



Queensland
Law Reform Commission

Annual Report

2009-10

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November 2010

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Chairperson: **The Hon Justice R G Atkinson**

Part-time members: **Mr J K Bond SC
Mr B J Herd
Ms R M Treston
Assoc Prof B P White**

SECRETARIAT¹

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Assistant Director: **Mrs C A Green**

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5 November 2010

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The Honourable Cameron Dick MP
Attorney-General and Minister for Industrial
Relations
State Law Building
50 Ann Street
BRISBANE QLD 4000

Dear Attorney

I have pleasure in presenting the Commission's Annual Report for the financial year ending 30 June 2010.

The past year has been an especially busy and productive one for the Commission, during which it published:

- the final Report for the Review of Jury Directions;
- a Discussion Paper for the Guardianship Review; and
- a Discussion Paper for the Review of Jury Selection.

During the reporting period, the Commission also worked towards completing the final Report for the Guardianship Review, which has since been presented to you.

The Jury Directions Report is discussed in greater detail later in this Annual Report. However, I would particularly like to acknowledge the significant contribution made to that review, and to the Jury Selection Review, by the Commission's former full-time member, Mr Ian Davis, who died unexpectedly in May 2010. Mr Davis was a much valued member of the Commission, and his untimely death has been a great loss for the Commission both personally and professionally.

As Chairperson, I would also like to acknowledge the dedication shown by the members and staff of the Commission over the last year, especially given our heavy workload during this time. The members and staff of the Commission have enjoyed a collegiate and productive working relationship.

Yours sincerely

The Hon Justice Roslyn Atkinson
Chairperson

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Annual Report

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CONSTITUTION OF THE COMMISSION

The Queensland Law Reform Commission is an independent statutory body, and is constituted under the *Law Reform Commission Act 1968* (Qld).

FUNCTION OF THE COMMISSION

The function of the Commission, as provided in section 10(1) of the *Law Reform Commission Act 1968* (Qld), is to review the law applicable to Queensland with a view to its systematic development and reform, including in particular:

- (a) the codification of such law; and
- (b) the elimination of anomalies; and
- (c) the repeal of obsolete and unnecessary enactments; and
- (d) the reduction of the number of separate enactments; and
- (e) generally the simplification and modernisation of the law.

MISSION STATEMENT

The Commission's mission is to meet the needs of the Queensland community by reviewing areas of the law in need of reform, and making recommendations for reform. These recommendations are based on extensive research, public consultation, impartiality, equity and social justice. The Commission's recommendations are published in its final Reports, which are presented to the Attorney-General for tabling in Parliament in accordance with the requirements of the *Law Reform Commission Act 1968* (Qld).

COMMISSION MEMBERS

Members of the Commission are appointed by the Governor in Council on the advice of the Attorney-General. The *Law Reform Commission Act 1968* (Qld) provides that the Commission must consist of at least three members, who may be full-time or part-time members. Each person appointed to be a Commission member must be a person appearing to the Governor in Council to be suitably qualified by the holding of judicial office or by experience as a barrister or as a solicitor or as a teacher of law in a University.

The Commission's usual establishment is five part-time members (including the Chairperson) and one full-time member.

SECRETARIAT

The Secretariat's usual establishment consists of the Director, the Assistant Director, two Legal Officers, the Commission Secretary and one Administrative Officer. During the reporting period, the Commission received additional funding from the Department of Justice and Attorney-General for the Guardianship Review, out of which it was able to appoint a third Legal Officer until December 2009.

The staff of the Secretariat, together with the full-time member, have the day to day responsibility for the carriage of the Commission's reviews. The Secretariat also provides the Commission with administrative and secretarial support. This includes the management of all corporate governance, human resources and financial matters for the Commission.

THE WORK OF THE COMMISSION

The Commission reviews areas of the law referred to it by the Attorney-General. During the reporting period, the Commission undertook work on the following reviews:

- The Guardianship Review;
- A review of jury directions;
- A review of jury selection; and
- A review of the law in relation to the disposal of dead bodies.

The Commission's current and recently-completed reviews are discussed at pages 4 to 18 of this Annual Report.

RECENT PUBLICATIONS OF THE COMMISSION

The Commission completed the following publications during the reporting period:

- *A Review of Jury Directions*, Discussion Paper, WP No 67 (September 2009);
- *A Review of Queensland's Guardianship Laws*, Discussion Paper, WP No 68 (October 2009) volumes 1–2;

- *A Review of Jury Directions*, Report No 66 (December 2009) volumes 1–2;
- *A Review of Jury Selection*, Discussion Paper, WP No 69 (June 2010).

A list of all the Commission's Reports, Working Papers and Miscellaneous Papers is available on its website at <<http://www qlrc.qld.gov.au/publications.htm>>. The Commission's current and recent publications and many of its older publications are also available on its website.

MEETINGS OF THE COMMISSION

During the reporting period, the Commission held 21 Commission meetings.

REMUNERATION

The remuneration for part-time members of the Commission during the reporting period was \$20 856 per annum.²

RIGHT TO INFORMATION

In accordance with the requirements of the *Right to Information Act 2009*, which commenced on 1 July 2009, the Commission has published a Publication Scheme on its website. The Publication Scheme, which describes and categorises information routinely available from the Commission and the terms on which it will make the information available, replaces the Statement of Affairs previously published by the Commission.

²

The Chairperson of the Commission, as a judicial member, does not receive any additional remuneration for that office.

Current and recently-completed reviews

THE GUARDIANSHIP REVIEW

Stage one

In October 2005, the Commission received a reference to review aspects of the *Guardianship and Administration Act 2000* (Qld) and the *Powers of Attorney Act 1998* (Qld). These Acts regulate substitute decision-making by and for adults with impaired decision-making capacity.

The Commission's terms of reference require it to conduct this review in two stages.

Stage one of the review, which was completed in mid-2007, involved an examination of the confidentiality provisions of the guardianship legislation. The Commission made recommendations to promote transparency and accountability in relation to the making of confidentiality orders. The Commission's recommendations were almost all accepted by the Government and have been implemented by the *Guardianship and Administration and Other Acts Amendment Act 2008* (Qld), which commenced on 1 January 2009. That Act amended the *Guardianship and Administration Act 2000* (Qld) to provide for four new types of limitation orders:

- *adult evidence orders* (section 109B), which permit the Tribunal to speak with the adult in the absence of others if, for example, it is necessary to obtain relevant information that the Tribunal would otherwise not receive;
- *closure orders* (section 109C), which permit the Tribunal to close a hearing or part of a hearing to all or some members of the public, or to exclude a particular person (including an active party) from a hearing or part of a hearing;
- *non-publication orders* (section 109D), which permit the Tribunal to prohibit the publication of information about Tribunal proceedings; and
- *confidentiality orders* (section 109E), which permit the Tribunal to withhold a document or information from an active party or other person.

