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Federal Litigation and Dispute Resolution Section

2017

IMMIGRATION LAW CONFERENCE

Sydney 24 - 25 February

#2017ILC

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PROGRAM

WELCOME RECEPTION - THURSDAY - 23 FEBRUARY 2017

TIME	TOPICS
5:30pm – 8:00pm	**Conference Opening Reception** O Bar & Dining Level 47, Australia Square, 264 George Street, Sydney
Welcome	**Rita Chowdhury, Principal, Integrate Legal, Deputy-Chair Migration Law Committee**

DAY 1 – FRIDAY 24 FEBRUARY 2017

TIME	TOPICS	
8:00am	**Registration** Four Seasons Hotel 199 George Street, Sydney NSW 2000 (Foyer)	
8:30am – 9:15am	**CONFERENCE OPENING**	**Four Seasons Ballroom**
	The Immigration portfolio is not only a scene of contest about outcomes and priorities. Conflict extends to the frameworks by which decisions should be made and the purposes the portfolio serves. Concern extends not only to failures to recognise individual rights, but also to failures to recognise individual circumstances. At the same time, the challenges faced by the Department of Immigration and Border Protection (DIBP) in administering the portfolio continue to increase in complexity and size. As the Department pursues its stated goals of deregulation and visa simplification along with an increased reliance upon technology and collective case management, concerns have arisen in relation to the Departmental decision-making and accessibility. By way of plenary, breakout and workshop sessions, this conference will examine the competing paradigms of Australian immigration law from varied standpoints.	
Presenters	**Elder, Metropolitan Local Aboriginal Land Council** **Fiona McLeod SC, 2017 President, Law Council of Australia** **Pauline Wright, 2017 President, Law Society of New South Wales**	
Facilitator	**Erskine Rodan OAM, Chair, Migration Law Committee of Law Council of Australia**	
9:15am – 10:15am	**KEYNOTE ADDRESS**	**Four Seasons Ballroom**
	Competing paradigms across the globe	Our keynote address reflects upon the global context in which Australian immigration law operates, including common themes in the modern management of people movement across sovereign borders.
Presenter		**The Hon Alex Hawke MP, Assistant Minister for Immigration and Border Protection**
Facilitator		**Erskine Rodan OAM, Chair, Migration Law Committee of Law Council of Australia**
10:15am – 10:40am	MORNING TEA	

TIME	TOPICS	
10:40am – 12:30pm	**SHOWCASE 1**	**Four Seasons Ballroom**
	Foreign workers: Employer obligations, sanctions, penalties and broader legal perspectives	The exploitation of foreign workers has been a strong focus of government and unions and has received considerable media attention. Workers and government agencies have increased their pursuit of employers who fail to meet their obligations. This session explores the complex intersection of employment law, commercial law and immigration law that now governs the regulation of Australian employers of foreign workers.
Presenters		**Professor Allan Fels AO, Chair, Migrant Workers' Taskforce** **Phillip Yip, Principal Director, Phillip Yip & Associates** **Sean Stimson, Solicitor, Redfern Legal Centre** **Dr Laurie Berg, Senior Lecturer, University of Technology Sydney**
Facilitator		**Georgina Costello, Barrister, Victorian Bar**
10:40am – 11:35am	**BREAKOUT 1A**	**Residential Suite**
	Refugee law developments	A round-up of key refugee law developments in the past 12 months.
Presenters		**Ali Mojtahedi, Principal Solicitor, Immigration Advice & Rights Centre** **Kerry Murphy, Solicitor, D'Ambra Murphy Lawyers**
Facilitator		**Marina Brizar, Head of Corporate and Private Client, Solicitor & Registered Migration Agent, Playfair Visa and Migration Services**
11:40am – 12:30pm	**BREAKOUT 1B**	**Residential Suite**
	Changing notions of citizenship	A consideration of developments in revocation and cessation of Australian citizenship
Presenters		**Dr Rayner Thwaites, Senior Lecturer, University of Sydney** **Nigel Dobbie, Legal Practitioner Director, Dobbie and Devine Immigration Lawyers**
Facilitator		**Ariel Brott, Lawyer, Erskine Rodan and Associates**
12:30pm – 1:30pm	LUNCH	
1:30pm – 3:15pm	**SHOWCASE 2**	**Four Seasons Ballroom**
	Approaches to decision-making in the immigration portfolio: from computers to humans to merits review hearings	Many visa decisions are now made by computers: from electronic visitor visas to invitations for points-tested visas and, from 1 July 2016, evidentiary requirements for student visas. The dedicated and accessible individual case officer has also been replaced in other areas by teams of case officers collectively managing pool-based decisions. This session considers the rationales for replacing individual case officers and the nature of automated decisions, with particular focus upon the new student visa scheme. Merits review has also been changing, but in a very different direction. Merits review decisions continue to be managed by a single decision-maker and have become increasingly complex evidential hearings. This session seeks to explore the changing nature of merits review and what that means for practice.
Presenters		**Carina Ford, Managing Partner, Carina Ford Immigration Lawyers** **Roz Germov, Barrister, Owen Dixon Chambers - Victorian Bar** **Jan Redfern, Deputy President, Administrative Appeals Tribunal (AAT – MR Division)** **Tania Wilson, Assistant Secretary** **Network Planning and Support Branch, Department of Immigration and Border Protection**
Facilitator		**Nick Poynder, Barrister, Frederick Jordan Chambers - NSW Bar** **David Prince, Principal Solicitor, Kinslor Prince Lawyers**

