



Background

Picha Djohan has practiced as a specialist in planning and environment law for over 20 years.

Picha conducts a national practice in planning and environment, gambling regulation and commercial law with a concentration on discrete specialised areas. The first discrete specialisation in civil law covers all areas of planning and environment, administrative, commercial and family law. Secondly, she has a specialist practice in the Gaming and Licensing industry.

In 2017, in recognition of her standing and experience, she was appointed as a Sessional Member of the Planning & Environment List of the Victorian Civil & Administrative Tribunal. As a result she no longer accepts retainers to appear in VCAT. However, her appointment has no affect on her practice as a barrister elsewhere and she continues to practice predominately in Queensland (and other jurisdictions).

Prior to being called to the Bar Picha had been practice head of HWL Ebsworth Lawyers Melbourne Planning Environment and Government practice. Prior to that she was Head of Planning & Environment, state-wide, at MacDonnells Law, one of Queensland's oldest and largest state-based lawfirms.

Principal Areas of Practice

- Planning and Environment Law Public Law
- Gambling Regulation and Control
- Commercial Law

Practice Profile

Ms Djohan has acquired extensive advocacy and advisory experience and has been retained as counsel in her preferred practice areas in matters in the:

- High Court of Australia
- Federal Court of Australia
- Court of Appeal of the Supreme Court of Victoria
- Supreme Court of Queensland
- Supreme Court of Victoria
- Supreme Court of Tasmania
- Planning & Environment Court of Queensland
- District Court of Queensland
- County Court of Victoria
- Federal Circuit Court of Australia
- Victorian Civil and Administrative Tribunal

Planning and Environment Law including:

- **Planning & Environment Law**
- **Property Law**
- **Compulsory Acquisition and Valuation**

Prior to being called to the Bar, Picha had been Practice Head Partner of HWL Ebsworth Lawyers Planning Environment and Government Group for Victoria, Australia's largest national law firm, and before that she was Head of Planning & Environment for Queensland at MacDonnells Law, one of Queensland's oldest and largest state-based law firms.

She has a current multi-jurisdictional practice and extensive litigation and advisory experience which provide a unique capability to provide high level strategic advice on legislative reform and planning policy. Her ongoing litigation work informs and complements her advisory and project management capabilities and provides clients with strategic and practical options particularly directed to desired identified outcomes.

She has extensive experience in all aspects of planning processes and advising clients involved in development from both sides of the fence. Her experience extends to advising on large scale tourism projects, green field residential developments, major shopping centre and warehouse developments and projects in environmentally sensitive locations.

Picha's extensive expertise as an advocate and advisor has been established having drawn upon the conduct of planning and environment litigation on behalf of many local governments and developers throughout Victoria, New South Wales and Queensland.

She has authored and conducted many training programs for government officers, councillors and the development industry on a variety of issues including manager responsibilities/due diligence, the Victorian, Queensland and New South Wales Planning Acts, the *Environmental Protection and Conservation Biodiversity Act* (Cth); and prosecution and enforcement officer training.

Picha has also been called on to present addresses at a variety of significant conferences and seminars throughout Australia, such as presentations at seminars on management responsibilities and state based and national planning issues.

In addition to her many legal presentations, Picha has written a variety of manuals on topics involving the *Health Act*, the Queensland Integrated Development Assessment System, drafting of statutory notices and standard development conditions.

She has served as the Treasurer of the Women's Planning Network Victoria, and has

seemed as a State Vice President of the Queensland Environmental Law Association and has delivered a seminar to the Victorian Planning and Environmental Law Association on comparative planning jurisdictional issues.

Public Law including:

- **Administrative Review**
- **Freedom of Information and Privacy law**
- **Judicial Review (Merits)**

Picha has extensive experience in matters involving Administrative Law and all aspects of Judicial and Merits Review.

Her main areas of practice in public law, comprises:

- review of administrative decisions (mainly judicial review proceedings in the courts, but sometimes also merits review in administrative tribunals);
- construction and application of particular statutory regimes; and
- constitutional law.

Freedom of Information Law

Picha has extensive legal and practical knowledge of the various State and Federal statutory regimes concerning FOI.

Her practice includes advice and appearances involving:

- Seeking access under Freedom of Information Legislation
- Obtaining access under Freedom of Information Legislation
- Exceptions to access under Freedom of Information Legislation
- Amendment of Records under Freedom of Information Legislation
- Reviews and Appeals under Freedom of Information Legislation

Gambling Regulation and Control

Picha has practised in this specialist area for a number of years and has gained significant and extensive experience as Counsel assisting the Gaming Licensing Project of the Victorian Commission for Gambling and Liquor Regulation.

Commercial and Family Law

Since commencing practise at the Bar Picha has appeared in a number of significant cases (in her own right and being led by Queen's Counsel).

In the general commercial area these matters have involved interlocutory applications, trials and appeals in all aspects of commercial law and in Bankruptcy and *Corporations Act* matters involving Corporate Governance and Insolvency Law issues in the Corporate

Insolvency area which have provided significant case development in cases under Part 5.3A *Corporations Act* in respect of administrations and insolvencies

She has also appeared in the Family Court involved in corporate and property matters and the Federal Circuit Court in both its family and general jurisdictions but principally in the following areas:

- Financial Agreements
- Property Disputes
- Parenting Disputes
- Spousal Maintenance
- Crimes Family Violence
- Intervention Orders
- De facto Property Disputes

Professional Award

- Recipient of National Award for Excellence in Urban Planning for her role in the drafting of the City Planning Scheme - Thuringowa (2004 – Planning Institute of Australia).

Articles and Publications and Seminars

- *Selection of Expert Witnesses by Australian Legal Practitioners: A Pilot Empirical Study*, A thesis submitted to Victoria University in part fulfillment of the requirements for the award of Master of Business Administration (MBA) 2017
- *Independence of Expert Witnesses and Likely Conflicts*, (2016) 21 QEPR Issue 91
- Operational Manual on the Environmental Licensing Regime under the Environmental Protection Act
- Powers and Responsibilities of the Local Government Engineer (for the Institute of Public Work Engineers of Australia (Author and presenter of comprehensive operational manual in conjunction with a two-day training program)
- Powers of Entry (author and presenter of comprehensive manual in conjunction with a one-day training program)
- Drafting and Enforcement of Statutory Notices (author and presenter of manual)
- Private Certification under the *Integrated Planning Act* (Queensland Environmental Law Association Conference, 2004)
- The role of the expert witness in Planning and Environment litigation (IPWEAQ State Conference, 2003)
- Drafting planning schemes under the *Integrated Planning Act* (Qld) (Planning Institute of Australia, National Conference, Adelaide, 2003)

Qualifications

- Bachelor of Laws, University of Sydney, 1993
- Master of Business Administration, Victoria University Melbourne, 2017
- Admitted: Supreme Court of Queensland, March 1997
- Member, Building and Development Tribunal of Queensland, 2009 - 2012
- Sessional Member, Planning & Environment List, Victorian Civil & Administrative Tribunal, since 2017

Memberships & Affiliations

- Bar Association of Queensland, since 2010
- Victorian Bar
- New South Wales Bar Association
- Tasmanian Bar

- Queensland Environmental Law Association (past Vice President)
- Australian Institute for Commercial Arbitration, Member
- Member Women's Planning Network Victoria (past Treasurer)
- Victorian Planning and Environmental Law Association, Member
- Planning Institute of Australia, Member
- Environmental Health Institute of Australia, Associate Member

Chambers:

Macrossan Chambers

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