Stage two

Stage two of the review requires a consideration of the balance of the guardianship legislation. In undertaking this part of the review, the Commission is required to give specific consideration to the following matters:

- (a) the law relating to decisions about personal, financial, health matters and special health matters under the *Guardianship and Administration*

Act 2000 and the *Powers of Attorney Act 1998* including but not limited to:

- the General Principles;
- the scope of personal matters and financial matters and of the powers of guardians and administrators;
- the scope of investigative and protective powers of bodies involved in the administration of the legislation in relation to allegations of abuse, neglect and exploitation;
- the extent to which the current powers and functions of bodies established under the legislation provide a comprehensive investigative and regulatory framework;
- the processes for review of decisions;
- consent to special medical research or experimental health care;
- the law relating to advance health directives and enduring powers of attorney;
- the scope of the decision-making power of statutory health attorneys;
- the ability of an adult with impaired capacity to object to receiving medical treatment; and
- the law relating to the withholding and withdrawal of life-sustaining measures;

...

- (c) whether there is a need to provide protection for people who make complaints about the treatment of an adult with impaired capacity;
- (d) whether there are circumstances in which the *Guardianship and Administration Act 2000* should enable a parent of a person with impaired capacity to make a binding direction appointing a person as a guardian for a personal matter for the adult or as an administrator for a financial matter for the adult.

In October 2008, the Commission released the first Discussion Paper (WP No 64) for stage two of the review. That paper examined the threshold issues of:

- the General Principles and the Health Care Principle; and
- the nature of decision-making capacity, and its assessment under the legislation.

The release of that Discussion Paper was followed by a series of seven community forums around Queensland. The Commission also held a number

of focus groups with health professionals and allied health professionals, as well as adults with impaired capacity.

During the reporting period, in November 2009, the Commission released the second Discussion Paper for stage two of the review. That paper examined all the other substantive legal issues arising under the terms of reference, as well as addressing a number of procedural and other issues that had been raised with the Commission during the course of the review.

Following the release of the second Discussion Paper, the Commission held seven community forums around Queensland: Brisbane, Bundaberg, Cairns, the Gold Coast, the Sunshine Coast, Toowoomba and Townsville. The Commission also held a number of focus group meetings with health professionals and allied health professionals.

The Commission also made substantial progress during the reporting period towards completing the final Report, which will contain the Commission's recommendations in relation to all the issues dealt with in stage two of the review.

A REVIEW OF JURY DIRECTIONS

During the reporting period, the Commission completed work on its review of jury directions.

The Commission received terms of reference on 7 April 2008 to review the directions, warnings and summings up given by judges to juries in criminal trials, with a view to simplifying and improving the current system. The original terms of reference are as follows:

I, Kerry Shine, Attorney-General and Minister for Justice and Attorney-General and Minister Assisting the Premier in Western Queensland, having regard to:

- the critical role juries have in the justice system in Queensland to ensure a fair trial;
- the reviews currently being undertaken by the New South Wales Law Reform Commission and Victorian Law Reform Commission of directions and warnings given by a judge to a jury in a criminal trial; and
- the Jury Charges Research Project currently being undertaken by the Australian Institute of Judicial Administration;

refer to the Queensland Law Reform Commission (the Commission) pursuant to section 10 of the *Law Reform Commission Act 1968* (Qld), the review of directions, warnings and summing up given by a judge to jurors in criminal trials in Queensland and to recommend any procedural, administrative and legislative changes that may simplify, shorten or otherwise improve the current system.

In undertaking this reference, the Commission is to have particular regard to:

- (a) subject to authorisation being given by the Supreme Court under section 70(9) of the *Jury Act 1995* (Qld), conducting research into jury decision-making in Queensland with a view to obtaining information about:
- The views and opinions of jurors about the number and complexity of the directions, warnings and comments required to be given by a judge to a jury and the timing, manner and methodology adopted by judges in summing up to juries;
 - The ability of jurors to comprehend and apply the instructions given to them by a judge;
 - The information needs of jurors;
 - The nature of the split for hung juries;
 - The reason/s for a juror or jurors' dissent in hung juries;
- (b) directions or warnings which could be simplified or abolished;
- (c) whether judges should be required to warn or direct the jury in relation to matters that are not raised by counsel in the trial;
- (d) the extent to which the judge needs to summarise the evidence for the jury;
- (e) possible solutions to identified problems relating to jury directions and warnings, including whether other assistance should be provided to jurors to supplement the oral summing up; and
- (f) recent developments and research in other Australian and overseas jurisdictions.

In undertaking this reference, the Commission is to work, where possible and appropriate, with other law reform commissions and consult stakeholders.

The Commission is to provide a report to the Attorney-General and Minister for Justice and Minister Assisting the Premier in Western Queensland on the results of the research and the review by 31 December 2009.

On 5 May 2009, the terms of reference were amended to delete the requirements in paragraph (a) to conduct research into jury decision-making in relation to the nature of the split for hung juries and the reasons for a juror or a juror's dissent in hung juries. This followed the introduction, by the *Criminal Code and Jury and Another Act Amendment Act 2008* (Qld), of non-unanimous verdicts in certain criminal trials.

A similar jury selection review is currently being undertaken by the New South Wales Law Reform Commission, and one was completed by the Victorian Law Reform Commission in May 2009.

These reviews arose out of a recommendation by the Australian Law Reform Commission in its Report, *Uniform Evidence Law* (ALRC 102, Recommendation 18–1), that:

The Standing Committee of Attorneys-General should initiate an inquiry into the operations of the jury system, including such matters as eligibility, empanelment, warnings and directions to juries.

Discussion Paper

Following the publication of an Issues Paper in March 2009, the Commission released a Discussion Paper (WP No 67) in this review in September 2009.

The Discussion Paper outlined a number of proposals and options for reform. It identified possible improvements to some specific types of directions, including limited-use directions, warnings given in sexual offence cases, and directions on self-defence and provocation. It also canvassed a number of proposals for assisting the jury, including enhanced pre-trial disclosure obligations to clarify the issues in the trial, the greater use of written materials and aids for the jury, and the use of ‘integrated directions’ to improve the delivery of summings-up.

The Commission consulted with, and received submissions from, key professional bodies such as the Queensland Law Society, the Bar Association of Queensland, Legal Aid Queensland, the Office of the Director of Public Prosecutions and the Women’s Legal Service, as well as other law reform bodies and interested organisations and individuals.

The Commission called for submissions in response to the Discussion Paper by 31 October 2009.

Research project

The terms of reference specifically directed the Commission to consider conducting, or commissioning, research into aspects of jury decision-making in criminal trials:

In undertaking this reference, the Commission is to have particular regard to:

- (a) subject to authorisation being given by the Supreme Court under section 70(9) of the *Jury Act 1995* (Qld), conducting research into jury decision-making in Queensland with a view to obtaining information about:
 - The views and opinions of jurors about the number and complexity of the directions, warnings and comments required to be given by a judge to a jury and the timing, manner and methodology adopted by judges in summing up to juries;
 - The ability of jurors to comprehend and apply the instructions given to them by a judge;

- The information needs of jurors;

Research of this nature is ordinarily restricted by section 70(2)–(4) of the *Jury Act 1995* (Qld) which prohibits the publication or disclosure of ‘jury information’. ‘Jury information’ is defined in section 70(17) of that Act to mean:

- (a) information about statements made, opinions expressed, arguments advanced, or votes cast, in the course of a jury’s deliberations; or
- (b) information identifying or likely to identify a person as, or as having been, a juror in a particular proceeding.

