

AUSTRALIAN GOVERNMENT IN-HOUSE COUNSEL DAY

*Professional Development and Networking for the
In-House Legal Community*

CANBERRA

Thursday, 9 March 2023

hwlebsworth.com.au

PROGRAM

TIME	SESSION	PRESENTER
8:30 - 8:55	Registration and refreshments	
8:55 - 9:00	Welcome and opening remarks	Michael Palfrey, Partner
	Session 1	
	Integrity in the Commonwealth: National Anti-Corruption Commission, what you need to know and what you need to do to prepare	Kristina Mihalic, Partner
9:00 - 10:00	<p>This presentation will discuss the <i>National Anti-Corruption Commission Act 2022 (Cth)</i>, focusing on the powers of the new National Anti-Corruption Commission (NACC), the conduct that can be investigated, referrals and investigations by the NACC, private and public hearings, the Inspector's powers, and reporting on NACC investigations and findings.</p> <p>Kristina will also explore the practical steps that Agencies can undertake now to prepare for the anticipated commencement of the NACC in mid-2023.</p> <p><i>1 CPD unit in Core Area 1 - Legal ethics and professional responsibility</i></p>	
	Session 2	
	Class actions: where to now?	Craig Powell, Partner and Claire Mallon, Special Counsel
10:00 - 11:00	<p>As a leading class actions specialist, join Craig and Claire as they canvas the latest developments in class actions; consider the future of class actions given the discrepancies between the Federal and Victorian approaches; and discuss the divergent approaches to rewarding or restricting funders and lawyers disproportionately.</p> <p><i>1 CPD unit in Core Area 4 - Substantive law and procedural law</i></p>	
11:00 - 11:30	Morning tea and networking break	
	Session 3	
	Administrative law: year in review	Michael Palfrey, Partner and Will Sharpe, Partner
11:30 - 12:30	<p>Join Partners Michael and Will as they delve into significant cases from 2022 and offer some guidance on the administrative law landscape for the year ahead.</p> <p><i>1 CPD unit in Core Area 4 - Substantive law and procedural law</i></p>	
	Session 4	
	What Zoomers want: how to develop, retain and learn from your Generation Z team members	Sophie Lloyd, Partner and Generation Z Panellists
12:30 - 13:30	<p>We hear from our panel of HWLE Zoomers to identify, analyse and challenge the stereotypes about their generation and what they want from the workplace. Drawing from research and lived experience, we offer ideas and strategies for getting the most out of a team with varying ages, backgrounds, personalities, and ways of working.</p> <p><i>1 CPD unit in Core Area 3 - Professional skills</i></p>	
13:30 - 14:30	Networking lunch	
	Session 5	
	Probity in Procurement	Brian Ambler, Partner
14:30 - 15:30	<p>Probity and the observance of fairness, transparency, equality, and ethical dealing is fundamentally important to any project and to the organisations that run them. The first part of this session will focus on the five pillars of probity with a special emphasis on the two most important, being Value for Money and the avoidance of Conflicts of Interest.</p> <p>Prickly issues in Procurement</p> <p>The second part of this session will discuss real life procurement issues and describe how they arose and how they were mitigated and resolved. You will gain invaluable insights and tips on pragmatically and commercially solving procurement problems whilst remaining compliant with the legislative and probity requirements.</p> <p><i>1 CPD unit in Core Area 4 - Substantive law and procedural law</i></p>	
	Session 6	
	What do I do next? Steps for complying with the positive duty to prevent sexual harassment	Bede Gahan, Partner
15:30 - 16:30	<p>In this seminar, we will provide you with practical guidance regarding the steps that you can take to ensure that your organisation is taking a robust approach to complying with the positive duty to prevent sexual harassment in the workplace. The session will particularly focus on:</p> <ul style="list-style-type: none">the new regulatory powers;the critical role of legal compliance audits in protecting workers and demonstrating compliance with the law; andhow to conduct legal compliance audits. <p><i>1 CPD unit in Core Area 2 - Practice management and business skills or 1 CPD unit in Core Area 4 - Substantive law and procedural law</i></p>	
16:30 - 17:30	Networking drinks	

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WELCOME

Welcome to HWL Ebsworth's 2023 Australian Government In-House Counsel Day.

We are delighted that you could attend.

Today's program was carefully selected to ensure broad coverage of legal areas and topics, covering issues that you may face on a day to day basis.

