

2022 SEMINARS

# CURRENT LEGAL ISSUES



BAR ASSOCIATION  
OF QUEENSLAND



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# 2022 Seminar Series

The Bar Association of Queensland, the University of Queensland, and the Supreme Court Library Queensland are pleased to announce the Current Legal Issues Seminar Series for 2022.

The seminar series seeks to bring together leading scholars, practitioners and members of the judiciary based in Queensland and from other jurisdictions to discuss key issues of contemporary significance.

DATE	PRESENTER	CHAIR	COMMENTATOR
<b>Seminar 1: Common Law Relief from Penalties: When Did it All Begin?</b>			
Thursday 19 May 2022	Dr Peter Turner	The Hon. Justice Peter Flanagan, <i>Supreme Court of Queensland</i>	Professor Warren Swain, <i>Deputy Dean, University of Auckland</i>
<b>Seminar 2: Reforming the Australian Justice System's Response to Sexual Offences</b>			
Thursday 21 July 2022	The Hon. Anthony North KC, <i>Victorian Law Reform Commission</i>	His Honour Judge Paul Smith, <i>Judge Administrator, District Court of Queensland</i>	Professor Julia Quilter, <i>School of Law, University of Wollongong</i>
<b>Seminar 3: Religious Freedom, Religious Discrimination and the Role of Law</b>			
Thursday 13 Oct 2022	Professor Carolyn Evans, <i>Vice-Chancellor and President, Griffith University</i>	The Hon. Justice Sarah Derrington AM, <i>Federal Court of Australia, President, Australian Law Reform Commission</i>	Professor Patrick Parkinson AM, <i>TC Beirne School of Law, University of Queensland</i>
<b>Seminar 4: Reforming the Law of Domestic Violence - An Offence of Coercive Control?</b>			
Thursday 10 Nov 2022	The Hon. Margaret McMurdo AC	The Hon. Justice Soraya Ryan, <i>Supreme Court of Queensland</i>	Professor Heather Douglas, <i>University of Melbourne</i>

### 19 May - Seminar 1: Common Law Relief from Penalties: When Did it All Begin?

Presenter	Dr Peter Turner
Abstract	The beginnings of curial relief from contractual penalties have drawn the attention of counsel and judges in modern litigation on the penalty doctrine. Roots have been traced to the activities of the old Court of Chancery and to the more obscure activities of the common law courts at Westminster - chiefly the King's Bench. The earliness of common law intervention has influenced how appellate courts in Australia and England have stated the penalty doctrine for current times. This talk will consider when common law relief from penalties began, and the bearing those origins have on the pleading and decision of cases today.

### 21 July - Seminar 2: Reforming the Australian Justice System's Response to Sexual Offences

Presenter	The Hon. Anthony North KC, <i>Victorian Law Reform Commission</i>
Abstract	<p>The Victorian Law Reform Commission has recently released a major report on the Response of the Justice System to Sexual Offences. The State's Attorney-General has indicated that this report will guide the next ten years of reform in this area. In this seminar, Chair of the VLRC, the Honourable Anthony North KC will discuss several key reforms suggested in the report, where progress is urgently needed. These include:</p> <p><i>Consent</i>: the introduction of a model of 'communicative consent' requiring a person to take active steps to ensure that another person consents to sex before engaging in it.</p> <p><i>Victim advocates</i>: the appointment of an independent person to 'walk alongside' victim survivors throughout their involvement in the justice process, providing information, support, liaison, referrals and advice.</p> <p><i>Alternatives to criminal trial</i>: the creation of other ways in which survivors can obtain justice besides the criminal trial, such as restorative justice, truth telling, and civil litigation.</p> <p><i>Specialisation</i>: the introduction of specialised training and specialist accreditation requirements for all judicial officers and lawyers involved in sex offence cases.</p> <p><i>Independent review panels</i>: the introduction of an independent panel to review police and prosecutors' decisions to continue, drop or downgrade sexual offence charges; and</p> <p><i>Improvements to trial processes</i>: further improvements to trial processes in areas such as jury directions and expert evidence, designed to make trials less traumatic for victim survivors.</p>