However, under section 70(9), the Attorney-General may apply to the Supreme Court of Queensland for authorisation to conduct research projects involving the questioning of members or former members of juries, and the publication of the results of that research.

An application by the Attorney-General for such authorisation was heard by the Chief Justice, the Honourable Paul de Jersey, on 15 September 2008. His Honour made the following Orders:

1. Pursuant to s 70(9) of the *Jury Act 1995* (Qld), the Queensland Law Reform Commission (‘QLRC’) is authorised to:
 - (a) conduct a research project into jury decision-making in Queensland, which will involve the questioning of former members of juries; and
 - (b) publish the results of the research project.
2. Pursuant to s 70(10) of the *Jury Act 1995* (Qld), that authorisation is on the condition that:
 - (a) the former members of juries not be identified in any publication by the QLRC;
 - (b) the former members of juries be permitted to decline to assist and to decline to answer one or more questions; and
 - (c) the QLRC shall ensure that any former member of juries whom it contacts for the purpose of the research project is advised of the contents of this order and, in particular, of the terms of the previous two conditions.

In June 2009, the Commission contracted with the School of Psychology at the University of Queensland to conduct empirical research into jurors’ information needs and jurors’ comprehension and application of jury directions. The project was led by Dr Blake McKimmie, a Senior Lecturer in the School of Psychology at the University of Queensland.

The research involved former jurors who had sat on criminal trials in the Supreme Court and District Court of Queensland in Brisbane over a nine-week period in mid-2009. The project had two phases: a questionnaire which the

participants were asked to complete after being discharged by the trial judge; and a follow-up telephone interview conducted with them privately.

In accordance with the Supreme Court order authorising the conduct of the research project, all participation was voluntary and involved only former jurors who had been discharged by the trial judge and were no longer sitting on a trial. At all times, participants' responses were collected and stored to ensure the confidentiality of the participants' identities and to avoid the identification of the trials on which they had sat.

The University of Queensland provided its report on this research to the Commission on 30 November 2009.³ It is reproduced in full in an Appendix to the Commission's final Report in this review (Report No 66).

The University of Queensland also provided the Commission with a report containing the results of additional research, involving simulated trials conducted at the University, on the impact of simplified directions on juror decision-making.⁴

Final Report

The Commission completed its final Report in this review in December 2009 (Report No 66).

The Commission reached the view that juries are too often confused or unsure about the law that they must apply and the issues that they must resolve. It therefore made a number of recommendations to improve the current system, having particular regard to the need to ensure a fair trial and the desirability of giving directions and warnings that are understood, and are capable of being sensibly and accurately applied, by juries.

Some of the recommendations are for statutory change, some propose changes to the way in which evidence and other information is presented to juries, and some suggest refinements to the Queensland Supreme and District Court Benchbook. Many of the recommendations relate to matters of pre-trial and trial procedure to ensure that jurors are given more meaningful information and guidance throughout the trial.

The Commission's recommendations in relation to the preparation and conduct of criminal trials included the following:

- The pre-trial disclosure regime set out in Chapter 62 of the Criminal Code (Qld) should be amended to require defendants to outline, before the trial, the issues that are in contention and those that are not in

³ School of Psychology, University of Queensland (Blake McKimmie, Emma Antrobus and Kathryn Havas), 'Jurors' Trial Experiences: The Influence of Directions and Other Aspects of Trials', Report (November 2009).

⁴ School of Psychology, University of Queensland (Blake McKimmie and Kathryn Havas), 'An Experiment to Test the Effect of Simplifying Directions', Report (November 2009).

dispute. However, defendants should not be required to disclose any evidence that they may intend to rely on, except to the extent that this is already required by the Criminal Code (Qld).

- Juries should be informed as early as practicable of the issues in the trial and should be provided with written material, at the start of the trial, on such matters as the burden and standard of proof, the elements of the offence/s charged, the elements of the defence/s (to the extent that defences have been identified by the defendant), and any admissions, agreed facts or other issues not in dispute.
- Defendants should be invited (although not required) to make an opening statement to the jury.
- Juries should be provided with all written, visual and other assistance that may fairly help them to assess the evidence and the issues that they must decide.
- The prosecution and the defendant should be required to inform the judge before the start of the summing up which directions concerning specific defences and warnings concerning specific evidence they wish to be included in, or left out of, the summing up.
- The judge should not be obliged to give a direction in the summing up that was not requested unless, in the judge's view, it is required in order to ensure a fair trial, and on an appeal asserting any misdirection or inadequate direction of the jury, the court should be required to take into account which directions and warnings were and were not requested by the parties.
- The judge's summing up should avoid long statements of law and should, so far as practicable, assist jurors by focussing on the factual questions that they must decide. Directions should be prepared and presented with a view to integrating the law into those factual questions.
- Legal aid funding should be urgently reviewed to ensure that any disincentives to the early preparation of matters for trial are removed, and to remunerate practitioners adequately for any additional preparation that may be required as a result of these changes.

With respect to specific problematic areas of concern in relation to jury directions, the Commission's Report also recommended:

- The replacement of the exclusionary rule in relation to propensity evidence in *Pfennig v The Queen* (2008) 235 CLR 334 with a provision allowing for the more general admission of such evidence (unless it is considered too prejudicial) and simplified directions to juries on its use; or, in the alternative, a review of the law of propensity evidence in Queensland; and

- The clarification and simplification of directions about post-incident conduct by defendants, alleged forensic disadvantage suffered by defendants due to the delay in reporting or prosecuting charges, evidence from unreliable witnesses, the expression 'beyond reasonable doubt', the possibility of delivering a non-unanimous verdict in certain cases, jurors' ability to ask questions during the trial, and the requirement for the jury to choose a speaker.

The changes recommended in the Report are subject to the courts' and the individual trial judge's duty to ensure so far as practicable that the defendant and other participants receive a fair trial.

The Report was tabled in the Queensland Parliament on 14 April 2010.

A REVIEW OF JURY SELECTION

On 7 April 2008, the Commission received terms of reference to review the provisions of the *Jury Act 1995* (Qld) dealing with the selection, participation, qualification and excusal of jurors. The terms of reference are as follows:

I, Kerry Shine, Attorney-General and Minister for Justice and Attorney-General and Minister Assisting the Premier in Western Queensland, having regard to:

- The critical role juries have in the justice system in Queensland to ensure a fair trial;
- The fact that jury duty is an important civic duty and those who become involved in criminal trials have an expectation that they will be determined by a judge and jury;
- It is an essential feature of the institution of juries that a jury is a body of persons representative of the wider community, to be composed in a way that avoids bias or the apprehension of bias and that one of the elements of the principle of representation is that the panel of jurors be randomly or impartially selected rather than chosen by the prosecution or the State;
- The importance of ensuring and maintaining public confidence in the justice system;
- The recent reports released by the New South Wales Law Reform Commission report on Jury Selection (Report 117, 2007) and Blind or deaf jurors (Report No 114, 2006) which make a number of recommendations;
- The review of the selection, eligibility and exemption of jurors currently being undertaken by the Western Australia Law Reform Commission;
- Reforms concerning the composition of juries and conditions of jury service which have occurred in other jurisdictions;

- The Australian, New South Wales and Victorian Law Reform Commissions' Report on *Uniform Evidence Law* recommended that the Standing Committee of Attorneys-General should initiate an inquiry into the operation of the jury system, including matters such as eligibility, empanelment, warnings and directions to juries.
- The provisions in the *Jury Act 1995* (Qld) prescribing those persons who are ineligible for jury service have not been reviewed or amended since 2004.

refer to the Queensland Law Reform Commission (the Commission) pursuant to section 10 of the *Law Reform Commission Act 1968* (Qld), a review of the operation and effectiveness of the provisions in the *Jury Act 1995* (Qld) relating to the selection (including empanelment), participation, qualification and excusal of jurors.

