



CROWN LAW ANNUAL REPORT

2022-23

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**Queensland
Government**

2022-23 AT A GLANCE

75%
OF OUR STAFF
ARE FEMALE

203,471
HOURS SPENT
ON LEGAL
MATTERS

50%
OF OUR LEADERSHIP
TEAM ARE FEMALE

CLIENT
SATISFACTION
4.74
OUT OF 5

105%
PRODUCTIVITY

2,875
NEW LEGAL
MATTERS
CREATED

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CROWN SOLICITOR'S MESSAGE

It was a busy year for the practice with strong results that are a testament to the hard work and commitment of our staff. I would like to extend my sincere gratitude to all our staff for their contribution to the delivery of quality legal services to the Queensland Government.

We again undertook a diverse range of legal matters that demonstrate our capabilities and expertise. Significant matters we worked on in 2022-23 include:

- Reviewing the past criminal convictions of Mr Predragovic, who contended that he was wrongly convicted. The work of Crown Law's Constitutional Law Team culminated in a unanimous decision of the Queensland Court Appeal to set aside Mr Predragovic's convictions and entered verdicts of acquittal for each count.
- Continuing to act for the State of Queensland in the Disability Royal Commission.
- Advising on various COVID-19 related matters relating to the lawfulness of vaccination requirements and State health directives.
- Provision of advice and negotiations of Indigenous Land Use Agreements.

Crown Law continues to prioritise the delivery of high-quality legal training for our clients with a 48 per cent increase in the number of training presentations delivered over the year. Following the COVID-19 pandemic we have continued to offer both in-person or online attendance to our training sessions in order to maximise access to these sessions particularly amongst regional clients. This commitment to knowledge sharing reflects our dedication to briefing our clients on topical legal points.

Finally, as always, I would like to acknowledge and express my appreciation for the continued support of our clients. Without your confidence in us and your continued engagement, we would not be the practice we have become. Thank you for trusting us with your legal matters.

I look forward to continuing to work with you.

A handwritten signature in dark ink, appearing to read 'Greg Cooper'.

Greg Cooper
Crown Solicitor

ABOUT US

Crown Law operates as a self-funded business unit of the Department of Justice and Attorney-General, providing advice and legal representation in all areas of law affecting the public sector and State of Queensland. Crown Law works exclusively for the Queensland State Government, meaning all resources and skills are focused on the government’s priorities and legal needs.

Our extensive pool of experienced lawyers aim to provide the highest standard of legal services that protect and support the government in the public interest. With a total workforce (head count) of 267, including 168 lawyers, Crown Law offers a broad range of legal services to all Queensland State Government entities.

For specific areas of law, Queensland Government departments and agencies can seek the services of private law firms or Crown Law.

Our services

Crown Law’s core expertise spans 19 major areas of law, with a host of speciality areas also offered to clients. Our primary areas of law are:

- administrative law
 - advocacy
 - anti-discrimination
 - commissions of inquiry
 - constitutional law
 - corporate and commercial
 - debt recovery
- dispute resolution
 - employment law
 - health law
 - human rights
 - information and communication technology
 - insurance and risk
- intellectual property
 - native title
 - planning and environment
 - property law
 - prosecutions
 - WorkCover.

Crown Law also provides legal education through workshops, information sessions and legal briefings.

Vision, purpose and values

Crown Law's vision, purpose and core values provide the foundation for a dynamic, focussed and more efficient government legal practice.

Vision

Crown Law will be the Queensland Government’s first choice by being the best provider of legal services.

Purpose

Crown Law’s purpose is to protect and support government in the public interest.

Core values

Integrity – Absolute impartiality and honesty

Excellence – Total attention to detail, consistency and client needs

Respect – Treating people as you would want to be treated

Responsibility – Everyone taking responsibility for their own work and doing their best.

Our values reinforce Crown Law’s commitment to providing exceptional client service and maintaining a professional internal culture. We value our reputation for integrity and place an emphasis on providing the highest standards of fairness, honesty and openness for our clients.

Organisational structure

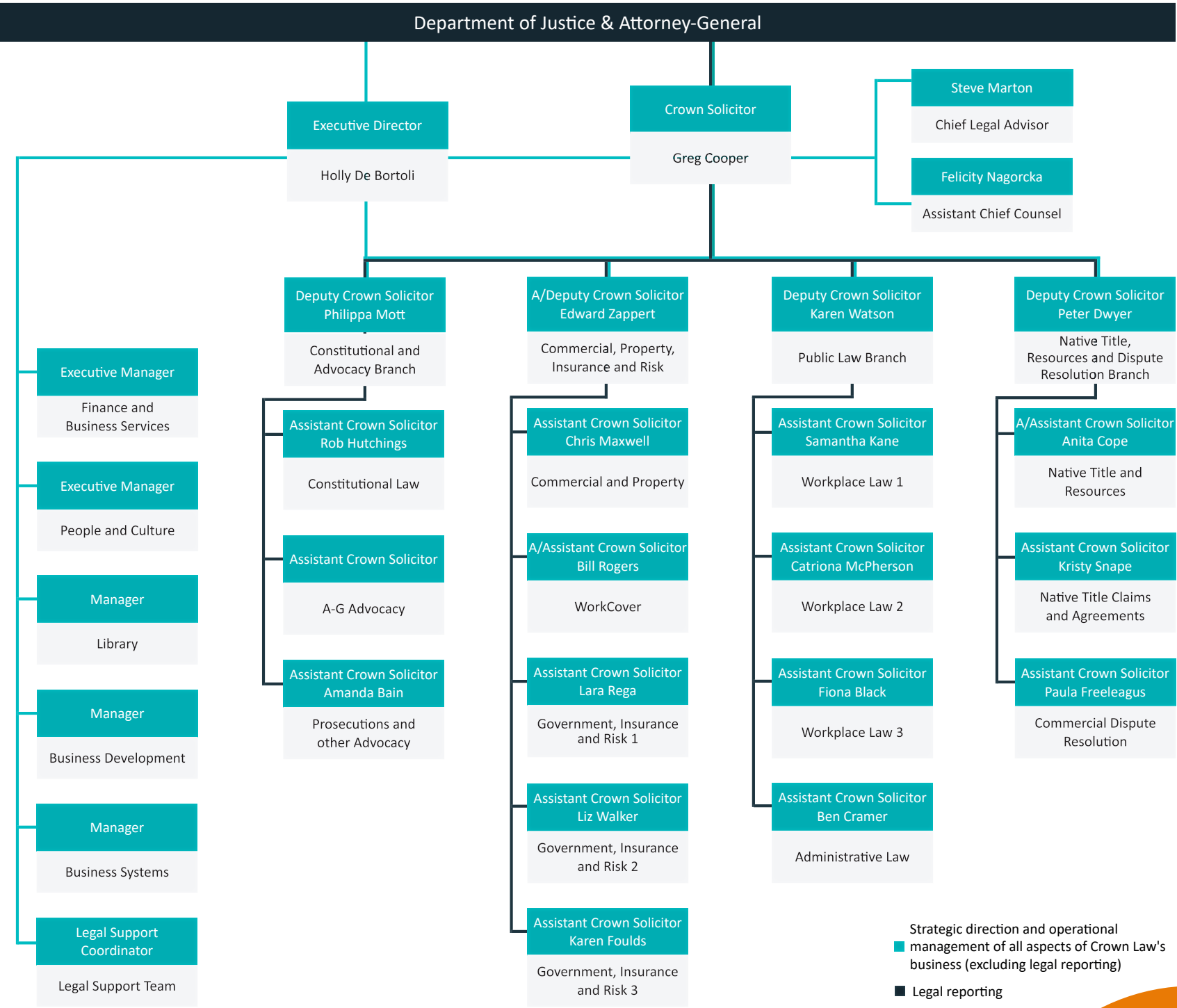
Crown Law is led by the Crown Solicitor, the most senior officer in the practice. Acting as the solicitor for the State, the Crown Solicitor is responsible for providing legal advice to senior departmental officers as well as the Premier, Attorney-General, Ministers and Directors-General.

The Executive Director reports directly to the Crown Solicitor and is accountable for business operations, performance and the strategic direction of the practice.

The Chief Legal Advisor and Crown Counsel also report directly to the Crown Solicitor. The Chief Legal Advisor undertakes complex, major or urgent legal matters at a very senior level and provides expert authoritative advice to external clients and staff members.

The Crown Counsel provides expert advice and appears as counsel in complex matters. They also manage the activities and work program of the legal practice of the Solicitor-General.

Crown Law’s four legal branches are led by Deputy Crown Solicitors. The legal teams within each branch are managed by Assistant Crown Solicitors who are responsible for the supervision of legal matters and the lawyers in their team. Assistant Crown Solicitors receive expert legal support from Special Counsel, who manage more complex matters. All lawyers in Crown Law are supported by the Practice Management Branch, comprising of six teams, each led by a Manager. Led by the Executive Director, the Practice Management Branch provides corporate and operational support to the practice to allow lawyers to focus on their core business.



OUR LEADERSHIP TEAM

The Strategic Leadership Team is comprised of six experienced senior Crown Law executives who provide direct leadership to the practice.

These members include the Crown Solicitor, the Executive Director and four Deputy Crown Solicitors.

The Strategic Leadership Team is primarily responsible for developing and executing business strategies within Crown Law and ensuring that the practice continues to provide all government clients with exemplary legal services.



GREG COOPER

Crown Solicitor

Greg was appointed Queensland's 22nd Crown Solicitor on 1 November 2008.

Over his four decades in the Queensland Public Sector, Greg has accumulated a wealth of experience practising in public law, common law and constitutional law. Prior to his current appointment, Greg spent four years as Deputy Crown Solicitor of Crown Law's Litigation Branch. He has also held positions in the former Solicitor-General's Office and as Legal Counsel to the Parliamentary Committee on Subordinate Legislation and deputised for the Solicitor-General at national meetings of the Standing Committee of Solicitors-General.

