

Judy Brien

Contact details

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Appointments and accreditations

2022 to present – Appointment as Chair of Brisbane City Council Heritage Advisory Committee
2022 – Doyles Guide Recommended Planning and Environment Law Barrister
2021 – Doyles Guide Recommended Planning and Environment Law Barrister
2020 to 2022 – Appointment as Member of Brisbane City Council Heritage Advisory Committee
2018 to present – Land Court Alternative Dispute Resolution Panel Member
2018 to present - Appointment to Federal Court Native Title Mediators List
2017 to 2023 – Appointment as Member of Queensland Heritage Council
2015 to present – Nationally Accredited Mediator
2015 to 2021 – Appointment as General Referee for the Building and Development Tribunal (previously Committee)
2012 – Independent assessor pursuant to the *State Development and Public Works Organisation Act 1999*
2003 - Admitted as a barrister in both the State and Federal courts
1996 – Admitted as solicitor of the Supreme Court of Queensland
1990 – Deputy Registrar – Magistrates Court Queensland

Employment

My legal career started in 1981 within the Queensland Magistrates Court, culminating in the role of Acting Registrar (Civil) Brisbane.

In 1993 I started employment with Crown Law (initially as a Law Clerk and then as an employed solicitor).

Since 2003 I have practiced as a Barrister.

Experience

I have a depth of experience across a broad range of jurisdictions (refer to attached list of published cases). I have practiced principally in the following areas: statutory interpretation; environmental and planning law, including enforcement; development and major projects; compulsory land acquisition; mining and resources; native title; confiscation of proceeds of crime; administrative law/judicial review; quasi criminal law as it relates to enforcement processes and confiscation proceedings; and general commercial litigation.

I have advised and/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.

I have been involved in over many mediations (as either mediator or acting for a party). I have mediated in matters covering diverse areas of the law.

My administrative law experience includes decision making functions in relation to my role on the Queensland Heritage Council and the Tribunal.

Through my roles on the Queensland Heritage Council and on the Brisbane City Council Heritage Advisory Committee I have established a full understanding of heritage issues and collective decision making.

Judy Brien - List of published judgments¹

High Court

2007 – *Hart v Cwth DPP* [2007] HCAT Trans 694

2011 – *Queensland Construction Materials Pty Ltd v Tapp & Ors* [2011] HCASL 131

Full Federal Court

2004 – *Minister for the Environment and Heritage v Queensland Conservation Council Inc* [2004] FCAFC 190

2021 – *Malone on behalf of the Western Kangoulu People v State of Queensland* [2021] FCASC 176

Federal Court

2010 – *QGC Pty Limited v Bygrave (No 2)* [2010] FCA 1019

2014 – *Krajniw v Newman & Ors* [2014] FCA 1454

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

2015 – *Krajniw v Newman & Ors (No 2)* [2015] FCA 675

2016 – *Krajniw v Minister for Environment* [2016] FCA 141

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

2017 – *Krajniw v Hunt* [2017] FCA 483

2017 – *Booth on behalf of the Kungerdurtyi Puntharara People v State of Queensland* [2017] FCA 638

2018 – *Blucher on behalf of the Gaangalu Nation People v State of Queensland* [2018] FCA 1621

2018 – *Anderson on behalf of the Warrabal People v State of Queensland* [2018] FCA 1365

2018 – *Blucher on behalf of the Gaangalu Nation People v State of Queensland* [2018] FCA 1369

2019 – *Blucher on behalf of the Gaangalu Nation People v State of Queensland* [2019] FCA 108

2019 – *Malone v State of Queensland* [2019] FCA 2115

2019 – *Malone v State of Queensland (No 2)* [2019] FCA 2211

2020 – *Malone v State of Queensland (The Clermont Belyando Area Native Title Claim) (No 3)* [2020] FCA 401

2020 – *Malone v State of Queensland (The Clermont Belyando Area Native Title Claim) (No 4)* [2020] FCA 1046

2020 – *Malone on behalf of the Western Kangoulu People v State of Queensland* [2020] FCA 1188

2021 – *Malone on behalf of Western Kangoulu People v State of Queensland (No 2)* [2021] FCA 1414

2021 – *Malone v State of Queensland (The Clermont Belyando Area Native Title Claim No. 5)* FCA [2021] 1639