The scope of this review does not include review by the Commission of Part 6 of the *Jury Act 1995* which contains provisions about jury trial in Queensland, including, for example:

- consideration of whether juries should have a role in sentencing;
- the merits or desirability of trial by jury; or
- the requirement for majority verdicts in Queensland.

In undertaking this review, the Commission is to have particular regard to:

- Whether the current provisions and systems relating to qualification, ineligibility and excusals for jury service are appropriate, including specifically whether:
 - (a) there are any additional categories of persons who should be ineligible for jury service, such as:
 - (i) a person employed or engaged in the public sector in law enforcement, criminal investigation, the provision of legal services in criminal cases, the administration of justice or penal administration; and
 - (ii) local government chief executive officers.
 - (b) there are any categories of persons currently ineligible for jury service which are no longer appropriate;
 - (c) the ineligibility of a person who has a physical or mental disability that makes the person incapable of effectively performing the functions of a juror remains appropriate, particularly in the context of persons who are profoundly deaf or have a significant hearing or sight impairment, having regard to the *Anti-Discrimination Act 1991* (Qld), the *Disability Discrimination Act 1992* (Cth), and the need to maintain confidence in the administration of justice in Queensland.

- Possible improvements to proceedings for offences and a review of the appropriateness of maximum penalties under the *Jury Act 1995* (Qld), including:
 - Whether the Act should be amended to specifically allow a prosecution for an offence against the Act to be commenced by complaint of the Sheriff of Queensland or someone else authorised by the Minister or Chief Executive; and
 - Review the current level of maximum penalties for offences in the *Jury Act 1995* (Qld), particularly relating to the return of notices by prospective jurors and compliance with a summons requiring a person to attend for jury service and, if selected as a member of a jury, to attend as instructed by the court until discharged and whether the maximum penalties should be increased and having regard to the level of penalties for similar offences in Queensland and in other Australian jurisdictions;
- Possible alternative options for excusing a person from jury service, such as deferment;
- The extent to which juries in Queensland are representative of the community and to which they may have become unrepresentative because of the number of people who are ineligible for service or exercise their right to be excused from service, including whether there is appropriate representation of minority groups (such as Aboriginal people and Torres Strait Islanders), the factors which may contribute to under-representation and suggestions for increasing representation of these groups;
- Recent developments in other Australian and international jurisdictions in relation to the selection of jurors; and
- Any other related matters.

In performing its functions under this reference, the Commission is asked to prepare, if relevant, any legislation based on the Commission's recommendations and undertake consultation with stakeholders.

The Commission is to provide a report to the Attorney-General and Minister for Justice and Minister Assisting the Premier in Western Queensland on its review by 31 December 2010.

At present, the *Jury Act 1995* (Qld) provides that the following persons are ineligible for jury service:

- the Governor;
- a member of Parliament;
- a local government mayor or other councillor;
- a person who is or has been a judge or magistrate (in the State or elsewhere);

- a person who is or has been a presiding member of the Land and Resources Tribunal;
- a lawyer actually engaged in legal work;
- a person who is or has been a police officer (in the State or elsewhere);
- a detention centre employee;
- a corrective services officer;
- a person who is 70 years or more, if the person has not elected to be eligible for jury service under section 4(4) of the Act;
- a person who is not able to read or write the English language;
- a person who has a physical or mental disability that makes the person incapable of effectively performing the functions of a juror;
- a person who has been convicted of an indictable offence, whether on indictment or in a summary proceeding;
- a person who has been sentenced (in the State or elsewhere) to imprisonment.

In addition to requiring the Commission to examine whether any of these categories should no longer be ineligible for jury service, the terms of reference also require the Commission to examine the extent to which Queensland juries are representative of the community, including whether there is appropriate representation of minority groups (such as Aboriginal people and Torres Strait Islanders).

This review also arises out of the Australian Law Reform Commission's recommendation in its Report, *Uniform Evidence Law* (ALRC 102), mentioned earlier. A similar review is presently being undertaken by the Law Reform Commission of Western Australia.

The Commission continued work on this review during the reporting period, with the release of a Discussion Paper (WP No 69) in June 2010.

The Discussion Paper outlines the current arrangements in Queensland for the selection and participation of jurors. The Paper also describes a number of recent reforms to the rules of jury selection in other jurisdictions.

The Paper seeks submissions, and includes proposals for reform, on a wide range of issues, including:

- whether electoral enrolment should continue to be the basis of juror qualification;

- whether the current criminal history disqualifications are appropriate;
- whether the current categories of professions and occupations that exclude a person from jury service are appropriate;
- how the *Jury Act 1995* (Qld) should deal with the eligibility of people who have a physical disability or a mental disability, people who are unable to read or write English, and people who are 70 years or older;
- whether the grounds for excusal from jury service are sufficient and appropriate;
- alternatives to excusal from jury service, such as deferral;
- ways to increase Indigenous representation on juries;
- the remuneration of jurors; and
- the appropriateness of the current penalties for a breach of the *Jury Act 1995* (Qld).

The Commission has called for submissions in response to the Discussion Paper by 30 September 2010, before finalising its Report at the end of 2010.

A REVIEW OF THE LAW IN RELATION TO THE FINAL DISPOSAL OF A DEAD BODY

In December 2003, the Commission received a reference to review the law in relation to the final disposal of a dead body. The terms of reference are:

1. I, ROD WELFORD, Attorney-General and Minister for Justice, having regard to—
 - the fact that at common law the executor (or person having the highest claim to administer the estate of the deceased person) has the duty and the right to arrange for the final lawful disposal of the deceased person's body including, probably, the disposal of the deceased person's ashes; and
 - the fact that at common law the wishes of the personal representative or person who has the duty and the right to dispose of the body are regarded as paramount with respect to the disposal; and
 - the extent to which this common law position is or may be amended by the *Cremations Act 2003* and the current provisions governing cremations contained in the *Coroners Act 1958*, or by any other Queensland laws; and
 - the many and varied cultural and spiritual beliefs and practices in relation to the disposal of bodies; and

- the fact that from time to time questions arise regarding:
 - whether a person who may have caused the death be allowed to arrange for the final disposal of the body; and
 - what methods of final disposal of a body are lawful in Queensland; and
- the fact that from time to time disputes arise regarding:
 - to whom a body is to be released (for example by a hospital or, where relevant, a coroner) for final disposal; and
 - the method of final disposal of the body in a particular case; and
 - the place for the final disposal of the body or ashes;

refer to the Queensland Law Reform Commission for review pursuant to section 10 of the *Law Reform Commission Act 1968* Queensland's laws regarding the duties and rights associated with the final disposal of a dead body, including, but not limited to:

- a. whether, and to what extent, a comprehensive legislative framework is required; and
 - b. whether any new legislation should provide for an easily accessible mechanism to deal with disputes and, if so, the nature of such a mechanism.
2. In performing its functions under this reference, the Commission is asked to prepare, if relevant, draft legislation based on the Commission's recommendations.
 3. The Commission is to report to the Attorney-General and Minister for Justice by 30 June 2006.