We start the day with newly promoted Public Law Partner, **Kristina Mihalic**, discussing the Commonwealth's new National Anti-Corruption Commission, what you need to know and do to prepare. **Craig Powell** and **Claire Mallon** will discuss new developments in class actions, bringing decades of experience between them into the presentation.

Michael Palfrey and **Will Sharpe** will look back at the administrative law landscape of 2022 and offer some guidance on the year ahead, and we will hear from **Sophie Lloyd** and our **HWLE Zoomer panellists** on what Zoomers want, and how to develop, retain and learn from Generation Z team members.

Next, **Brian Ambler** will delve into probity and prickly issues in procurement, discussing real life examples and describing how they arose, and how they were mitigated and resolved. We end the day hearing from **Bede Gahan**, who will provide you with practical guidance regarding the steps that you can take to ensure that your organisation is taking a robust approach to complying with the positive duty to prevent sexual harassment in the workplace.

Our speakers are leaders in their respective fields, with our team dedicating their careers to assisting the Australian Government to deliver its policy objectives. Our presentations will provide a high-level discussion on each area, however we encourage you to continue the dialogue after the event, with our team available to expand on any topic that is of interest to you.

HWL Ebsworth is immensely proud of our Commonwealth Government practice. We are energised and excited to work with you and encourage you to view our contact cards located towards the back of this booklet.

We hope you enjoy our In-House Counsel Day, and we look forward to working with you in 2023.

Regards

Michael Palfrey and George Marques

Joint Group Leaders, Australian Government Group

ABOUT HWL EBSWORTH

HWL Ebsworth is Australia's only commercial law firm with fully staffed offices located in every State and Territory.

All of our office resources and IT systems utilise a single integrated technology platform, and all firm data is held in Australia on its own infrastructure. This means that we offer a platform to service the Australian Government nationally, providing a consistent level of high quality service imbued with HWL Ebsworth values and expertise, regardless of location.

HWL Ebsworth is the only firm appointed to all Australian Government Legal Services Panel arrangements, as well as many Entity Bundling Arrangements. We have the proven expertise to assist the Australian Government with all of its legal needs.

HWL Ebsworth is the largest legal partnership in Australia. The firm comprises 1,641 staff nationally, including 269 partners, 691 solicitors, 297 graduates and paralegals and 384 support staff. While our approach is for small agile teams, ensuring appropriately leveraged resources to deliver efficiencies and value for money, the size and breadth of HWL Ebsworth allows us to expand our resources rapidly as and when required.

HWL Ebsworth offers highly competitive rates compared with law firms of a similar size. We pride ourselves on delivering the highest quality legal services at a highly competitive rate. We can offer this by focusing internally on careful cost control. We do not spend money on any area that would not benefit the client, and all internal expenditure is limited to only the items that are required for the success of our practices. Our focus and goal as a national firm is to help our Government clients achieve their objectives, in a way that delivers the greatest value for money.



HWL Ebsworth takes pride in developing the next generation of Australian Government lawyers. Our team has deep sector specialisation with most of our lawyers focusing their career on working solely with Commonwealth clients. Many of our team members have experience working in high levels of government departments or as advisers to government. This means that our lawyers are mentored by highly experienced senior team members who have a deep understanding of the environment in which the Commonwealth operates, including their relationship and accountability to Parliament, Ministers, Parliamentary Secretaries and the public.

HWL Ebsworth's team is approachable, friendly, and easy to work with, technically excellent, and we thrive on helping our Australian Government clients achieve their objectives. Our firm values include a focus on relationships, high professional standards, quality, proactivity, courage, honesty, and effectiveness in life, good health and work life balance. We recruit staff who align with our values, which means that we retain staff and have a consistent team offering.

