

LEGAL AWARENESS SEMINAR**STATUTORY OBLIGATIONS AND
ADMINISTRATIVE RESPONSIBILITY****DEPARTMENT OF TRANSPORT AND COMMUNICATIONS IN
CONJUNCTION WITH THE PUBLIC SERVICE COMMISSION**

July/August 1993

9.00am OPENING ADDRESS**Mr G C Evans, Secretary, Department of Transport and
Communications.****9.15am INTRODUCTION AND OVERVIEW: WHY BOTHER?**

- * Why do we have legal constraints on our decision-making?;
- * High public interest in litigation;
- * Increasing volume of regulations and legislation;
- * Personal accountability and increased scrutiny:
 - . Parliament;
 - . Commercial Interests;
 - . Media;
 - . Community;
- * The APS framework and its agreed set of values and standards.
 - . Effectiveness;
 - . Ethical Conduct;
 - . Natural Justice.

Mr Shane Carroll, Senior Lecturer in Law, Victoria University.**9.40am THE EXTERNAL PERSPECTIVE**

- * Displaying greater sensitivity to commercial needs;
- * Trying to look through industry's eyes;
- * Keeping industry at arm's length but being conscious of possible outcomes;
- * Does Administrative culture equal Legal culture? - looking for the pragmatic approach in testing for outcomes.

Mr Shane Carroll.

10.15am Morning Tea

10.35am THE CONTEXT OF DECISION-MAKING

Cabinet and Parliamentary Processes

- * Importance of understanding policy-making and implementation processes;
- * Appreciating the context in which decisions are made by various stakeholders.

Mr Bill Blick, Acting Deputy Secretary, Department of Transport and Communications.

11.05am WORKING WITHIN THE LEGAL FRAMEWORK

- * Difference between common law and legislation;
- * Types of legislation and the hierarchy of powers:
 - . Acts;
 - . Regulations;
 - . Determinations;
 - . Guidelines;
 - . Circulars;
 - . Information Papers;
 - . Policy;
- * Significance of delegations and authorisations and their consequences;
- * Survival skills in finding, reading and analysing legislation;
- * Mandatory and directory provisions;
- * Duty of Care and pitching your response with caution;
- * The primacy of law and testing outcomes.

Mr Shane Carroll.

12.30pm LUNCH

1.15pm **SCOPE OF THE ADMINISTRATIVE LAW FRAMEWORK**

- * Aims and objectives of the administrative law framework;
- * Powers, scope and importance of:
 - . Ombudsman;
 - . AAT;
 - . FOI;
 - . Specialised agencies;
 - . Archives requirements;
 - . Privacy principles;
 - . ADJR;
 - . High Court;
 - . Natural Justice requirements;
- * Difference between judicial review and merits review;
- * Requirements for giving statements of reasons for decisions;
- * How to deal with a legal challenge administratively:
 - . keeping on top of documents;
 - . increasing your consultation;
 - . implementing outcomes.

Mr Shane Carroll.

2.45pm **GETTING THE PAPERWORK RIGHT**

Records Management Staff.

3.15pm **AFTERNOON TEA**

3.35pm **INTEGRATING POLICY AND LEGAL EXPERTISE**

DTC Legal and General Branch and Attorney-General's Department.

4.35pm **WRAP UP**

- * Re-iterate objectives of session;
- * Summary of key action points and issues arising from group discussion;
- * Re-emphasise the primacy of the law;
- * The Road Ahead.

Mr Shane Carroll.

5.00pm **CLOSE**

**AVIATION SUB-PROGRAM
LEGAL AWARENESS TRAINING**

GENERAL SESSION

9.00 - 9.05 Welcome (Vanessa Fanning)

9.05 - 9.15 Introduction (Vanessa Fanning)

Brief outline of why we are here and proposed program.

9.15 - 10.00 Overview of Relevant Legislation (Henry Lis)

To highlight legislation relevant to the Division's operations and discuss broad guidelines to be followed in administering this legislation.

10.00 -10.15 Morning Tea

10.15 -10.55 Areas of Legal Risk (FAS and
Branch Heads)

Discussion to identify areas of legal risk illustrated by particular examples; identify the sub-programs' clients/customers and areas of special sensitivity.

Branch Heads to briefly discuss recent cases where legal risks have been highlighted (for detailed consideration in later modules). General discussion on how to address weaknesses in Division's awareness and handling of such cases. How can we best protect decision makers and support staff from legal risk?

10.55 -12.15 Attorney-General's Department Perspective (A-G's Panel)

A panel presentation by lawyers from A-G's to cover areas common to the three modules (eg natural justice and administrative decision-making and litigation-Daley/Renwick) and to preview areas to be covered in individual modules:

- international law / treaty obligations (Bill Campbell)
- oversight of GBE's - TAAATS example (John Butler)
- aviation security (Peter Ford)

12.15 -12.45 Debriefing

Discussion to address any questions and any need to modify proposed case study modules to cover perceived needs.

Facilitator : Anne Buttsworth

When : Wednesday 9.00 am - 12.45pm 13 October 1993.

Venue : Eagle Hawk, Federal Highway

GENERAL SESSION

Participants: All SES and Senior Officers or equivalents in the Division - (total = 55 including 5 from the regions)

IASC

Alexandra Wedutenko

Legal & General Branch (Henry Lis)

Attorney-General's Department

- Bill Campbell (international law)

- Simon Daley / James Renwich (administrative law)

- John Butler (legal relationships with GBE's)

- Peter Ford (aviation security)

Qantas (Lyn Cooper as observer)

MODULE 1 OVERSIGHT OF GBEs

Participants :

FAS, PA, AS and Senior Officers or equivalents in IRB plus interested officers from other areas of the Division.

Senior Officers from GBE oversight area in Pol Coord. (Brian Brockelbank and David Green)

Alexandra Wedutenko

CAA (John Mant) } For sessions 1.30 pm

FAC (Peter Robson) } to afternoon tea

Jim Wolfe (Minister Collins' Office)

Legal and General (Henry Lis)

A-G's (Skehill, Butler)

MODULE 2 INTERNATIONAL LAW AND OBLIGATIONS

Participants :

FAS, PA, AS and Senior Officers or equivalents in IRB plus interested officers from other areas of the Division.

IASC (Ian Rischbieth)

Jim Wolfe (Minister Collins' Office)

Ansett (James Kimpton for his speaking session only)

Legal and General (Henry Lis)

A-G's (Bill Campbell / Barry Leader)

MODULE 3 AVIATION SECURITY

Participants

FAS, PA, AS and Senior Officers or equivalents in ASB, including from regions plus interested officers from other areas of the Division.

Legal and General (Henry Lis)

A-G's (Peter Ford)

Allan Behm (Federal Justice Office)

Industry (Qantas - Ron Armstrong & John Mc Kay)