In his role as Crown Solicitor, Greg acts as the solicitor on the record for the State and provides independent legal advice to the Cabinet, the Premier, the Attorney-General, Ministers, Directors-General and departmental officers on matters of significance to the government. Greg is also responsible for resolving conflicts of interest in any legal matter being handled by Crown Law and for setting the professional and ethical standards of the Crown Law office.



HOLLY DE BORTOLI

Executive Director

Holly has held a variety of positions within Queensland public service agencies including Queensland Shared Services, Queensland Health and the Department of Justice and Attorney-General. Prior to this, she worked as an accountant for 13 years within the private sector, in both chartered accounting and commercial industry roles.

Holly's work experience brings a broad range of expertise including leadership, project and operational management skills, business and financial expertise and vast experience in leading and implementing change within the work environment.

Holly was appointed Executive Director in March 2019.

She is a Certified Practising Accountant and a Fellow to CPA Australia.



PETER DWYER

Deputy Crown Solicitor

Peter was appointed Deputy Crown Solicitor in early 2010 and leads the Native Title, Resources and Dispute Resolution Branch.

Peter has expertise across a range of legal practice areas including commercial and contract law, corporate governance, dispute resolution, native title and resources law, employment law and intellectual property.

Prior to joining Crown Law, Peter held a senior legal position at Queensland Health and practised commercial and property law in the private sector. He also held an in-house corporate role overseas.

In his current role, Peter provides strategic and solutions-focused advice to client agencies on complex and sensitive matters.



EDWARD ZAPPERT

Acting Deputy Crown Solicitor

Ed is currently Acting Deputy Crown Solicitor of the Commercial, Property, Insurance and Risk Branch.

He joined Crown Law in 2017 and regularly provides specialist advice and representation to WorkCover Queensland in the defence of common-law claims for damages arising out of workplace injuries suffered by employees of the State of Queensland.

Ed has practised exclusively in the area of insurance litigation, including workers' compensation, public liability and professional indemnity for more than 20 years.

As Acting Deputy Crown Solicitor, Ed is responsible for five teams specialising in all aspects of government commercial law, property, planning and environment law, WorkCover claims, as well as personal injury claims against the State, including historical abuse litigation.



KAREN WATSON

Deputy Crown Solicitor

Karen was appointed Deputy Crown Solicitor of the Public Law Branch in 2010.

As a long serving employee of Crown Law, Karen has an unsurpassed knowledge of Queensland Government public law, employment and discrimination law, management of disciplinary matters, and statutory interpretation.

Karen's experience in workplace and employment law began in 1998 when she became team leader of workplace law.

In her current role, Karen is responsible for teams in workplace and administrative law and provides advice on sensitive and significant workplace law matters to the highest levels of government.



PHILIPPA MOTT

Deputy Crown Solicitor

Philippa was appointed Deputy Crown Solicitor of the Constitutional and Advocacy Branch in April 2023.

She has practised for more than 30 years and provides high-level advice on complex constitutional and public law issues.

Philippa originally joined Crown Law in 1991 and was appointed Assistant Crown Solicitor in 2012. She worked as a Special Counsel at Queensland Treasury from 2019 until early 2023, before re-joining Crown Law as Deputy Crown Solicitor in April 2023.

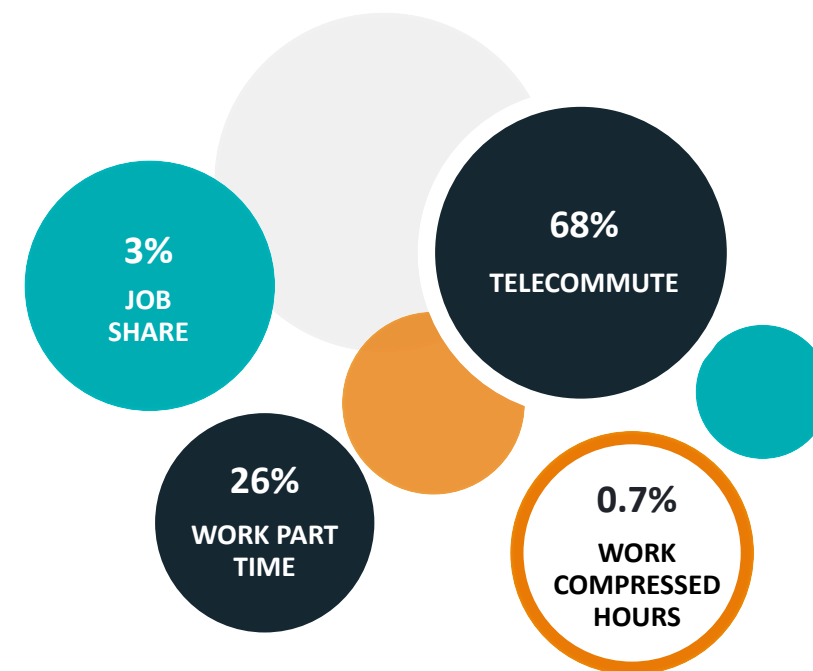
As Deputy Crown Solicitor, Philippa leads an experienced legal branch of barristers and solicitors who provide specialist advice and advocacy services on behalf of the State of Queensland.

OUR PEOPLE

Crown Law is committed to attracting and retaining experienced staff who contribute to our continued success, viability and the high level of service we deliver to our clients.

Our practice currently employs (head count) 168 lawyers and 61 legal support staff. In addition, there are 38 staff in the Practice Management Branch.

Crown Law prides itself on workforce diversity, equal opportunity and flexible work/life balance options. Employees have access to flexible working arrangements such as compressed hours, job share arrangements, part-time employment and telecommuting.



Equal opportunity measures

Crown Law is committed to supporting equal opportunity in our workplace. Employees from diverse backgrounds including non-English speaking backgrounds, people with a disability, women, Aboriginal people and Torres Strait Islander people, are supported and encouraged at Crown Law.

Crown Law's Strategic Leadership Team and all teams across the practice have a strong female presence. Seventy-five per cent of our staff are women and make up half of our leadership team.

Crown Law also supports the Law Council of Australia's equitable briefing policy which was adopted by the Queensland Government. The policy's target aims to see female barristers receiving at least 30% of all briefs and at least 30% of the value of all briefs. Crown Law exceeded this target over the past twelve months with female barristers receiving more than 36% of all Crown Law briefs and 39% of the value of Crown Law briefs.

Crown Law's First Nations Legal Clerkships program continued in the 2022-23 financial year. The program offers legal clerkships to Aboriginal and/or Torres Strait Islander students and supports the Queensland Government's Aboriginal and Torres Strait Islander Cultural Capability Framework. The program aims to provide a practical and meaningful experience to first nations university law students by providing an opportunity to gain valuable skills, knowledge, and a network within the legal industry.

Health and wellbeing

Crown Law is committed to prioritising the health and wellbeing of staff. The Strategic Leadership Team strongly encourages Crown Law staff to engage in health and wellbeing initiatives available across the practice to help live more productive, healthier and happier working lives.

Health and wellbeing initiatives conducted in 2022-23 included:

- four presentations delivered by Lawganised on topics including maximising productivity while working from home, resilience, healthy habits and wellbeing
- twice-weekly meditation sessions to assist with emotional wellbeing and overall health
- influenza vaccination program
- publishing regular links to health and wellbeing blogs and articles for staff
- ergonomic assessments.

Vicarious trauma training

Crown Law is committed to supporting staff with the necessary skills, knowledge and resources to actively manage the risk of vicarious trauma through their work. Crown Law has a framework and processes in place to promote and maintain a healthy work environment, which assists in the prevention and management of vicarious trauma by reducing risk factors and enhancing protective factors that have been demonstrated to influence vicarious trauma.

Domestic violence

Crown Law is committed to taking action to end domestic and family violence in Queensland.

Crown Law is a business unit of the Department of Justice and Attorney-General which supports and maintains a White Ribbon Australia workplace accreditation. The accreditation recognises the department's commitment to prevent violence, support employees affected by domestic and family violence, and promote safe and respectful workplace cultures.

It is a mandatory requirement for all staff to complete an online course about domestic violence and the workplace. The course provides an overview of domestic and family violence and increases awareness, understanding and skills to deal with situations related to domestic and family violence that may arise in the workplace.



OUR CLIENTS

Client Service Charter

Crown Law's Client Service Charter is aligned with our vision, purpose and core values. The charter guides all staff in the provision of client service that is:

- accessible
- accurate
- timely and responsive
- solution focussed
- value for money
- commercially attuned.

Client Management Framework

Crown Law's Client Management Framework aims to improve consistency in client service and includes regular formal reporting between the Client Relationship Managers within the practice and the Strategic Leadership Team on the services delivered to individual clients.

The roles and responsibilities within the framework create a pathway for implementing strategic business development activities based on shared and individual client needs and service expectations.

The Strategic Leadership Team is responsible for the overall management of the framework and setting the strategic direction for improving client service within the practice. Overall service quality

is monitored regularly and all client service issues raised are addressed.

Client Relationship Managers are usually at the Assistant Crown Solicitor level or higher and are allocated at least one key client. Their role is designed to be a single point of contact, on behalf of all of Crown Law, for that client. The key responsibility of a Client Relationship Manager is to ensure a consistently high level of client service.

Client Relationship Managers are expected to take a pro-active approach to managing client expectations on a day-to-day basis and matching service delivery to their needs.

FEE STRUCTURE

Fees

Crown Law provides legal services to Queensland Government departments and agencies, statutory bodies, government-owned corporations, commercialised business units, disciplinary boards and tribunals under a user-pays model. Legal services are categorised into 'tied' and 'untied' legal work. Legal matters that fall into the tied category are undertaken solely by Crown Law unless specifically exempted by the government to ensure the continuing protection of the Attorney-General's role as The First Law Officer and legal adviser to Cabinet. Untied work is open to competition from private legal firms.

