

CRIMINAL LAW CONFERENCE



Recorded: 25 August 2023

10.5 hours | 1 CPD point per hour viewed

PLE ✓ PM&BS ✓ PS ✓ SL ✓

EXHIBITORS

 **legalsuper**

Program

1hr 8min

Acknowledgement of Country and opening remarks

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



Insights into a historic review

Mr Shanahan AM provides us with key insights into his historic review of the *Justices Act 1886* (Qld).

Presenter: **Michael Shanahan AM**, Retired District Court Judge; Former President of the Childrens Court of Queensland

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

1hr 1min

Vicarious trauma – Understanding the risks of psychosocial hazards in the workplace



Presenter: **Tania Murdock**, Senior Conciliator, Fair Work Commission; Accredited Mediator; Accredited Family Dispute Resolution Practitioner; Principal – Dispute Management Australia; Member, Queensland Law Society Wellbeing Working Group

Chair: **Jesse Hill**, Legal Professional Development Executive, Queensland Law Society

53min

TRACK 1A



The future of law & policy – the Strengthening Community and Safety Bill (2023)

Our committee chairs and policy solicitor provide an update on upcoming and recent legislative changes and discuss how they will impact your clients and what you can do to assist.

Presenter: **Dominic Brunello**, Senior Associate, Robertson O’Gorman; Accredited Specialist (Criminal Law) – Qld; Chair, Queensland Law Society Criminal Law Committee

Chair: **Bridget Cook**, Senior Policy Solicitor, Queensland Law Society

58min

TRACK 1B



DNA – under the microscope

Explore the evolution of DNA evidence and technology as our presenter takes a deep dive into the cutting edge and share insights on what tools and analysis might be beneficial to your practice and your clients.

Presenter: **Helen Roebuck**, DNA Expert Witness

Chair: **Ronald Behlau**, Partner, Behlau Murakami Grant ILP

54min

TRACK 2A



Access to justice – Queensland Intermediary Scheme

We introduce the QIS model, how intermediaries assist in obtaining the best evidence from witnesses and minimising further trauma.

The intention of the directions hearing will be discussed and QIS case studies relevant to the profession will be presented.

Presenters:

Bron Pike, Program Manager, Queensland Intermediary Scheme, Department of Justice and Attorney-General

Jeanne Cox, In-house Intermediary, Queensland Intermediary Scheme, Department of Justice and Attorney-General

Chair: **Caroline Marco**, Consultant Crown Prosecutor, Office of the Director of Public Prosecutions

53min

TRACK 2B



Case update

A timely case update on some of the most relevant authorities to your practice in 2023.

Presenters:

Carl Tessmann, Barrister, Queensland Bar

Laura Reece, Barrister, Queensland Bar

Chair: **Brittany White**, Principal, Fully & White Solicitor

60min

TRACK 3A



Advancing human rights

Delve into the practical applications of the *Human Rights Act 2019* (Qld) in the conduct of criminal proceedings and learn about how you can utilise the Act in the investigation of the accused.

Presenters:

Her Honour Magistrate Dzenita Balic, Magistrates Court of Queensland

Paula Moreau, Barrister, Queensland Bar

Chair: **Dan Rogers**, Councillor, Queensland Law Society; Legal Director, Robertson O’Gorman Solicitors; Accredited Specialist (Criminal Law) – Qld

58min

TRACK 3B



Sentencing advocacy – the art of the advocate

A great advocate is marked by a combination of exceptional legal knowledge, persuasive communication skills and strategic decision making. There have been changes to the *Penalties and Sentences Act 1992* (Qld). We will consider the changes to the Act, and how to best approach the sentencing process.

Update your knowledge, consider your strategy and reflect on how you communicate that to the court

Presenter: **Philip McCarthy KC**, Deputy Director, Office of the Director of Public Prosecutions

Chair: **Joe Wicking**, Senior Associate, Potts Lawyers; Accredited Specialist (Criminal Law) – Qld; Member, Queensland Law Society Criminal Law Committee

52min

TRACK 4A



Domestic and family violence – magistrate matters



Stay up to date on recent legislative changes in the domestic and family violence space and understand how they impact Criminal Law practice and your ethical obligations as a practitioner.

Presenter: **His Honour Magistrate Cameron McKenzie**, Magistrates Court of Queensland

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

53min

TRACK 4B



Overcoming communication barriers – best practice in working with interpreters

As criminal practitioners, some clients' English may be insufficient to instruct or to give evidence. This may lead to miscommunication, distress and even injustice.

In this interactive session, we delve into the role of interpreters, their qualifications and ethical framework. Learn best practices so that you can work confidently with interpreters.