In June 2004, the Commission published an Information Paper, *A Review of the Law in Relation to the Final Disposal of a Dead Body* (WP No 58), for consultation purposes. The Information Paper outlined the legal rights and obligations and the common practices in relation to the disposal of dead bodies in Queensland. It also considered issues such as:

- whether diverse beliefs and customs are able to be sufficiently accommodated in the disposal of dead bodies in Queensland;
- what should happen when there is a dispute regarding the disposal of a dead body (including whether a person who may have caused the deceased's death should be allowed to arrange for the disposal of the deceased's body); and
- the right to dispose of ashes or cremated remains.

Although considerable progress has been made towards the completion of the Commission's final Report, work on this review was placed substantially on hold in October 2005 when the Commission received the terms of reference for the Guardianship Review. During the reporting period, the Commission has undertaken some additional consultation with key stakeholders in the review. The Commission anticipates that the final Report in this reference will be completed in 2011.

Who's who at the Commission

COMMISSION MEMBERS

The Hon Justice R G Atkinson BA (Hons) BEd St LLB (Hons)—Chairperson

1 January 2002–20 December 2010

Justice Atkinson was admitted to the Bar in 1987 and had a broad general public and private litigation practice in Courts and tribunals including constitutional, administrative, corporate and industrial cases.

While in practice at the Bar, her Honour was also the first member and then the first President of the Queensland Anti-Discrimination Tribunal, a member of, and then Deputy Chairperson of, the Queensland Law Reform Commission, a Hearing Commissioner for the Human Rights and Equal Opportunity Commission, and a member of the Social Security Appeals Tribunal.

Her Honour was appointed a Judge of the Supreme Court of Queensland on 3 September 1998. She is also President of the International Commission of Jurists (Qld branch) and a member of the Queensland University of Technology Faculty Advisory Committee for Law Courses.

Mr J K Bond SC BCom LLB (Hons)

17 March 2005–16 March 2011

Mr Bond was admitted to the Queensland Bar in 1987. He has been in private practice at the Queensland Bar since then. He was appointed as a Senior Counsel for the State of Queensland in 1999. He has also been admitted to practice in New South Wales, South Australia, Western Australia and in the Northern Territory. He is entitled to practise in the Federal and High Courts.

Mr Bond's practice is in the area of commercial litigation and advice. Within that context, areas in which he has advised or appeared have concerned, inter alia, administrative law, arbitration, banking and finance, building and construction contracts, constitutional law, contract law, corporations law, insurance, leases, mining, native title, professional liability, trade practices and trusts and equity.

Mr I P Davis BA LLB

17 July 2008–15 May 2010

Mr Davis was appointed to the position of full-time member of the Commission on 17 July 2008.

Mr Davis served as a Commissioner of the Australian Law Reform Commission from 2000 to 2004, leading reviews of marine insurance law, the use of Federal civil and administrative penalties, and the use of security-sensitive information.

After being admitted to practice in 1983, Mr Davis worked principally in medium-sized commercial practices in Sydney, focussing on maritime and transport law, trade practices, insurance and commercial litigation. He was admitted to practice in New South Wales, Victoria and Western Australia.

Mr Davis died, while still holding office, on 15 May 2010.

Mr B J Herd BA LLB (Hons)

15 November 2002–20 December 2010

Mr Herd was admitted as a solicitor in 1983 and has been in private practice since then.

For many years he has practised in the area of commercial law and litigation but has, in the last few years, concentrated on the area of elder law, or law for older people, encompassing estate and life planning, guardianship and administration, family and business succession and lifestyle options, including aged care and retirement.

He has prepared and presented numerous papers and seminars on aspects of elder law and is Chair of the Queensland Law Society's Elder Law Committee and a member of the National Academy of Elder Law Attorneys of America.

Ms R M Treston LLB (Hons)

21 December 2007–20 December 2010

Ms Treston was admitted as a solicitor in 1991. In 1996, she was admitted to the Queensland Bar, where she has remained in private practice ever since. She is also admitted to practice in the ACT and Vanuatu. She is entitled to practise in the Federal and High Courts.

Ms Treston's practice is in civil litigation and advice. In particular she specialises in estate litigation, insurance, contractual and commercial disputes, professional liability, trusts and equity, and personal injuries.

Ms Treston has presented numerous papers on succession and estate litigation and personal injuries litigation. She was a member of the Queensland Bar Council in 2001 and 2002.

Associate Professor Ben White LLB (Hons) (QUT), DPhil (Oxon)

21 December 2007–20 December 2010

Associate Professor White is a member of the Health Law Research Program at the QUT Faculty of Law. His research interests lie in this area, and in guardianship law. He has taught health and guardianship law at both undergraduate and postgraduate levels and has also published a number of articles on these topics.

Associate Professor White graduated with First Class Honours and a University Medal in law from the Queensland University of Technology. He then worked as an Associate at the Supreme Court of Queensland and at Legal Aid Queensland, and was admitted as a barrister of the Supreme Court of Queensland. Associate Professor White won a Rhodes Scholarship to complete a DPhil at Oxford University, where his doctoral thesis investigated the role that consultation plays in the law reform processes of the Australian Law Reform Commission and the Law Commission of England and Wales.

Associate Professor White initially served as the Commission's full-time member from 5 September 2005 to 2 November 2008. On 21 December 2008, he was appointed as a part-time member of the Commission.

SECRETARIAT

Claire Riethmuller BA LLB (Hons)—Director

Ms Riethmuller graduated with First Class Honours in Law from the University of Queensland in 1986, and was admitted to practice as a solicitor of the Supreme Court of Queensland in 1988. She worked as a solicitor at Minter Ellison, practising in the areas of commercial litigation and professional indemnity litigation, before commencing work with the Commission in 1994.

From 2004 to 2008, Ms Riethmuller was a member of the Human Research Ethics Committee of the Queensland Institute of Medical Research.

Cathy Green BSc LLB—Assistant Director

Mrs Green served two periods of secondment at the Commission before being appointed as a Legal Officer on a permanent basis in 2002. In 2005, Mrs Green was appointed as the Commission's Principal Legal Officer and, in 2008, as the Commission's Assistant Director.

