

CONFERENCE BROCHURE

12 to 14 October 2016
Sofitel Brisbane Central
Brisbane, Queensland



AMPLA

Empowering
Energy &
Resources
Lawyers

2016
**ANNUAL
CONFERENCE**

AMPLA 2016 ANNUAL CONFERENCE

12 to 14 October 2016, Sofitel Brisbane Central, Queensland

This year marks 40 years of AMPLA as the leader in providing topical, informative and beneficial education for lawyers in the energy and resources industry. The AMPLA Annual Conference is recognised as the premier resources and energy law conference in Australia and the Asian region.

Our delegate feedback lists three key elements to the continued success of the AMPLA Annual Conference; Quality Speakers, Relevant Topics and the opportunity to network with peers in a collegiate atmosphere. This year will be no exception!

AMPLA has once again developed an informative, current and thought provoking business programme. With an overarching theme of “Innovation”, our presenters are experts in their fields and will deliver a comprehensive range of topics from “The internet of Things to “Brexit and the potential impact on the resources and energy sector”.

The conference opens with a Welcome Reception on Wednesday evening at the perfectly located Customs House along the Brisbane River, with the business sessions commencing from Thursday morning until Friday evening.

CONFERENCE OUTLINE

WEDNESDAY 12 OCTOBER

6.00pm – 8.00pm **Welcome Reception**

THURSDAY 13 OCTOBER

8.45am **Conference Opening**

9.00am – 9.40am **Keynote Address**

9.40am – 11.10am **Session 1**

Innovation – The Internet of Things; new technologies and opportunities

11.10am – 11.30am **Morning Break**

11.30am – 1.00pm **Session 2**

East Coast Gas Markets – Supply in a constrained environment; is further regulation the answer?

1.00pm – 2.00pm **Delegate Lunch**

2.00pm – 3.30pm **Session 3**

Contract Law - Interpreting multifaceted and interrelated contracts and how estoppel may intervene to affect those contracts?

3.30pm – 4.00pm **Afternoon Break**

4.00pm – 5.30pm **Session 4**

Indecent disclosure – the art and science of continuous disclosure obligations and protection of privilege

7.00pm – 11.00pm **Conference Dinner**

FRIDAY 14 OCTOBER

9.00am

Sessions Commence

Stream A: Resources Law		Stream B: Energy Law	
9.00am – 10.30am Session 5A	Native Title - Follow the money; the emerging landscape in native title compensation	9.00am – 10.30am Session 5B	Hot Topics in Energy Law
10.30am – 10.50am	Morning Break		
10.50am – 12.20pm Session 6A	Foreign investment and foreign influences for the energy and resources sector	10.50am – 12.20pm Session 6B	Powering change - Moving distributed generation into the 21st century

12.20pm – 1.20pm

Delegate Lunch

1.20pm – 2.20pm

Session 7

Joint venture cross charges in a distressed market

2.20pm – 3.20pm

Session 8

Climate Change - COP That! Ongoing and anticipated climate change legal developments

3.20pm – 3.40pm

Afternoon Break

3.40pm – 5.30pm

Session 9

Recent Developments

5.30pm – 5.45pm

Conference Close

5.45pm – 9.30pm

Farewell Function

CONFERENCE PROGRAMME

Thursday 13 October - Conference Opening & Keynote Speaker

Session 1 - Innovation - The Internet of Things; new technologies and opportunities

Chair: Martin Kudnig, Johnson Winter & Slattery

This session will focus on the increasing pace at which new technologies are reshaping the resources and energy industry and the way resources and energy projects of the future will operate – focusing on two themes: (1) the arrival of the Internet of Things; and (2) more broadly the changing relationship the mining industry has with new technologies and the opportunities and challenges for the future.

The Internet of Things, or the Industrial Internet, is already beginning to revolutionise mining and oil and gas projects. Rio's automated "Mine of the Future" is no longer in the future, but is in the here and now. GE and other large suppliers have embraced the Industrial Internet, placing sensors everywhere in order to optimize the operation and maintenance of their equipment, reducing downtime and cost.