Presenter: **Angelo Berbotto**, President, Australian Institute of Translators and Interpreters

Chair: **Nick Dore**, Managing Principal, Fisher Dore Lawyers; Accredited Specialist (Criminal Law) – Qld

41min



Domestic violence and checking your (legal professional) privilege

There has been an enormous shift in criminal practice regarding the expectations of a practitioner in the application of the Australian Solicitor Conduct Rules 2012. Our ethics solicitor will unpack what your obligations look like and how to safely navigate your legal professional privilege in the conduct of criminal proceedings and beyond.

Presenter: **Shane Budden**, Special Counsel, QLS Ethics and Practice Centre, Queensland Law Society

Chair: **Emily O'Hagan**, Partner, Wallace O'Hagan Lawyers; Member, Queensland Law Society Domestic and Family Violence Committee

Presenters

Her Honour Magistrate Dzenita Balic

Magistrates Court of Queensland



Her Honour commenced as a Magistrate in January 2022 at the Southport Magistrates Court. Prior to Her Honour's appointment, she was a Principal Crown Prosecutor at the Office of the Director of Public Prosecutions (ODPP) prosecuting trials in the Supreme Court and as the appeals counsel. Her Honour is a part of the criminal, domestic violence and therapeutic jurisprudence sub-committees within the Queensland Magistrates Court. Her Honour is also an Associate Member of the Queensland Bar and previously offered support and assistance to new Barristers. Between 2020 and 2022, Her Honour was the chair of Diversity at the Women's Lawyer Association of Queensland.

Ronald Behlau

Partner, Behlau Murakami & Grant ILP



Ron is a former Director and Executive Committee member of the Griffith University Innocence Project and Treasurer of the Law and Justice Institute (Qld) and is currently an Adjunct Professor of Law at Griffith University.

Ron was a key member of the legal team which negotiated the first post-conviction DNA re-testing case in Australia which resulted in the groundbreaking *Guidelines for applications to the Attorney-General to request post-conviction DNA testing* (Qld).

He has written extensively on DNA and other evidentiary issues confronting our criminal justice system including articles for the Queensland Law Society's Proctor Journal and the University of New South Wales Law Journal.

Whilst enjoying a successful independent private defence practice which sees him represent clients across Australia, Ron is also the Director of Behlau Murakami Grant's Pro Bono Division which has and continues to assist clients in their claims of wrongful conviction and miscarriages of justice.

Angelo Berbotto

Australian Institute of Translators and Interpreters



Angelo Berbotto is a solicitor qualified in Australia (2005) and England (2010) and a NAATI certified translator. As a lawyer, he's worked mainly in child protection as well as serving as Attorney-General of the British Overseas Territory of St Helena, Ascension and Tristan da Cunha and as Assistant Parliamentary Counsel. He currently practises Family and Immigration Law at Lincoln Legal, a law firm in Sydney. Angelo is a NAATI certified translator from English into Spanish and from French, Italian, Portuguese and Spanish into English. He has held the position of President of the Australian Institute of Interpreters and Translators since November 2022.

Dominic Brunello

Senior Associate, Robertson O’Gorman; Accredited Specialist (Criminal Law) – Qld; Chair, Queensland Law Society Criminal Law



Dominic is a senior criminal defence lawyer with Robertson O’Gorman Solicitors. He is a frequent solicitor advocate before the summary and superior courts in Queensland. Dominic has practised exclusively in criminal litigation since admission to the Roll in 2001.

After a five-year period with Robertson O’Gorman, Dominic worked for nine years as in-house criminal counsel with the Aboriginal Legal Service of Western Australia at Perth. The ‘fused’ WA legal profession saw him routinely appearing as a barrister at jury trials, appeals and interlocutory applications before the WA District & Supreme Courts, and the Court of Appeal.

In 2016, Dominic returned to Brisbane and to Robertson O’Gorman.

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.

Bridget Cook

Senior Policy Solicitor, Queensland Law Society

Jeanne Cox

In-house Intermediary, Queensland Intermediary Scheme, Department of Justice and Attorney-General



Jeanne is one of the first intermediaries to have obtained registration on the Queensland Intermediary Scheme (QIS) at the beginning of the pilot program which commenced in July 2021. Jeanne is currently an employee of Department of Justice and Attorney-General, working full-time as an in-house intermediary providing training and mentoring to other intermediary panel members. Refinement of processes and engagement with stakeholders is also part of Jeanne’s role within QIS.

Jeanne is currently on secondment from Queensland Department of Education where she worked in multiple schools on the Gold Coast as a speech pathologist. Prior to retraining as a speech pathologist as a mature-aged graduate, Jeanne worked for large multinational companies in Melbourne and London in supply and support roles using her working knowledge of the French language.