Tied fees are reviewed annually, in accordance with Queensland Government's annual government indexation rate for fees and charges. Untied fees are reviewed annually in accordance with Crown Law's judgement of the market.

Tied and untied work

At the close of the 2022-23 financial year, approximately 11 per cent of Crown Law's revenue was derived from legal work in the 'untied' category, the same as the previous year. Areas of law which fall into the category of untied work are:

- statutory prosecutions
- coronial inquiries
- commercial litigation which includes but is not limited to:
 - insolvency
 - revenue appeals
 - contractual disputes
 - land title/real property claims
 - debt recovery
 - construction litigation
- planning and environment court litigation
- compulsory acquisition/compensation claims
- land valuation appeals
- personal injury matters excluding Queensland Government Insurance Fund managed claims.

Legal work in the tied category includes:

- Queensland Government Insurance Fund managed claims
- workplace law

- right to information
- judicial review
- native title and cultural heritage
- legal advice and representation in relation to child welfare and protection
- WorkCover
- matters arising from the special position at law of the Attorney-General, including matters which the Attorney-General in the role as First Law Officer of the State, directs that these be dealt with by Crown Law
- legal advice on matters pertaining to the role and powers of the Governor, Parliament or Cabinet
- legal advice underpinning a Cabinet submission
- legal advice on all constitutional law issues
- agreements that are to be approved by Cabinet and agreements which involve unique or major considerations which are of a special policy or operational significance for a department or agency of the State
- matters confidential and sensitive to government or have government-wide implications, including legal advice or representation between or on behalf of two or more government agencies
- matters involving judicial officers, indemnities and public inquiries.

AREAS OF LAW

Administrative law

Crown Law's administrative law experts have extensive experience in the application and operation of administrative law in the public sector, particularly the *Judicial Review Act 1991* and the *Right to Information Act 2009*.

Our breadth of experience, coupled with a detailed understanding of the operation of government, allows Crown Law to provide responsive and practical advice on a broad range of administrative law issues including:

- advice and representation in matters involving the *Judicial Review Act 1991*
- advice and representation in matters involving the *Right to Information Act 2009*
- administrative law appeals and reviews, including appeals before the Queensland Civil and Administrative Tribunal
- statutory interpretation and preparing new legislation
- sound decision-making and statements of reasons.

Significant matters

[Parole Board Queensland v McQueen \[2022\] QCA 230](#)

On 25 August 2022, Brown J delivered judgment in *McQueen v Parole Board Queensland* [2022] QSC 27, setting aside a decision of the Parole Board not to revoke the suspension of Mr McQueen's parole. Her Honour held that the requirements in relation to confidential information set out in s 341 of the *Corrective Services Act 2006* did not excuse the Board from providing reasons in the form required by s 208. In other words, s 341 did not authorise the Board to withhold confidential information when providing a notice under s 208 of the *Corrective Services Act*. The Board appealed from Her Honour's decision. On 22 November 2022, the Court of Appeal delivered judgment dismissing the Board's appeal. Flanagan JA (with whom McMurdo JA at [1] and Freeburn J at [29] agreed) held that if the Board relies on confidential information as a reason to confirm a decision to suspend or cancel a prisoner's parole, the Board is required to comply with ss 208(1) and (4) of the *Corrective Services Act* and s 27B of the *Acts Interpretation Act 1954*. Section 341(3) does not relieve the Board of this obligation.

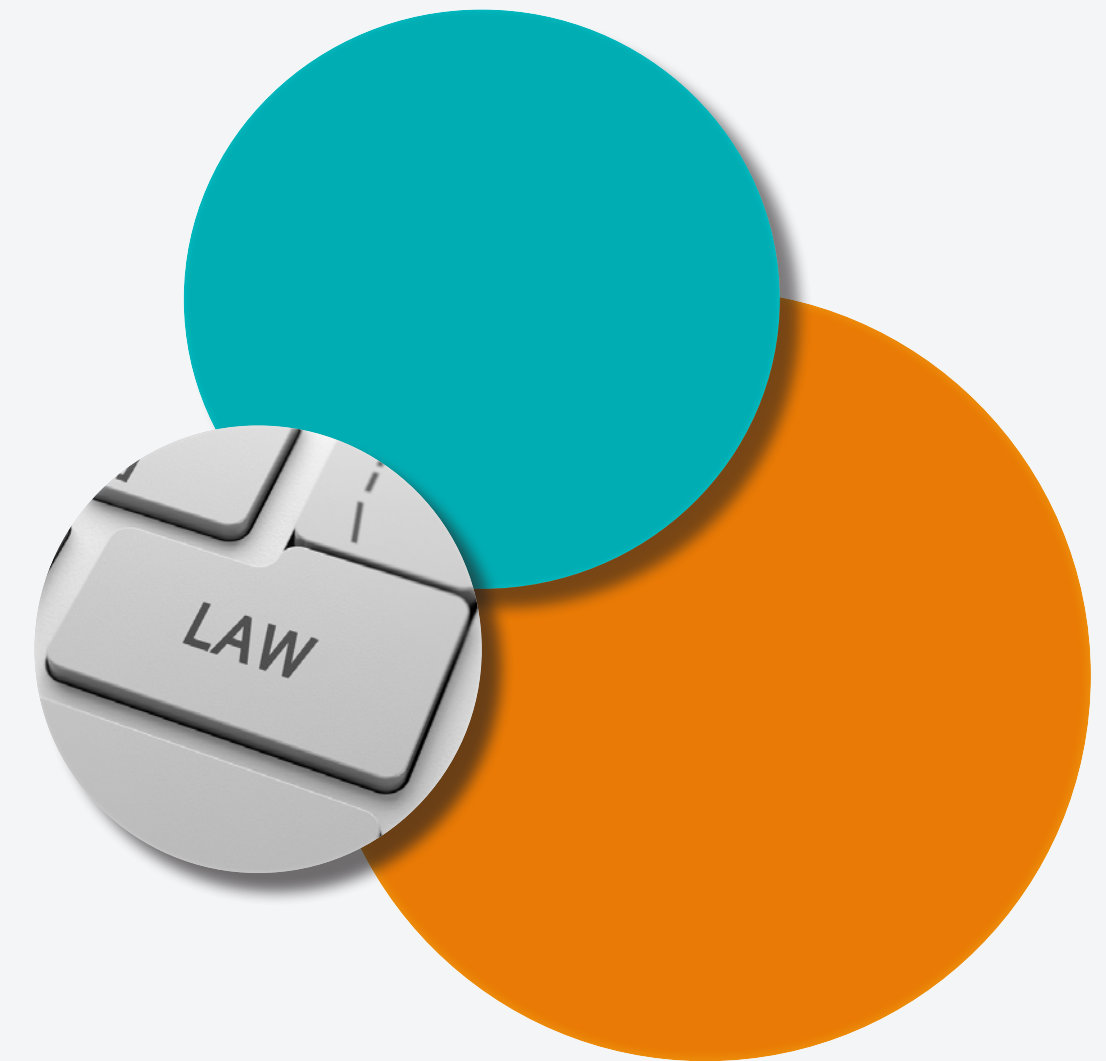
[Baxter & Ors v Gerrard & Ors \[2023\] HCASL 82](#)

On 18 May 2023, the High Court dismissed an application for special leave to appeal the decision of *Baxter & Ors v Dr John Gerrard, Chief Health Officer & Anor* [2022] QCA 263 with costs. In that judgment the Court of Appeal dismissed an appeal from a decision of Her Honour Justice Dalton holding that a decision of the Chief Health Officer to give the Workers in a healthcare setting (COVID-19 Vaccination Requirements) Direction was a decision of a legislative (as opposed to an administrative) character, such that the applicants were not entitled to a statement of reasons.

[Lawrence v Fuller & Anor \[2023\] QSC 156](#)

On 11 July 2023, the Supreme Court ordered that the applicant is entitled to a statement of reasons under the *Judicial Review Act 1991* in respect of a decision made by a corrective services officer to issue a 'reasonable direction' to the applicant, a prisoner subject to a supervision order made by the Supreme Court under the *Dangerous Prisoners (Sexual Offenders) Act 2006*.

The applicant requested a statement of reasons pursuant to pt 4 of the *Judicial Review Act*. The decision-maker refused to provide a statement of reasons on the basis that the decision was not 'a decision of an administrative character made under an enactment'. The hearing and submissions of the parties turned on the question of whether the decision was one made 'under an enactment' (the *Dangerous Prisoners (Sexual Offenders) Act*) or whether instead it was made under the supervision order. Justice Applegarth concluded the reasonable direction was one made under the *Dangerous Prisoners (Sexual Offenders) Act*. An appeal has been filed against the Supreme Court's decision.



Advocacy

Crown Law's advocacy experts comprise court-going advocates, barristers and solicitors. We provide advice and representation to Queensland's Attorney-General on:

- proceedings under the *Dangerous Prisoners (Sexual Offenders) Act 2003*
- proceedings under the *Mental Health Act 2016* including proceedings in the Mental Health Court and Mental Health Review Tribunal
- *cy-prés* charitable trusts applications in the Supreme Court
- matters where the Attorney-General elects to appear as *amicus curiae*
- her role as The First Law Officer, including:
 - ministerial correspondence concerning *Dangerous Prisoners (Sexual Offenders) Act* and mental health matters
 - *parens patriae* jurisdiction.

Anti-discrimination

Discrimination on a range of attributes (which can be actual or presumed) is unlawful in Queensland. Crown Law provides representation and advice in cases involving discrimination, sexual harassment and victimisation in both the State and Federal jurisdictions. Our lawyers assist clients at all stages of matters involving alleged discrimination including:

- identifying whether a breach of the *Anti-Discrimination Act 1991* or an equivalent Act in the Federal jurisdiction has occurred
- whether it constitutes direct or indirect discrimination
- whether any of the exemptions under the Act may apply to excuse the State (and its employees) from a finding of liability
- whether conduct is capable of constituting sexual harassment, victimisation or another cause of action under the *Anti-Discrimination Act* or equivalent Federal Act
- whether the State can be found to be vicariously liable for the actions of its employees.

