

# Criminal Law Conference

Thursday 4 August | 8.25am-5.35pm  
Hotel Grand Chancellor Brisbane | Online

## Overview

One of Queensland Law Society's significant annual events, the Criminal Law Conference is conducted as a one-day event with opening and closing plenaries and two tracks of sessions for delegates to choose from. This conference is considered to be the premier professional development event for criminal lawyers with access to an impressive roster of presenters from the judiciary, Private Bar and practice. Key benefits of the conference include the acquisition of practical skills for members who engage in criminal law and wish to practice at an advanced level.

7 CPD Points



# Program

8am **Registration**

8.25am **Acknowledgement of Country and opening remarks**

Presenter: **Kara Thomson**, President, Queensland Law Society; Consultant, Hughes and Lewis Legal; Accredited Specialist (Personal Injuries) – Qld

8.35am **Keynote address: When the client doesn't love you anymore; obligations and approach**

Join us in welcoming the Honourable Justice Davis for a keynote address. Justice Davis has had a distinguished career, commencing as a solicitor in 1984. His Honour later served as a barrister before he was appointed judge of the Trial Division of Supreme Court of Queensland on 16 October 2017. In 2020, Justice Davis was appointed President of the Industrial Court of Queensland and the Queensland Industrial Relations Commission.

Presenter: **The Honourable Justice Peter Davis**, Supreme Court of Queensland; President of the Industrial Court of Queensland; President Queensland Industrial Relations Commission

Chair: **Kara Thomson**, President, Queensland Law Society; Consultant, Hughes and Lewis Legal; Accredited Specialist (Personal Injuries) – Qld

9.05am **Lawyers, vicarious trauma and the justice system**



Our expert presenter will share her hands on experience and discuss the risk of vicarious trauma and the impact on practitioners.



Presenter: **Rebecca Fogerty**, Vice President, Queensland Law Society; Partner, Jasper Fogerty Lawyers; Accredited Specialist (Criminal Law) – Qld



Chair: **Dr Brooke Thompson**, Policy Solicitor, Queensland Law Society

10.05am **Morning tea**

10.25am **Hot topic: Serious Violent Offence scheme review**



The Queensland Sentencing Advisory Council (QSAC) recently published its final report on the Serious Violent Offence (SVO) scheme review. QSAC was asked to consider the operation and efficacy of the SVO scheme, including how it is currently applied, its impact on court sentencing practices, and whether it creates any inconsistencies or constrains the sentencing process. QSAC's report made 26 recommendations, including that the scheme be replaced with a presumptive model.



Join Dan Rogers, current QSAC member, for an overview of QSAC's work on the SVO scheme review, its key recommendations and how the recommendations might affect sentencing laws and practices in the future.

Presenter: **Dan Rogers**, Legal Director, Robertson O'Gorman Solicitors; Accredited Specialist (Criminal Law) – Qld

Chair: **Emily O'Hagan**, Partner, Wallace O'Hagan Lawyers

11.25am

## Cybercrime: Practice safety and security



Cybercrime is evolving rapidly and conveyancing firms are no longer the prey of choice for the groups which specialise in attacking law firms. Join David Bowles for an overview of the latest attack techniques and what you need to do to lessen the risk. We will discuss in particular the cyber risks encountered by practitioners working from home.

Presenter: **David Bowles**, Special Counsel, QLS Ethics and Practice Centre, Queensland Law Society  
 Chair: **James Benjamin**, Barrister, Halsbury Chambers

12.25pm

## Lunch

1.10pm

### STREAM 1A

#### You have the right to remain silent....but should you?

#### When engaging with Police and taking instructions at an early stage can be a good idea.

The session covers police interaction and when to engage. Our experienced presenters will discuss the pros and cons of providing information to police, specifically giving a record of interview (i.e. 13A Statements).

Presenters:

**Joe Wicking**, Senior Associate, Potts Lawyers;  
 Accredited Specialist (Criminal Law) – Qld

**Sam Jackson**, Director, Bamberry Lawyers;  
 Accredited Specialist (Criminal Law) – Qld

Chair: **Patrick Quinn**, Director, Gilshenan & Luton Legal Practice



### STREAM 1B

#### Fitness and soundness defences for summary matters and section 172 Mental Health Act Applications in the Magistrates Court

Join this session to learn more about advocacy in summary matters in the Magistrates Court where a defendant may have fitness for trial or soundness of mind defences to criminal charges. The session will be of particular benefit to criminal law practitioners wanting to learn more about the section 172 process in particular to achieve just outcomes for our clients who have mental health defences to criminal charges.

