

Judy Brien

Contact details

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Chambers: Jeddart Chambers

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List: Hemmant's List

Relevant work and education history

February 2003 to present – Barrister in private practice with chambers in Brisbane

May 2015 - LEADR Dispute Resolution Mediation workshop

Between 2004 and 2007 - I completed three subjects towards LLM (QUT)

- Advanced Planning Law
- Environmental Legal Systems
- Natural Resources Law - Awarded AMPLA Resources and Energy Law Prize (2007)

February 2003 – satisfactory completion of the Practice Training Course, Bar Practice Centre

1996 to December 2002 – Solicitor employed in Crown Law, Queensland

March 1996 – Bachelor of Laws (QUT) – 5 year part time

1993 to 1995 – Law Clerk employed in Crown Law, Queensland

Pre 1993 – Various positions within the Magistrates Court at centres throughout Queensland. Final role was Acting Registrar, Magistrates Court, Brisbane.

1980 – Senior Certificate Caloundra State High School

Appointments and accreditations

January 2017 – Appointed Member of the Queensland Heritage Council (Current)

2016 – Reviewer of the Queensland Development Code and proposed Queensland Housing Code

December 2015 – Appointed General Referee for the Building and Development Committees (Current)

August 2015 – Nationally Accredited Mediator (Current)

2013 – Member of the Dispute Resolution Focus Group – Department of State Development Infrastructure and Planning (Queensland)

2012 – Appointed Independent assessor pursuant to *State Development and Public Works Organisation Act 1999* and the ‘Guidelines for acquisition of land for infrastructure projects by persons other than the State’

May 2003 – Registered to practice as barrister High Court of Australia (Current)

January 2003 – Admission as barrister of the Supreme Court of Queensland (Current)

December 2002 – Registered as a legal Practitioner of the Supreme Court of the Australian Capital Territory (Current)

April 1996 – Admission as a solicitor of the Supreme Court of Queensland

Experience

Judy was admitted to practice as a barrister and commenced at the private Queensland Bar in January 2003. Prior to this she practised as a solicitor in Brisbane from the mid 1990’s.

Judy is a Nationally Accredited Mediator.

Judy’s practice is diverse. It spans a broad range of areas including:

- native title;
- planning and environment;
- heritage;
- land acquisition and compensation for the acquisition of land and access arrangements;
- infrastructure and major projects;
- mining (environmental and compensation for grants of leases) and resources;
- cultural heritage;
- administrative law/judicial review;
- environmental approvals, authorities and enforcement;
- local government;
- general commercial litigation (including ASIC regulatory matters);
- quasi criminal law as it relates to enforcement processes and confiscation of proceeds of crime proceedings; and
- statutory interpretation.

Judy appeared in both the Queensland Flood Commission of Inquiry (2011) and the Grantham Flood Commission of Inquiry (2015).

During her time at the bar Judy has appeared either alone or with Queens/Senior Counsel in:

- the High Court (special leave confiscation of proceeds of crime and planning/native title);
- the Full Federal Court (Commonwealth environmental review – EPBC Act);
- the Federal Court (native title matters and applications relating to the EPBC Act);

- the Queensland Court of Appeal;
- the Supreme Court of Queensland (judicial review, confiscation of proceeds of crime, general commercial litigation and foreign evidence matters);
- the District Court (general litigation);
- the Planning and Environment Court (planning appeals, enforcement hearings, heritage matters and infrastructure charges appeals);
- the Land Appeal Court;
- the Land Court (compensation determinations arising from compulsory acquisition of land and granting of mining leases, challenges to unimproved values of land, cultural heritage and appeals under the Water Act); and
- the Land and Resources Tribunal (mining and native title).

A significant number of matters have proceeded to hearing with decisions published on the relevant court websites, a list of which can be seen by accessing the link to Judy's full CV, located on the Jeddart Chambers website.

Judy provides mediation services as part of her current practice. Judy has also gained valuable experience representing parties in without prejudice conferences, mediations and compulsory court supervised conferences in matters falling within the jurisdiction of the Federal Court, Supreme Court, Planning and Environment Court and the Land Court. In addition Judy obtained considerable experience as a mediator in her previous roles as a Deputy Registrar and Acting Registrar in the Magistrates Court Brisbane. Part of that role involved the conduct of pre-trial conferences covering a diverse range of matters.

Judy has advised or acted in proceedings for and against the Commonwealth and State of Queensland, Ministers and related entities, various local governments, indigenous representative bodies, companies and private individuals (including self-represented persons).

Judy's experience also includes the provision of advice to both private sector and government clients in relation to major project development and acquisition matters including access, heritage, planning, land acquisition and native title.