We advise clients across Queensland Government on reasonable steps to prevent breaches of anti-discrimination legislation in the workplace and how to deal with complaints.

Significant matters

Robyn Craig OBO Tiejwana McLennan v State of Queensland and others – Federal Court

Tiejwana McLennan’s Federal Court claim alleges that the Department of Education, Queensland Police Service and two named police officers engaged in unlawful race discrimination and breached alleged (unspecified) duties of care owed to Ms McLennan. The claim arises out of an incident on 27 February 2020 where Tiejwana (a disabled First Nations female child) was interviewed at the Townsville Community Learning Centre as a suspected victim of sexual assault, and subsequently after a violent outburst was tasered by one of the police officers. The matter has been the subject of media attention.

Ms McLennan’s claim was the subject of a prior complaint to the Queensland Human Rights Commission (QHRC), which was discontinued. On 9 December 2022 the State and one of the police officers applied to have the Federal Court application struck out as the claim is the same as Ms McLennan’s previous QHRC complaint and is therefore prevented from being made due to the *Racial Discrimination Act 1975* (Cth). The strike out application has been adjourned pending mediation to see if the Federal Court application can be resolved. The matter has been listed for mediation on 6 October 2023.

Race discrimination class actions by Gunning, Burns and others

On 21 December 2022, two representative complaints were filed on behalf of Madison May Burns and Brett Harold Gunning (First Nations people) in the Australian Human Rights Commission (AHRC) alleging breaches of the *Racial Discrimination Act 1975* (Cth) against the State of Queensland. The alleged unlawful race and descent discrimination relates to the State’s activities around removal and placement of First Nations children in Queensland, specifically, the State’s approach and activities regarding family contact and reunion following removal rather than the removal itself. Lawyers for Ms Burns and Mr Gunning claim that the claimants together represent many thousands of Aboriginal and Torres Strait Islander people allegedly affected by the State’s alleged unlawful conduct from 5 March 1992.

The AHRC conciliation conference is scheduled for 8 September 2023.

BA, DC & FE v State of Queensland (Queensland Police Service) – QCAT Proceedings ADL065-22– Claim by children held in watchhouses in Queensland

Three children lodged a complaint in the Queensland Human Rights Commission under the *Anti-Discrimination Act 1991* and the *Human Rights Act 2019* against the Queensland Police Service and the Department of Children, Youth Justice and Multicultural Affairs regarding their detention in watchhouses in Queensland. The complaint has been referred to the Queensland Civil and Administrative Tribunal for determination.

The Tribunal has been asked to accept the complaints as a representative complaint in relation to all children detained in a watchhouse for more than two days between the period 22 June 2021 and 22 June 2022. On 21 April 2023, the issue of whether the complaint should be accepted by the Tribunal as a representative complaint was heard before A/Senior Member Fitzpatrick. No decision has been made in relation to this to date. The matter is ongoing.



Commissions of Inquiry

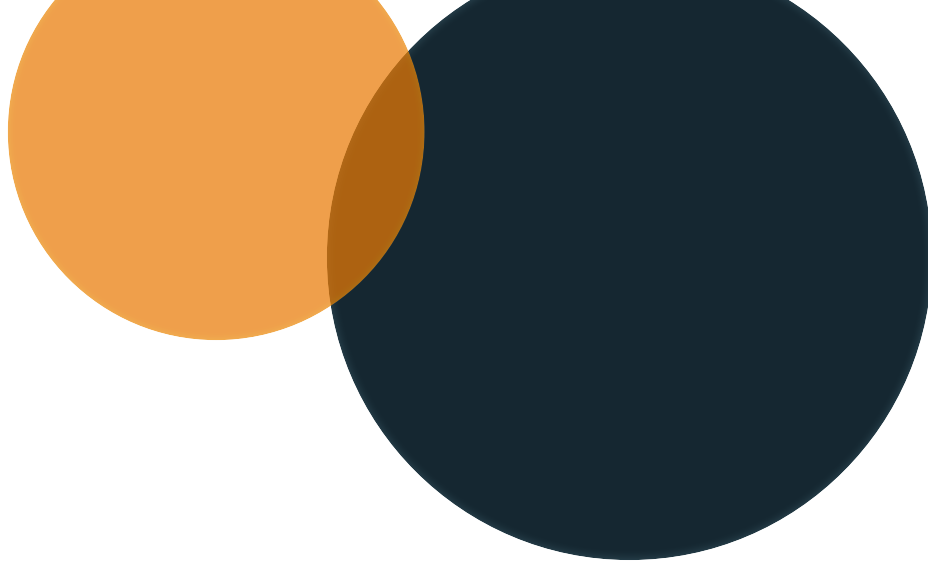
Crown Law has a long history of assisting Commissions of Inquiry and acting for the Queensland Government in inquiries and royal commissions.

Significant matters

State representation for the Disability Royal Commission

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission) was established on 4 April 2019 by the Governor-General of the Commonwealth of Australia.

The Royal Commission was originally slated to run over a three-year period however in June 2021 the period was extended by a further period of 17 months. Crown Law acts on behalf of the State of Queensland. The Royal Commission will deliver its Final Report to the Governor-General by 29 September 2023.



Constitutional Law

Crown Law has significant experience advising clients in constitutional law and addressing complex questions involving statutory interpretation.

We provide a broad range of legal services, including:

- advising on complex questions of statutory interpretation
- advising on complex constitutional law issues (State and Commonwealth)
- advising the Attorney-General about intervention in constitutional litigation
- providing support to the Solicitor-General when he represents the State in litigation and provides advice on significant matters
- advising on whether draft legislation, if enacted, will be valid and will meet the client's requirements
- advising the Attorney-General in relation to matters involving judicial officers
- advising in relation to issues involving Cabinet and Parliament.

Significant matters

R v Nemanja Predragovic (QCA 190/22) (ATT110/3059)

Mr Predragovic was involved in a 1992 sting operation by Queensland Police into stolen motor vehicles, codenamed 'Operation Trident'. He was convicted on two charges of official corruption and three charges relating to unlawful possession of a motor vehicle and sentenced to three and a half years imprisonment. The evidence gathered by police and an indemnified witness during Operation Trident was subsequently the subject to a Commission of Inquiry conducted by Mr W Carter QC. The Inquiry revealed much alarming material concerning the way in which the operation was organised and controlled by the police involved. The Inquiry Report revealed fresh evidence in relation to Mr Predragovic's conviction. However, the Report was handed down after Mr Predragovic had unsuccessfully appealed his convictions.

Mr Predragovic petitioned the Governor for a pardon. The matter was referred to the Court of Appeal under s.672A of the *Criminal Code*.

On 13 June 2023, the Court of Appeal unanimously set aside Mr Predragovic's convictions and entered verdicts of acquittal for each count. The Court found that 'the reprehensible conduct engaged in by law enforcement officers and those under their control, supports verdicts of acquittal being entered in respect of each of counts ...': (R v Predragovic [2023] CA 123, [51]).

Corporate and commercial

Crown Law's corporate and commercial law practice comprises experienced lawyers with a thorough understanding of the accountability standards and governance framework applicable to the Queensland Government. We offer clients concise and realistic legal advice on mitigating risk in commercial ventures and specialise in advising about and drafting documents for:

- commercial contracts for State agencies and State-controlled entities
- contract administration and governance
- government funding contracts
- tender and procurement processes, consultancy contracts and standing offer arrangements
- probity issues
- structuring, regulatory and governance issues for government agencies
- competition and consumer law issues
- intergovernmental agreements
- taxation
- public sector finance
- information privacy
- charities and trusts.

Significant corporate and commercial work undertaken in 2022-23 included:

- advising the Department of Transport and Main Roads regarding possible material change risks under the Brisbane Airport Rail Link Deed in relation to options for implementing new bus services to and within the Brisbane Airport precinct
- advising the Department of State Development, Infrastructure, Local Government and Planning about options to allow access to the Cape Flattery Port by two proponents who have applied for mining leases and require access to the port to export their product
- advising the Department of Justice and Attorney-General regarding the cessation of utility services to residents in the Couran Cove Resort mixed use development under the *Mixed Use Development Act 1993*
- advising the Department of Communities Housing and Digital Economy regarding capital funding agreements for the QuickStarts Queensland social housing initiative.

Debt recovery

Crown Law specialises in the conduct of debt recovery and insolvency matters, including bankruptcy and winding up proceedings, preference payment disputes and legal costs recovery.

Our debt recovery specialists advise clients in Queensland Government on all aspects of debt recovery including:

- drafting claims and statements of claim and all documents up to and including judgement and enforcement proceedings
- advising on alternative methods of recovery, including company winding up proceedings, bankruptcy proceedings and instalment arrangements
- advising on alternative dispute resolution of disputed claims and conducting negotiations with debtors and/or their representatives in mediation or settlement conferences
- legal costs recovery at the conclusion of litigation.

Dispute resolution

The breadth of experience and collective government knowledge of Crown Law's specialist dispute resolution lawyers enables them to provide immediate expert advice and representation in relation to any type of claim arising out of:

- commercial and contractual disputes
- injunctive relief
- trade practices breaches
- consumer law breaches
- defamation
- land title fraud claims
- state revenue and recovery appeals
- false imprisonment and malicious prosecution
- trespass claims
- negligence claims
- alternative dispute resolution
- non-party disclosure and subpoenas.

We have significant experience in providing advice and representation in all courts on various matters including commercial disputes, claims for damages alleging negligence, nuisance, false imprisonment and malicious prosecution, claims alleging breaches of the Australian Consumer Law, compensation claims under the *Land Title Act 1994* and injunctions.

We also advise and represent departments and the State in a range of matters brought before the Queensland Civil and Administrative Tribunal (QCAT).

