



Annual report

2023-2024

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(Queensland Law Reform Commission)

September 2024

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Queensland Law Reform Commission

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September 2024



10 September 2024

The Honourable Yvette D'Ath MP
Attorney-General and Minister for Justice and
Minister for the Prevention of Domestic and Family Violence

In accordance with section 15 of the *Law Reform Commission Act 1968*, the Commission is pleased to present its Annual Report 2023–24.

The members of the Commission look forward to continuing the Commission's important contribution to law reform in this State.

Fleur Kingham

Chair

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Chair's Foreword

On behalf of the Queensland Law Reform Commission, I present the Annual Report for 2023–24.

The QLRC is an independent statutory agency for law reform, respected by government and the community as a centre of excellence. I am gratified by the strong support of the Department of Justice and Attorney-General for our current references: the review of mining objection processes and the review of several criminal defences and excuses.

In 2023-24, the QLRC published 3 background papers for the mining review and 1 for the criminal defences review, to inform and enhance our intensive consultation. With each paper, the QLRC secretariat proved its reputation for research excellence. They also rose to my challenge to communicate complex ideas in an accessible way.



Fleur Kingham

I am proud of the QLRC's increased focus on the interests and needs of Aboriginal peoples and Torres Strait Islander peoples. I warmly thank Commissioner Joshua Creamer for his fruitful service until he retired to assume his position as Chair of the Truth Telling Inquiry. Mr Creamer, a Waanyi and Kalkadoon man and a barrister, led the QLRC in developing our First Nations Engagement Commitment, our First Nations Strategic Plan, and our thematic artwork to convey the QLRC's commitment. He introduced us to Dr Diana Eades, an expert in cross cultural communication about the legal process, particularly for Aboriginal people, who helped us develop fact sheets for our mining review. Mr Creamer has generously agreed to serve on our Aboriginal and Torres Strait Islander Expert Advisory Group.

My sincere gratitude to Ms Penny White, barrister, and Ms Claire Endicott, QCAT member, whose terms ended in September 2023. They served on the QLRC for the significant references for Voluntary Assisted Dying laws and the framework for decriminalising the Sex Work Industry. Ms White also served on the reference for Termination of Pregnancy law. They should be gratified by the government's implementation of the QLRC's recommendations for those reviews.

I welcome our new Commissioners: Ruth O'Gorman KC, Glen Granny, and Avelina Tarrago. Ms O'Gorman and Mr Cranny are experienced and respected criminal lawyers, whose input is critical to our criminal review. Ms Tarrago, a Wangkamahdla woman and barrister, will support the QLRC's focus on First Nations' perspectives and is taking a lead in consultations for our mining review. My congratulations and thanks to long-serving Commissioner, Judge Tony Rafter SC, who was appointed Deputy Chair in September 2023 and is leading the criminal defences review.

2024-25 promises to be a busy year with consultation papers for the current reviews and a third reference expected soon. Looking forward, I will consult on a law reform agenda to give to the Attorney-General.

My sincere thanks to all Commissioners for their thoughtful and expert deliberations and to every member of our recently expanded secretariat, deftly led by Executive Director, Matt Corrigan, for their enthusiasm, ability and diligence. The Commissioners and I could not meet our obligations without you.

Message from the Executive Director

This is my second Annual Report since joining as Executive Director in March 2023 and the first full financial year since the secretariat completed a significant restructure. The Commission, for the first time, is concurrently conducting two large and complex law reform reviews and will likely commence a third in the 2024-25 financial year.

I would like to thank our Chair, Fleur Kingham, for her exceptional strategic leadership and acknowledge the outstanding contribution of each of our Commission members.

Over the last financial year, we continued to enhance our process of law reform by focusing on community engagement and consultation throughout each of our reviews. Over the last year, we have travelled across Queensland, meeting with interested members of the community to understand how the laws we are reviewing are affecting those outside the south-east corner of Queensland. For the first time, we have a dedicated engagement strategy for effective consultation and collaboration with the Aboriginal and Torres Strait Islander peoples of Queensland, which is founded on respectful and humble listening.

We have strengthened our communications and publications capability with a focus on easy to understand and accessible publications. We are committed to ensuring diverse and vulnerable communities can engage with the Commission and in law reform. As part of this process, we have updated the Commission's website, created video content, contributed to podcasts and held events both in person and online.

During this period, with support from the Department of Justice and Attorney-General, we grew our permanent establishment to 12 staff, with an additional 12 staff working on our reviews on a temporary basis. We now have legal officers with varying degrees of seniority, which enables the core work of research, analysis and consultation to be completed more efficiently. I am committed to the QLRC secretariat being an attractive place for the best policy lawyers in Queensland to work, with opportunities for challenge and growth.

