



COUNCIL OF AUSTRALASIAN TRIBUNALS



COAT NATIONAL CONFERENCE
Between CATs and Courts

9-10 JUNE 2016

HOTEL GRAND CHANCELLOR, HOBART

PROGRAM

CONFERENCE HOST



COUNCIL OF AUSTRALASIAN TRIBUNALS



COUNCIL OF AUSTRALASIAN TRIBUNALS
TASMANIA

ORGANISING COMMITTEE

CHAIR:

- **Gregory Geason**
Resource Management & Planning Appeal Tribunal

ORGANISING COMMITTEE:

- **Anita Smith**
Victorian Civil and Administrative Tribunal
- **Genevieve Nihill**
Victorian Civil and Administrative Tribunal
- **Kylie Mcshane**
Mental Health Tribunal, Victoria and Tasmania
- **Stephen Carey**
Chief Commissioner, Workers Rehabilitation and Compensation Tribunal
- **Yvonne Chaperon**
Mental Health Tribunal, Tasmania
- **David Plunkett**
Weathertight Homes Tribunal



WELCOME FROM THE CONFERENCE ORGANISING COMMITTEE CHAIR

Dear Colleagues,

On behalf of the Organising Committee it is my pleasure to welcome you to the 2016 Council of Australasian Tribunals (COAT) National Conference being held at the Hotel Grand Chancellor, Hobart, 9 – 10 June.

The theme of COAT's 2016 conference is "Between CATS and Courts". The program invites those attending to reflect on the fundamental rationale behind the growth of tribunals outside the formal court system, to consider whether that rationale remains convincing, and to discuss ways in which it might be enhanced.

We hope you are able to enjoy the many wonderful experiences our city has to offer and perhaps also to participate in Hobart's mid-winter festival "Dark Mofo".

We thank you for attending and trust you will enjoy what promises to be a professionally and socially fulfilling two days in Hobart.

Yours faithfully

Gregory Geason
Conference Organising Committee Chair
National Executive
COAT



Hotel Grand Chancellor

CONFERENCE VENUE

Hotel Grand Chancellor Hobart
1 Davey St, Hobart TAS 7000

REGISTRATION

Thursday 9 June 12:00 – 13:00

Friday 10 June 08:15 – 16:30

Mezzanine Level, Hotel Grand
Chancellor Hobart

INTERNET

Complimentary Wi-Fi will be available throughout the conference area.

Network Name: COAT_Wireless
Password: coat2016

**Please note the wireless internet is not secure.*

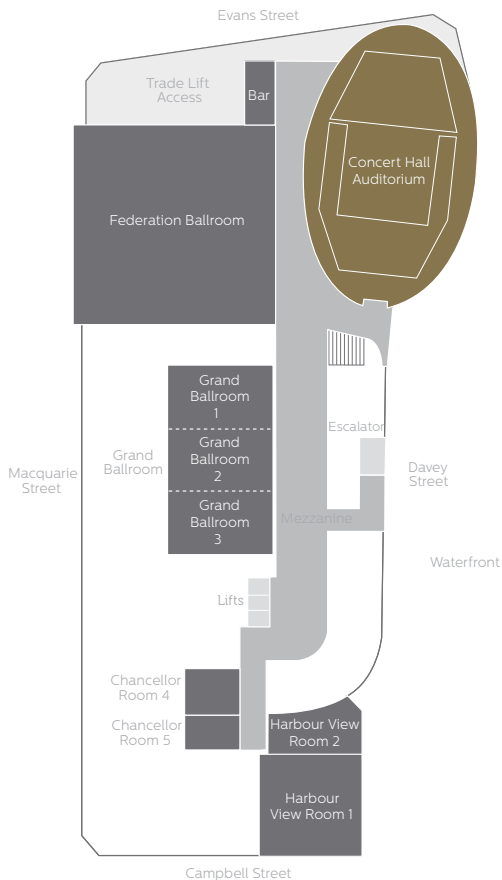
SPECIAL REQUIREMENTS

Every effort has been made to ensure delegates with special requirements are catered for. Should you require any assistance, please contact the Registration Desk to enable us to make your attendance at the conference a pleasant and comfortable experience.