Our dispute resolution experts provide advice and representation to a number of departments responding to notices of non-party disclosure, subpoenas and summonses issued from all state courts in both civil and criminal matters, the Federal Court, the Family Court, QCAT and requests issued out of courts from other States.

Our lawyers also specialise in all forms of alternative dispute resolution. They have successfully negotiated the resolution of numerous disputes on behalf of their client departments, through mediation and participation in without prejudice conferences.

Employment law

Crown Law provides legal services on all aspects of employment and workplace relations, including:

- advising Queensland Government agencies on policies and risk management
- advising government agencies on their statutory powers and functions, including under the Public Service Act 2008, such as discipline and ill health retirement
- drafting and advising on all aspects of employment contracts, including appointments, discipline and termination, dispute settlement and representation
- advising and representing the State in unfair dismissal cases
- advising on industrial relations issues, including the implications of the *Industrial Relations Act 1999* and the *Fair Work Act 2009* (Cth)
- advising clients about workplace health and safety matters
- acting for State Government employers in WorkCover appeals and applications for review concerning psychological injuries, including applications to intervene.

Significant matters

[Braun v St Vincent's Private Hospital Northside Ltd and Ors](#)

Crown Law acts for Metro North Hospital and Health Service (MNHHS) in proceedings filed by Dr William Braun in the Federal Court of Australia (which, following the decision *Braun v St Vincent's Private Hospital Northside Ltd* [2023] FCA 166 regarding Dr Braun's application to amend his claim and statement of claim now also includes the allegations previously agitated in two proceedings before the Queensland Industrial Relations Commission (QIRC)).

In the Federal Court proceedings, Dr Braun alleges MNHHS contravened the *Corporations Act 2001* (in particular, the provisions with respect to the protection of whistle-blowers), the *Anti-Discrimination Act 1991*, the *Public Interest Disclosure Act 2010* (alleging unlawful discrimination on the basis of race (Russian national origin) and victimisation), the *Industrial Relations Act 2016* (alleging breach of the general protection provisions), and breaches of implied terms of his contract of employment.

St Vincent's Private Hospital Northside Ltd, three individually named surgeons employed by MNHHS and one individually named surgeon employed by Metro South Hospital and Health Service are also respondents to the proceedings, but are not represented by Crown Law.

The parties are required to give discovery by 11 September 2023, then file affidavits of evidence and attend a private mediation by 16 February 2024.

In April 2023, MNHHS objected to the discontinuation of the two proceedings in the QIRC and sought that the discontinuance of the matters only be granted on the term that Dr Braun or Dr Braun's representative pay the respondents' costs. The parties have filed submissions in relation to this matter and await the QIRC's decision.

[Nuske v State of Queensland \(Department of Education\) \[2023\] QIRC 199](#)

A group of employees of the Department of Education appealed the disciplinary action taken against them in relation to their failure to comply with the direction to receive two doses of a COVID-19 vaccine.

The disciplinary action to be imposed was an 18 week reduction in one remuneration increment, after which time their pay would return to their usual salary.

The employees complained the fact the decision letters were the same and delivered at the same time (via an email delivery system) meant the decision maker had not properly considered their circumstances and therefore denied them procedural fairness. There were approximately 1,000 employees who were the subject of discipline due to their failure to be vaccinated.

Vice President (VP) O'Connor found the decision making process (about which extensive evidence was given by the decision maker) was fair and reasonable. VP O'Connor also held he did not consider that the penalty decision is unfair or unreasonable merely on the basis that the same penalty was applied in respect of each of the employees who failed to comply with the direction to be vaccinated.

[Margaret Gilbert v Metro North Hospital & Health Service & Ors](#)

Crown Law acts for MNHHS and the State of Queensland (Queensland Health) and others in respect of an application lodged by Ms Margaret Gilbert, Deputy Nurse Manager and member of the Nurses Professional Association of Queensland (NPAQ) in the Queensland Industrial Relations Commission, in which she alleged she had been subjected to adverse action pursuant to the *Industrial Relations Act 2016* and unlawful contravention of her human rights pursuant to the *Human Rights Act 2019*. Ms Gilbert claimed that the Respondents took adverse action against her because she was an officer or a member of NPAQ and because she engaged in industrial activity by organising and promoting on behalf of NPAQ. She also alleged that her right to freedom of expression under the *Human Rights Act* was limited by the respondents.

On 27 July 2021, Vice President O'Connor of the Commission issued his decision and dismissed Ms Gilbert's application, finding that NPAQ was not an industrial association under the *Industrial Relations Act*. The Commission also rejected the argument that NPAQ was a trade union for the purposes of the *Industrial Relations Act* as its legal personality, corporate status and its history is not in any sense typical of a trade union. The Commission found the evidence did not support a conclusion that Ms Gilbert's right to freedom of expression under the *Human Rights Act* had been infringed.

On 17 August 2021 Ms Gilbert lodged an appeal to the Industrial Court of Queensland. The appeal was heard before Justice Davis, President and the decision was reserved.

In December 2022 Ms Gilbert made an application for the President to recuse himself from the matter, purportedly based on material the President provided to the parliamentary review into the *Industrial Relations Act*. The President recused himself, not because he considered the test of bias was satisfied, but because he was unable to engage with the relevant test for bias because the material relied upon by Ms Gilbert was the subject of parliamentary privilege. The matter was reallocated to Deputy President Hartigan who heard the appeal afresh on 24 March 2023 and the decision is reserved.

[Mackenzie v State of Queensland \(Queensland Health\) \[2023\] QIRC 121](#)

Ms Beverley Mackenzie was employed as a dental therapist, classification HP3, at Innisfail Hospital within the Cairns and Hinterland Hospital and Health Service. Ms Mackenzie's employment was terminated because she failed to comply with the requirement to receive two doses of a COVID-19 vaccination.

On 30 March 2023, the State filed an application seeking the dismissal of Ms Mackenzie's application for reinstatement on the basis that it is not in the public interest for the matter to proceed, having regard to Vice President O'Connor's decision in *Mocnik & Others v State of Queensland (Queensland Health)* [2023] QIRC 58 (strike out application).

On 21 April 2023, the Full Bench of the Commission (comprising of President Davis, VP O'Connor, and Industrial Commissioner Dwyer) heard the State's strike out application. The Full Bench dismissed Ms Mackenzie's application for reinstatement, without hearing oral argument from the State.

On 5 May 2023, the Full Bench delivered its written decision. This is the first decision of the Full Bench dismissing the application for reinstatement following termination due to non-compliance with HED 12/21.

The State is currently awaiting the decision of the Full Bench in respect of the State's application for costs, filed on 19 May 2023.

[Applications for Scope Orders about the Proposed Replacement Government Entities Certified Agreement \(CB/2023/20 and CB/2023/21\) – Queensland Industrial Relations Commission](#)

The *State Government Entities Certified Agreement 2019* (CORE CA) nominally expires in August 2023 and the State has written to the relevant Union parties notifying them of the State's intention to negotiate a replacement. The CORE CA applies to 46 government agencies and covers approximately 30,000 employees (the Coverage). The State's position is to maintain the status quo on the Coverage.

Together Queensland Union (TQU) made two applications for scope orders about the Coverage, with one subsequently being discontinued. The remaining application is to remove from the CORE CA all 'white collar' employees of the Queensland Police Service, so they may be covered by their own agreement.

The matter was heard before the Full Bench of the Queensland Industrial Relations Commission. The Full Bench has advised the parties that it has determined to grant TQU's application. The parties have provided joint proposed orders. Reasons are to be published in due course.

Mizner v State of Queensland (Queensland Corrective Services)
ADL004-22 (QCAT)

The substantive proceedings relate to a discrimination and human rights complaint before the QCAT. The applicant is a prisoner who alleges discrimination on the basis of impairment because he has not been considered eligible to be placed in a single cell within Wolston Correctional Centre.

The applicant is a child sex offender and asserts he has multiple disabilities which prevent him from sharing a cell.

This matter, and his previous criminal proceedings have been subject to media coverage.

On or around 28 November 2022, the applicant made an application for a closed hearing and non-publication orders with respect to himself, and a witness. This was opposed by the respondent.

The Tribunal dismissed Mr Mizner's application for a closed hearing and ordered a non-publication order only insofar as it identifies Mr Mizner's witness who is a fellow prisoner.

Notably, in their judgment, His Honour, Judicial Member Forrest SC and Senior Member Traves:

- noted that, "there ought to be no unnecessary encouragement of individuals to litigate" where litigants may attempt to shield themselves from criticism despite choosing to assert their rights in an open forum. They also noted that the applicant, whilst purportedly concerned about his health and safety, "has not been too timid to assert his rights and make his substantive application to this Tribunal... knowing that the general statutory position is that the proceedings will be heard in open court" [at 23]
- did not consider that the applicant's or his proposed witness's right to privacy would be unlawfully or arbitrarily interfered with [at 24]; and
- did not accept that closure of the court and non-publication was necessary to avoid endangering the health and safety of the applicant's victims or their families [at 25].

Consequently, an order was made under s 66 of the Queensland Civil and Administrative Tribunal Act 2009 to prohibit the publication of any material that identifies Mr Mizner's witness, other than to the parties to the proceeding and the application was otherwise dismissed.

Reh v State of Queensland (Department of Education) [2023] ICQ 16

Ms Ely May Reh is employed as a cleaner at Gin Gin State School and Gin Gin State High School. Ms Reh refused to be vaccinated against COVID-19 in accordance with the Department of Education's COVID-19 vaccination policies, Employment Direction 1/21 and Employment Direction 1/22. A disciplinary process was undertaken and the disciplinary action of a reduction in remuneration for a period of 18 weeks and a reprimand was imposed.

On 23 September 2022, Ms Reh subsequently filed four applications in the Queensland Industrial Relations Commission (QIRC), comprising a public service appeal with respect to disciplinary action imposed; an application for a stop bullying order; a general application and an application to recover unpaid wages.

On 26 May 2023, Deputy President Merrell issued a decision dismissing the four applications.