Mrs Green graduated with a Bachelor of Science degree from the University of Queensland in 1984, and from 1984 until early 1990 she worked as a research scientist at the Queensland Institute of Medical Research.

Mrs Green graduated with a Bachelor of Laws degree from the Queensland University of Technology in 1996. She was admitted to practice as a barrister of the Supreme Court of Queensland in 1996.

Mrs Green previously worked in the Office of the Director of Public Prosecutions and as a research officer at the Queensland Parliamentary Library.

Mary Collier LLB—Legal Officer

Ms Collier graduated with a Bachelor of Laws degree from the Queensland University of Technology in 1994. From 1995 to 1998, she worked with insurance broker, Gordon Wilson and Associates, gaining extensive experience in corporate insurances, specialising in marine insurance risks. In 1999, she was employed in Human Resources with the Queensland Police Service, where she remained until she commenced work with the Commission in 2000.

Paula Rogers BA LLB (Hons)—Legal Officer

Ms Rogers graduated with First Class Honours in Law from Griffith University in 2003, having been awarded the University Medal and the Arts Medal, and was admitted as a legal practitioner of the Supreme Court of Queensland in January 2005.

Ms Rogers worked as a Judge's Associate in the Supreme Court of Queensland in 2003. She completed her articles of clerkship at Allens Arthur Robinson during 2004, where she worked in the energy and resources practice group.

Ms Rogers commenced work at the Commission in 2005, and was appointed permanently in March 2006.

Sharyn Pickett—Commission Secretary

Mrs Pickett was appointed Secretary of the Commission in 2000. She has been a member of the staff of the Department of Justice and Attorney-General since 1996. At the time of her appointment, she was acting as a Senior Management Accountant in the Financial Management Branch of the Department.

Jenny Manthey BSc (Hons) Cert III Bus (Office Admin)—Acting Commission Secretary

Mrs Manthey graduated with a Bachelor of Science from the University of Queensland in 1993. She worked as a Scientific Technician from 1992 to 1995 at CSIRO Long Pocket Laboratories, and completed her Honours degree in 1998.

After gaining qualifications in Office Administration in 2000, Mrs Manthey was employed in a variety of administrative roles before commencing work at the Commission in January 2004.

Kahren Giles, Anna Lathouras—Administrative Officers

Ms Giles and Mrs Lathouras are responsible for a wide range of secretarial and administrative functions within the Commission.

Vale Ian Davis

On 15 May 2010, the Queensland Law Reform Commission lost a great friend and colleague with the sudden death of its full-time member, Mr Ian Davis.

Since Mr Davis's appointment in July 2008, he made an enormous contribution to the Commission, in particular to its work on juries. He was responsible for the completion of the Jury Directions review in 2009 and, more recently, was leading the Jury Selection review.

Mr Davis was greatly admired both personally and professionally for his intellect and judgment, as well as for the enthusiasm and drive that he brought to all of his endeavours.

Mr Davis also served as a Commissioner of the Australian Law Reform Commission from 2000 to 2004, leading reviews of marine insurance law, the use of Federal civil and administrative penalties, and the use of security-sensitive information.

He will be greatly missed by everyone at the Queensland Law Reform Commission and by his many colleagues in the wider law reform community in Australia and overseas.

Appendix 1

Legislative action on Reports

No.	Title	Date of Report	Date Report Tabled	Background Papers	Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations)
R 66	A Review of Jury Directions, vols 1-2	December 2009	14.04.10	WP 66 2009 WP 67 2009	
R 65	Administration of Estates of Deceased Persons: Report of the National Committee for Uniform Succession Laws to the Standing Committee of Attorneys General, vols 1–4	April 2009	07.07.09	WP 55 2001 MP 37 1999	
R 64	A review of the excuse of accident and the defence of provocation	September 2008	01.10.08	WP 63 2008 WP 62 2008	
R 63	A review of the <i>Peace and Good Behaviour Act 1982</i> , vols 1–2	December 2007	25.08.08	WP 59 2005	
R 62	Public Justice, Private Lives: A New Approach to Confidentiality in the Guardianship System, vol 2 Public Justice, Private Lives: A New Approach to Confidentiality in the Guardianship System, vol 1	July 2007 June 2007	12.10.07	WP 62 2006 WP 61 2006 WP 60 2006 MP 38 2006 MP 39 2006	<i>Guardianship and Administration and Other Acts Amendment Act 2008</i>
R 61	Wills: The Anti-lapse Rule — Supplementary Report to the Standing Committee of Attorneys General	March 2006	22.06.06	MP 29 R 52	<i>Succession Amendment Act 2006</i>

No.	Title	Date of Report	Date Report Tabled	Background Papers	Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations)
R 60	A Review of the Uniform Evidence Acts	September 2005	28.10.05	Nil	
R 59	The Abrogation of the Privilege Against Self-incrimination	December 2004	08.03.05	WP 57 2003	
R 58	Family Provision: Supplementary Report to the Standing Committee of Attorneys General	July 2004	22.09.04	MP 28 1997 WP 47 1995	
R 57	Damages in an Action for Wrongful Death: The effect of entering into, or the prospect of entering into, a financially supportive relationship, and the effect of the likelihood of divorce or separation on the assessment of damages in a wrongful death claim	November 2003	19.12.03	WP 56 2002	<i>Justice and Other Legislation Amendment Act 2004, Part 24</i>
R 56	Vicarious Liability	December 2001	11.04.02	WP 48 1995	<i>Justice and Other Legislation Amendment Act 2004, Part 19</i>
R 55	The Receipt of Evidence by Queensland Courts: The Evidence of Children (Part 2) The Receipt of Evidence by Queensland Courts: The Evidence of Children (Part 2A) — Summary of Recommendations	December 2000	05.04.01	WP 53 1998	<i>Evidence (Protection of Children) Amendment Act 2003</i>
R 55	The Receipt of Evidence by Queensland Courts: The Evidence of Children (Part 1)	June 2000	03.07.00	WP 53 1998	<i>Criminal Law Amendment Act 2000</i>
R 54	The Role of Justices of the Peace in Queensland	December 1999	31.05.00	WP 51 1998 WP 54 1999	
R 53	Review of the <i>Limitation of Actions Act 1974</i> (Qld)	September 1998	22.12.98	WP 49 1997 WP 50 1997	

No.	Title	Date of Report	Date Report Tabled	Background Papers	Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations)
R 52	The Law of Wills	December 1997	23.12.97	MP 10 1994 WP 46 1995	<i>Succession Amendment Act 2006</i>
R 51	Consent to Health Care of Young People, vols 1-3	December 1996	30.04.97	MP 2 1993 MP 6 1993 MP 7 1993 WP 42 1994 MP 14 1995 WP 44 1995 WP 44A 1995 MP 17 1996	
R 50	Minors' Civil Law Capacity	December 1996	25.03.97	WP 45 1995	<i>Residential Tenancies Amendment Act 1998</i>
R 49	Assisted and Substituted Decisions: Decision-Making by and for People with a Decision-Making Disability, vols 1-3	June 1996	07.08.96	WP 43 1995 WP 43A 1995 WP 38 1992 MP 1 1991	<i>Powers of Attorney Act 1998</i> <i>Guardianship and Administration Act 2000</i>
R 48	De Facto Relationships: Claims by Surviving De Facto Partners under the <i>Common Law Practice Act 1867</i> for Damages for Wrongful Death	November 1994	25.11.94	MP 8 1994	<i>Common Law Practice and Workers' Compensation Amendment Act 1994</i>
R 47	Female Genital Mutilation	16.09.94	18.10.94	MP 7 1993 WP 42 1994	<i>Criminal Law Amendment Act 2000</i>
R 46	The <i>Freedom of Information Act 1992</i> Review of Secrecy Provision Exemption	22.03.94	22.03.94	MP 3 1993	<i>Freedom of Information (Review of Secrecy Provisions Exemption) Amendment Act 1994</i>

