: **Human rights**  
*The role of human rights in government decision making and review:*  
Joanna Davidson, Victorian Government Solicitor's Office
- Stream 2.3: **Reasons**  
*When is an administrative decision maker obliged to provide reasons? Developments since Osmond's case:* Michael Wait, Crown Solicitor's Office, South Australia
- Stream 2.4: **Economic regulation**  
*Does the availability of merits review help or hinder the desired operation of economic regulation?:* Katrina Groshinski, Minter Ellison
- 11.45am **Plenary Session 5: Judicial review and democracy**  
Dr Margaret Kelly, Macquarie University  
Dr Damian O'Leary, Counsel assisting the Commonwealth Solicitor-General
- 1.00pm Lunch
- 2.00pm **Plenary Session 6: Parliamentary Committees**  
Daryl Melham MP, Member for Banks, Chair of the Joint Standing Committee on Electoral Matters  
Stephen Argument, Lawyer, Canberra
- 3.15pm **Plenary Session 7: Future directions**  
The Hon Justice Garry Downes AM, President, Administrative Appeals Tribunal  
Elizabeth Kelly, Deputy Secretary, Commonwealth Attorney-General's Department  
Allan Asher, Commonwealth Ombudsman
- 4.15pm Closing Comments
- 4.30pm Close

*Note: Copies of the Conference proceedings will be provided to delegates at the conclusion of the Conference.*

## 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 and law firms.

For more information, please contact the AIAL Secretariat on 02 6290 1505 or email [aial@commercemgt.com.au](mailto:aial@commercemgt.com.au)

## Conference Venue

Hotel Realm is located at 18 National Circuit Barton, close to Parliament House, the Museum of Australian Democracy at Old Parliament House, the National Gallery of Australia and the National Portrait Gallery.

Hotel Realm offers world-class facilities. Its 158 hotel and suite style accommodation rooms are complemented by a state of the art health club and a variety of dining options.

There is 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.

For more information about the Hotel Realm, visit [www.hotelrealm.com.au](http://www.hotelrealm.com.au)

## Accommodation Information

A limited number of rooms has been secured at the Hotel Realm. To make a reservation and to access the special conference rate, please contact reservations on 02 6163 1888 and quote the AIAL National Administrative Law Conference Code: **2107AI**.

Hotel Realm room rates: Room \$245 per night : Suite \$290 per night

Below is a list of alternative accommodation options near the Conference venue for your convenience:

- The Brassey of Canberra, Belmore Gardens & Macquarie Street, Barton. Phone: 02 6273 3766; [www.brassey.net.au](http://www.brassey.net.au)
- Rydges Capital Hill, Cnr National Circuit & Canberra Avenue, Barton. Phone: 02 6295 3144; [www.rydges.com](http://www.rydges.com)
- Kurrajong Hotel Canberra, National Circuit, Barton. Phone: 02 6234 4444; [www.hotelkurrajong.com.au](http://www.hotelkurrajong.com.au)

# Registration Form

Australian Institute of Administrative Law Inc  
ABN 97 054 164 064  
Taxation Invoice

## Delegate Details:

Name: \_\_\_\_\_

Organisation: \_\_\_\_\_

Postal Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

## Registration Fees:

- \$660 AIAL members
- \$720 non members
- \$580 Group bookings (each for 3 or more from the same organisation)
- \$380 Community groups and full-time academics

(Registration fee includes GST)

## Payment Details:

- Please find enclosed cheque payable to the Australian Institute of Administrative Law, or
- Please debit my credit card as follows:  Visa  Mastercard  Amex

Card Number:

Expiry Date: \_\_\_\_ / \_\_\_\_ Amount authorised: \$ \_\_\_\_\_

Name & phone number of signatory: \_\_\_\_\_

Signature: \_\_\_\_\_

Please indicate below if you will attending the Social functions (price included in the registration fee):

Conference Drinks:

Yes

No

Conference Dinner:

Yes

No

Dietary requirements: \_\_\_\_\_

**Registration Closes 15 July 2011**

[www.aial.org.au](http://www.aial.org.au)

## How to Register

To register, complete the registration form and payment details and return by 15 July 2011 to:

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

Fax: 02 6290 1580

Email: [aial@commercemgt.com.au](mailto:aial@commercemgt.com.au)

Delegates will receive a confirmation email confirming their registration details.

All enquires should be directed to:

AIAL National Secretariat  
Ph: 02 6290 1505  
Email: [aial@commercemgt.com.au](mailto: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.
4. Cancellations must be submitted in writing to [aial@commercemgt.com.au](mailto:aial@commercemgt.com.au) prior to COB Wednesday 13 July 2011 and will incur an administrative fee of \$55.00 (incl. GST). No refunds will be provided after 14 July 2011.
5. AIAL reserves the right to amend any part of the conference program or event should it be necessary. 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](http://www.aial.org.au)