Mocnik & Others v State of Queensland (Queensland Health) 2023

In early 2022, a number of applications for reinstatement were filed by former Queensland Health employees who refused to receive COVID-19 vaccinations. Due to the commonality in the issues or grounds for application, it was decided the matters would be heard together, with 'common issues' questions to be determined first.

In his decision delivered on 22 February 2023, Vice President O'Connor found:

1. HED 12/21 is not inconsistent with the *Anti-Discrimination Act 1991* because although HED 12/21 imposes a term, it is not unreasonable. In reaching this view, VP O'Connor accepted the expert evidence of Professor Eisen and Professor Griffin that vaccination is the most effective and efficient control available to combat the risks posed by COVID-19 and COVID-19 poses a significant risk in the health care setting.
2. HED 12/21 is not inconsistent with the *Human Rights Act 2019* because (again accepting the expert evidence) HED 12/21 was an important health measure introduced to provide protection to the community from serious and widespread disease. The limit imposed by the issuing of HED 12/21 was a reasonable and justifiable limit.
3. Queensland Health did not have an obligation to consult directly with employees individually prior to implementing HED 12/21, noting the consultation which occurred with unions with total collective coverage of the workforce.
4. Queensland Health was not required to consult with the employees' representative because Nurses' Professional Association of Queensland is not a registered organisation.

VP O'Connor accepted that none of the Common Issues made the Applicants' dismissals unfair.

On 16 June 2023, Ms Reh filed an appeal in the Industrial Court of Queensland. The appeal was listed for hearing on 1 August 2023.

By email dated 31 July 2023, Ms Reh sought to discontinue her appeal. The department objected to Ms Reh's request to discontinue the proceedings pursuant to rule 68(3) of the *Industrial Relations (Tribunals) Rules 2011*.

The matter proceeded before Vice President O'Connor on 1 August 2023 where the appeal was, by consent, dismissed with the question of costs the only issue to be determined.

The department submitted that Ms Reh had prosecuted her claims without any attempt to thoughtfully engage with the precedent of the COVID-19 jurisdiction and, instead, prosecuted her claim based on her own beliefs and comprehension of fact and law.

Winter v State of Queensland (Department of Education) [2022] QIRC 350

The decision confirmed that employees who were suspended without pay due to their inability to work while unvaccinated against COVID-19 were not entitled to reimbursement of salary when their suspension ended.

The employee was suspended without pay from 15 February 2022 until 30 June 2022. She was suspended because she failed to comply with the requirement to receive two doses of a COVID-19 vaccine. The Department of Education's direction was based on the Chief Health Officer's COVID-19 Vaccination Requirements for Workers in a high-risk setting Direction, which required staff in schools to be vaccinated.

The employee sought to have her salary reimbursed when her suspension ended on the basis of clause 6.6 of the Directive 16/20 – Suspension which read:

6.6 An employee must be reimbursed for remuneration the employee does not receive during the employee's suspension if a decision on discipline has been made that does not result in termination of their employment.

Deputy President Merrell accepted the department's argument the employee was not entitled to be reimbursed for the period she was suspended without pay because she was unavailable to work during the period of suspension as a result of her failure to be vaccinated, not because of the suspension.

He considered the decision to be fair and reasonable noting clause 6.6 of the Suspension Directive was to be read subject to clause 6.10, which provided: *If the employee was not available to work during the period of suspension for reasons other than being suspended (for example, due to being detained in a corrective services facility), then the amount repaid to the employee must be less the total number of days that the employee was not available to work during the period of suspension.* While the employee remained unvaccinated, she could not, as a worker, enter the school at which she was employed because of the independent application of the Chief Health Officer's Direction.

In exercising his discretion to award the department costs, VP O'Connor considered that Ms Reh was self-represented, however considered that Ms Reh commenced her appeal to the Industrial Court on a footing that was misconceived and doomed to fail. In VP O'Connor's view, Ms Reh's appeal was on any view, 'so lacking in merit or substance as to not be fairly arguable'.

The department was represented at the hearing by Lachlan Grant, A/Senior Principal Lawyer, Crown Law as Counsel and instructed by Ms Rachel Maynard, Principal Lawyer, Crown Law.

Health Law

Crown Law's health law experts advise and represent government agencies and departments in many facets of health law including coronials, mental health matters, medical negligence and personal injuries.

Coronials

Crown Law provides advice and representation to government agencies and departments in relation to all stages of the coronial inquiry process. Our lawyers assist clients in the preparation of statements and material to be provided to the State Coroner, appear at pre-inquest conferences, correspond with the Coroner's Office to obtain copies of all relevant material, prepare witnesses for giving evidence before the Coroner and represent clients' interests at the coronial inquest.

Mental health matters

We represent the Attorney-General in Mental Health Review Tribunal and Mental Health Court proceedings in relation to forensic orders under the *Mental Health Act 2016*.

Human Rights

The *Human Rights Act 2019* protects 23 human rights. Under the Act, public entities are required to consider human rights and to act, or make decisions, compatibly with human rights. The *Human Rights Act* also requires Queensland legislation to be interpreted, so far as it is possible to do so, compatibly with human rights.

Crown Law provides representation and advice to the Attorney-General in relation to intervention in proceedings in which a human rights question arises under the Act.

During the 2022-23 financial year, Crown Law received, on behalf of the Attorney-General, 17 notices under s 52 of the *Human Rights Act*. The Attorney-General intervened in 12 proceedings under s 50 of the *Human Rights Act* and provided submissions on the operation of the Act in three other proceedings to which the Attorney-General was already a party.

Crown Law also provides advice across Queensland Government on the proper interpretation of Queensland legislation in light of the *Human Rights Act*.

A summary of key human rights cases over the last financial year are as follows:

- *Wood v The King* [2022] QSC 216, which concerned a referral to the Supreme Court under s 49 of the *Human Rights Act*, and in which the Supreme Court accepted submissions made on behalf of the Attorney-General that the habeas corpus right in s 29(7) is not a standalone cause of action.
- *Attorney-General (Qld) v Grant [No 2]* [2022] QSC 252, in which the Supreme Court held that it is required to apply some human rights directly when exercising its discretion to make a supervision order under the *Dangerous Prisoner (Sexual Offenders) Act 2003*.

Information and communication technology

Crown Law has been involved in some of the State's largest information and communications technology (ICT) projects and has provided advice on ICT issues associated with the cutting edge of technological change and its impact on government.

We specialise in developing and managing contracts under the Queensland Information Technology Contracting (QITC) framework including stand-alone major ICT procurement projects and standing offer arrangements. Our ICT lawyers also have extensive experience providing high-level advice to government clients on:

- cloud computing
- social media
- dispute resolution
- ICT procurement.

Our experts offer extensive information and training to clients through regular Legal Updates, training workshops and conference sessions.

Key ICT matters undertaken by Crown Law this year include drafting:

- the terms of use and privacy notice for the WaterIQ app and website for the Department of Regional Development, Manufacturing and Water
- a deed of agreement for the Department of Environment and Science to obtain a licence to use software and associated methodologies
- a QITC Comprehensive Contract for the Residential Tenancies Authority to commence procuring ICT solutions in relation to its MyRTA modernisation program
- a QITC Comprehensive Contract for the Electoral Commission Queensland for the Data Warehouse Implementation Partner.

Insurance and risk

Crown Law has managed some of the most complex and contentious personal injuries civil litigation in recent times.

Our government insurance and risk lawyers specialise in personal injury litigation, dispute resolution and risk management arising from public liability, and medical negligence claims.

Following the recommendations of the Royal Commission into Institutional responses to Child Sexual Abuse and the removal of the limitation periods in Queensland for child abuse claims, Crown Law's government insurance and risk lawyers have managed a significant number of historical abuse claims on behalf of the State.

Lawyers managing these claims adhere to the Whole of Government Guidelines which set out how the State should respond to civil litigation brought against it by claimants who have been abused as children, to ensure a compassionate and consistent approach is taken to make civil litigation less traumatic for victims.

Our lawyers have defended many claims at trial and on application before the Supreme and District Courts and also on appeal before the Court of Appeal and High Court.

Significant matters

Joanne Willmott v State of Queensland [2023] QCA 102

Crown Law advised on the landmark case of *Willmott v State of Queensland* [2022] QSC 167 which regarded a permanent stay of proceedings in a claim for historical abuse. In the first application of this kind in Queensland for an historical child abuse claim, the State was successful in obtaining an order to permanently stay the claim. The decision was handed down by Bowskill J on 22 August 2022. The plaintiff appealed and on 16 May 2023, the Queensland Court of Appeal ruled against Willmott and ordered her to pay the State of Queensland's costs of the appeal. Leave has been granted for the High Court to hear the appeal and this is expected to occur in early 2024.

ADA v State of Queensland [2023] QSC 159

This case also involved an application of a permanent stay of proceedings in a historical abuse case. The claim involved two alleged instances of historical abuse, which were alleged to have occurred in 1968 and 1973 in circumstances where the alleged perpetrators could not be identified, there were no contemporaneous records that would assist matters and there were no witness accounts from any person with personal knowledge of matters. On 24 July 2023, the Supreme Court ordered that the proceeding be permanently stayed.

Intellectual property

Crown Law provides State Government clients with advice on all aspects of intellectual property law. Our intellectual property experts have an exceptional depth of expertise, including legal and strategic issues surrounding:

- copyright including Crown copyright
- trademarks
- confidential information
- patents
- designs
- intellectual property management, including commercialisation, assignments, licences, consultancy, and research and development agreements
- intellectual property protection including misleading or deceptive conduct, passing off domain names.

Significant intellectual property matters handled by Crown Law this year include providing advice to:

- Arts Queensland regarding terms governing intellectual property and Indigenous Cultural and Intellectual Property under various funding agreements
- the Queensland Mental Health Commission about the ownership and licensing of intellectual property rights in the Queensland Suicide Register
- the Department of State Development, Infrastructure, Local Government and Planning in relation to an intellectual property licence agreement for the use of an Indigenous artwork in assorted planning documents
- the Office of Industrial Relations in relation to the unauthorised use of the State’s crest on social media
- the Board of the Queensland Museum regarding the transfer of property, and assignment of proprietary rights in a sculpture.