While this work has been occurring, the core work of the Commission has continued. We continued with the mining lease objections processes review, which commenced in June 2023. In November 2023, we commenced a review of particular criminal defences. I am grateful to all the community members who contribute to our reviews.

I would like to thank every member of the secretariat who upholds the Commission's focus on rigour and excellence. I am extremely grateful to work with such talented, generous and collaborative people.



Matthew Corrigan

Strategic plan



Purpose

A fair, modern and simple legal framework



Output

Practical, innovative and just law reform recommendations



Values

Transparency, rigour, impartiality, inclusivity, collaboration



Objectives

To build a reputation as a centre of excellence for:

- legal research
- community consultation
- independent advice

To provide law reform recommendations supported by high quality, authoritative and timely reports

To encourage and support people across Queensland to engage in law reform, including diverse and disadvantaged communities

To effectively liaise on law reform:

- across government
- between Australian law reform commissions

Year in review

Role and functions of the Commission

The Commission undertakes research and provides recommendations to reform the law on topics selected by the Attorney-General.

The Commission is an independent statutory body constituted under the Law Reform Commission Act 1968 (Law Reform Commission Act).

Our purpose and values


The Commission aims to meet the needs of the Queensland community by reviewing areas of the law referred to us by the Attorney-General and by making recommendations for reform. These recommendations are based on extensive research, public consultation and the principles of impartiality, equity, social justice and respect for human rights. They are published in its final reports, and presented to the Attorney-General for tabling in Parliament in accordance with the requirements of section 16 of the Law Reform Commission Act.

Law reform reviews in 2023–24

In the 2023–24 financial year, the Commission's work spanned three law reform reviews. One review is underway, a review of mining lease objections processes, with foundational research and early consultations commenced. A review of particular criminal defences commenced in November 2024. A review of Queensland's laws relating to workplace surveillance, which was referred on 24 July 2018, is currently on hold.

Summaries of the reviews are provided below.

Review of the mining lease objections process

Referred	5 June 2023	
Due Date	30 June 2025	
Delivered	N/A	
Tabled in Parliament	N/A	
Consultations	86	
Review Papers	3 (background papers)	
Events	1 (launch)	
Submissions received	N/A	

The Commission received terms of reference for a review of mining lease objections processes commencing on 5 June 2023.

The public and private interests in mining projects include ensuring ongoing investment and sustainable growth in resource projects and protecting the environment, cultural heritage, community, agricultural and landowner interests. The mining lease objections processes are one way those interests are taken into account in making decisions about mining projects.

The Queensland Government has asked us to review and make recommendations about the processes to decide contested applications for mining leases in Queensland under the Mineral Resources Act 1989 and associated environmental authorities under the Environmental Protection Act 1994, including review of such decisions.

We have also been asked to consider:

- whether any changes we recommend should apply to applications for resource production tenures under the Greenhouse Gas Storage Act 2009, the Geothermal Energy Act 2010 and the Petroleum and Gas (Production and Safety) Act 2004
- how any changes we recommend will interact with decisions made under a range of other State and Commonwealth Acts, including:
 - Aboriginal Cultural Heritage Act 2003
 - Torres Strait Islander Cultural Heritage Act 2003
 - State Development and Public Works Organisation Act 1971
 - Water Act 2000
 - Planning Act 2016

- Local Government Act 2009
- Environment Protection and Biodiversity Conservation Act 1999 (Cth)
- Native Title Act 1993 (Cth)
- the implications of other Acts, including:
 - Human Rights Act 2019
 - Judicial Review Act 1991.

We released a series of 3 background papers to provide information on topics relevant to the review:

- Background paper 1: Introducing our review (August 2023)
- Background paper 2: Scanning the horizon: Queensland mining in the future (October 2023)
- Background paper 3: Other jurisdictions (February 2024).

We will publish 2 consultation papers in July 2024. One of the consultation papers will focus on the interests of Aboriginal peoples and Torres Strait Islander peoples. The consultation papers will discuss and invite feedback on proposals for reform and ask questions, including about how the reforms could be implemented. We will invite submissions by mid-September 2024.

In November 2024, we will publish a submissions paper, summarising the submissions received on our consultation papers. We will also publish a third consultation paper about whether any changes we recommend should apply to other resource production tenures.

Our final report with recommendations will be given to the Government by 30 June 2025.