The first part of this session will look at the role of the Industrial Internet and Big Data in the resources and energy sectors and how changes in these technologies may dramatically alter the way in which companies operate.

In addition, there will be consideration of the way in which developments in internet technologies (and the exponential rate of growth in the amount of data being collected) impact on the commercial operations of businesses, giving rise to unique legal issues as well as altering the way in which "old world" legal issues should be approached and addressed.

The second part of the session will provide an overview of the mining industry's (love-hate) relationship with new technologies generally - past, present and a glimpse into the future (including insights from leaders in the industry). It will consider the drivers, inhibitors and opportunities for development and adoption of new technologies.

The key legal challenges and considerations for the adoption of new technologies in the industry, and some approaches to managing them will also be examined. Areas to be considered include intellectual property (protections, value realisation, freedom to operate), regulatory (approvals, inflexible regulatory environments, uncertainty), privacy, data protection and OH&S.

Speakers:

Cheng Lim, King & Wood Mallesons, Melbourne

Simon Fraser, Ashurst, Melbourne

Session 2 - East Coast Gas Markets – Supply in a constrained environment; is further regulation the answer?

Chair: Natalie Lonergan, Herbert Smith Freehills

In recent years, gas producers and pipeline operators have been operating in an industry constrained by external factors and complicated by substantial policy and regulatory change.

Policy and regulatory changes are exacerbating supply constraints and contributing to record high domestic gas prices.

This presentation will provide a commercial update on the East Coast Gas Market followed by a panel discussion about the increasing challenges to the East Coast Gas Market in the context of supply constraints and regulatory restrictions.

The speakers will consider how supply has been affected by the participation of the LNG projects in the domestic gas markets and the exposure to international oil prices.

In addition, the findings of the ACCC inquiry into the East Coast Gas Market and the AEMC inquiry into East Coast Wholesale Gas Market and Pipelines Frameworks Review delivered in early 2016 will be considered. The ACCC inquiry and the AEMC inquiry both recommended increasing regulation as a means to secure supply – is further regulation the best solution?

Speakers:

Alan Young, Highbury Partnership Pty Limited, Sydney

Liza Carver, Herbert Smith Freehills, Sydney

Cameron Herbert, Jemena Limited, Sydney

Richard Cottee, Central Petroleum Limited, Brisbane

Delegate Lunch

Session 3 - Contract Law - Interpreting multifaceted and interrelated contracts and how estoppel may intervene to affect those contracts

Chair: David Marsh, Solomon Brothers

This session will cover the Sino Iron Port litigation and an in depth examination of estoppel.

The first part of the session will focus on those aspects of the decision by Justice Edelman in *Mineralogy Pty Ltd v Sino Iron Pty Ltd*, that are most important for commercial lawyers, including: the exercise of termination rights; construction of project agreements dealing with port infrastructure; the relationship between project agreements and a State Agreement and approved proposals; estoppel by convention; and the effect of letter agreements.

The Sino Iron Port dispute gave rise to perhaps the most detailed critical examination of a “pit-to-port” project seen in Australia.

Indeed, the complex web of documentation that underpinned the project is not so dissimilar to those in a major energy project. As such, this session offers any lawyer practising in energy and resources sector an opportunity to have the decision unpacked by two experienced lawyers who know the decision, and the background behind it, better than any other lawyers in the country.

Shane Doyle QC will then examine in more depth one of the issues touched upon in the judgment, estoppel.

Estoppel is a topic that AMPLA has not dealt with in depth for some time and this session will cover the different species of estoppel and how they might arise in the energy and resources context. In doing so, the session will look at the remedies available arising from estoppel as well as the limitations on its application.

Although the Sino Iron Port decision of Justice Edelman did not turn on estoppel, as his Honour’s reasons make clear, it could have done. What should be of particular interest to lawyers working in the area is the capacity for estoppel to affect legal relations even where the relevant conduct occurred after the relevant agreements have been executed and the parties are operating under the agreement

Speakers:

Gerard Woods, Allens, Perth

Phil Blaxill, Allens, Perth

Shane Doyle QC, Brisbane

Session 4 - Indecent disclosure – the art and science of continuous disclosure obligations and protection of privilege

Chair: Georgia Quick, Ashurst

This session will explore day-to-day scenarios faced by in-house counsel in the resources and energy sectors in respect to continuous disclosure obligations and privilege during crisis control.