Presenter: **Brittany White**, Principal, Fuller & White Solicitors

Chair: **Dr Brooke Thompson**, Policy Solicitor, Queensland Law Society



2.10pm

**STREAM 2A****Case law update: Criminal law practice and evidence law**

In this session, our presenter will discuss recent decisions which have the potential to substantially impact criminal law in practice. These cases consider aspects of the law in relation to the ethical conundrums facing solicitors when clients apply to withdraw pleas of guilty and developments in the law to do with unlawful searches.

Presenter: **Patrick Wilson**, Barrister, Halsbury Chambers

Chair: **James Benjamin**, Barrister, Halsbury Chambers

**STREAM 2B****Disabling youth: the necessity to re-think the approach to youth with disabilities in the youth justice system**

Join the panel to get an update on section 29 of the Criminal Code Act 1899 and the ongoing debate as to whether or not Australia should raise the minimum age of criminal responsibility. The session also covers the distinction between mental health, normative cognitive development and cognitive disability. The panel discusses practitioner awareness of the child's capacity, how to ascertain a child's capacity and adapting practice to suit capacity. The session also discusses the current provision of disability services and how to utilise these services to get the best outcome for the client.

Presenters:

**Damian Bartholomew**, Solicitor, Youth Advocacy Centre

**Dr Chelsea Leach**, Advanced Forensic Psychologist, Forensic Child and Youth Mental Health Service

Chair: **Binari De Saram**, Legal Policy Manager, Queensland Law Society

3.10pm

**Afternoon tea**

3.30pm

**DNA testing under the microscope!**

The state Government has appointed former Court of Appeal President Walter Sofronoff to conduct a Commission of Inquiry into DNA testing in Queensland state forensic lab, to consider reliability and testing methods of forensic evidence.

Join our presenters from the Griffith University Innocence Project, who have campaigned for the Inquiry, as they unpack DNA testing methods and why it is critical that there is confidence in forensic evidence to ensure just outcomes in either proving the guilt of a perpetrator or to clear someone where the evidence exculpates them.

Presenters:

**Dr Robyn Blewer**, Lecturer, Griffith Law School

**Ronald Behlau**, Partner, Behlau Murakami & Grant ILP

Chair: **The Honourable Ian David Francis Callinan AC**, Former Justice of the High Court, Inns of Court

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4.30pm **The ethics of a brave new world**



Rapid technological advancement is moving faster than governments can react, and outstripping regulation, creating unique challenges for lawyers in the criminal world. In this session we will cover how technology might help with access to justice and client communication, and also the dangers posed by technologies that are not fully understood even by their creators. Some of the issues we will touch on in this session include:

- Can Artificial Intelligence tell us what cognitively impaired clients are thinking?
- If it can, should we let it?
- Will technology increase access to justice?
- The impact of remote hearings on criminal trials
- Where do criminal lawyers fit in the Metaverse?

Presenter: **Shane Budden**, Special Counsel, QLS Ethics and Practice Centre, Queensland Law Society  
Chair: **Craig Pratt**, Director, Gilshenan & Luton Legal Practice

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5.30pm **Closing remarks**

Presenter: **Kara Thomson**, President, Queensland Law Society; Consultant, Hughes and Lewis Legal; Accredited Specialist (Personal Injuries) – Qld

5.35pm **Networking drinks**

7pm **Close**

## Presenters

### **Damian Bartholomew**

Solicitor, Youth Advocacy  
Centre

### **Ronald Behlau**

Partner, Behlau Murakami &  
Grant ILP



Ron is the Criminal Law and Corporate Misconduct Division Partner at Behlau Murakami Grant. He is the Co-Director and an Executive Committee member of the Griffith University Innocence Project and an Adjunct Lecturer at Law. He is a member of the Queensland Law Society's First Nations Cultural Committee and was the inaugural Treasurer of the Law and Justice Institute (Qld) serving under now Supreme Court Justice Peter Callaghan SC. He regularly provides media comment on criminal justice and human rights issues and was recently published in the prestigious University of New South Wales Law Journal in relation to the lack of regulation of body worn cameras use by regulators.

