

AUSTRALASIAN CONFERENCE OF PLANNING AND  
ENVIRONMENT COURTS AND TRIBUNALS

ACPECT Conference 2010

31 August, 1–4 September 2010, Sydney

Amora Hotel Jamison  
11 Jamison Street, Sydney 2000  
Telephone: (02) 9696 2500, Fax: (02) 9696 2600

Hosted by: The Land and Environment Court of New South Wales  
and the Judicial Commission of New South Wales

Program

▼ **Tuesday 31 August 2010**

9.15 am – 4.00 pm

**Optional visit to Land and Environment Court of NSW**  
12th floor, 225 Macquarie Street, Sydney

2.00 pm – 5.00 pm

**Registrars' Conference**  
Land and Environment Court of NSW  
12th floor, 225 Macquarie Street, Sydney

5.30 pm – 7.00 pm

**Welcome Reception**  
Chelmsford Room, Tattersalls Club, 181 Elizabeth Street, Sydney  
Words of Welcome: The Hon Justice Brian Preston  
Chief Judge, Land and Environment Court of NSW

▼ **Wednesday 1 September 2010**

From 8.00 am

**Registration**

9.15 am – 9.30 am

**Welcome to Country**

9.30 am – 10.00 am

**Opening Session: Speeches of Welcome**

- The Hon John Hatzistergos MLC  
Attorney General of NSW
- The Hon Justice Brian Preston  
Chief Judge, Land and Environment Court of NSW

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## Wednesday 1 September 2010

10.00 am – 10.45 am

**Keynote Address**

The Hon JJ Spigelman AC  
Chief Justice of NSW

10.45 am – 11.15 am

*Morning tea*

11.15 am – 12.45 pm

**Human Rights and the Environment**

Chair: The Hon Justice Nicola Pain  
Land and Environment Court of NSW

Speakers:

- The Hon Catherine Branson QC  
President, Australian Human Rights Commission; former Judge,  
Federal Court of Australia
- The Hon Justice Kevin Bell  
Judge of the Supreme Court of Victoria; former President, Victorian  
Civil and Administrative Tribunal
- The Hon Justice Hima Kohli  
High Court of Delhi

Commentator: The Hon Murray Wilcox QC

Chair, Environmental Defender's Office of NSW; former Judge,  
Federal Court of Australia

Open Discussion

12.45 pm – 1.45 pm

*Lunch*

1.45 pm – 3.15 pm

**Ethics and the Environment**

Chair: The Hon Justice Peter Biscoe  
Land and Environment Court of NSW

Speakers:

- Dr Simon Longstaff  
Director, St James Ethics Centre, Sydney
- The Hon Keith Mason AC QC  
Visiting Professorial Fellow, University of NSW; former President,  
NSW Court of Appeal
- The Hon Jerrold Cripps QC  
Former Judge of the NSW Court of Appeal; former Chief Judge,  
Land and Environment Court of NSW; former Commissioner, NSW  
Independent Commission against Corruption

Open Discussion

3.15 pm – 3.45 pm

*Afternoon tea*

3.45 pm – 5.15 pm

**The Internationalisation of Environmental Law**

Chair: The Hon Justice Garry Downes AM  
President, Administrative Appeals Tribunal of Australia; Judge,  
Federal Court of Australia

Speaker: Mr Donald Kaniaru

Chairman, National Environment Tribunal of Kenya; former Director,  
Division of Environmental Policy Implementation, United Nations  
Environment Program