CONFERENCE ATTIRE

Dress for the conference is business attire.

CONFERENCE VENUE MAP



DINNER VENUE



CONFERENCE DINNER

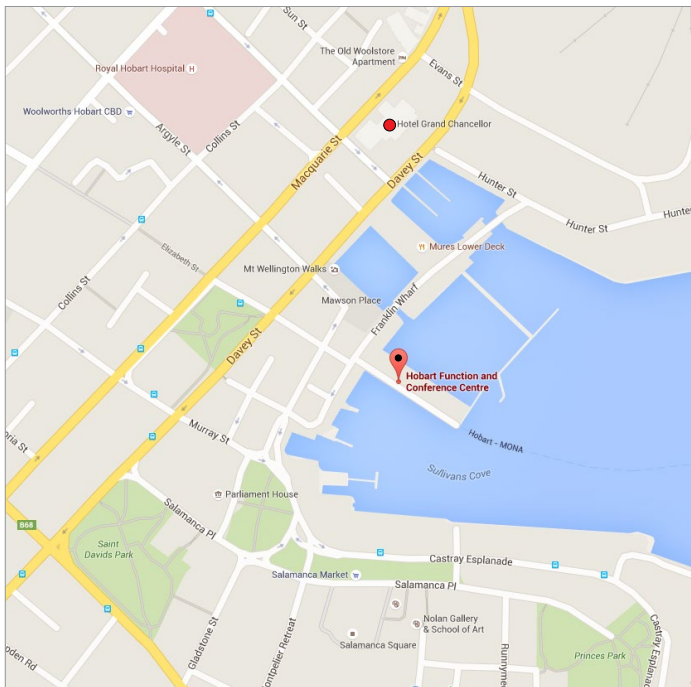
Date: **Thursday 9 June 2016**

Venue: **Hobart Function & Conference Centre,
1 Elizabeth St, Hobart**

5 minutes' walk from Conference Venue.

Time: **19:00 – 22:30**

Attire: **Lounge suit or similar**





THURSDAY 9 JUNE 2016	
Grand Ballroom 2	
08:30 – 10:30	Inter-Jurisdictional Workers Compensation Dispute Resolution Organisations Meeting
Grand Ballroom 2	
10:30 – 12:00	Heads of Tribunals Meeting
Mezzanine & Harbour View Room 1	
12:00 – 13:00	Registration & Lunch
Grand Ballroom 3	
Session Chair	Gregory Geason <i>Chairman Resource Management & Planning Appeal Tribunal, Tasmania</i> <i>2016 Conference Organising Committee Chair</i>
13:00 – 13:30	Welcome & Opening Address The Honourable Justice Duncan Kerr Chev LH <i>Chair, Council of Australasian Tribunals</i>
13:30 – 14:30	Dealing with complaints against tribunal members Ms Anne Darroch <i>Principal Disputes Referee, New Zealand Ministry of Justice</i>
Harbour View Room 1	
14:30 – 15:00	Afternoon Tea

Grand Ballroom 3

15:00 – 16:30 **The tension in obligations of members to their tribunals: expectations of economy and timeliness, procedural efficiency and prompt decision-making and the duty to provide a fair hearing and give properly considered reasons.**

The Honourable Alan Wilson QC

Former President of QCAT , Retired judge of the Supreme Court of Queensland

16:30 – 16:45 **Closing Remarks**

Mr Gregory Geason

Chairman Resource Management & Planning Appeal Tribunal, Tasmania

2016 Conference Organising Committee Chair

Hobart Function & Conference Centre

19:00 – 22:30 **Conference Dinner**



Hobart Function & Conference Centre

FRIDAY 10 JUNE 2016

Grand Ballroom 2

08:30 – 9:30 COAT Annual General Meeting

Grand Ballroom 3

Session Chair **Jim Nelms**
Principal Registrar Victorian Civil and Administrative Tribunal

