

# THE QUEENSLAND LAWYER

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ARTICLES

**An examination of the heads of compensation available under the Mineral Resources Act 1989** – *Kristy Richardson and John Compton*

This article examines s 281 of the *Mineral Resources Act 1989* (Qld) and the way that section has been interpreted in the context of assessing compensation for landowners affected by the grant of a mining lease over their land. Section 281 of the *Mineral Resources Act 1989* (Qld) is unique in that the heads of compensation as interpreted by the Queensland Courts are focussed on permitting a land owner to recover losses peculiar to the owner. The focus is not on the “loss” of the land but of diminution of its value (both market and non-market based) to the landowner. .... 71

**Keeping incest in the family** – *David Field*

In its recent decision in *R v Rose* (2009) 227 FLR 433 [2009] QCA 83, the Queensland Court of Appeal held that it did not constitute the crime of “incest” for a man to have consensual intercourse with the 17-year-old daughter of his former de facto because, in terms of s 222(8) of the *Queensland Criminal Code*, , the two were “entitled to be married”. The author argues that this decision has unfortunate implications, for future “victims” of such crimes, for the normally understood distinction between a “right” and a “freedom”, and for the consistency of Queensland State law in this area with related laws

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