## Wednesday 1 September 2010 *continued*

7.00 pm	<p>Panel:</p> <ul style="list-style-type: none"> <li>• Brazil: Professor Vladimir Passos de Freitas, former Chief Judge, Federal Court of Appeal, Porto Alegre, Brazil</li> <li>• Canada: Mr Michael Gottheil, Executive Chair, Environment and Land Tribunal, Ontario</li> <li>• India: The Hon Justice Hima Kohli, High Court of Delhi</li> <li>• Indonesia: Ms Vivien Rosa Ratnawati, Assistant Deputy, Civil Enforcement Division, Ministry of Environment</li> <li>• Philippines: The Hon Justice Diosdado M Peralta, Supreme Court of the Philippines</li> <li>• Thailand: [TBA], Supreme Court of Thailand, Environmental Division</li> <li>• Trinidad &amp; Tobago: Her Honour Sandra Paul, Chairman, Environmental Commission of Trinidad &amp; Tobago</li> <li>• USA: Honourable Merideth Wright, Environmental Judge, Environmental Court of Vermont</li> </ul> <p>Open Discussion</p> <p><b>Gala Dinner for ACPECT Conference and 30th Anniversary of Land and Environment Court of NSW</b>, Parliament House, Macquarie Street, Sydney</p> <p>After Dinner Speaker: The Hon Jerrold Cripps QC Former Judge, NSW Court of Appeal; former Chief Judge, Land and Environment Court of NSW; former Commissioner, NSW Independent Commission against Corruption</p>
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## Thursday 2 September 2010

9.15 am – 10.00 am	<p><b>Creating and Improving Environmental Courts and Tribunals</b> Chair: The Hon Justice Brian Preston Chief Judge, Land and Environment Court of NSW</p> <p>Speakers:</p> <ul style="list-style-type: none"> <li>• Professor George (Rock) Pring Professor of Law, University of Denver, Sturm College of Law, Colorado, USA</li> <li>• Mrs Catherine (Kitty) Pring Mediator and author</li> </ul>
10.00 am – 11.30 am	<p><b>Jurisdiction, Structure and Civil Practice and Procedure: New Zealand, Queensland, Victoria and Tasmania</b> Chair/Speaker: His Honour Judge Michael Rackemann Planning and Environment Court of Queensland</p> <p>Speakers:</p> <ul style="list-style-type: none"> <li>• His Honour Judge Craig Thompson Principal Environment Judge, Environment Court of New Zealand</li> <li>• Ms Helen Gibson Deputy President, Planning and Environment List, Victorian Civil and Administrative Tribunal</li> <li>• Mr Simon Cooper Chairman, Resource Management and Planning Appeals Tribunal, Tasmania</li> </ul> <p>Open Discussion</p>

▼ **Thursday 2 September 2010** *continued*

11.30 am – 12.00 pm

*Morning tea*

12.00 pm – 1.30 pm

**Jurisdiction, Structure and Civil Practice and Procedure: South Australia, Western Australia and NSW**

Chair/Speaker: Her Honour Judge Susanne Cole  
Environment Resources and Development Court of SA

Speakers:

- Senior Member David Parry  
Head, Development and Resources Stream, State Administrative Tribunal of WA
- The Hon Justice Peter Biscoe  
Land and Environment Court of NSW

Open Discussion

1.30 pm – 2.30 pm

*Lunch*

2.30 pm – 3.15 pm

Concurrent Sessions:

**A: Criminal Proceedings: Case Management**

Chair: The Hon Justice Terry Sheahan AO  
Land and Environment Court of NSW

Speaker: The Hon Justice Megan Latham  
Supreme Court of NSW

Open Discussion

**B: Guideline Decisions in Merits Review**

Chair: The Hon Justice John Chaney  
President, State Administrative Tribunal of WA

Speakers:

- Commissioner Linda Pearson  
Land and Environment Court of NSW
- Ms Jeanette Rickards  
Victorian Civil and Administrative Tribunal

Open Discussion

3.15 pm – 3.45 pm

*Afternoon tea*

3.45 pm – 5.15 pm

**Jurisdiction, Structure and Civil Practice and Procedure in Overseas Courts and Tribunals**

Chair/Speaker: Honourable Merideth Wright  
Environmental Judge, Environmental Court of Vermont

Speakers:

- Brazil: Professor Vladimir Passos de Freitas, Former Chief Judge  
Federal Court of Appeal, Porto Alegre, Brazil
- Canada: Mr Michael Gottheil, Chair, Environment and Lands Tribunal,  
Ontario

