

CONFERENCE

HUMAN RIGHTS LAW TRANS-TASMAN CONFERENCE

August 2024

“This conference marks an important development in Trans-Tasman legal relations and the sharing of insights and experiences between the legal systems in both Australia and New Zealand.”

Andrew Butler KC

“This conference will offer a fantastic opportunity for lawyers practising in the area of human rights and members of the legal profession with an interest in human rights issues.”

Kylie Evans SC



HUMAN RIGHTS LAW TRANS-TASMAN CONFERENCE

FROM THE CHAIRS

10.5
CPD hours



COME AND JOIN US

Human rights litigation has grown significantly on both sides of the Tasman over the last 10 years or so. Yet, despite the many similarities in our economic, social and legal cultures, reference to case law on the other side of the Tasman is relatively sparse.

This two-day case law conference is designed to enable practitioners on both sides of the Tasman to learn more about each other's human rights systems and case law in order to enrich each other's jurisprudence. It will focus on the statutory rights charters (in New Zealand, the ACT, Victoria and Queensland) and on the role of the common law.

The conference will cover some of the big issues of the day on both sides of the Tasman, including the impact of human rights litigation on criminal law and procedure, climate change, indigenous rights, religion and personal liberty.

We have lined up respected judges and leading practitioners from all the principal human rights jurisdictions and from the common law jurisdictions. Confirmed speakers include the Chief Justice of New Zealand, the Chief Justice of the Federal Court of Australia, and senior judges from New South Wales, Victoria and the ACT.

We are delighted to be involved and confident that the conference will offer a fantastic opportunity for lawyers practising in the area of human rights and also members of the legal profession with an interest in human rights issues, to get together and hear from a range of excellent speakers addressing some of the most important issues in human rights and common law jurisdictions.

The conference format has been designed to allow for plenty of delegate mingling so that attendees have opportunities to network and exchange ideas and experiences outside of the conference hall.

We are excited to be able to bring to you this inaugural Human Rights Law Trans-Tasman Conference and look forward to seeing you in Queenstown on 12 & 13 August 2024.

Andrew Butler KC and Kylie Evans SC



CHAIRS

Andrew Butler KC, Thorndon Chambers, New Zealand

Andrew is a leading human rights litigator and academic. He has appeared in many of the leading New Zealand human rights cases, particularly at appellate level. Andrew is co-author of the leading text, *The New Zealand Bill of Rights Act: A Commentary* (2nd ed, 2015), which is regularly cited by the New Zealand courts. He is admitted as a practitioner in the ACT and recently appeared as lead counsel in a human rights appeal before the ACT Court of Appeal. Andrew has taught a number of LLM courses on human rights at the University of Melbourne Law School.

Kylie Evans SC, Victorian Bar, Australia

Kylie Evans SC is a leading expert in human rights law. She has significant litigation experience acting for non-government and government clients in public, administrative and human rights law matters in courts and tribunals across Australia. Kylie has co-published three leading texts on the Victorian Charter and Queensland Human Rights Act. Since 2020, she has been a member of the Human Rights Advisory Panel advising the Queensland Parliament. Kylie is also a Senior Fellow at Melbourne Law School where she teaches and researches in human rights law.