¹ As at 8 February 2023

Queensland Court of Appeal

- 2006 - *Booth v Frippery Pty Ltd & Ors* [2006] QCA 042
2006 - *Booth v Frippery Pty Ltd & Ors* [2006] QCA 074
2007 – *Cwth DPP v Hart* [2007] QCA 184
2009 – *Sevemere Pty Ltd v Cairns Regional Council & Anor* [2009] QCA 232
2009 – *Stockland Property Management Pty Ltd v Cairns City Council & Ors* [2009] QCA 311
2010 – *Queensland Construction Materials Pty Ltd v Redland City Council & Ors* [2010] QCA 182
2010 – *Queensland Construction Materials Pty Ltd v Redland City Council* [2010] QCA 248
2012 – *Iwasaki Sangyo Co (Aust) Pty Ltd v Chief Executive DERM* [2012] QCA 241
2013 – *Henderson v State of Queensland* [2013] QCA 082
2015 – *Driesen v Gold Coast City Council & Anor* [2015] QCA 85
2015 – *Cidneo Pty Ltd v DTMR* [2015] QCA 96
2021 – *F v Crime and Corruption Commission (2021)* QCA 244
2021 – *F v Crime and Corruption Commission (2021)* QCA 253

Supreme Court of Queensland

- 2004 – *Perpetual Trustees Australia Ltd v Bank of Western Australia Limited & Ors* [2004] QSC 213
2005 – *State of Queensland v Lindsay & Ors* [2005] QSC 166
2011 – *State of Queensland v Cannon* [2011] QSC 075
2011 – *State of Queensland v Cannon (No 2)* [2011] QSC 245
2011 – *State of Queensland v Henderson* [2011] QSC 300
2011 – *State of Queensland v Cannon (No 3)* [2011] QSC 307
2019 – *Goodsell Earthmoving Pty Ltd v COG* [2019] QSC 243
2020 – *F v Crime and Corruption Commission (2020)* QSC 245

Land Appeal Court

- 2014 – *Cidneo Pty Ltd v DTMR* [2014] QLAC 3
2018 – *Cidneo Pty Ltd v Chief Executive Department of Transport and Main Roads (No 2)* [2018] QLAC 5
2018 – *Cidneo Pty Ltd v Chief Executive Department of Transport and Main Roads (No 3)* [2018] QLAC 9

District Court of Queensland

- 2007 – *Cwth DPP v Hart* [2007] QDC 026
2011 – *Cwth DPP v Hart* [2010] QDC 457

Land Court

- 2009 – *GPT RE Limited & Anor v DNRW* [2009] QLC 0078
2009 – *ING Management Limited & anor v DNRW* [2009] QLC 0094

2011 – *Cidneo Pty Ltd v DTMR* [2011] QLC 18
2012 – *Yarrow v Coordinator-General* [2012] QLC 0025
2013 – *Aynsley v DTMR* [2013] QLC 21
2013 – *Savimaki & Ors v Sunshine Coast Regional Council* [2013] QLC 33
2013 – *Cidneo Pty Ltd v DTMR* [2013] QLC 47
2013 – *Legend International Holdings v Taylor Aly Awaditija & Anor* [2013] QLC 66
2014 – *Legend International Holdings v Taylor Aly Awaditija & Anor (No 2)* [2014] QLC 24
2016 – *Carabella Resoirces Limited v Goodwin* [2016] QLC 32
2017 – *Cidneo Pty Ltd v Department of Transport and Main Roads* [2017] QLC 45
2017 – *Van der Est v Qld Rail* [2017] QLC 55
2018 – *Van der Est v Qld Rail (No 2)* [2018] QLC 4
2019 – *Van der Est v Qld Rail (No 3)* [2019] QLC 38
2020 – *Corbet & Anor v DTMR* [2020] QLC 34
2021 – *McPherson v Logan City Council* [2021] QLC 33
2022 – *Aurizon Property Pty Ltd v DTMR* [2022] QLC 22

Planning and Environment Court

2004 – *Cornerstone Properties Pty Ltd v Caloundra City Council & Anor* [2004] QPEC 44
2005 – *Hall & Ors v Nanango Shire Council & Ors* [2005] QPEC 042
2005 – *Roma Town Council v Bungil Shire Council & Ors* [2005] QPEC 057
2006 – *Queensland Rail v Cooloola Shire Council & Ors* [2006] QPEC 050
2007 – *PMM Brisbane Pty Ltd v Nebo Shire Council & Ors* [2007] QPEC 075
2007 – *Chuwar Recycling and Land Filling Pty Ltd v Ipswich City Council & Ors* [2007] QPEC 102
2007 – *Parcel One Pty Ltd v Ipswich City Council & Ors* [2007] QPEC 103
2007 – *Acland Pastoral Co Pty Ltd v Rosalie Shire Council & Ors* [2007] QPEC 112
2008 – *CQ Innovations Pty Ltd v Cairns City Council & Ors* [2008] QPEC 043
2008 – *Sevemere v Cairns Regional Council & Ors* [2008] QPEC 077
2008 – *Thiess Services Pty Ltd & Anor v Mareeba Shire Council, Minister for Local Government, Planning, Sport and Recreation* [2008] QPEC 95
2008 – *Garyf Pty Ltd v Maroochy Shire Council & Ors* [2008] QPEC 101
2009 – *Stockland Property Management v Cairns City Council & Ors* [2009] QPEC 001
2009 – *Jahnke v Cassowary Coast Regional Council & Ors* [2009] QPEC 036
2009 – *Jahnke v Cassowary Coast Regional Council & Ors* [2009] QPEC 039
2009 – *Metropolex v Brisbane City Council & Ors* [2009] QPEC 110
2009 – *Kelly Consolidated Pty Ltd v Ipswich City Council & Ors* [2009] QPEC 126
2009 – *Refaka Pty Ltd v Scenic Rim Regional Council & Ors* [2009] QPEC 139
2010 – *Acland Pastoral Co Pty Ltd v Rosalie Shire Council & Ors* [2010] QPEC 021
2010 – *Acland Pastoral Co Pty Ltd v Rosalie Shire Council (No 2) & Ors* [2010] QPEC 030