Attachment A
(as at 23 May 2017)

2003

RAG Australia Coal Pty Ltd & Anor v Barada Barna Kabalbara People and Ors [2003]
QLRT 23

RAG Australia Coal Pty Ltd & Anor v Barada Barna Kabalbara People and Ors [2003]
QLRT 29

RAG Australia Coal Pty Ltd & Anor v Barada Barna Kabalbara People and Ors [2003]
QLRT 32

RAG Australia Coal Pty Ltd & Anor v Barada Barna Kabalbara People and Ors [2003]
QLRT 33

Re C J Doxford & Ors [2003] QLRT 58

RAG Australia Coal Pty Ltd & Anor v Barada Barna Kabalbara People and Ors [2003]
QLRT 65

2004

Minister for the Environment and Heritage v Queensland Conservation Council Inc [2004]
FCAFC 190 Black CJ, Ryan J and Finn J

Cornerstone Properties Pty Ltd v Caloundra City Council & Anor [2004] QPEC 044
Rackemann DCJ

Perpetual Trustees Australia Ltd v Bank of Western Australia Limited & Ors [2004] QSC
213 Muir J

Perpetual Trustees Australia Ltd v Bank of Western Australia Ltd & Ors [2004] QCA 345
de Jersey CJ, McPherson JA, White J

2005

Hall & Ors v Nanango Shire Council & Ors [2005] QPEC 042 McLaughlin QC DCJ

Roma Town Council v Bungil Shire Council & Ors [2005] QPEC 057 Robin QC DCJ

State of Queensland v Lindsay & Ors [2005] QSC 166 Fryberg J

ASIC v Schoch [2005] CALDB 106

2006

Booth v Frippery Pty Ltd & Ors [2006] QCA 042 Williams JA, Holmes J and McMurdo J

Booth v Frippery Pty Ltd & Ors [2006] QCA 074 Williams JA, Holmes J and McMurdo J

Queensland Rail v Cooloola Shire Council & Ors [2006] QPEC 050 Robertson DCJ

2007

Cwth DPP v Hart [2007] QDC 026 Brabazon QC DCJ

Cwth DPP v Hart [2007] QCA 184 Williams JA, Keane JA, Phillipides J

Hart v Cwth DPP [2007] HCAT Trans 694 Gummow J and Heydon J

PMM Brisbane Pty Ltd v Nebo Shire Council & Ors [2007] QPEC 075 Wilson SC DCJ

Chuwar Recycling and Land Filling Pty Ltd v Ipswich City Council & Ors [2007] QPEC 102 Rackemann DCJ

Parcel One Pty Ltd v Ipswich City Council & Ors [2007] QPEC 103 Rackemann DCJ

Acland Pastoral Co Pty Ltd v Rosalie Shire Council & Ors [2007] QPEC 112 Dodds DCJ

2008

CQ Innovations Pty Ltd v Cairns City Council & Ors [2008] QPEC 043 Wilson SC DCJ

Sevemere v Cairns Regional Council & Ors [2008] QPEC 077 Everson DCJ

Thiess Services Pty Ltd & Anor v Mareeba Shire Council, Minister for Local Government, Planning, Sport and Recreation [2008] QPEC 95 White DCJ

Garyf Pty Ltd v Maroochy Shire Council & Ors [2008] QPEC 101 Rackemann DCJ

2009

Sevemere Pty Ltd v Cairns Regional Council & Anor [2009] QCA 232 McMurdo P, Holmes JA and Daubney J

Stockland Property Management v Cairns City Council & Ors [2009] QPEC 001 Brabazon QC DCJ

Stockland Property Management Pty Ltd v Cairns City Council & Ors [2009] QCA 311 McMurdo P, Keane JA and Wilson J

Jahnke v Cassowary Coast Regional Council & Ors [2009] QPEC 036 Robin QC DCJ

Jahnke v Cassowary Coast Regional Council & Ors [2009] QPEC 039 Robin QC DCJ

Metroplex v Brisbane City Council & Ors [2009] QPEC 110 Rackemann DCJ

Kelly Consolidated Pty Ltd v Ipswich City Council & Ors [2009] QPEC 126 Robin QC DCJ

Refaka Pty Ltd v Scenic Rim Regional Council & Ors [2009] QPEC 139 Robin QC DCJ

GPT RE Limited & Anor v DNRW [2009] QLC 0078 Member Jones

ING Management Limited & anor v DNRW [2009] QLC 0094 Member Jones

2010

QGC Pty Limited v Bygrave (No 2) [2010] FCA 1019 Reeves J

Acland Pastoral Co Pty Ltd v Rosalie Shire Council & Ors [2010] QPEC 021 Dodds DCJ
Acland Pastoral Co Pty Ltd v Rosalie Shire Council (No 2) & Ors [2010] QPEC 030 Dodds DCJ
Mahaside Pty Ltd v Sunshine Coast Regional Council & Ors [2010] QPEC 070 Robertson DCJ
Stafford v Gold Coast City Council [2010] QPEC 138 Robin QC DCJ
Queensland Construction Materials Pty Ltd v Redland City Council & Ors [2010] QCA 182
McMurdo P, Chesterman JA and Applegarth J
Queensland Construction Materials Pty Ltd v Redland City Council [2010] QCA 248
McMurdo P, Chesterman JA and Applegarth J