The first part on managing both ASX and ASIC disclosure obligations, will discuss issues including when to disclose mistakes by misguided analysts, how to manage significant changes in accounting policy, what are your obligations to disclose increased costs of cleaning up decommissioned assets, and dealing with possible future debt covenant breaches.

The second part will provide an update on the current status of legal professional privilege and the practical realities of establishing an effective process for post incident response which accommodates various interests groups. It will take a mock scenario and demonstrate how to make use of the benefits of privilege in its various forms in a manner which allows information to be used quickly to accommodate corrective action and the publication of Alerts. Most importantly, it will demonstrate how to protect individuals who are exposed legally to personal risk of prosecution and restrictions on employees and officers under D&O insurance policies.

Speakers:

Andrew Lumsden, Corrs Chambers Westgarth, Sydney

Harold Downes, Herbert Smith Freehills, Brisbane

Friday 14 October

Concurrent Morning Sessions

As in previous years, the Friday morning programme will feature two streams. Stream A will focus on Resources Law, while Stream B will focus on Energy Law. Delegates will be able to choose to register for the full conference and participate in some or all of these sessions, or can utilise our one-day only registration offer.

Stream A: RESOURCES LAW (Ballroom 1)

Session: 5A – Native Title: Follow the money; the emerging landscape in native title compensation

Chair: Jennifer Tobin, Minter Ellison

Valuing native title compensation has been a longstanding issue for resources companies, together with governance challenges concerning payments to native title parties. Resources companies, native title parties, the states, and the courts have grappled with how to set an appropriate price for the loss of native title, and have considered different native title compensation valuation methodologies. The Federal Court Timber Creek case dealing with valuation methodologies has been eagerly awaited, in the hope that it will deliver some clarity at last. There are also practical lessons gained from comprehensive settlements and alternative settlements to date.

Flowing from these issues are broader governance challenges in implementing mining agreements with native title parties, and the key role of Prescribed Bodies Corporate. PBCs have a critical role, and must deal with internal governance issues (distributing benefits, membership and management). These present sensitive issues for mining and petroleum (and associated infrastructure) entities, including financial, operational and reputational risks.

The session will include the President of the National Native Title Tribunal, and an expert on native title law. The speakers will give an overview of native title compensation and benefits, valuation methodologies, and the role of PBCs. The session will provide guidance on what compensation is payable, as well as how to improve governance (for Indigenous and non-Indigenous parties).

This is an essential session for anyone with an interest in native title.

Speakers:

Raelene Webb QC, National Native Title Tribunal (President), Perth

Scott Singleton, King & Wood Mallesons, Brisbane

Session 6A - Foreign investment and foreign influences for the energy and resources sector

Chair: Barry Irwin, Allen & Overy LLP

Foreign investment remains part of the lifeblood of the Australian economy, and the energy and resources sector is no exception. Many of the major projects in the country are funded with foreign capital and debt, and owned by foreign companies. FIRB approval will commonly be a pre-condition to any major transaction in the sector. The past 12 months has seen a substantial review and amendment of Australia's foreign investment laws occur, and so it is an opportune time to consider the application of Australia's foreign investment laws to the energy and resources sector. The session will explore recent changes to the law and their significance to the sector, but equally look at what has not been changed, where opportunities to simplify or clarify the law may have been missed, and key ongoing issues for the sector.

The session will then move on to look at a potential foreign event that may impact the sector, namely "Brexit". "Brexit" is of course a reference to the United Kingdom's exit from the European Union. What ramifications will this have? More specifically, what is its relevance to the energy and resources sector, including in Australia? These issues will be examined in the session's second paper.