- 2010 – *Mahaside Pty Ltd v Sunshine Coast Regional Council & Ors* [2010] QPEC 070
- 2010 – *Stafford v Gold Coast City Council* [2010] QPEC 138
- 2011 – *Vidler v Fraser Coast Regional Council & Anor* [2011] QPEC 018
- 2011 – *Morgan v Toowoomba Regional Council & Ors* [2011] QPEC 061
- 2011 – *Gates v Gold Coast City Council* [2011] QPEC 094
- 2011 – *Gates v Gold Coast City Council* [2011] QPEC 120
- 2011 – *Comiskey Group v Moreton Bay Regional Council & Ors* [2011] QPEC 132
- 2011 – *Bird v Logan City Council & Ors* [2011] QPEC 145
- 2012 – *Eastpoint Mackay Pty Ltd v Mackay Regional Council & Ors* [2012] QPEC 020
- 2012 – *Falzon v Gladstone Ports Corporation & Anor* [2012] QPEC 50
- 2012 – *Comiskey Group v Moreton Bay Regional Council & Ors* [2012] QPEC 074
- 2013 – *Nona & Ors v The Hon Andrew Powell MP* [2013] QPEC 046
- 2012 – *Morgan v Toowoomba Regional Council & Ors* [2013] QPEC 058
- 2013 – *YFG Shopping Centres Pty Ltd v Brisbane City Council & Ors* [2013] QPEC 059
- 2013 – *Devine Limited v Ipswich City Council* [2013] QPEC 072
- 2014 – *Wigan v Redland City Council & Ors* [2014] QPEC 027
- 2014 – *Karalee Land Partners Pty Ltd v Ipswich City Council & Ors* [2014] QPEC 034
- 2016 – *Harburg Nominees Pty Ltd v Brisbane City Council & Ors* [2016] QPEC 052
- 2016 – *Harburg Nominees Pty Ltd v Brisbane City Council & Ors* [2016] QPEC 056
- 2017 – *Lipoma Pty Ltd v Minister for State Development & Anor* [2017] QPEC 06
- 2017 – *Parklands Blue Metal Pty Ltd v Sunshine Coast Regional Council & Ors* [2017] QPEC 15
- 2017 – *Council of the City of Gold Coast v Sedgman Consulting Pty Ltd* [2017] QPEC 18
- 2017 – *Mirvac Pacific Pty Ltd v Gold Coast City Council (No 2)* [2017] QPEC 39
- 2017 – *Mirvac Pacific Pty Ltd v Gold Coast City Council (No 2)* [2017] QPEC 57
- 2019 – *Cadmium Holding FW Pty Ltd v Gold Coast City Council* [2019] QPEC 51
- 2019 – *Navara Back Right Wheel Pty Ltd v Logan City Council; Wilhelm v Logan City Council & Ors* [2019] QPEC 67
- 2020 – *Optus Mobile Pty Ltd v Sunshine Coast Regional Council & Ors* [2020] QPEC 15
- 2020 – *Talramp Pty Ltd v CE DTMR* [2020] QPEC 53
- 2022 – *Bowyer Group Pty Ltd v Cook Shire Council* [2022] QPEC 33
- 2023 – *Spring Lake Holdings Pty Ltd v Ipswich City Council* [2023] QPEC 1

Inquiries

- 2011 – *Queensland Floods Commission of Inquiry* representing Ipswich City Council - Final Report published March 2012
- 2015 – *Grantham Flood Commission of Inquiry* representing Queensland Rail – Final Report published October 2015

Queensland Land and Resources Tribunal

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

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

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

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

2003 – *Re C J Doxford & Ors* [2003] QLRT 58

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