PROGRAMME

DAY ONE	
8.30-9.00	REGISTRATION
9.00-9.10	WELCOME AND OPENING Chairs: Andrew Butler KC and Kylie Evans SC
9.10-9.55	KEYNOTE - RIGHTS DOWN UNDER: CHARTING THE COURSE OF HUMAN RIGHTS LAW IN AUSTRALIA AND NEW ZEALAND
Presenter	<i>The Rt Hon Helen Winkelmann (GNZM), Chief Justice of New Zealand</i>
9.55-10.40	KEYNOTE - HUMAN RIGHTS PROTECTION IN AUSTRALIA: SETTING THE SCENE
Presenter	<i>The Hon Justice Kristen Walker, Court of Appeal, Supreme Court of Victoria</i>
10.40-11.15	MORNING TEA
11.15-12.15	DIFFERENCES AND SIMILARITIES BETWEEN NEW ZEALAND AND AUSTRALIA: A PRACTITIONER'S PERSPECTIVE
Presenters	<i>Joanna Davidson, Victorian Bar, Australia and Prof Jason Varuhas, Crown Law Office, New Zealand</i>
12.15-1.00	COMPARING AND CONTRASTING COMMON LAW AND STATUTORY PROTECTION OF HUMAN RIGHTS
Presenter	<i>The Hon Justice Kristina Stern, Court of Appeal, Supreme Court of New South Wales</i>
1.00-2.00	LUNCH
2.00-3.00	CULTURAL RIGHTS AND HUMAN RIGHTS STATUTES
Presenters	<i>Prof Claire Charters, University of Auckland, New Zealand and Tony McAvoy SC, New South Wales Bar, Australia</i>
3.00-3.45	CRIMINAL PROCESS RIGHTS UNDER HUMAN RIGHTS STATUTES
Presenters	<i>Nick Chisnall KC, Augusta Chambers, New Zealand and Saul Holt KC, Queensland Bar, Australia</i>
Moderator	<i>The Hon Justice Chrissa Loukas-Karlsson, Supreme Court of the Australian Capital Territory</i>
3.45-4.15	AFTERNOON TEA
4.15-5.00	CHALLENGES FOR COURTS IN HUMAN RIGHTS LITIGATION ON BOTH SIDES OF THE TASMAN
Presenters	<i>The Rt Hon Helen Winkelmann (GNZM), Chief Justice of New Zealand and The Hon Debra Mortimer, Chief Justice of the Federal Court of Australia</i>
Moderator	<i>The Hon Pamela Tate AM KC</i>
5.00-5.10	WRAP UP Chairs: Andrew Butler KC and Kylie Evans SC
7.00-11.00	CONFERENCE DINNER Dress code: business or formal

DAY TWO

9.00-9.05 **WELCOME BACK** | *Chairs: Andrew Butler KC and Kylie Evans SC*

9.05-10.00 **ADDRESSING CLIMATE CHANGE ISSUES THROUGH HUMAN RIGHTS STATUTES**

Presenter *Andrew Butler KC, Thorndon Chambers, New Zealand*

10.00-10.40 **FREEDOM OF THOUGHT, CONSCIENCE, AND RELIGION: THE CURRENT LANDSCAPE IN LEGISLATION AND CASE LAW**

Presenter *Paul Rishworth KC, Britomart Chambers, New Zealand*

10.40-11.00 **MORNING TEA**

11.00-11.50 **LITIGATING HUMAN RIGHTS: EVIDENCE AND REMEDIES**

Presenters *Kylie Evans SC, Victorian Bar, Australia and a New Zealand Specialist*

11.50-12.30 **THE HIGH COURT AND THE RIGHT TO LIBERTY: NZYQ**

Presenter *Craig Lenehan SC, New South Wales Bar, Australia*

12.30-1.30 **LUNCH**

1.30-2.30 **EMERGING ISSUES AND TRENDS**

Presenters *Panel Discussion*

2.30-2.50 **CONFERENCE WRAP UP** | *Chairs: Andrew Butler KC and Kylie Evans SC*

LEARNING OBJECTIVES

By attending this conference you will:

- Be updated on topical issues, legislation and case law on both sides of the Tasman.
- Deepen your understanding of human rights issues and practice in Human Rights Acts and common law jurisdictions.
- Be able to apply this knowledge to your practice.

ACKNOWLEDGEMENT

NZLS CLE Ltd wishes to thank the committee members who have worked to shape this exciting legal conference: Mark Barrow (ACT), Simeon Beckett SC (NSW), Andrew Butler KC (NZ), Kylie Evans SC (Vic, Qld), Saul Holt KC (Qld), Robert Kirkness (NZ), Paul Rishworth KC (NZ), the Hon Pamela Tate AM KC (Vic), Peter Tierney (NSW, ACT) and Professor Jason Varuhas (NZ, Vic).