DAY 1 – FRIDAY 24 FEBRUARY 2017 continued...

TIME	TOPICS	
1:30pm – 2:20pm	**BREAKOUT 2A**	**Residential Suite**
	Family Violence in the immigration law context: update and emerging issues	Family violence is on the national political agenda. This session examines the family violence provisions in migration law with a focus on evidentiary requirements, challenging the independent expert's opinion and potential areas of law reform.
Presenters		**Xanthe Emery, Solicitor, Immigration Advice & Rights Centre (IARC)** **Katherine Hooper, Special Counsel, HWL Ebsworth Lawyers**
Facilitator		**Kathryn Viegas, Principal Solicitor, Nomos Legal**
2:25pm – 3:15pm	**BREAKOUT 2B**	**Residential Suite**
	The Health Criteria: Assessments, challenging validity and complex issues	Cutting across the entire migration program, the health criteria can be the final stumbling block in a visa application. This session examines the policy settings and legal complexities in this area of decision-making with a focus on the costs assessment process and challenging an opinion of the Medical Officer of the Commonwealth.
Presenters		**Dr Jan Gothard, Health and Disability Specialist, Estrin Saul Lawyers** **Peter Bollard, Solicitor, Lewis & Bollard Solicitors**
Facilitator		**Eugene Alexander, Solicitor, Eugene Alexander & Associates Lawyers**
3:15pm – 3:30pm	AFTERNOON TEA	
3:30pm – 4:45pm	**SHOWCASE 3**	**Four Seasons Ballroom**
	The family – a fundamental unit of society? Changing priorities and complex issues	With processing times regularly extending beyond 12 months for partner visa applications and severe restrictions upon the migration of family members, the notion that family migration is to support the unity of the families of Australians is being challenged. The proposed amendments to sponsorship approval for partner visas emphasise a message from the Australian Government that even for Australians, living in Australia with your family should not be an expectation. The mandate for such a message is not clearly established. Immigration law also impacts upon individuals facing relationship breakdowns, including the jurisdiction in which family law proceedings are undertaken and the options available to protect the best interests of children. Immigration practitioners are keen to understand the family law implications when registering a relationship or declaring the commencement or cessation of a de facto relationship to DIBP.
Presenters		**Sanmati Verma, Senior Lawyer, Clothier Anderson Immigration Lawyers** **Paul Doolan, Partner, Barkus Doolan Family Lawyers** **Anna Parker, Barrister, Owen Dixon Chambers East – Victorian Bar**
Facilitator		**Mary Hanna, Principal, Hanna Jackson Lawyers**