Speakers:

Michael Joyce, Norton Rose Fulbright, Sydney

Brexit speaker; John Richards, Allen & Overy, Singapore

Stream B: ENERGY LAW (Ballroom 2)

Session 5B – Hot Topics in Energy Law

Chair: Matthew Knox, Minter Ellison

This session explores two major issues in energy law. The first part of the session will examine the rise in popularity of lifting and balancing agreements, which enable individual participants in an upstream LNG project to separately lift and market their share of LNG production, and arrange their own shipping for such LNG offtake. It will consider the key commercial and legal concepts relevant to such agreements including tips and traps and the experiences of the presenters.

The second part of the session will examine the issue of disputes between operators and non-operators under a joint operating agreement, a matter which is increasingly occurring as a result of the challenging economic circumstances. This will be conducted in an interactive format consisting of a panel of experts which will examine and discuss the issues informed by recent case law and experience of the panel.

Speakers:

Caitlin Westgarth, Shell Australia Pty Ltd, Perth

Trent Simon, Brunei Shell Petroleum Company Sdn Bhd, Brunei

Gavin Ryan, PTTEP AUSTRALASIA, Perth

Andrew Smith, Clayton Utz, Brisbane

Rikke Petersen, Santos, Perth

Session 6B - Powering change; Moving distributed generation into the 21st century

Chair: Tanya Denning, Ashurst

The electricity industry is currently experiencing levels of change unseen since the creation of the National Electricity Market, including a growing trend away from centralised generation and transmission. This presents a number of significant opportunities for resource projects and consumers alike to provide alternative revenue streams, reduce cost bases and secure greater stability and security of supply.

Using case studies, Industry insiders Paul Newman (Ashurst), Phil Keogan (Sunverge) and Tim Sprey (EDL) will explore the commercial, legal and regulatory implications of embedded generation and battery technology, to demonstrate the value of distributed generation in the 21st century.

These considerations will be of value to mining, oil and gas project participants, electricity industry participants, and large and small scale energy consumers. This session will provide practical guidance on the opportunities available to each and will include a Q&A.

Speakers:

Tim Sprey, Energy Developments, Brisbane

Paul Newman, Ashurst, Brisbane

Phil Keogan, Sunverge, Brisbane

Delegate Lunch

Session 7 - Joint venture cross charges in a distressed market

Chair: Keira Brennan, Norton Rose Fulbright

This session analyses why a standard feature of the mining joint venture is the cross charge. It looks at what the joint venture cross charge is intended to do and what it actually achieves. Reference will be made to the model document cross charge. The speakers will share their experiences with joint venture cross charges and provide tips and traps to be aware of.

In particular, the session will look at whether the current cross charges are compliant with the current legislation (PPSA), provide a guide on how to properly register the charges and look at enforcement issues in an insolvency situation.

Finally, the session will discuss the effect of the removal of ipso facto clauses on joint venture cross charges and joint venture agreements.

Speakers:

Dale Rayner, Norton Rose Fulbright, Brisbane

Damien Butler, Colin Biggers & Paisley, Brisbane

Session 8 - Climate Change; COP That!

Ongoing and anticipated climate change legal developments

Chair: Ben Zillmann, Allens

The Paris “COP 21” UN Climate Change Conference took place with much fanfare at the end of 2015. But practically, what does the Paris Agreement actually mean for the countries of the world, and more specifically Australia? How has it practically impacted our laws, or how will it going forward? What does it mean for our energy and resources sector and what are the likely next steps and new legal frontiers? What should companies be doing differently now as a result of COP 21, if anything?

We will explore all of these issues and questions in this session. Our first presentation will focus specifically on the outcomes of the Paris Agreement, what Australia has committed to and how it plans to achieve it, and what legal developments are likely to flow in the short term and coming years.

The second presentation will then focus more specifically on one particular challenge facing companies as a result of COP 21 and climate change more generally – how corporate governance needs to account for climate change. Climate change is not simply a legal, political or scientific issue, it is also now very much an investment issue, and it is a particularly acute one for companies involved in the energy and resources sector.

The presentation will consider issues arising in this area, such as corporate disclosure obligations and shareholder activism in relation to climate change.

Speakers:

Emily Gerard, Allens, Melbourne

Lizzie Knight, Corrs Chambers Westgarth, Sydney

Session 9 - Recent Developments

Chair: Professor Alex Gardner, University of Western Australia, Perth and Adjunct Professor, Australian National University, Canberra

This session will cover a range of recent developments which will be confirmed closer to the conference.