KEYNOTE SPEAKERS



The Right Honourable Helen Winkelmann (GNZM), Chief Justice of New Zealand

The Rt Hon Helen Winkelmann (GNZM) was sworn in as New Zealand's 13th Chief Justice on 14 March 2019. She is the second Chief Justice since introduction of the Supreme Court Act 2004 which ended appeals to the Privy Council.

A graduate from Auckland University, Justice Winkelmann began work as a law clerk with Auckland firm Nicholson Gribbin (later Phillips Fox, now DLA Piper). She was admitted to the bar in 1985. In 1988, she became the first female partner and one of the youngest ever in the firm's then 117-year history. Justice Winkelmann remained at the firm until 2001 when she began practice as a barrister sole specialising in insolvency, commercial litigation, and medical disciplinary litigation. In 2004 she was appointed as a High Court Judge followed by Chief High Court Judge in 2010, and was appointed to the Court of Appeal in 2015.

From November 2012 – November 2019 she was Chair of the Institute of Judicial Studies – the body responsible for providing continued education to judges. As Chief Justice she retains a keen interest in judicial education.



The Honourable Justice Kristen Walker, Court of Appeal, Supreme Court of Victoria

Her Honour Justice Kristen Walker is a Judge of Appeal of the Supreme Court of Victoria. She was appointed on 3 May 2021. Prior to joining the Court, Justice Walker was the Solicitor-General for Victoria, having been appointed in 2017. Prior to that she practised at the Victorian Bar, specialising in public law, principally appearing in the High Court of Australia. Before being called to the Bar, Justice Walker was an Associate Professor at Melbourne Law School, where she remains a Principal Fellow and teaches in the Melbourne Law Masters program.

Justice Walker graduated from the University of Melbourne with an LLB (Hons) (taking the Supreme Court Prize) and a BSc. She was editor of the *Melbourne University Law Review* in 1991. Justice Walker has a Master of Laws from both the University of Melbourne and Columbia Law School. After completing her articles at Arthur Robinson & Hedderwicks she served as associate to Sir Anthony Mason, Chief Justice of Australia.

JUDGES



The Honourable Debra Mortimer, Chief Justice of the Federal Court of Australia

Her Honour Justice Debra Mortimer was appointed as the Chief Justice of the Federal Court of Australia in April 2023. Justice Mortimer is the fifth Chief Justice and the first female Chief Justice of the Federal Court. She was appointed as a judge of the Federal Court in 2013, and prior to her appointment, was a member of the Victorian Bar. Justice Mortimer was appointed Senior Counsel in 2003.



The Honourable Justice Kristina Stern, Court of Appeal, Supreme Court of New South Wales

Her Honour Justice Kristina Stern was sworn in as a Judge of the New South Wales (NSW) Supreme Court and a Judge of Appeal of the NSW Court of Appeal on 8 June 2023. Justice Stern commenced practice as a solicitor in Victoria, before moving to England and appearing in the Court of Appeal and House of Lords in numerous cases under the Human Rights Act 1998 (UK).

In 2006, she moved to the Sydney Bar maintaining a wide practice in commercial, administrative and constitutional law. Justice Stern appeared in the High Court in *Momcilovic v The Queen*, *Hobart International Airport v Clarence City Council*, *Bywater v Federal Commissioner of Taxation* and *Mount Bruce Mining v Wright Prospecting* and was instructed on behalf of the Australian Human Rights Commission in *Comcare v Banerji* and *Smethurst v Commissioner of Police*.

SPEAKERS



Professor Claire Charters, (Ngāti Whakaue, Tūwharetoa, Ngā Puhi, Tainui), University of Auckland Waipapa Taumata Rau, New Zealand

Claire is a professor at the University of Auckland Faculty of Law, specialising in indigenous peoples' rights in international and constitutional law. She has published and spoken widely on the United Nations Declaration on the Rights of Indigenous Peoples, comparative indigenous constitutional rights in New Zealand, Canada and the United States, and tino rangatiratanga and tikanga Māori in New Zealand. In March 2023, Claire was appointed to the Human Rights Commission as Rongomau Taketake to lead work on Indigenous Peoples' rights.