TIME	TOPICS	
4:45pm – 5:45pm	**SHOWCASE 3A**	**Four Seasons Ballroom**
	Immigration Nerd	The competition has been fierce and the entries have come from across the nation. Questions abound and the biggest of those questions are: • Who will be Immigration Nerd of the Year 2017? • Which team of immigration lawyers will win the Immigration Nerd Deportation Order? There are not a lot of things to laugh about in the field of immigration law, but we can laugh at ourselves. This session is designed to be a light-hearted networking session between colleagues which might also uncover a legislative provision you have not yet examined.
Panel of "nerd" experts		**Peter Bollard, Principal Solicitor, Lewis & Bollard** **Lorenzo Boccabella, Barrister, Boccabella Law** **Andrew Cope, Lawyer & Consultant, Cope Migration** **David Prince, Principal Solicitor, Kinslor Prince Lawyers**
Facilitator		**Dr Justine Rogers, Lecturer, University of New South Wales (UNSW) Law**
3:30pm – 4:45pm	**BREAKOUT 3A**	**Residential Suite**
	Judicial Review Workshop	This workshop will address how to effectively run a Federal Circuit Court (FCC) matter and what assists the FCC.
Presenters		**The Hon Judge Justin Smith, Federal Circuit Court** **Bernadette Rayment, Special Counsel, Mills Oakley** **Patrick Knowles, Barrister, Tenth Floor Chambers - NSW Bar**
Facilitator		**Michael Jones, Solicitor & Legal Practice Manager, Parish Patience Immigration Lawyers**
4.50pm – 6.00pm	**BREAKOUT 3B**	**Residential Suite**
	Workshop for Refugee Advocates	This workshop will cover how to prepare protection visa applications and assisting clients affected by torture and trauma.
Presenters		**Peggy Kerdo, Victorian lawyer (formerly at Victoria Legal Aid)** **Melinda Jackson, Principal Solicitor, Asylum Seeker Resource Centre** **Guy Coffey, Direct Services Specialist Senior Practitioner, Victorian Foundation for Survivors of Torture**
Facilitator		**Marianne Dickie, Migration Stream Convenor, Australian National University College of Law**
5:30pm / 6:00pm	DAY 1 CONCLUDES	
7:00pm for 7:30pm to 10:30pm	**CONFERENCE DINNER**	**Museum of Contemporary Art** Foundation Hall, 140 George St, The Rocks NSW 2000
	The Conference Dinner will be held at the Museum of Contemporary Art's Foundation Hall on Sydney Harbour.	
Entertainment	• **Benjamin Law, Comedian and writer for the Good Weekend magazine** • **The Jazz Factory** • **Nicola Osher's Dance Band**	
MC	**Rita Chowdhury, Principal, Integrate Legal, Deputy-Chair Migration Law Committee**	
Dress	**Lounge Suit/Cocktail**	

DAY 2 – SATURDAY 25 FEBRUARY 2017

TIME	TOPICS	
9:00am – 9:15am	Conference Opening	Joanne Kinslor, Principal Solicitor, Kinslor Prince Lawyers Peter Papadopoulos, Principal Solicitor, Nomos Legal
9:15am – 10:40am	**KEYNOTE ADDRESS**	
	Developments in judicial review	
Presenter		The Hon John Edward Griffiths, Judge, Federal Court of Australia
Facilitator		Erskine Rodan OAM, Chair, Migration Law Committee, Law Council of Australia
10:40am – 11:10am	MORNING TEA	
11:10am – 1:00pm	**SHOWCASE 4**	
	Judicial review: emerging trends & themes	An in-depth examination of case law in the last 12 months by our panel of experts.
Presenters		Brenda Tronson, Barrister, Level 22 Chambers - NSW Bar Geoffrey Kennett SC, Barrister, Tenth Floor Chambers - NSW Bar Adam McBeth, Barrister, Castan Chambers - Victorian Bar
Facilitator		Joanne Kinslor, Principal Solicitor, Kinslor Prince Lawyers
11:10am – 12:05pm	**BREAKOUT 4A**	**Residential Suite**
	Migration Act - Criminal Law insights, offences & prosecutions	An examination of the criminal provisions of the Migration Act 1958 with a focus on how and when they have been or will be prosecuted.
Presenters		Anna Mitchelmore, Sixth Floor Selbourne / Wentworth Chambers - NSW Bar Andrea Pavleka, Deputy Director, Illegal Imports and Exports Human Exploitation and Border Protection, Commonwealth Director of Public Prosecutions
Facilitator		Maria Jockel, Legal Principal, BDO Migration Services
12:10pm – 1:00pm	**BREAKOUT 4B**	**Residential Suite**
	Recent developments & hot topics	
Presenters		Rowena Irish, Solicitor Director at Supra Legal Lena Hung, Principal, Lena Hung & Associates
Facilitator		Valerie Pereira, Principal Solicitor, Da Gama Pereira Associates
1:00pm – 2:00pm	LUNCH	

