



# JONATHAN HORTON KC

*Bachelor of Arts* (Australian National University)  
*Bachelor of Laws* (First Class Honours) (Sydney University)  
*Master of Laws* (Edinburgh University)  
*PhD* (in Law) (Edinburgh University)

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## Admitted to the legal profession

2000

## Admitted as a Kings Counsel

2014

## Also entitled to practise in

Australian jurisdictions (Commonwealth, State and Territory)

Jonathan has a generalist practice, with particular experience in public law, both litigious and advisory. His subject-matter expertise includes mining and environment, land resumption and compensation, liquor, gaming and casino regulation, native title, pharmacy regulation, Parliamentary privilege, quasi crime and criminal proceeds confiscations. He has had close involvement in each, and often acts in a lead-in advisory capacity to assist with good decision making (in the case of government) or with achieving strategic objectives (in the case of private entities).

Acting for governments, companies and individuals in these diverse fields, Jonathan has an understanding of the full range of perspectives on public law, regulation and Government decision-making. He regularly appears in appellate courts, and in the High Court.

Jonathan has acted as Counsel Assisting in many Inquiries, Reviews and Commissions, from the Review of the Parole System in Victoria, to the Star Casino Review in Queensland in 2022 and the national home insulation scheme in 2009-10. He was Commissioner for the Inquiry into the Star Casino in Sydney in 2016 and Senior Counsel assisting a Parliamentary Inquiry in Queensland in 2021.

Matters of significance in which Jonathan has recently appeared include the Floods Class Action, a successful challenge (ultimately in the High Court) to action proposed by the Queensland Crime and Corruption Commission and a claim of Parliamentary Privilege, and an appeal to the Full Court of the Federal Court about access to land by telecommunications carriers.

Jonathan holds a Bachelor of Laws (first class Honours) from Sydney University, a Bachelor of Arts from the Australian National University and a Masters and a PhD in Law from the University of Edinburgh.

He actively supports arts and charitable organisations and creative individuals. He accepts briefs on reduced terms in these fields. He has served on not-for-profit boards of educational and artistic bodies.

## PROFESSIONAL EXPERIENCE

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- **2002 – present:** Barrister, Private Bar
- **2000 - 2002:** Solicitor – MinterEllison
- **2000 - 2006:** Lecturer and Associate Lecturer – Queensland University of Technology (*Commercial Law and Personal Property, Intellectual Property*)
- **1998 – 2000:** Associate to the Honourable Justice Ian Callinan AC – High Court of Australia
- **1996 – 1997:** Paralegal, NSW Crown Solicitors Office

## RECENT AWARDS OR PROFESSIONAL RECOGNITION

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**2023 Doyles Guide** – Recommended Planning and Environment Senior Counsel

**2023 Doyle's Guide** – Leading Administrative & Public Law Senior Counsel

## PROFESSIONAL MEMBERSHIPS

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Bar Association of Queensland

Bar Association of New South Wales

Australian Institute of Company Directors

## SELECTED CASES

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### Commissions, Reviews and Inquiries

[Assisting the Hon Ian Hanger AM QC, Commonwealth Royal Commission into the Home Insulation Program \(2014\)](#)

#### National

Assisting the Hon Ian Callinan AC, the Hon Geoffrey Davies AO and the Hon Julie Dodds-Streeton – Commonwealth Bank Open Advice Review Program (2015-2019)

Counsel Assisting Commonwealth Bank's Storm Financial Resolution Panel (the Hon Ian Callinan AC; the Hon RV Gyles AO; Mr R Gotterson QC (now the Hon Justice Gotterson AO)) (2009-2013)

#### New South Wales

[As Commissioner, Licence Review of Star Casino under the Casino Control Act 1992 \(NSW\) \(assisted by Mr Caspar Conde of Counsel\) \(2016\)](#)

[Assisting the Hon Ian Callinan AC in a review of certain amendments to the Liquor Act 2007 \(NSW\) \(known as the lockout laws review\) \(2016\)](#)

[As Reviewer, of the Liquor Laws in Newcastle, New South Wales, for the Independent Liquor and Gaming Authority \(ILGA\) \(2017-2018\)](#)

#### Victoria

[Review Panel Member – Review of Victorian Parole System with the Hon Ian Callinan AC and Mr Robert Cornall AO \(2013\)](#)

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**Queensland**

[Senior Counsel Assisting the External Review of the Queensland Operations of The Star Entertainment Group Limited \(the Hon Robert Gotterson AO KC\) \(2022\)](#)

[Health Payroll System Commission of Inquiry \(the Hon R Chesterman AO RFD\) \(2013\)](#)

Fuel Subsidy Inquiry (the Hon CW Pincus QC) (2008)

[Paradise Dam Commission of Inquiry, Assisting the Hon John Byrne AO RFD and Emeritus Professor John Carter AM \(2020\)](#)

Counsel Assisting Sir Laurence Street KCMG AC – Review of prosecution of police officer for Aboriginal death in custody (2009)

Counsel Assisting the Hon Ian Callinan AC and Professor Nicholas Aroney – Review of the Crime and Misconduct Act 2001 (Qld) and related matters (2012–2013)

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**High Court appearances**

[Crime and Corruption Commission v Carne \[2023\] HCA 28](#)

[Springfield Land Corp \(No 2\) Pty Ltd v Queensland \(2011\) 242 CLR 632; \[2011\] HCA 15](#)

[New South Wales v Commonwealth of Australia \(2006\) 229 CLR 1; \[2006\] HCA 52 \(WorkChoices Case\)](#)