## Thursday 2 September 2010 *continued*

7.00 pm	<ul style="list-style-type: none"> <li>• India: The Hon Justice Hima Kohli, High Court of Delhi</li> <li>• Indonesia: Her Honour Judge Andriani Nurdin, High Court of Palembang</li> <li>• Kenya: Mr Donald Kaniaru, Chairman, National Environment Tribunal of Kenya</li> <li>• Philippines: The Hon Justice Diosdado M Peralta, Supreme Court of the Philippines</li> <li>• Thailand: [TBA], Supreme Court of Thailand, Environmental Division</li> <li>• Trinidad &amp; Tobago: Her Honour Sandra Paul, Chairman, Environmental Commission of Trinidad &amp; Tobago</li> </ul> <p>Open Discussion</p> <p><i>Free evening</i></p> <p>Dinner at choice of restaurants (details to be supplied, reservations to be arranged by delegates)</p>
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## Friday 3 September 2010

9.15 am – 10.45 am	<p><b>Climate Change</b></p> <p>Chair: His Honour Judge Craig Thompson Principal Environment Judge, Environment Court of New Zealand</p> <p>Speakers:</p> <ul style="list-style-type: none"> <li>• Professor Andy Pitman Co-director, Climate Change Research Centre, University of NSW</li> <li>• Mr Evan Jones Chair, Centre for the Built Environment Advisory Board, University of WA; Adjunct Professor, Institute for Sustainability and Technology Policy, Murdoch University; Chair, Australian Council for New Urbanism</li> </ul> <p>Open Discussion</p>
10.45 am – 11.15 am	<p><i>Morning tea</i></p>
11.15 am – 12.00 pm	<p><b>The Regulation of Harm against the Environment</b></p> <p>Chair: The Hon Justice Malcolm Craig Land and Environment Court of NSW</p> <p>Speaker: Professor Arie Frieberg Dean of the Faculty of Law, Monash University</p> <p>Open Discussion</p>
12.00 pm – 12.45 pm	<p>Concurrent Sessions</p> <p><b>A: Judicial Review in Environmental Proceedings</b></p> <p>Chair: The Hon Justice Rachel Pepper Land and Environment Court of NSW</p>

## Friday 3 September 2010 *continued*

	<p>Speaker: Mr Stephen Gageler QC Solicitor General of the Commonwealth of Australia</p> <p>Open Discussion</p> <p><b>B: Planning for Bushfires</b> Chair: Commissioner Stephen Hamnett Environment Resources and Development Court of SA</p> <p>Speakers: Ms Rachel Naylor and Mr Ian Potts Planning Members, Victorian Civil and Administrative Tribunal</p> <p>Open Discussion</p>
12.45 pm – 1.45 pm	<i>Lunch</i>
1.45 pm – 3.15 pm	<p><b>Alternative Dispute Resolution</b> Chair/Speaker: The Hon Justice Iain Ross President, Victorian Civil and Administrative Tribunal; Judge of the Supreme Court of Victoria</p> <p>Speakers:</p> <ul style="list-style-type: none"> <li>• The Hon Justice Terry Sheahan AO Land and Environment Court of NSW</li> <li>• Senior Member David Parry Head, Development and Resources Stream, State Administrative Tribunal of WA</li> <li>• His Honour Judge Michael Rackemann Planning and Environment Court of Queensland</li> <li>• Commissioner Ross Dunlop Environment Court of New Zealand</li> <li>• Commissioner John Hodgson Environment Resources and Development Court of SA</li> </ul> <p>Open Discussion</p>
3.15 pm – 3.30 pm	<p><b>Closing Session</b> Speakers:</p> <ul style="list-style-type: none"> <li>• The Hon Justice Brian Preston Chief Judge, Land and Environment Court of NSW</li> <li>• Delegate of Court or Tribunal hosting 2012 ACPECT Conference</li> </ul>
3.30 pm – 3.45 pm	<i>Afternoon tea</i>
3.45 pm – 5.30 pm	Optional walking tour of historic Rocks district.

## Saturday 4 September 2010

9.30 am – 2.00 pm	Optional visit by ferry, guided tour and lunch at the former Quarantine Station on Sydney Harbour's South Head. Departs Circular Quay at 9.30 am. Return to Amora Hotel by 2 pm
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