Nick Chisnall KC, Augusta Chambers, New Zealand

Nick specialises in criminal appellate litigation. He has appeared in many of New Zealand's leading and reported cases in the Supreme Court and Court of Appeal. Nick joined the independent bar in 2017. Before that, he was the Public Defence Service's (PDS) General Counsel and oversaw its appellate practice. Prior to joining the PDS, Nick was Crown Counsel at the Crown Law Office and took silk in 2022.



Joanna Davidson, Victorian Bar, Australia

Joanna's principal areas of practice are administrative law, human rights law and discrimination. In her previous role as Special Counsel in the Victorian Government Solicitor's Office, Joanna has appeared in a range of civil, criminal and administrative law proceedings in the High Court of Australia, the Federal Court, Court of Appeal, Supreme Court and the Victorian Civil and Administrative Tribunal.



Saul Holt KC, Queensland Bar, Australia

Saul was first admitted in New Zealand. He took silk in Victoria in 2012 while Chief Counsel at Victoria Legal Aid. Saul is now based in Queensland and practises in all States and Territories across all aspects of public law.



Craig Lenehan SC, New South Wales Bar, Australia

Craig came to the bar in May 2006 and was appointed Senior Counsel in 2019. He specialises in constitutional and administrative law matters and appellate work. Craig is a member of the Human Rights Committee of the New South Wales Bar Association and of the Ethics Committee of the Australian Bar Association. He has appeared in 44 appeals and original jurisdiction matters in the High Court involving questions arising under the Constitution or other significant public law issues.



Tony McAvoy SC, New South Wales Bar, Australia

Appointed Senior Counsel in 2015, Tony has developed a strong native title practice and has successfully appeared for claimants in several land claims. He has also acquired significant experience in the areas of environmental law, administrative law, human rights and discrimination law, coronial inquests and criminal law.

SPEAKERS



Paul Rishworth KC, Britomart Chambers, New Zealand

Paul's practice comprises litigation and advice on matters of general public and constitutional law, with an emphasis on human rights and anti-discrimination law. He has represented and advised individuals, government, Crown entities and institutions on claims at all levels of the New Zealand court system as well as before the Human Rights Review Tribunal and Inquiries.



Professor Jason Varuhas, Te Tari Ture o te Karauna Crown Law Office, New Zealand

Jason is Senior Crown Counsel at the New Zealand Crown Law Office, Professor of Law at the University of Melbourne, the founder and co-convenor of the Public Law Conferences, a senior research fellow at the New Zealand Centre for Public Law at Victoria University of Wellington and was previously Director of the Centre for Comparative Constitutional Studies at Melbourne Law School. He has published widely in the fields of constitutional, administrative, human rights and private law, and is the author of leading treatises on administrative law, the law of torts, and the law of damages.

MODERATORS



The Honourable Justice Chrissa Loukas-Karlsson, Supreme Court of the Australian Capital Territory

Justice Loukas-Karlsson was appointed to the ACT Supreme Court in 2018 and has a reputation for legal excellence and understanding social justice. As a barrister and Senior Counsel she was highly regarded as a leader of the profession. Justice Loukas-Karlsson began her career at the Aboriginal Legal Service and Legal Aid Commission, representing the marginalised and disempowered. She has also worked in International Criminal Law at the Hague.



The Honourable Pamela Tate AM KC, Monash University, Australia

The Honourable Pamela Tate AM KC is an Adjunct Professor of Law at Monash University and a former judge of the Victorian Court of Appeal. When Solicitor-General of Victoria, she was Special Counsel to the committee that recommended the enactment in 2006 of Victoria's Charter of Human Rights and Responsibilities.

INFORMATION

VENUES

QUEENSTOWN

12-13 August 2024

Rydges Lakeland Resort Queenstown

38-54 Lake Esplanade

Queenstown

+64 3 442 7600

LIVE WEB STREAM

12-13 August 2024

At your desk or device

Please note: Live Web Stream registrations close 3pm Friday 9 August

FEE

The registration fee includes all catering (including the conference dinner) and a book.