### 13 Oct - Seminar 3: Religious Freedom, Religious Discrimination and the Role of Law

Presenter	Professor Carolyn Evans, <i>Vice-Chancellor and President, Griffith University</i>
Abstract	Religious freedom and freedom from discrimination on the basis of religion are well-established rights in international law and many jurisdictions have a substantial case-law that examine both of these rights, including the tensions between them. While some limited forms of these rights are protected in the constitution, to date there has been relatively limited case law in Australia. With the development of statutory bills of rights and increased social tensions between secular and religious Australians, however, the law is increasingly being asked to step into conflicts that involve religion. What can we learn from the Australian case law to date and from other similar jurisdictions that can help Australian courts and legal policy makers with the complex issues that arise in this realm?

### 10 Nov - Seminar 4: Reforming the Law of Domestic Violence - An Offence of Coercive Control?

Presenter	The Hon. Margaret McMurdo AC
Abstract	<p>On 30 November 2021, the Women's Safety and Justice Taskforce, chaired by the Hon. Margaret McMurdo AC, delivered its first report, <i>Hear her voice 1</i>, to the Queensland Government. The Taskforce had to consider and report on how best to legislate against coercive control, an exceptionally prevalent and sometimes form of domestic violence.</p> <p>Coercive control is a pattern of deliberate and rational behaviour designed by one person to control another person within a personal relationship, by causing fear to the victim. It does not necessarily involve physical harm but is often more damaging and can be a pre-cursor to lethality.</p> <p>The Taskforce received over 700 submissions, including over 500 from those who generously shared their lived experience of domestic and family violence. It held over 125 individual meetings with stakeholders including the judiciary, legislators, police, the legal profession, policy makers and service providers. <i>Hear her voice 1</i> makes 89 recommendations, including that there be a new criminal offence of coercive control, but only after system-wide reform to avoid unintended consequences. Key recommendations included:</p> <ul style="list-style-type: none"><li>• A lengthy period before the new offence comes into force to ensure the community, police, and those working in the criminal justice system and the service sector are fully educated and prepared;</li><li>• A review after 5 years to ensure the new offence is operating as intended;</li><li>• The Queensland Government working with First Nations peoples to urgently reduce their representation as offenders in the criminal justice system;</li><li>• An independent commission of inquiry into the Queensland Police service to examine widespread cultural issues relating to investigations of domestic violence and the overrepresentation of First Nations peoples in the criminal justice system; and</li><li>• Diversionary programs for first offenders and an expanded state-wide network of perpetrator programs</li></ul> <p>The Queensland Government supports or supports in principle all 89 recommendations.</p> <p>What will be the likely risks and benefits for our community and our criminal justice system of this significant reform?</p>

## AIMS

The Current Legal Issues Series seeks to:

- provide a forum for the critical analysis and discussion of current legal issues;
- bring to bear upon those issues the different perspectives offered by leading members of the academia, the profession and the judiciary; and
- forge stronger links between academic and practising lawyers in Queensland.

## FORMAT

Each seminar will comprise a chair, presenter or co-presenters, and commentator.

The chair will introduce the presenter and commentator. A paper will then be presented by a leading practising or academic lawyer.

## CPD

Attendance at each seminar qualifies barristers for 1.5 CPD points in Substantive Law. Solicitors should check with the Queensland Law Society or their relevant professional body.

## WEBSITE

Details of all seminars, papers, and speaker biographies, are available from the CLI series website: <https://law.uq.edu.au/current-legal-issues-seminars>

## TIME

Registration: 5.00pm - 5.15pm.

Seminar: 5.15pm - 6.45pm, followed by refreshments.

## VENUE

The Banco Court, Queen Elizabeth II Courts of Law, 415 George Street, Brisbane.

Seminars will be followed by a drinks reception in the foyer.

## REGISTRATION

To register online for the seminar, please go to CPD/Events at <https://qldbar.asn.au/cpd-events>

For further information please contact the Legal Education team:

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## PLEASE NOTE

In accordance with the current health regulations all attendees must be fully vaccinated.

If you are feeling unwell, are displaying COVID-like symptoms, have been overseas in the last 14 days, are awaiting a COVID-19 test result, or have been in close contact with someone who is a confirmed COVID case, you will not be permitted to attend. All attendees must comply with the Banco Court COVID directives.



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