2011

Queensland Construction Materials Pty Ltd v Tapp & Ors [2011] HCASL 131 Gummow J and Kiefel J
Cwth DPP v Hart [2010] QDC 457 Andrews SC DCJ
State of Queensland v Cannon [2011] QSC 075 Applegarth J
State of Queensland v Cannon (No 2) [2011] QSC 245 Applegarth J
State of Queensland v Henderson [2011] QSC 300 Peter Lyons J
State of Queensland v Cannon (No 3) [2011] QSC 307 Applegarth J
Vidler v Fraser Coast Regional Council & Anor [2011] QPEC 018 Robin QC DCJ
Morgan v Toowoomba Regional Council & Ors [2011] QPEC 061 Robin QC DCJ
Gates v Gold Coast City Council [2011] QPEC 094 Newton DCJ
Gates v Gold Coast City Council [2011] QPEC 120 Newton DCJ
Comiskey Group v Moreton Bay Regional Council & Ors [2011] QPEC 132 Jones DCJ
Bird v Logan City Council & Ors [2011] QPEC 145 Robin QC DCJ
Cidneo Pty Ltd v DTMR [2011] QLC 018 Member Cochrane
Queensland Floods Commission of Inquiry representing Ipswich City Council (2011) with the Final Report published March 2012

2012

Eastpoint Mackay Pty Ltd v Mackay Regional Council & Ors [2012] QPEC 020
Robertson DCJ
Falzon v Gladstone Ports Corporation & Anor [2012] QPEC 50 Searles DCJ
Comiskey Group v Moreton Bay Regional Council & Ors [2012] QPEC 074 Jones DCJ
Iwasaki Sangyo Co (Aust) Pty Ltd v Chief Executive DERM [2012] QCA 241 Muir JA, Fraser JA and Phillipides J

Yarrow v Coordinator-General [2012] QLC 0025 Member Smith

2013

Nona & Ors v The Hon Andrew Powell MP [2013] QPEC 046 Everson DCJ

Morgan v Toowoomba Regional Council & Ors [2013] QPEC 058 Durward SC DCJ

YFG Shopping Centres Pty Ltd v Brisbane City Council & Ors [2013] QPEC 059 Jones DCJ

Devine Limited v Ipswich City Council [2013] QPEC 072 Andrews SC DCJ

Henderson v State of Queensland [2013] QCA 082 Holmes JA, White JA and Daubney J

Aynsley v DTMR [2013] QLC 21 Member Isdale

Savimaki & Ors v Sunshine Coast Regional Council [2013] QLC 33 Member Smith

Cidneo Pty Ltd v DTMR [2013] QLC 47 Member Cochrane

Legend International Holdings v Taylor Aly Awaditija & Anor [2013] QLC 66 President MacDonald

2014

Legend International Holdings v Taylor Aly Awaditija & Anor (No 2) [2014] QLC 24 President MacDonald

Wigan v Redland City Council & Ors [2014] QPEC 027 Jones DCJ

Karalee Land Partners Pty Ltd v Ipswich City Council & Ors [2014] QPEC 034 Searles DCJ

Cidneo Pty Ltd v DTMR [2014] QLAC 3 Peter Lyons J, President MacDonald and Member Isdale

Krajniw v Newman & Ors [2014] FCA 1454 Reeves J

Edwards on behalf of the Wongkumara People v State of Queensland (No 2) [2014] FCA 1122 Jagot J

2015

Driesen v Gold Coast City Council & Anor [2015] QCA 85 Holmes JA and Morrison JA and Dalton J

Cidneo Pty Ltd v DTMR [2015] QCA 96 de Jersey CJ, Fraser JA and Dalton J

Krajniw v Newman & Ors (No 2) [2015] FCA 675 Reeves J

Grantham Flood Commission of Inquiry representing Queensland Rail

2016

Carabella Resources Limited v Goodwin [2016] QLC 32 Member Smith

Krajniw v Minister for Environment [2016] FCA 141 Collier J

Collins on behalf of the Wongkumara People v Harris on behalf of the Palpamudramunda Yandrawandra People [2016] FCA 527 Jagot J

Harburg Nominees Pty Ltd v Brisbane City Council & Ors [2016] QPEC 052 Bowskill QC DCJ

Harburg Nominees Pty Ltd v Brisbane City Council & Ors [2016] QPEC 056 Searles DCJ

2017

Lipoma Pty Ltd v Minister for State Development & Anor [2017] QPEC 06 Searles DCJ

Council of the City of Gold Coast v Sedgman Consulting Pty Ltd [2-17] QPEC 018 Kefford DCJ

Krajniw v Hunt [2017] FCA 483 Logan J