Review of particular criminal defences and excuses

Referred	15 November 2023	
Due Date	1 December 2025	
Delivered	N/A	
Tabled in Parliament	N/A	
Consultations	25	
Review Papers	1 (background paper)	
Events	1 (launch event)	
Submissions received	N/A	

The Commission received terms of reference for a review of particular criminal defences and excuses commencing on 15 November 2023.

The Queensland Government has asked us to review and make recommendations about whether any changes are needed to reform the law, practice or procedure concerning the following defences in the Criminal Code:

- self-defence in sections 271 and 272
- provocation as a defence to assault in sections 268 and 269
- provocation as a partial defence to murder in section 304
- the partial defence to murder of killing for preservation in an abusive domestic relationship in section 304B, and
- domestic discipline in section 280.

We have also been asked to consider the impact of the mandatory penalty of life imprisonment for murder on the operation of those defences, and whether the mandatory penalty should be removed.

In November 2023, we released the first of a series of background papers for the review. Background Paper 1 introduced our terms of reference and invited feedback on what issues we should look at in the review. The paper was accompanied by a series of information sheets and other supporting resources.

The review was formally launched on 15 February 2024, with a panel discussion featuring legal and academic experts. The panel discussion was chaired by Commission Deputy-Chair, His Honour Judge Anthony Rafter SC, with an introductory address by the Honourable Margaret McMurdo AC.

On 22 February 2024, Judge Rafter delivered a keynote address highlighting issues raised by the review at the 2024 Global Domestic Violence Conference in Cairns.

In May, we commissioned researchers at the Australian National University and Sequire Consulting to design and conduct a Statewide community attitudes survey and focus groups to find out what Queenslanders think about the defences under review and the mandatory penalty. The fieldwork for the project is due to commence in early August.

We have also undertaken substantive work in readiness to commence other research projects, including an analysis of previous Queensland cases where the defences have been raised, or the mandatory penalty imposed, in July.

Since the commencement of the review, we have conducted 25 consultation meetings with key stakeholders in Brisbane and other locations across the State.

A consultation paper will be published in late 2024. It will include questions for consultation and ask for formal submissions.

Our final report with recommendations and draft legislation will be given to the Government by 1 December 2025.

[Review of Queensland's laws relating to workplace surveillance](#)

On 24 July 2018, the Attorney-General referred to the Commission for review 'the issue of privacy protections for workers in the context of current and emerging surveillance devices in workplaces'.

The proposed review about workplace surveillance has been overtaken by new references and other event and is currently on hold.

The terms of reference require the Commission to have regard to the findings from our review of civil surveillance and privacy. Our report on civil surveillance and privacy was completed in 2020. In it we made several recommendations for legislative change, including changes to provide avenues for resolving complaints and disputes.

Depending on the nature and scope of reforms at both a state and federal level, the scope for new Queensland laws specifically about workplace surveillance may be reduced. Any new state civil surveillance laws will affect the content of any state workplace surveillance laws. So will developments in the federal arena.

Our people

Commission members

As at 30 June 2024, the Commission had seven part-time members, including a Chair and Deputy Chair.

Chair

Fleur Kingham

Part-time Chair: 1 April 2024 – current

Chair and Full-time Member: 1 April 2023 – 31 March 2024

Part-time Member: 17 March 2022 – 31 March 2023.

Fleur Kingham was the President of the Land Court of Queensland from 2016 to 2024 and is the immediate past-President of the Australian Association of Women Judges.

The Chair's distinguished legal career includes judicial appointments as Deputy President of the Land and Resources Tribunal, the first Deputy President of the Queensland Civil and Administrative Tribunal (QCAT) and Judge of the District Court of Queensland.

Ms Kingham is passionate about judicial education and regularly presents for the National Judicial College of Australia. Ms Kingham has a LLB (Hons) and a BA from the University of Queensland and a Master of International Law (Dist) from the University of Nottingham, and is a continuing member of the Griffith Law School Visiting Committee. She was awarded an Honorary Doctorate by Griffith University in 2016. In 2024, she was named the Eminent Environmental Lawyer of the Year by the Law Council of Australia.

Deputy Chair

His Honour Judge Anthony Rafter SC

17 September 2020–current

His Honour is a Judge of the District Court of Queensland, the Childrens Court of Queensland and the Planning and Environment Court.

Judge Rafter has also served as an Acting Judge on the District Court of New South Wales in 2019, as Acting Justice on the Supreme Court of Queensland in 2021 and Acting President of the Childrens Court from June 2022 to November 2022. Judge Rafter was admitted as a barrister in 1985 and appointed Senior Counsel in 2003.