Conference Close

CONFIRMED SPEAKERS

Phil Blaxill, Allens	Andrew Lumsden, Corrs Chambers Westgarth
Damien Butler, Colin Biggers & Paisley	Paul Newman, Ashurst
Liza Carver, Herbert Smith Freehills	Rikke Petersen, Santos
Richard Cottee, Central Petroleum	Dale Rayner, Norton Rose Fullbright
Harold Downes, Herbert Smith Freehills	Gavin Ryan, PTTEP AUSTRALASIA
Shane Doyle, QC	Trent Simon, Brunei Shell Petroleum Company Sdn Bhd, Brunei
Simon Fraser, Ashurst	Scott Singleton, King & Wood Mallesons
Emily Gerrard, Allens	Andrew Smith, Clayton Utz
Cameron Herbert, Jemena Limited	Tim Sprey, Energy Developments
Michael Joyce, Norton Rose Fulbright	Raelene Webb QC, National Native Title Tribunal (President)
Phil Keogan, Sunverge	Caitlin Westgarth, Shell Australia Pty Ltd
Lizzie Knight, Corrs Chambers Westgarth	Gerard Woods, Allens
Cheng Lim, King & Wood Mallesons	Alan Young, Highbury Partners
John Richards, Allen & Overy	

SPONSORS

The support of the conference sponsors for the 2016 Annual Conference is appreciated and acknowledged, including many that have supported the AMPLA Annual Conference over many years. Sponsors that had confirmed their involvement at the time of publication are shown on the last page of programme.

In celebration of the 40 years of AMPLA we have introduced a dinner sponsorship for the Conference Dinner this year.

REGISTRATION INFORMATION

Registration for the AMPLA 2016 Annual Conference is now open on the [AMPLA website](#).

The AMPLA Annual Conference delegates are mostly private practice lawyers and in-house counsel involved in resources and/or energy law. Other professionals within the resources and energy sector, in Australia and overseas, also attend. Although the majority of delegates are members of AMPLA, many non-members also attend.

AMPLA offers a substantial registration discount to its members. Non-members are encouraged to consider an [AMPLA membership](#) before registering to take advantage of this discount offer.

Corporate Members' Employees

Employees of corporate members of AMPLA who are not included in the corporate members' list of nominees are regarded as non-members for registration purposes.

Full Conference or Single Day Registrations

Delegates can register for the whole conference, or either Thursday or Friday. A Full Conference registration includes admission to all conference business sessions and social events, while a One Day registration only includes admission to the business sessions and social events for the day registered, as well as a complimentary ticket to the Wednesday Welcome Reception.

Registration Fees

Full Conference and One Day Delegate Registration fees are outlined below. All fees quoted are AUD and include GST.

		Early Bird*	Standard
AMPLA Member	Full Conference	\$2,210.00	\$2,690.00
	One Day	\$1,210.00	\$1,535.00
AMPLA Non-member	Full Conference	\$2,510.00	\$3,025.00
	One Day	\$1,435.00	\$1,725.00

*The Early Bird discount is available for registrations that are received with full payment before 5pm Wednesday September 7, 2016.

AMPLA 2016 Yearbook

The AMPLA 2016 Yearbook will contain most of the papers presented at the Annual Conference and will be available on the AMPLA e-platform to each full fee paying delegate as part of the registration fee. The yearbook is usually available in April, following the conference.

Registration Scholarships

AMPLA is pleased to offer a scholarship for full time tertiary students to attend the Business Sessions at the 2016 Annual Conference. Scholarships will be provided on a case by case basis. The Scholarship does not include lunches, conference social events or the year book.

To apply for the Student Scholarship please email **Chantelle Spiller-Ball**, (Memberships, Events and Administration Officer) with your supporting documentation or phone +61 3 9248 5400.