Native Title

Crown Law has been the State’s foremost legal advisor on native title and cultural heritage since the historic *Mabo* decision in 1992. As a result of direct involvement in native title claims and advising on draft legislation and policy formulation, our native title lawyers have an intimate, thorough knowledge of the history and progress of the *Native Title Act 1993* (Cth) and issues relevant to this complex area of law.

We combine specialist expertise in native title and Indigenous cultural heritage with a practical and strategic understanding of its impact on Queensland Government agencies’ projects and operations. We act for the State in native title claims and advise our clients on native title and cultural heritage issues associated with their projects.

Our legal services in this area of law include advice, representation and managing negotiations relating to:

- native title applications and extinguishment
- cultural heritage negotiations, agreements and management plans
- indigenous land use agreements (ILUAs)
- mining and other resources advice.

Our native title lawyers also have a thorough understanding of the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003* and provide advice and representation, including participation in negotiations, on a broad range of infrastructure and land tenure projects.

Significant matters:

Michael Ross & Ors on behalf of the Cape York United Number 1 Claim

The Cape York United # 1 claim is significant as it relates to the entirety of the Cape York Land Council native title representative body area (which covers the Cape York Peninsula) which is not already subject to a native title claim or determination. The claim involves matters of some complexity due to its large area and the various Traditional Owner groups who make up the claim group.

There have been 14 consent determinations made since 2021.

Native title advice including Indigenous Land Use Agreements

Crown Law assisted a number of departments in their project development of major projects through the provision of advice on and negotiation of Indigenous Land Use Agreements. One example is in relation to the Wangetti Trail project, which is proposed to include private eco-friendly accommodation and a walking trail between Port Douglas and Palm Cove.

Property law

Crown Law has been advising the Queensland Government on property law since the State was proclaimed in 1859. Our property lawyers advise on, negotiate and draft major project agreements, property dealings by the government, and infrastructure agreements.

Our property law expertise includes:

- major infrastructure projects including roads, toll roads, busways, hospitals, port and marine facilities, hospitals and State development areas
- commercial and retail leases and residential tenancies
- dealings with Crown land including reserves and various forms of tenure under the *Land Act 1994*
- dealings with freehold land under the *Land Title Act 1994*
- easements, licences and statutory covenants
- conveyancing and title correction
- resumption and compensation agreements under the *Acquisition of Land Act 1967*
- property-related aspects of Indigenous Land Use Agreements Indigenous management agreements under the *Aboriginal Land Act 1991* and the *Nature Conservation Act 1992*
- conservation agreements and other authorities under the *Nature Conservation Act 1992*
- regulatory framework under the *Environmental Protection Act 1994*
- all aspects of the *Planning Act 2016*, including infrastructure agreements under that Act
- all aspects of the *Queensland Heritage Act 1992*.

Significant property law matters handled by Crown Law this year include:

- Drafting the Perpetual Lease and Cooperative Management Agreement for the Boodjamulla National Park (Aboriginal land), the first of its tenure type in Queensland.



Planning and environment

Crown Law’s planning and environment practice offers clients at all levels across government a broad range of legal services including advising on requirements under State and Commonwealth legislation, representing government agencies in various courts and advising on planning and environment issues.

Our experience in this area of law includes advising and representing clients on:

- the roles of agencies in the development approval processes under the *Sustainable Planning Act 2009*
- development approval processes under a broad range of other State and Commonwealth legislation
- the inter-relationship between legislation administered by various agencies and the *Sustainable Planning Act 2009*
- injunctive relief relating to land use matters and development offences
- the compulsory acquisition of land under the *Acquisition of Land Act 1967*, *State Development and Public Works Organisation Act 1971* and *Transport Planning and Coordination Act 1994*
- the assessment of compensation payable for the compulsory acquisition of land
- the legislative requirements for development undertaken on behalf of the State
- state powers under the *Sustainable Planning Act 2009* including ministerial call-in powers and direction powers
- drafting and interpretation of State and local planning instruments under the *Sustainable Planning Act 2009*, including state planning policies, regional plans and state planning and regulatory provisions
- amendments to planning legislation, including amendments to the *Sustainable Planning Act 2009*
- validity of conditions imposed by state agencies in relation to development approvals
- community infrastructure designation processes
- aspects of the *Queensland Heritage Act 1994* and *Environmental Protection Act 1994*
- powers under the *Transport Infrastructure Act 1994* including powers in relation to state-controlled roads, busways, light rail and miscellaneous transport and infrastructure
- water allocations and entitlements under the *Water Act 2000*.

Our planning and environment lawyers represent departments, agencies and State Ministers in courts and tribunals including the Planning and Environment Court, Land Court, Supreme Court, Court of Appeal and the High Court of Australia.

Significant planning and environment matters handled by Crown Law this year include:

- Advising on acquisition applications made to the Minister for Resources under the *Acquisition of Land Act 1967* by the Queensland Electricity Transmission Corporation trading as Powerlink Queensland in relation to the Mount Fox-Kidston Connection Project.
- Acting for the Minister for State Development, Infrastructure, Local Government and Planning in defending an originating application to the Planning and Environment Court challenging the Minister’s decision to approve a change application under the *Planning Act 2016*. The Court published its decision on 20 July 2022 dismissing the originating application.
- Acting for the Queensland Heritage Council in three appeals to the Planning and Environment Court against the listing of places in the Queensland heritage register.
- Advising the Department of State Development, Infrastructure, Local Government and Planning about assessing and deciding a development application in a sensitive location in a priority development area.
- Advising various State Government departments about legislative amendments to address social and affordable housing, including amendments to the Planning Regulation 2017.
- Advising the Department of State Development, Infrastructure, Local Government and Planning about the making of planning instruments under the *Planning Act 2016*.
- Advising the Department of Environment and Science about a draft Memorandum of Understanding between the Department of Transport and Main Roads and the Department of Environment and Science in connection with the Australian Rail Track Corporation Limited Inland Rail Project, Kagaru to Acacia Ridge and Bromelton Project.
- Advising the Department of Tourism, Innovation and Sport about Brisbane City Council’s proposed new *Events Local Law 2022* and its application to events held by Stadiums Queensland under the *Major Sports Facilities Act 2001*.
- Advising the Department of Environment and Science about the operation of the *Environmental Offsets Act 2014* and a number of offsets projects under the Act.
- Advising the Department of Energy and Public Works about the operation of the Queensland Development Code and adoption of the National Construction Code Modern Homes Standards.
- Advising the Department of State Development, Infrastructure, Local Government and Planning about the delegation of the power to designate premises under the *Planning Act 2016*.

Prosecutions

Crown Law provides advice and representation on all aspects of statutory prosecution proceedings including, WorkCover fraud, public health, drugs, poisons and food safety and standards.

Our prosecutions lawyers:

- provide advice on policy development and statutory interpretation across a diverse range of legislation including advice concerning the practical implications of proposed legislative amendments
- advise on departmental and regulator responses to, and governance of, emerging or existing industry practices
- provide advice on prospects of success in disciplinary proceedings, prosecutions and appeals
- appear as advocates on behalf of government departments and agencies at all levels of the State and Federal Court systems, at Queensland Civil and Administrative Tribunal proceedings, in the Coroners and Mental Health Courts and at the Mental Health Review Tribunal.

WorkCover

Crown Law advises and acts for WorkCover Queensland, State Government departments and other public sector entities in the management of common law workers’ compensation claims.

Matters include claims on behalf of emergency services personnel such as police, corrective services, ambulance and fire officers, as well as claims arising from incidents at building sites, in national parks and at schools. We also specialise in claims relating to asbestos and dust diseases and other complex claims where, for example, psychiatric injury arising from bullying or harassment, trauma, excessive workloads or asbestos exposure has been alleged.

Matters we regularly handle are:

- conducting complex civil proceedings
- providing high-level legal advice
- dispute resolution including negotiating settlements, conducting conferences and mediations
- conducting complex trials in all jurisdictions
- identification and evaluation of risk management in personal injuries litigation.

Our lawyers have represented the State in the District, Supreme and High Courts in some of Queensland’s largest and most complex WorkCover litigation cases.

Many of the claims we manage have government implications involving an important precedent or have policy or operational significance. Some of these claims have attracted media attention not only in Brisbane but also in regional Queensland. Our experience also extends to managing claims involving intra-governmental conflicts in relation to third party contributions and contractual indemnity disputes and the consideration of liability issues in this context.

EDUCATION AND TRAINING

Continuing Professional Development

Government legal officers holding practising certificates must complete ten units of continuing professional development per year. It is also recommended that government legal officers who do not hold practising certificates comply with these requirements.

To assist lawyers and non-lawyers within the Queensland Government to develop and maintain their legal knowledge, Crown Law offers a free online Continuing Professional Development (CPD) training program. Developed by senior Crown Law lawyers, the four modules provide practical legal training that can be conducted at the user's own pace. The module content has been developed to provide legal and nonlegal officers with a clearer understanding of the legal framework of government and the principles that guide it.

During the 2022-23 year, there were 204 enrolments in the online CPD program from officers in 18 agencies.

Our four online CPD modules available to all government officers are:

- introduction to government law
- model litigant principles
- legal professional privilege
- statutory interpretation.

Continuing Legal Education

Crown Law's Continuing Legal Education Program continued throughout 2022-23 with legal and non-legal staff attending presentations on:

- Corporate structures
- How the *Human Rights Act 2019* impacts the ethical duties of public servants and government lawyers
- Historical sex abuse
- Acceptance of Service Guidelines in Crown Law – what you need to know
- Mediation skills
- Privacy – a refresher and update including the relevance of human rights
- Electronic witnessing of signatures
- Charitable trusts
- Impaired capacity under the Uniform Civil Procedure Rules 1999
- Understanding and meeting the needs of departmental lawyers.