Judge Rafter has previously been the Chairperson of the Nursing Tribunal, a member of the Board of Legal Aid Queensland and a Commissioner of the Queensland Thoroughbred Racing Inquiry. Judge Rafter is a graduate of the Queensland Institute of Technology completing a Bachelor of Laws.

Mr Mark Hinson KC

17 September 2020–current

Mr Hinson KC is a graduate of The University of Queensland completing a Bachelor of Arts and Bachelor of Laws (Hons). He completed a Master of Laws at the University of Cambridge, and was admitted as a barrister in 1981.

He tutored law at the University of Queensland until commencing full-time practice as a barrister in 1986.

Mr Hinson KC was appointed Queen’s Counsel in 1998, and was appointed an Acting Judge of the District Court between August and November 1998.

Dr Alice Taylor

17 March 2022–current

Dr Taylor is an Assistant Professor at Bond University. Her field of research expertise is human rights law with a specific focus on discrimination and equality rights. She regularly engages in public policy debates surrounding these issues.

She received her PhD from ANU in 2020 which focused on discrimination law in Australia, the United Kingdom and Canada. This research formed the subject of a monograph published in 2023. She has undertaken visiting positions at universities in the UK and Canada. She has taught across a range of subjects including human rights, torts, contracts, and public and constitutional law.

Prior to entering academia, Dr Taylor was admitted as a solicitor of the Supreme Court of New South Wales in 2013. She has worked as a solicitor at a top-tier commercial law firm, an Associate at the Supreme Court of Queensland and the Legal Research Officer at the High Court of Australia.

Mr Glen Cranny

17 September 2023–current

Mr Cranny has practiced as a solicitor since 1995, is an accredited specialist in criminal law, and a regular author, presenter, lecturer and media commentator on criminal law and related topics. His clients span the public and private sectors, the legal and health professions, and law enforcement. In 2010, Mr Cranny was appointed a Senior Counsellor of the Law Society, and in 2019 was awarded the Law Society’s President’s Medal for services to the legal profession. His professional interests include the legal education of young lawyers, public sector ethics, and scientific evidence.

Mr Joshua Creamer

17 September 2023–30 June 2024

Mr Creamer is a Waanyi and Kalkadoon man and distinguished Queensland barrister with a national practice specialising in class actions and large and complex cases involving human rights and native title for Aboriginal people and Torres Strait Islander people. He is a member

of the Griffith University Council, having been appointed in 2020 and a former member of the Board of Legal Aid Queensland. In 2017 he was the recipient of the National Indigenous Legal Professional of the Year Award.

Ms Ruth O’Gorman KC

17 November 2023–current

Ms O’Gorman practises in criminal law where she appears in trials in the Supreme, District and Magistrates Courts of Queensland, and appeals in the High Court of Australia and Queensland Court of Appeal.

In 2023, Doyles Guide listed Ruth as a pre-eminent senior counsel in criminal law in Queensland and a recommended senior counsel in criminal law in Australia. She also accepts briefs in professional disciplinary matters and regulatory prosecutions.

Ms O’Gorman also appears in inquiries and inquests. In 2022, she was the senior Counsel Assisting the Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence. In 2020 – 2021, Ms O’Gorman was one of the Counsel Assisting the Queensland Coal Mining Board of Inquiry.

Commission Secretariat

The Commission members are supported by a small secretariat which undertakes research, analysis and consultation in support of law reform recommendations. The Secretariat also provides the Commission with administrative and secretarial support. As at 30 June 2024, the Commission’s Secretariat comprised:

Director

- Cathy Green

Principal Legal Officers

- Anita Galeazzi
- Dr Emma Phillips
- Jodie O’Leary
- Kellie Jones

Senior Legal Officers

- Dayne Kingsford
- Edward Fleetwood
- Hannah Ehler
- Jade Watson
- Lani Olafsson
- Suzie O’Toole

Legal Officers

- Erica Wilkinson
- Jack Cuming

Principal Research Analyst

- Helen Punter

Principal Communications and Publications Officer

- Julia Starkey

Business Manager

- Kathleen Melten

Senior Administration Officer

- Natalie Collins

Administration Officer

- Kahren Giles

Corporate Governance

Program of Work

Section 10(3)(c) requires the Commission to prepare and submit a proposed program of law reform to the Attorney-General for approval. A proposed program is subject to variation by the Attorney-General, before or after its approval, under section 10(4). The Commission has a protocol for developing proposed programs. The protocol outlines our process for identifying and selecting suitable law reform issues to include in a proposed program.