HWL Ebsworth's national capability includes expertise in key practice areas, including:

- Aged Care and Retirement Living
- Banking and Finance
- Capital Markets
- Climate Change and Sustainability
- Commercial Contracting
- Competition and Consumer
- Construction and Infrastructure
- Corporate Governance
- Dispute Resolution
- Employee Share Schemes
- Energy and Resources
- Financial Services Advisory
- Franchising and Retail
- Funds Management
- Government (Commonwealth, State/Territory and Local)
- Health
- Insolvency and Securities Enforcement
- Insurance
- Intellectual Property
- Media and Telecommunications
- Mergers and Acquisitions
- Native Title and Indigenous Cultural Heritage
- Not-For-Profit and Charity Law
- Planning and Environment
- Privacy, Data Protection and Cyber Security
- Private Equity and Venture Capital
- Real Estate and Projects
- Safety
- Superannuation
- Taxation
- Technology
- Transport
- Wills and Estate Planning
- Workplace Relations

MEET OUR PRESENTERS



MICHAEL PALFREY

COMMONWEALTH GROUP CO-HEAD | CANBERRA

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Michael is a trusted legal adviser to the Commonwealth for over 20 years. His broad administrative law experience includes the provision of statutory interpretation and information law advice as well as assistance with legislative development. He also conducts investigations on behalf of the Commonwealth.

Michael's administrative law practice involves advising Commonwealth regulators on the nature and scope of the regulators' powers, assistance with the drafting of decisions, and advice and representation in compliance matters. Michael's practice extends to information law which involves regularly conducting Privacy Impact Assessments and advising Commonwealth clients on other privacy concerns and Freedom of Information requests.

Michael also has a strong litigation practice. He is a skilled advocate having represented and appeared for a range of Commonwealth clients over many years in merits and judicial review proceedings, as well as representing the Commonwealth in commercial claims brought against it. His litigation experience includes managing, for many years, a high volume litigation practice for the Department of Home Affairs in AAT, Federal Circuit Court and Federal Court proceedings, as well as representing the Department of Health and Aged Care, for a period of 20 years, in merits and judicial review proceedings involving challenges to aged care decisions.

Additionally, Michael represents a range of clients in large scale merits review and judicial review matters.



KRISTINA MIHALIC

PARTNER | CANBERRA

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Kristina practices in the areas of government related litigation, administrative law, and public law. She assists administrative decision-makers to effectively discharge their functions and assists with the review of matters in the Administrative Appeals Tribunal, the Federal Court, and the High Court of Australia. Kristina is also an experienced solicitor advocate.

Kristina regularly advise Commonwealth, State and private clients on areas such as legislative development, governance, administrative review, judicial review, statutory interpretation, CDDA, freedom of information and privacy, drafting of instruments and delegations, and regulatory programs.

Kristina also assists Commonwealth clients in royal commissions, inquiries, investigations, and coronial inquests, and has been involved in various sensitive investigations.

MEET OUR PRESENTERS



CRAIG POWELL
PARTNER | SYDNEY

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Craig is a dispute resolution and litigation specialist protecting the brand value and integrity of many market leading clients. The hallmark of Craig's litigation practice is his consistent, determined, and unwavering focus on reputation protection within a dispute, client service, commercial strategy and best litigated outcomes.

Craig has deep expertise in managing large scale class action defences, complex disputes involving potential significant brand, financial and reputational loss for his clients, where there is also a considerable public or media interest. Craig is regularly sought after by clients to provide trouble shooting advice to avoid commercial disputes or to structure the effective conduct of disputes from their beginning with a critical emphasis on protecting brand value and integrity.

Craig also manages Coronial Inquiries and regulatory proceedings where the brand integrity of his clients is at risk, particularly in matters where there is a high level of media interest.



CLAIRE MALLON
SPECIAL COUNSEL | SYDNEY

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Claire specialises in complex and large disputes, providing technical and practical advice on litigated claims arising from breach of duty of care, contractual disputes, and regulatory enforcement.

Claire has diverse experience across various sectors including banking and financial services, construction and infrastructure, defence, government, corporate governance, taxation, energy and resources, insurance, health, commercial contracting, agribusiness, competition and consumer law, technology and transport. She has appeared in all state courts and the Federal Court of Australia (and the English civil courts) and engaged in alternative dispute resolution processes including court-ordered and informal mediation on litigated matters, as well as international arbitration under the ICC Arbitration Rules.

Characteristics of Claire's approach to litigation is forensic attention to detail, innovative problem-solving and a resolute focus on the most advantageous outcomes for clients.

MEET OUR PRESENTERS



WILL SHARPE
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Will advises on government and regulatory matters and has a deep understanding of public and administrative law. During his career, Will has worked as an in-house and external legal adviser to government agencies. He is known for delivering clear advice, practical solutions and strong representation.

Will assists government and non-government clients in relation to government decisions, statutory interpretation, legislative development, and information law, as well as representing clients in judicial review litigation in the Federal Circuit Court and Federal Court, and in merits review proceedings in the Administrative Appeals Tribunal.