09:30 – 10:30 **Looking over your shoulder
Tribunals in Australia**
Mark Robinson SC
Maurice Byers Chambers, Sydney

10:30 – 11:30 **Panel discussion addressing courts and tribunals,
identifying their features and differences, and the types
of dispute best suited to each.**

Facilitator
Ms Ann Cunningham
Senior Member, Administrative Appeals Tribunal

Panellists

The Honourable Chief Justice Alan Blow, OAM
*Chief Justice, Supreme Court of Tasmania, Former Deputy President,
Administrative Appeals Tribunal*

The Honourable Justice Greg Garde AO RFD
*President, Victorian Civil and Administrative Tribunal, Supreme Court
of Victoria*

Mr Gregory Geason
*Chairman Resource Management & Planning Appeal Tribunal,
Tasmania*

District Judge Soh Tze Bian
*Group Manager, State Courts Community Justice and Tribunals
Division, Singapore*

Mr David Plunkett
*Chair, Weathertight Homes Tribunal, Legal Aid Tribunal and
Accident Compensation Appeal Authority, New Zealand*

Harbour View Room 1

11:30 – 12:00 Morning Tea

	Grand Ballroom 1 Concurrent Session	Grand Ballroom 2 Concurrent Session	Grand Ballroom 3 Concurrent Session
Session Chair	Bernadette Steele <i>Senior Member VCAT</i>	Barry Thomas <i>President Mental Health Review Board</i>	Jill Toohey <i>Member AAT</i>
12:00 – 12:30	Judicial fettering of tribunals. Is judicial overreach a thing? If so, what is its effect? Ms Martha Roche <i>Member, Weathertight Homes Tribunal</i>	Why does the public trust the reasonable ordinary person? The purpose of a community member in a tribunal framework Dr Kylie McShane <i>PhD, Philosophy, Monash University Community Member, Mental Health Tribunal (Vic) Community Member, Mental Health Tribunal (Tas) Community Member, Nursing and Midwifery Board of Australia (Tas) Community Member, Dental Board of Australia Registration and Notification Committee (Tas) Member, Legal Profession Disciplinary Tribunal (Tas)</i>	ROUNDING UP CATs – The Respective Roles of Tribunals and COURTS in Disciplinary Proceedings against Lawyers Mr Chris Edmonds SC <i>Part time senior sessional member, SAT</i>

12:30 – 13:00	Big Sister is Watching – Orwellian overtones or no cause for alarm? Ms Peta Stilgoe <i>Senior Member, QCAT</i>	Continued ...	Continued ...
Harbour View Room 1			
13:00 – 13:45	Lunch		
13:15 – 13:30	COAT Executive Meeting (Harbour View Room 2)		
	Grand Ballroom 2 Concurrent Session	Grand Ballroom 3 Concurrent Session	
Session Chair	Anita Smith <i>Member VCAT</i>	Malcolm Schyvens <i>Deputy President NCAT</i>	
13:45 – 14:45	The Tasmanian Civil and Administrative Tribunal Research Project: Ideas and Developments Mr Jarrod Bryan <i>Project Leader & Registrar Resource Management & Planning Appeal Tribunal, Tasmania</i>	The effect on tribunals of decisions made by the Supreme Court of Victoria under the <i>Charter of Human Rights and Responsibilities Act</i> Ms Genevieve Nihill <i>Deputy President, Human Rights Division, VCAT</i> Ms Bernadette Steele <i>Senior Legal Member, Mental Health Tribunal Victoria</i> Ms Emma Montgomery <i>Senior Legal Member, Mental Health Tribunal Victoria</i>	
Harbour View Room 1			
14:45 – 15:15	Afternoon Tea		