No.	Title	Date of Report	Date Report Tabled	Background Papers	Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations)
R 45	The Assessment of Damages in Personal Injury and Wrongful Death Litigation: <i>Griffiths v Kerkemeyer</i> Section 15C <i>Common Law Practice Act 1867</i>	08.10.93	16.11.93	MP 4 1993 MP 5 1993	No changes recommended
R 44	De Facto Relationships	30.06.93	15.07.93	WP 36 1991 WP 40 1992	<i>Property Law Amendment Act 1989</i>
R 43	The <i>Bail Act 1980</i>	28.06.93	15.07.93	WP 35 1991 WP 41 1993	
R 42	Intestacy Rules	07.06.93	15.07.93	WP 37 1992	<i>Succession Amendment Act 1997</i>
R 41	The Protection of Statements Made to Religiously Ordained Officials	02.04.91	09.04.91	Nil	
R 40	Consolidation of <i>Real Property Acts</i>	March 1991	07.04.91	WP 32 1990	<i>Land Title Act 1994</i>
R 39	Henry VIII Clauses	29.06.90	05.12.90	WP 33 1990	<i>Legislative Standards Act 1992</i>
R 38	Report on the <i>Oaths Act</i>	31.03.89	07.06.90	WP 31 1988	
R 37	Report on a Bill to Amend the <i>Property Law Act 1974</i>	17.09.87	07.06.90	WP 30 1986	<i>Property Law Act Amendment Act</i>
R 36	Report on a Bill to Alter the Civil Jurisdiction of the District Court of Queensland	20.12.85	07.06.90	WP 29 1985	<i>District Courts Act and Other Acts Amendment Act 1989</i>

No.	Title	Date of Report	Date Report Tabled	Background Papers	Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations)
R 35	Report on a Bill to Amend and Reform the <i>Jury Act</i> , the <i>Justices Act</i> and the Criminal Code insofar as those Acts Relate to Committal Proceedings and Trial by Jury in Criminal Courts	25.10.85	07.06.90	WP 28 1984	
R 34	Report on a Bill to Establish Limited Liability Partnerships	22.01.85	07.06.90	WP 27 1984	<i>Partnership (Limited Liability) Act 1988</i>
R 33	Report on a Bill to Prevent the Avoidance of Civil Liability in Cases of Death or Personal Injury Caused by Negligence	26.10.84	07.06.90	WP 26 1984	
R 32	Report on a Bill to Consolidate, Amend and Reform the <i>Supreme Court Acts</i> and Ancillary Acts Regulating Civil Proceedings in the Supreme Court	1982	07.06.90	WP 24 1982	
R 31	Report on an Examination of the Imperial Statutes in Force in Queensland	23.09.81	07.06.90	WP 23 1979	<i>Imperial Acts Application Act 1984</i>
R 30	Report on a Draft Associations Incorporation Act	01.02.80	07.06.90	WP 22 1978	<i>Associations Incorporation Act 1981</i>
R 29	Report on A Bill to Repeal <i>The Second-Hand Wares Act of 1921</i> and to Update Legislation Concerning Dealers and Collectors	03.01.80	07.06.90	WP 21 1978	<i>Second Hand Dealers and Collectors Act 1984</i>
R 28	Report on Matters Arising out of the Report of the Committee of Inquiry into the Enforcement of the Criminal Law in Queensland (The Lucas Inquiry)	17.05.79	07.06.90	Nil	
R 27	Proposals to Amend Practices of Criminal Courts	08.12.78	07.06.90	WP 19 1977	

No.	Title	Date of Report	Date Report Tabled	Background Papers	Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations)
R 26	Report on an Examination of the Procedure and Practice in Children's Courts and on a Bill to Amend the <i>Children's Services Act 1965–1977</i>	30.08.78	07.06.90	WP 15 1976	
R 25	Report on an Examination of the Law Relating to Bail in Criminal Proceedings	10.08.78	20.09.78	WP 20 1978	<i>Bail Act 1980</i>
R 24	Report on the Law Relating to Actions Against the Crown	17.04.78	12.09.79	WP 17 1977	<i>Crown Proceedings Act 1980</i>
R 23	Report on a Review of the <i>Pawnbrokers Act 1849–1971</i>	24.02.78	13.03.79	WP 16 1976	<i>Pawnbrokers Act 1984</i>
R 22	Report on the Law Relating to Succession	24.02.78	09.10.79	WP 14 1975	<i>Succession Act 1981</i>
R 21	Reform of the Law of Rape	13.08.76	07.06.90	Nil	
R 20	Report on the Law of Succession and Other Allied Considerations in Relation to Illegitimate Persons	18.12.75	11.03.76	Nil	<i>Status of Children Act 1978</i>
R 19	Report on the Law Relating to Evidence	14.11.75	11.03.76	WP 13 1975	<i>Evidence Act 1977</i>
R 18	The Commission's Third Report on Statute Law Revision	17.03.75	22.03.75	Nil	<i>Acts Repeal Act 1975</i>
R 17	Report on a Bill to Amend the Criminal Code in Certain Particulars	19.12.74	27.02.75	WP 12 1974	<i>The Criminal Code and the Justices Act Amendment Act 1975</i>

No.	Title	Date of Report	Date Report Tabled	Background Papers	Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations)
R 16	Report on a Bill to Consolidate, Amend and Reform the Law Relating to Conveyancing, Property, and Contract and to Terminate the Application of Certain Imperial Statutes	28.02.73	07.06.90	WP 10 1972	<i>Property Law Act 1974</i>
R 15	The Commission's Second Report on Statute Law Revision	22.12.72	20.03.73	Nil	<i>Acts Repeal Act 1973</i>
R 14	Report on a Bill to Amend and Consolidate the Law Relating to Limitation of Actions	02.10.72	20.03.73	WP 11 1972	<i>Limitation of Actions Act 1974</i>
R 13	Report on a Bill to Consolidate and Amend the Law Relating to Money Lending	24.04.72	09.08.72	WP 8 1971	<i>The Money Lenders Act 1916</i> was repealed (from May 1989) by the <i>Credit Act 1987</i>
R 12	Report on a Bill to Establish an Appeal Costs Fund	21.04.72	09.08.72	Nil	<i>Appeal Costs Fund Act 1973</i>
R 11	Report on Statute Law Revision	21.04.72	09.08.72	Nil	<i>New South Wales (Termination of Application) Acts 1973</i>
R 10	Report in Relation to an Examination of the Law Relating to Interest on Damages	10.09.71	09.08.72	WP 6 1971	<i>Common Law Practice Act Amendment Act 1972</i>
R 9	Report in Relation to an Examination of the Provisions of the <i>Fatal Accidents Acts</i> with a View to the Elimination of Anomalies	10.09.70	09.08.72	WP 7 1971	<i>Common Law Practice Act Amendment Act 1972</i>
R 8	Report on the Law Relating to Trusts, Trustees, Settled Land and Charities	16.06.71	09.08.72	WP 5 1970	<i>Trusts Act 1973</i>
R 7	Report on the Law Relating to Perpetuities and Accumulations	24.05.71	26.08.71	WP 9 1971	<i>Perpetuities & Accumulations Act 1972</i> (later incorporated into the <i>Property Law Act 1974</i>)