Will has acted across a wide range of subject matters areas, including immigration, environment, health, disability, social security, defence, Indigenous affairs, climate change, freedom of information, and privacy.



SOPHIE LLOYD
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Sophie is a public and administrative law specialist, with particular expertise in judicial and merits review, commissions of inquiry and statutory interpretation. She provides her clients with clear, practical, and risk-based advice that often involves complex legislative regimes, highly sensitive material, and far-reaching policy implications.

Sophie is an experienced litigator and is responsible for the carriage and management of high-volume litigation for the Minister for Immigration, Citizenship and Multicultural Affairs. She is an able solicitor advocate, regularly appearing in courts and tribunals such as the Federal Circuit and Family Court, Federal Court of Australia, AAT and NCAT, as well as working with counsel on significant matters up to the High Court. Sophie works to resolve matters proactively and efficiently and is mindful of the sensitivities of working with self-represented litigants.

Sophie is admitted in both NSW and England and Wales, having worked as in-house lawyer at the Charity Commission for England and Wales, and in the Public and Regulatory law team of a boutique London firm. In those roles she acted for both regulators and the regulated, including in a number of high-profile crisis management matters, gaining valuable perspective and strategic understanding.

MEET OUR PRESENTERS



BRIAN AMBLER
PARTNER | SYDNEY

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Brian specialises in Probity Services, Government Procurement, Tendering and Contracts. Brian assists clients in all areas of Government procurement including in the Defence, Government (Local, State and Commonwealth), Property, Building, Health, Transport, Water, ICT and Education sectors.

Brian is highly regarded for his advice on drafting tender documentation, advising on tender evaluation methodologies and the probity aspects of the tender process including as probity advisor and probity auditor. Brian also has significant experience that benefits his clients from sitting on government tender evaluation committees and reviewing tenders for compliance, drafting evaluation committee reports to board level and negotiation of contracts with preferred tenderers.

Brian is also a trained mediator with the Australian Commercial Disputes Centre, and has acted on large mediations since the inception of mediation as a recognised form of dispute resolution in Australia.



BEDE GAHAN
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Clients seek Bede's advice not only because of its technical excellence, but also because he is an expert at assisting his clients find practical solutions to their most complex workplace relations matters. Bede's clients are often large and sophisticated employers that operate in complex regulatory environments, such as the Commonwealth public service, and the education, health and community services industries.

Bede assists his clients achieve the prompt resolution of matters involving inappropriate behaviour in the workplace, performance management, workplace investigations and public interest disclosures, work health and safety issues, complaints of unlawful discrimination or bullying, and unreasonable complainant conduct or querulent complainants.

Bede also assists clients resolve litigated matters in the Federal Court and Federal Circuit Court of Australia, as well as various tribunals and commissions such as the Fair Work Commission, Australian Human Rights Commission and the ACT Civil and Administrative Tribunal.

MEET OUR TEAM

KEY CONTACTS FOR HWL EBSWORTH'S COMMONWEALTH GROUP



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To discuss how HWL Ebsworth can assist your Agency, please email lsp@hwle.com.au

COMMONWEALTH GROUP - SENIOR TEAM

PUBLIC LAW



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SPECIALISATION
Administrative law; Regulatory frameworks; FOI, Privacy & PID; Dispute resolution & litigation; Commissions of inquiry, inquests, and reviews



MICHAEL PALFREY
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SARAH THOMPSON
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Administrative law; Dispute resolution & litigation



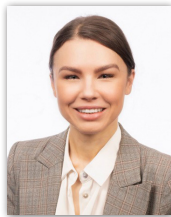
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PROPERTY, ENVIRONMENT, CONSTRUCTION & INFRASTRUCTURE



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WORKPLACE, INDUSTRIAL RELATIONS & COMPENSATION



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WORKPLACE, INDUSTRIAL RELATIONS & COMPENSATION (CONTINUED)



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LITIGATION SPECIALISATION



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PARTNER | CANBERRA

SPECIALISATION Royal Commissions, Public Inquiries & Inquests; Commercial litigation; Complex & sensitive litigation; Cohort & multi-party litigation; Defamation; Civil penalty proceedings



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PARTNER | CANBERRA

SPECIALISATION Royal Commissions, inquests, and reviews; Dispute resolution & litigation