### **James Benjamin**

Barrister, Halsbury  
Chambers



James was admitted as a solicitor in January 2002 and practised criminal law in private practice before he began working at Legal Aid Queensland in 2004. At LAQ he initially practised as a legal officer in general crime and then in youth justice. He was called to the bar in 2006 and worked as in-house counsel at Legal Aid Queensland until moving to the private bar at the beginning of 2016.

James practises primarily in criminal law, but also has experience in child protection including at an appellate level. He appears regularly in a wide variety of criminal matters in the superior courts throughout Queensland, including the Court of Appeal. He has also had significant experience in complex matters before the Mental Health Court.

### **Dr Robyn Blewer**

Lecturer, Griffith Law School



Robyn is a lecturer at Griffith University Law School and the Director of the Griffith University Innocence Project, where she works with law students and volunteer lawyers to examine claims of wrongful conviction in Australia. After graduating from Griffith Law School in 2004 with a strong commitment to social justice, Robyn's time as a judge's associate in the Queensland District Court initiated a keen interest in the experiences of vulnerable people in the criminal justice system, particularly children and young people. Robyn pursued this interest through a Master of Criminology and Criminal Justice where her Honours thesis examined support programs for child victims of crime. Her multi-disciplinary research interests were further developed as a member of the Australian Research Council Laureate Project, 'The Prosecution Project' through which she completed her doctoral thesis which traced the development of child witness law and procedure in Australia across the twentieth century.

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**David Bowles**

Special Counsel, QLS Ethics and Practice Centre,  
Queensland Law Society



David was admitted as a solicitor in 1996 and was in private practice from that time until joining Queensland Law Society's QLS Ethics and Practice Centre in November 2012.

David's experience, initially as an employee and then as a sole practitioner includes crime, property, litigation and estate planning. As an Ethics Solicitor he is responsible for providing ethical guidance to members, and continuing legal education.

He holds postgraduate certificates in Cybersecurity from Harvard University Extension School and in Project Management from the University of Adelaide EdX program.

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**Shane Budden**

Special Counsel, QLS Ethics and Practice Centre,  
Queensland Law Society



Shane is a Special Counsel Ethics in the QLS Ethics and Practice Centre / QLS Solicitor Support Pty Ltd, and provides ethical guidance and instruction to practitioners. He contributes significantly to the QLS Journal Proctor, both through his regular column and by authoring feature articles. Shane was admitted in 1992 and worked in general practice with a focus on criminal law, before moving to in-house work, initially with the Ipswich City Council internal legal team. Prior to joining QLS he headed up the internal legal team at the Queensland Building Construction Commission/Queensland Building Services Authority and was Chair of the Society's Government Lawyers committee.

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**The Honourable Ian David Francis Callinan AC**

Former Justice of the High Court, Inns of Court



The Honourable Ian Callinan AC was a Justice of the High Court of Australia for 9½ years.

He is a qualified mediator and a Grade 1 Arbitrator of the Resolution Institute. He is regularly engaged as a referee and to make expert determinations and evaluations and has mediated and arbitrated (internationally and nationally) in an extensive range of commercial, energy, revenue, mining, construction, regulatory, IT and other disputes throughout Australia and overseas (including in London, New York, Singapore and Delhi).

Mr Callinan has conducted public inquiries and governmental reviews. He has also given evidence as an expert witness in international and foreign legal proceedings and arbitrations.

Mr Callinan has been Chair of the Griffith University Innocence Project for some years and has presented on the criminal justice system in other forums from time to time.

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**The Honourable Justice Peter Davis**

Supreme Court of Queensland; President of the Industrial Court of Queensland; President Queensland Industrial Relations Commission



The Honourable Justice Peter Davis is a graduate of The Queensland University of Technology—Bachelor of Laws (Honours) (1984).

Justice Davis was admitted as a solicitor of the Supreme Court of Queensland in 1984 and was later admitted as a barrister of the Supreme Court of Queensland in 1990. His Honour practised as a barrister from 1990 until appointed a judge in 2017. Justice Davis was appointed Senior Counsel in 2005.