Virtual Legal Conference

In November 2022, Crown Law made available eight 'on demand' legal briefings to our clients. The recordings received more than 800 views online and included presentations on the following topics:

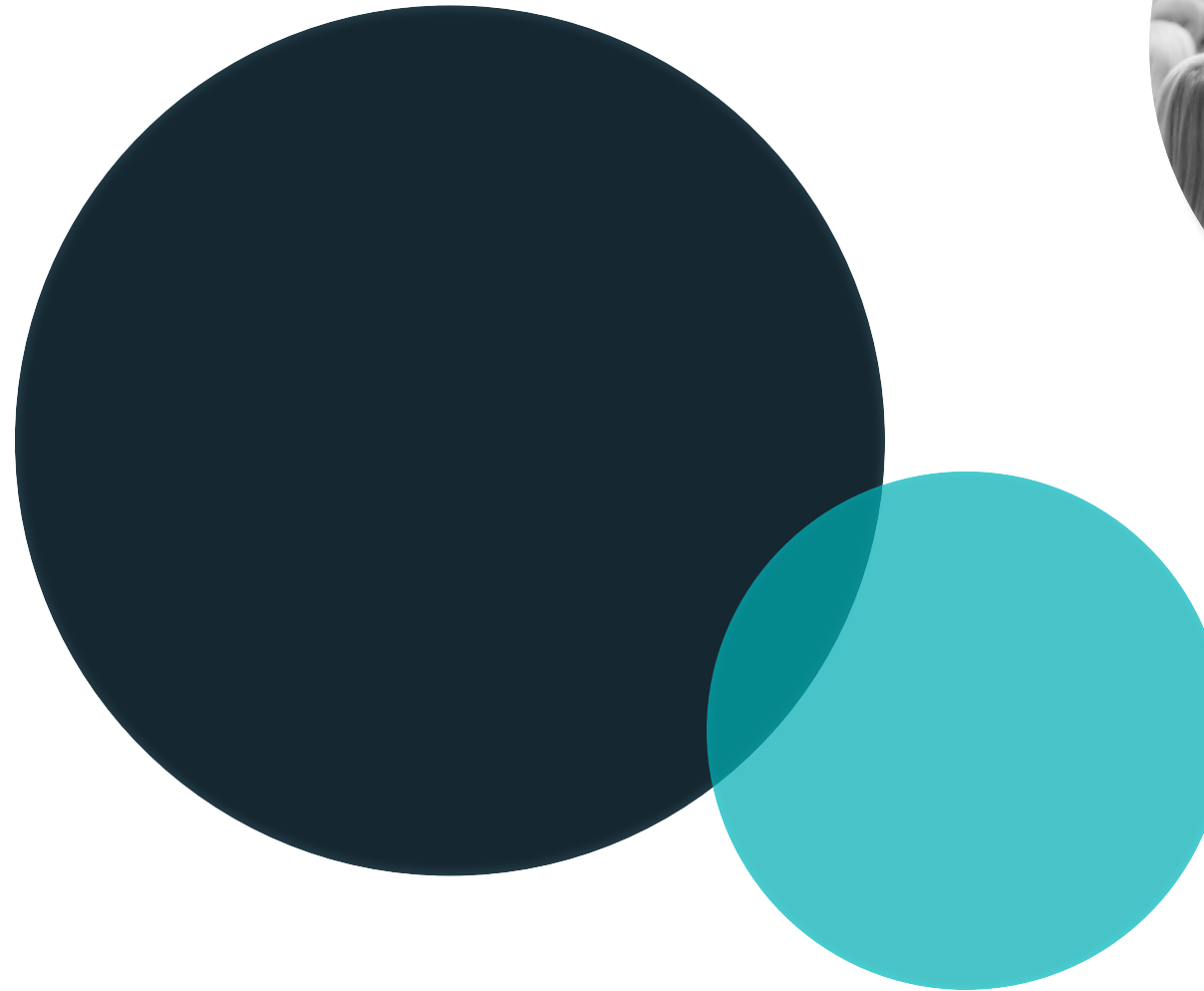
- Recent decisions and updates in Human Rights
- Compromising proceedings – settlement offers, deeds and agreements
- Helping clients navigate complex native title issues
- Statements of reasons why, what, when, how
- Developments in employment law related to COVID-19
- Introduction to Copyright and First Nations artwork
- Regulating and facilitating development in Queensland
- Prosecutions – investigations and evidentiary issues.

Legal training

Crown Law offers our Queensland Government clients a variety of training workshops and legal briefings on key public sector issues to develop their legal skills and keep them informed about current and emerging legal topics.

Crown Law delivered 34 training presentations to 933 government officers in 2022-23 by offering in-person and virtual attendance at most of our training sessions. Notable training sessions held throughout the year included:

- statutory interpretation training – 11 workshops for 431 clients
- sound decision making training – seven workshops for 172 clients
- *Human Rights Act 2019* training – 16 workshops for 330 clients.



CORPORATE RESPONSIBILITY

Crown Law is committed to developing and implementing sustainable business practices that minimise our impact on society and the environment. We aim to minimise the resources we use, and re-use or recycle resources where possible.

Key initiatives to minimise our resource usage include:

- Encouraging staff to walk or ride to work through the provision of end-of-trip facilities and secure bike and scooter storage.
- Reducing Crown Law's reliance on paper documents and the need for printing, archiving and storage. Seventy-five percent of all our new legal matters in 2022-23 were created as digital legal files.
- Sensor lights in all work areas which turn off when an office is unoccupied.

We strongly encourage and support recycling throughout our workplace by:

- Ensuring every work area has a recycle bin for cardboard, paper and plastic recycling.
- Repurposing or refurbishing all used IT equipment through a third party.
- Providing a collection point to recycle flat batteries, used ink pens and printer toners.
- Providing a collection point to recycle plastic bread clips and other plastics.

In addition, we seek to support local businesses and suppliers where possible.



CROWN LAW LIBRARY

The Crown Law Library provides research and reference services for business units and statutory bodies within the Department of Justice and Attorney-General, including commissions of inquiry and taskforces. The Library also delivers online access to a selection of key eBooks and legal commentary services to support Crown Law legal teams and other business units.

During the 2022-23 financial year, the Crown Law Library recorded the following reference and research statistics:

- 530 research hours spent on 8,892 reference services requests
- 5,719 print and electronic items were supplied in response to requests.

The Library distributed 48 issues each of the electronic Current Awareness Bulletin and info@library bulletin and four issues each of the quarterly subject specialist bulletins *Criminal Law News* and the *Courts Program and Policy Bulletin*.

The Library also conducted 159 induction and training sessions in the 2022-23 financial year.

CROWN LAW CHOIR

The Crown Law Choir has been singing since 2002 and consists of a group of volunteer singers from across the legal profession. At its inception, the Choir was made up almost exclusively of Crown Law staff but has now grown to include staff from the Department of Justice and Attorney-General, the Law Courts and the private Bar.

The Choir performed nine times over the 2022-23 financial year, including performances at the Opening of the Law Year Church Services at St John's Anglican Cathedral in Brisbane City and at the Greek Orthodox Church in South Brisbane. Throughout December 2022, the Choir performed a repertoire of Christmas carols in several Brisbane venues including the State Law Building, the Supreme Court and 1 William Street. This year, donations were collected at these performances with funds raised going to the Actors' and Entertainers' Benevolent Fund.



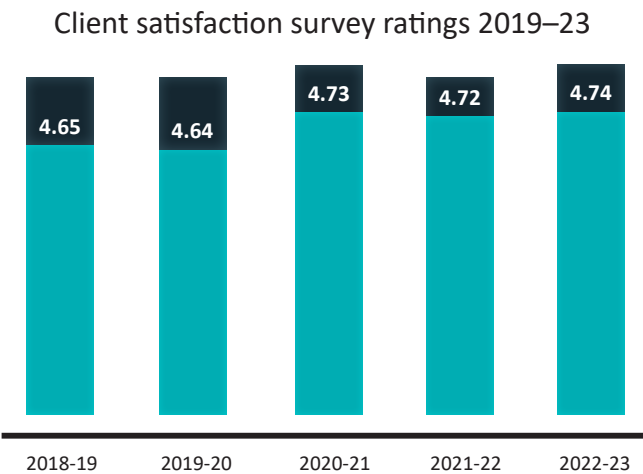
PERFORMANCE AND ACCOUNTABILITY

Client satisfaction surveys

To monitor and continuously improve the delivery of our legal services, online surveys are sent to all clients with current matters each quarter to ascertain their satisfaction and comments on key performance indicators. These indicators are:

- our understanding of our client’s matter and objectives
- our level of technical skill and knowledge
- our communication with clients
- value for money.

Crown Law’s overall satisfaction rating for 2022-23 based on these surveys was 4.74 out of 5.



Quality Assurance

Crown Law has developed and implemented a quality management system based on ISO9001:2015.

Our continued accreditation to the ISO9001:2015 standard demonstrates our strong management practices which are focused on realising clients’ expectations of quality and outcomes. Good record keeping and developing, implementing and improving processes and procedures together with quality auditing are key elements to maintaining our Quality Assurance certification.

ISO9001:2015 has a base set of standards and practices, adding specific requirements for businesses including:

- knowledge, understanding and compliance with processes and standards
- demonstrating how processes add value to business and client outcomes
- evaluating ongoing results of system performance, effectiveness and outcomes
- risk assessment and management
- continuous improvement of processes based on objective management.

Crown Law’s compliance with this standard is subject to an annual external audit and is further supported by our continuous improvement philosophy, based on robust client feedback mechanisms and performance management processes.

Growth and productivity

Full-time equivalent legal staff growth


2019-20	2020-21	2021-22	2022-23
137.53	142.39	135.79	155.10


Annual productivity comparison


2019-20	2020-21	2021-22	2022-23
105%	105%	106%	105%



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