MICHAEL PALFREY

PARTNER | CANBERRA

SPECIALISATION Royal Commissions, inquests, and reviews; Civil penalty proceedings; Dispute resolution & litigation



WILL SHARPE

PARTNER | CANBERRA

SPECIALISATION Investigations & reviews; Civil penalty proceedings; Dispute resolution & litigation



PETER CAMPBELL

PARTNER | ADELAIDE

SPECIALISATION Regulatory investigations and prosecutions; Media & Communications; IP & privacy; Defamation; Competition & consumer law; Dispute resolution; Complex/strategic litigation



REBECCA JAFFE

PARTNER | MELBOURNE

SPECIALISATION Commercial disputes; Significant regulatory investigations through to court proceedings & enforcement of court orders; Civil penalty proceedings



POLAT SIVA

PARTNER | MELBOURNE

SPECIALISATION Commercial disputes; Regulatory investigations & disputes; Insolvency



NICHOLAS PULLEN

PARTNER | MELBOURNE

SPECIALISATION Defamation; Privacy; Consumer law; Advertising; IT, ICT & IP



ASAF FISHER

PARTNER | SYDNEY

SPECIALISATION Public inquiries & Royal Commissions; Dispute resolution & litigation



ANDREW MIERS

PARTNER | SYDNEY

SPECIALISATION Privacy, data protection & cyber security; Cyber risk & Insurance; Media and technology liability claims



CRAIG POWELL

PARTNER | SYDNEY

SPECIALISATION Large scale class action defences; Complex, multi-party disputes; Brand & reputation protection



CLAIRE MALLON

SPECIAL COUNSEL | SYDNEY

SPECIALISATION Regulatory enforcement; Complex and large disputes; Financial services; Product Liability; Toxic Torts

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TAX TECHNICAL LAW



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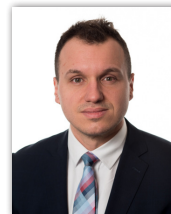
SPECIALISATION Complex tax technical matters involving inbound investments & tax audits & disputes



REBECCA JAFFE

PARTNER | MELBOURNE

SPECIALISATION Complex/strategic litigation. Rebecca has acted for the ATO in respect of defended debt matters



VINCENT LICCIARDI

PARTNER | MELBOURNE

SPECIALISATION Complex HWI tax audits & litigation. Vincent's previous ATO roles include Executive Level 2.1 Director Private Wealth business line, and National Litigation Direct



ARI SCHACHNER

PARTNER | MELBOURNE

SPECIALISATION Complex HWI tax audits & litigation



EVAN STENTS

PARTNER | MELBOURNE

SPECIALISATION Complex litigation in all superior jurisdictions in Australia. Evan is also a qualified Mediator



TIMOTHY STOKES

PARTNER | ADELAIDE

SPECIALISATION Complex tax technical matters involving HWI, trusts, transactions, corporations, anti-avoidance, inbound & outbound investment, charity & not-for-profit & audit & dispute management



MATTHEW BRODERICK

PARTNER | BRISBANE

SPECIALISATION Insolvency & commercial litigation, incl. high-volume windings up & bankruptcies for the ATO



JOHN CARAVOUSANOS

PARTNER | BRISBANE

SPECIALISATION State & Territory tax legislation incl. land tax, payroll tax & stamp duty tax, and multi-jurisdictional transactions



JOHNNY HO

PARTNER | BRISBANE

SPECIALISATION Complex tax audits & litigation across all areas of Australian taxation law. Johnny was formerly an executive level officer of the ATO



LINDSAY REED

PARTNER | BRISBANE

SPECIALISATION Complex tax technical advice & litigation across the spectrum of Commonwealth taxes



WILL SHARPE

PARTNER | CANBERRA

SPECIALISATION Broad administrative law and litigation experience incl. representing the Commonwealth in judicial and merits review



ALISON ROBERTSON

PARTNER | PERTH

SPECIALISATION Complex commercial litigation with expertise in insolvency. Alison has worked hand in hand with ASIC, FEG & the ATO in funded complex litigation on behalf of liquidators



ALISTAIR LITTLE

PARTNER | SYDNEY

SPECIALISATION Complex litigation. Alistair has acted for the ATO in Federal Court matters where tax technical matters were in issue



DAVID PRATLEY

PARTNER | SYDNEY

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NOTES

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Thursday, 9 March 2023

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