Nick Dore

Managing Principal, Fisher Dore Lawyers; Accredited Specialist (Criminal Law) – Qld



Nick was admitted to the Supreme Court of Queensland in 2002 after completing a two year articulated clerkship in Criminal Law. He then commenced work for a prominent criminal law firm and in 2006 commenced his partnership with Terry Fisher and formed Fisher Dore Lawyers.

In 2010, Nick obtained the Highest Achiever award when undertaking the Criminal Law Accredited Specialist assessment in Queensland. He now practises exclusively in Criminal Law.

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 is the Queensland member for the Professional Standards Councils.

Caroline Marco

Consultant Crown Prosecutor, Office of the Director of Public Prosecutions



Caroline holds a Bachelor of Laws and Bachelor of Arts from the University of Queensland. She was admitted as a barrister of the Supreme Court of Queensland in 2003. Since then, she has worked almost exclusively at the Office of the Director of Public Prosecutions (ODPP) (Qld) as a Crown Prosecutor and gained advocacy experience in a diverse range of cases before all Courts, including, the Mental Health Court, the Court of Appeal and High Court. She has conducted complex and high-profile criminal trials in the Supreme Court and represented the ODPP in over 90 appeals before the Court of Appeal.

Philip McCarthy KC

Deputy Director, Office of the Director of Public Prosecutions



Philip was called to the Bar in 1997 and appointed as Queen's Counsel in 2019. He was appointed as Deputy Director of Public Prosecutions at the Office of the Director of Public Prosecutions (Qld) in 2021.

Philip has extensive experience in Criminal Law. His work in the prosecution of complex and sensitive matters includes homicide, sexual crime and other crimes of violence.

Philip has an appellate practice in both the High Court and the Court of Appeal. Philip was a member of the Women's Safety and Justice Taskforce and is a member of the Queensland Sentencing Advisory Council

His Honour Magistrate Cameron McKenzie

Magistrates Court of Queensland



Magistrate McKenzie was appointed a magistrate of the Magistrates Court of Queensland in 2019 and presided until June 2023 in the Specialist Domestic & Family Courts in Southport for 1 year and Beenleigh for 2 years.

His Honour is a current member of the Supreme Court of Queensland Rules Committee, which oversees the Uniform Civil Procedure Rules and the Legal Admission Rules. He is also a current member of the Magistrates Court Domestic and Family Violence, Civil Law, Judicial Wellness and Conference Planning Committees.

Prior to his appointment, his Honour practised in the areas of commercial litigation and insolvency and was a partner at DibbsBarker, Gadens and DWF. Before gaining partnership his Honour spent a decade at NortonRoseFulbright where he progressed from Articled Clerk to Senior Associate.

Whilst a solicitor he held positions as:

- Deputy Chair, Law Council of Australia Business Law Section Insolvency & Restructuring Committee
- Chair, Queensland Law Society Insolvency & Restructuring Committee
- Deputy Chair, Queensland Law Society Domestic & Family Violence Committee
- Member, Queensland Law Society Alternate Dispute Resolution Policy Committee
- Board Member, Appeal Costs Fund Board (State Attorney-General appointment)
- Member, Insolvency Practitioner Registration and Disciplinary Committee (Federal Attorney-General and Minister for Finance appointment)

His Honour was also a Queensland Law Society Approved Mediator, Nationally Accredited Mediator, Registered Farm Debt Mediator and Franchise Code Mediator.

Paula Morraeu

Barrister, Queensland Bar



Paula Morraeu was admitted in 2002 and practised as a criminal solicitor before being called to the Bar in 2009. She joined 8 Petrie Terrace Chambers in 2011 and accepts briefs in crime, administrative law (judicial and tribunal matters), professional regulatory proceedings, coronial inquests and human rights/discrimination cases. She is a member of the BAQ Human Rights Committee and holds a Master of Laws (Harvard Law School) awarded in 2007.

Tania Murdock

Senior Conciliator, Fair Work Commission; Accredited Mediator; Accredited Family Dispute Resolution Practitioner; Principal – Dispute Management Australia; Member, Queensland Law Society Wellbeing Working Group



Tania is a Behavioural Scientist who specialises in psychological health and wellbeing and Dispute Resolution in the Workplace.

Tania is a Conciliator at the Fair Work Commission and provides training in relation to the cost of conflict on business.

Tania is an accredited family, business and franchising mediator appointed by the Australian Small Business and Family Enterprise Ombudsman (ASBFEO) and is an appointed member of the Queensland Law Society Wellbeing Working Group.

Tania has over 25 years' experience in small business and over 10 years' in commercial property ownership and management.

Tania is an Award Winning Mediator - Australasian Law Awards 2020.