BOOK

Books are available in Hard Copy, PDF or Both. Please indicate your choice over page.

- **Hard Copy**
Your book will be given to you when you register on the day.
- **PDF**
You will be emailed a PDF copy of the book 3 working days before the event.
- **Both Hard Copy & PDF**
You will be emailed a PDF copy of the book 3 working days before the event, and can collect the hard copy book when you register on the day.

CONFERENCE DINNER

Dinner will take place in the Bazaar Restaurant and will be a great chance to connect and celebrate the conference. The conference registration fee includes your own attendance at the dinner. If you wish to bring a guest to the dinner the cost will be \$165 per person. Please register your guest/s on the registration form.

ACCOMMODATION

City Hotel Options

Rydges Lakeland Resort Queenstown*

1. Visit www.rydges.com or www.qthotelsandresorts.com
2. Select *Rydges Lakeland Resort Queenstown*, enter your required dates** and number of guests staying and click "GO"
3. Click "I have a code"
4. In the "Corporate ID" field enter your booking code: **HUMANRIGHTS24**
5. Click "UPDATE"
6. Your special rates will appear on the rates screen

Rates are available for stays between **11.08.2024-15.08.2024

*To book accommodation at the special 2024 NZLS CLE Human Rights Law Trans-Tasman Conference rate, please use the link noted. The rate is valid for the **dates above only** and will be subject to availability and no rooms will be held. Guests are responsible for payment of the room directly to the hotel. For inquiries outside of these dates please contact the hotel directly using the information below.

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Firm/Organisation (if applicable)		
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REGISTER ME FOR

- QUEENSTOWN**
12-13 AUGUST 2024
- LIVE WEB STREAM**
12-13 AUGUST 2024

Please note: Live Web Stream registrations close 3pm Friday 9 August

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INQUIRIES

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FEE (Incl GST) - includes book, catering and dinner		
	Early Bird BY 16 July	or AFTER 16 July
NZLS/Assoc member In-Person	<input type="checkbox"/> \$1,625	<input type="checkbox"/> \$1,675
Non-member In-Person	<input type="checkbox"/> \$2,127	<input type="checkbox"/> \$2,177
NZLS/Assoc member Live Web Stream	<input type="checkbox"/> \$1,575	<input type="checkbox"/> \$1,625
Non-member Live Web Stream	<input type="checkbox"/> \$2,062	<input type="checkbox"/> \$2,112

Live Web Stream Group Pricing Option - see www.lawyerseducation.co.nz for options & how to register.

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Please note the book charges below are for conference registrants only.

<input type="checkbox"/> Hard Copy OR	\$ no extra charge
<input type="checkbox"/> PDF OR	\$ no extra charge
<input type="checkbox"/> Both Hard Copy and PDF	+ \$30

ADDITIONAL DINNER GUESTS \$165 / guest

Guest Name 1: _____ Guest Name 2: _____

CONFERENCE FEE	BOOK - BOTH HARD COPY AND PDF	DINNER GUEST/S	TOTAL DUE
\$ _____	+ \$ _____	+ (\$165 X _____)	\$ _____ = \$ _____

CANCELLATION AND REFUND POLICY

You may cancel your registration **eight** working days in advance of an event, and you will receive a refund less a **25%** administration fee. If you cancel less than **eight** working days in advance of the event, no refund is payable. If you are unable to attend, you may transfer your registration to another person. If you wish to do so you must advise CLE in writing of the change. NZLS CLE Ltd reserves the right to close registrations, and, cancel or reschedule an event as necessary. Where an event is cancelled by CLE, a full refund is payable.

PRIVACY ACT 2020

The information requested on this registration form is for NZLS CLE Ltd and the sponsors only.

- I do not wish the sponsors to receive my contact details.

PAYMENT			
<input type="checkbox"/> PAY BY DIRECT CREDIT: Acc. Name 'NZLS CLE Ltd' Acc. Number 12-3192-0049995-00 (Include your last name & name of organisation as the reference)			
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