Justice Davis was appointed a judge of the Trial Division of Supreme Court of Queensland on 16 October 2017.

Justice Davis was appointed to the part time role of President of the Queensland Industrial Court and Queensland Industrial Relations Commission in 2020.

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**Binari De Saram**

Legal Policy Manager,  
Queensland Law Society



Binny De Saram is the Manager of Legal Policy at Queensland Law Society and is responsible for coordinating the work of the Criminal Law, Children's Law and Access to Justice and Pro Bono Law legal policy committees. In her role, Binny advocates for good law through oral and written advocacy to government and through the Parliamentary committee process.

Previously, Binny held legal roles with MacGillivrays Solicitors and Australian Government Solicitor. Binny is currently the Queensland Law Society nominee on the LawRight Management Committee and has held volunteer positions with the United Nations International Criminal Tribunal for the former Yugoslavia, Open Society Justice Initiative in Cambodia, LawRight's Homeless Persons Legal Clinic, and the Red Cross International Humanitarian Law group.

Binny holds a Bachelor of Laws and Bachelor of Science from the University of Queensland and a Masters of Laws (specialising in international law and human rights) with Honours from the University of Melbourne. In her spare time Binny enjoys spending time with her family and volunteering as the Grants Officer of her daughter's school Parents and Citizens Association Committee.

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**Rebecca Fogerty**

Vice President, Queensland Law Society; Partner, Jasper Fogerty Lawyers; Accredited Specialist (Criminal Law) – Qld



Rebecca is the Vice President of Queensland Law Society. She is partner at Jasper Fogerty Lawyers and practices exclusively in criminal defence. Rebecca is an Accredited Specialist in criminal law and currently the Chair of QLS's Criminal Law Committee. She is the Queensland member for the Professional Standards Councils.

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**Sam Jackson**

Director, Bamberry Lawyers;  
Accredited Specialist  
(Criminal Law) – Qld



Sam is a Director at Bamberry Lawyers, and has practiced exclusively in Criminal Law since 2011. He is an Accredited Specialist in Criminal Law, and a member of the QLS Criminal Law Committee.

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**Dr Chelsea Leach**

Advanced Forensic  
Psychologist, Forensic Child  
and Youth Mental Health  
Service



Dr Chelsea Leach has a B Law (Hons), B Psychological Science (Hons) and D Psych (Forensic) and works as an Advanced Forensic Psychologist with the Forensic Child and Youth Mental Health Service. Dr Leach has several well cited publications utilising administrative data to explore key questions around youth offending and the criminal justice system. She also works part time in private practice with a focus on complex trauma and PTSD.

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**Emily O'Hagan**

Partner, Wallace O'Hagan  
Lawyers



Emily graduated with a Bbachelor of Llaws with honours and a Bbachelor of Ppsychology from Griffith University, completing elective study in criminal law and forensic mental health at Utrecht University in the Netherlands. She later undertook a clerkship with Hopgood Ganim Lawyers in litigation and family law and was admitted as a solicitor to the Supreme Court of Queensland and the High Court of Australia in 2010.

Following her admission, Emily commenced work at Russo Lawyers and practised in criminal defence. She was appointed to Senior Associate at Russo Lawyers in 2014 and then became a founding partner of Wallace O'Hagan Lawyers in 2015.

Emily appears in all criminal law jurisdictions. She has represented clients at every level of the criminal justice system, from pleas of guilty before the Magistrates Court to Supreme Court Appeals.

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**Craig Pratt**

Director, Gilshenan & Luton  
Legal Practice

Craig is a Director at Gilshenan & Luton Legal Practice. Craig became an accredited specialist in criminal law in 2012. He has extensive experience in both defence and prosecutorial work, and represents clients with respect to sexual offences, serious driving offences, assault and domestic violence matters and in coronial inquests, commissions of inquiry and administrative law. Craig also acts in CCC investigations into professional misconduct and criminal matters. He also acts for police officers, health professionals and others in regulatory and disciplinary proceedings in QCAT and other tribunals. Craig is a member of the Queensland Law Society's Criminal Law Committee.