Grand Ballroom 3	
Session Chair	The Honourable Acting Judge Jennifer Boland AM <i>NCAT Deputy President</i>
15:15 – 16:15	<p>The role of reviewing courts—identifying the respective roles of merits based administrative decision making, contrasted with the duty of superior courts to supervise the legality of that decision making. Justice Buchanan will identify some areas where errors are common while urging members to cut to the chase where possible and not to write defensively.</p> <p>The Honourable Justice Robert Buchanan <i>Judge Federal Court of Australia, Former Acting President of the Administrative Appeals Tribunal</i></p>
16:15 – 16:30	<p>Closing Remarks</p> <p>Mr Gregory Geason <i>Chairman Resource Management & Planning Appeal Tribunal, Tasmania</i> <i>2016 Conference Organising Committee Chair</i></p>



Salamanca Market



THE HONOURABLE ALAN WILSON QC

Former President of QCAT, Retired judge of the Supreme Court of Queensland

Alan Wilson retired as a judge of the Supreme Court of Queensland in 2015.

He had been a judge of the District Court of Queensland 2001 – 2009 and of the Supreme Court 2009 – 2015. In the District Court he

managed the Planning and Environment Court of Queensland and was its principal judge.

In 2009 he was appointed the first sitting President of the new Queensland Civil and Administrative Tribunal, and remained in that role until 2013.

Before appointment he had practiced at the Queensland Bar for 18 years. He was appointed Senior Counsel in 1999. At the Bar he specialized in wills, probate and succession, and equity.

His special interests as a judge were improving the calibre of judgment writing, enhancing access to justice through mediation and other forms of alternative dispute resolution, court and tribunal governance and administration, and the continuing education and training of the judiciary and tribunal members.

He has been a presenter at the National Judicial College of Australia courses on judgment writing in Port Moresby in November 2008 and Honiara in 2015, and the NJCA Judgment Writing Programs in Perth in 2009 and 2012, Adelaide in 2011 and 2015, Brisbane in 2014, and Canberra in 2016. He also lectures annually at the NJCA 'Baby Judges' (NJOP) programs on court management and judgment writing, and at NJCA programs on judicial leadership.



MARK ROBINSON SC

Maurice Byers Chambers, Sydney

Mark is a senior counsel based in Sydney practising in administrative law and general law. He was a founding part-time Judicial Member of the Administrative Decisions Tribunal of New South Wales in the General Division – hearing matters on privacy and freedom of information. He served on that

tribunal and its Appeal Panel for seven years.

For sixteen years, Mark was an occasional part-time lecturer in undergraduate “Administrative Law” in the Law Faculties of the University of Sydney and the University of New South Wales.

He is the lead author and editor of New South Wales Administrative Law, a two volume looseleaf service, published by Thomson Reuters since 1996 which covers Supreme Court judicial review, the NSW Civil and Administrative Tribunal (NCAT), statutory interpretation, freedom of information and privacy.

Mark is an author of the book NCAT – Practice and Procedure, published in August 2015 and editor and an author of the book Judicial Review: The Laws of Australia published in 2014 by Thomson Reuters.

His new book on Australian tribunals is due out in a few months’ time titled Administrative Law – The Laws of Australia published by Thomson Reuters.



THE HONOURABLE JUSTICE ROBERT BUCHANAN

*Judge of the Federal Court of Australia, Former
Acting President of the Administrative Appeals
Tribunal*

Robert John Buchanan was born at Coonabarabran, New South Wales.

After completing an Arts degree at the University of Sydney and whilst continuing

to study for his Law degree, he worked in industrial relations and legal positions in the New South Wales Public Service, at first in the Department of Education and then in the New South Wales Public Service Board.

In May 1974 he was admitted to practice at the New South Wales Bar and was subsequently admitted to practice in each other State and Territory in Australia. He was appointed Queens Counsel in November 1988.

He was appointed as a Judge of the Federal Court of Australia on 8 September 2006 and later as an additional Judge of the ACT Supreme Court and a Judge of the Supreme Court of Norfolk Island.



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