No.	Title	Date of Report	Date Report Tabled	Background Papers	Legislation Implementing the Commission's Recommendations (in whole, in part, or with alterations)
R 6	Report on a Review of: <i>The Statute of Frauds, 1677</i> (29 Car II c 3); <i>The Statute of Frauds Amendment Act, 1828</i> (9 Geo IV c 14); <i>The Statute of Frauds and Limitations of 1867</i> (Qld) (31 Vic No 22); <i>The Sale of Goods Act of 1896</i> (Qld) (60 Vic No 6) (Sect 7)	08.06.70	26.08.71	WP 4 1970	<i>Statute of Frauds 1972</i> (later incorporated into the <i>Property Law Act 1974</i>)
R 5	Report on a Bill to Make Provision for the Abatement of Litter and Other Purposes	08.06.70	07.06.90	Nil	<i>Litter Act 1971</i>
R 4	Report on a Bill to Consolidate the Law Relating to Arbitration	08.06.70	26.08.71	WP 2 1969	<i>Arbitration Act 1973</i>
R 3	<i>The Common Law Practice Acts, 1867 to 1964</i> (Section 2): Illegitimate Children	20.03.70	08.09.70	Nil	<i>Common Law Practice Act Amendment Act 1970</i>
R 2	Abolition of the Distinction between Wilful Murder and Murder	16.03.70	08.09.70	WP 3 1969	<i>The Criminal Code and the Offenders Probation and Parole Act Amendment Act 1971</i>
R 1	Report on the Law Relating to Relief from Forfeiture of Leases and to Relief from Forfeiture of an Option to Renew and Certain Aspects of the Law Relating to Landlord and Tenant	26.02.70	07.06.90	WP 1 1969	

Current and recent publications and many of the Commission's older publications are available on the Commission's website at <http://www qlrc qld gov au/publications.htm>.

Appendix 2

Holders of office under the *Law Reform Commission Act 1968*⁵

CHAIRPERSONS

The Honourable Mr Justice W B Campbell (later Chief Justice and Governor of Queensland)	01.03.69–01.03.73
The Honourable Mr Justice G L Hart	01.03.73–15.05.73
The Honourable Mr Justice D G Andrews (later Chief Justice of Queensland)	26.05.73–17.09.82
The Honourable Mr Justice B H McPherson CBE*	20.09.82–31.12.91
The Honourable Mr Justice R E Cooper*	01.01.92–30.06.93
The Honourable Justice G N Williams*	01.07.93–30.06.96
The Honourable Justice P de Jersey (later Chief Justice of Queensland)	12.07.96–19.03.98
The Honourable Mr Justice J D M Muir	20.03.98–19.03.01 15.06.01–31.12.01
The Honourable Justice R G Atkinson*	01.01.02–20.12.10

FULL-TIME COMMISSION MEMBERS

Dr J M Morris	01.06.73–30.06.80
Professor K W Ryan CBE QC* (later the Honourable Mr Justice K W Ryan CBE)	01.11.80–31.10.82
Mr F J Gaffy QC*	01.10.83–16.10.84 10.12.84–31.05.89
Mr A A Preece	05.01.87–30.06.90
Ms L Willmott*	17.09.90–31.10.92
Ms C Richards	24.09.90–24.04.92
Mr W G Briscoe*	04.01.93–04.06.99

⁵

An asterisk indicates that the member has been appointed to more than one Queensland Law Reform Commission position.

Mr J Herlihy	04.01.93–10.09.93
Ms P A Cooper	09.05.94–31.07.97
Assoc Prof P J M MacFarlane	10.01.00–28.12.01
Ms R A Hill	30.09.02–10.03.05
Dr B P White*	05.09.05–02.11.07
Mr I P Davis	17.07.08–15.05.10

PART-TIME COMMISSION MEMBERS

Mr B H McPherson QC* (later the Honourable Mr Justice B H McPherson)	01.03.69–31.12.81
Sir John Rowell CBE	01.03.69–31.12.89
Mr P R Smith	01.03.69–08.07.76
Sir John Nosworthy CBE	01.01.76–31.12.87
Mr G N Williams QC* (later the Honourable Justice G N Williams)	09.08.76–06.04.82 17.01.83–16.03.89
Professor K W Ryan CBE QC* (later the Honourable Mr Justice K W Ryan CBE)	05.07.80–31.10.80 01.11.82–10.02.84
Mr R E Cooper QC* (later the Honourable Justice R E Cooper)	14.06.82–02.02.89 03.02.89–31.12.89
Mr M O Klug	01.01.88–31.12.89
Mr F J Gaffy QC*	01.06.89–30.09.89
Ms H O'Sullivan (later Her Honour Judge H O'Sullivan)	01.05.90–08.04.91 09.04.91–29.08.94
Ms R G Atkinson* (later the Honourable Justice R G Atkinson)	01.05.90–30.06.96
Mr P A Keane QC (later Chief Justice of the Federal Court of Australia)	01.05.90–12.02.92
Mr W A Lee	01.07.90–30.06.96
Mr R S O'Regan QC	11.05.92–23.11.92
Ms L Willmott*	15.03.93–15.03.94
Dr J A Devereux	29.08.94–28.08.97
Mr P D McMurdo QC (later the Honourable Justice P D McMurdo)	22.05.95–21.05.01

Mrs D A Mullins SC (later the Honourable Justice D A Mullins)	12.07.96–11.07.99 01.10.99–30.09.02
Mr P M McDermott RFD	12.07.96–11.07.99
Professor W D Duncan	26.09.97–25.09.00
Ms S C Sheridan	26.09.97–25.09.00
Mr W G Briscoe*	04.02.00–30.08.01
Mr P D T Applegarth SC (later the Honourable Justice P D T Applegarth)	21.12.01–20.12.04
Ms A Colvin	21.12.01–31.12.05
Mr G W O'Grady	21.12.01–20.12.07
Dr H A Douglas	21.12.01–20.12.07
Mr B J Herd	15.11.02–20.12.10
Mr J K Bond SC	17.03.05–16.03.11
Ms R M Treston	21.12.07–20.12.10
Assoc Prof B P White*	21.12.07–20.12.10