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**Patrick Quinn**

Director, Gilshenan & Luton  
Legal Practice



Patrick is a Director of the the Gilshenan and Luton Legal Practice. Since his admission in 2011, he has practiced in criminal and misconduct law. Patrick holds a Bachelor of Laws from the Queensland University of Technology.

Patrick represents clients in a wide range of investigations and proceedings including transport and driving matters, sexual and drug offences, coronial investigations, commissions of inquiry, weapons licensing, crime and corruption proceedings and in professional body investigations and disciplinary proceedings.

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**Dan Rogers**

Legal Director, Robertson  
O’Gorman Solicitors;  
Accredited Specialist  
(Criminal Law) – Qld



Dan practises in criminal law, corporate crime and professional discipline. Dan has a long association with Caxton Community Legal Centre, where he is currently the President. Dan regularly presents at criminal law seminars and as a guest lecturer at universities. Dan has been published in various law journals and in legal texts on criminal law and human rights. Dan is a member of the Queensland Law Society’s Ethics Committee and the Queensland Sentencing Advisory Council.

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**Dr Brooke Thompson**

Policy Solicitor, Queensland  
Law Society



Brooke manages the work of a number of Queensland Law Society’s legal policy committees, including the Criminal Law Committee, Elder Law Committee, Health & Disability Law Committee, Succession Law Committee, Banking & Financial Services Law Committee, and Construction & Infrastructure Law Committee.

QLS legal policy committees, comprised of expert members, develop sound and balanced submissions to government when seeking legislative and policy reform which will have a positive impact for both the legal profession and the Queensland community.

Brooke is also an external research fellow at the University of Queensland, and has completed her PhD in the intersection of law and religion, and legal pluralism.

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**Kara Thomson**

President, Queensland Law Society; Consultant, Hughes and Lewis Legal; Accredited Specialist (Personal Injuries) – Qld



Kara specialises in personal injuries law, and is passionate about supporting ongoing development of legal professionals.

Her current focus is working with large insurers in Queensland to effectively and efficiently manage a wide range of claims from statutory decisions through to major or catastrophic claims. She also continues to undertake some plaintiff work.

Now President, Kara has a long standing history with Queensland Law Society, serving as a Councillor for three terms and appointed Vice President in 2020/21. Kara has been able to contribute to the profession through her role on Council and various committees, including the Supreme Court Library Committee, CPD Committee and Specialist Accreditation Board. Kara was a finalist in the 2019 Women in Law Mentor of the Year award.

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**Brittany White**

Principal, Fuller & White Solicitors



Brittany is Principal and Legal Practitioner Director of Fuller & White Solicitors, a multi-office firm of solicitors based in Brisbane City and Cleveland practising in the areas of criminal law, traffic law, domestic violence, family law and child protection matters.

Brittany has worked exclusively as a legal practitioner in criminal law and related areas for over ten years, firstly undertaking criminal prosecutions work with the Commonwealth Director of Public Prosecutions and the Queensland State Government before moving to private criminal defence in 2012. She co-founded Fuller & White Solicitors in August 2016.

Brittany is a member of the Queensland Law Society Criminal Law Committee and the Legal Aid Industry Reference Group and also volunteers with the Bayside Community Legal Centre.

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**Joe Wicking**

Senior Associate, Potts Lawyers; Accredited Specialist (Criminal Law) – Qld



Joe is an accredited specialist in criminal law and practices exclusively in this area. He is a member of the Queensland Law Society's Criminal Law Committee.

Joe has extensive experience in a wide spectrum of criminal law matters, including murders, cattle stealing, drug trafficking, corruption, fraud and driving offences. Joe has appeared for clients in investigative hearings before the Crime and Corruption Commission and the Australian Criminal Intelligence Commission. He has also represented people in Workplace Health and Safety matters, ranging from mining incidents to deaths in a workplace.

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**Patrick Wilson**

Barrister, Halsbury  
Chambers



Patrick is a specialist criminal barrister. His practice involves conducting criminal trials, sentences and appeals in the Supreme, District and Magistrates courts throughout Queensland. His extensive experience includes defending and prosecuting all manner of charges ranging from serious indictable matters in the superior courts to regulatory prosecutions in the summary jurisdiction.