In accordance with our protocol for the development of proposed programs, we sought and considered suggestions for suitable law reform issues to include in a proposed program of law reform.

On 10 August 2021, the Commission submitted a proposed program for the period 2021–26 for approval by the Attorney-General.

The proposed program was approved and varied by the Attorney-General on 16 December 2021. It was varied to include the Commission’s review to recommend a framework for a decriminalised sex work industry in Queensland. The program includes the now referred review of objections processes for mining leases under the Mineral Resources Act 1989.

On 15 November 2023, the Attorney-General referred a review of the defences and excuses in the Criminal Code.

Other matters which the Commission suggested might be the subject of future reviews include:

- Transplantation and Anatomy Act 1979
- self-defence
- charitable and not-for-profit fundraising regulation, including the Collections Act 1966
- Coroners Act 2003
- Modernisation of the Oaths Act 1867

Our publications

A list of our reports, working papers and miscellaneous papers is available on our website. Copies of the Commission’s recent publications, and most of its older publications, are also available on the website. The website also details legislative action taken on Commission reports.

Meetings of the Commission

During the reporting period, the Commission held 9 full Commission meetings, 2 meetings of the Mining Team, 2 meetings of the Criminal Defences Team and 6 meetings to develop the Commission’s strategy for engagement with Aboriginal and Torres Strait Islander peoples across Queensland.

Appointment of Commission members

Members of the Commission are appointed by the Governor in Council on the advice of the Attorney-General. The Law Reform Commission Act provides that the Commission must consist of at least 3 members, who may be full-time or part-time members.

Each person appointed to be a Commission member must be a person appearing to the Governor in Council to be suitably qualified by the holding of judicial office or by experience as a barrister or as a solicitor or as a teacher of law in a University.

Remuneration of Commission members

Part-time members of the Commission who are not judicial officers are remunerated in accordance with the Queensland Government policy, Remuneration Procedures for Part-time Chairs and Members of Queensland Government Bodies.

The total remuneration paid to part-time members for work performed in 2023–24 was \$81,200.¹

Part-time members who are judicial officers do not receive remuneration for performing the duties of a part-time member.

Right to Information Act 2009

In accordance with the requirements of the Right to Information Act 2009, the Commission's website includes a publication scheme. That scheme describes and categorises information routinely available from the Commission and the terms on which the information will be made available.

Public Sector Ethics Act 1994

The Commission, as a public sector entity, has an approved code of conduct that applies to the members of the Commission in their capacity as public officials. The Commission's code of conduct is available on the Commission's website.

The staff of the Commission Secretariat, as employees of the Department of Justice and Attorney-General, are covered by the Code of Conduct for the Queensland Government Public Service.

In accordance with the Public Sector Ethics Act 1994, during the reporting period, officers of the Secretariat undertook annual 'workplace ethics' refresher training from the Department of Justice and Attorney-General.

¹ See Appendix 1.

Appendix 1: Members, meetings and remuneration²

Position	Name	Meetings / sessions attendance	Approved annual, sessional or daily fee ³	Approved sub-committee fees if applicable	Actual fees paid ⁴
Chair	Her Hon President Fleur Kingham	17	Annual fee of \$240,000	N/A	\$60,000
Deputy Chair	His Hon Judge Anthony Rafter SC	10	Nil	N/A	Nil
Member	Mr Mark Hinson QC	10	<ul style="list-style-type: none"> • Meeting (4 hrs or less): \$250 • Meeting (more than 4hrs): \$500 • Additional work (4 hrs or less): \$250 • Additional work (more than 4hrs): \$500 	N/A	\$5,000
	Dr Alice Taylor	9	As above	N/A	\$4,500
	Mr Joshua Creamer (from 17 September 2023)	14	As above	N/A	\$5,500
	Mr Glen Cranny (from 17 September 2023)	8	As above	N/A	\$3,500
	Ms Ruth O'Gorman KC (from 17 November 2023)	5	As above	N/A	\$1,700
	Ms Clare Endicott (until 16 September 2023)	2	As above	N/A	\$1,000
	Ms Penelope White (until 16 September 2023)	0	As above	N/A	Nil
	Total fees paid				

² The Commission is not a 'statutory body' within the meaning of s 9 of the Financial Accountability Act 2009 as it is 'a part of a department' within the meaning of s 8(3) of that Act (given the source of its funding).

³ A part-time member who is a judicial officer does not receive any salary or fees for performing the duties of a part-time member of the Commission: Law Reform Commission Act 1968 (Qld) s 13.

⁴ Actual fees paid exclude superannuation.