Emily O'Hagan

Partner, Wallace O'Hagan Lawyers; Member, Queensland Law Society Domestic and Family Violence Committee



Emily graduated with a Bachelor of Laws with honours and a Bachelor of Psychology 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 HopgoodGanim Lawyers in litigation and Family Law. Emily 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.

Bron Pike

Program Manager, Queensland Intermediary Scheme, Department of Justice and Attorney-General



Bron Pike has worked at the Department of Justice and Attorney-General for 7 years primarily at the Supreme and District Court as a Senior Registrar. Throughout that time, she has also had opportunities to work at Coroners Court of Queensland and most recently Victims Assist Queensland. Bron has been part of the Queensland Intermediary Scheme during the project stage and as Program Manager for a period through the pilot phase and has recently returned as Program Manager.

Prior to this Bron has held senior leadership roles for community organisations such as Australian Red Cross and Cerebral Palsy League of Queensland.

Laura Reece

Barrister, Queensland Bar



Laura was admitted to the Bar in 2006 and worked for almost ten years as an in-house barrister for Legal Aid Queensland, commencing at the private bar in 2017. She has appeared for accused persons in courts all over Queensland, regularly travelling to regional and remote centres.

An experienced trial advocate, Laura appears regularly in the superior courts. She also has experience in appellate work.

Laura has a keen interest in regulatory, anti-discrimination and sexual harassment, administrative (including disciplinary) and public law matters and has significant experience in youth justice matters and mental health law.

Laura has long been involved in policy work and law reform, and is a member of the Criminal Law and Human Rights committees of the Bar Association. In March 2021 she was appointed by the Attorney-General of Queensland to the Women's Safety and Justice Taskforce. In June 2022 she was appointed one of the Counsel Assisting Mr Walter Sofronoff QC in The Commission of Inquiry into Forensic DNA Testing in Queensland.

Helen Roebuck

DNA Expert Witness



Helen Roebuck is a forensic biologist with extensive jurisdictional experience in the interpretation of DNA evidence and presentation of expert witness testimony. She provides authoritative opinion in serious criminal matters of murder, sexual assault, firearms and drugs as they relate to the science of DNA.

With her experience underpinned by decades of governmental agency experience in the UK and Australia, she is uniquely skilled as a practical crim scene scientist, laboratory analyst and an academic. She is an Industry Fellow within the Centre for Forensic Science at the University of Technology (Sydney) where she is completing her doctorate in DNA transfer at crime scenes.

Dan Rogers

Councillor, Queensland Law Society; 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.

Michael Shanahan AM

Retired District Court Judge;
Former President of the
Childrens Court of
Queensland



Mr Michael Shanahan AM was appointed as a District Court Judge in 1999, and from 2011 to 2018 served as the President of the Childrens Court of Queensland. Before his appointment, Mr Shanahan was an experienced criminal barrister and the Public Defender with Legal Aid (Qld) and had served as an acting judge of the District Court.

From 1995 to 2019 he was an editor, then principal editor of *Carter's Criminal Law of Queensland* and book review editor of the *Queensland Lawyer* from 2011 to 2019.

In 2018 he was appointed a Member of the Order of Australia for 'significant service to the judiciary and to the legal profession as a judge and as an advocate and mentor for juvenile and indigenous justice issues'.

In 2020, he authored the *Youth Justice Benchbook*, a comprehensive guide for judges and magistrates sitting in the criminal jurisdiction of the Childrens Court of Queensland.

In 2022, Mr Shanahan was appointed to conduct an independent review of criminal procedure laws in the Magistrates Courts, currently in the *Justices Act 1886* (Qld). On 2 May 2023, Mr Shanahan delivered the *Criminal Procedure Review – Magistrates Courts Summary Report* to the Attorney-General.

Carl Tessman

Barrister, Queensland Bar



Carl has degrees in Law and Economics from the University of Queensland, and a Master of Laws from Harvard Law School. He was called to the Bar in 2021 and practises predominantly in criminal and administrative law. He appears on behalf of both defendants prosecuting authorities in proceedings in the Queensland Court of Appeal, and the Supreme, District and Childrens Courts of Queensland.

Before joining the Bar, Carl worked as a solicitor with the Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd in Far North Queensland, and with the Commonwealth Director of Public Prosecutions. He also previously worked as a Judge's Associate at the High Court of Australia.

Carl teaches at the University of Queensland and is a co-author of Schloenhardt, Lelliott & Tessmann, *Criminal Law in Queensland: Principles, Offences & Defences* (2023, 2nd ed).

Brittany White

Principal, Fuller & White
Solicitors; Member,
Queensland Law Society
Criminal Law Committee



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.

Joe Wicking

Senior Associate, Potts
Lawyers; Accredited
Specialist (Criminal Law) –
Qld; Member, Queensland
Law Society Criminal Law
Committee



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.