Optus Fixed Infrastructure Pty Limited v State of Queensland & Anor [2023] HCATrans 86 (16 June 2023)

Coast and Country Association of Queensland Inc v Smith [2017] HCATrans 74 (7 April 2017)

Nugent v Ian Stewart (Commissioner of Police) [2017] HCATrans 53 (10 March 2017)

Stretton v Minister for Immigration and Border Protection [2016] HCATrans 200 (2 September 2016)

Burke v State of Queensland [2015] HCATrans 85 (17 April 2015)

Attorney-General for the State of Queensland v Dodge [2013] HCATrans 132 (6 June 2013)

Tonto Home Loans Australia Pty Limited v Tavares; Firstmac Limited v Di Benedetto; Firstmac Limited v O'Donnell [2012] HCATrans 165 (22 June 2012)

Richard Bass Pty Ltd v Seafood Innovations Pty Ltd [2012] HCATrans 24 (10 February 2012)

Yeo v Attorney-General for the State of Queensland [2007] HCATrans 593 (4 October 2007)

Australian Broadcasting Corporation v O'Neill [2005] HCATrans 1029 (16 December 2005)

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**Native Title**

[Fulton on behalf of the Mambali Amaling-Gan v Northern Territory of Australia \(the Minyerri and Banka Banka Matters\) \[2019\] FCA 2156 \(Darwin\)](#)

[Kemppi v Adani Mining Pty Ltd \(No 2\) \[2019\] FCAFC 117 \(Brisbane\)](#)

[Sandy on behalf of the Yugara People v State of Queensland \(2017\) 254 FCR 107; \[2017\] FCAFC 108 \(Brisbane\)](#)

[CG \(Deceased\) \(on behalf of Badimia People\) v State of Western Australia \(2016\) 240 FCR 466; \[2016\] FCAFC 67 \(five-member Bench\) \(Perth\)](#)

Quandamooka Coast Claim (pending)

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**Class Actions**

[Rodriguez & Sons Pty Ltd v Queensland Bulk Water Supply Authority trading as Seqwater \(No 22\) \[2019\] NSWSC 1657](#)

[Kozik v Redland City Council \[2019\] QSC 109](#)

SLB Investments Queensland Pty Ltd v Queensland Motorways Management Pty Ltd & Ors (pending)

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**Liquor Licensing and Gaming**

[Commissioner for Liquor and Gaming v Farquhar Corporation Pty Ltd \[2018\] QCA 202](#)

[Meshlawn Pty Ltd & Anor v State of Queensland & Anor \[2010\] QCA 181](#)

[As Commissioner, Licence Review of Star Casino under the Casino Control Act 1992 \(NSW\) \(assisted by Mr Caspar Conde of Counsel\) \(2016\)](#)

[Assisting the Hon Ian Callinan AC in a review of certain amendments to the Liquor Act 2007 \(NSW\) \(known as the lockout laws review\) \(2016\)](#)

[As Reviewer, of the Liquor Laws in Newcastle, New South Wales, for the Independent Liquor and Gaming Authority \(ILGA\) \(2017-2018\)](#)

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**Mining and Resources**

[Bond v Chief Executive, Department of Environment and Science \[2019\] QCA 137](#)

[Swan v Santos GLNG Pty Ltd & Ors \[2019\] QCA 6](#)

[Qld Cooper Shale Pty Ltd & Ors v Minister for Natural Resources and Mines \[2016\] QCA 352](#)

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**Resumption and Compensation**

[Pfeiffer Nominees Pty Ltd v Chief Executive, Department of Transport and Main Roads \[2019\] QCA 101](#)

[State of Queensland v Michael Vincent Baker Superannuation Fund Pty Ltd \[2019\] 2 Qd R 146; \[2018\] QCA 168](#)

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**Judicial Review**

[Maroochydore Sands Pty Ltd v Minister for State Development, Manufacturing, Infrastructure and Planning \[2019\] QSC 319](#)

[Renwick v Parole Board Queensland \[2019\] QCA 269](#)

[Goodsell Earthmoving Pty Ltd v Coordinator-General \[2019\] QSC 243](#)

[Lincoln v Parole Board of Queensland \[2019\] QSC 156](#)

[August v State of Queensland \(Department of Education and Training\) \[2019\] QSC 31](#)

[Toodayan & Anor v Anti-Discrimination Commissioner Queensland \[2018\] QCA 349](#)

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**Criminal Law and Quasi-Crime**

Criminal Proceeds Confiscation Matters  
Parole

[Stenner v Crime and Corruption Commission & Ors \[2019\] QSC 202](#)

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**Planning and Environment**

[Neilsens Concrete Pty Ltd & Anor v Brisbane City Council \[2020\] QPEC 3](#)

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[Peach v Brisbane City Council & Anor \[2019\] QPEC 41](#)

Development Watch Inc v Sunshine Coast Regional Council & Anor [2022] QCA 6

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## PRINCIPAL AREAS OF PRACTICE

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### COMMERCIAL LAW

Administrative Law

Environment and Planning

Mining resources and energy

Appellate

Intellectual Property

Real property

Class Actions

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### EQUITY

Appellate

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### INQUESTS AND TRUSTS

Commissions of Inquiry

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### CRIMINAL

Proceeds of crime

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### PUBLIC AND ADMINISTRATIVE LAW

Alternative Dispute Resolution

Proceed of crime

Merits review

Appellate

Public Law

Native title

Constitutional Law

Judicial review and administrative law

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## SECTORS

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Agribusiness

Primary Resources

Power & Utilities

Government

Real Estate