TIME	TOPICS	
2:00pm – 3:45pm	**SHOWCASE 5**	
	Accountability mechanisms beyond merits review & jurisdictional error	The Department's operations have undergone a significant transformation in recent years, so that it is no longer the case that most actions affecting clients are those of individual case officers making decisions about whether visa criteria are met. A focus upon compliance, risk profiles, administrative law sanctions and limiting access to visa processing has taken the focus of government decision-making away from individual circumstances but the lives of individuals continue to be affected by government action. This session seeks to explore the breadth of accountability mechanisms available, such as tort claims, civil liability actions, compensation schemes and Parliamentary process. Speakers will share their insights and experiences challenging government action and seeking redress for aggrieved individuals including those in distress in detention centres and offshore processing centres.
Presenters		**Madeline Gleeson, Research Associate, Kaldor Centre, University of New South Wales (UNSW)** **Min Guo, Barrister, Castan Chambers - Victorian Bar** **Dominique Hogan-Doran SC, Barrister, 6 St James Hall - NSW Bar** **Professor George Newhouse, Principal Solicitor, National Justice Project** **Ron Merkel QC, Barrister, Owen Dixon Chambers West - Victorian Bar**
Facilitator		**Peter Papadopoulos, Principal Solicitor, Nomos Legal**
2:00pm – 2:50pm	**BREAKOUT 5A**	**Residential Suite**
	The future economy: Innovation, entrepreneur visas & self-sponsorship	Innovation and entrepreneurialism have been recognised by the government as key growth drivers. This session examines the new Entrepreneur Visa scheme and recent developments in self-sponsorship under the temporary and permanent employer sponsored programs.
Presenters		**Christie Sawczuk, A/g Assistant Secretary, Economic Policy Branch, Department of Immigration and Border Protection (DIBP)** **Alex Paterson, Co-Managing Partner of Australia and New Zealand, Fragomen Worldwide**
Facilitator		**Anne O'Donoghue, Managing Director and Principal Lawyer, Immigration Solutions Lawyers**
2:55pm – 3:45pm	**BREAKOUT 5B**	**Residential Suite**
	New Law: Leveraging the media to influence the immigration agenda and secure favourable client outcomes	The media has long played a significant role in immigration law and policy reform in Australia. Lobbyists and progressive organisations are increasingly taking a role in political debate, often harnessing social media in innovative ways to shape the reform agenda. This session examines how the media influences the immigration agenda and how immigration lawyers can leverage traditional and progressive media formats to secure favourable client outcomes.
Presenters		**Shen Narayanasamy, Human Rights Director, Get Up** **Michael Gordon, Journalist, The Age – Fairfax Media**
Facilitator		**Rita Chowdhury, Principal, Integrate Legal**
3:50pm – 4:00pm	Closing remarks	**Erskine Rodan OAM, Chair, Migration Law Committee, Law Council of Australia**
4:00pm – 4:30pm	AFTERNOON TEA	
	CONFERENCE CONCLUDES	

2017 IMMIGRATION LAW CONFERENCE

REGISTRATION FORM

Friday 24th February - Saturday 25th February 2017

Personal details – Please attach a business card or write in block letters.

Title First name Surname Post Nominals

Firm/Organisation/Company

Address

Telephone Fax MARN # (if applicable)

Email

Special/Dietary Requirements:

Conference Opening Reception
23rd February 2017
O Bar & Dining
Level 47, Australia Square
264 George Street, Sydney

Conference Dinner
24th February 2017
Museum of Contemporary Art
140 George Street
The Rocks NSW 2000

Conference Venue
24th & 25th February 2017
Four Seasons Hotel
199 George Street
Sydney NSW 2000

PRICE (including GST)

Conference packages^	Member	Non-member	Young lawyer, CLC lawyer, student
Early Bird Conference (2 days) closes 18 January 2017	☐ $550	☐ $605*	☐ $302.50*
Conference (2 days)	☐ $660	☐ $726*	☐ $363*
Conference (Day 1)	☐ $330	☐ $363	☐ $181.50
Conference (Day 2)	☐ $330	☐ $363	☐ $181.50
Conference Dinner (not included in the Conference ticket)	☐ $165	☐ $165	☐ $165
	Add members of the same firm $132 each		

^ All Conference packages include attendance at the Conference Opening Reception. * Includes payment of Federal Litigation & Dispute Resolution section membership until 30 June 2018 (on completion and submission of the FLDRS Membership Application Form).

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