Professional Development Grant

Following the successful introduction of the Professional Development Grant in 2015, AMPLA is once again delighted to receive submissions for 2016. This grant will provide professional development and networking opportunities for junior energy and resources lawyers, by attending the Annual Conference. The grant allows attendees to participate in the conference for the fee of \$1,000 for the full conference or \$600 for a single day. To be eligible the applicant must be a resources or energy lawyer with less than three years' experience and have never attended an AMPLA Annual Conference. Registration must be completed by Friday 23 September, 2016. Please note: there are a limited number of Professional Development Grants available.

To apply for the Professional Development Grant, please email **Chantelle Spiller-Ball** (Memberships, Events and Administration Officer) with your supporting documentation or phone +61 3 9248 5400.

SOCIAL EVENTS

The business programme is complemented by a social events programme, including the Wednesday Welcome Reception, conference lunches (Thursday and Friday), the Thursday Conference Dinner and a Friday Casual Function. These provide an excellent networking opportunity for delegates, their partners and guests to meet informally, catch up with old acquaintances and establish new ones.

Wednesday 12 October - Welcome Reception

The Long Room, Customs House, 399 Queen St, Brisbane City

6.00pm – 8.00pm

The AMPLA 2016 Annual Conference Welcome Reception will be held in The Long Room at Customs House with its distinctive copper dome. The venue is a very short walk from the Sofitel Brisbane Central, and is located within the grounds of one Australia's leading universities, the University of Queensland. This elegant, riverside venue with a relaxed dining terrace will make the ideal location to introduce delegates and guests to Brisbane and the AMPLA Annual Conference.

Dress: Smart Casual

Travel: Walk (8mins)

Thursday 13 October - Conference Dinner

Brisbane City Hall, 64 Adelaide St, Brisbane City

7.00pm – 11.00pm

At this year's Conference Dinner we celebrate the 40 years of AMPLA. This celebratory dinner is being held in the Auditorium of the Brisbane City Hall; a venue of striking elegance and grandeur, a short walk from Sofitel Brisbane Central. The evening will begin with arrival drinks served in King George Square under the imposing 70m clock tower (based on the design of the St Mark's Campanile in Venice, Italy). The City Hall has recently undergone a \$215m restoration program and is a symbol of civic pride.

Dress: Lounge Suit / Cocktail Dress

Travel: Walk (8mins)

Friday 14 October - Farewell Function

Cuvée Lounge, Sofitel Brisbane Central

5.45pm – 9.30pm

This year's conference will come to a close with drinks hosted in the Cuvée Lounge at the Sofitel Brisbane Central. Delegates will be able to come directly from the closing conference address to the venue on site, and enjoy the evening city skyline in a relaxed atmosphere amongst old and new acquaintances.

Dress: Smart Casual

Travel: on-site

ACCOMMODATION

For the benefit of delegates, AMPLA has negotiated a discounted accommodation rate at the Sofitel Brisbane Central. A limited number of rooms are available at a special conference rate, and will be allocated on a first come, first served basis. Subject to availability, the special conference rate will be available for delegates for the extended period of October 9 - October 17, 2016.

To secure the discounted rate it is recommended delegates book their accommodation using the link provided on the AMPLA website which connects directly to the Sofitel Booking system that will apply the AMPLA conference rate. Please note AMPLA is not directly involved in the accommodation booking process.

TERMS & CONDITIONS

No Liability

The organisers may at any time, with or without giving notice, in their absolute discretion and without giving any reason, cancel or postpone the conference, change its venue or any of the other published particulars, or withdraw any invitation to attend. In any case, neither the organisers nor any of their officers, employees, agents, members or representatives shall be liable for any loss, liability, damage or expense suffered or incurred by any person.

Cancellation Policy

If you are unable to attend the Conference, a substitute* delegate will always be welcome provided details are supplied in advance to the AMPLA secretariat. A 50% refund will be provided only for cancellations received in writing on or before 23 September, 2016.

*Please note the nominated substitute must hold the same AMPLA membership as the original registered delegate or will be subject to additional fees

Delegate Information

For the purpose of the AMPLA 2016 Annual Conference, AMPLA will share delegate information with other delegates and third parties. If you do not want your information to be distributed, please tick the box on the registration page when completing your registration.

Further Information

If you need further information please contact the AMPLA Membership, Events and Administration Officer.

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